

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, perched atop a shield with vertical stripes. Above the eagle's head is a crest consisting of a bundle of arrows and a laurel wreath. The entire seal is rendered in a metallic, bronze-like color with a textured, slightly weathered appearance.

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

**ANNUAL REPORT
2021**

**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
2021**

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 - 2020.

Photographs by: Eric Crossan

INTRODUCTION

I welcome the opportunity to contribute to the Annual Report because it forces me to reflect on the Court’s accomplishments and challenges of the past year. In the unprecedented circumstances prevailing today, I am necessarily looking back on not just one year, but two. The 2020 Report – like the 2020 FBA Annual luncheon, 2020 Bench and Bar Conference, and so much else – never happened. Also, as my term as Chief Judge ends this week, my mind is, inevitably, reflecting on the past seven years.



What stands out most prominently is how remarkably well the Court managed to do its work during the pandemic. While we were unable to hold jury trials between mid-March 2020 and late April 2021, we found ways to conduct every other kind of proceeding, including at least 19 bench trials (remotely and partially-remotely), dozens of sentencings (thanks to authorization provided under the CARES Act), and all types of civil hearings (on platforms including Zoom, Skype, Webex, and Teams, none of which I had even heard of way back in 2019). I want to thank my colleagues, the Bar, and the talented and dedicated Court staff for enabling our smooth transition to virtual proceedings.

I also want to thank the members of the District’s Reopening Committee, which has met regularly throughout the pandemic. With input from the Bankruptcy Court, U.S. Probation Office, U.S. Marshals Service, General Services Administration, United States Attorney’s Office, and Federal Public Defender’s Office, the group helped the Court draft and implement Reopening Guidelines, Jury Trial Restart Guidelines, and more than 30 standing orders and announcements. We’ve also received valuable assistance from our partners in the state judiciary, most especially Chief Justice Seitz, who helped us with issues including shutdowns, reopenings, and vaccinations.

When I look back on my tenure as Chief Judge, undoubtedly what I will remember most is dealing with the impact of the coronavirus pandemic. I’ll never forget the days devoted to matters like which bathrooms should jurors use and what path should they follow to get there, how many people can share an elevator, where should we place the witness stand, how can sidebar discussions be done in a socially distant manner without being overheard, who is responsible for cleaning courtroom microphones, and should we provide jurors face masks, face shields, both, or neither? These and many similar questions have been answered, allowing us to keep litigants, lawyers, staff, and the public safe while fulfilling our role of administering justice.

Happily, we are now in Phase 3 of our Reopening Guidelines. Over the past two months, we have held a handful of jury trials (most presided over by Judge Andrews, who, given his pioneering role, I like to call the “First Judge in the First State”) and we are prepared to handle multiple trials simultaneously. We hope in the near future to move to Phase 4, which would be our “new normal.”

The Court, of course, also confronted non-pandemic challenges while I served as Chief. There were the extended judicial vacancies after former Judges Robinson and Sleet took senior status and then retired, which corresponded with an increase in caseload in the wake of the Supreme Court’s 2017 patent venue decision in *TC Heartland*. There were also government shutdowns in 2018 and 2019, including one that lasted 35 days.

On the positive side of the ledger, we welcomed two new District Judges, Colm Connolly and Maryellen Noreika, and a new Magistrate Judge, Jennifer Hall. Judge Hall occupies a new magistrate judge position which was awarded to the Court in 2019. We have also enjoyed the assistance of 19 visiting judges during the past seven years, who have collectively been assigned 498 cases, which includes 212 patent cases.

Due to the exhaustive efforts of our judges, the Court has managed to keep up with its unceasingly heavy and complex docket. For example, over the 14 months from April 1, 2020 through May 31, 2021, the Court closed 2296 cases, and issued 679 opinions, which is 83% of the number of cases we had closed (2781) and 89% of the number of opinions (767) we had issued in the comparable period just before the pandemic (January 1, 2019 to February 29, 2020). Given that we and our staffs were largely away from chambers and out of the courtroom, that we had to learn an entirely new way of working, that we could not conduct jury trials, that we were forced to devote hours and hours to rescheduling, I think this data shows that our Court has remained as productive as ever.

As I look to the future, the prospects for our Court are bright. In March, the Judicial Conference of the United States recommended that Congress create 79 new district judgeships, including two for the District of Delaware. We remain ever-hopeful that someday soon Congress may send us the judicial resources we need to keep up with a docket that has essentially tripled since our last new judgeship was authorized in 1985. Earlier this month, construction began on a new magistrate judge courtroom, 6D, which we expect to be completed before the end of the year. Also, in the coming months, I anticipate we will work with the FBA to rebuild a program of events (including in-person!) like those which were so successful in pre-pandemic times.

Most auspiciously, on July 1, I will pass the Chief Judge title and responsibilities to my colleague and friend, Judge Connolly. Judge Connolly is extraordinarily well-prepared to serve as Chief, having quickly become an outstanding District Judge, and having served earlier in his career as a United States Attorney and the managing partner of the Delaware office of a large, international law firm. The gavel will be in good hands. I am proud (and more than a little bit relieved!) to hand it off.

During the pandemic, I’ve watched (and rewatched) a lot of TV and movies. A favorite is *Ferris Bueller’s Day Off*. Many of you will know this famous Ferris quote: “Life moves pretty fast. If you don’t stop and look around once in a while, you could miss it.” I thank you all for this chance to pause and look back – and for the privilege of having served this distinguished Court as Chief Judge in these extraordinary times.

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 Brendan Linehan Shannon.

Standing: Judge J. Kate Stickles, Judge John T. Dorsey, Judge Laurie Selber Silverstein, Judge Karen B. Owens, Judge Craig T. Goldblatt.

CLERK'S OFFICE

The District of Delaware along with the entire country has and continues to experience a significant impact from the COVID-19 Pandemic. While both our civil and criminal caseloads decreased, 25 and 40 percent respectively, we remain very busy ranking third nationally in weighted filings per judge behind New Jersey, second, and Florida Northern, first, for calendar year 2020. With the help of technology and the overall acceptance of all our stakeholders, proceedings and case work continued remotely during the pandemic.



With the exception of one day during the beginning of the pandemic, due to a positive case, and with the help of a handful of staff, the Clerk's Office has remained open to the public during the entire pandemic. We continuously monitor local and national conditions and follow all recommended precautions, procedures and guidance provided by the Delaware Health and Social Services Division of Public Health, the Centers for Disease Control and Prevention and the Administrative Office of the U.S. Courts. The safety of the public and our staff is always paramount in our decision-making. Additionally, to assist us in our decision-making, the Court established a Re-Opening Committee consisting of representatives from the District and Bankruptcy Courts, the U.S. Probation Office, the U.S. Attorney's Office, the Federal Public Defender, the U.S. Marshals Service, and the General Service Administration. The committee met regularly and continues to meet to monitor conditions and discuss operational considerations. The Committee established reopening and jury trial restart guidelines and provided invaluable input to Court standing orders issued to address the pandemic.

Going forward we hope to return to as close to a state of normalcy as possible as soon as safely possible. We have learned a great deal during the pandemic and continue to be vigilant as conditions change.

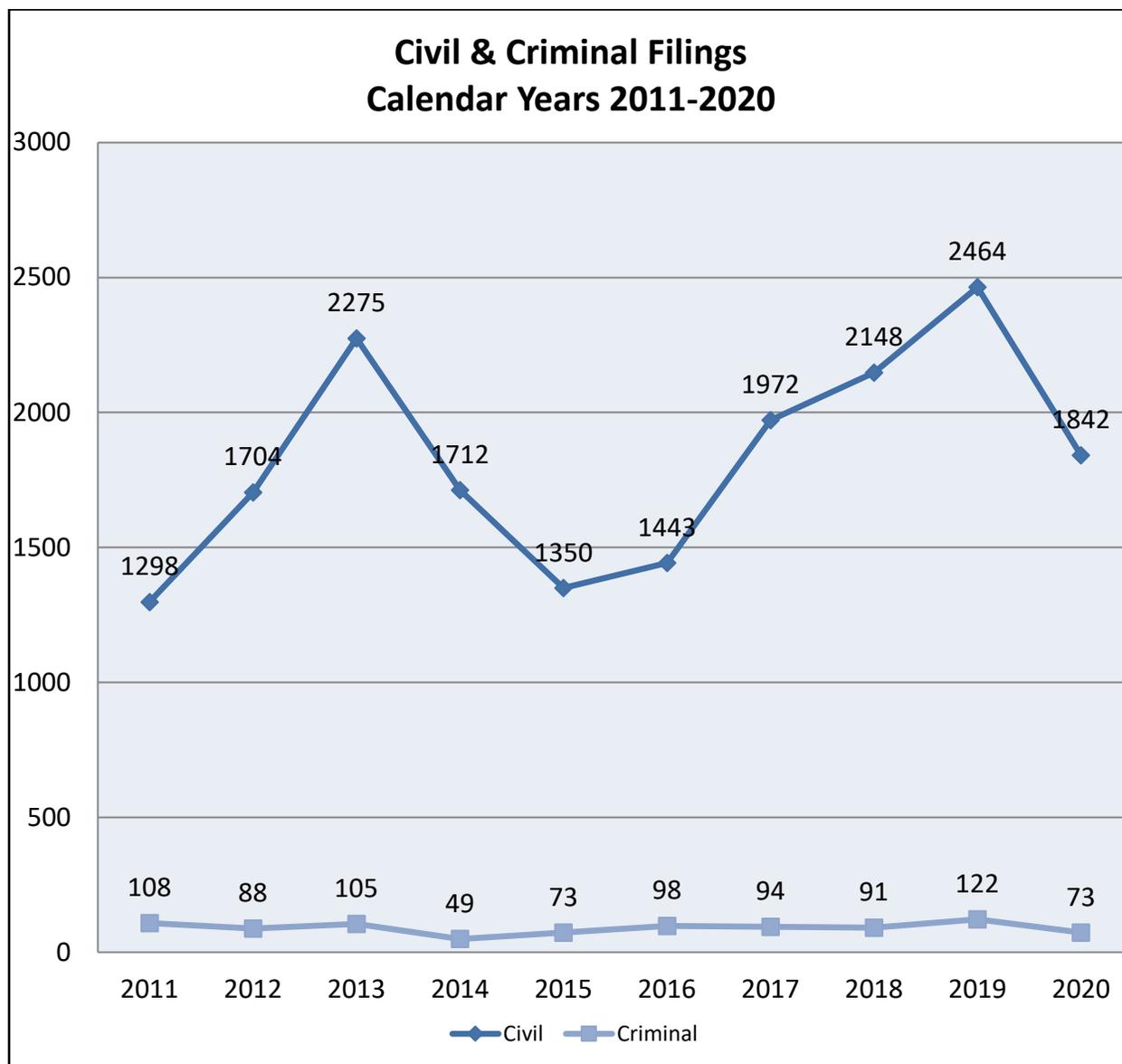
In conclusion I want to thank all the members of the Clerk's Office especially during the past year for their flexibility, understanding and continued exemplary service to the Public, the Court, and the Bar. I cannot say enough about how very fortunate we are to have such a dedicated and professional staff.

Respectfully submitted,

John A. Cerino
Clerk of Court

CIVIL AND CRIMINAL FILINGS

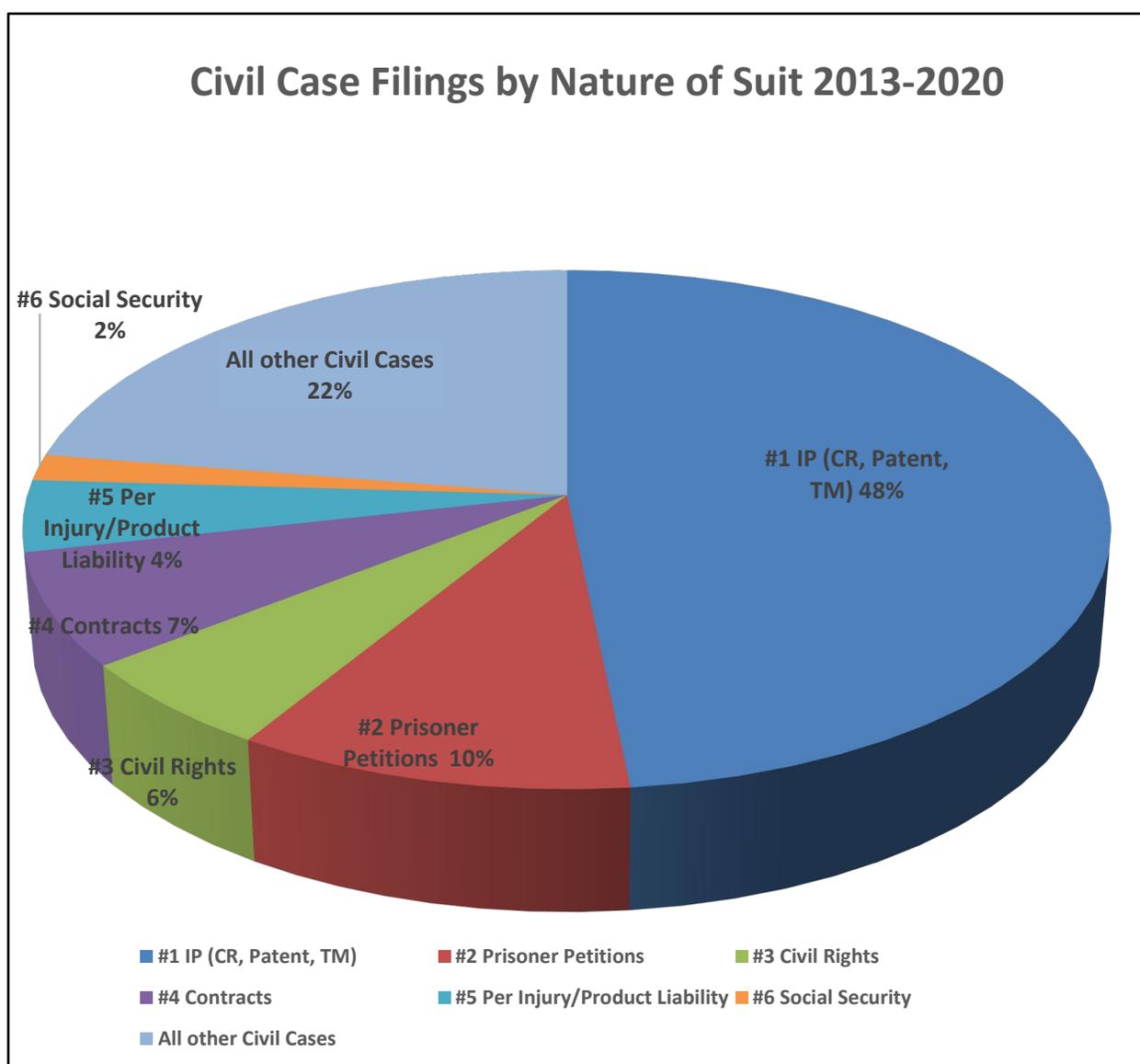
The following graph shows civil and criminal filing trends from 2011 to 2020. Civil case filings made a significant decrease in 2020 for the first time in the past four years. In 2020, a total of 1,842 civil cases were filed, a 25 percent decrease from the previous year of 2464 cases filed. Criminal case filings decreased from 122 in 2019 to 73 in 2020, a 40 percent decrease from the previous year. The Court believes both these decreases are directly related to the impact of the pandemic.



CIVIL CASE FILINGS

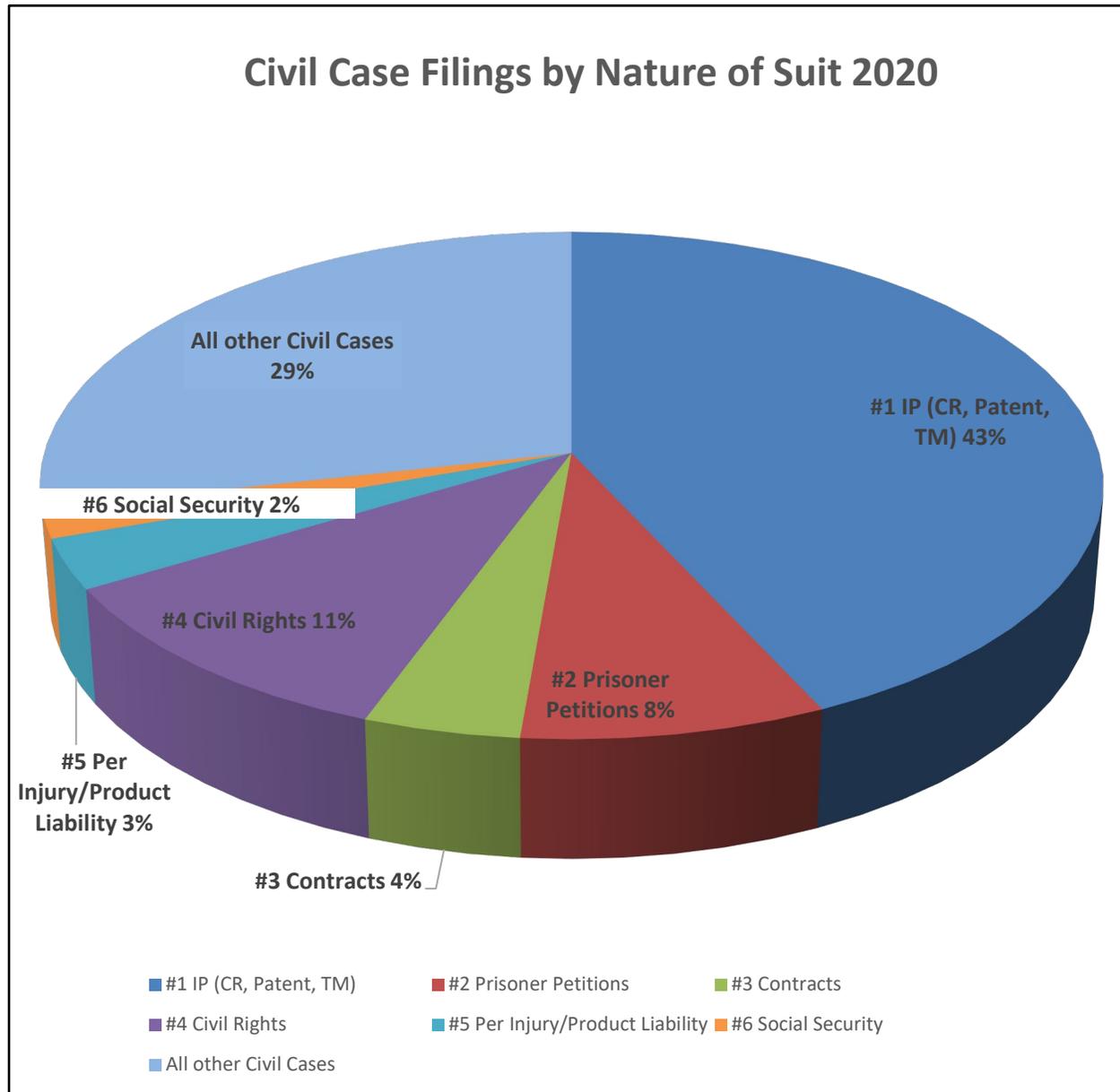
The two graphs that follow represent the highest six types of civil cases filed in the District since 2013, characterized by nature of suit. From decade to decade, the six top categories generally remain the same, but the percentage of total civil filings within those categories has changed. The high percentage of patent litigation continues to dominate the Court's caseload.

The first graph displays the cumulative caseload average covering the calendar years from 2013 through 2020. Patent cases account for 48 percent of civil filings, Prisoner Petitions 10 percent, Civil Rights six percent, Contracts seven percent, Personal Injury/Product Liability four percent and Social Security two percent. All Other Civil Cases accounted for 22 percent of the civil filings.



The second graph displays total civil filings for calendar year 2020 by the top nature of suit categories. Patent cases account for 43 percent of civil filings, Prisoner Petitions eight percent, Contracts four percent, Civil Rights 11 percent, Personal Injury/Product Liability three percent, and Social Security two percent. All Other Civil Cases accounted for 29 percent of the total civil filings.

Civil Case Filings by Nature of Suit 2020

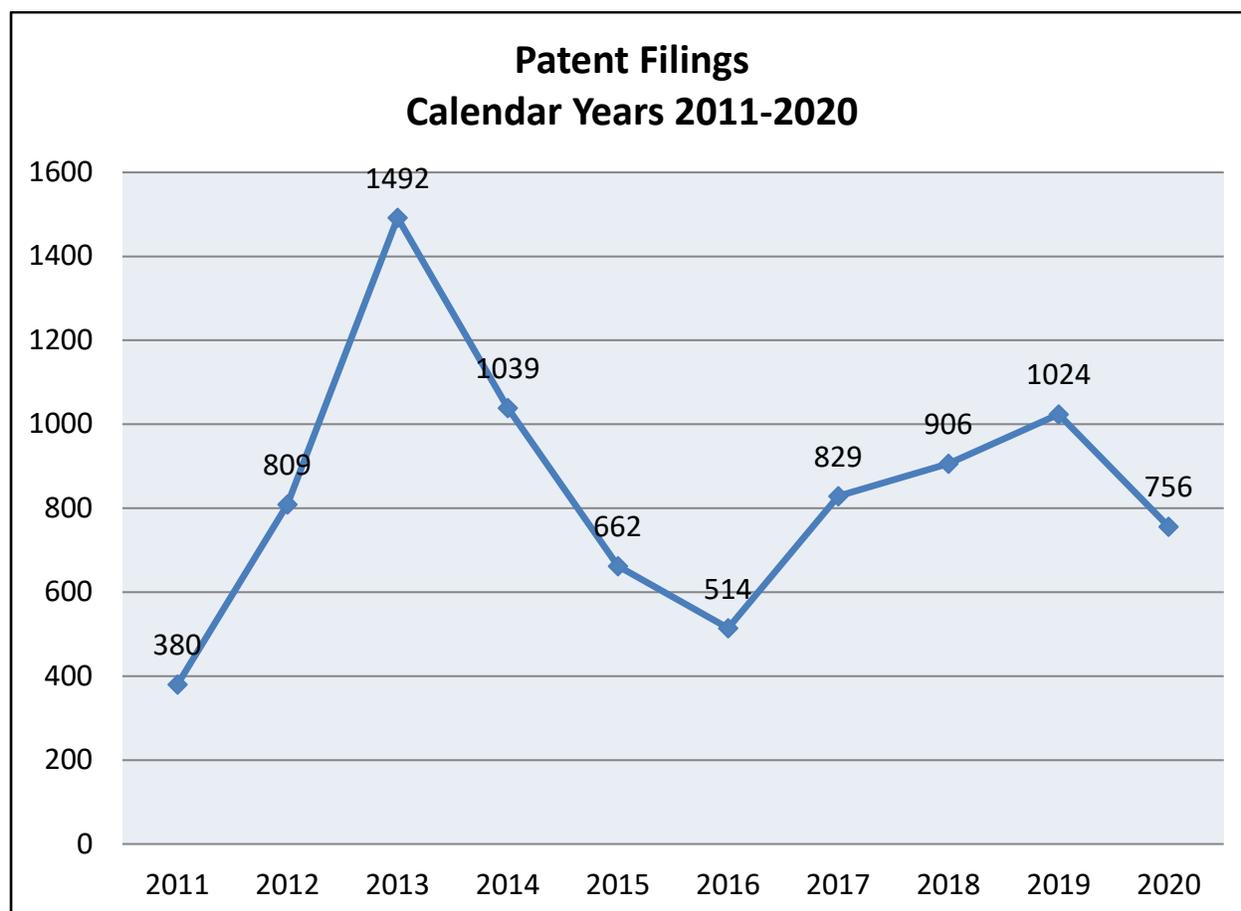


PATENT CASE FILINGS

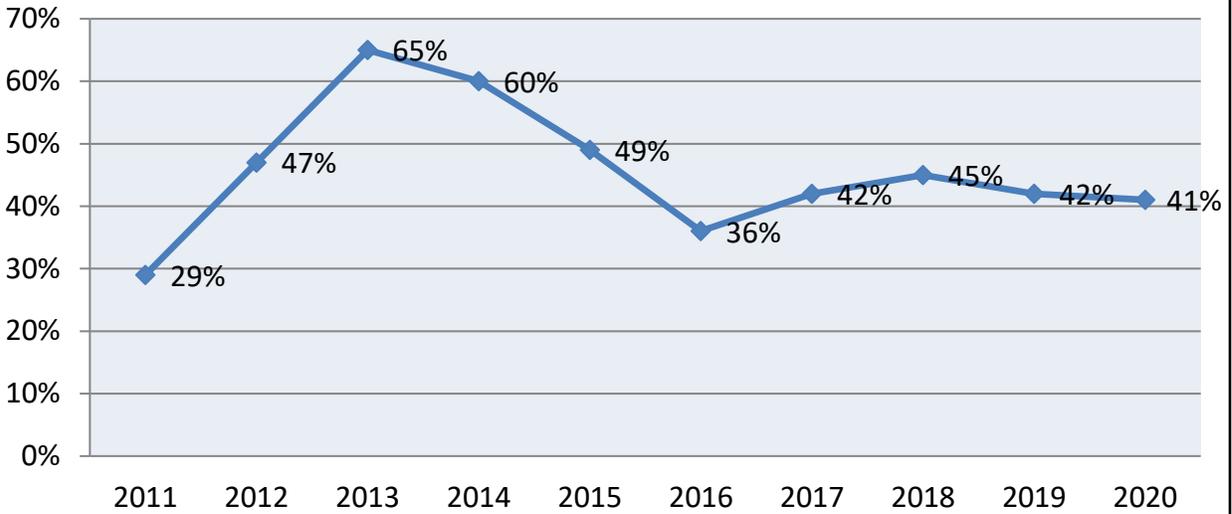
Patent filings continue to be a substantial part of the District Court's caseload. The first graph details the annual number of filings during the period from 2011-2020. In 2020, 756 patent cases were filed, approximately a 26 percent decrease from the previous year of 1024.

The second graph shows the decrease of patent filings as a percentage of total caseload, which declined by one percentage point, from 42% to 41% in 2020.

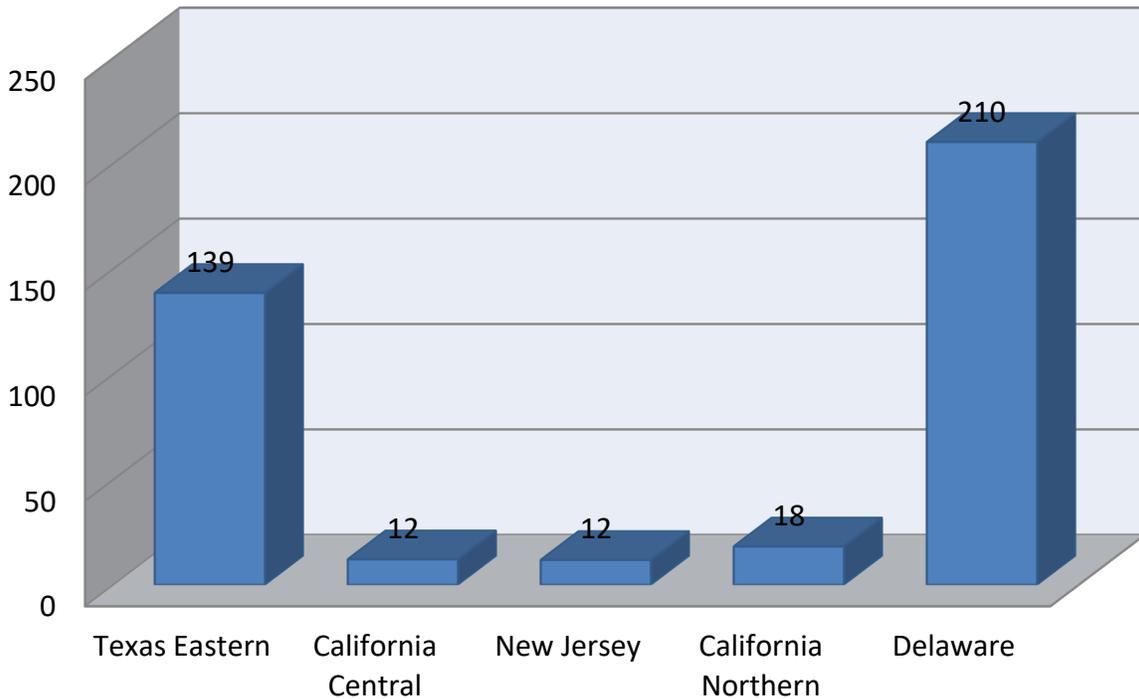
For the past decade, Delaware has ranked in the top five district courts for patent filings in the nation. The third graph displays the cumulative average of patent filings per authorized judgeship from 2011 to 2020. During those years, Delaware averaged 210 patent cases filed per authorized judgeship. In 2020 Delaware continued to hold the top position nationally for the number of patent cases filed per authorized judgeship of 189 cases. A 26 percent decrease from the previous year of 256 cases. Nationally, this ranks Delaware 196 percent higher than the second position nationally and 271 percent higher than the third position.



Patent Filings as a Percentage of Civil Caseload Calendar Years 2011-2020



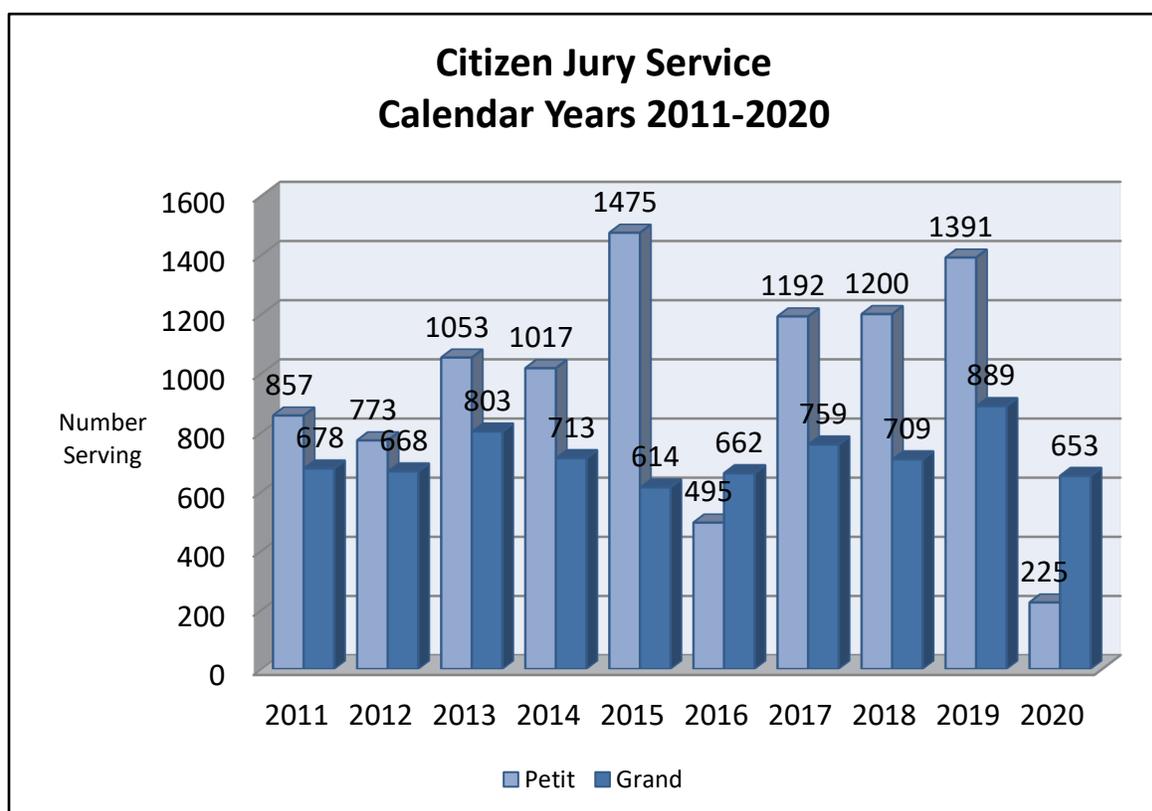
Average Patent Cases Per Judgeship Calendar Years 2011-2020



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.

Juror services was the most significantly impacted area of the court due to the pandemic, from March 18, 2020 through April 28, 2021 there were no jury trials held. Grand jury proceedings were also reduced, but not as heavily.



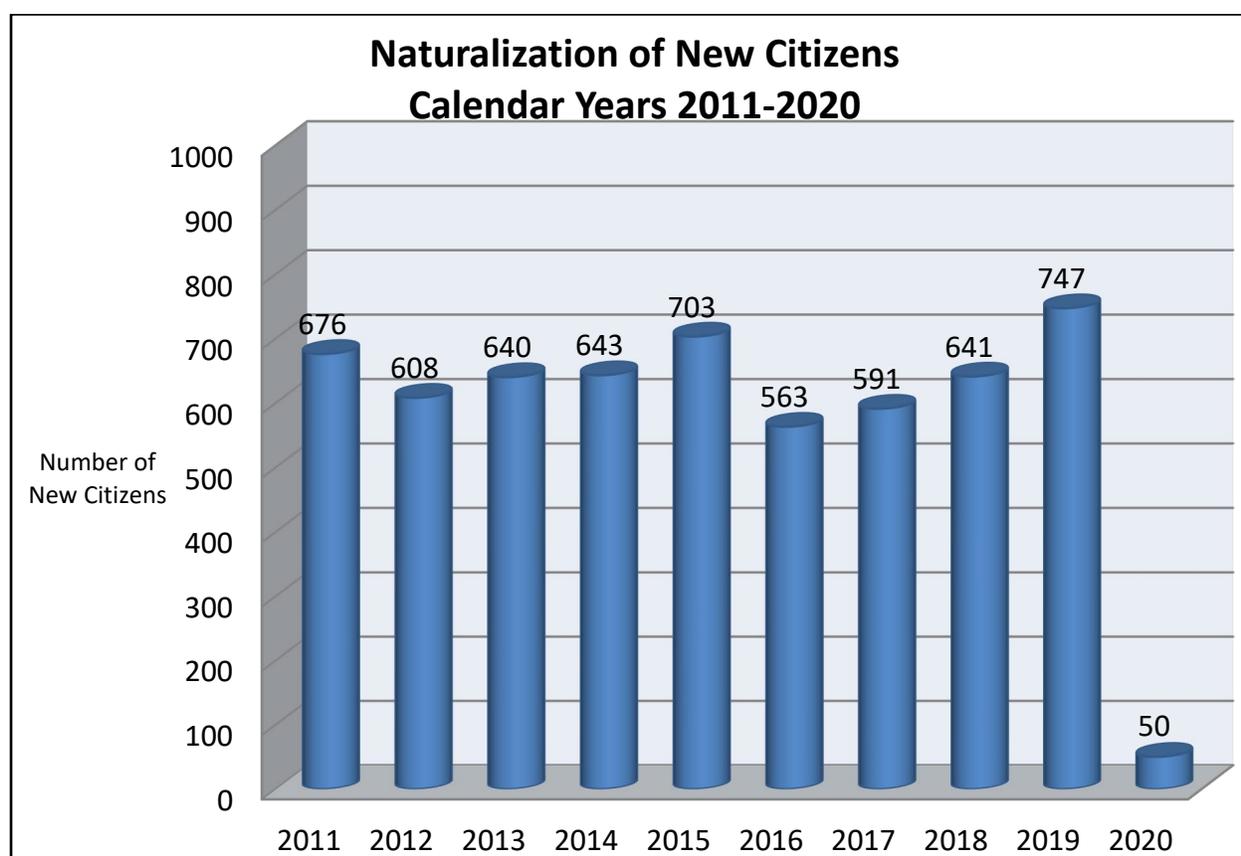
During 2020, the total number of citizens who reported for petit jury duty was 225, compared to 2019, when 1391 reported. Service on grand juries decreased slightly in 2020 to 653 citizens reporting compared to 2019, when 889 citizens reported for service.

NATURALIZATION

The Judges of the District Court of Delaware view the naturalization of new citizens as an important and rewarding duty. Unfortunately, naturalization was also substantially impacted by the pandemic. In 2020, a total of 50 new citizens were naturalized compared to 747 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 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

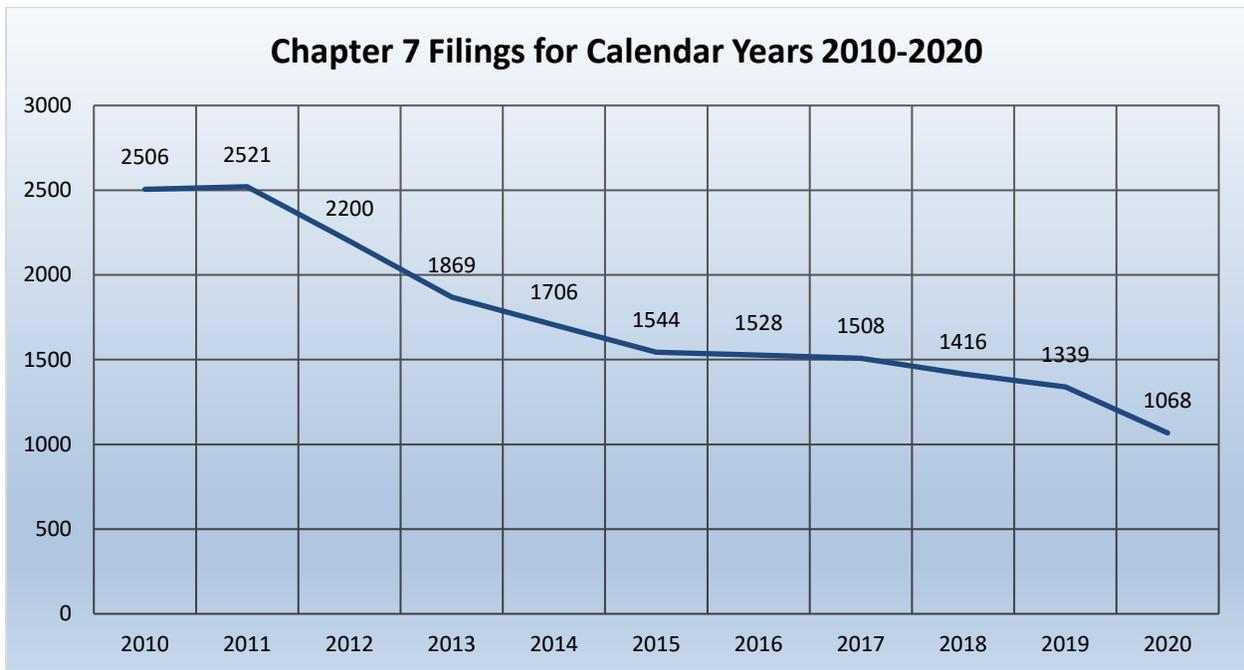
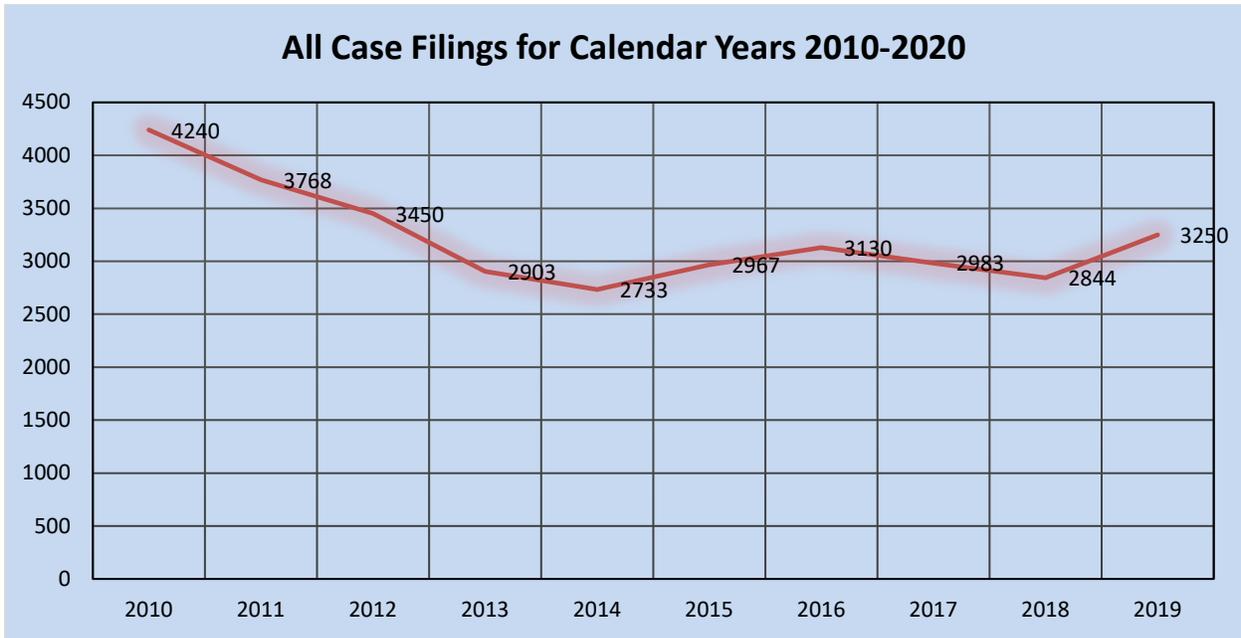
As a result of Bankruptcy Amendments and the Federal Judgeship Act of 1984, 28 U.S.C. § 157 (a) was amended to provide that each District Court could refer all Title 11 cases to a Bankruptcy Judge. On July 23, 1984, the United States District Court issued a Standing Order referring all cases under Title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

The United States Bankruptcy Court for the District of Delaware has a total of eight authorized judgeships. In April 2021, the Third Circuit appointed two new judges – Hon. J. Kate Stickles and Hon. Craig T. Goldblatt – bringing the Court to its full complement of eight sitting judges. The District of Delaware has historically been one of the busiest Chapter 11 filing districts in the country. For the year ended March 31, 2021, there were 1,784 Chapter 11 case filings, an increase of 145% over the previous year. The Bankruptcy Court’s weighted caseload per authorized judgeship is 2,912, which is the highest in the country (the national average is 618). 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.

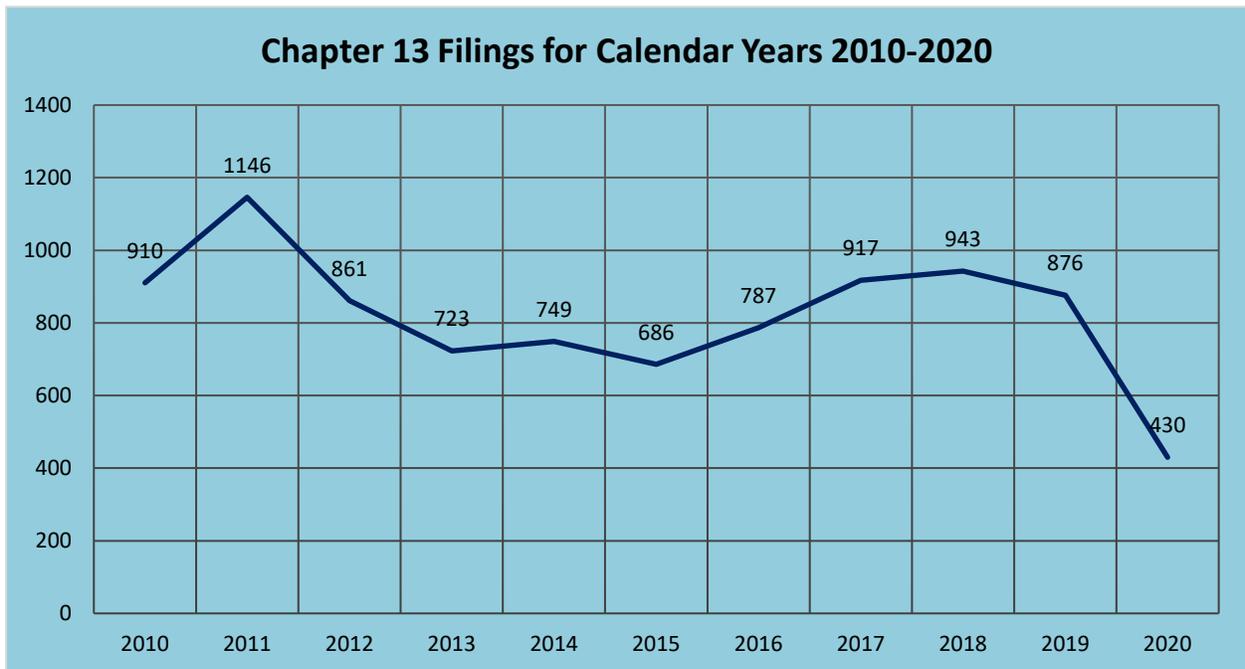
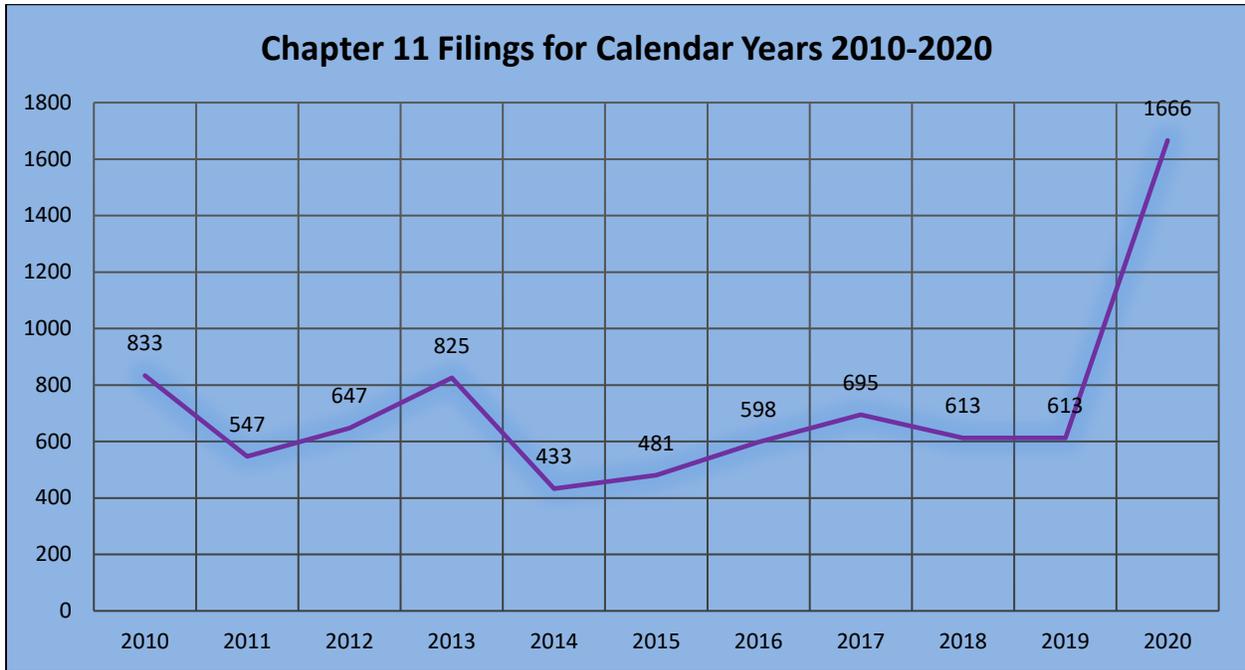


Christopher S. Sontchi
Chief Bankruptcy Judge

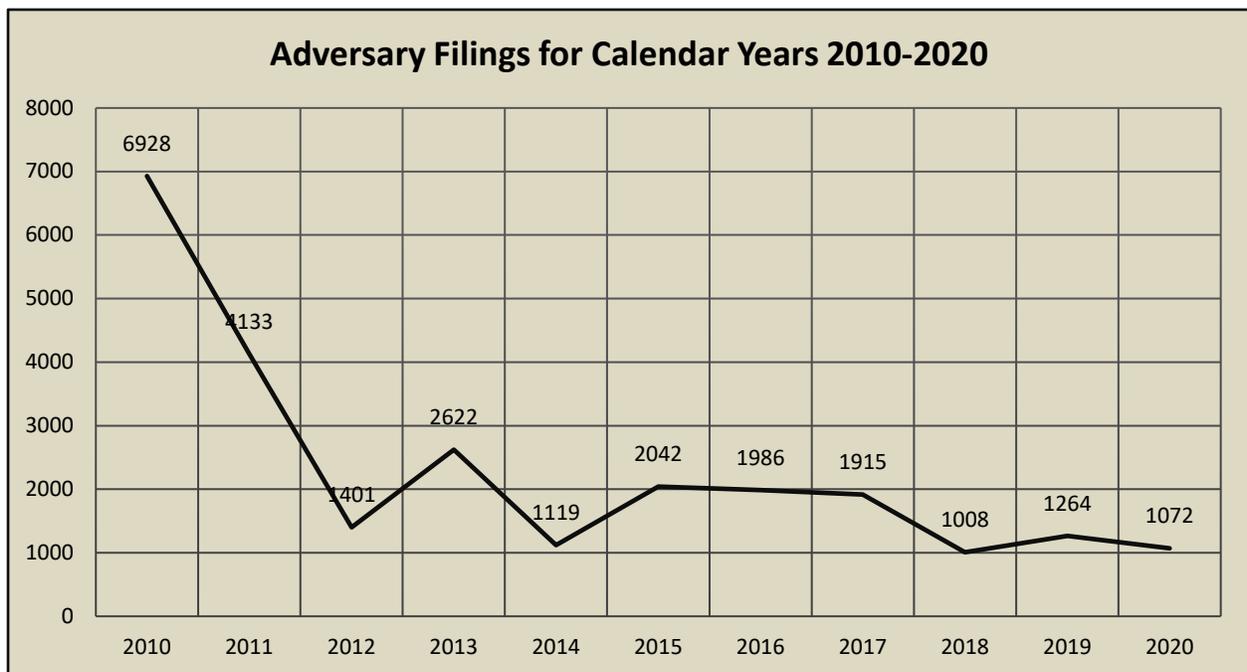
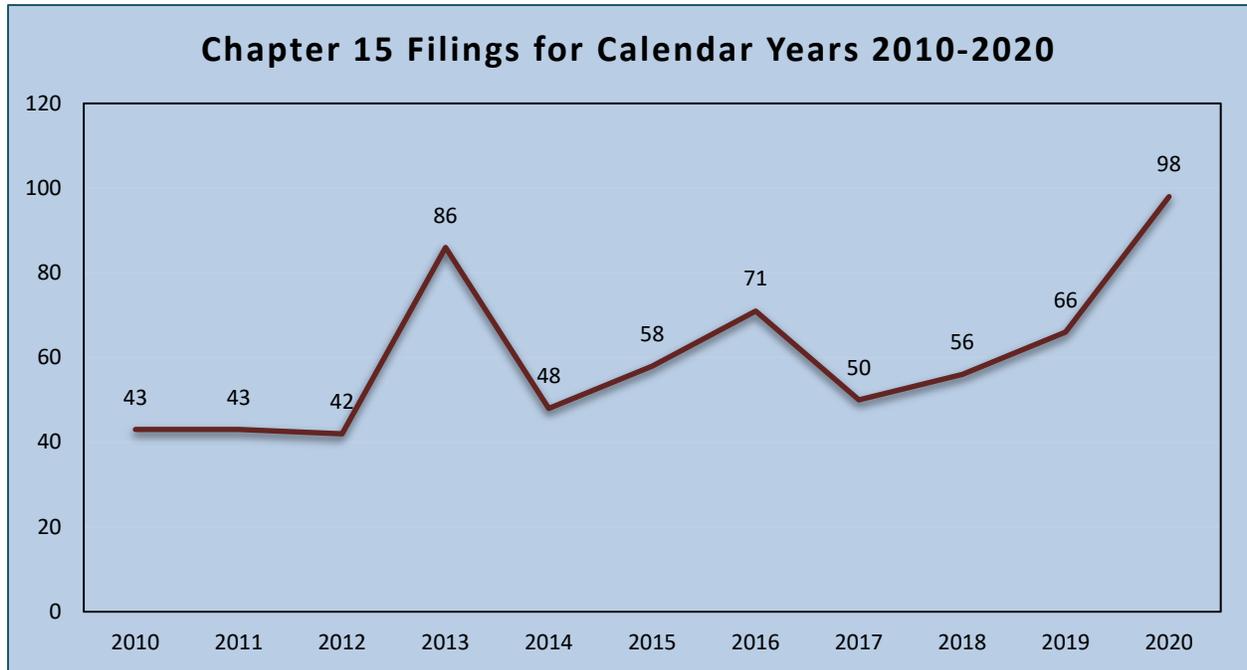
BANKRUPTCY COURT STATISTICS, ALL CASE & CHAPTER 7



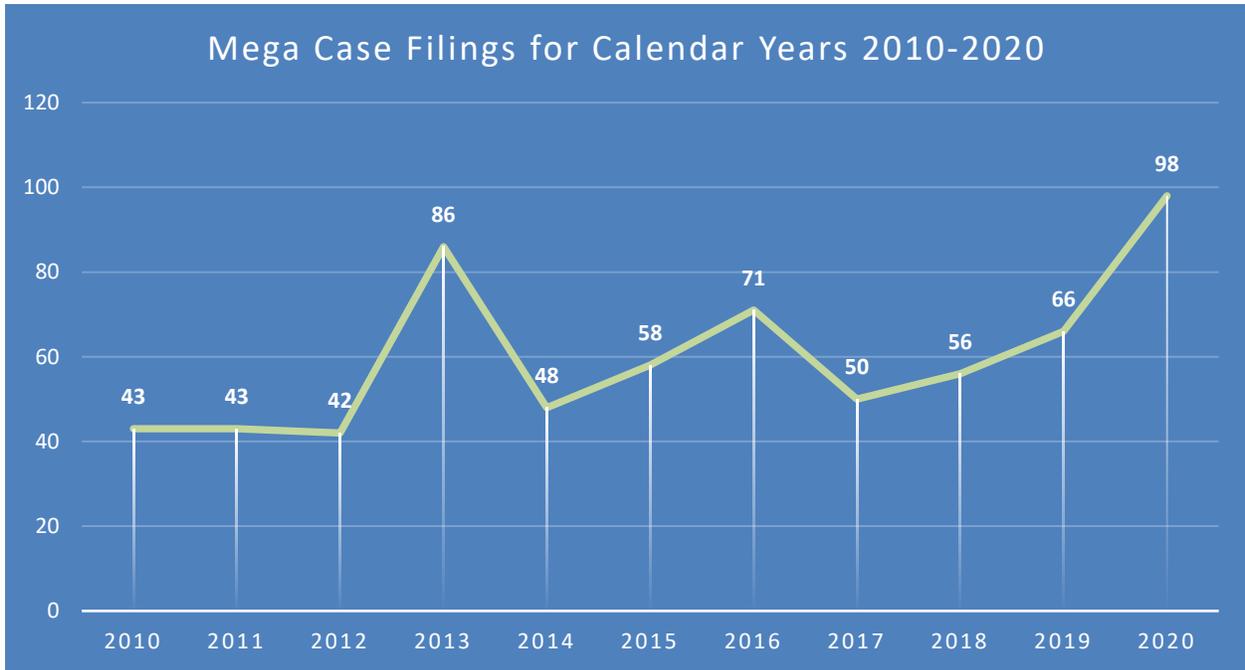
BANKRUPTCY COURT STATISTICS, CHAPTERS 11 & 13



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 ninth year in September 2020. 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 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. The team has also established a new partnership with the University of Delaware in the last year, whereby an Assistant Professor and clinical psychologist associated with the University has joined the Re-entry team; she and her students provide various services and resources to participants. Since its beginning in 2012, 22 participants have graduated from Re-entry Court. The Re-entry team expects to celebrate the graduation of a number of additional participants before the end of 2021.

High School Fellowship Program and Federal Trial Practice Seminar

Due to COVID-19, the District Court unfortunately had to cancel the 2020 and 2021 versions of 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 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) receive presentations from members of the federal and state judiciary, governmental organizations and members of the Delaware Bar. Twelve high school students are now alumni of the program.

COVID-19 also forced the cancellation of the 2021 version of the District Court's 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. Since the FTPS began in 2010, 52 attorneys have graduated from the program, many of whom continue to practice regularly in our Court.

The Court looks forward to offering these programs again in future years.

THE DELAWARE CHAPTER OF THE FEDERAL BAR ASSOCIATION

The past year for the Delaware Chapter of the Federal Bar Association was a reminder that we should not take the events we have routinely been able to host for granted. Although the Delaware Chapter was able to host events virtually during the pandemic, including a “brown bag” luncheon with Magistrate Judge Hall, a consumer bankruptcy seminar, and a POWER Act webinar, we were forced to cancel the District of Delaware Bench and Bar Conference in 2020, and our Federal Trial Practice Seminar that would have taken place this past spring.

As we look forward, however, we are restarting the process of planning the interesting CLE programming and memorable events that our members have come to expect and, more importantly, we look forward to the opportunity to once again come together. As I close out my term on the executive board as president, I would like to thank the Judges of both the District and Bankruptcy Courts for their steadfast support of the Delaware Chapter. Without it, the Chapter’s success would not be possible. It has been a rewarding opportunity and an honor working with the Judges and staff of the District and the Bankruptcy Courts and the dedicated members of our Chapter to put on so many great programs for the past eight years. I would also like to thank the officers of our Chapter, Jeremy Tigan, Laura Hatcher, and Jeff Castellano. Their assistance has been instrumental, and I know the Delaware Chapter will be in great hands with Jeremy Tigan as President, Laura Hatcher as Vice President, Jeff Castellano as Secretary, and Bindu Palapura as Treasurer.

Now more than ever, we look forward to seeing you at future Delaware Chapter events!

