

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 with a bundle of arrows and a laurel wreath. The text "UNITED STATES DISTRICT COURT" and "DISTRICT OF DELAWARE" is superimposed over the top half of the seal.

UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

ANNUAL REPORT 2022

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
2022**

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

TABLE OF CONTENTS

Introduction.....	Page 1
The District Court	Page 3
The Bankruptcy Court.....	Page 4
Clerk's Office.....	Page 5
Civil & Criminal Filings	Page 6
Civil Case Filings.....	Page 7
Patent Case Filings.....	Page 9
Juror Services.....	Page 11
Naturalization.....	Page 13
U.S. Bankruptcy Court.....	Page 14
Bankruptcy Court Case Statistics.....	Page 14
Community Outreach.....	Page 18
The Delaware Chapter of the Federal Bar Association	Page 20

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Office of Judges Programs, Statistics Division, Administrative Office of the United States Courts. *1975 - 2021 (inclusive) Annual Report of the Director: Judicial Business of the United States Courts*. Washington, D.C.: U.S. Government Printing Office, 1974 - 2021.

Office of Judges Programs, Statistics Division, Administrative Office of the United States Courts. *1974 - 2021 (inclusive) Federal Court Management Statistics*. Washington, D.C.: U.S. Government Printing Office, 1974 - 2021.

Photographs by: Eric Crossan

INTRODUCTION

The biggest news for the Court this past year was the elevation of my predecessor as Chief Judge, Leonard P. Stark, to the Federal Circuit. Judge Stark is not only a brilliant jurist; he is a wonderful and gracious colleague. We miss him terribly, but we wish him the very best in his new role. We look forward to thanking him for his exemplary service to the Court at an event sponsored by the Federal Bar Association in September.

Last week—on July 20, 2022—the Senate confirmed Gregory B. Williams to fill the vacancy created by Judge Stark’s elevation. The last five judges nominated to the Court all took their oaths of office and entered duty within two weeks of their respective Senate confirmations, so I am hopeful that the Court will have a full complement of judges in short order.



It is an understatement to say that we are in desperate need for the vacancy to be filled. We currently have the second highest weighted case filings per judgeship (902) in the country. To put that in perspective, the national average filings per judgeship (526) is 58% of our weighted filings figure. And it bears mention that although two of our judges currently have Multi District Litigation (MDL) cases, none of those cases has a gargantuan number of plaintiffs that can sometimes skew the average weighted filings per judgeship metric. It is our judges’ overall caseloads, not an anomalous MDL, that account for our Court’s disproportionate weighted filings figure. The complex nature of our caseload (more than 20% of all patent cases filed in the United States last year were filed in our Court) make the workload all the more challenging. More details about our caseload are set forth in this Annual Report.

In handling the caseload, we have benefitted greatly from visiting judges from other districts and circuits. The list of these generous colleagues is long, but each of them has done so much to help us that I want to expressly identify and thank them:

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 Matthew W. Brann, Middle District of Pennsylvania
Honorable William C. Bryson, Senior Judge, Federal Circuit Court of Appeals
Honorable Robert T. Dawson, Senior Judge, Western District of Arkansas
Honorable Timothy B. 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 Robert D. Mariani, Middle District of Pennsylvania
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. Quiñones Alejandro, Eastern District of Pennsylvania
Honorable L. Felipe Restrepo, Third Circuit Court of Appeals
Honorable Eduardo C. Robreno, Senior Judge, 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

In other news, I am happy to report that court operations have largely returned to “pre-COVID” times. For many months now, we have had jury trials and other in-person proceedings with regularity and without difficulty. In May, we formally adopted Phase Four (i.e., “normal operations”) of our Reopening Guidelines.

We were able to function during COVID and return to Phase Four and we are able to manage our burdensome caseload because we are blessed with dedicated and talented employees. In addition to our Clerk of Court, John Cerino, these unsung folks include our court security officers, IT staff, intake workers, janitorial staff, administration and budget experts, case managers, and deputy clerks. I am privileged to have the opportunity to work each day with these individuals, and I am grateful for their service. Thanks to them, the state of our Court is excellent.

Colm F. Connolly
Chief Judge

THE DISTRICT COURT



Seated: Judge Maryellen Noreika, Judge Leonard P. Stark, Chief Judge Colm F. Connolly, Judge Richard G. Andrews

*Standing: Magistrate Judge Jennifer L. Hall, Magistrate Judge Christopher J. Burke
Chief Magistrate Judge Mary Pat Thyng, Magistrate Judge Sherry R. Fallon*

THE BANKRUPTCY COURT



Seated: Judge Brendan Linehan Shannon, Judge Mary F. Walrath, Chief Judge Laurie Selber Silverstein, Judge Christopher S. Sontchi.

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

CLERK'S OFFICE

During the past year we have continued to deal with the impact of the COVID-19 pandemic. It has been challenging to say the least, but we have managed remarkably well. We are currently operating in Phase Four of our Re-Opening Guidelines which is a return to pre-pandemic operations, and most of the Court Orders put in place to manage the pandemic have been vacated. The Clerk's Office is operating at full strength, in the office. However, we remain ever vigilant to address positive cases and alter our operations if needed.

The District of Delaware's Clerk's Office continues to meet the challenges of a very busy Court. Our Court is currently ranked second nationally in weighted filings per judge. If it were not for a Multi District Litigation (MDL) at the first-place court we would hold the number one spot. Intellectual Property cases (Patent, Copyright, and Trademark) make up 49% of our civil docket. To deal with the heavy, complex caseload and our judicial vacancy, we enjoy the assistance of visiting judges. Their assistance is greatly appreciated, and we do everything possible to accommodate their needs. We also are very thankful to the bar for their work with the visiting judges.

Going forward we hope to continue the path to full normalcy. We learned a great deal over the past two years and made numerous operational adjustments, we continuously monitor conditions and adjust our processes as appropriate.

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

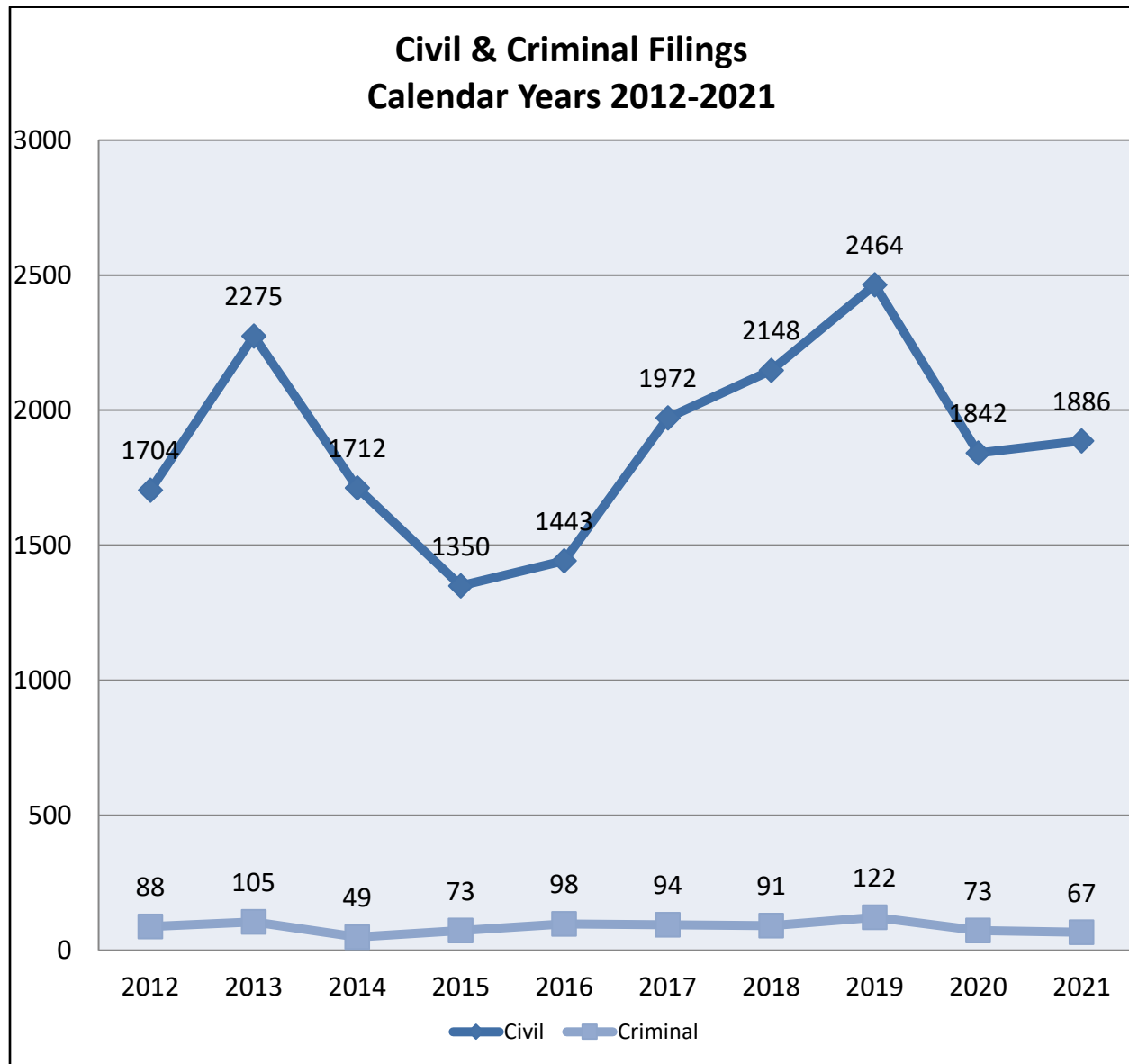


Respectfully submitted,

John A. Cerino
Clerk of Court

CIVIL AND CRIMINAL FILINGS

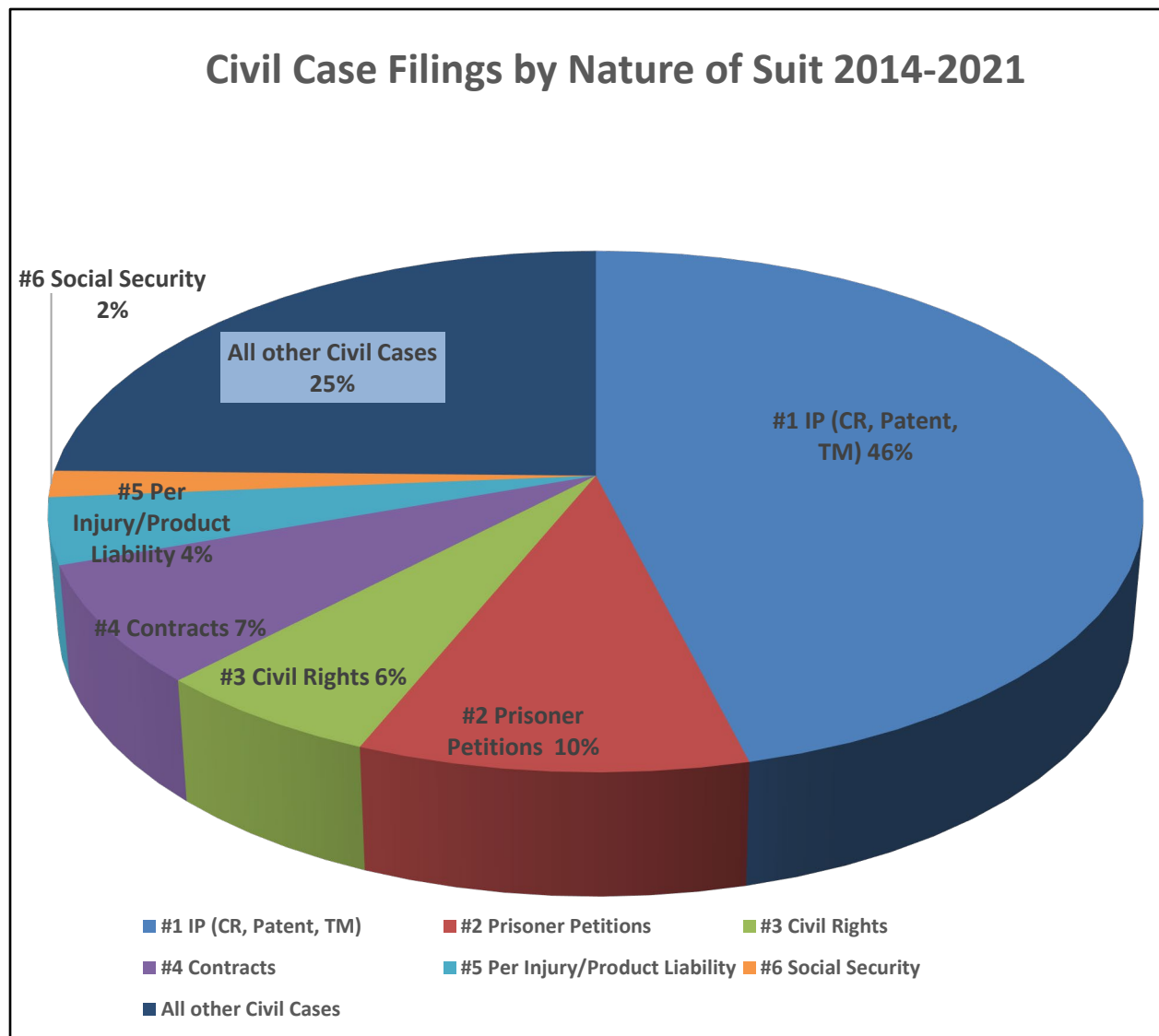
The following graph shows civil and criminal filing trends from 2012 to 2021. Civil case filings made a very slight increase in 2021 from 2020. In 2021, a total of 1,886 civil cases were filed, a 2.4 percent increase from the previous year of 1842 cases filed. Criminal case filings decreased from 73 in 2020 to 67 in 2021, an 8 percent decrease from the previous year.



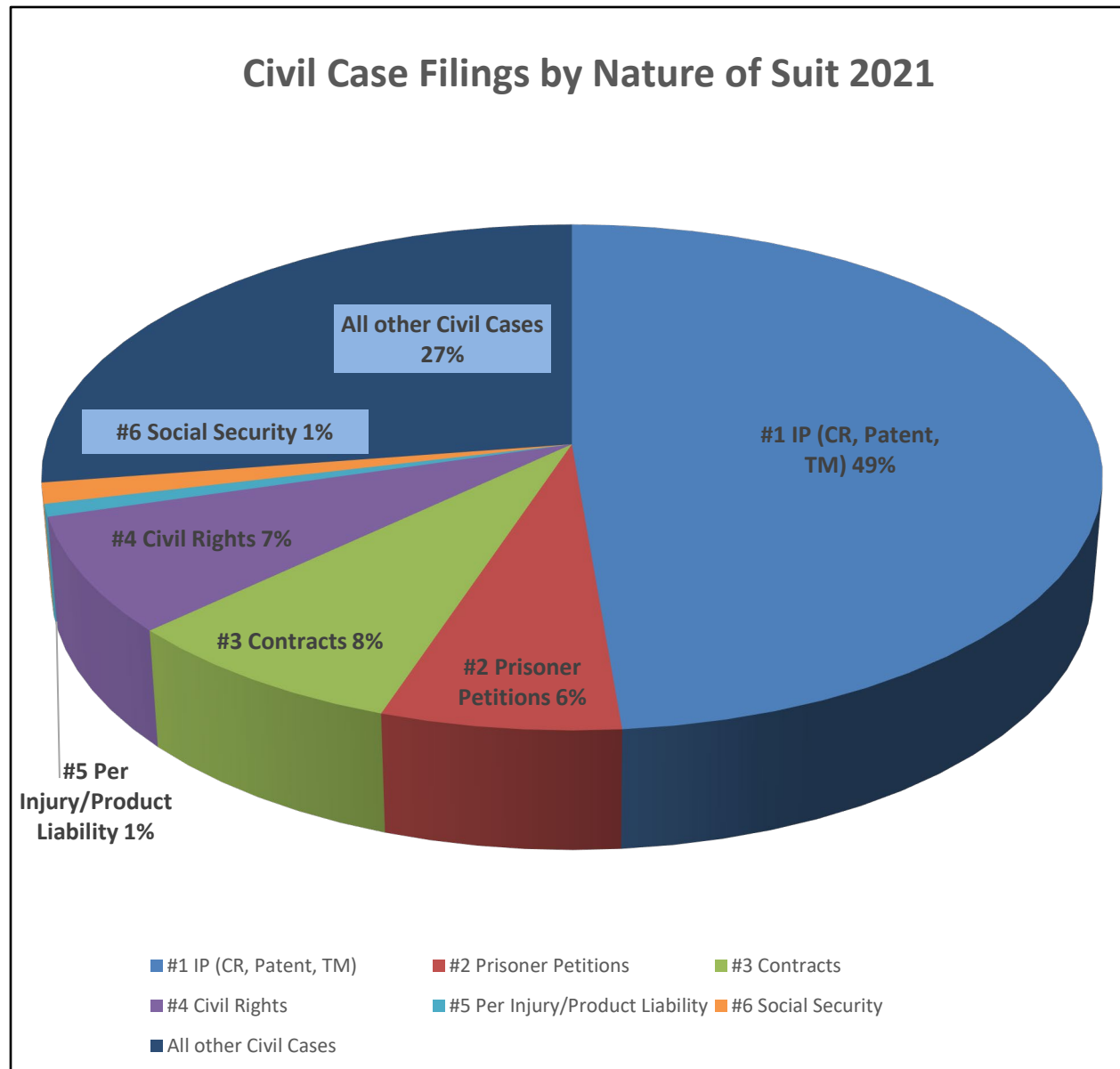
CIVIL CASE FILINGS

The two graphs that follow represent the highest six types of civil cases filed in the District since 2014, 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 2014 through 2021. IP cases account for 46 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 25 percent of the civil filings.



The second graph displays total civil filings for calendar year 2021 by the top nature of suit categories. IP cases account for 49 percent of civil filings, Prisoner Petitions six percent, Contracts eight percent, Civil Rights 7 percent, Personal Injury/Product Liability one percent, and Social Security one percent. All Other Civil Cases accounted for 27 percent of the total civil filings.

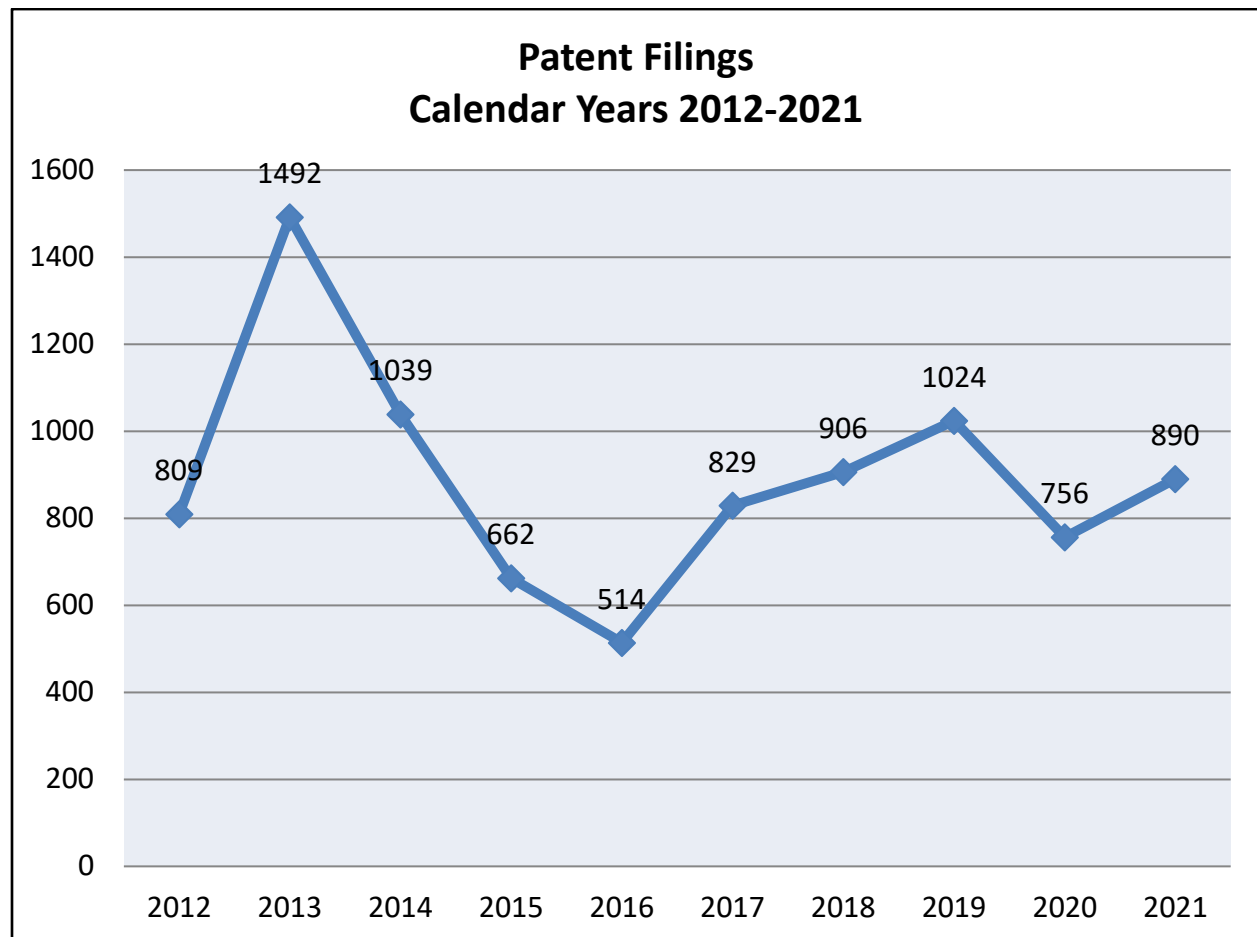


PATENT CASE FILINGS

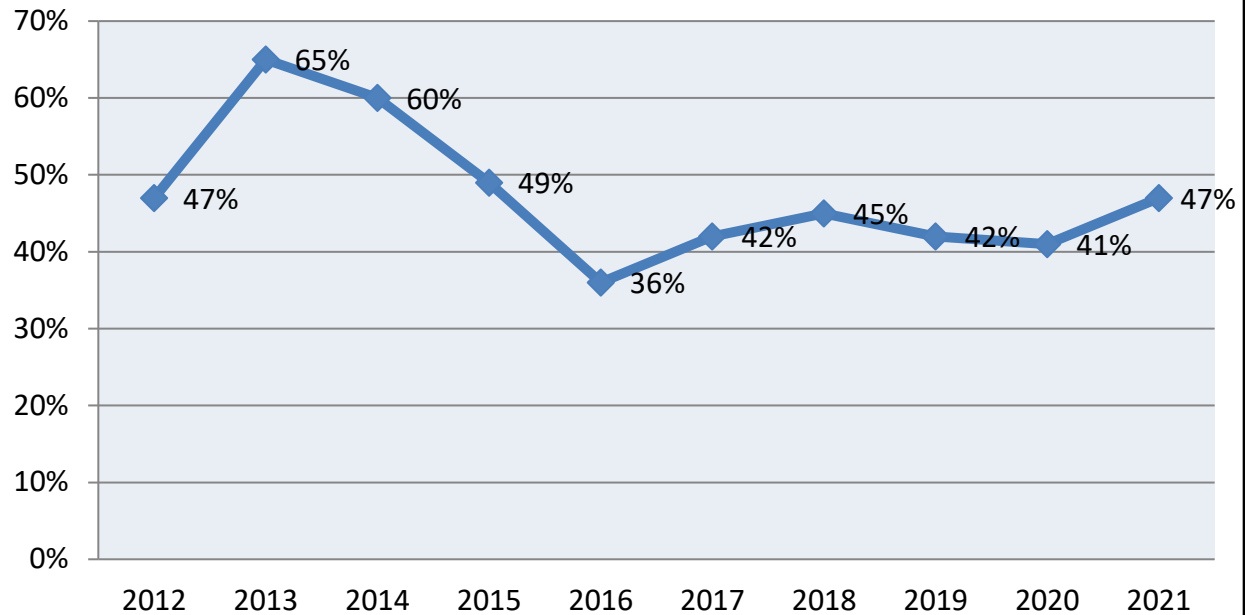
Patent filings continue to be a substantial part of the District Court's caseload. The first graph details the annual number of filings during the period from 2012-2021. In 2021, 890 patent cases were filed, a 17.75 percent increase from the previous year of 756.

The second graph shows the decrease of patent filings as a percentage of Civil caseload, which increased by six percentage points, from 41% to 47% in 2021.

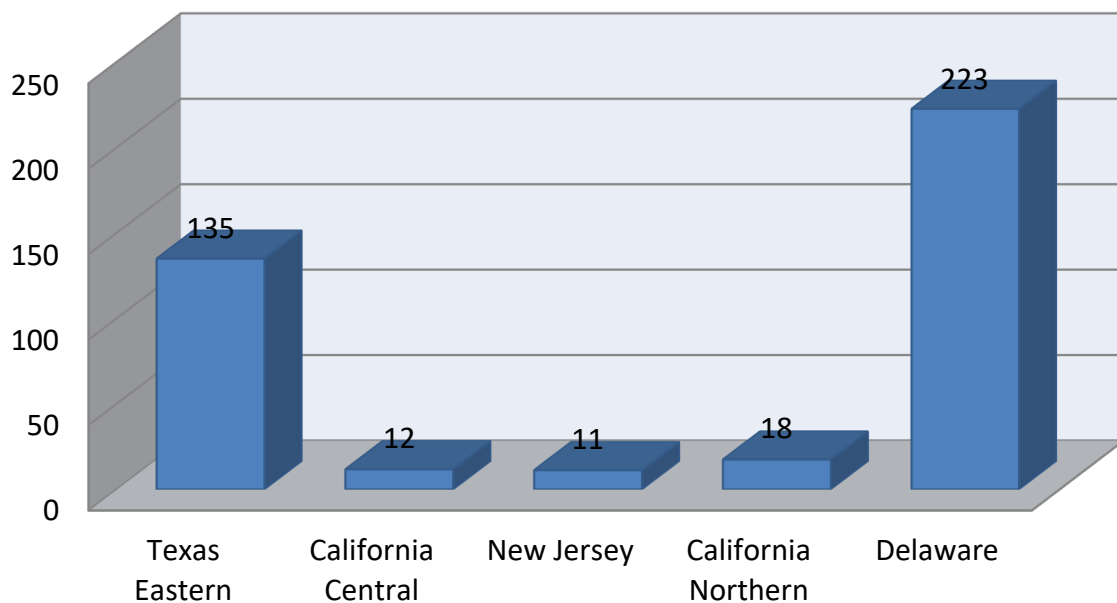
For the past decade, Delaware has ranked in the top five district courts for patent filings in the nation. The third graph displays the cumulative average of patent filings per authorized judgeship from 2012 to 2021. During those years, Delaware averaged 223 patent cases filed per authorized judgeship. In 2021 Delaware continued to hold the top position nationally for the number of patent cases filed per authorized judgeship of 222 cases. A 17.5 percent increase from the previous year of 189 cases. Nationally, this ranks Delaware 200 percent higher than the second position nationally and 283 percent higher than the third position.



**Patent Filings as a
Percentage of Civil Caseload
Calendar Years 2012-2021**



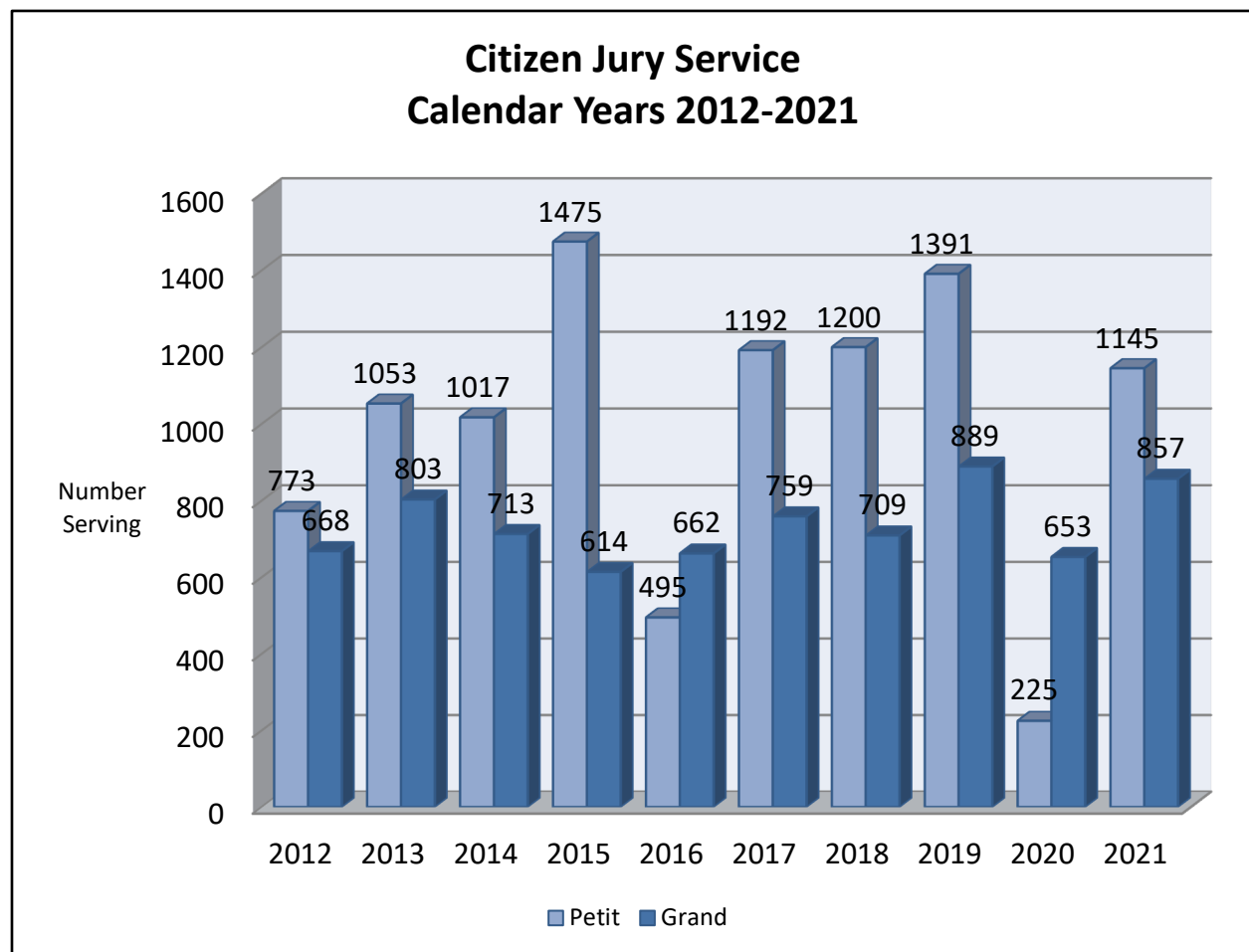
**Average Patent Cases Per Judgeship
Calendar Years 2012-2021**



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 is available 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.



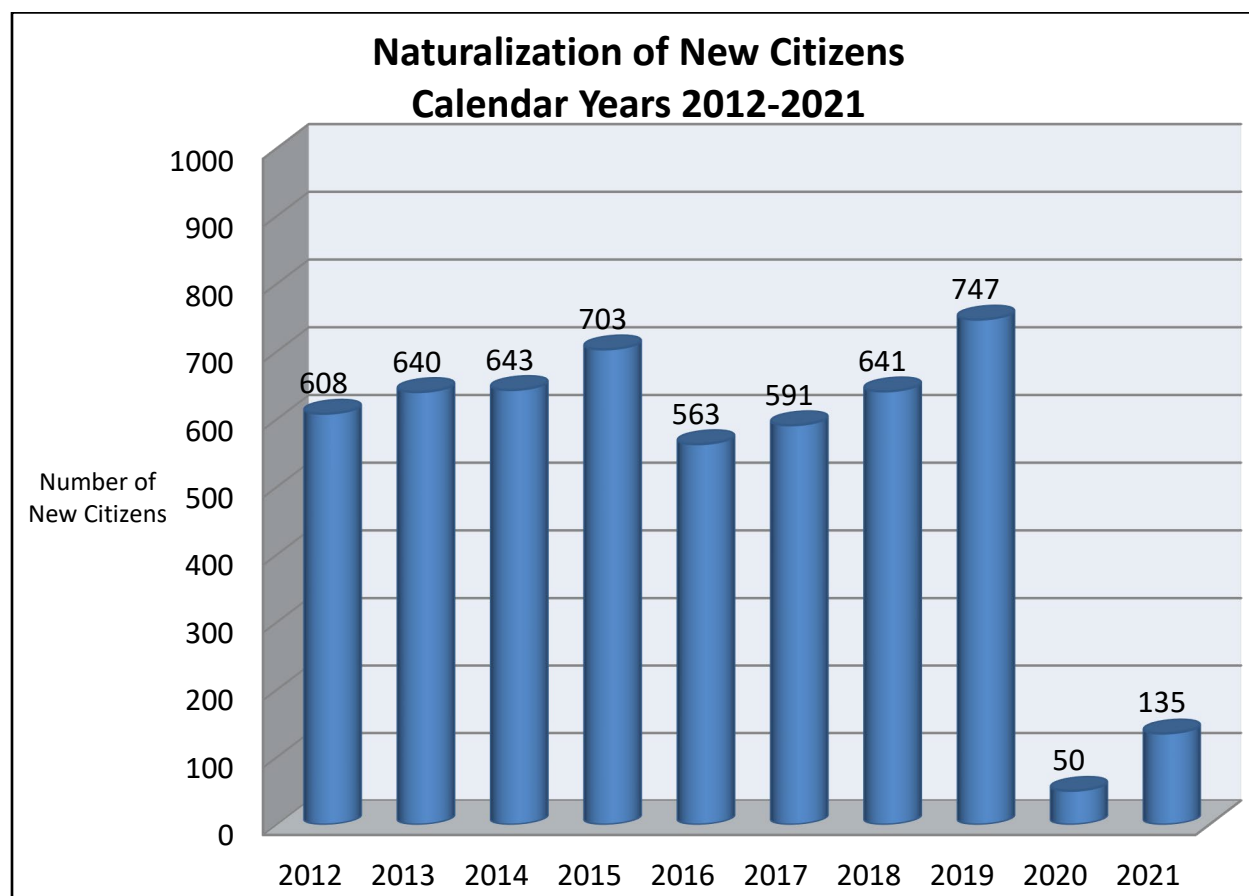
During 2021, the total number of citizens who reported for petit jury duty was 1145, compared to 2020, when 225 reported. Service on grand juries increased significantly in 2021 to 857 citizens reporting compared to 2020, when 653 citizens reported for service.

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 2021, a total of 135 new citizens were naturalized compared to 50 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

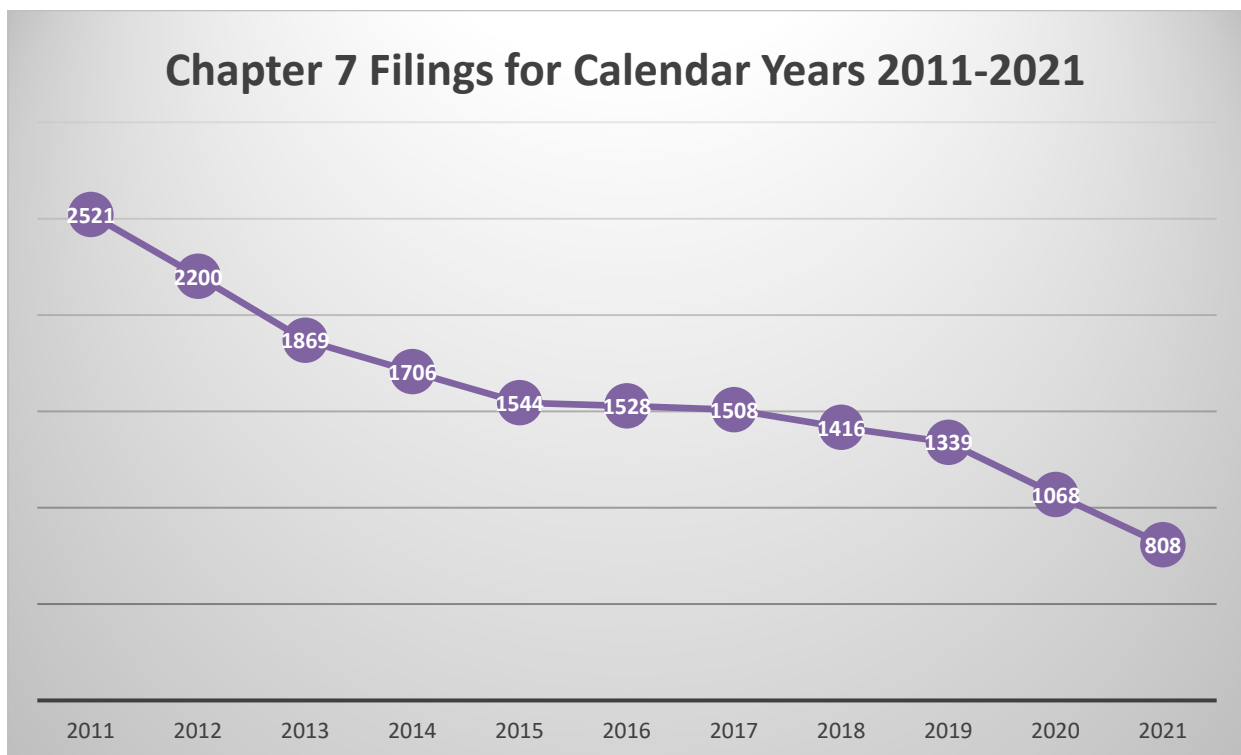
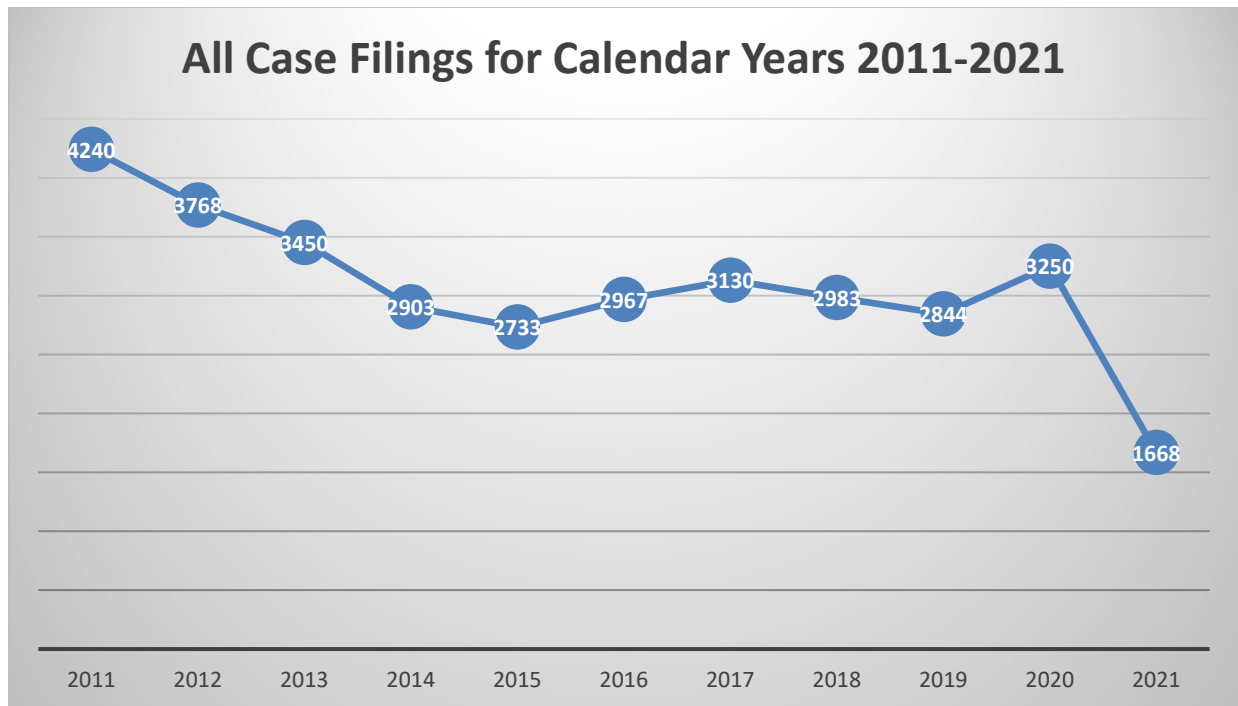
As a result of Bankruptcy Amendments and the Federal Judgeship Act of 1984, 28 U.S.C. § 157(a) was amended to provide that each District Court could refer all Title 11 cases to a Bankruptcy Judge. On July 23, 1984, the United States District Court for the District of Delaware issued a Standing Order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

The United States Bankruptcy Court for the District of Delaware currently has a total of eight authorized judgeships with seven sitting judges (Hon. Christopher S. Sontchi recently retired). The Third Circuit is in the process of filling the vacant judgeship. 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, 2022, filings of Chapter 11 cases (238), lead Chapter cases (50), and mega cases (28) were down significantly year over year. The Bankruptcy Court’s weighted caseload per authorized judgeship is 2,363, which is still the 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

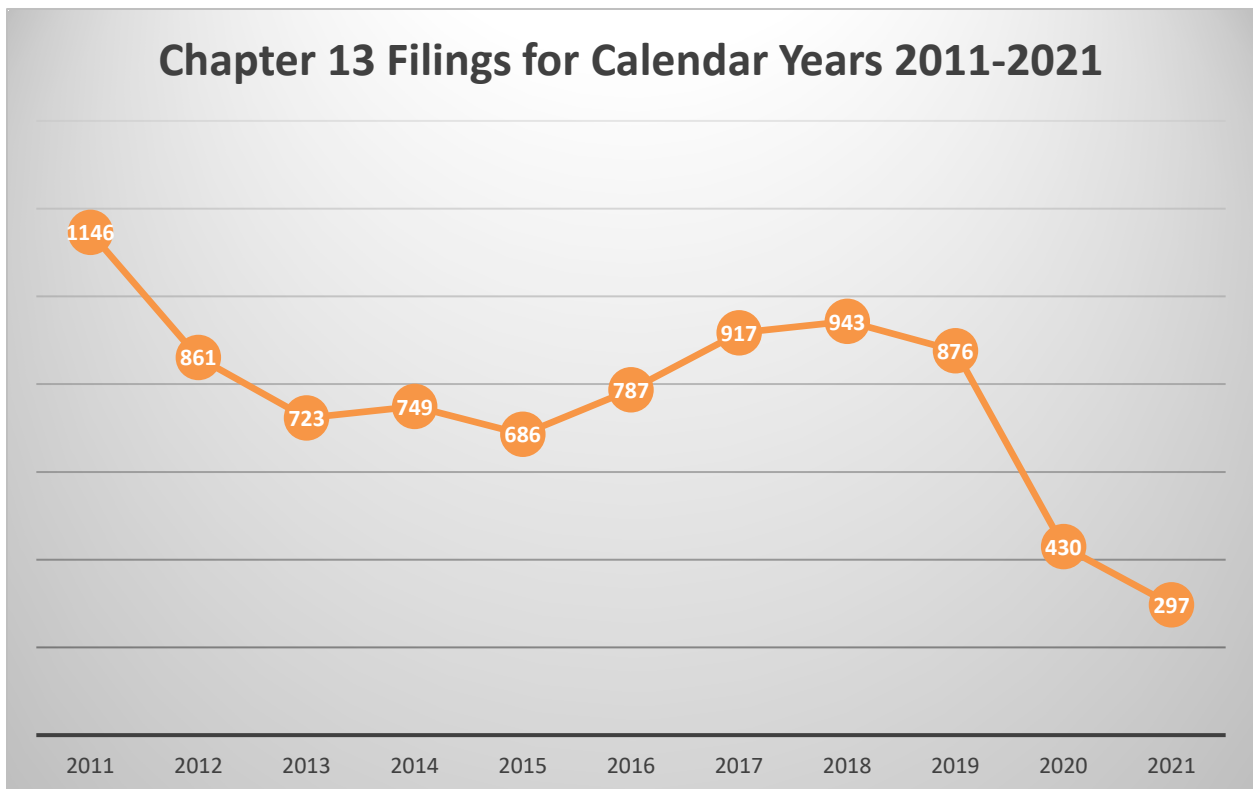


BANKRUPTCY COURT STATISTICS, CHAPTERS 11 & 13

Chapter 11 Filings for Calendar Years 2011-2021

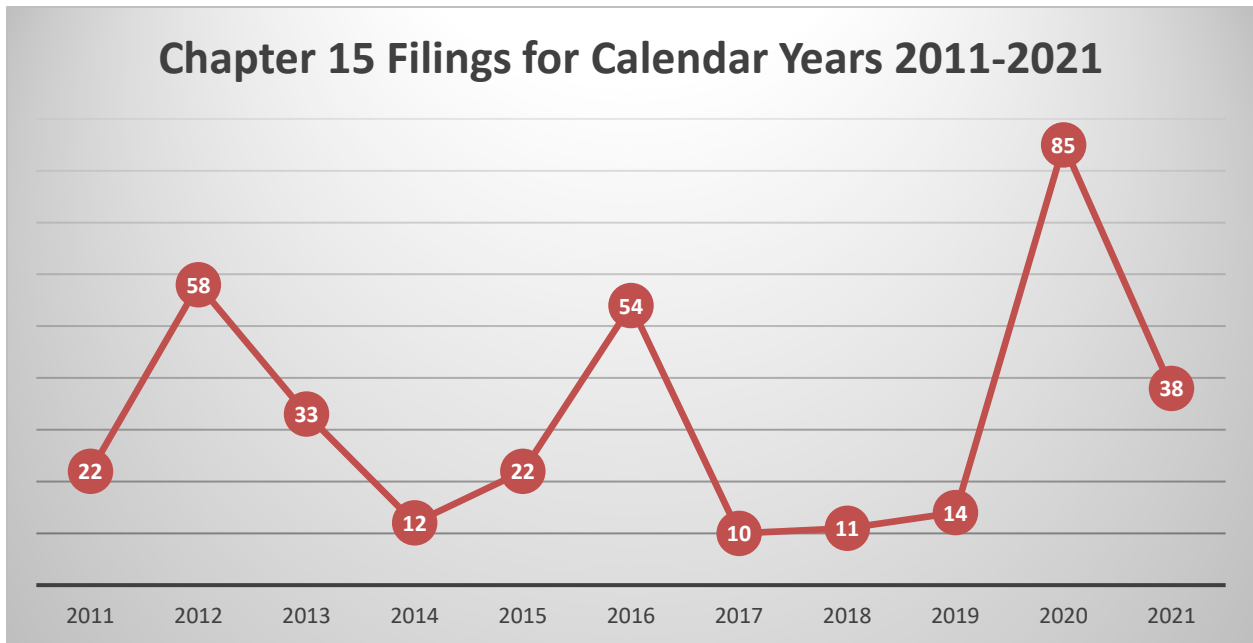


Chapter 13 Filings for Calendar Years 2011-2021

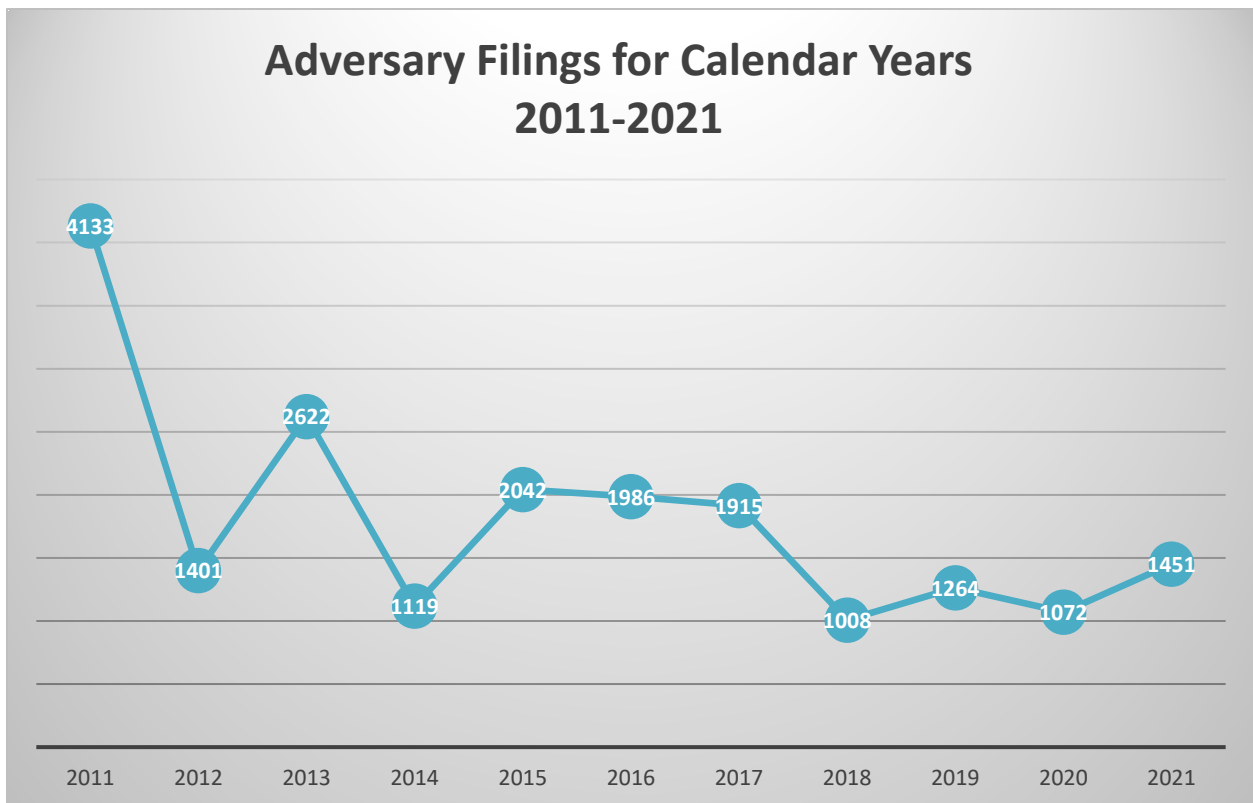


BANKRUPTCY COURT STATISTICS, CHAPTER 15 & ADVERSARY

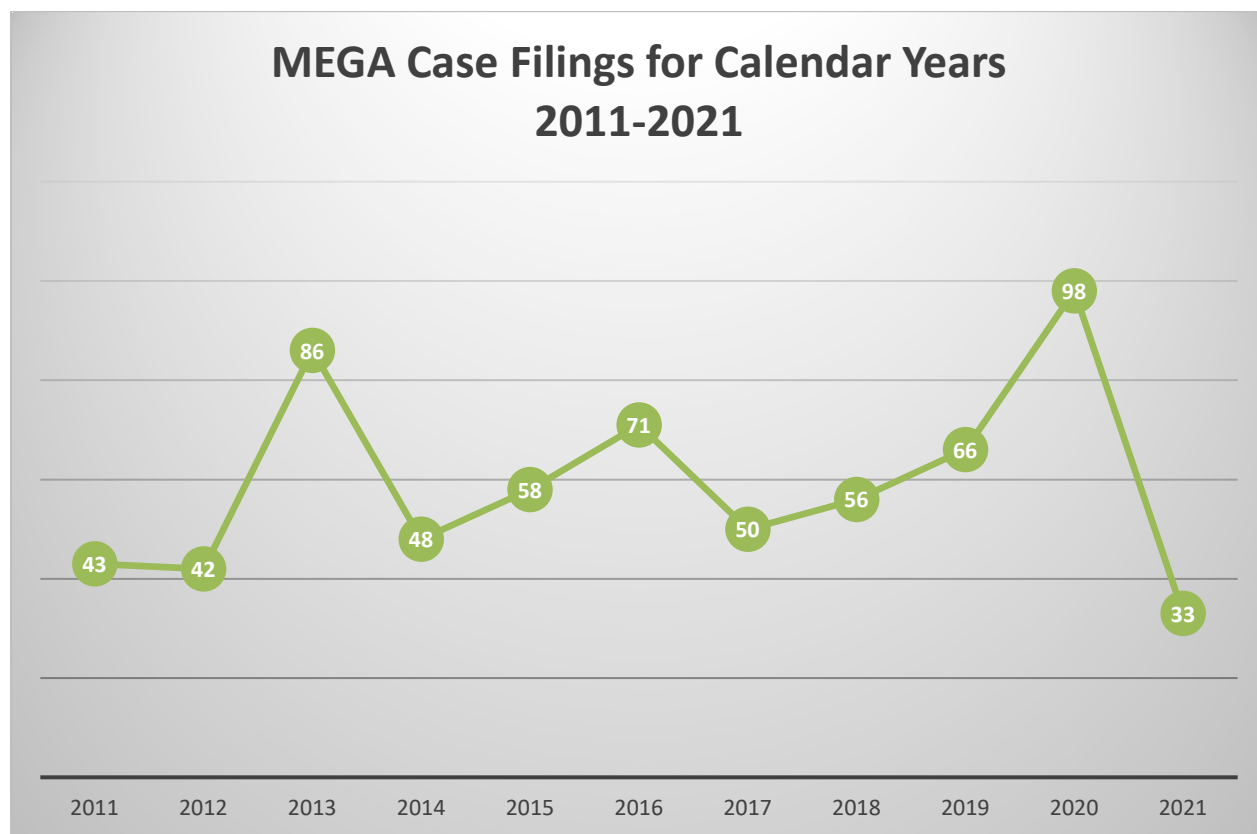
Chapter 15 Filings for Calendar Years 2011-2021



Adversary Filings for Calendar Years 2011-2021



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 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 5th and 6th grade classes focused on civics, citizenship, and the concept of the “Rule of Law.” The essay prompt is: “What does the Rule of Law mean to you and to our country?”

The winning contest entries for the District of Delaware were selected by a Judges Committee including Magistrate Judges Sherry Fallon and Christopher Burke, and Bankruptcy Judge Kate Stickles. Programs were presented on May 2, 2022, in celebration of Law Day to congratulate the two winners in our District. One winning essay was submitted on behalf of a fifth-grade class at Cooke Elementary School and the other winning essay was submitted on behalf of an individual sixth grade student by her teacher at Caravel Academy. The programs were virtual and involved interactive participation with teachers, school administrators and students.

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. Since its beginning in 2012, 30 participants have graduated from the Re-entry Court.

High School Fellowship Program

Due to COVID-19, the District Court unfortunately had to cancel the 2022 version 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.

The Court anticipates offering the HSFP again in 2023.

Federal Trial Practice Seminar

COVID-19 had 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 anticipates offering the FTPS again in 2024.

THE DELAWARE CHAPTER OF THE FEDERAL BAR ASSOCIATION

Once again, the pandemic put a damper on the number and type of events the Delaware Chapter of the Federal Bar Association could host over the past year. In recent months, however, the Chapter has resumed putting on in-person events, with more to come in the second half of this year and into 2023.

In February 2022, the Delaware Chapter partnered with the Bankruptcy Court and sponsored a CLE program on consumer bankruptcy practice. The half-day CLE was followed by a reception at the Hotel du Pont. In addition to the return of the Annual Luncheon at the Hotel this month, the Chapter is planning a slate of in-person CLE programming and brown bag lunches that will begin this fall, with announcements about those events expected soon. Together with the District and Bankruptcy Courts, the Delaware Chapter is also in the planning stages for the return of the biannual District of Delaware Bench and Bar in 2023, with the resumption of the Federal Trial Practice Seminar anticipated thereafter.

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 was established last year for charitable and public service purposes, including 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, Kelly Farnan and Andrew Mayo, are also an incredible resource and both continue to assist with planning our events. Finally, the members of our Executive Board, Laura Hatcher, Jeff Castellano, and Bindu Palapura 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,

Jeremy A. Tigan, Esq.
President, Delaware Chapter of the Federal Bar Association

