

The background of the cover is a detailed, embossed seal of the United States District Court for the District of Delaware. The seal features an eagle with its wings spread wide, perched atop a shield with vertical stripes. Above the eagle's head is a crest consisting of a bundle of wheat or grain. The entire seal is rendered in a bronze or copper-like color with a textured, metallic appearance.

UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

ANNUAL REPORT 2019

J. CALEB BOGGS FEDERAL BUILDING
844 NORTH KING STREET
WILMINGTON, DELAWARE 19801

**ANNUAL REPORT
OF THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF DELAWARE
TO THE
FEDERAL BAR ASSOCIATION
2019**

THIS REPORT WAS PRODUCED BY THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
J. CALEB BOGGS FEDERAL BUILDING
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Office of Judges Programs, Statistics Division, Administrative Office of the United States Courts. *1974 - 2018 (inclusive) Federal Court Management Statistics*. Washington, D.C.: U.S. Government Printing Office, 1974 - 2018.

Photographs by: Eric Crossan

INTRODUCTION

Quite a lot has happened in the District of Delaware since we last gathered in July 2018 for the Federal Bar Association's (FBA) Annual Meeting.

Most importantly, we've welcomed five (5!) new judges! The Honorable Colm F. Connolly and the Honorable Maryellen Noreika were confirmed as District Judges in August 2018. With the assistance of the FBA, we celebrated their public investitures in April and June 2019. Both Judges Connolly and Noreika have brought great energy and enthusiasm to their work and we are very grateful for the tremendous contributions they are already making to our Court.

The Honorable Jennifer L. Hall joined the Court as our fourth Magistrate Judge in June 2019. We look forward to her public investiture celebration on September 27. Bankruptcy Judges John Dorsey and Karen Owens joined the Bankruptcy Court this summer and will have their public investiture ceremonies on October 18.

Since last year, we have also said good-bye to some former colleagues. The Honorable Gregory M. Sleet retired from the District Court on September 30, 2018. Again with help from the FBA, we had a fun evening at the Hotel du Pont reflecting together on Judge Sleet's two decades of achievement on the bench.

On August 31, former Bankruptcy Judge Kevin Carey retired from judicial service, as Bankruptcy Judge Kevin Gross has announced he will be doing in March 2020. We also note with great sadness the passing on August 28, 2019 of retired Bankruptcy Judge Peter J. Walsh, who served on our Bankruptcy Court with great distinction from 1993 to 2015. We extend our condolences to Judge Walsh's family.

Given the arrival of new judges, we have been able to eliminate the vacant judgeship docket and the regular assignment of new cases to Visiting Judges. I want to again thank our 15 Visiting Judges, who collectively handled 420 civil cases (including 170 patent cases) for us between May 30, 2017 and August 15, 2018, which represents 17% of the civil cases filed here during that period. These Visiting Judges were indispensable in helping us through the trying times of judicial vacancies.

There's another group I want to thank for its contributions to our Court. It's the lawyers and firms who undertake pro bono representations, typically under the auspices of our Federal Civil Panel, which is ably co-chaired by Michael Farnan and Lauren Russell. Through the Federal Civil Panel, attorneys who express an interest are assigned to represent federal civil litigants who cannot afford to pay for counsel but are raising claims the Court believes are worth asking an attorney to take on voluntarily. In the past two years, at least three of these cases have



gone to trial. I encourage everyone here, and especially our newer lawyers, to consider participating in the Federal Civil Panel. It provides opportunities to appear in Court, to fill a need for legal services, and to fulfill obligations we all share as Delaware lawyers and judges.

During the past year, the Court has continued to work closely with the FBA to provide unique and valuable opportunities for the Bench and Bar to interact with one another. Most prominently, 2019 marked the successful completion of the 6th Federal Trial Practice Seminar (FTPS). Like all previous versions of the FTPS, this year the members of the Court – led by Magistrate Judge Burke, with the assistance of Jen Hall (before coming to the Court) and Chad Stover, and joined by attorney mentors Shannon Hanson, Beth Moskow-Schnoll, and Rodger Smith – invited prominent trial litigators from around the country to help train eight newer Delaware attorneys on how to meet the high expectations for practice in the District of Delaware. Thank you to everyone who worked so hard to provide this unparalleled training opportunity in our District.

We have a lot to look forward to over the next year. Today, after our Annual Meeting, the FBA is partnering with the Federal Circuit Bar Association (FCBA) to host a CLE on patent litigation. In January, the FBA and the Bankruptcy Court will for the third time host a consumer bankruptcy program. And I am most pleased to announce the next District of Delaware Bench & Bar Conference will be held on April 30 and May 1, 2020. Please mark your calendars. As in past years, we expect to be joined by dozens of federal judges from around the country, who will participate with lawyers and others on panels covering a wide range of topics of interest to all those who practice in our District. Also, as before, we will mostly gather at the Hotel du Pont – and on the Thursday night we will have a very special dinner at Longwood Gardens.

I want to conclude by thanking everyone in our Clerk's Office, under the leadership of Clerk of Court John Cerino, for putting together this Annual Report and helping plan the Annual Meeting. I also want to congratulate outgoing FBA President Kelly Farnan for her inexhaustible contributions to the FBA during her highly successful presidency. I wish all the best to new FBA President Andrew Mayo. I am confident that he and his team – as well as the FBA and the Court – will meet the challenges ahead, whatever they may be.

Leonard P. Stark
Chief Judge

DISTRICT COURT JUDGES



Chief Judge Leonard P. Stark



Judge Richard G. Andrews



Judge Colm F. Connolly



Judge Maryellen Noreika

MAGISTRATE JUDGES



Chief Magistrate Judge Mary Pat Thyng



Magistrate Judge Christopher J. Burke



Magistrate Judge Sherry R. Fallon



Magistrate Judge Jennifer L. Hall

BANKRUPTCY JUDGES



Seated: Judge Mary F. Walrath, Chief Judge Christopher S. Sontchi, Judge Kevin Gross.

Standing: Judge Karen B. Owens, Judge Laurie Selber Silverstein, Judge Brendan Linehan Shannon, Judge John T. Dorsey.

CLERK'S OFFICE

The District of Delaware experienced a significant increase in civil filings for the third time since 2013. In 2018 the Court had an approximate 8.9 percent increase in overall civil case filings from the previous year. The Court also experienced a 3.25 percent decrease in criminal filings.

CM/ECF NEXT GENERATION

The Judiciary is in the process of converting to a Next Generation of CM/ECF (NextGen). NextGen was first released to a number of pilot courts in 2014 and a full transition, nationwide, is expected to be completed within a few years. The District of Delaware is currently upgrading its CM/ECF software and will go live with NextGen on May 4, 2020.



Central Sign-On, a new functionality of NextGen, allows attorneys to maintain one account for all NextGen courts (appellate, district, and bankruptcy). With NextGen, attorneys will be required to use one login and password to access all NextGen courts (where they have permission to file and access PACER). Shared PACER accounts will no longer be usable once the District of Delaware has upgraded to NextGen.

At this time, attorneys are encouraged to create their own specific PACER account if they do not already have one. If you have a PACER account created before August 11, 2014 (legacy account), you will need to upgrade your account. For additional information visit the PACER website (<https://www.pacer.gov/nextgen/>).

When the District of Delaware does go live with NextGen on May 4, 2020, attorneys will need to link their individual PACER account to their Delaware CM/ECF account in order to electronically file in NextGen.

Additional information and updates will be posted on the Court's website through the upcoming months.

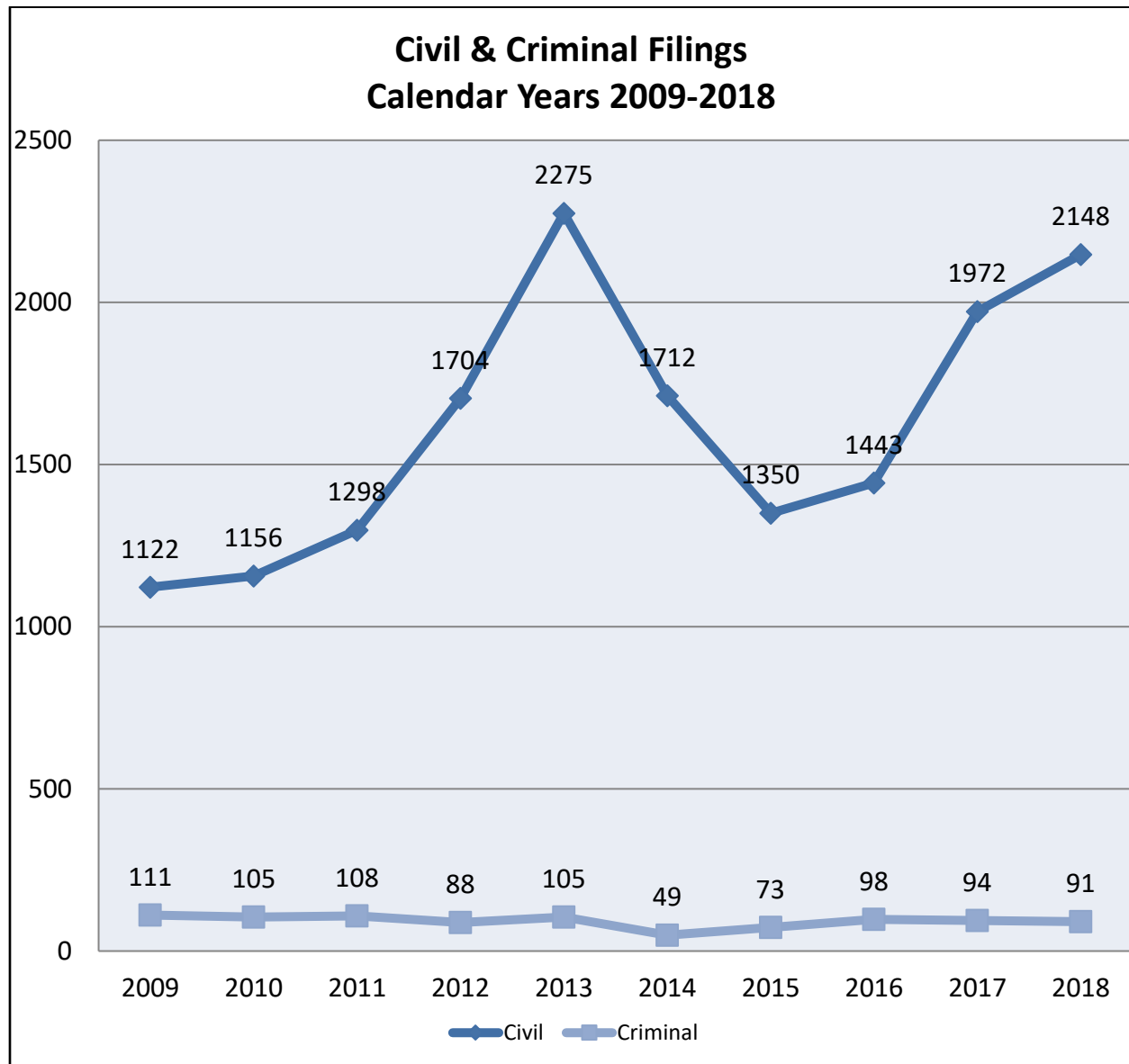
In conclusion I want to thank all the members of the Clerk's Office for their continued exemplary service to the Public, the Court and the Bar. We are very fortunate to have such a dedicated and professional staff.

Respectfully submitted,

John A. Cerino
Clerk of Court

CIVIL AND CRIMINAL FILINGS

The following graph shows civil and criminal filing trends from 2009 to 2018. Civil case filings made a significant increase in 2018 for the third time in the past four years. In 2018, a total of 2,148 civil cases were filed, an 8.9 percent increase from the previous year of 1,972 cases filed. Criminal case filings decreased from 94 in 2017 to 91 in 2018, a 3.25 percent decrease from the previous year.

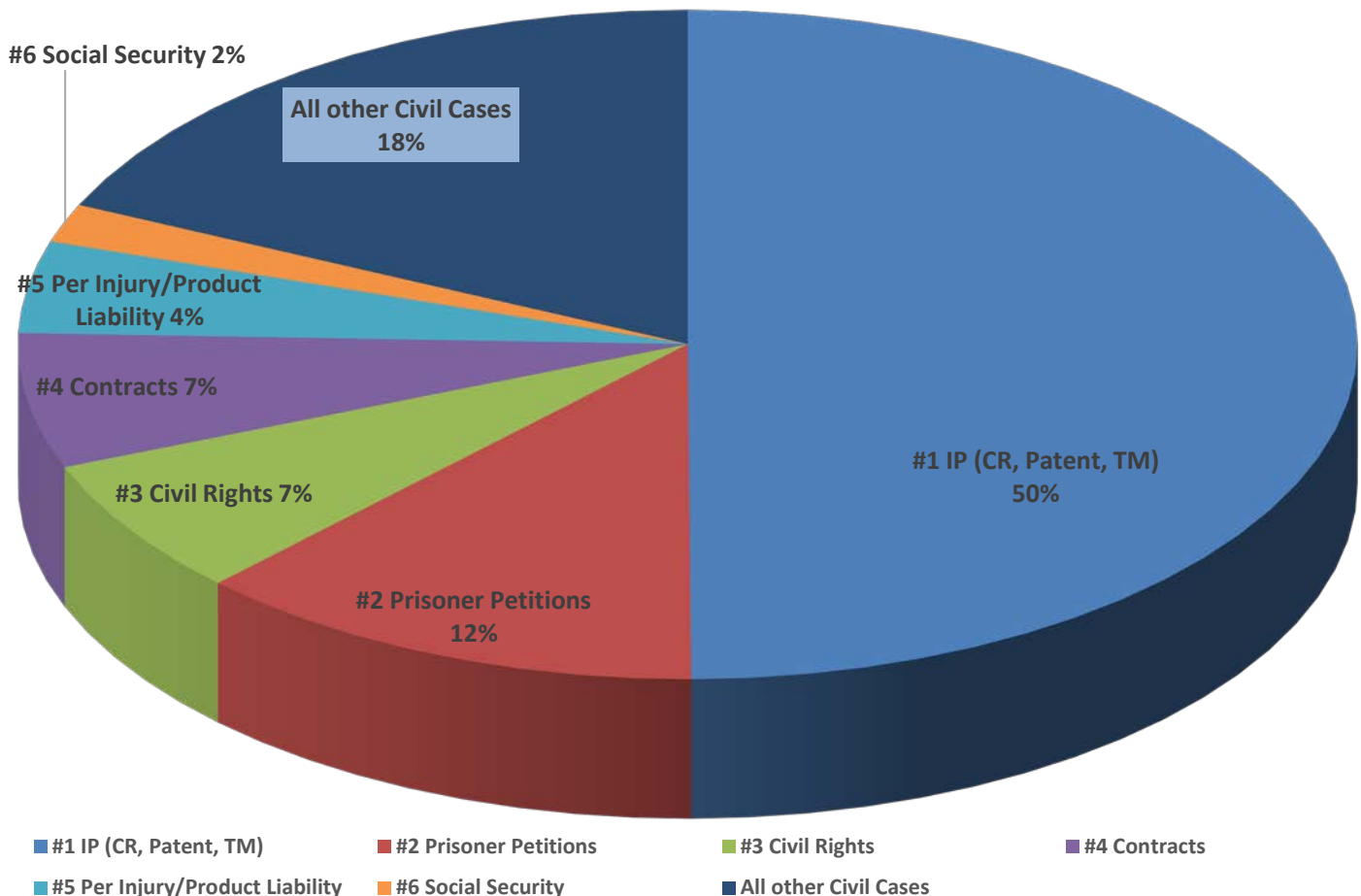


CIVIL CASE FILINGS

The two graphs that follow represent the highest six types of civil cases filed in the District since 2011, characterized by nature of suit. From decade to decade, the six top categories generally remain the same, but the percentage of total civil filings within those categories has changed. The high percentage of patent litigation continues to dominate the Court's caseload.

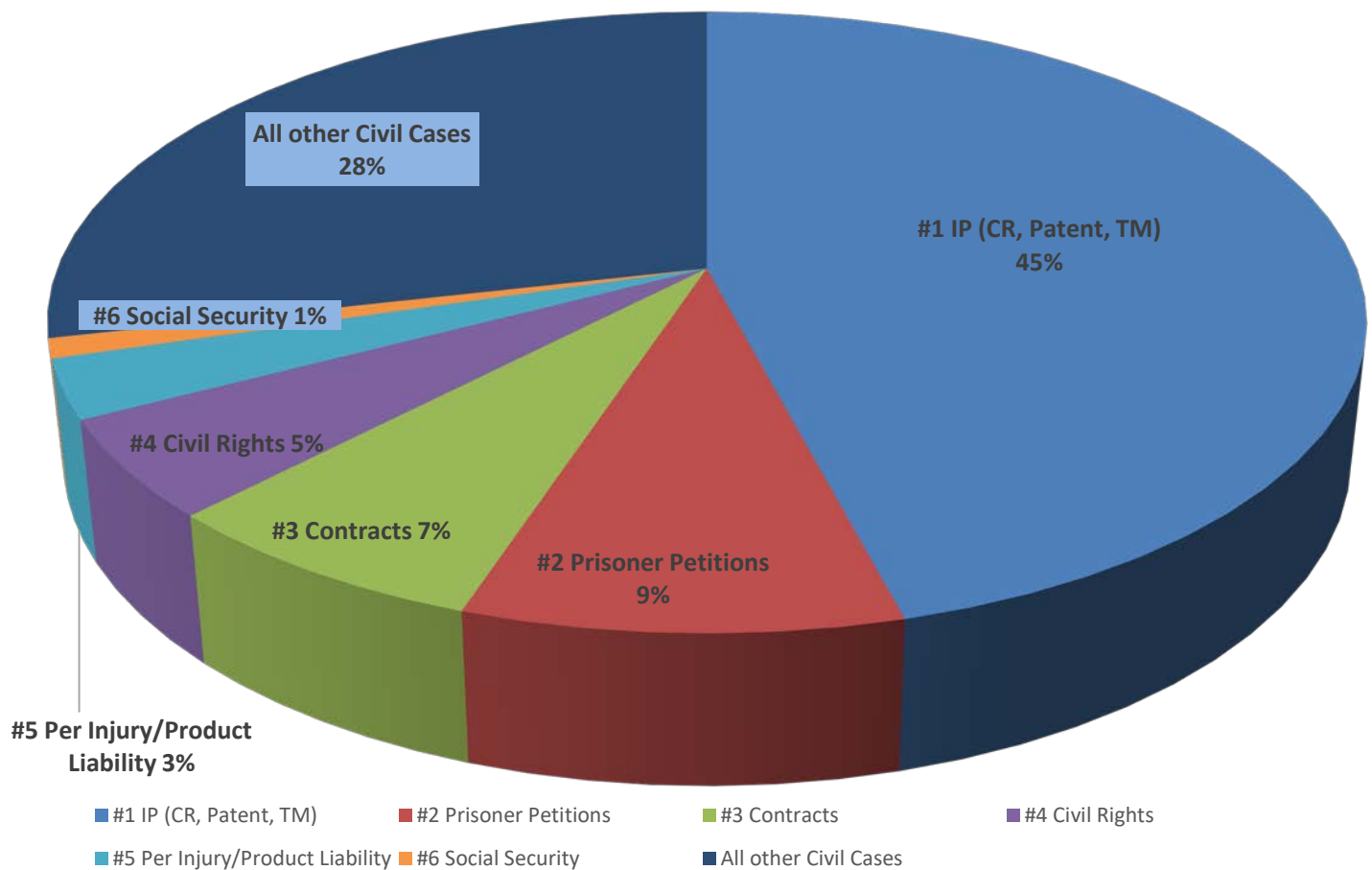
The first graph displays the cumulative caseload average covering the calendar years from 2011 through 2018. Patent cases account for 50 percent of civil filings, Prisoner Petitions 12 percent, Civil Rights seven percent, Contracts seven percent, Personal Injury/Product Liability four percent and Social Security two percent. All Other Civil Cases accounted for 18 percent of the civil filings.

Civil Case Filings by Nature of Suit 2011-2018



The second graph displays total civil filings for calendar year 2018 by the top nature of suit categories. Patent cases account for 45 percent of civil filings, Prisoner Petitions nine percent, Contracts seven percent, Civil Rights five percent, Personal Injury/Product Liability three percent, and Social Security one percent. All Other Civil Cases accounted for 28 percent of the total civil filings.

Civil Case Filings by Nature of Suit 2018

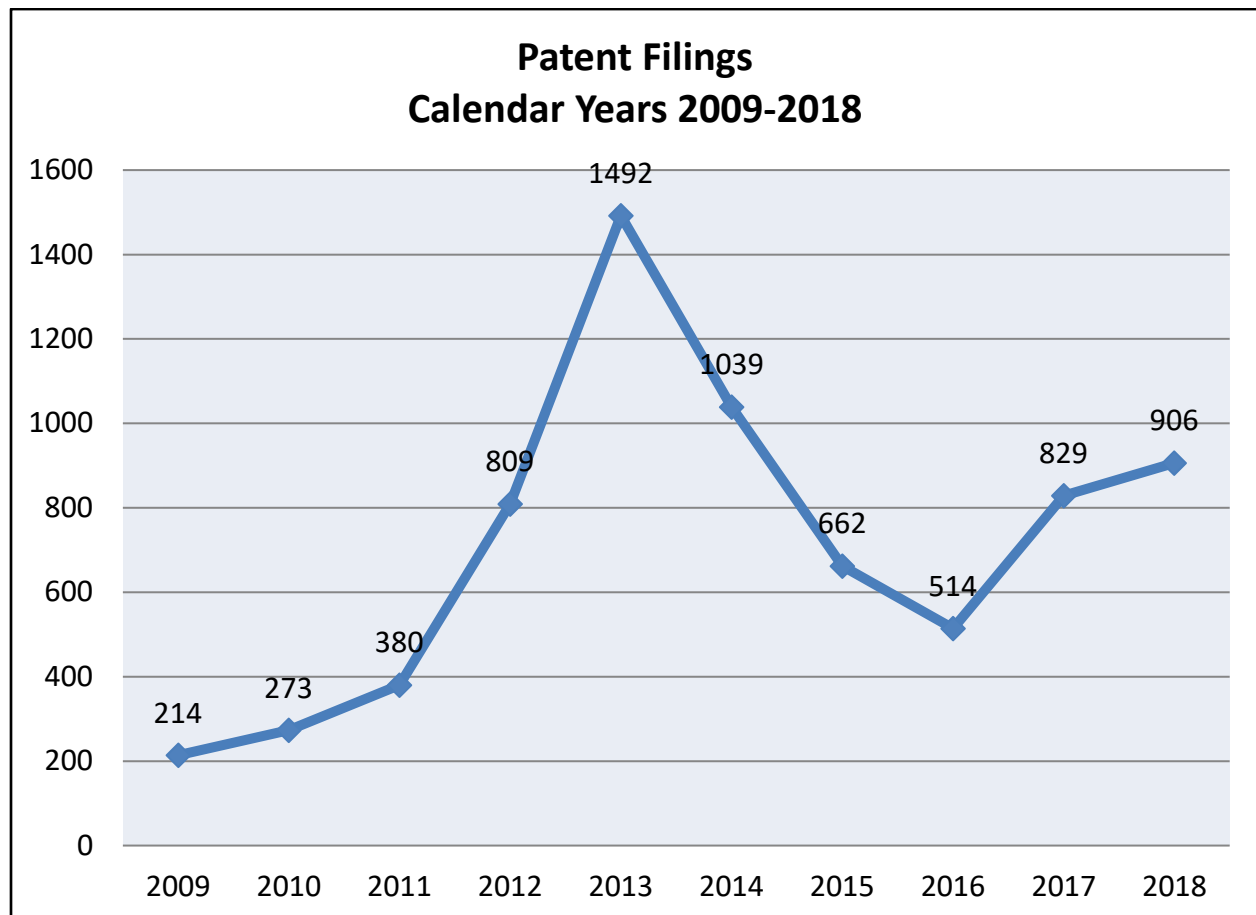


PATENT CASE FILINGS

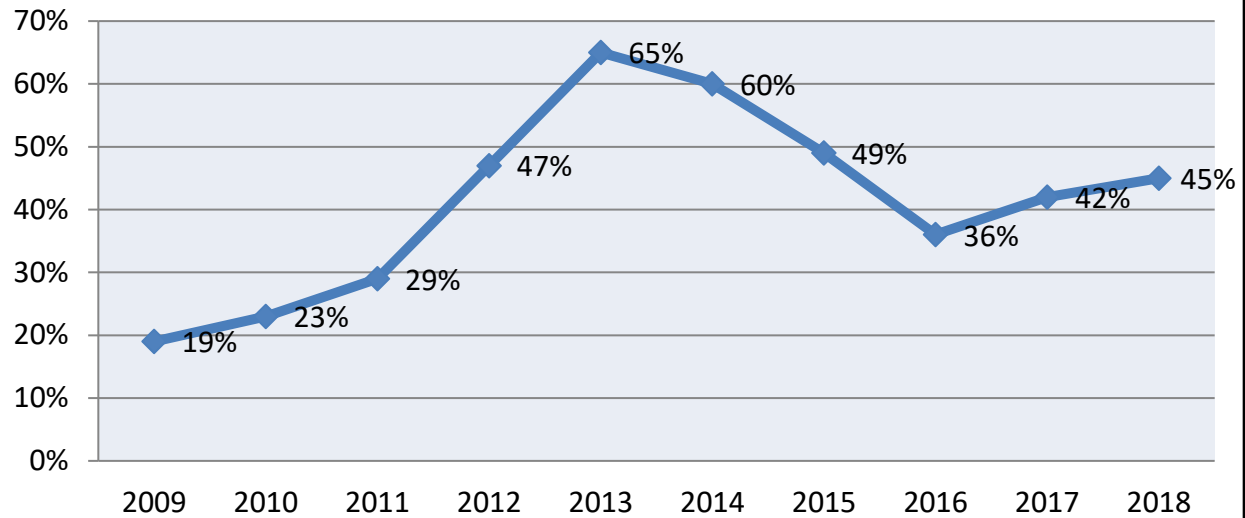
Patent filings continue to be a substantial part of the District Court's caseload. The first graph details the annual number of filings during the period from 2009-2018. In 2018, 906 patent cases were filed, approximately a 9.5 percent increase from the previous year of 829.

The second graph shows the increase of patent filings as a percentage of total caseload, which increased three percent from 42 percent in 2017 to 45 percent in 2018.

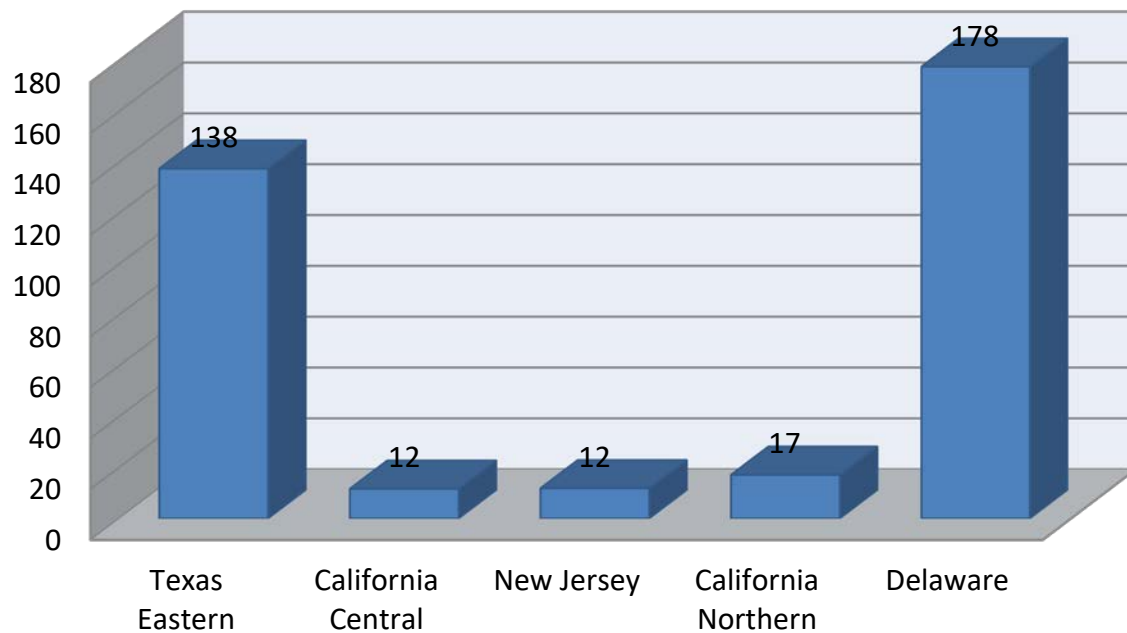
For the past decade, Delaware has ranked in the top five district courts for patent filings in the nation. The third graph displays the cumulative average of patent filings per authorized judgeship from 2009 to 2018. During those years, Delaware averaged 178 patent cases filed per authorized judgeship. In 2018 Delaware again regained the top position for the number of patent cases filed per authorized judgeship of 226 cases. A nine percent increase from the previous year of 207 cases. Nationally, this ranks Delaware 253 percent higher than the second position nationally and 804 percent higher than the third position.



**Patent Filings as a
Percentage of Civil Caseload
Calendar Years 2009-2018**



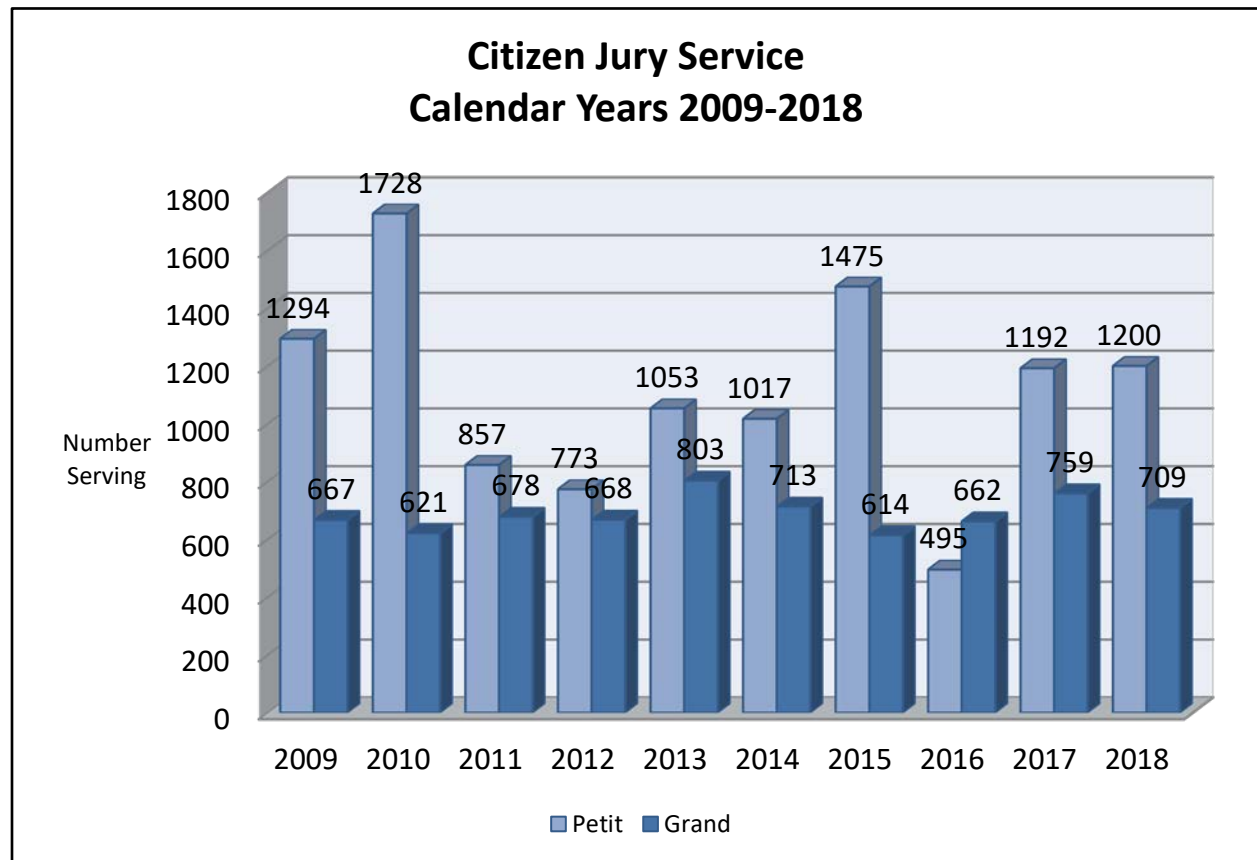
**Average Patent Cases Per Judgeship
Calendar Years 2009-2018**



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 (revised 2009), 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 can be found on the Court's website.

During 2018, the total number of citizens who reported for petit jury duty was 1200, compared to 2017, when 1192 reported. Service on grand juries decreased slightly in 2018 to 709 citizens reporting compared to 2017, when 759 citizens reported for service.

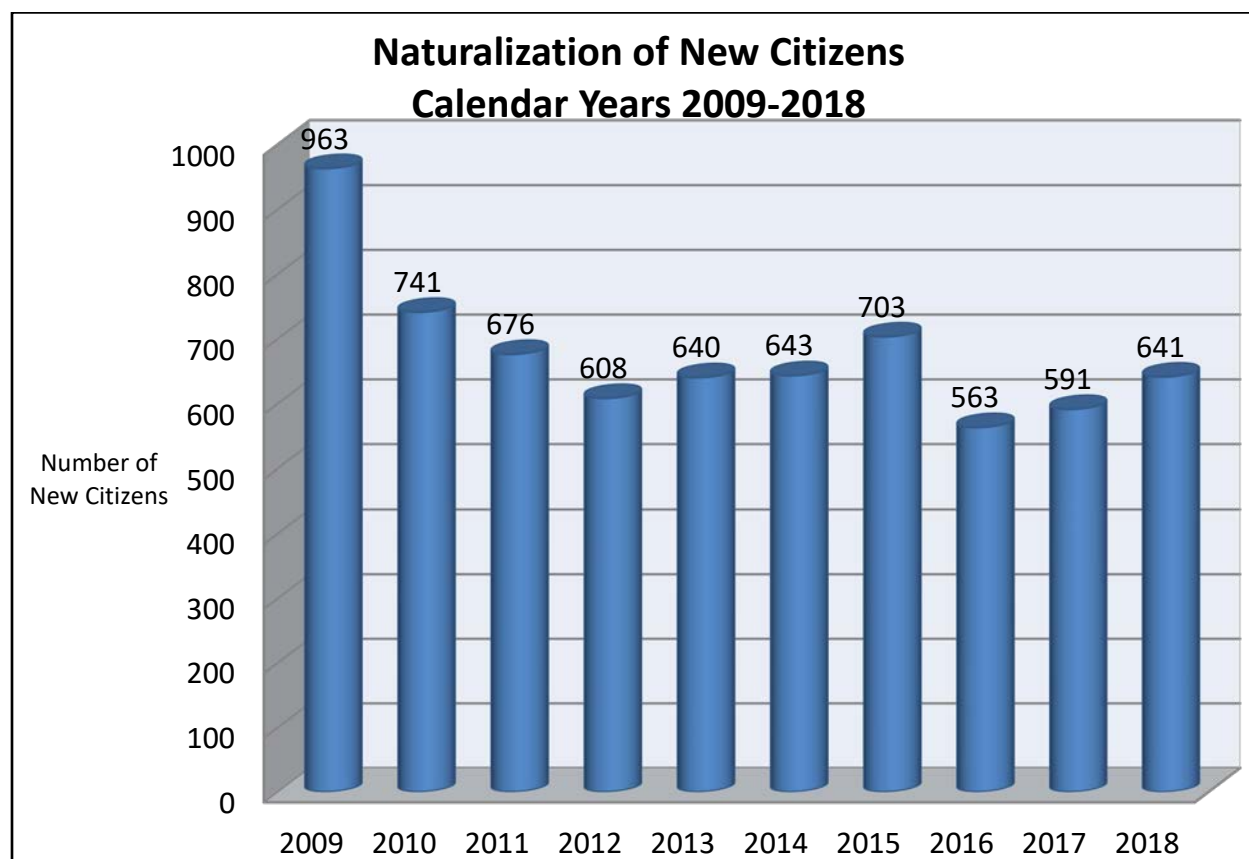


NATURALIZATION

The Judges of the District Court of Delaware view the naturalization of new citizens as an important and rewarding duty. In 2018, a total of 641 new citizens were naturalized compared to 591 in the previous year.

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 held eight times a year, at least one of which is conducted at the University of Delaware. In 2018, 388 new citizens participated in the ceremony 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

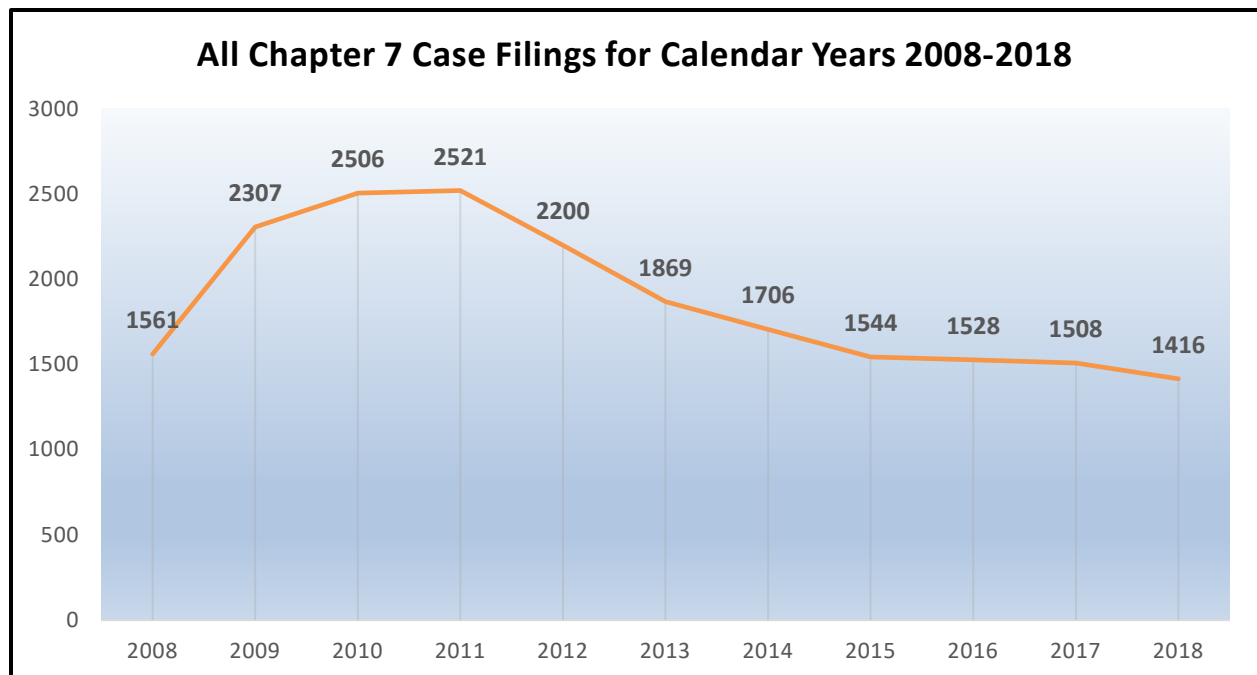
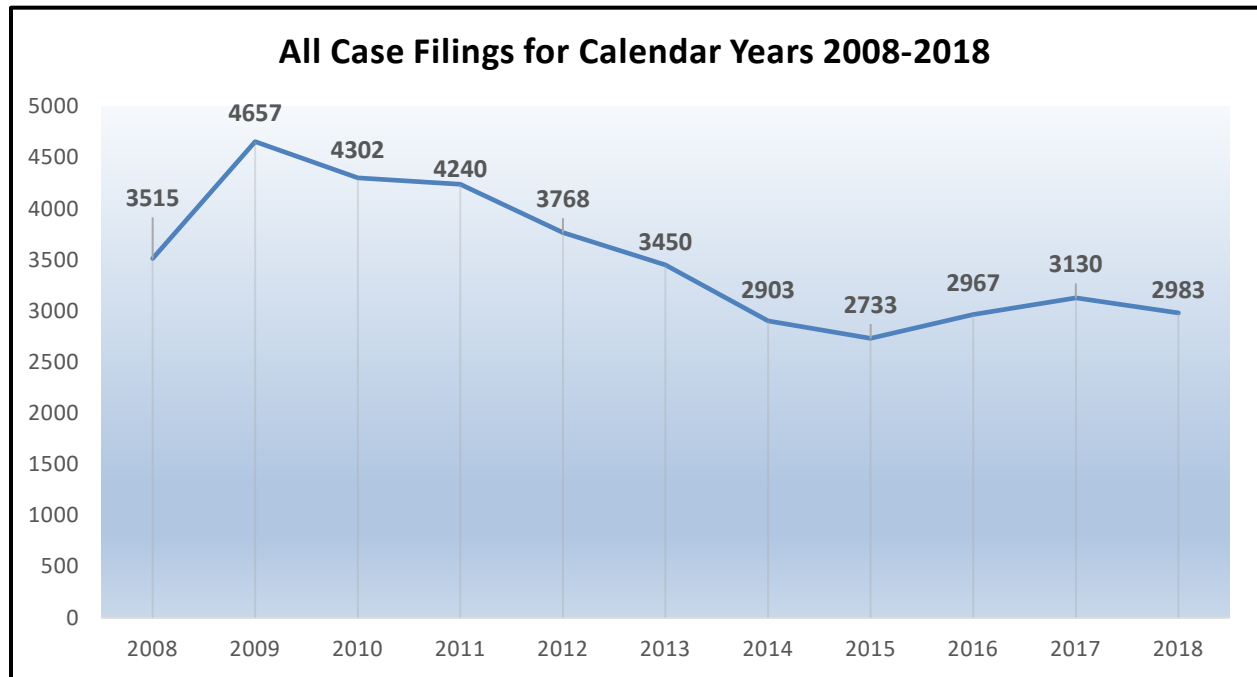
As a result of Bankruptcy Amendments and the Federal Judgeship Act of 1984, 28 U.S.C. § 157 (a) was amended to provide that each District Court could refer all Title 11 cases to a Bankruptcy Judge. On July 23, 1984, the United States District Court issued a Standing Order referring all cases under Title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

The United States Bankruptcy Court for the District of Delaware has a total of eight judgeships with seven sitting judges (Hon. Kevin J. Carey recently retired, effective August 31, 2019). 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). The Bankruptcy Court has the highest weighted caseload per authorized judgeship 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.

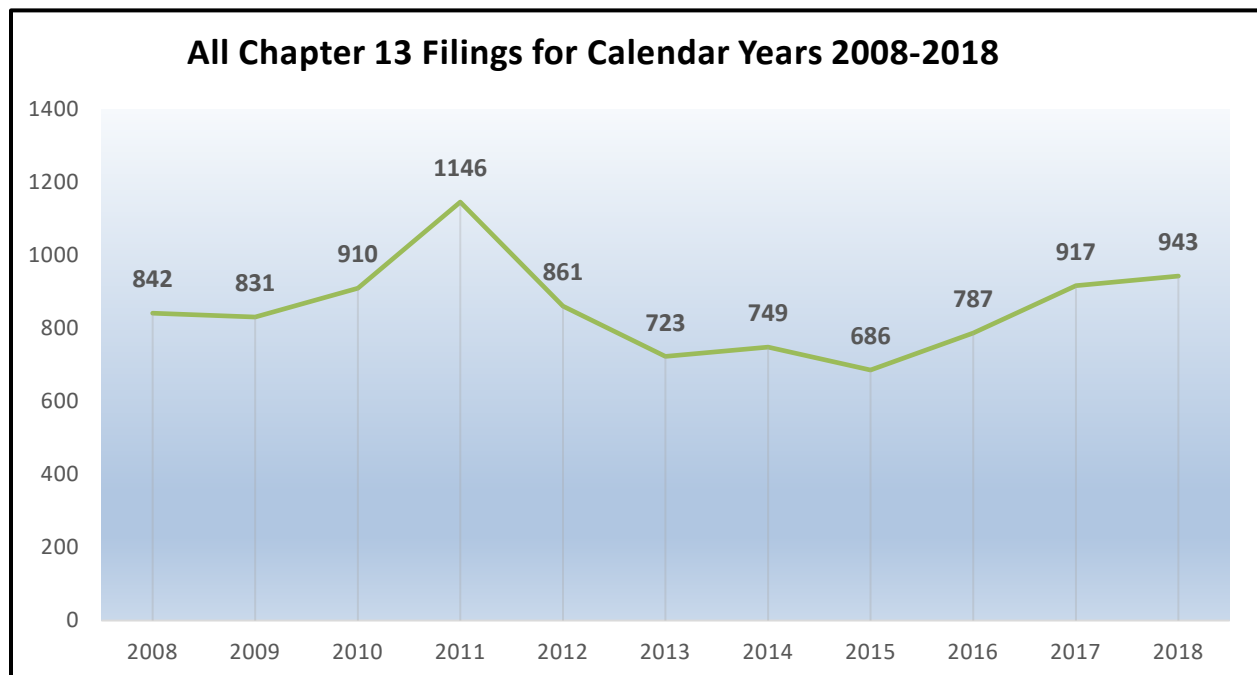
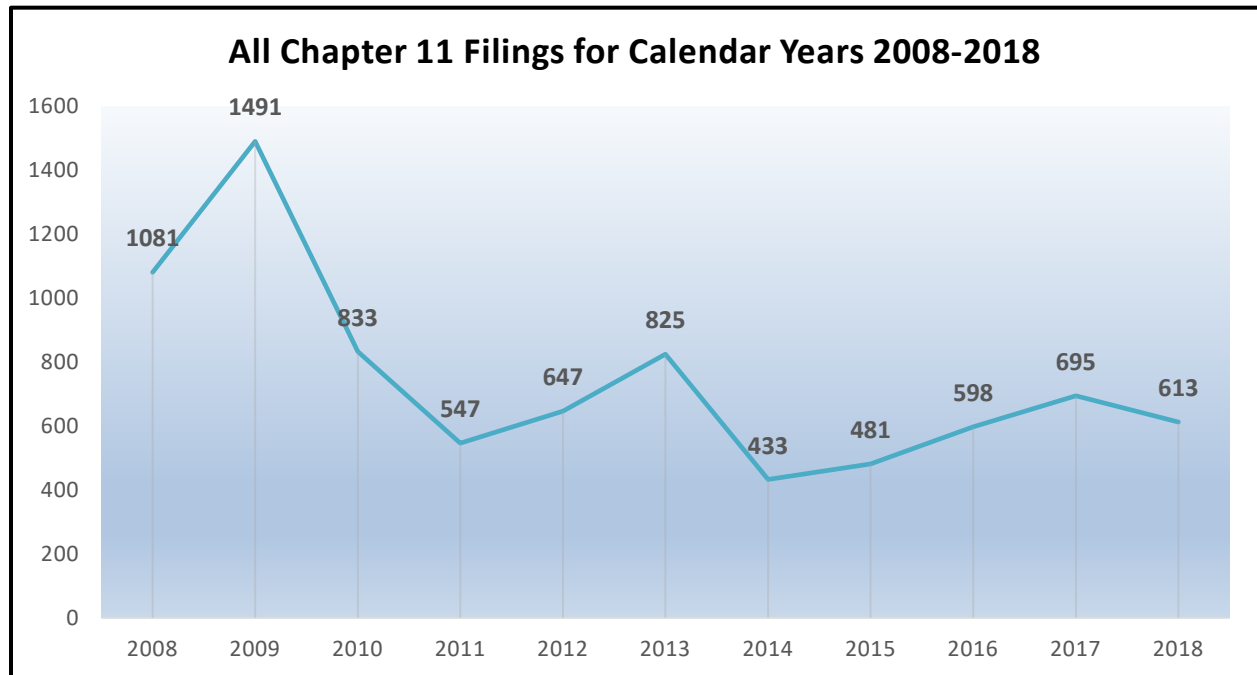


Christopher S. Sontchi
Chief Bankruptcy Judge

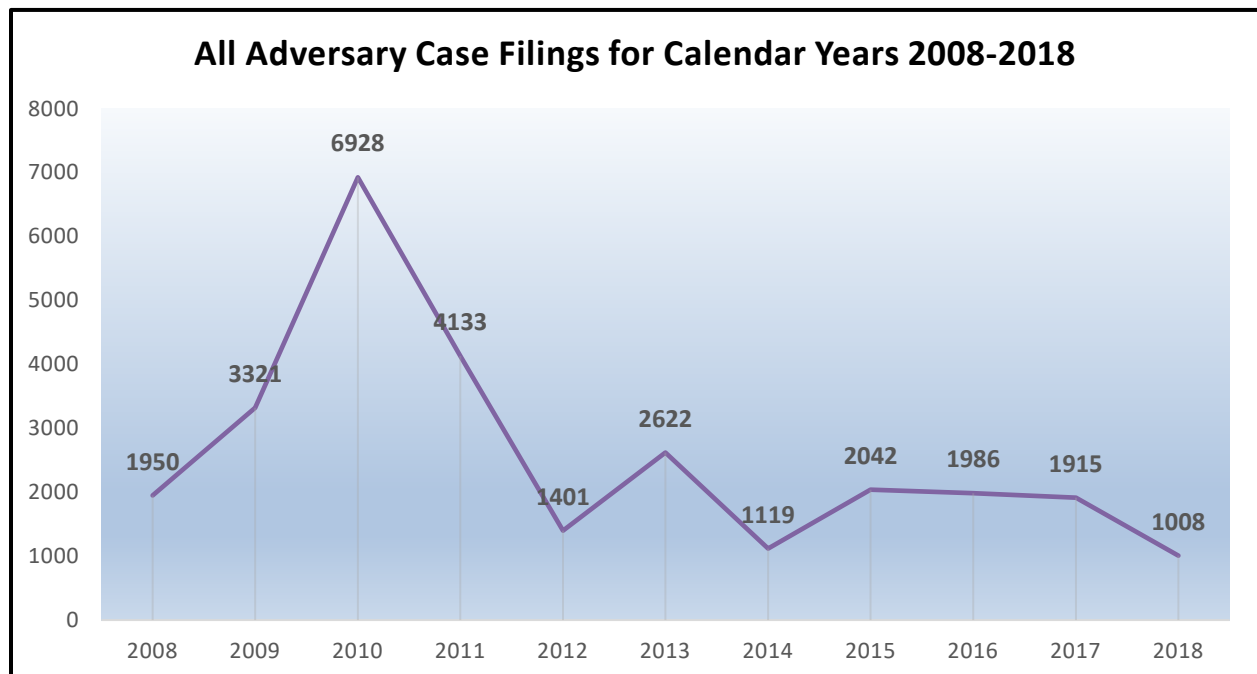
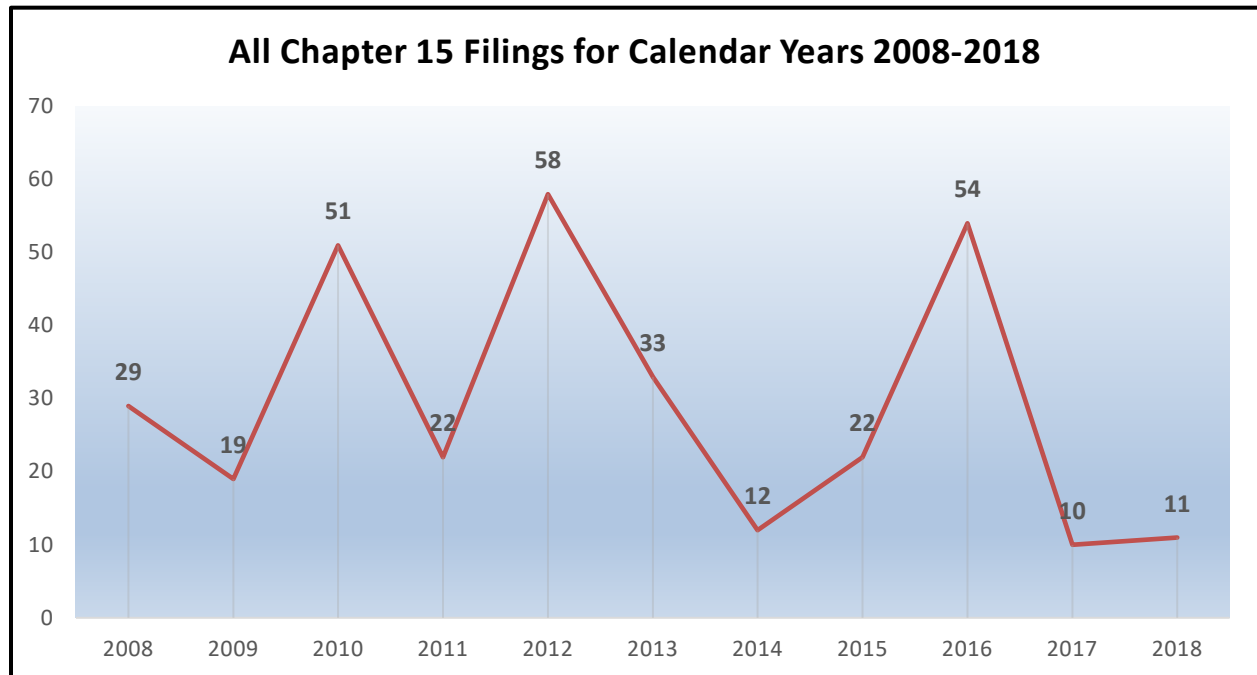
BANKRUPTCY COURT STATISTICS, ALL CASE & CHAPTER 7



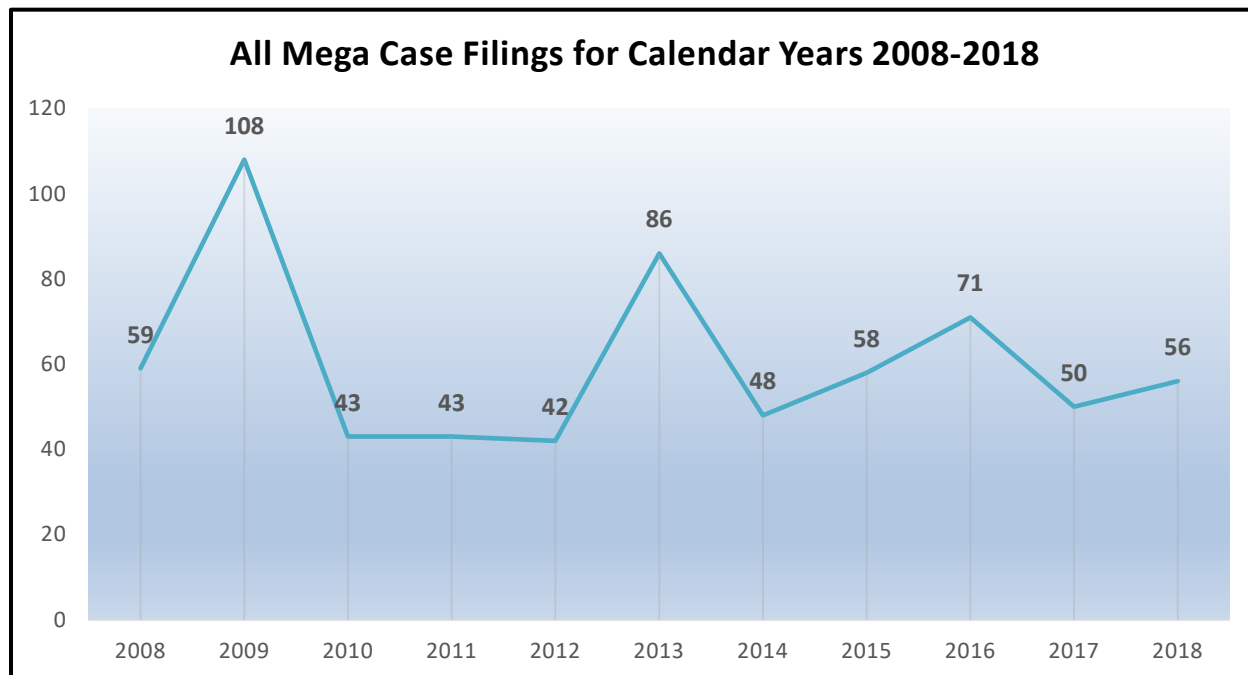
BANKRUPTCY COURT STATISTICS, CHAPTER 11 & 13



BANKRUPTCY COURT STATISTICS, CHAPTER 15 & ADVERSARY



BANKRUPTCY COURT STATISTICS, MEGA CASE FILINGS



COMMUNITY OUTREACH

Re-entry Court

The District Court's Re-entry Court program celebrated the beginning of its eighth year in September 2019. The Re-entry Court is overseen by a United States Magistrate Judge 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 are considered a statistically higher risk to recidivate than 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.

In the last year, the Re-entry team, led by representatives from the United States Probation Office, has (1) engaged in outreach efforts that have dramatically increased the number of participants in the program; and (2) fostered innovative new partnerships with area governmental agencies, non-profit organizations, educational institutions and employers, which have helped create a number of living wage career opportunities for participants. By the end of 2019, the program expects to have celebrated its 18th graduate.

High School Fellowship Program

In August 2019, the District Court celebrated the conclusion of its fourth-annual High School Fellowship Program ("HSFP"). The HSFP is a five-week program for area high school sophomores, juniors and seniors. The program 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 in order 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) participate in presentations from members of the federal and state judiciary, governmental organizations and members of the Delaware Bar. With this summer's graduation having concluded, 12 high school students are now alumni of the program.

Federal Trial Practice Seminar

In the Spring of 2019, the District Court offered its sixth Federal Trial Practice Seminar ("FTPS"). The FTPS is a bi-annual, multi-week trial advocacy program for attorneys with 10 years or less of practice experience. This year's FTPS included presentations from nationally-recognized trial attorneys and various opportunities for the participants to practice trial skills before District Court judges and attorney mentors. It culminated in May 2019 with a full-day mock trial, in which the participants litigated a mock civil case before a real jury of Delaware citizens. Since the FTPS began in 2010, 52 attorneys have graduated from the program, many of whom continue to practice regularly in our Court. This year's graduates included: Sara Bussiere, Kelly Allenspach Del Dotto, Megan Dellinger, Lauren DeLuca, Nicole Pedi, Rebecca Polito, Robert Vrana and Jesse Wenger.

THE DELAWARE CHAPTER OF THE FEDERAL BAR ASSOCIATION

The past year for the Delaware Chapter of the Federal Bar Association (the “Delaware Chapter”) was busy as we celebrated a retirement and welcomed new judges. The year began celebrating Judge Sleet’s retirement and portrait presentation. It was a great night with many special guests honoring Judge Sleet’s distinguished career on the Court. Judge Sleet’s official portrait now hangs in Judge Andrews’ courtroom. In the spring, we were able to formally celebrate the investitures of Judges Connolly and Noreika, and during the Annual Luncheon last year we celebrated the elevation of Judge Sontchi as Chief Judge of the Bankruptcy Court.

In the midst of Judge Sleet’s retirement and the investitures, the IP Section hosted several events, the first being a CLE with the Patent Trial and Appeal Board. The IP Section also held its annual IP Dinner in January. We will close out the year with another CLE co-sponsored with the Federal Circuit Bar Association on Hot Topics in IP Litigation immediately following this year’s Annual Luncheon.

The Delaware Chapter again hosted one of its signature events, the Federal Trial Practice Seminar. Magistrate Judge Burke, Magistrate Judge Hall and Chad Stover led a distinguished team of jurists and attorneys teaching and training younger lawyers during this multi-week seminar. We also continued our series of “brown bag” lunches, hosting lunches with the two newest members of the Court, Judge Connolly and Judge Noreika.

As we look forward to another year, we will continue to celebrate a number of transitions, starting with the investiture of Magistrate Judge Hall, the investitures of Judge Dorsey and Judge Owens and the retirements of Judge Gross and Judge Carey. We are also excited to announce we are hosting another Bench and Bar Conference on April 30 and May 1, 2020. We will return to the Hotel DuPont and Longwood Gardens for this event and are excited for another great opportunity for the bench and bar to gather together and exchange ideas.

In closing, and in particular as I close out my term as president, I would like to thank the Judges of both the District and Bankruptcy Courts for their incredible support of the Delaware Chapter. Without their support, our programming, and the success of our Chapter, would not be possible. It has been an honor working with the Judges of the District and the Bankruptcy Courts and the dedicated members of our Chapter to put on our various programs. I would also like to thank the other officers of our Chapter, Andrew Mayo, Jeremy Tigan and Jeff Castellano, who have worked tirelessly alongside me in these events. I am pleased to be assuming the role of Immediate Past President and know the Delaware Chapter will be in great hands with Andrew Mayo as President.

As always, we welcome any suggestions you have for programs and look forward to seeing you at Delaware Chapter events!

Respectfully,

Kelly E. Farnan, Esq.
President, Delaware Chapter of the Federal Bar Association

