

UNITED STATES DISTRICT COURT

DISTRICT OF DELAWARE



ANNUAL REPORT

2023

**ANNUAL REPORT
OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF DELAWARE
TO THE
FEDERAL BAR ASSOCIATION
2023**

THIS REPORT WAS PRODUCED BY THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
J. CALEB BOGGS FEDERAL BUILDING
844 NORTH KING STREET
WILMINGTON, DELAWARE 19801

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Office of Judges Programs, Statistics Division, Administrative Office of the United States Courts. *1974 - 2022 (inclusive) Federal Court Management Statistics.* Washington, D.C.: U.S. Government Printing Office, 1974 - 2022.

Photograph by: Ed Rebarchak

INTRODUCTION

In the past year we've had some significant changes on our Court. Magistrate Judge Mary Pat Thyngre retired after more than 30 years of exemplary judicial service. She joined the bench as a Magistrate Judge in June 1992 after 16 years in private practice. Judge Thyngre is the longest serving U.S. Magistrate Judge in the history of the District of Delaware, and she will be sorely missed by her colleagues on the Court.

On April 28, 2023, the Court celebrated the appointment of a new District Judge with the formal Investiture Ceremony for Judge Gregory B. Williams. Judge Williams was officially sworn in as the 28th United States District Court Judge to sit on the Court. Senators Chris Coons and Tom Carper made formal remarks during the ceremony. Judge Williams previously served over 27 years in private practice before joining the Court.

Also in April, the Court welcomed Magistrate Judge Laura Hatcher who filled the position left by Judge Thyngre. Judge Hatcher is the eighth Magistrate Judge to sit on the Court. Judge Hatcher worked in private practice for a decade before most recently serving as an Assistant United States Attorney. We look forward to her public investiture later this year.

The District's longtime Clerk of Court, John Cerino, also retired at the end of May. Mr. Cerino served in the capacity of Chief Deputy Clerk for the District of Delaware from September 2003 until he became Clerk in January of 2013. Throughout his career Mr. Cerino was a tireless federal servant dedicated to making this Court run efficiently. The Court selected Chief Deputy Randall Lohan to succeed Mr. Cerino as the next Clerk of Court. I am confident that the Clerk's Office remains in capable hands.

We've been very fortunate the past year to have had several new Visiting Judges assist with the Court's heavy caseload. We now have 24 Visiting Judges from various courts, including the Third Circuit, the Federal Circuit, and district courts across the country. We are extremely grateful for their service.

Our caseload remained very heavy this past year. As of December 31, 2022, our District's weighted case filings measured 775 per judgeship, the fourth highest in the nation. We saw a 9.7% decrease in civil case filings from 2021 to 2022. That decline is much smaller than the 20% decrease in civil filings nationally. A total of 1,703 civil cases were filed in our Court the past year. Criminal case filings increased 25.4 percent from 67 in 2021 to 84 in 2022. The Court also closed 2,086 civil and 79 criminal cases during 2022.

Patent filings continue to be a substantial part of the Court's caseload. Nationally, patent filings decreased from 4,037 filings to 3,854. In the District of Delaware in 2022, 685 patent cases were filed, a 23.04 percent decrease from the previous year of 890. Delaware is second in the nation, after the Western District of Texas, for most patent case filings.

There is much to look forward to over the next year, including the fifth biennial District of Delaware Bench and Bar Conference, which will take place at the Hotel du Pont in

Wilmington on September 21 and 22, 2023. On the evening of the 21st there will be a dinner held at the Winterthur historic estate. We are grateful that many of our judicial colleagues from the Third Circuit, the Federal Circuit, and sister District Courts will join us for this wonderful event.

The District will once again have a Senior Judge on our Court when Judge Richard Andrews officially takes senior status at the end of December 2023. Judge Andrews has provided over 11 years of remarkable judicial service to this Court. We are extremely grateful for Judge Andrews' generous public service and willingness to carry a full caseload into the new year.

Colm F. Connolly
Chief Judge

DISTRICT JUDGES

Colm F. Connolly, Chief
Richard A. Andrews
Maryellen Noreika
Gregory B. Williams

MAGISTRATE JUDGES

Christopher J. Burke
Sherry R. Fallon
Jennifer H. Hall
Laura D. Hatcher

BANKRUPTCY JUDGES

Laurie S. Silverstein, Chief
Ashely M. Chan
John T. Dorsey
Craig T. Goldblatt
Thomas M. Horan
Karen B. Owens
Brendan L. Shannon
J. Kate Stickle
Mary F. Walrath

VISITING JUDGES

Honorable Thomas L. Ambro, Third Circuit Court of Appeals
Honorable Joseph F. Bataillon, Senior Judge, District of Nebraska
Honorable Stephanos Bibas, Third Circuit Court of Appeals
Honorable William C. Bryson, Senior Judge, Federal Circuit Court of Appeals
Honorable Renee M. Bumb, District of New Jersey
Honorable Timothy Belcher Dyk, Federal Circuit Court of Appeals
Honorable Mitchell S. Goldberg, Eastern District of Pennsylvania
Honorable Todd M. Hughes, Federal Circuit Court of Appeals
Honorable Kent A. Jordan, Third Circuit Court of Appeals
Honorable Mark A. Kearney, Eastern District of Pennsylvania
Honorable Matthew F. Kennelly, Senior Judge, Northern District of Illinois
Honorable Jon P. McCalla, Senior Judge, Western District of Tennessee
Honorable Gerald A. McHugh, Eastern District of Pennsylvania
Honorable Gerald J. Pappert, Eastern District of Pennsylvania
Honorable Nitza I. Quinones Alejandro, Eastern District of Pennsylvania
Honorable J. Nicholas Ranjan, Western District of Pennsylvania
Honorable L. Felipe Restrepo, Third Circuit Court of Appeals

Honorable Eduardo C. Robreno, Eastern District of Pennsylvania
Honorable Juan R. Sanchez, Eastern District of Pennsylvania
Honorable Joel H. Slomsky, Eastern District of Pennsylvania
Honorable Leonard P. Stark, Federal Circuit Court of Appeals
Honorable Evan J. Wallach, Senior Judge, Federal Circuit Court of Appeals
Honorable Freda L. Wolfson, District of New Jersey
Honorable Joshua D. Wolson, Eastern District of Pennsylvania

CLERK'S OFFICE

At the end of May our longtime Clerk of Court, John Cerino, retired from federal service. I hope to continue to build on the work John started and refine the processes, policies, and procedures already in place. I am fortunate to have inherited a competent and dedicated staff. All the members of the Clerk's Office are knowledgeable professionals, and I am extremely grateful to lead such a wonderful team. The Clerk's Office will continue to support the public and members of the Federal Bar to the best of our ability.

In the last year we've had several staff changes within the Clerk's Office. Robert Rebeck was selected as the new Chief Deputy Clerk for District Court. Rob began his career with the Federal Judiciary in October 2009 as an Automation Specialist. Since that time, he has held several positions of increased responsibility for the District Court and Bankruptcy Court. Rob served as the Systems Manager for the Bankruptcy Court, and most recently held the position of Director of IT for District Court. Rob is also a veteran of the U.S. Air Force. Richard Culp was selected to replace Rob as the IT Director for District Court. Rich joined the District Court in 2021 as the PC Administrator and most recently served as the Systems Administrator for District Court where he's implemented a multitude of IT Projects. Rich brings over 20 years of diverse IT experience to the position. Last August, Michelle Nkumsah joined District Court as our Financial Supervisor. Michelle transferred from the U.S. District Court, District of New Jersey, and in the past year she has truly become the expert of the financial functions of the court.

In the operations section, we had several new Intake Clerks join the Office, Molly Ryan, in August 2022, and Joel Franco Morales in February 2023. Molly and Joel come to District Court from Delaware State Court. Both have hit the ground running, using their wealth of experience to better the Clerk's Office.

In April, District Court hired our fifth court reporter, Deanna Warner. Deanna is currently assigned to the Magistrate Judges, with assistance from the other staffed court reporters, and has made an immediate impact on the court reporters' workload.

During the last year, the IT Department led several district-wide IT infrastructure design, update, and deployment projects. The Court continues to look for ways to improve technology services within the courtrooms with several of them undergoing extensive upgrades over the summer. In July, the IT team also upgraded CM/ECF to version 1.7.1.1, ensuring all security and software updates were employed with as little impact to court and end user operations as possible. The small, but mighty, IT Department also continues to provide day-to-day support to meet the mission of the court, implement new equipment, and support multiple user relocations due to construction projects. Over the next year they will be working to expand local storage capacity while also increasing bandwidth.

There are several major court space and facilities projects ongoing at the Boggs Courthouse. The Court is hopeful that the project completion for the new courtroom and chambers, 6D, will occur by the end of the summer. This new space will be occupied by Magistrate Judge Hall, and we are looking forward to utilizing the new modern courtroom.

Beginning next fiscal year, the Court will be renovating current space to build another Magistrate Judge chambers on the fourth floor. Other upcoming projects include renovations of the attorney lounges throughout the courthouse and renovations of a magistrate chambers.

In February, the financial department underwent a cyclical audit which takes place approximately every four years. During the audit, an outside agency reviews the financial-related activities of the District Court to ensure proper internal controls are in place and our financial practices follow Judiciary policies. The audit includes tests of the accounting records and other accounting procedures as necessary. Overall, the audit demonstrated the Court's financial practices are sound and completed in accordance with Judiciary Policy. The Court is conscious of our fiscal reasonability to be prudent with taxpayer dollars.

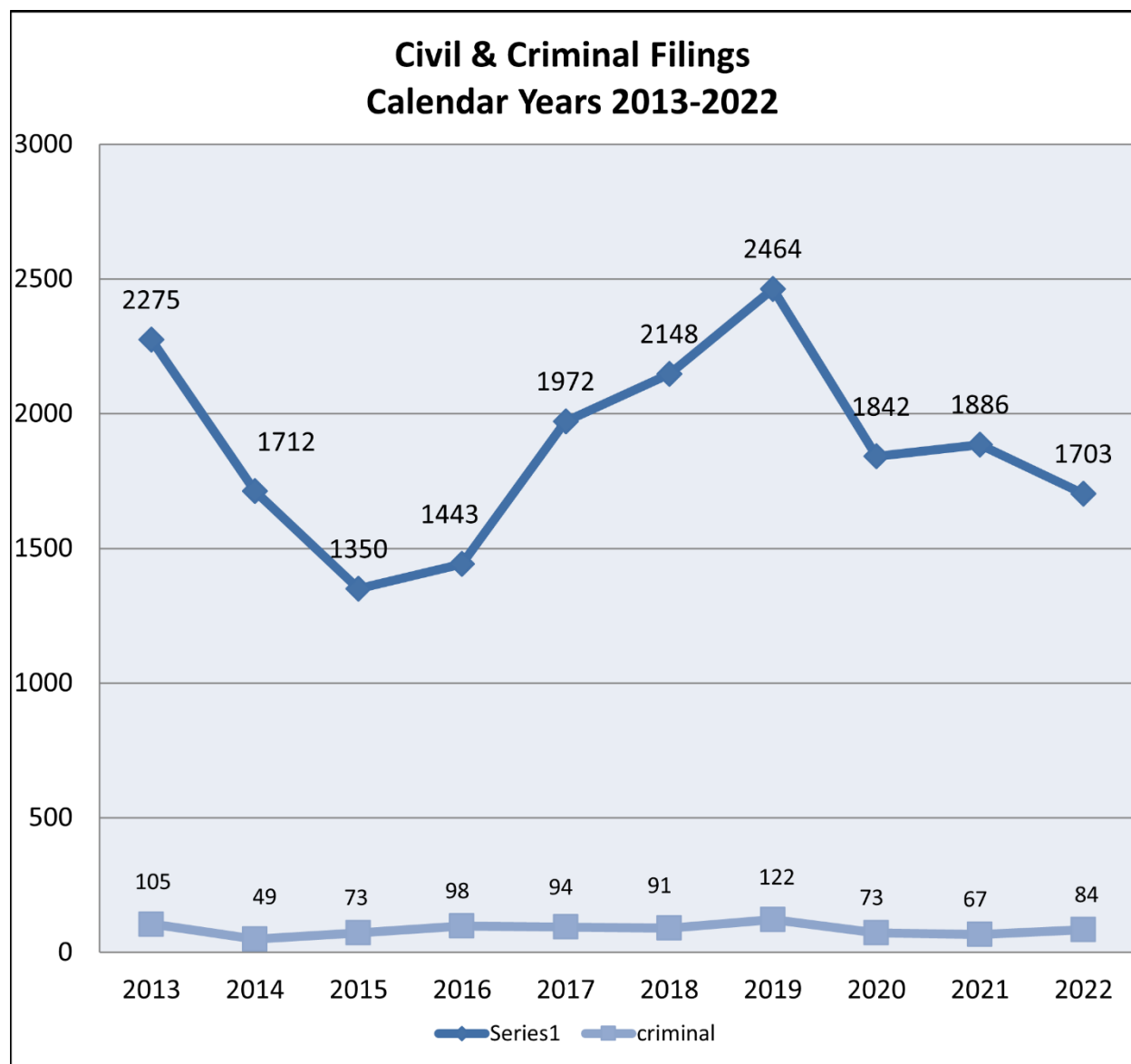
The operations staff is responsible for a host of events outside their normal intake duties. The Clerk's office front counter is manned by two employees daily from 8:30-4:00, responding to any walk-in requests, calls, and emails that come in. They open and quality check each incoming case for accuracy and local compliance and are responsible for managing the progression of cases from opening to final disposition. The operations staff also plans and coordinates all the naturalization ceremonies, attorney admission ceremonies, supports the jury administrator, receives payments, and issues receipts. This District is grateful to be supported by various visiting judges throughout the country. Members of the intake staff docket all the documents for visiting judges' cases, and act as courtroom deputies for visiting judges onsite. To say they are busy is an understatement!

It takes a team working together to accomplish all that we do in a busy Clerk's Office. As one of my favorite coaches Mike Krzyzewski has said, "You develop a team to achieve what one person cannot accomplish alone. All of us alone are weaker, by far, than if all of us are together." I'm grateful to be surrounded by a fantastic team, where each member contributes in a meaningful way, and I look forward to the busy year ahead.

Randall Lohan
Clerk of Court

CIVIL AND CRIMINAL FILINGS

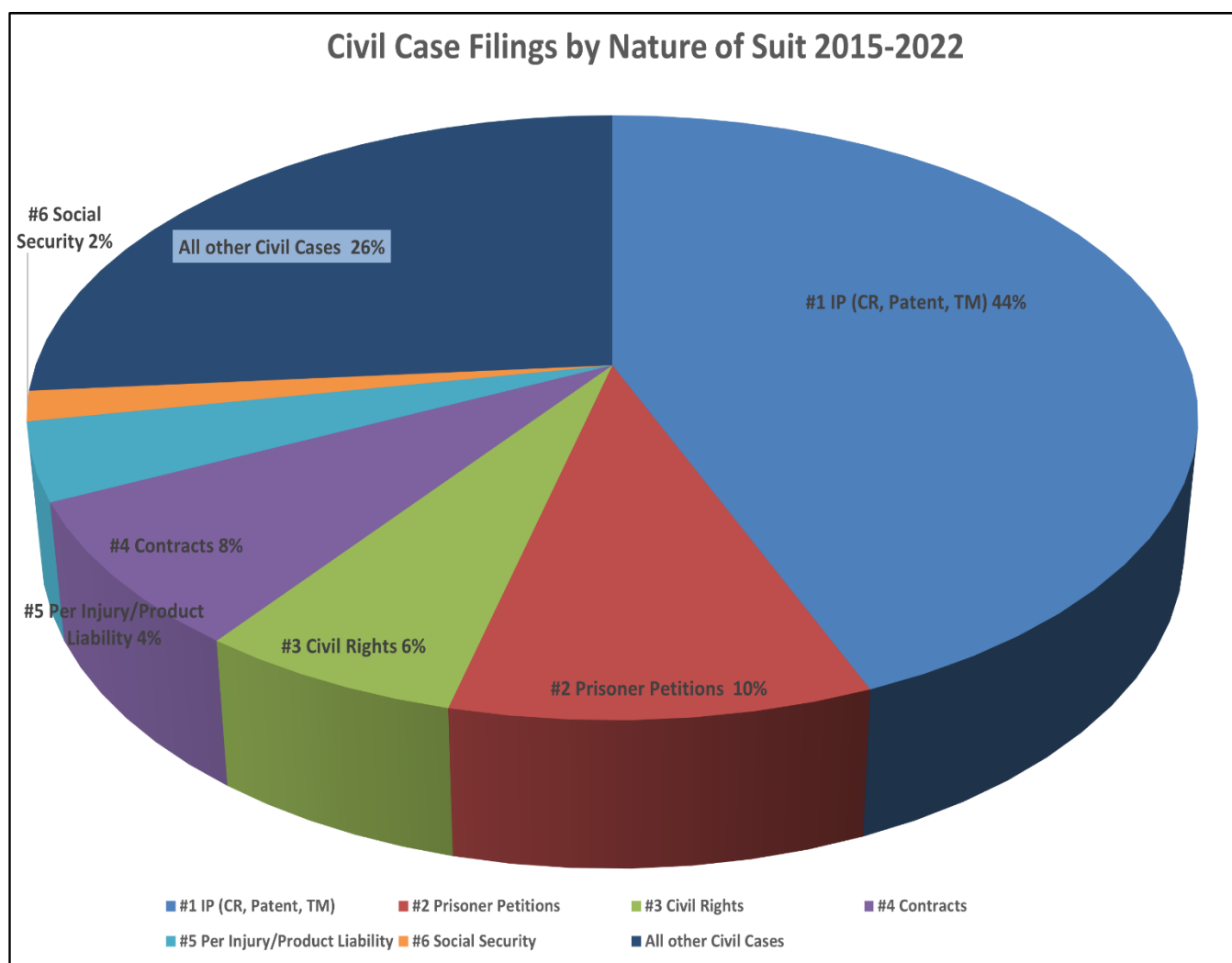
The following graph shows civil and criminal filing trends from 2013 to 2022. Civil case filings decreased in 2022 from 2021. In 2022, a total of 1,703 civil cases were filed, a 9.7 percent decrease from the previous year of 1,886 cases filed. Criminal case filings increased 25.4 percent from 67 in 2021 to 84 in 2022.



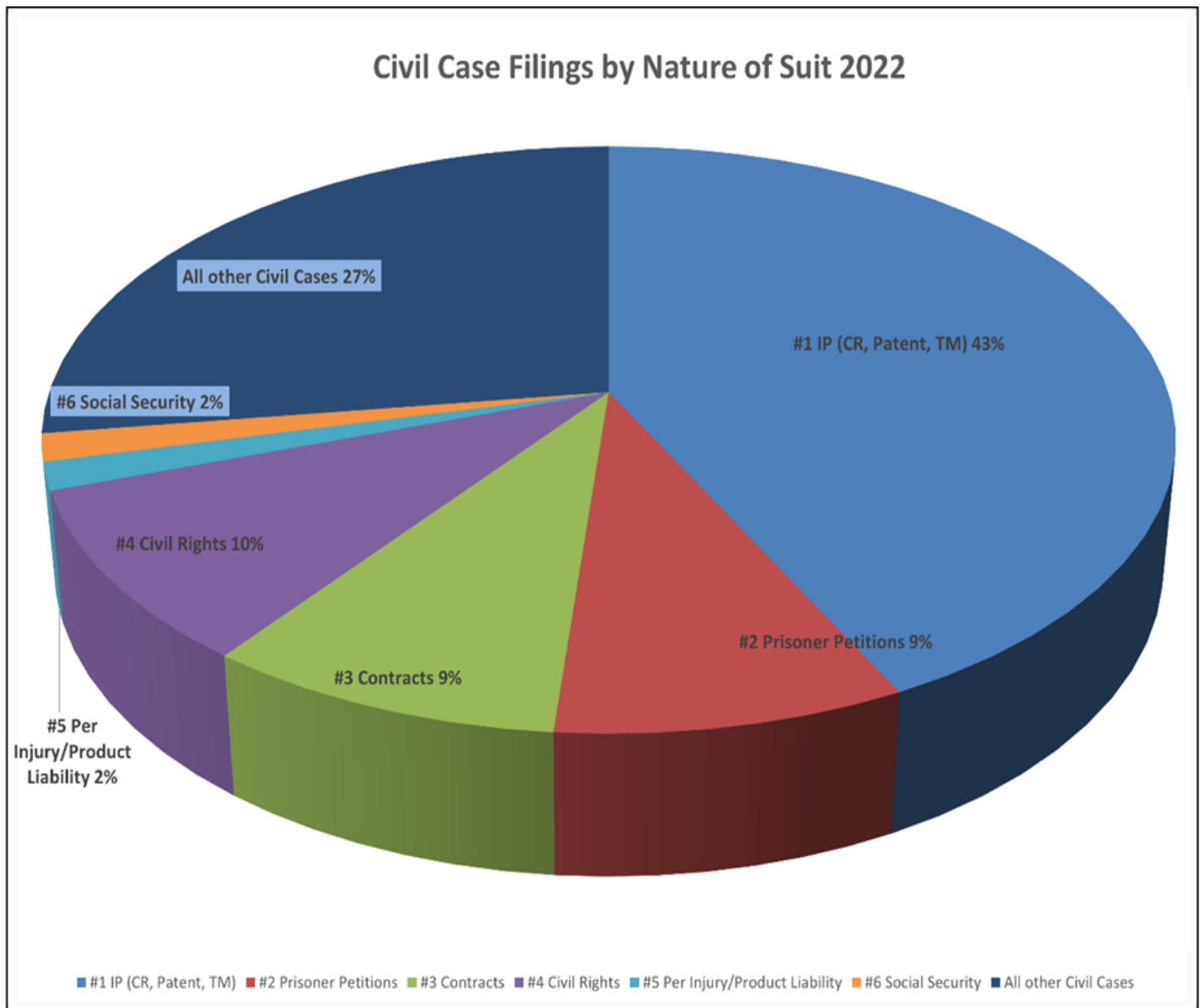
CIVIL CASE FILINGS

The two graphs that follow represent the highest six types of civil cases filed in the District since 2015, characterized by nature of suit. From decade to decade, the six top categories remain the same, but the percentage of total civil filings within those categories has changed. The high percentage Intellectual Property (IP) litigation continues to dominate the Court's caseload.

The first graph displays the cumulative caseload average covering the calendar years from 2015 through 2022. IP cases account for 44 percent of civil filings, Prisoner Petitions 10 percent, Civil Rights six percent, Contracts eight percent, Personal Injury/Product Liability four percent and Social Security two percent. All Other Civil Cases accounted for 26 percent of the civil filings.



The second graph displays total civil filings for calendar year 2022 by the top nature of suit categories. IP cases account for 43 percent of civil filings, Prisoner Petitions 9 percent, Contracts 9 percent, Civil Rights 10 percent, Personal Injury/Product Liability 2 percent, and Social Security 2 percent. All Other Civil Cases accounted for 27 percent of the total civil filings.

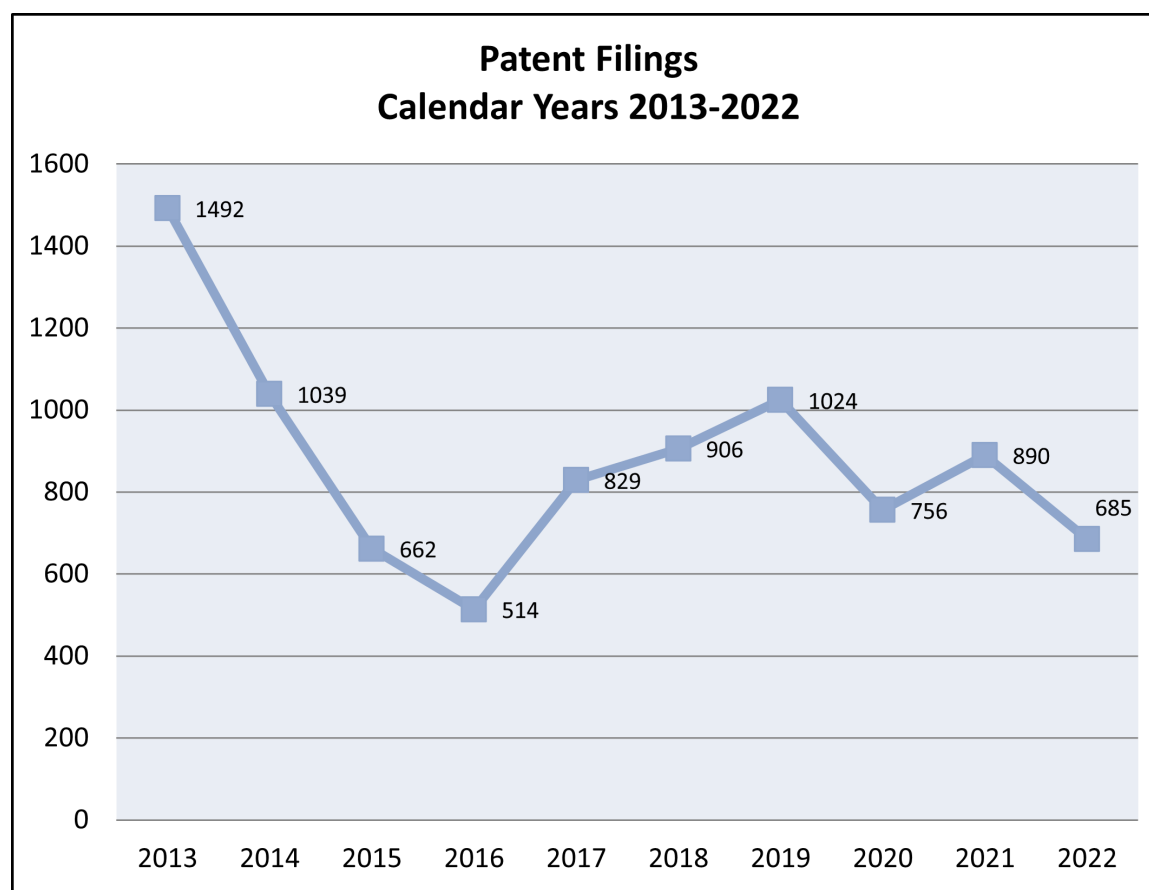


PATENT CASE FILINGS

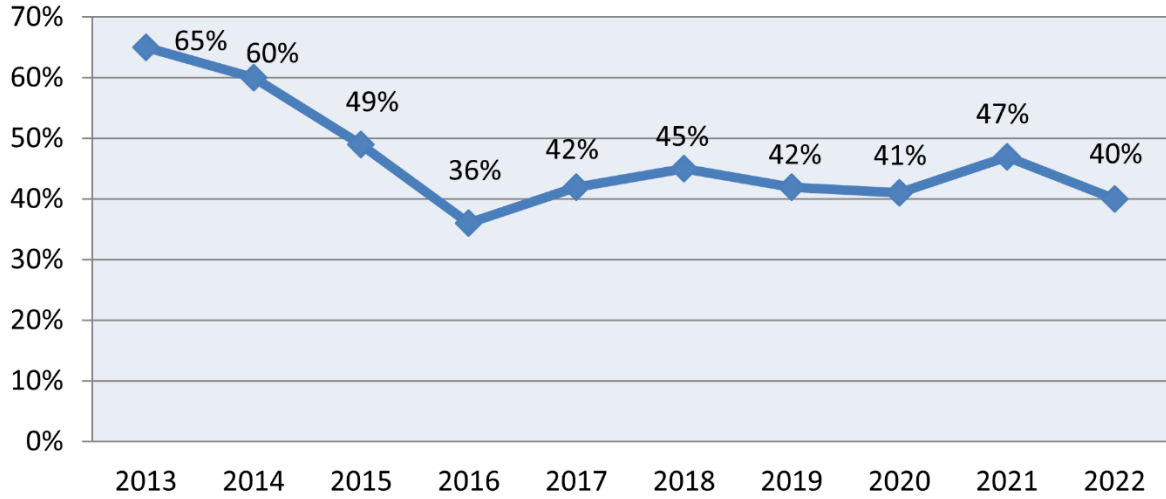
Patent filings continue to be a substantial part of the District Court’s caseload. The first graph details the annual number of filings during the period from 2013-2022. In 2022, 685 patent cases were filed, a 23 percent decrease from the previous year of 890.

The second graph shows the decrease of patent filings as a percentage of Civil caseload, which decreased by seven percentage points, from 47% to 40% in 2022.

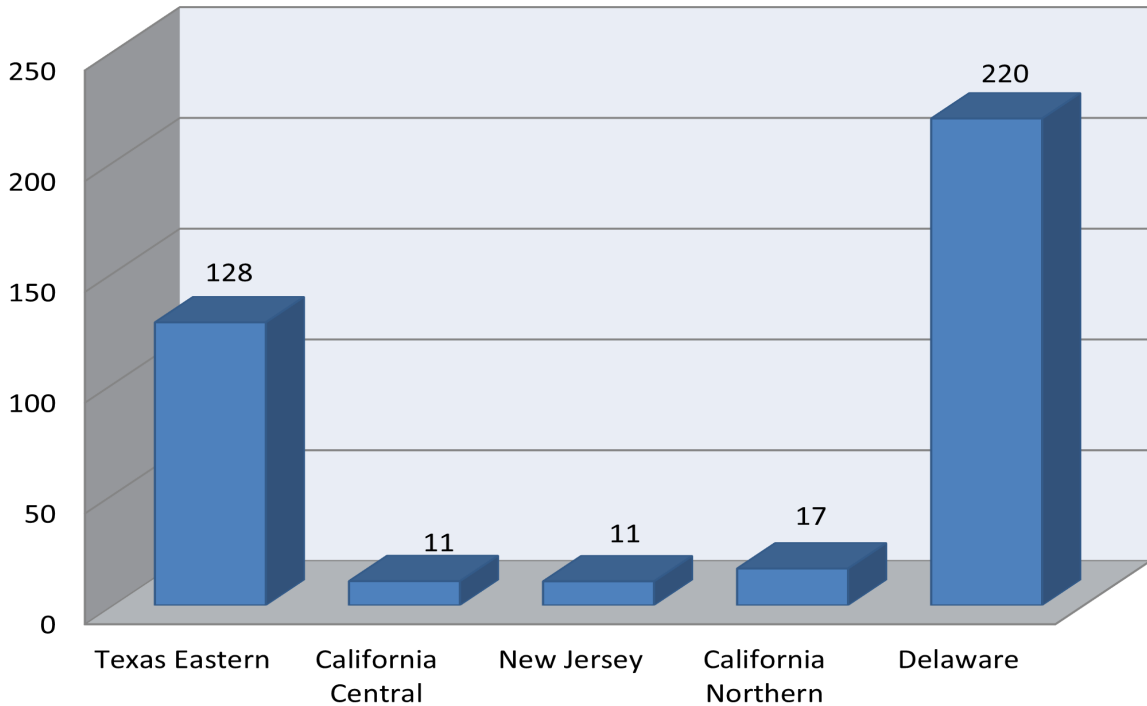
For the past decade, Delaware has ranked in the top five district courts for patent filings in the nation. The third graph displays the cumulative average of patent filings per authorized judgeship from 2013 to 2022. During those years, Delaware averaged 220 patent cases filed per authorized judgeship. In 2022 Delaware continued to hold the top position nationally for the number of patent cases filed per authorized judgeship of 171 cases.



**Patent Filings as a
Percentage of Civil Caseload
Calendar Years 2013-2022**



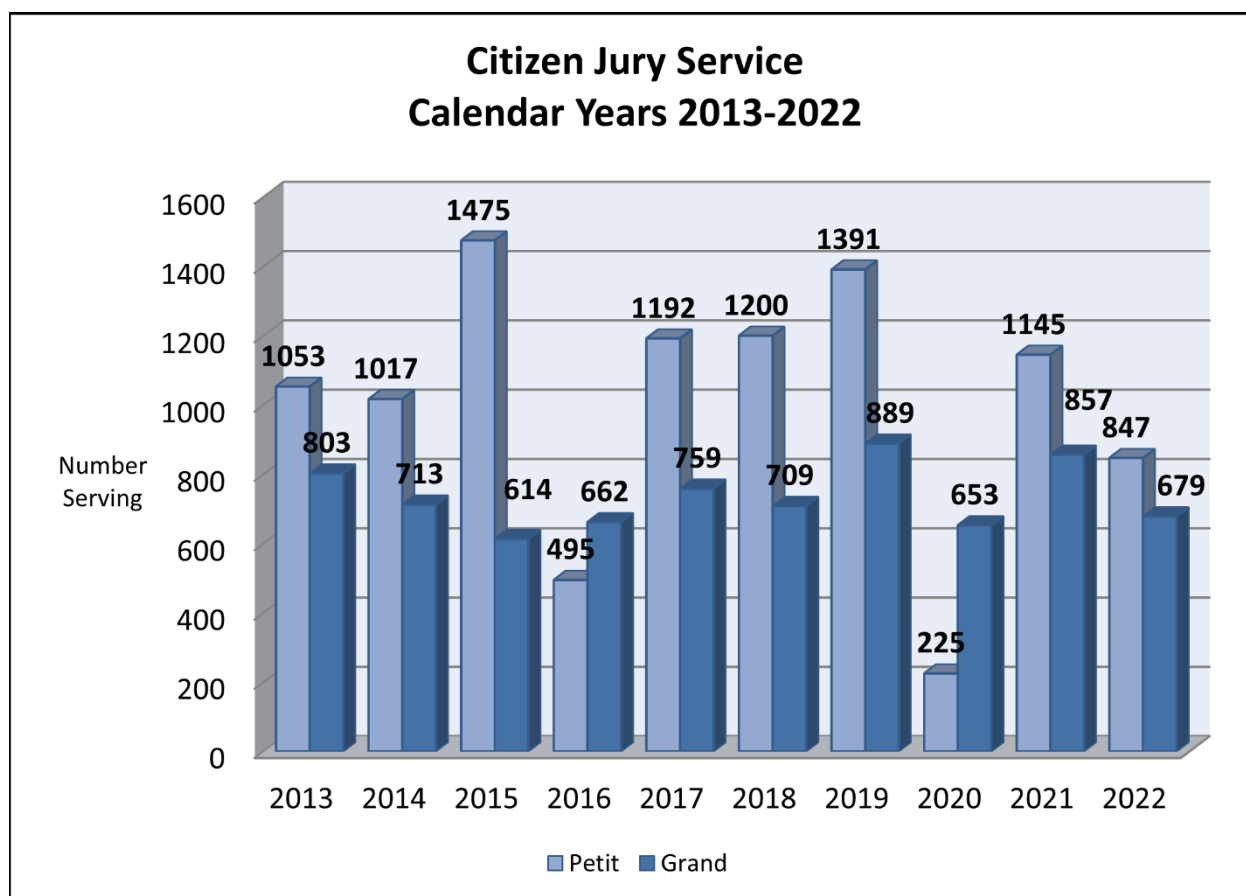
**Average Patent Cases Per Judgeship
Calendar Years 2013-2022**



JUROR SERVICES

Summoning citizens for jury duty is an important function of the Clerk's Office. The number of jurors requested varies due to the nature and length of a trial. The selection of petit and grand jurors is authorized by the revised Jury Plan, which may be found on the District Court's website. Prospective jurors are drawn randomly from a merged database of names of all registered voters, licensed drivers and individuals issued a State of Delaware identification card. Information and frequently asked questions about jury service is available on the Court's website.

In 2022, there was increase of jury trials to 19.

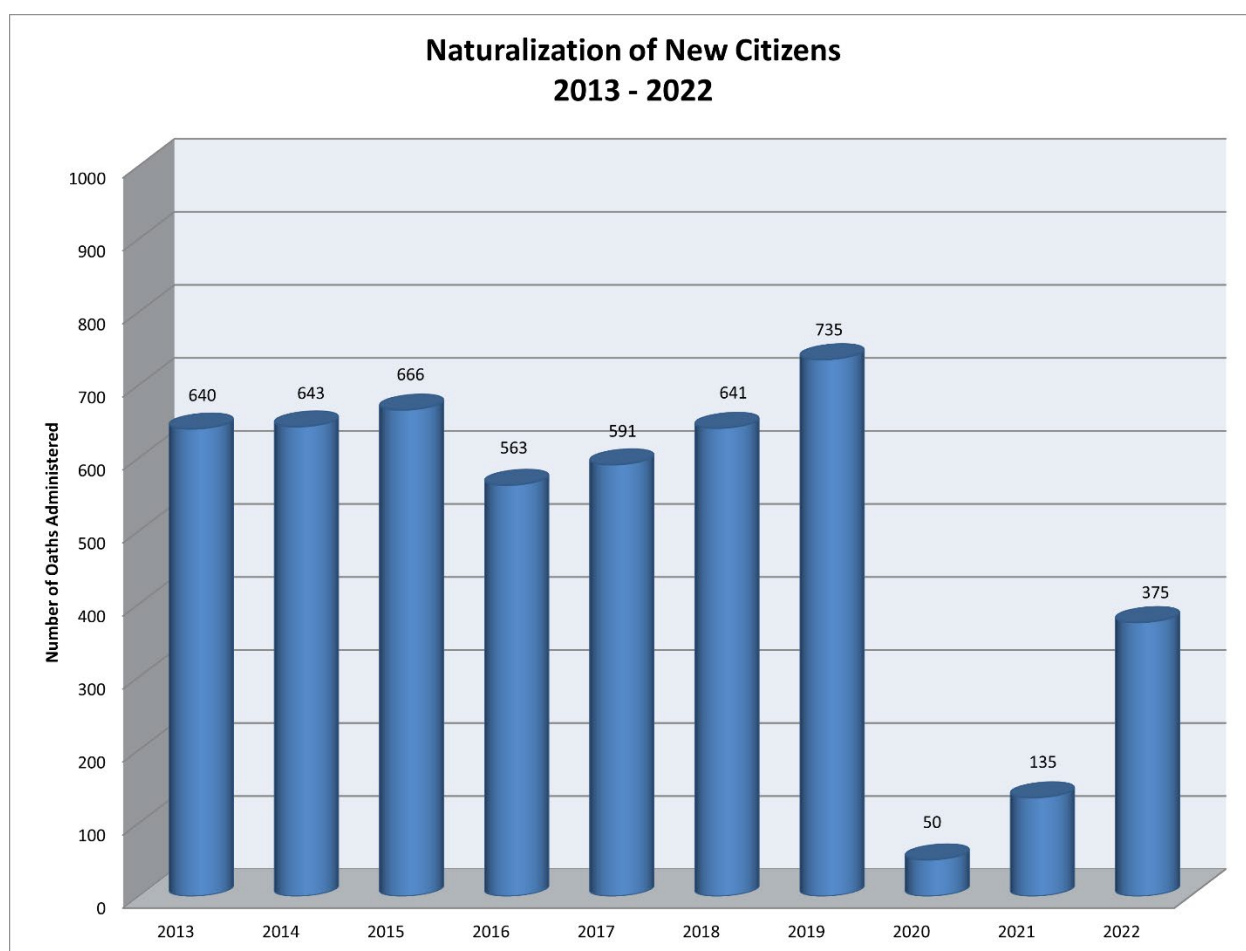


During 2022, the total number of citizens who reported for petit jury duty was 847, compared to 2021, when 1145 reported. Service on grand juries decreased in 2022 to 679 citizens reporting compared to 2021, when 857 citizens reported for service.

NATURALIZATION

The Judges of the District Court of Delaware view the naturalization of new citizens as an important and rewarding duty. In 2022, a total of 375 new citizens were naturalized, increasing significantly since the onset of the COVID-19 pandemic.

The United States Bureau of Citizenship and Immigration Service is responsible for preparing and processing the file for each new citizen. The District Court is responsible for conducting naturalization ceremonies, during which the Oath of Allegiance is administered. Since September 1993, Magistrate Judges have joined the District Judges in presiding over these ceremonies. In 2006, Bankruptcy Judges also began presiding over naturalization ceremonies.



Naturalization ceremonies are typically held eight times a year, at least one of which is conducted at the University of Delaware. Among the private organizations that have assisted with the ceremonies are the American Legion, the Colonial Dames of America, the League of Women Voters and the Service for the Foreign Born.

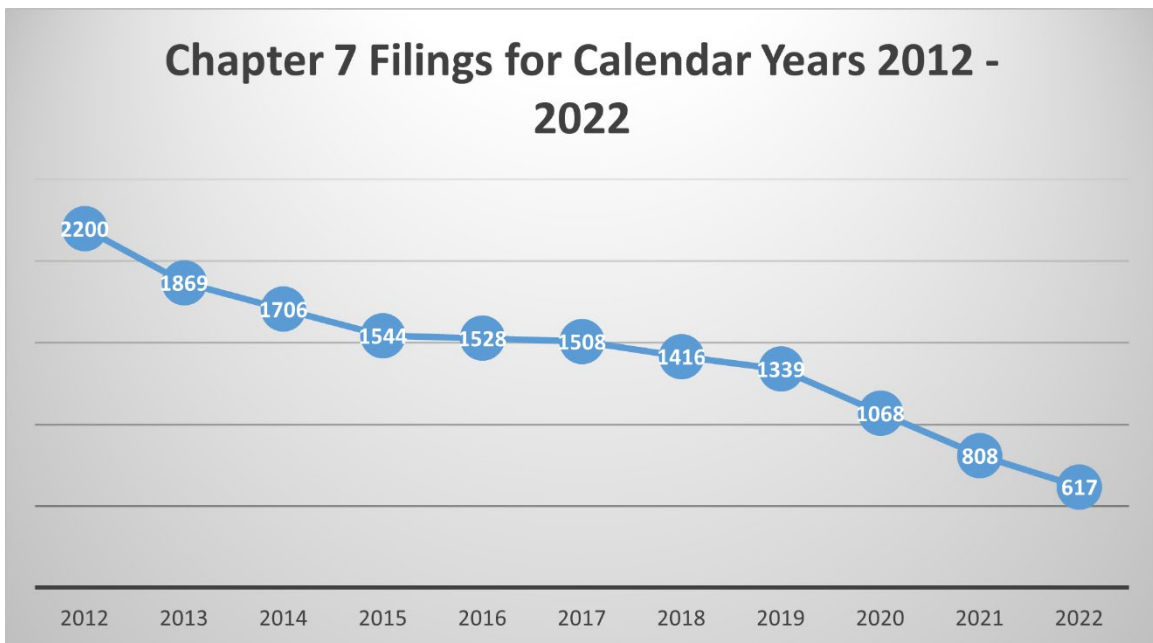
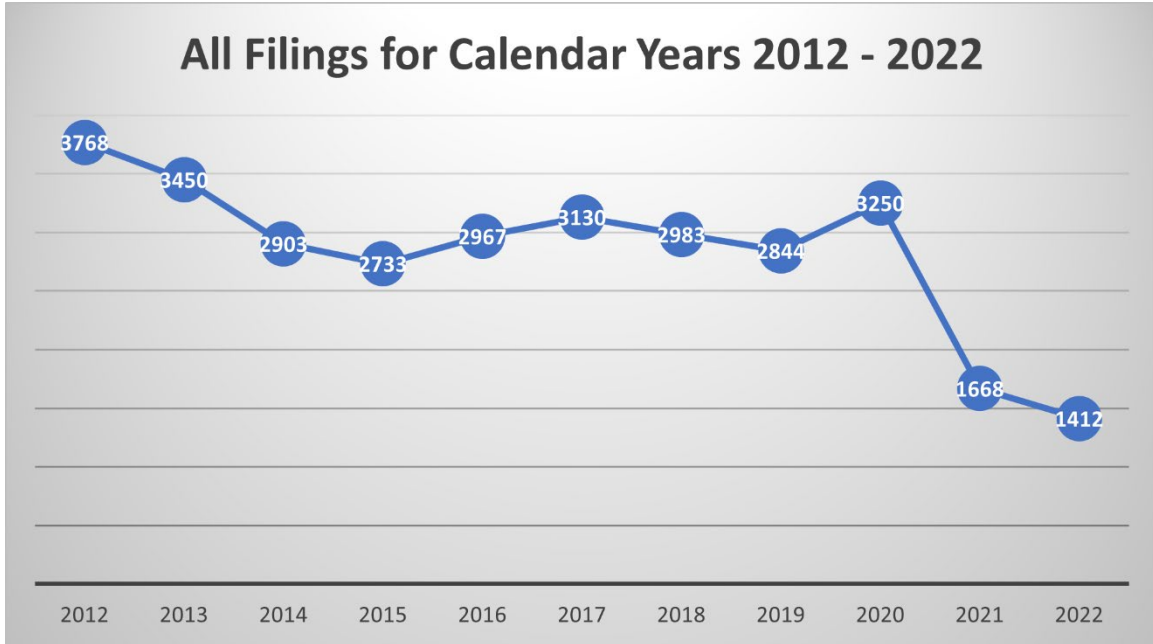
U. S. BANKRUPTCY COURT

As a result of Bankruptcy Amendments and the Federal Judgeship Act of 1984, 28 U.S.C. § 157(a) was amended to provide that each District Court could refer all Title 11 cases to a Bankruptcy Judge. On July 23, 1984, the United States District Court for the District of Delaware issued a Standing Order referring all cases under Title 11 to a U.S. Bankruptcy Judge.

The United States Bankruptcy Court for the District of Delaware currently has its full complement of eight sitting judges with the addition of the Honorable Thomas M. Horan in March 2023. The District of Delaware has historically been one of the busiest Chapter 11 filing districts in the country and usually leads in the number of “mega” cases filed (cases with more than \$100 million in assets and more than 1,000 creditors). For the year ended June 30, 2023, filings of Chapter 11 cases (531), lead Chapter 11 cases (75), and mega cases (40) were up significantly over last year. The Bankruptcy Court’s weighted caseload per authorized judgeship is 1979 which is the second highest in the country. In addition to case filings, litigation within these cases, which usually take the form of Adversary Proceedings, has remained at a high level compared to other bankruptcy courts around the country.

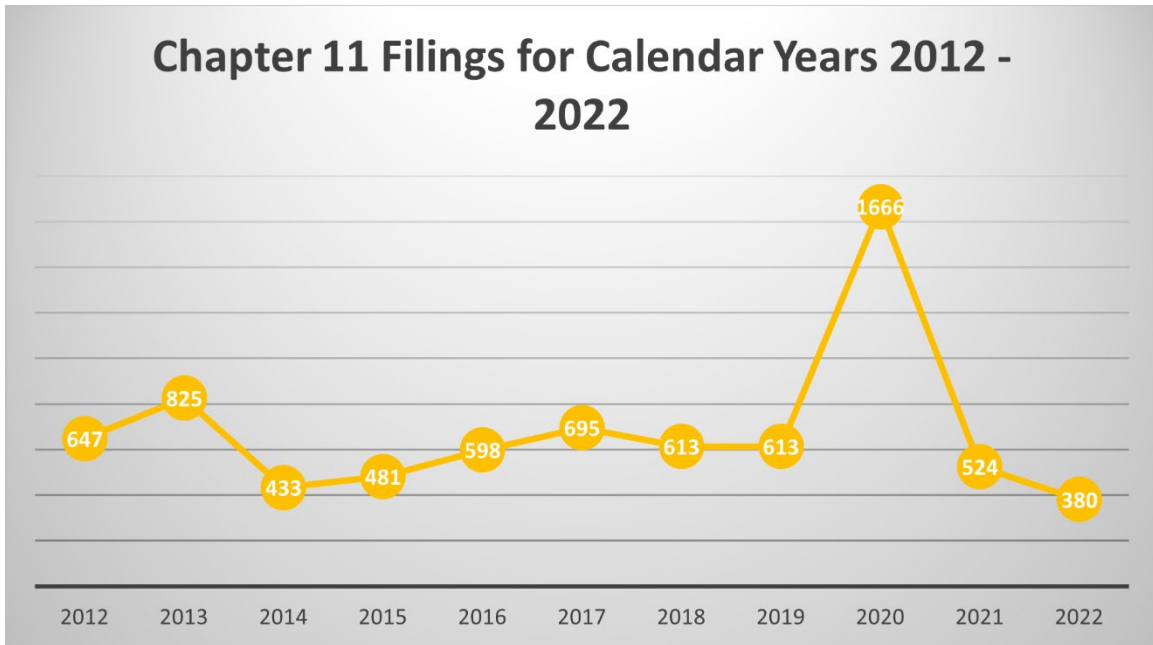
Laurie Silber Silverstein
Chief Bankruptcy Judge

BANKRUPTCY COURT STATISTICS, ALL CASE & CHAPTER 7



BANKRUPTCY COURT STATISTICS, CHAPTERS 11 & 13

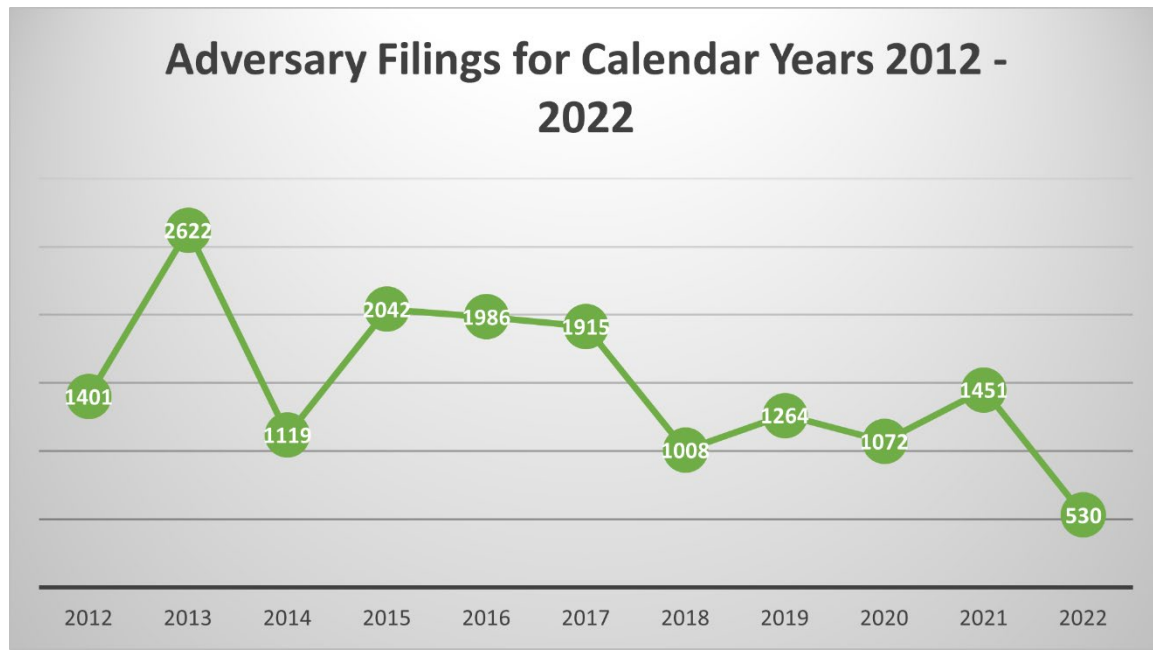
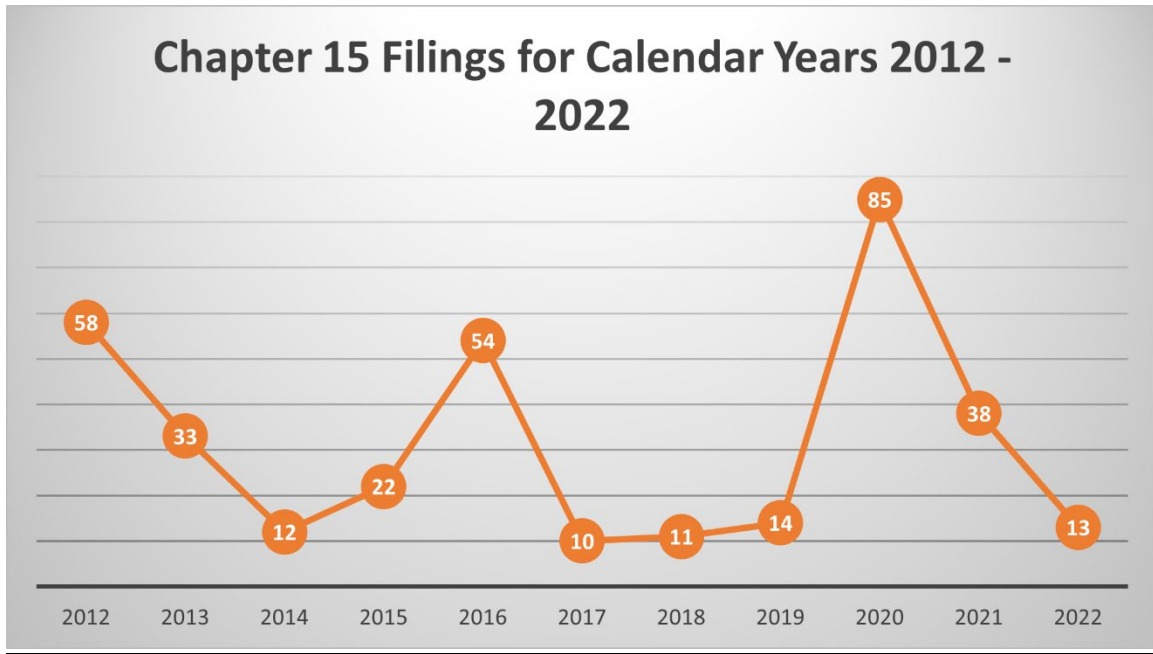
Chapter 11 Filings for Calendar Years 2012 - 2022



Chapter 13 Filings for Calendar Years 2012 - 2022



BANKRUPTCY COURT STATISTICS, CHAPTER 15 & ADVERSARY



BANKRUPTCY COURT STATISTICS, MEGA CASE FILINGS



COMMUNITY OUTREACH

Brief Overview:

Our District Court is a participant in the Third Circuit Courts and Community Committee, which is a Third Circuit Judicial Council Committee formed in April of 2014. The mission of the Courts and Community Committee is to connect the courts in our Circuit to their respective local communities by embracing initiatives that bring teachers, students, parents, lawyers, community leaders, and other civic participants into the courts to interact with judges and the justice system. Programs will be designed to improve an understanding of the role that the judicial system plays in our democracy.

Activities:

“Judge Chats”

In the past year, Judges of the District Court have participated in the “Judge Chats” program at the National Constitution Center (NCC) in Philadelphia. The Judge Chats allow students and judges to engage in an open and informative dialogue about judging and the judicial system. Judges talk to students and teachers about interpreting law and the implications of the Constitution on everyday life.

Third Circuit Essay Contest

The Courts, Community, and Rule of Law Committee of the Judicial Council of the Third Circuit hosted an essay contest for 4th through 7th grade classes focused on civics, citizenship, and the concept of the “Right to Vote.” The essay prompt was: “Why the right to vote is important to me and to our country.”

The winning contest entries for the District of Delaware were selected by a Judges Committee including District Judge Maryellen Noreika, Magistrate Judges Sherry Fallon, Christopher Burke and Jennifer Hall, and Bankruptcy Judge Kate Stickles. On Law Day, May 1, 2023, the District Court held a public ceremony in Judge Maryellen Noreika’s courtroom where the students from each of the four winning classes read their respective essays. Judge Maryellen Noreika was joined by Bankruptcy Judge J. Kate Stickles and Magistrate Judge Sherry Fallon. The Judges presented congratulatory remarks to the students on the excellent quality of the submissions and the impressive presentations by the student speakers. All essay submissions were outstanding and reflected the thoughtfulness and effort the students and teachers dedicated to this contest. Winning submissions were selected from the following schools: The Thomas A. Edison Charter School of Wilmington (7th Grade), Cooke Elementary School (5th Grade), William Henry Middle School (5th Grade), and Saint Peter Cathedral School (5th Grade).

On May 16, 2023, District Judge Maryellen Noreika and Magistrate Judge Sherry Fallon hosted a program for ten high school students from the Howard High School of Technology. The students are enrolled in a Legal Administrative Studies curriculum under the guidance of

their instructor, Ms. KiaMeisha Dean, and are interested in learning more about careers in the law, law enforcement and the courts. The students had the opportunity to tour the courthouse and participate in an interactive program with Jerel Mitchell and Shateim Mills of the United States Marshals Office, Randall Lohan the Clerk of the District Court, Debra Bonselaar the District Court Jury Administrator, and Diana Welham the Judicial Assistant to Judge Noreika.

Re-entry Court

The District Court's Re-entry Court program celebrated the beginning of its tenth year in September 2021. The Re-entry Court is overseen by Magistrate Judge Christopher Burke and a team of representatives from the United States Probation Office, the United States Attorney's Office and the Office of the Federal Public Defender. The team works with participants (1) who are or soon will be serving a term of federal supervised release, (2) who have committed certain dangerous crimes in the past, or are otherwise considered a statistically higher risk to recidivate than are other persons on supervised release; and (3) who have nevertheless indicated a strong desire to modify their future behavior so as to have a positive impact on their community. The Re-entry team closely monitors the participants' progress after release from prison and provides the participants with enhanced opportunities for personal and professional growth. Once a participant successfully completes 52 weeks of compliant participation in the program, they may petition the District Court for a one-year reduction in their remaining supervised release term.

After the onset of the COVID-19 pandemic in March 2020, the Re-entry team, led by representatives from the United States Probation Office, quickly moved the Re-entry Court into a virtual setting, with bi-weekly court sessions taking place by videoconference. As of May 2022, however, the Re-entry Court has returned to in-person court sessions. In this past year, the Re-entry Court has further solidified its partnership with the University of Delaware, whereby an Assistant Professor and clinical psychologist associated with the University is a part of the Re-entry team; she and a number of her students have now provided various services and resources to participants. The Re-entry Court team also created a Re-entry Fund in order to provide additional financial resources to participants.

High School Fellowship Program

For the first time since the COVID-19 pandemic, this summer the District Court is offering its High School Fellowship Program ("HSFP"). The HSFP is a multi-week summer program for area high school sophomores, juniors, and seniors. It focuses on area students who are interested in attending college and in pursuing a career in law, but who are also in need of mentorship and financial assistance to help make those goals more attainable. The program allows selected students to: (1) work in chambers with a federal judge or with other attorneys in the federal legal system; (2) observe numerous court events; and (3) receive presentations from members of the federal and state judiciary, governmental organizations, and members of the Delaware Bar.

THE DELAWARE CHAPTER OF THE FEDERAL BAR ASSOCIATION

The Chapter is proud to have been involved with some excellent programming over the past year, and is looking forward to a number of exciting and high-profile events later this year and into 2024.

We recently held our Annual Luncheon, where we received updates regarding the state of the Court, and elected a new slate of officers for our executive committee. In April, we provided support for Judge Williams' investiture. The Chapter also helped put on events honoring Judge Stark and Judge Thyng in the past year. And last fall, the Chapter held a CLE regarding the POWER Act, enacted to help survivors of domestic violence gain access to pro bono legal services.

Planning for the 2023 District of Delaware Bench and Bar, to be held September 21 and 22, is proceeding apace with the help of the Court and a committee of federal court practitioners. In addition, later this year the Chapter expects to start a series of brown-bag lunches with our Judges. And in 2024, the Chapter looks forward to the resumption of the Federal Trial Practice Seminar.

Separately, the Delaware Chapter has continued its efforts to serve the courts and the community. Among other initiatives, the Foundation of the Delaware Chapter of the Federal Bar Association continues to assist with the Federal Re-entry Legal Assistance Program, which provides individuals released from federal prisons with assistance in re-entering the community.

It would not be possible to plan these programs and carry on the Chapter's initiatives without the strong and sustained support we have received from the District Court, the Bankruptcy Court, and the federal bar in Delaware, all of whom have our sincere thanks. Our two most recent past presidents, Jeremy Tigan and Andrew Mayo, are also an incredible resource and both continue to assist with planning our events. Finally, the members of our Executive Board, Bindu Palapura, Shamoor Anis, and Emily DiBenedetto have devoted countless hours to the Chapter and I would like to thank them as well.

We welcome any suggestions the membership has for programs over the next year and look forward to seeing you at our upcoming events!

Respectfully,

Jeff Castellano, Esq.
President, Delaware Chapter of the Federal Bar Association

