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## Delaware Views from the Bench

# Fireside Chat with Chief Justice Collins J. Seitz Jr.

**Hon. Thomas M. Horan, Moderator**

U.S. Bankruptcy Court (D. Del.) | Wilmington

**Prof. Phillip Closius**

Wilmington University School of Law | Wilmington, Del.

**Hon. Collins J. Seitz, Jr.**

Delaware Supreme Court | Wilmington

Delaware Bench and Bar Diversity Project

# Strategic Plan Update 2024

CHIEF JUSTICE COLLINS J. SEITZ, JR.

## HISTORY

### ► TIMELINE

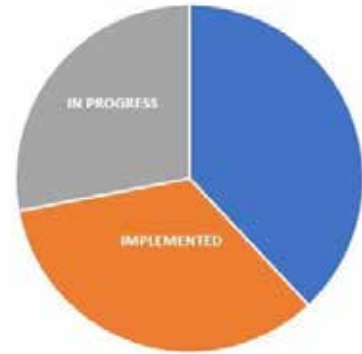
- May 13, 2021 Delaware Supreme Court adopts an administrative order to establish a Diversity Strategic Planning Effort.
  - A Steering Committee is established working with the National Center for State Courts and the Access Lex Institute.
- January 31, 2022 IMPROVING DIVERSITY IN THE DELAWARE BENCH AND BAR STRATEGIC PLAN: Report and Recommendations is published on Judicial Branch Website.
  - <https://courts.delaware.gov/aoc/publications.aspx>.



## Overview

- ▶ In the two years since the Strategic Plan was published:
- ▶ **More than half of the 50 recommendations in the plan have been implemented or are in the process of being implemented.**
  - ▶ 17 recommendations have been fully implemented.
  - ▶ 14 are in progress.
  - ▶ Significant progress in the Bar Exam and Admissions reform thanks to the Board of Bar Examiners. Also in Pre-College Outreach, thanks to the efforts of Delaware Law Related Education Center (DELREC).

### Strategic Plan Recommendations



## STRATEGIC PLAN FOCUS AREAS

- ▶ Pre-College Engagement
- ▶ Colleges and Law School Outreach
- ▶ Bar Exam and Admissions
- ▶ Diversity in the Delaware Bar
- ▶ Diversity in the Judiciary



## Pre-College Engagement

### ► Implemented

- Overhaul the Delaware Law-Related Education Center (DELREC) and its current educational programming.
- Create paid internship programs to give students opportunities for experiential learning to increase interest in pursuing a legal career.
- Create a “Supreme Court on the Road” program to expose students to the work of the Court and Bar.



## Pre-College Engagement

### ► In progress

- Create a targeted media campaign to increase student awareness of the Delaware legal profession and career paths available.
- Implement Delaware Civics Standards in all public schools Grades K – 12, with a special focus on existing legal vocational programs.
- Update and expand current Law Day materials and curriculum so they are more relevant to students.
- Create a law-related analog to the Minority Engineering Regional Incentive Training (MERIT) program to stimulate underrepresented groups' interest in the law and legal profession.





## Bar Exam and Admissions

### ► Implemented

- *Collect racial and ethnic data of bar candidates and attorneys.*
- *Conduct a study of minimum competence.*
- *Conduct a bar exam cut score study.*
- *Revisit the substance and format of the clerkship requirement and task list.*
- *Redesign the Board of Bar Examiners' website.*



## Bar Exam and Admissions

### ► Implemented

- *Reconsider the cost of the fee for late bar applications.*
- *Consider reducing the number of essays and topics tested on the bar exam.*
- *Explore the feasibility of offering two bar examinations annually to include a study of the makeup of the Board and impacts on the staff.*

### ► In progress

- *Increase "feeder school" outreach.*



## Colleges and Law School Outreach

### ► In progress

- *Establish coordinated pathways to admission with students who attend Delaware State University and other external institutions and organizations that serve significant numbers of potential law school applicants from underrepresented racial and ethnic groups.*



## Diversity in the Delaware Bar

### ► Implemented

- *Collect data to support the analysis of racial, gender, and ethnic disparities in the Delaware bar and the evaluation of programs to mitigate those disparities.*

### ► In progress

- *Provide opportunities for judicial leaders to engage in regular personal interaction with attorneys at all career stages.*
- *Take steps to reduce implicit bias and identity threat in the court environment.*
- *Develop and implement a coordinated career-long program of evidence-based implicit bias training for attorneys.*
- *Continue to expand the Supreme Court's support of the Delaware Bar Association's summer diversity clerkship program.*



## Diversity in the Delaware Judiciary

### ► Implemented

- *Use the annual judicial retreat to introduce new data, information, and programs on ways to increase diversity.*
- *Establish a Diversity, Equity, and Inclusion Coordinator (“DEI Coordinator”) at the Supreme Court, and eventually at all courts.*
- *Retain a firm/company to survey bar members about their race and ethnicity\*. (this recommendation is now achieved through changes to the attorney registration process.)*
- *Before posting or circulating a judicial vacancy, confirm that draft notices accurately reflect the legal requirements for appointment as provided in the Delaware Code.*
- *Develop continuing education for all members of the bar on the judicial appointment process.*



## Diversity in the Delaware Judiciary

### ► Ongoing

- *Promote the work of the Delaware Supreme Court, NCSC, and AccessLex within the legal community, including in Delaware-focused publications.*
- *Provide direct mentorship opportunities between judicial officers and diverse members of the bar and students (law, college & high school) interested in a judicial career.*
- *Support initiatives of other institutions/agencies that have a direct impact on the diversity of the bench and bar in Delaware.*
- *Promote diversity recruitment at major law firms and the Attorney General’s office, traditional elements of the pipeline.*





## The path forward

- ▶ Address and continue working with others to address remaining recommendations in the Strategic Plan in the coming years.
  - ▶ Connecting with the Community: Access to Justice
  - ▶ Connecting to Delaware Agencies and Other State Courts
  - ▶ Connecting to the Judicial Branch Workforce
    - ▶ In-house mentorship programs.





**Wilmington University**  
**School of Law**

Dean Closius



## **An Introduction to Wilmington University School of Law**

- No reason to open a new law school doing what all other 195 law schools are doing. Different.
- Student oriented, not faculty oriented
- Wilmington University values and financial strength
- Regional Market – Delaware is our home but must include Southeastern Pennsylvania, Southern New Jersey, and Northeastern Maryland.



## ABA Accreditation

1. March 15, 2024 – Notice of Intent
  2. August 1, 2024 – File required documentation
  3. October 2024 – Site Team Visit
  4. December 2024 – ABA Staff Review
  5. March 2025 – ABA Council votes on provisional accreditation status (Students become eligible to take the bar exam.)
- Strong Application – Financial strength of university, values, experienced staff, excellent facilities (new building)



## Affordability - \$24,000/\$18,500

1. Regional Law Schools - \$57,000 - \$75,000 but significant discounting
2. No discounting with WilmU but 2-4-6 (DAY) and 1-3-5 (EVENING)
3. University financial strength, faculty teach 4-5 courses (not 3), minimal books in library, required curriculum (19 courses), adjuncts teaching specialty courses (mainly last year) and externships



## Academics

1. 19 required courses (first and second year day). All bar topics and what every lawyer should know. All courses must teach every topic in bar outline.
2. Third Year – Externships and Delaware specific courses. Adjuncts for specialty courses
3. Assessments – Week 5, Week 10, and Final Exam.
  - 3 Hour Final = 30 multiple choice questions closed book/60 minutes, bar essay closed book/30 minutes, and traditional essay open book/90 minutes.
  - 3 different testing formats



## Test to the Bar, Not Teach to the Bar

1. First Assessment, Bar Essay/30 minutes/closed book  
Second Assessment, 15 Multiple Choice/30 minutes/closed book
2. Format Familiarity – with final exam
  - 45 multiple choice questions x 19 classes
  - = 855 Bar Multiple Choice Practices
3. In Weeks 5 and 10 Assessments, we look for 2 things:
  - Students who are low on both tests
  - Students who are high on essay but low on multiple choice, or vice versa



## Admissions

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1. Not enough Delaware LSAT Takers (150) – Need a regional perspective
  2. Philadelphia schools and Rutgers Camden all have median LSAT scores of 157 or higher. Unserved market at 150 – 155
  3. Trying to break barriers. Need to take students we believe will graduate and pass the bar. But trying to be less tied into LSAT scores. However, not open admissions.
  4. First class of 20 total (103 applications, 42 accepted). I am confident we will take off after we get provisional accreditation
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## Diversity

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1. Following the University, we define broadly. Overcoming a barrier or a discrimination
  2. Partnering with Delaware Supreme Court Initiative to diversify bench and bar. 22% of Delaware African American – not that percentage in legal community
  3. 8/20 students of color – 4/9 faculty members
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## Faculty

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1. Most law schools hire faculty who went to 5-6 elite law schools. We emphasize good teaching and employment record.
  2. 4 (Soon to be 6) tenure track faculty, 3 Professors of the Practice (Senior)
  3. Student evaluations positive
  4. Publications expected but teaching primary
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## Location and Facility

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1. Brandywine Ideal – Rolling hills and commercial
  2. Current building – Great – 2 65-seat classrooms and administrative offices
  3. New building under construction – 3 floors. 3 story glass atrium overlooking woods. State of the art technology.
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## Kent and Sussex County Lawyers Involved

1. Jobs – Summer and Permanent
2. Mentors
3. Panels and Speakers
4. Adjunct Professors and/or supervise externships

Be a presence in the law school

Thank you.

**Dean**

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**Wilmington University**  
**School of Law**

*Law.WilmU.edu*

# Faculty

**Prof. Phillip Closius** is the dean of Wilmington University School of Law in Wilmington, Del. He previously served as dean and professor at the University of Baltimore School of Law and the University of Toledo College of Law. In addition, he taught at Southwestern University School of Law (California), the University of Bridgeport School of Law (Connecticut) and the Ohio Northern University Pettit College of Law. Dean Closius garnered experience in practicing law at several firms before establishing a career in academia, and he serves as Of Counsel for Silverman, Thompson, Slutkin & White, a Maryland- and Washington, D.C.-based firm. He also also has published extensively. Dean Closius received his J.D. from Columbia Law School.

**Hon. Thomas M. Horan** is U.S. Bankruptcy Judge for the District of Delaware in Wilmington, appointed in 2023. He previously practiced law in Wilmington for 18 years, focusing on financial restructuring and bankruptcy litigation. Most recently, Judge Horan had been a member of the Bankruptcy, Insolvency and Restructuring group at Cozen O'Connor, a national firm headquartered in Philadelphia with a Wilmington office. His national practice included representing debtors and official unsecured creditor committees in complex chapter 11 proceedings, and he represented secured creditors and other parties in litigation. He also frequently provided opinion letters on commercial transactions and represented parties before the state's Court of Chancery and Superior Court. Last year, Judge Horan was named to *Lawdragon's* list of the Top 500 U.S. bankruptcy and restructuring lawyers. He also serves on ABI's Board of Directors. Judge Horan received his B.A. in 1989 and his M.A. in 1992 from Fordham University, and his J.D. *cum laude* from St. John's University School of Law in 2002, where he was executive notes and comments editor for the *ABI Law Review*.

**Hon. Collins J. Seitz, Jr.** is Chief Justice of the Delaware Supreme Court in Wilmington, initially sworn in on April 14, 2015, and named Chief Justice on Nov. 8, 2019. Prior to his appointment, he was a founding partner of Seitz Ross Aronstam & Moritz LLP, a boutique corporate advisory and litigation firm in Wilmington, where he represented clients in high-profile corporate and trust disputes in the Delaware Court of Chancery and the Supreme Court. He also was a long-time partner in a large Wilmington law firm, where he litigated corporate and intellectual property disputes. Chief Justice Seitz serves as judicial liaison to the Corporate Laws Committee of the American Bar Association and is an adviser on the American Law Institute's Restatement of the Law, Corporate Governance. He also serves on the Judicial Conference Committee on Federal-State Jurisdiction. A member of the Delaware Bar since 1983, Chief Justice Seitz formerly served as a board member and chair of the Delaware Board of Bar Examiners, and he was a board member of the Board on Professional Responsibility. Federal and state courts have appointed him as a master and trustee to oversee complex corporate, commercial and intellectual property cases, and he is a Fellow of the American College of Trial Lawyers. Chief Justice Seitz is a trustee of the American Inns of Court and serves as a board member of Hockessin Colored School 107C – an organization dedicated to celebrating Delaware's role as one of the cases appealed in *Brown v. Board of Education*. He has led court efforts in Delaware to promote greater diversity in the Delaware Bar through the Delaware Bench and Bar Diversity Project. Under his leadership, major changes were made recently to the Delaware Bar Exam to make the state a more attractive and welcoming place to practice law and engage in public service. Chief

Justice Seitz received his undergraduate degree from the University of Delaware and his J.D. from the Villanova University School of Law.