2011 Annual Report *of the* Delaware Judiciary

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http://courts.delaware.gov (Delaware Judiciary)

http://courts.delaware.gov/AOC/AnnualReports/FY11 (2011 Annual Report, Statistical Report of the Delaware Judiciary and additional Delaware Courts background information)

Cover designed by Leslie H. Passano

MESSAGE FROM THE CHIEF JUSTICE

Honorable Myron T. Steele

The Court's roles are to preserve the past and serve the future. Delaware Courts have focused their efforts on maintaining and promoting a fair and independent Judiciary, consistent with the constitutional underpinnings of our governmental system, while pursuing a businesslike approach to enhancing the effectiveness of court operations. It is through those efforts, supported by others who appreciate the significance of the constitutionally obligated services provided by the courts, that the Delaware Courts continue to bring value to Delaware resulting from their national and international preeminence. Preserving court buildings which have historical importance, such as the recently renovated Kent County Courthouse, while modernizing court facilities to accommodate the demands of busy court operations provide ready examples. With the completion of the first two of three phases of the Kent County Complex improvements in FY 12, members of the public in Kent County have finally joined those in other counties with access to a well designed and secure courthouse for Superior Court, Court of Common Pleas and Court of Chancery operations. We eagerly anticipate completion of the final phase of that project—renovations to the historic Kent County Courthouse - in FY 13.

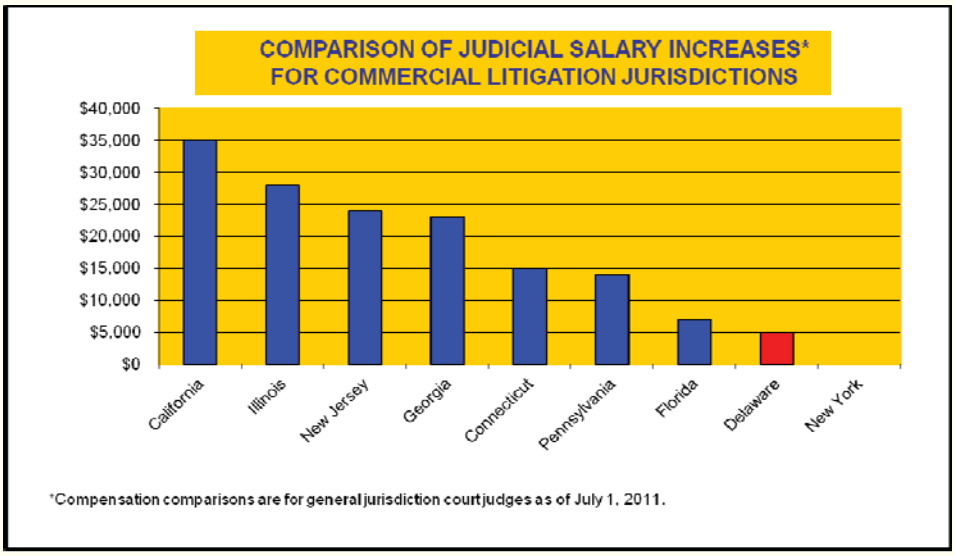
We suffer from a false illusion, however, if we believe that our courts can continue to manage their growing caseloads - up 16% overall for Delaware Courts in the last ten years - without additional resources to address unmet needs. A review of the Judicial Branch budget over recent years demonstrates our increasing fiscal challenges. In recent years, our funded budget, without considering increases in personnel benefit expenditures, has decreased - by 3.8% in FY 10 and by .4% in FY 11. We must receive sufficient funding to support the core services that the state constitution demands that we provide.

In FY 11, the failure to allocate the funds to annualize costs for two new Superior Court judges and associated staff in New Castle County and to address indigent services funding deficits, such as for Family Court contract attorneys that provide legally mandated representation for indigent parents and children in dependency and neglect proceedings, placed the quality of our justice system in question.

The importance of fully funding the new judges and staff cannot be understated. The Superior Court's caseload in New Castle County increased by 44% between 1994, when the last new judges in New Castle County were added, and 2011. Comparatively, the caseload increases which precipitated the last addition of new judges in New Castle County were significantly less - only 29% between 1989 -1994. Further, the composition of the caseload in New Castle County has grown more complicated. Currently, litigants file the vast majority of complex civil matters, mass torts, asbestos, and medical malpractice cases in the Superior Court in New Castle County, which also serves as the base for the Superior Court's Complex Commercial Litigation Division. While the number of judges in New Castle County has remained unchanged, the numbers of prosecutors and police officers in that county have grown dramatically - by 37% and 27%, respectively, since 1994. Since the last census, Delaware's population grew by 100,000 people. All of these changes demonstrate the court system's limited ability to absorb increases in work through increases in productivity alone.

On a more positive note, we are relieved that judicial branch employees received a 2% increase beginning in January 2012. We recognize that, even with that increase, compensation rates for state employees fall further and further behind

inflation and benefit cost increases. Similarly, Delaware judges' national standing based upon judicial compensation comparisons with other states that compete with us as a center for business disputes resolution has fallen – as a result of negligible pay increases for all judges since 2005 when the last Public Officers' Compensation Commission issued a report. When inflation and individual payments for benefit cost increases during that period are factored in, judges' pay has eroded by more than 14%, or $23,000 per judge. Further, when compared to general jurisdiction and appellate judges nationally, Delaware judges' rate of pay increases continues to fall below that of the other commercial litigation jurisdictions, except New York. New York judges have not received a pay raise in 12 years and, after litigation (which was degrading to all involved), are poised to receive increases, although inadequate, proportionally over the next three years substantially higher than any increase in Delaware judicial pay since 2005. With the Delaware Compensation Commission scheduled to issue its next report during FY 13, it will be difficult for the Commission to address fairly both past pay inadequacies and future financial growth implications, unless the Commission refocuses on an objective assessment of salaries rather than gauging the political winds at the time. In my view, the Commission's failure to render any assessment three years ago, regardless of the financial climate, constituted an abdication of its statutory obligation.



The growing shortfall in court resources has taken its toll on our ability to address the increasing workload demands on the courts. In an editorial entitled "Threadbare American Justice," published on August 17, 2011, the New York Times opined that: "State courts, which handle a vast majority of civil and criminal cases, are in a state of crisis. Across the country, deep budget cuts and increased caseloads have created long delays and a denial of basic access to justice." It cited a report issued by an American Bar Association task force which recognized that "even the most eloquent constitution is worthless with no one to enforce it." The New York Times editorial concluded that public safety is degraded by the delaying of resolution of criminal cases; vulnerable populations like children and the elderly, who need the courts' protections, are hurt; and our system of government is damaged by the weakening of the judiciary, through the failure to fund state courts properly. In a News Journal editorial, Thomas Sager, DuPont General Counsel, stated that, having "litigated in almost every state in the country on behalf of DuPont over the past 35 years, I can state unequivocally that Delaware's judges and courts are unequaled as measured by every meaningful metric or measurement (impartiality, efficiency and speed of dispute resolution)," and that the Delaware "judiciary and court system are true assets of the state that generate significant revenue and deliver critical services to our citizens every business day. Its national reputation is well deserved." None of us can close our eyes to the fact that our Number One rated court system must be funded adequately if we are to continue as a profit center for state government.

Despite fiscal difficulties, the Delaware Courts continue to enhance system-wide efficiencies and to be recognized for their important role on a national and international level. For example, the Delaware Supreme Court and Court of Chan-

cery retain positions on the list of the top 100 most influential players in corporate governance compiled by the *Directorship* magazine. The Delaware Supreme Court was named as 13th on the Ethisphere magazine's list of the 100 most influential persons in business ethics for 2011.

In addition, Delaware was one of four jurisdictions nationwide awarded a racial and ethnic improvement project grant from the American Bar Association. Delaware's Racial Justice Improvement Project team, led by Justice Ridgely and including Chief Judge Smalls, the Attorney General and Public Defender, is focusing on enhancing racial and justice fairness in the criminal justice system. The Delaware Supreme Court Task Force on Criminal Justice and Mental Health, also chaired by Justice Ridgely, continues its work on improving outcomes for persons with mental illness.

In FY 11, we spurred the creation of a new structure for administering the program for court appointed attorneys providing representation to indigent criminal defendants in conflict situations. In FY 12, a separate division within the Public Defender's office has been established to administer this program, providing benefits to the justice system through the centralization of conflict services under a single agency, the coordination of service providers and the elimination of potential ethical issues that arise when judges are involved in contracting with conflict attorneys and approving their fees and expenses in cases before them. The Judicial Branch worked closely with the Public Defender's office on this initiative and I acclaim the Public Defender's thoughtful and diligent support and implementation of the program.

The Court of Chancery, under the leadership of new Chancellor Leo E. Strine, Jr., is focusing on enhancing operational efficiencies and services provided to litigants in that court. One new resource, an attorney *ad litem* desk reference book, has been developed by the Court of Chancery, in conjunction with the Administrative Office of the Courts.

The Superior Court established the first Diversionary Veterans' Treatment Court, which Resident Judge, and retired Delaware Army National Guard Colonel, William L. Witham, Jr., oversees, to serve veterans with mental illness involved in the court system. The New Castle County Superior Court Mental Health Court received the Governor's Team Excellence Award for 2010.

The Court of Common Pleas established a SPEED docket for expediting civil litigation and new court procedures for consumer debt collection litigation.

With the implementation of the Family Court's new database, Delaware is the first state to collect statewide information on national dependency and neglect performance measures. The Family Court has also modified its website to include a resource center offering a collection of Court FAQ's, instruction packets and official forms on line.

The Justice of the Peace Court's Prosecution Project promises success, with preliminary statistics indicating that 46% fewer traffic cases are being transferred from the Justice of the Peace Court to the Court of Common Pleas as a result of this initiative.

I remain grateful that the Delaware Courts continue to overcome the daunting challenges they face, despite diminishing resources. I worry, however, that the conclusion presented in the New York Times' "Threadbare American Justice" editorial - that courts "may continue to process cases, but they will be less and less able to deliver justice"- may be more prescient than we would wish.

PRESERVING THE PAST

Preserving Delaware's rich historical legacy and adapting it to meet the present and future needs of Delawareans is a delicate balance, one ably met by the recent completion and renovation of the Kent County Courthouse and Eden Hill state facility. These projects are part of a wider plan to modernize the courts and provide greater capacity to accommodate the demands of modern court operations, including security, community interaction, and increasing caseloads and volume of court users. The Kent County Courthouse's new wing and renovations, as well as Eden Hill, successfully accomplish these goals within the confines of Delaware's architectural and legal heritage.

Kent County Courthouse

A courthouse dispensing justice has been present on the Green since 1699. On June 14, 2011, the new wing of the Kent County Courthouse perpetuated this tradition when it officially opened its doors to the public.

The new wing of the Kent County Courthouse is the result of a process begun more than a decade ago as part of the Fiscal Year 1999 Bond Bill. This Bill directed the Department of Administrative Services ("DAS") to conduct a study to determine how to best meet the judiciary's future requirements.

One of the many sites identified by the study that needed attention was the Kent County Courthouse. Conditions at the 1874 Courthouse had seriously deteriorated. The facility was antiquated, overcrowded, and unsafe. It could no longer efficiently serve its numerous users. Indeed, the last major renovations made to the 1874 courthouse dated back to 1918; a dance and town hall center located on the 4th floor of the building were removed, the building was expanded, and the building's exterior façade received a stylistic facelift. Additional minor alterations in 1983 were still insufficient to address the physical limitations imposed by the building on its users in 1999.

Entrance/Lobby Area

The 1874 Courthouse was itself built as a response to overcrowded conditions. Prior to 1874, the Court adjudicated out of what is now known as the Old State House Building. Although the 1791 Old State House Building was built for the Court, the Court shared the building with the General Assembly. By 1870, the General Assembly had encroached on the Court's domain, prompting the Court to find a new home in the 1874 Courthouse. The 1874 Courthouse stands on the site of the 1699 Courthouse that burnt during the Civil War.

Based on the DAS study and the Judiciary's desire to remain on the Green, the decision was made to acquire the 1874 Courthouse and adjacent property known as the O'Brien Building from Kent County. The 1874 Courthouse and O'Brien Building were bought in 2004 and 2005 respectively. The initial plan envisioned renovating the O'Brien Building. A structural survey concluded that the O'Brien Building could not be renovated or altered to support a fully functioning

modern courthouse that could meet the needs of the courts – Court of Chancery, Superior Court, and Court of Common Pleas – located in that facility. The O'Brien Building was demolished and construction of the new courthouse commenced on its site.

Kent County Courthouse Courtrooms

The result is a facility whose brick façade blends with the surrounding architecture but whose interior space is modern and user-friendly. Courtrooms are equipped with state of the art technology that will promote greater judicial efficiency. Green technology has been incorporated in the structure. Solar panels generate energy and an integrated light-sensing system dims interior light when sufficient natural light is perceived. Additional courtrooms were included to allow for future growth.

Renovations are ongoing in the 1874 Courthouse, which is physically and symbolically linked to the new courthouse by an enclosed walkway. The 1874 Courthouse will re-open in the fall of 2012.

Walkway to old Kent County Courthouse

Eden Hill

Justice Ridgely's Chambers at Eden Hill

In April 2011, Supreme Court Justice Henry duPont Ridgely's chambers relocated from downtown Dover to historic Eden Hill. The decision to move the Justice's chambers to Eden Hill, an existing state property, fulfills the State's long-term goal of owning, rather than renting, all judicial space. It also preserves a property mentioned in Delaware's early records and which was the home of notable personalities that shaped Delaware's early legal and political history.

Kent County's Deed Book indicates that Nicholas Ridgely (1694-1755) bought Eden Hill Farm in 1748. Shortly thereafter, a house was built on the property. Nicholas Ridgely was a provincial justice for the Supreme Court of the Three Lower Counties when Delaware was still part of Pennsylvania. Nicholas Ridgely was appointed and served as Caesar Rodney's guardian when he was orphaned in 1745. When Nicholas Ridgely died in 1755, he left the house to his third wife, Mary, for the remainder of her natural life then to his son, Charles. Eden Hill was still under construction at his death. Testamentary instructions were left to complete an adjacent brick kitchen.

Public Waiting Area

Fireplace in Kitchen Area

Caesar Rodney included an early depiction of Eden Hill in a plot plan of Dover drawn in 1768. A house with five-bay windows is sketched. Although there is a distinct possibility that this is an accurate representation of the house, a modern architectural study of the house cannot confirm that this was the house's original configuration.

Nicholas and Mary Ridgely's grandson, also named Nicholas (1762-1830), inherited Eden Hill Farm in 1810, at the death of his step-mother, Ann. He lived at Eden Hill until his death in 1830. Nicholas Ridgely was a member of the Delaware state convention that ratified the United States Constitution in 1787, served as Attorney General and thereafter as the second Chancellor of Delaware (1801-1830). Records indicate that additional changes to the house were made either immediately prior to or during Nicholas Ridgely's tenure at Eden Hill.

Conference Area

Eden Hill was continuously owned by Ridgely family members from 1748 until it was sold to the State Department of Transportation in 2004 as a part of a proposed road expansion project. Structurally, the house has evolved with each new owner as it was adapted to meet the needs and taste of its occupiers. A northeastern extension was added by Henry Ridgely, a physician, in the 19th century to function as an office. Major internal renovations were made in 1950 by Mabel Lloyd Ridgely.

Justice Henry duPont Ridgely (who had no property interest in Eden Hill and was not involved in the transaction in which the State purchased the property) was pleased to have the opportunity presented to him by the Department of Transportation for Eden Hill to serve as a facility for the Supreme Court . When Justice Ridgely was appointed a Supreme Court Justice in 2004, there was no space available for Chambers in the Supreme Court building on the Green for a second Justice. Chief Justice Myron T. Steele maintains his Chambers in that building. Offices were rented in downtown Dover for Justice Ridgely's Chambers as a temporary solution. One of the goals established by the DAS study was that all facilities used by the Judiciary should be State owned. Eden Hill was considered a more cost-effective alternative for Justice Ridgely's Chambers than building an extension on the Supreme Court building or maintaining rental facilities, and approval was granted to begin the minor renovations to Eden Hill necessary to accommodate the Justice and his staff.

Given Eden Hill's rich history, care has been taken to ensure that renovations balanced the modern needs and requirements of the Judiciary and the public with Eden Hill's historical structure. Eden Hill is registered on the National Register of Historic Places.

Entrance Area

MESSAGE FROM THE STATE COURT ADMINISTRATOR

Honorable Patricia W. Griffin

The Administrative Office of the Courts continues its efforts to support the Judicial Branch and the Citizens of Delaware during this very trying time of increased demands and reduced resources. I would like to highlight some of the AOC's critical work:

Self-Represented Litigants/Procedural Fairness

Since the release of the report of the Delaware Courts: Fairness for All Task Force, the AOC has assisted in the implementation of several initiatives which further the goals of the Task Force to better serve self-represented litigants. Some of those efforts include the following:

- Development of a Spanish version of the video which was produced for self-represented litigants. The video, which is in short segments that can be viewed individually, provides a step-by-step demonstration of the various aspects of preparing a case and appearing in court. The English version is currently available on the Judicial Branch web-site. The Spanish version will be accessible through the website in FY 12.
- Additional interactive forms for summary possession have been released for use by litigants in the Justice of the Peace Court. These forms guide the litigant through a series of questions which assist with the accurate completion of the form. Several additional forms on other topics are under development and are targeted for release next year.
- The Bench Bar Committee on Limited Scope Representation, which is staffed by the AOC, released its recommendations on proposed rule changes to clarify the parameters of such representation.
- The AOC continued efforts to aggressively expand the Limited Pro Bono Legal Assistance Program which offers consultation services by volunteer attorneys in free fifteen-minute periods to self-represented litigants in Family Court. Discussions for additional expansion opportunities in partnership with Delaware Volunteer Legal Services are underway.

Mental Health and Criminal Justice Task Force

The AOC continues to facilitate the work of the Delaware Supreme Court Tasks Force on Criminal Justice and Mental Health. Implementation over the past year of the strategic plan released by the Task Force has included a colloquium for mental health providers, Crisis Intervention Team training for law enforcement officers, as well as a conference on mental health issues related to the criminal justice system.

Community Outreach

The AOC also focused on community outreach efforts in 2011.

- June 2011 saw another successful year for the Supreme Court's "From Classroom to Courtroom" project. Eleven middle and high school teachers from across the State participated in the three-day externship program offered through the University of Delaware. Participants gained detailed information about the court system which they then took back to their schools and applied to their civics curriculum. This year's program

included presentations by several members of the Judiciary, including the Honorable William L. Chapman Jr., the Honorable Mary M. Johnston and the Honorable Susan Cline. Jeff Curley, Esq., Executive Director, Our Courts, iCivics, Inc., from Georgetown University Law Center, gave a demonstration on iCivics - a web-based education program begun by retired Supreme Court of the United States Justice Sandra Day O'Connor, and initiated in Delaware by Delaware Supreme Court Justice Randy J. Holland, that provides teachers with material to promote civics education.

2011 Classroom to Courtroom participants in front of Legislative Hall in Dover.

- Expansion of the youth forum for middle school students continued as well. The program provides an opportunity for students to learn about the court system by working with real life judges, deputy attorneys general and assistant public defenders in an impromptu mock trial held in a real courtroom during which each student participates by either taking on the role of one of these professionals or serving as a witness or juror.
- The Summer Youth Program, brain child of the AOC's Manager of Support Services Robin Jenkins, continued to expand with 49 students enrolled this summer. The program, which began in 2009, has more than doubled in size since its inception three years ago. Through the program, student participants from the foster care system and others receive invaluable work experience and learn new skills that they can apply to school and everyday life.
- Other efforts included participation in the Delaware high school mock trial program and assisting in promoting the iCivics program in Delaware.

Summer Youth Forum students participating in a mock trial

Collections

The AOC's Office of State Court Collections is working on implementing a new automated collections system. Automated kiosks will be installed at certain locations that will accept cash as well as credit/debit cards to allow Delawareans to make payments at these kiosks.

Grant Writing

This year saw increased participation by the AOC in coordinating grant request initiatives to support the Judicial Branch and the citizens of Delaware.

- The AOC prepared the courts' application to the Council of State Governments to participate in the Bureau of Justice Assistance's (BJA) Mental Health Court Curriculum Pilot Site Program. The program offers technical assistance in developing a curriculum for best practices for the Mental Health Courts. Delaware was selected, on a competitive basis, to participate in this effort during FY 12.
- The AOC also took the lead in preparing the request for BJA funds to support, among other things, the Court of Common Pleas' efforts to expand the Mental Health Courts to Kent and Sussex County as well as funding for training for mentors involved with the Delaware Veterans' Treatment Court in Kent County.

Racial and Ethnic Diversity

- In September 2010, Delaware was selected as one of four states to receive a $24,000 two-year Racial Justice Improvement Project (RJIP) grant sponsored by the Bureau of Justice Assistance (BJA) and the American Bar Association, as a part of the ABA's program to support state criminal justice systems in efforts to enact key practices to promote fair, efficient and accountable systems. The Delaware RJIP initiative is led by Supreme Court Justice Henry duPont Ridgely, with task force members including the Honorable Alex Smalls, Chief Judge of the Court of Common Pleas, among others, and is staffed by the AOC. Delaware's RJIP task force's approach is two-pronged. First, steps are being taken to ensure that racial disparity does not play a role in cases in which a criminal defendant is charged with a violation of probation (VOP). Efforts completed include adopting bias-free decision making policy and training requirements for probation officers. Additional training and changes to DOC's automated data collection system to allow for automated tracking of graduated VOP sanctions are planned for the second year of the grant. Second, the task force is working with the Criminal Justice Council on implementation of CJC's Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System. The Declaration, adopted in April 2010, outlines steps to be taken by courts and criminal justice agencies, in a variety of areas, to ensure civil rights and racial and ethnic fairness.
- Providing language access services to the courts continues to be a main focus for the AOC, including coordination of translation of important court forms and expansion of interpreter services being provided through the AOC.

Continuity of Operations Planning

The Judicial Branch was one of the first entities to have completed the State's Continuity of Operations Planning (COOP) requirements. Information continues to be updated.

Court Security/Facilities

Numerous security aspects to the New Castle County Courthouse were worked on in FY 11, including upgrades to the back entrance gate of the Courthouse. Additionally, the Courthouse Operations Policy Committee requested the U.S. Marshals to survey security operations at the Courthouse and to provide recommendations for future security planning. Those recommendations will be available in FY 12.

Technology Management and Support

Following the completion of the civil phase of the COTS automated civil case management system, the Supreme Court adopted a modified governance structure for technology in 2010 through a revision to Supreme Court Administrative Directive 176. That approach, called the Delaware Courts Automation Project (DCAP), represents a change from the earlier COTS project approach. A key feature of DCAP is that it leverages existing technology to enhance and modernize the trial courts' criminal case management systems, as well as the Family Court civil case management system. DCAP's goal is to improve the Courts' ability to manage their caseloads and to serve the needs of the public and the Bar; to enhance information sharing capabilities across Courts and agencies; to streamline court processes and procedures; and to capitalize on state-of-the-art technologies as a means of gaining court operational efficiencies. The AOC, through its Judicial Information Center, has a critical role in many aspects of DCAP implementation.

The AOC continues to work to enhance its service-oriented approach for technology to better meet the Courts' needs. FY 11 has been a period of retooling as we refocus our efforts in serving the needs of the judiciary. Website enhancements, support of new technological devices, development of a new technological approach to address the Court of Chancery's guardianship accounting needs, and e-filing support, represent a few of our priority areas for FY 11.

LEGISLATION

The Judiciary's legislative team brings together representatives of the courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation affecting the Judicial Branch was passed during FY 2011 by the General Assembly:

BILL NUMBER	DESCRIPTION
SB 24	Reforms the Office of the Public Guardian to meet Delaware's increasing needs for guardianship services. Authorizes the Governor to appoint Public Guardians, who must be attorneys. Expands the Office's role to an advocacy and protective agency. Establishes the Delaware Guardianship Commission to assist in creating policies, determine priorities, and assess the needs of incapacitated citizens.
SB 37	First Leg of Constitutional Amendment permitting a Justice of the Peace Court Judge to be reappointed for eight years after completing three terms of office.
SB 81	Grants the Court of Chancery increased discretion regarding approval of the price for a proposed sale of a disabled person's real estate.
SB 116	Grants bailiffs, judicial assistants and court security officers powers incident to a peace officer exercisable in any courthouse or property maintained or used as a courthouse within the state.
HB 22	Modifies procedural requirements regarding obtaining title to, and the sale of, abandoned personal property. Changes include providing that simple and non-technical language should be used in application, notice and declaration forms; that a person with an interest in the property can file a replevin counterclaim prior to a final determination of title; and that notice and publication requirements should conform to actions of similar nature.
HB 64	Amends, or adds language, to make uniform the individual courts' various statutory provisions relating to the role and appointment of judicial law clerks.
HB 77	Grants exclusive jurisdiction related to actions on liens of garage owners to a Justice of the Peace Court in the county in which the garage owner is located. Provides that related replevin and detinue actions will be heard by the Justice of the Peace Court, unless a party requests the transfer of such cases to the Superior Court (and pays the transfer costs) for a jury trial.
HB114	Provides for the joint transfer of ordinance violations and charges over which the Court of Common Pleas has jurisdiction to the Court of Common Pleas.
HB 133	Clarifies that property, such as certificated and uncertificated securities, that is explicitly named in, and escheats pursuant to, 12 DEL. C. § 1203(b) is not subject to interpretation under 12 DEL. C. § 1203(a).

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2010-2012			
GENERAL FUNDS - State Judicial Agencies and Bodies			
	FY 2010 Enacted Budget	FY 2011 Enacted Budget	FY 2012 Enacted Budget
Supreme Court	$ 3,140,700	$ 3,126,900	$ 3,239,400
Court of Chancery	3,012,700	3,002,500	3,122,500
Superior Court	21,257,200	21,152,600	22,323,300
Family Court	18,984,000	18,590,300	19,725,300
Court of Common Pleas	8,996,900	8,971,600	9,433,600
Justice of the Peace Court	16,664,800	16,611,700	17,413,800
Administrative Office of the Courts (AOC)	3,478,400	3,475,000	3,449,100
AOC Custodial Pass Through Funds*	4,876,300	5,471,300	5,655,200
Office of State Court Collections Enforcement	543,000	538,300	533,600
Judicial Information Center	3,448,400	3,448,200	3,617,800
Law Libraries	453,000	451,700	461,300
Office of the Public Guardian	481,200	482,900	512,400
Child Placement Review Board	502,200	491,900	514,600
Office of the Child Advocate	836,200	826,600	867,500
Child Death, Near Death & Stillbirth Commission	393,900	393,400	414,800
DE Nursing Home Residents Quality Assurance Commission	54,700	54,800	59,000
TOTAL	**$ 87,123,600**	**$ 87,089,700**	**$ 91,343,200**

*These programs are included in AOC funding but are shown separately because they are pass-through funds. They include the Court Appointed Attorney Programs, Interpreters, Victim Offender Mediation Program, Elder Law Program, and COTS.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2011					
Submitted to the State General Fund					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Supreme Court	$ 85,000	$ -	$ -	$ -	$ 85,000
Court of Chancery**	7,600	-	122,200	984,000	1,113,800
Superior Court	3,709,800	326,500	2,200	167,000	4,205,500
Family Court	394,100	50,000	-	4,800	448,900
Court of Common Pleas	3,395,000	819,500	-	143,100	4,357,600
Justice of the Peace Court	2,462,600	2,225,000	-	19,100	4,706,700
Office of State Court Collections Enforcement (OSCCE)***	12,200	8,900	-	-	21,100
OSCCE - DOC Fees****	914,800	-	-	-	914,800
State Total	**$10,981,100**	**$ 3,429,900**	**$ 124,400**	**$ 1,318,000**	**$15,853,400**
Submitted to Counties and Municipalities					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	$ 128,000	$ 45,600	$ -	$ -	$ 173,600
Court of Common Pleas	2,700	829,200	-	-	831,900
Justice of the Peace Court	-	3,233,100	-	-	3,233,100
Counties and Municipalities Total	**$ 130,700**	**$ 4,107,900**	**$ -**	**$ -**	**$ 4,238,600**
GRAND TOTAL	**$11,111,800**	**$ 7,537,800**	**$ 124,400**	**$ 1,318,000**	**$ 20,092,000**

*Figures represent only revenue actually received, not the total amount of fines and costs assessed.

**Corrected information.

***The figures shown for the Office of State Court Collections Enforcement (OSCCE) in this row reflect fees, costs and fines for cases that have been closed by Family Court. OSCCE also collects fees, costs and fines for current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of Superior Court and the Justice of the Peace Court are included in the figures for those courts. See also the OSCCE table on page 14 for amounts collected by OSCCE for each court.

****OSCCE collected supervision fees on behalf of the Department of Correction (DOC).

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE - FISCAL YEAR 2011			
RESTITUTION - FISCAL YEAR 2011			
	Assessed	Collected	Disbursed*
Superior Court	$ 11,563,400	$ 2,106,200	$ 2,167,000
Family Court	105,900	263,800	260,400
Court of Common Pleas	691,300	697,000	691,400
Justice of the Peace Court	39,500	79,100	46,400
Office of State Court Collections Enforcement**	-	67,400	30,200
RESTITUTION TOTAL	**$ 12,400,100**	**$ 3,213,500**	**$ 3,195,400**

ASSESSMENTS AND COLLECTIONS FOR THE TRANSPORTATION TRUST FUND		
	Assessed	Collected
Superior Court	$ 402,100	$ 77,800
Family Court	12,700	9,000
Court of Common Pleas	1,079,500	544,400
Justice of the Peace Court	3,211,900	2,641,600
TRANSPORTATION TRUST FUND TOTAL	**$ 4,706,200**	**$ 3,272,800**

COLLECTIONS BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT	
On Behalf of Courts and Agencies* **	
	Total
Superior Court	$ 2,511,600
Family Court	87,400
Justice of the Peace Court	152,000
Department of Correction	914,800
OSCCE - TOTAL COLLECTIONS	**$ 3,665,800**

*The amount disbursed is greater than the amount collected for Superior Court because some funds collected in FY 2010 were disbursed in FY 2011.

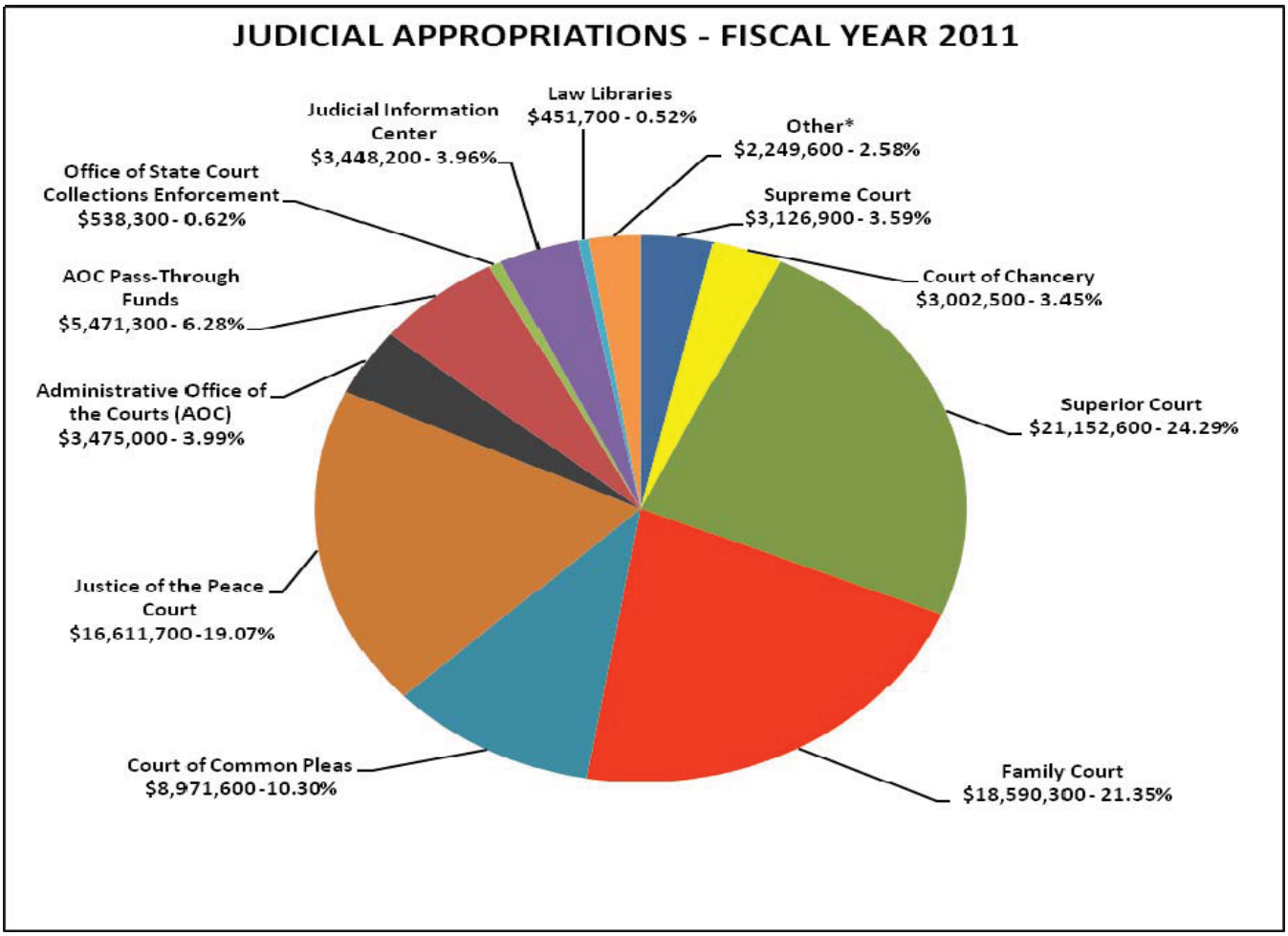
**The figures shown in this table for the Office of State Court Collections Enforcement (OSCCE) reflect restitution only for cases that have been closed by Family Court. OSCCE also collects restitution on current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of those courts are included in the restitution figures for those courts.

***In FY 2011, OSCCE collections included amounts submitted to the general fund, amounts submitted to non-general fund recipients, and restitution. Amounts collected by OSCCE on behalf of all courts, except Family Court, are also included in general fund and restitution figures for those courts.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2011			
		Total	As a %
Public Education	$	1,044,165,800	31.59%
Health and Social Services		891,599,400	26.98%
Correction		243,450,700	7.37%
Higher Education		212,455,800	6.43%
Children, Youth & Their Families		125,481,800	3.80%
Safety & Homeland Security		123,915,800	3.75%
Judicial Branch		**87,089,700**	**2.63%**
All Other		577,098,100	17.46%
TOTAL	**$**	**3,305,257,100**	**100%**



*Other: Office of the Public Guardian; Child Placement Review Board; Office of the Child Advocate; Child Death, Near Death & Stillbirth Commission; and Delaware Nursing Home Residents Quality Assurance Commission.

Source: Administrative Office of the Courts

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, the Administrative Office of the Courts and related judicial agencies.

In terms of interrelationships among the courts, the Delaware court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed $15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the justices of the peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed $50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors except certain drug-related offenses. It also handles motor vehicle offenses (excluding felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate, as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

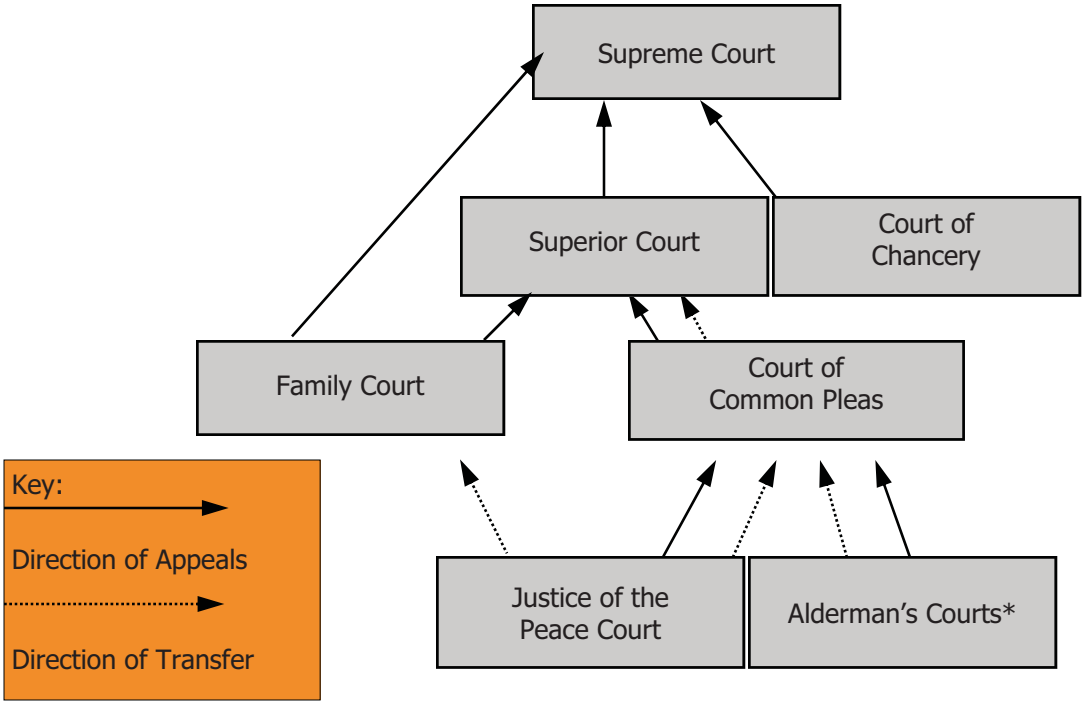
The Supreme Court receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware Judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established by the Supreme Court.

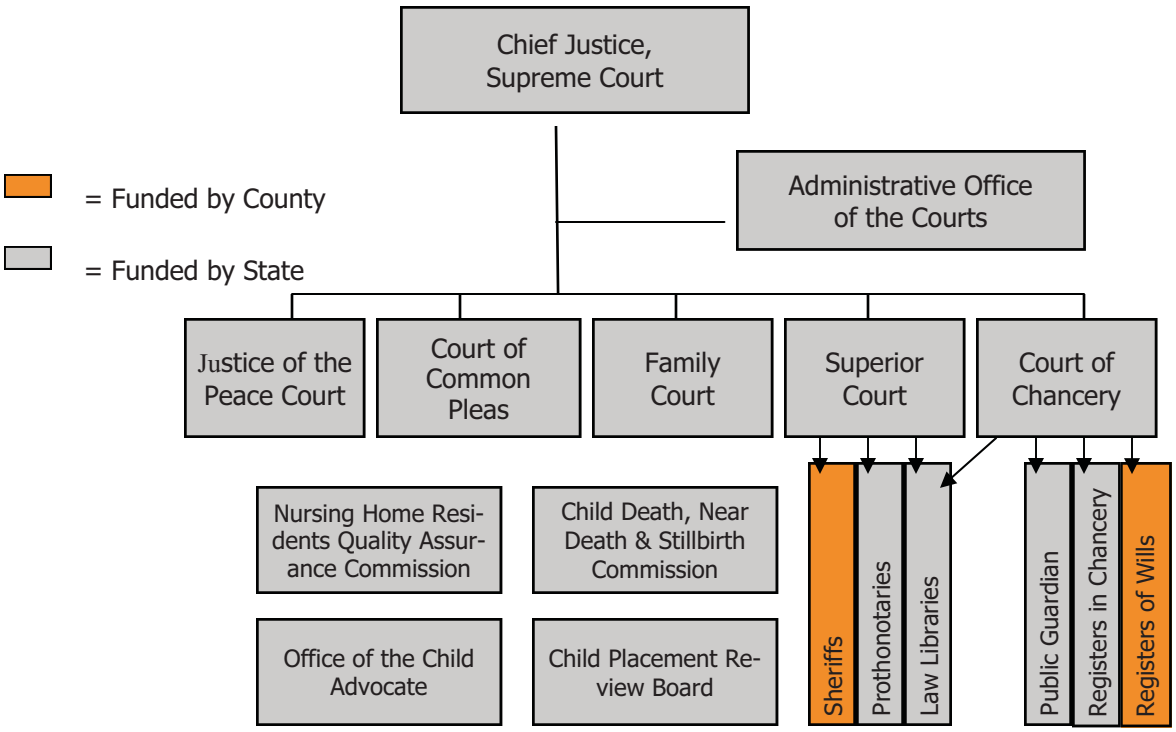
Other state agencies associated with the Delaware Judicial Branch include: Child Placement Review Board, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission, and the Nursing Home Residents Quality Assurance Commission.

OVERVIEW OF THE COURTS

APPEALS & TRANSFERS



ADMINISTRATIVE AUTHORITY AND FUNDING



*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective municipalities. However, cases may be transferred or appealed to a State court.

THE DELAWARE COURT SYSTEM

Court of Last Resort

Supreme Court

Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards. Issuer of certain writs.

Equity Court

Court of Chancery

Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

Law Court

Superior Court

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware Psychiatric Center. Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

Courts of Limited Jurisdiction

Family Court

Extensive jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except certain serious offenses.

Court of Common Pleas

Statewide jurisdiction in civil actions that do not exceed $50,000. All criminal misdemeanors (except certain drug-related offenses). All motor vehicle offenses (except felonies). Responsible for preliminary hearings. Appeals from the Justice of the Peace Court, Alderman's Courts, and the Division of Motor Vehicles.

Justice of the Peace Court

Civil cases that do not exceed $15,000. Certain misdemeanors and most motor vehicle cases (except felonies). May act as committing magistrate for all crimes. Landlord/tenant disputes.

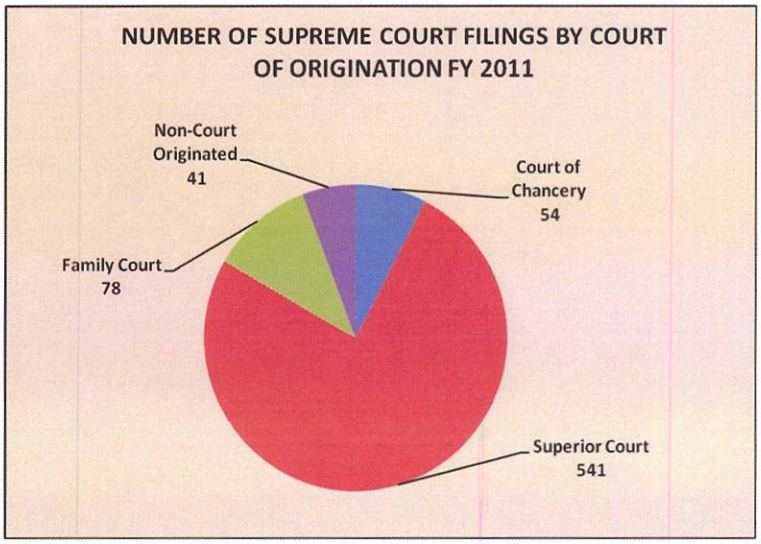
Alderman's Courts*

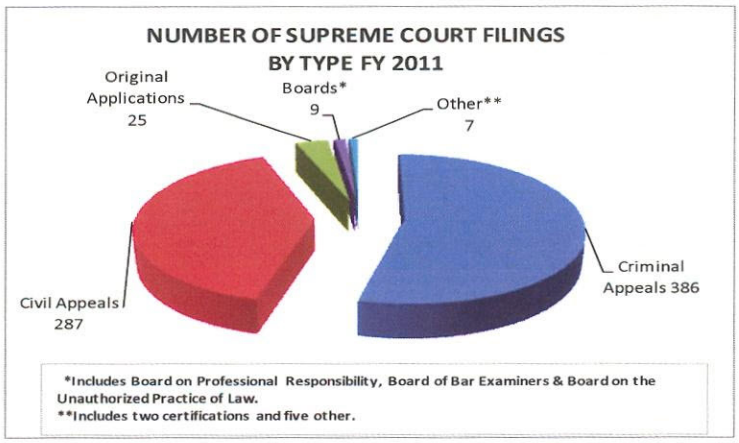
Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective municipalities. However, cases may be transferred or appealed to a State court.

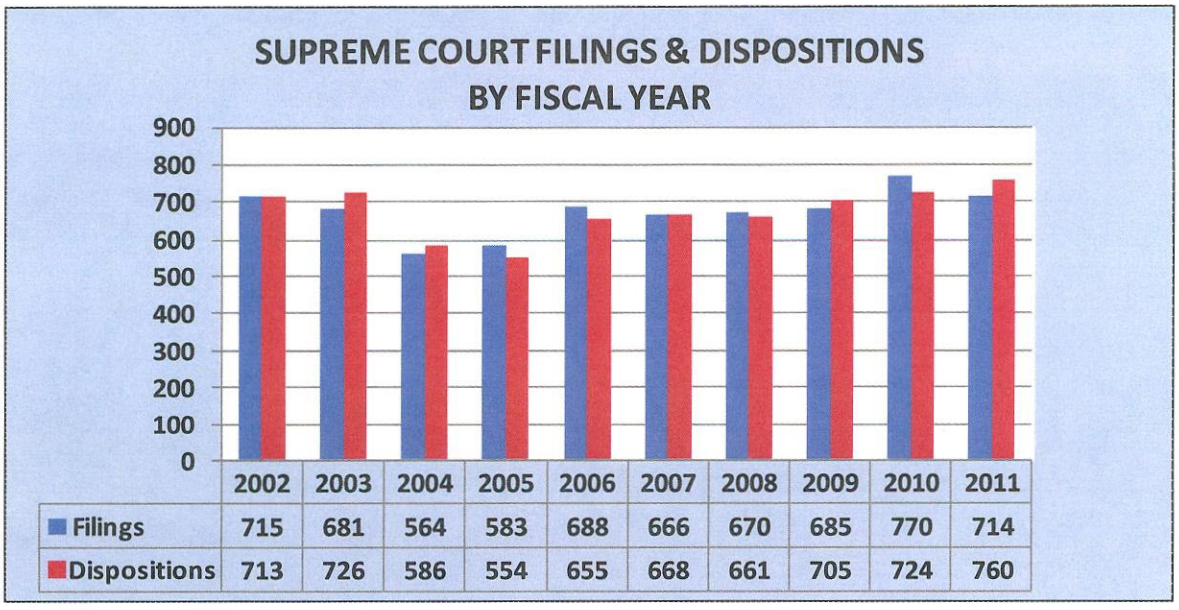
SUPREME COURT

In Fiscal Year 2011, the Delaware Supreme Court received 714 appeals and disposed of 760 appeals by opinion, order or dismissal. On average, the appeals were decided 33.0 days from the date of submission to the date of final decision. In 98.4% of the appeals decided in FY 2011, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision. Based on the American Bar Association's Standards Relating to Appellate Courts, the Court set a performance measure for the disposition of 75% of all cases within 290 days of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 86.6% of all cases within the 290 days timeframe. The Court set another performance measure for the disposition of 95% of all cases within one year of the date of the filing of the notice of appeal. The Court disposed of 93.3% of all cases within this one year timeframe.





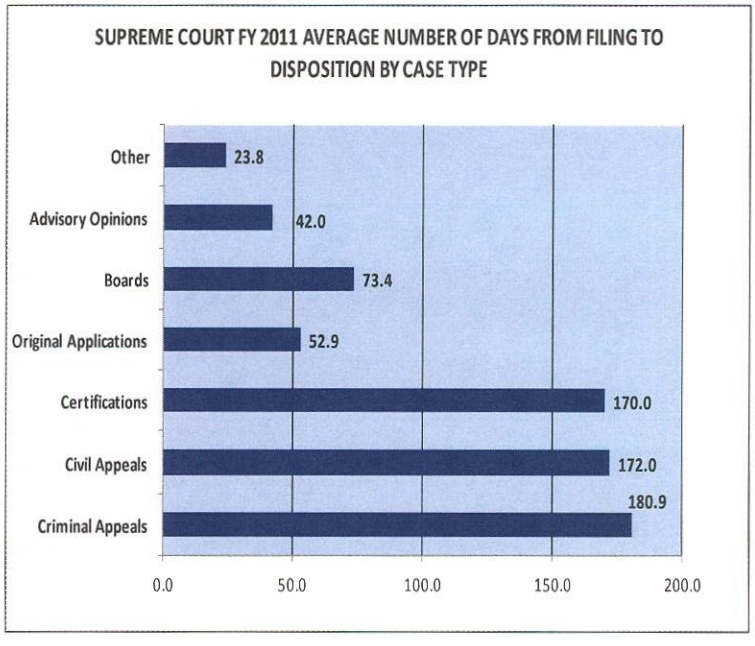
Under Revised Administrative Directive No 176 dated May 13, 2011, the Court replaced Administrative Directive No. 176 dated April 6, 2010. Administrative Directive No. 176 established a governance structure for the COTS ("Courts Organized to Serve") case management system project, including the roles and responsibilities of the committees that would oversee the project, while the future direction of the COTS project related to criminal, and remaining, civil case management systems was under review. With the completion of the review process, the courts have adopted a new approach for the case management modernization project, which leverages existing systems through the use of technology to enhance the functionality required by the courts for criminal case management and for Family Court's civil case management. Under Revised Administrative Directive No. 176, the project framework and the project name have been modified to reflect the new approach adopted by the courts and to ensure that sufficient flexibility exists for the structure to meet the project's needs as it



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Filings	715	681	564	583	688	666	670	685	770	714
Dispositions	713	726	586	554	655	668	661	705	724	760

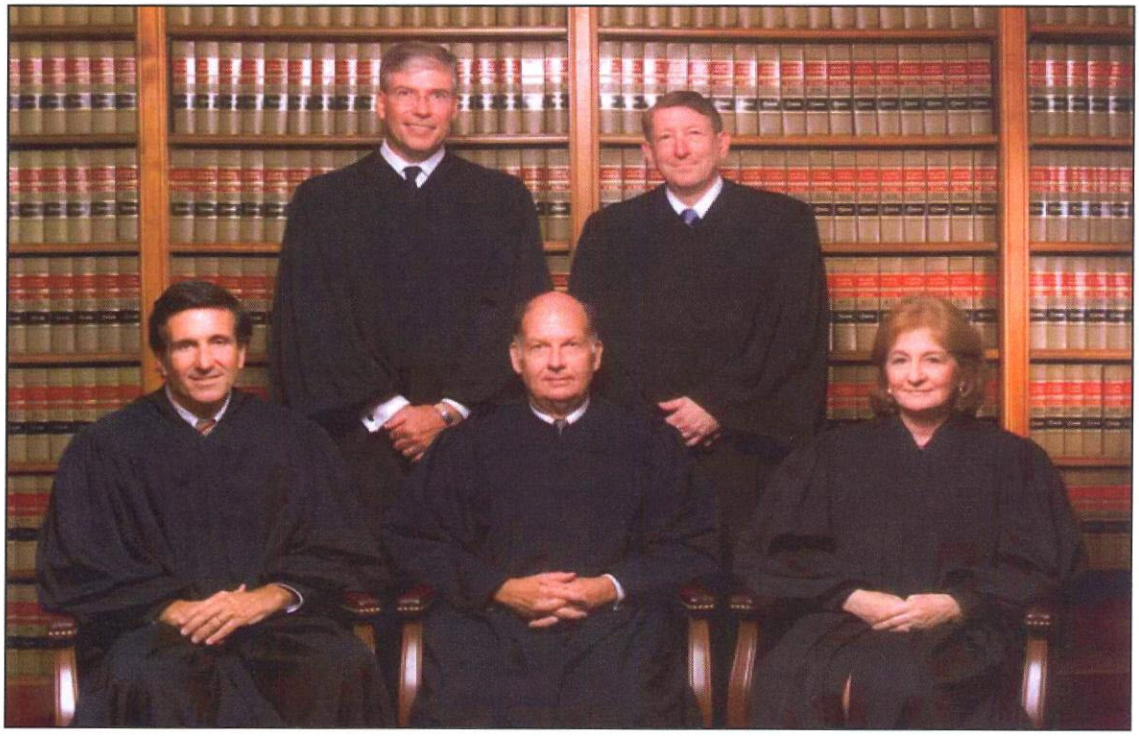
moves forward. The project was renamed the Delaware Court Automation Project ("DCAP"). The governance structure for DCAP included a Project Leadership Team ("PLT") which has the final authority for all major policy decisions for the project and overall project planning and implementation. Justice Henry duPont Ridgely chairs the PLT which includes the presiding judges of the Superior Court, Family Court, Court of Common Pleas and the Justice of the Peace Court, the State Court Administrator, as members, and the Secretary, or Chief Technology Officer, of the Delaware Department of Technology and Information as an ex officio member. The governance structure also includes the Trial Courts Coordinating Committee ("TCCC") which has responsibility for regular project oversight, including project plans and implementation, and policy and procedures development, consistent with the policy and overall project direction established by the Project Leadership Team. The TCCC is chaired by Marianne Kennedy, Court Administrator for the Justice of the Peace Court, and the TCCC members are the court administrators of the Superior Court, Family Court, Court of Common Pleas and the Justice of the Peace Court.

Under Administrative Directive No. 178 dated May 11, 2011, the Court adopted Delaware's Judicial Guidelines for Civil Hearings Involving Self-Represented Litigants. The guidelines are intended to provide guidance to judicial officers in their efforts to balance self-represented litigants' perceptions of procedural fairness while maintaining neutrality in the courtroom, particularly when one party is self-represented and one has an attorney. The guidelines are not intended to alter the Delaware Judges' Code of Judicial Conduct or judges' obligations thereunder, or to create additional standards under which judges may be disciplined. The guidelines were developed by Judicial Committee on Self-Represented Litigants which was appointed by the Court in response to a recommendation made by The Delaware Courts: Fairness For All Task Force. The members of the Judicial Committee on Self-Represented Litigants are President Judge James T. Vaughn, Jr., (Chair) and Judge Calvin L. Scott, Jr. of the Superior Court, Family Court Judges Arlene Minus Coppadge and Peter B. Jones, Court of Common Pleas Judges Kenneth S. Clark, Jr. and Charles W. Welch, III and Justice of the Peace Judges James A. Tull and Robert B. Walls, Jr.



By Order dated June 10, 2010 and effective on November 1, 2010, the Court amended Rule 1.15 of the Delaware Lawyers' Rules of Professional Conduct. The amendments eliminate the opt-out provision in the Court's Interest on Lawyer Trust Accounts ("IOLTA") program and makes participation in the program mandatory for all Delaware lawyers who maintain client trust fund accounts. The new rule requires IOLTA accounts be kept in financial institutions that provide interest rate comparability for IOLTA accounts. The interest rate comparability provision requires that the interest rate paid on these accounts must be comparable to the rates paid by the financial institutions on its other accounts with similar attributes. Delaware joins a majority of states that have made their IOLTA programs mandatory and have adopted interest rate comparability. The rule amendments were made by the Court on the recommendation of the Court's IOLTA Advisory Committee and the Delaware Bar Foundation which administers the IOLTA funds subject to the approval of the Court. Since its inception in 1983, the Court's IOLTA program has generated approximately $23 million to provide legal assistance for low income persons through legal services providers including Community Legal Aid Society, Inc., Delaware Volunteer Legal Services and Legal Services Corporation of Delaware, Inc.

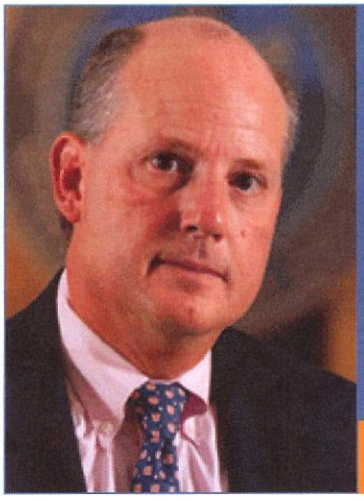
During the past fiscal year, 3,894 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court continues to grant Delaware Certificates of Limited Practice to in-house counsel pursuant to Rule 55.1 and Delaware Certificates of Limited Practice as a Foreign Legal Consultant pursuant to Rule 55.2.



Supreme Court Justices:

Front Row (sitting left to right)
Justice Randy J. Holland
Chief Justice Myron T. Steele
Justice Carolyn Berger

Back Row (standing left to right)
Justice Henry duPont Ridgely
Justice Jack B. Jacobs



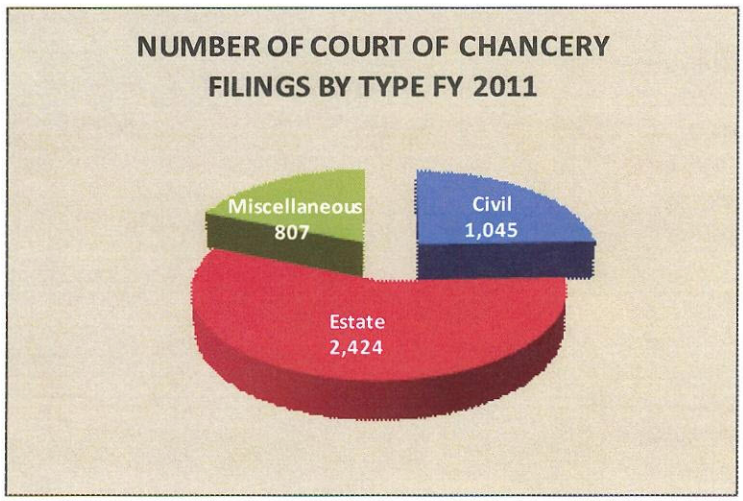
COURT OF CHANCERY

Chancellor Leo E. Strine, Jr.

The past year was bittersweet for the Court of Chancery. Our leader, colleague and dear friend of long-standing, Chancellor William B. Chandler III, left the Court to write a new chapter of his professional life after 22 years of distinguished service to our Court. The Chancellor's gracious manner, incisive and creative legal mind, sense of humor, leadership skills, and commitment to the best interests of our State and Court will be missed by us all. The fact that the Chancellor was succeeded by the Court's excellent Master of long-standing, Sam Glasscock III, did, however, help to console us.

So too, did the reality that the foundation left by Chancellor Chandler is a strong one that the Court is building upon. Last year, the Court's filings were the highest of any year in the last decade, but were matched by an even greater increase in dispositions.

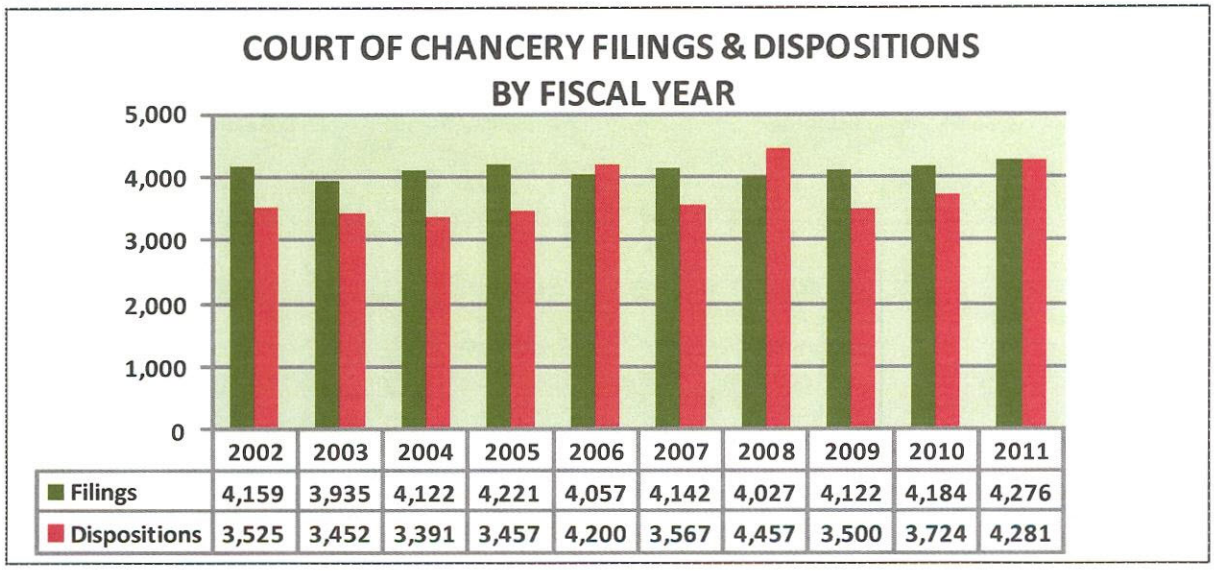
To address our caseload even more efficiently, the Court is in the midst of several initiatives to better utilize the potential reaped by our online filing system, the initiative led by Chancellor Chandler to make the Register in Chancery Office an office directly under the control of the Court, and the excellent partnerships the Court has with our bar through the Court's Rules Committee and other bodies of the Bar.



These initiatives include measures by our Register in Chancery Office to give the judges of the Court better and more usable information about their caseloads, which will enable them to keep their dockets more current and to keep cases moving at an efficient pace. Consistent with the goal of having cases move smoothly, the Court is also working with its Rules Committee to develop a useful best practices guide. Eschewing a chambers-by-chambers approach, the Court endeavors to articulate a set of best practices that all members of the Court share, and that practitioners can use in practicing before any member of the Court. We are doing this with input and guidance from our Rules Committee, so that the best practices reflect practitioner input and are as helpful as possible. Likewise, in more specialized areas, such as trusts and estates and guardianships, the Court is actively working with the bar on helpful guidance that will give practitioners and litigants useful information on practicing before the Court.

Common to these initiatives is an understanding by the judges on the Court that it is difficult for all of us to keep up in a time of enormous information, and that adhering to some efficient and universal practices can play some helpful, if admittedly inadequate, role in making our lives less stressful and in resolving cases on a more efficient and less wasteful basis.

To that same point, the Court remains committed to providing less expensive means of alternative dispute resolution to Delaware citizens, including Delaware entities, who wish to use them. Thus, 2011 was a year in which the Court continued to be heavily involved in mediating both business cases and guardianship cases, and saw the



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Filings	4,159	3,935	4,122	4,221	4,057	4,142	4,027	4,122	4,184	4,276
Dispositions	3,525	3,452	3,391	3,457	4,200	3,567	4,457	3,500	3,724	4,281

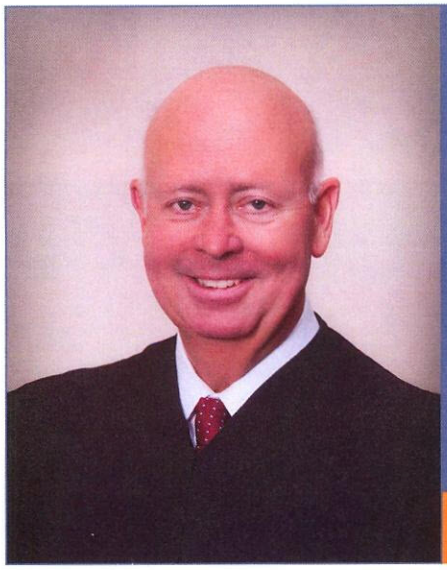
beginning of the first cases using the recently passed arbitration statute. During the next year, the Court hopes to develop a more permanent set of implementing rules for the arbitration statute working with its Rules Committee and our Supreme Court.

Thus, as the Court moves forward, its goal remains the same as it has always been: to continue its tradition of providing prompt, expert judicial resolution of the cases within the Court's unique jurisdiction. But also consistent with Chancery tradition, the Court continues to innovate and evolve the means for achieving that enduring goal in a manner that best meets the needs of a dynamic marketplace and complex society.

Court of Chancery :

Front row (sitting left to right)
Vice Chancellor John W. Noble
Chancellor Leo E. Strine, Jr.
Vice Chancellor Donald F. Parsons, Jr.

Back row (standing left to right)
Vice Chancellor J. Travis Laster
Vice Chancellor Sam Glasscock, III



SUPERIOR COURT

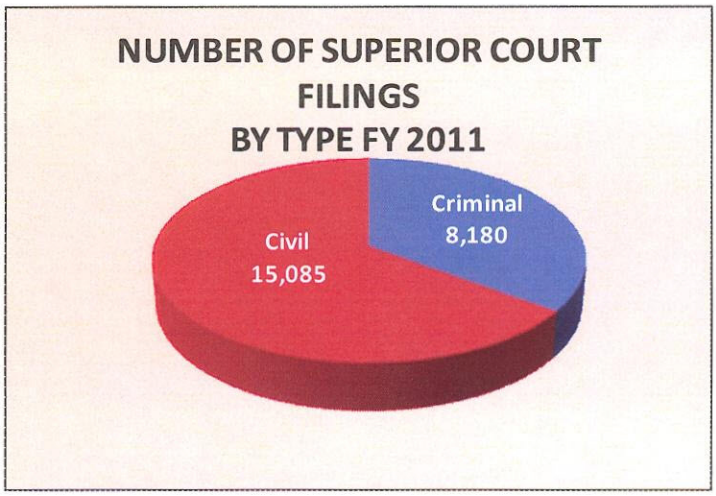
President Judge James T. Vaughn, Jr.

The grand opening ceremony of the Kent County Courthouse was held on June 14, 2011. It was a ceremony filled with speeches, emotions, and music. Governor Jack Markell, Chief Justice Myron T. Steele and President Judge James T. Vaughn, Jr. were present on the grandstand, along with other state officials, friends of the Court and the National Guard Band. Resident Judge William L. Witham, Jr., acted as Master of Ceremonies for the sizable crowd that gathered to witness this moment in Delaware history.

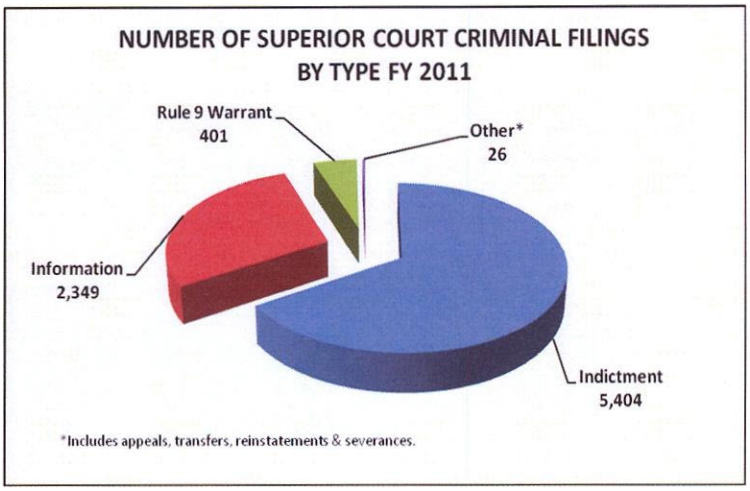
Superior Court continues its dedication to its vision, mission and core values through the collaborative efforts of its judges and staff from across Delaware. With its key objectives in sight, Superior Court partnered or piloted Problem-Solving Courts with other criminal justice agencies in FY 11. On the civil side this year, the Court continued to work to better meet the needs of its customers and its workload.

With assistance provided by federal money awarded through grants this year, the Court was able to enhance its Problem-Solving Courts. The mission of these courts is to divert defendants, who meet strict requirements, from the criminal justice system and provide them with the tools to lead a productive and law abiding life. By treating people with dignity and respect, the problem-solving Courts help reduce recidivism, improve community safety and enhance confidence in justice. Our Problem-Solving Courts are Drug Court, Mental Health Court, Reentry Court, and Veteran's Court.

Now in its 17th year, our Drug Court's statewide compliance rate is 64%, a figure that compares favorably with similar programs nationwide. This year, the New Castle Mental Health Court team received the prestigious *Governor's Team Excellence Award.* This annual award recognizes the team work demonstrated in finding efficiencies and providing better customer service to our citizens in need. The Reentry Court works with offenders while they are still in custody to provide the means and the support necessary to help these people when it is time to reenter society. Veteran's Court held its first session on February 18, 2011 in Kent County. This Court will eventually serve veterans throughout the state, including both those charged with new offenses and those charged with violation of probation. It is the first statewide Veteran's Court in the nation.

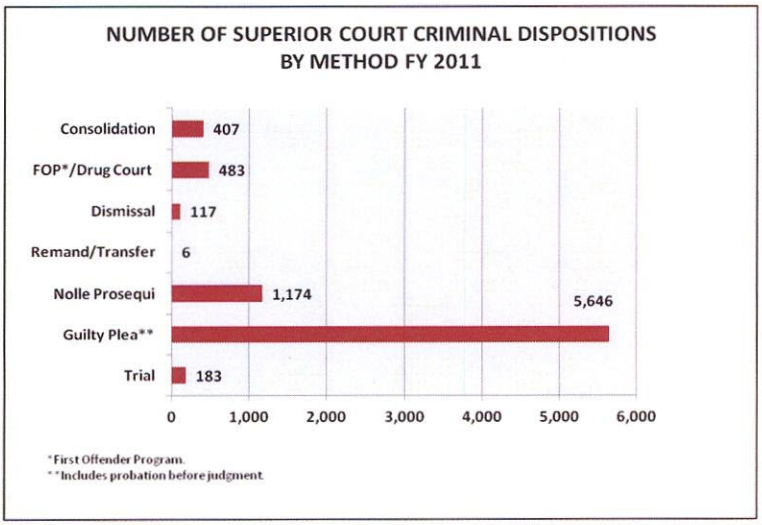


Through Administrative Directive 2011-3, effective May 1, 2011, President Judge Vaughn assigned Judge Mary M. Johnson to the Complex Commercial Litigation Division (CCLD) Panel. The purpose of the CCLD is to improve the handling of complex commercial and business cases. Cases may be assigned to the CCLD when the controversy is one million dollars or greater, or involves an exclusive choice of court agreement, or is designated by the President Judge.



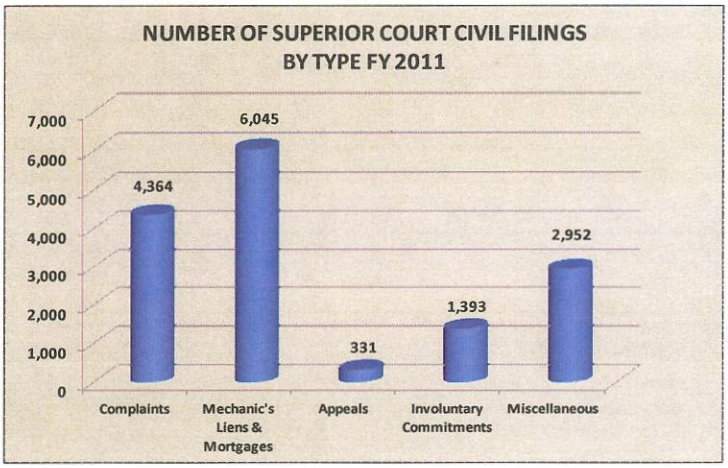
Superior Court's Mortgage Foreclosure Mediation Program and Operation Rightful Owner initiative are still active in assisting citizens who are, or have been, victims of mortgage foreclosure. Mortgage foreclosure mediations are conducted by attorneys who are qualified through Superior Court's mediation training. The mediator's job is to negotiate an alternative to foreclosure between homeowners, their housing counselors, and the banks without affecting the substantial rights of lenders. Launched in May 2007, Operation Rightful Owner has disbursed nearly $5 million in excess proceeds from houses sold at Sheriff's sale.

Statewide, FY 11 case statistics report slight increases in civil filings and a larger increase in dispositions. Criminal filings numbers reflected slight increases in both filings and dispositions. There were 15,085 civil filings this year, up .2% from last year. Civil dispositions numbered 15,736, a 16.2% increase from last year. Criminal filings totaled 8,180, a 1.4% increase from last year. Criminal dispositions came in at 8,016, a 1.6% increase from last year. Pending civil cases were down by 7%, and pending criminal cases were up 3%.



At the end of June, there were 36 murder first degree cases pending in this court. Violation of Probation (VOP) cases numbered 5,271 for filings and 4,340 for dispositions. These numbers represent a 5% decrease from FY10 in VOP filings and a 4% decrease from FY 10 in VOP dispositions.

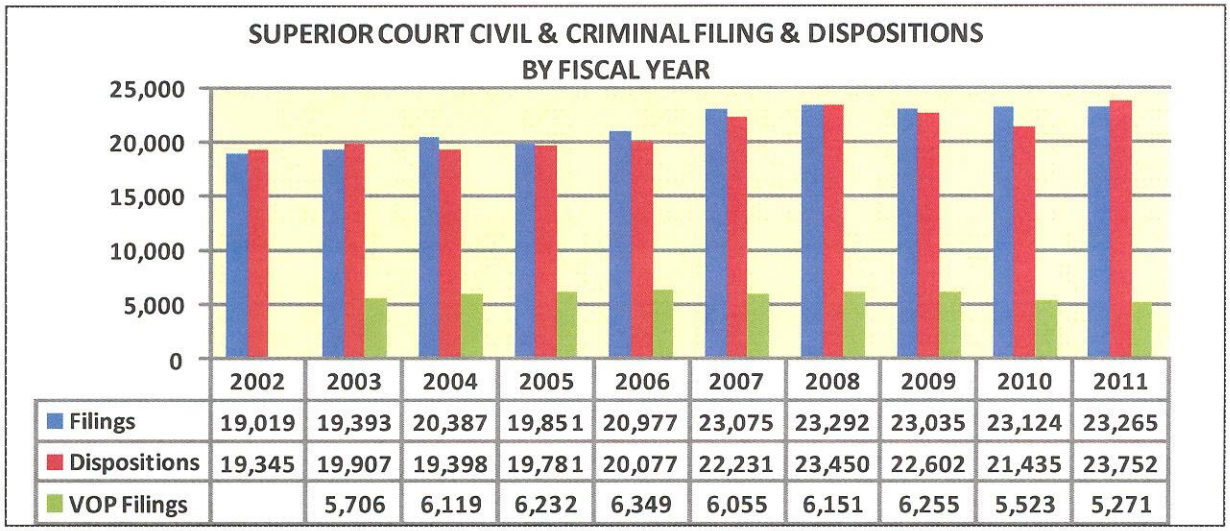
On our website this year, we followed up on the judiciary-wide complete redesign and major functionality changes. The Superior Court segments were updated and redesigned for eLitigation, Drug Court, About Us, and History. New segments were added for the Problem-Solving Courts and Bench and Bar Liaisons.



Additionally, more direct links to Court databases and systems were added. On the Court's Intranet, court information was maintained and updated. Our iCourt Clerk, an initiative to assist our users with a web-based Answer Desk, responded to over 1,668 public queries - 642 more than last year. Our Listserv information service continues to grow, with 404 new members added this year. Nineteen separate Listservs are maintained, with 2,378 members.

The vision of the Superior Court is to have the most superior service in the nation among courts of general jurisdiction by providing superior service to the public in pursuit of justice. The Court has agreed its core values as an organization are *UNITED*, which stands for Unity, Neutrality, Integrity, Timeliness, Equality and Dedication. The Court is committed to building on the quality of justice and public service for which it is well known both in Delaware and throughout the nation.

SUPERIOR COURT



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Filings	19,019	19,393	20,387	19,851	20,977	23,075	23,292	23,035	23,124	23,265
Dispositions	19,345	19,907	19,398	19,781	20,077	22,231	23,450	22,602	21,435	23,752
VOP Filings		5,706	6,119	6,232	6,349	6,055	6,151	6,255	5,523	5,271

Front row (sitting left to right)
Judge Charles H. Toliver, IV
Judge Jerome O. Herlihy
President Judge James T. Vaughn, Jr.
Judge T. Henley Graves (SC Resident Judge)
Judge Richard R. Cooch (NCC Resident Judge)

Second row (standing left to right)
Judge Peggy L. Ableman
Judge William C. Carpenter, Jr.
Judge Fred S. Silverman
Judge William L. Witham, Jr. (KC Resident Judge)
Judge E. Scott Bradley
Judge Joseph R. Slights, III

Back row (standing left to right)
Judge John A. Parkins, Jr.
Judge Richard F. Stokes
Judge Robert B. Young
Judge Calvin L. Scott, Jr.
Judge Jan R. Jurden
Judge Mary M. Johnston
Judge M. Jane Brady
Judge Diane Clarke Streett

Standing (left to right)
Commissioner Michael P. Reynolds
Commissioner Alicia B. Howard
Commissioner Mark S. Vavala
Commissioner Andrea Maybee Freud
Commissioner Lynne M. Parker

FAMILY COURT

Chief Judge Chandlee Johnson Kuhn

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its statutory mission set forth in 10 *Del.C.* § 902(a),

"The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interest of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another."

COURT IMPROVEMENT PROGRAM (CIP)

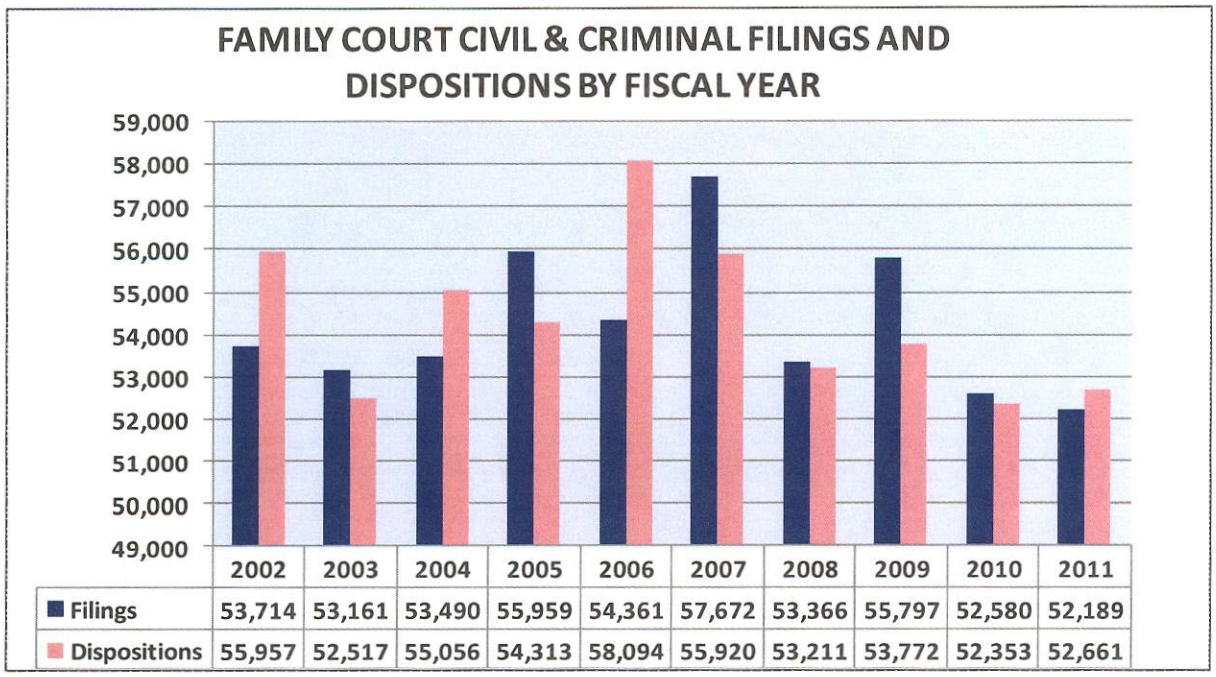
The Court Improvement Program (CIP) continues to mature, using data to strengthen both Family Court practices, and partnership with child welfare stakeholders.

CIP is a multi-year, federally-funded grant project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of parental rights and adoption proceedings. Delaware has participated in this project since its inception in 1994 and continues to utilize this federal resource to improve the safety, stability and well-being of children who have experienced abuse and neglect.

Initial CIP efforts resulted in today's best practice of having all stages of a dependency and neglect case heard by the same judge within a schedule of hearings and reviews that meet federal standards. The Court is building on that foundation through a more active partnership with others in the child welfare system, primarily the Division of Family Services (DFS), but also with legal professionals, advocates and service providers. A number of judges serve as champions in particular subject areas, enabling the Court to participate more proactively than reactively with other stakeholders. We are the first to have a database to track statewide the federally recommended Court Performance Measures which fall into four categories: Safety, Permanency, Due Process, and Timeliness.

Highlights for this reporting period include:

- Both the quality and quantity of representation of children, and of parents, has improved greatly. The cadre of attorneys who accompany Court Appointed Special Advocates to Court has been expanded, as has the number of attorneys available to represent parents, resulting in representation rates at or near 100%. Training and continuing education from national experts has been provided to CASA, CASA attorneys, parent attorneys as well as the staff attorneys in the Office of the Child Advocate and their volunteer guardian ad litems, including a review of child safety so that children are not removed from home needlessly.
- A focus on permanency for older teens became paramount. Too many children "age out" of foster care, entering the adult world without a permanent family, which all too often leads to struggles with education, employment, housing and more. CIP brought nationally recognized resources to Delaware for all partners, and continues to support training for the DFS staff in how to find those forever connections for these vulnerable young adults.
- Evaluation of our efforts is in the initial stages. The reports from our database help identify areas in need of strengthening, and evaluation will help us determine if our efforts towards improvement have been successful. Evaluation is assessing our professional development opportunities and proving they are not just interesting, they are increasing knowledge and skills so that children will be better served.



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Filings	53,714	53,161	53,490	55,959	54,361	57,672	53,366	55,797	52,580	52,189
Dispositions	55,957	52,517	55,056	54,313	58,094	55,920	53,211	53,772	52,353	52,661

Collaboration is advanced through quarterly meetings between Court and DFS leadership, as well as county level quarterly stakeholders meetings intended for partners to remedy local challenges and share beneficial information. CIP continues to be a conduit for positive change in the child welfare system.

JUVENILE JUSTICE

Mental Health Diversion Court

In 2006, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health, received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with delinquency charges pending against them in the New Castle County Family Court. The program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. The program began in January of 2007 and quickly acquired a full caseload. Since the program's inception, 125 juveniles have entered into the program and 71 have graduated. Of the 71 juveniles who have graduated from the program, 81% of them have not picked up new charges within six months of graduation. The Family Court is now actively working to expand the Mental Health Court into the lower two counties.

In conjunction with the Mental Health Court program, the Family Court in New Castle County has created a dedicated juvenile competency calendar for conducting competency hearings and monitoring compliance with treatment recommendations for non-competent juveniles still facing open charges. One dedicated judge is assigned to hear and track all the competency hearings.

Gun Court

In April of 2009, in response to the increasing level of gun violence in the state, Chief Judge Kuhn implemented a Gun Court Calendar in New Castle County. Today, the specialized calendar has expanded to Kent and Sussex Counties. The Chief Judge presides over the calendars, which occur once a week in New Castle County and every other week in Kent and Sussex Counties. She hears all case reviews, preliminary hearings and motions for all cases involving juveniles with firearm charges, as well as reviews after a finding of guilt or as a condition of a sentence. The Gun Court provides most of Delaware's juveniles with an exclusive forum in which to resolve these cases quickly while providing sentencing that includes appropriate treatment, rehabilitation efforts and close court supervision.

As a result of the collaboration between the Family Court, Department of Justice, Department of Services for Children, Youth and Their Families, and law enforcement, Gun Court has been effective in substantially decreasing the population of juveniles charged with gun crimes being detained at the New Castle County Detention Center. These serious cases are being resolved more quickly and efficiently and are subject to judicial oversight.

SERVICES FOR SELF-REPRESENTED LITIGANTS

Since last year's report, the services for self-represented litigants in the Family Court have undergone a major transition. The Director of Pro Se Services and Professional Development has initiated several projects to organize and improve the resources available to the public. These projects include a full revision of the Family Court Website, the development of a Live Chat initiative and the further development of the Court's e-Filing system. These projects were presented to the Family Law Commission in a report titled "2011 Report on Family Court Accessibility and Litigant Resources."

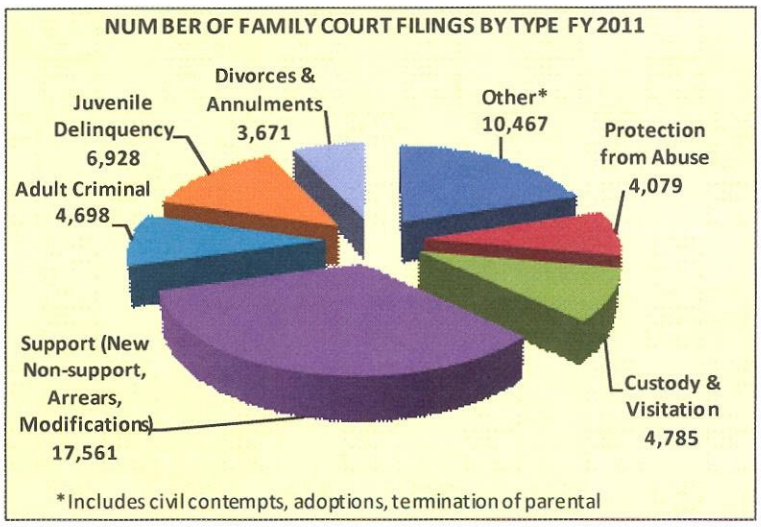
The most significant undertaking and accomplishment of the Pro Se department is the full revision of the Family Court website. Great care was given to the development of a home page that provides fast and clear information on all Family Court filing types. In addition, a "Forms Page" has been developed for each pleading to help our self represented litigants identify the forms that are required and the forms that meet their specific needs. This website can be looked at as an electronic resource center as we now offer a comprehensive collection of the Court's FAQs, instruction packets, and official court forms.

To further develop upon the Family Court website as an electronic resource, we are working towards the implementation of a Live Chat pilot. This customer service based project will help our self represented litigants by providing answers to their non-case specific questions over the internet. This service will first be piloted with staff from New Castle County and could be introduced to the public as early as 2012.

In addition to the enhanced customer service aspects, the Court has been able to take advantage of a powerful analytical tool within the website to identify the public's most sought information. Using this, the court started to improve the flow of information on the website; bringing the most relevant details to the forefront.

PROFESSIONAL DEVELOPMENT

September of 2010 marked the introduction of a new element to Family Court's Administrative Team. The position of Director of Pro Se Services and Professional Development was structured to meet the Court's need for consistent statewide employee training. Since the inception of this position, the Court has conducted its first statewide employee training in several years, planned a statewide supervisory training, introduced an employee training section on the Family Court intranet site as well as embarked on a yearlong project to organize and provide staff with better access to the Court's policies, procedures, and directives.



In the months to come, the Director of Pro Se Services and Professional Development will start to formulate an extended orientation program for new Family Court Employees. This project will create a well structured orientation that will guide staff through the Court's electronic systems, help them get logged on to the network, and increase their awareness of the resources available to them. The orientation will ease employees into their new role with Family Court and ensure that the information being relayed is consistent and accurate.

The Professional Development department will continue to provide annual training to staff in both statewide forums as well as smaller more individualized settings. As the Court continues towards the development of its new Case Management System and e-Filing solution, this department will play an integral role in preparing Family Court staff for the transition.

DOMESTIC VIOLENCE

Family Court continues its efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, by continuing with a specialized domestic violence court. The intention of this specialized court is twofold: to create greater continuity in Family Court cases involving domestic violence and to create a more standardized system of com-

pliance for offenders. Since January 2008, Family Court has been conducting Protection from Abuse review hearings. These hearings are being scheduled before the Court when a Respondent has not complied with the evaluation and treatment conditions of an active Protection from Abuse order. These reviews do not require the Petitioner to file a contempt petition in order for a hearing to be scheduled. The Court is currently reviewing this process to possibly expand review hearings to other conditions in the Protection from Abuse order.

In addition to conducting PFA review hearings, Family Court was able to secure federal grant money to continue with the position of the Domestic Violence Court Project Coordinator to promote the efforts of the specialized domestic violence court statewide. The Coordinator will continue to monitor compliance, provide training to court staff as needed and attend various meetings of the Domestic Violence Coordinating Council on behalf of Family Court.

Delaware Capitol Police began providing a police officer dedicated to Family Court on PFA hearing duty since July 2010 in each of the three Family Courts located in New Castle, Kent, and Sussex counties. This officer will be assigned to provide a police presence at the hearings and waiting rooms to reduce the potential of violence and to maintain a safe and secured environment for anyone directly involved with PFA issues and concerns. This officer will also be assigned to liaison with the PFA advocates to ensure that the victims who need additional attention are provided that service. The officer will (upon request) escort victims to/from the courthouse and coordinate with local law enforcement to provide escorts outside of the immediate area. Funding for this program has been extended for another year.

Lastly, effective July 12, 2010, Governor Markell signed House Bill 336. This bill gives Family Court the authorization to enter the no contact provisions of Protection from Abuse Orders for up to two (2) years in every case and where aggravating circumstances exist no contact for as long as the Court deems necessary to prevent further abuse, including the entry of a permanent order. Since House Bill 336 has been passed there have been more than 200 orders entered with the no contact provisions lasting for two years or more.

COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

The Family Court CASA Program continues to recruit and train community volunteers to provide advocacy for abused and neglected children involved in court proceedings. CASA volunteers are appointed by Family Court Judges and represent the child's best interest in court. The CASA volunteers establish the child's best interest by gathering information, making recommendations to the Court and monitoring the circumstances surrounding the child(ren) in question. The statewide program continues to operate within each Family Court location. Diligent efforts are in place to train and recruit interested individuals to be a powerful voice for children. The CASA Program used several recruiting techniques such as: outdoor billboards along well traveled routes throughout the state; advertisements in Woman's Journal, Delaware Today, Dover Post, Delaware State News, and Cape Gazette; Radio Station Advertisements; and website advertisements on Volunteer Match, Mentors, National CASA Volunteer Referrals and the Family Court CASA website. The CASA Program participated in many community events throughout the state as another means to recruit volunteers. These outreach efforts included the annual Hispanic Job Fair, Sickle Cell Tennis Match, Delmar Community Fair, Newark Community Day, Milford Riverfront Event, Cape May/Lewes Ferry outreach event, Dover Days, AFRAM festivals and a host of other civic/church outreach activities. As a result, the program has increased the exposure and knowledge about the volunteer opportunities, resulting in the doubling of the new volunteer pool from the previous year. The CASA program has been a model used by National CASA to share with other CASA programs across the country in reference to our volunteer recruitment, new volunteer and diversity training. As a result of these extensive recruitment efforts, the program added another CASA attorney position to its downstate program due to the increase in the number of children served. The CASA program now has a total of five CASA attorneys to represent the CASA volunteers in Court.

Currently the program has 270 volunteers serving over 700 children. On several occasions this year, CASA together with the Office of the Child Advocate, was able to provide 100% representation for Delaware's Children. The program trained 69 new volunteers statewide. Our diverse group of volunteers represents many professionals from distinct backgrounds and locations within the

state. New volunteer training (offered quarterly) and in-service training (offered monthly) are extended to all volunteers within the program. Each volunteer receives over 30 hours of continuing education a year (12 hours are required annually). Over 3,500 hours of service is given by the volunteers on a monthly basis, as they speak for the children we serve. Over 50% of our volunteers have remained assigned to a case beyond the 18 month commitment. All CASA volunteers have the ability to become a powerful voice in the life of a child, and it is all done one child at a time. The Family Court CASA program continues to grow and make a difference for Delaware's children.

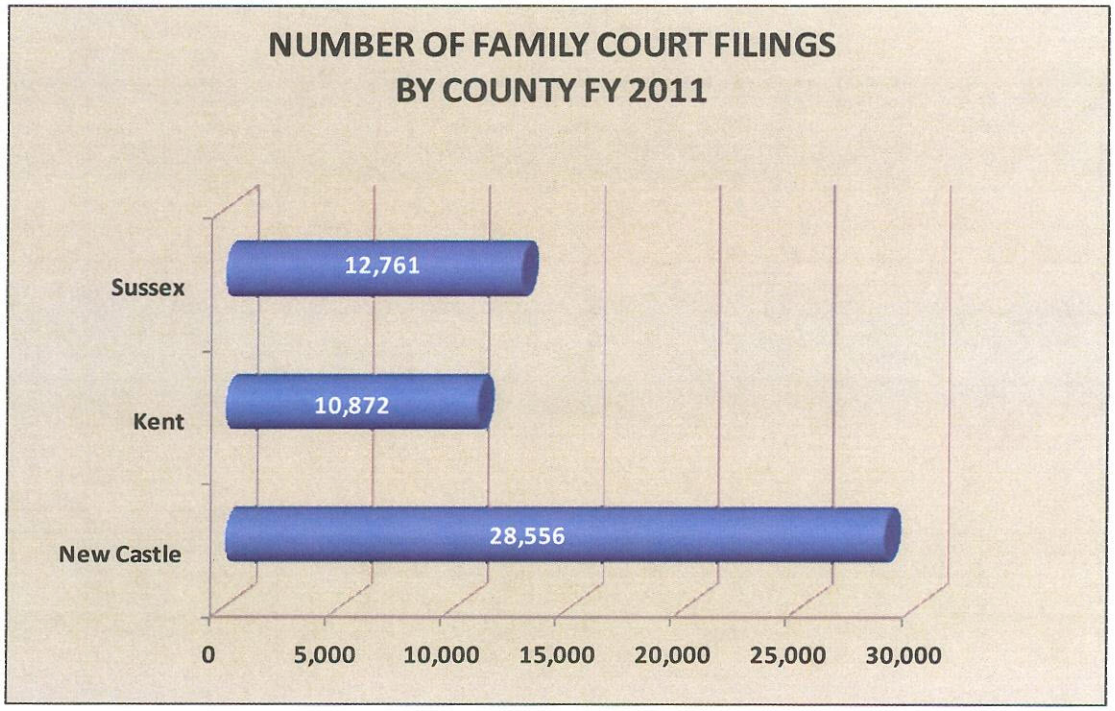
HUMAN RESOURCES

For the past two years, the Human Resources Department, in collaboration with the Administrative Leadership team spent an exorbitant amount of time developing best practices, improving employee engagement, and focusing on effective leadership. This fiscal year, Family Court will continue to focus on these strategies, but will also implement a workforce planning initiative.

Workforce planning (WFP) is an effective tool that is used to identify appropriate staffing levels and justify budget allocations so that organizations can meet their objectives, as well as provide a systemic approach for identifying the human capital required to meet organizational goals.

By focusing on Workforce Planning, Family Court will be able to: 1) allow for more effective and efficient use of employees' talents; 2) ensure that staff replacements are available to fill critical vacancies; 3) provide a more realistic approach to staffing projections for budgetary purposes; 4) be better prepared for restructuring, reducing, and/or expand its workforce; and 5) ensure the right person is in the right job, at the right time.

The Human Resources Department and Administrative Leadership team is excited about this initiative and is looking forward to building and shaping a strong workforce by identifying, acquiring, developing, and retaining employees to meet the overall needs of the organization.



FAMILY COURT

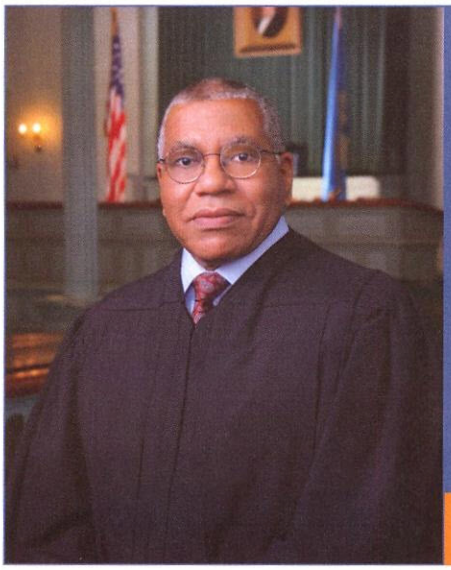
Front row (sitting left to right)
Judge William M. Nicholas
Judge Jay H. Conner
Chief Judge Chandlee Johnson Kuhn
Judge Kenneth M. Millman
Judge William J. Walls, Jr.

Second row (standing left to right)
Judge Arlene Minus Coppadge
Judge Aida Waserstein
Judge Barbara D. Crowell
Judge Joelle P. Hitch
Judge Mardi F. Pyott

Back row (standing left to right)
Judge Mark D. Buckworth
Judge Peter B. Jones
Judge Michael K. Newell
Judge William L. Chapman, Jr.
Judge Robert B. Coonin
Judge John E. Henriksen
Judge Alan N. Cooper

Front row (sitting left to right)
Commissioner Pamela Holloway,
Commissioner Susan Tussey
Commissioner Mary Ann Herlihy
Commissioner Frederic Kenney
Commissioner John Carrow
Commissioner Janell Ostroski
Commissioner Loretta Young
Commissioner Andrew Southmayd

Back row (standing left to right)
Commissioner Sonya Wilson
Commissioner Lester Blades
Commissioner Jennifer Mayo
Commissioner DeSales Haley-Reis
Commissioner Mary Much
Commissioner Louann Vari
Commissioner Bernard Pepukayi
Commissioner David Jones



COURT OF COMMON PLEAS

Chief Judge Alex J. Smalls

Fiscal year 2011 continued as a busy and challenging year for the Court of Common Pleas. The number of cases transferred to, and filed with, the Court of Common Pleas contributes to a high volume environment in the Court. While misdemeanor and civil caseloads leveled off for the first time in many years, they are down from all-time highs in each category.

Civil Initiatives

The Court of Common Pleas received 14,314 new civil cases in FY 2011. While the number of civil cases filed dropped by 5.8% in FY 2011, this follows several years of significant increase filings. Cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time. To better manage this more complex caseload, the Court implemented an expedited process for civil cases, to reduce disposition time, and improve management for litigants, attorneys and judges.

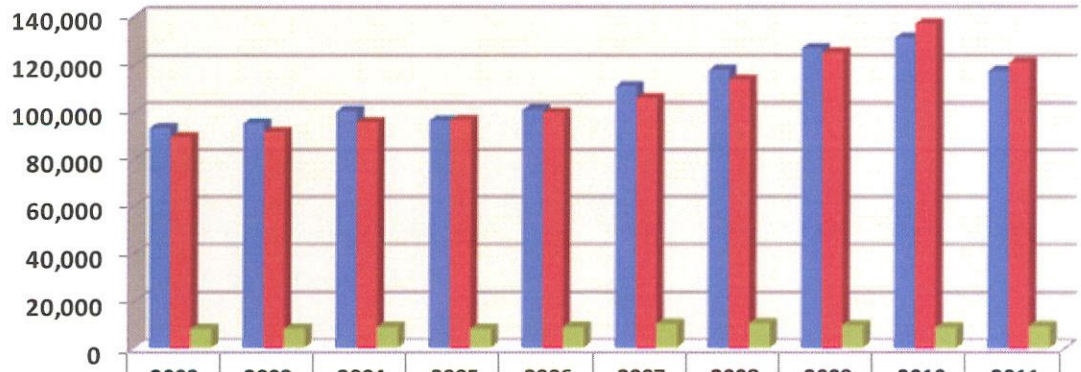
SPEED Docket

In recognition of the need to create programs that increase the efficiency of the Court while still ensuring the fair administration of justice, the Court of Common Pleas adopted two new civil initiatives in FY 2011. Effective February 1, 2011, the Court of Common Pleas adopted Administrative Directive 2010-3, creating the Court's new SPEED Docket (SPecial Election and Expedited Docket) which is available to all parties filing civil cases in the Court and all appeals de novo from the Justice of the Peace Court to the Court where the amount in controversy is between $10,000 and $50,000. It excludes consumer debt cases and appeals on the record. Special scheduling rules are applied to SPEED cases which ensure a more timely resolution, with the application time lines and deadlines, additionally the case is assigned to a Judge who handles all matters until the case is resolved. A scheduling conference is scheduled within thirty days of the filing of an answer or a motion by any party and the trial scheduled within 5 months of this scheduling conference.

Consumer Debt

The mission of the Court of Common Pleas is to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner. In recognition of that mission, the Court of Common Pleas is the ideal forum to litigate consumer debt collection cases efficiently and effectively.

Consumer Debt Collection cases represent a significant percentage of the Court's civil caseload. Consistent with sound public policy and the requirements of due process, and in an effort to better manage these cases, the Court adopted Administrative Directive 2011-1 effective July 1, 2011. The Directive imposes procedural guidelines in consumer debt collection actions to ensure fairness to the litigants and improve efficiency in the administration of justice. The Directive helps the Court meet the goals set forth in its Mission Statement. Among other things, the Court anticipates these changes will provide more information to the litigants, so all parties can make informed decisions earlier in the process. It furthers the State's public policy of adjudication on the merits rather than by default.



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Filings	92,965	95,041	100,232	96,322	100,814	110,765	117,652	126,691	131,073	117,253
Dispositions	89,157	91,283	95,611	96,525	99,704	105,612	113,480	124,804	137,037	120,782
Preliminary Hearings	8,362	8,386	9,189	8,329	9,165	10,413	10,720	9,940	9,066	9,590

Civil Mediation

In recent years, the Court of Common Pleas extended its successful criminal mediation program to include civil cases. This option has been well received by civil litigants and has been responsible for the successful settlement of an increasing number of cases to the satisfaction of both parties.

Criminal Initiatives

The number of criminal defendant filings in the Court of Common Pleas in FY 2011 was 102,939. The 11.2% decrease appears to be largely a result of the Police Prosecution Initiative in the Justice of the Peace Court. This allows the Court of Common Pleas to focus its attention on the more serious misdemeanor and traffic cases. Preliminary Hearing filings increased to 9,590 in FY 2011, an increase of 5.8%. As a result of an aggressive program by the Department of Justice of reviewing felony arrests prior to their scheduled hearings, the Court of Common Pleas continues to take a significantly greater number of pleas at Preliminary Hearing. This has a positive effect on the entire criminal justice system because it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court; many such cases, if not pled, would be re-filed in the Court of Common Pleas after the defendant is bound over for the Superior Court.

Grant-Funded Initiatives

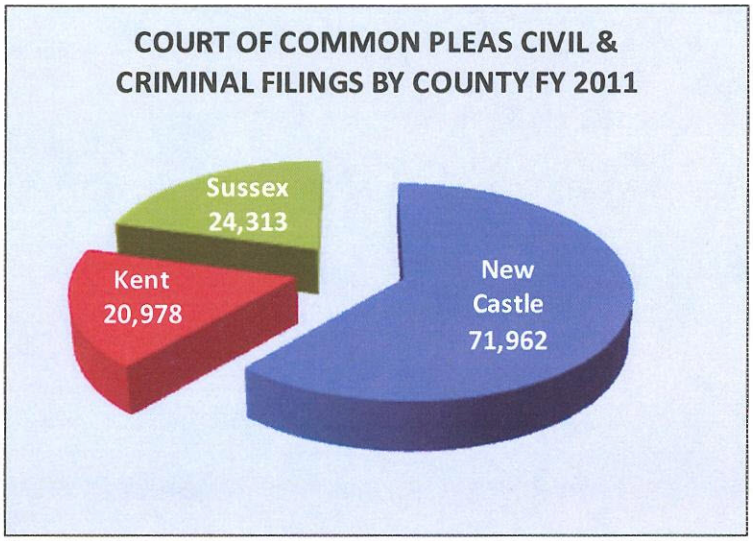
The Court continues to work aggressively to manage its caseload in spite of greater demands on judges and staff. Additional calendars and the application of aggressive case management techniques have reduced the time to disposition in most case categories. The acquisition of funds from the American Recovery and Reinvestment Act allowed the Court to add dedicated traffic calendars in New Castle County and expedite case processing, which resulted in a continued reduction of the time to disposition of traffic cases.

The Court also received funding through the Stop Violence Against Women Act to allow greater concentration on the movement of domestic violence cases. The goal of ensuring prompt disposition of these cases by identifying them early in the process, tracking and monitoring case activities, anticipating case flow problems/causes for delay, and initiating appropriate action to expedite cases has begun to be realized and the time to disposition of domestic violence cases dropped by three weeks.

Mediation

Since 2001, the Court has referred almost 9,000 cases for mediation, with more than 1,025 referrals made to the program in FY 2011. Mediation provides an alternative to criminal prosecution, assists the Court in the management of its busy calendars, and leaves participants with an increased sense of satisfaction with the justice system.

In FY 2011, the Court's mediation program had a success/satisfaction rate of nearly 88%.



Specialty Courts

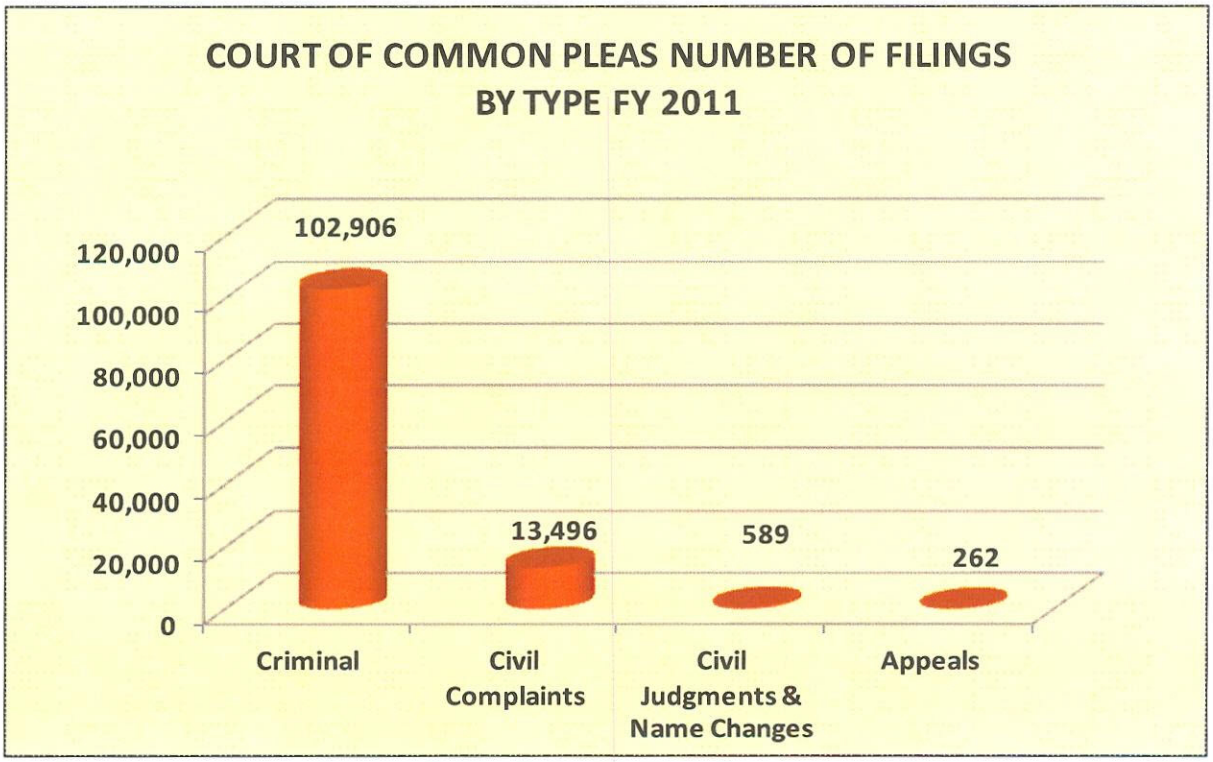
The Court continued to operate its highly successful court -supervised comprehensive Drug Diversion program for non-violent offenders. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing and treatment. The Drug Diversion program represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Public Defender, the private Bar, the treatment providers, and the Treatment Research Institute at the University of Pennsylvania. (The TRI program is limited to New Castle County.) Collaboration with the Treatment Research Center (TRI) has provided the basis for observation, research and analysis to launch scores of other drug diversion programs throughout the United States and internationally. Based on TRI's research, in FY 2011, the Court continued its commitment to identify and accept into the program those defendants who will most benefit from the program and who are committed to a clean and sober lifestyle. The Court has handled more than 6,400 participants since its inception in 1998.

While there are a limited number of drug charges within the jurisdiction of the Court of Common Pleas, the Court serves a large number of clients with serious drug problems. To address the needs of all participants, the New Castle County Drug Diversion Court introduced a new tool to improve services to its clients on July 1, 2010. The new tool called the "RANT" Assessment is a web-based placement tool developed by the Court's partners at the Treatment Research Institute at the University of Pennsylvania. "RANT" is an acronym for Risk and Needs Assessment Triage. The assessment tool asks each client a series of questions which are used to assess each client's risks and needs. The answers to the questions are used to group clients into one of four quadrants, those with: low risks/low needs; low risks/high needs; high risk/low needs; and high risk/ high needs. Identifying these risk/ needs groups allows treatment to be better tailored to meet the individual needs of the client, promote successful program completion and to reduce recidivism rates.

Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the Drug Court concept, the goal of Mental Health Court is to effectively serve the special needs of the mental health population through continuous judicial oversight and intensive case management and, through this approach, to reduce this population's contacts with the criminal justice system. Approximately 250 cases have been referred to the Mental Health Court since its inception, exceeding the original goal of serving 100 misdemeanor offenders. Ninety-eight percent of the admissions have been compliant with their case management plans and, as of June 30, 2010, 89% of the individuals who successfully completed the program did not incur new convictions within six months of their graduation. The Court is in the process of seeking funds to expand the Mental Health Court to Kent and Sussex Counties.

Technology Initiatives

The Court continues to explore avenues to increase efficiency through technology. The success of the civil e-filing initiative, increased use of a web-based system for the payment of fines, costs and restitution through an internet application and increased use of, and reliance on the Court's web site, have afforded the Court productivity gains. In FY 2011, the Court also began to use an innovative automated file and retrieval system for the archiving of records that has saved court staff many hours of time and effort and has allowed the Court to be more quickly responsive to customer requests. The Court is also an active partner in the Judiciary's Delaware Courts Automation Project (DCAP) and has committed staff to the effort. In addition, the Court continues to explore other opportunities by which it can serve its customers through improved public access, such as through an Interactive Voice Recognition Program and through expanded e-Payment opportunities.



The continued success of the civil automation implementation has significantly improved access to civil cases and civil case information. E-filing has been extremely successful, with more than 90% of the Court's caseload being e-filed. In FY 2011, the Court received 68,645 individual filings (a 42% increase over last year) and collected $1,233,882 in fees for those filings. Additionally, the COTS implementation provides electronic access by judges and staff to court filings, reduces the Court's reliance on paper; provides access to accurate and complete reporting information for the first time; and provides the public with internet access to civil case information.

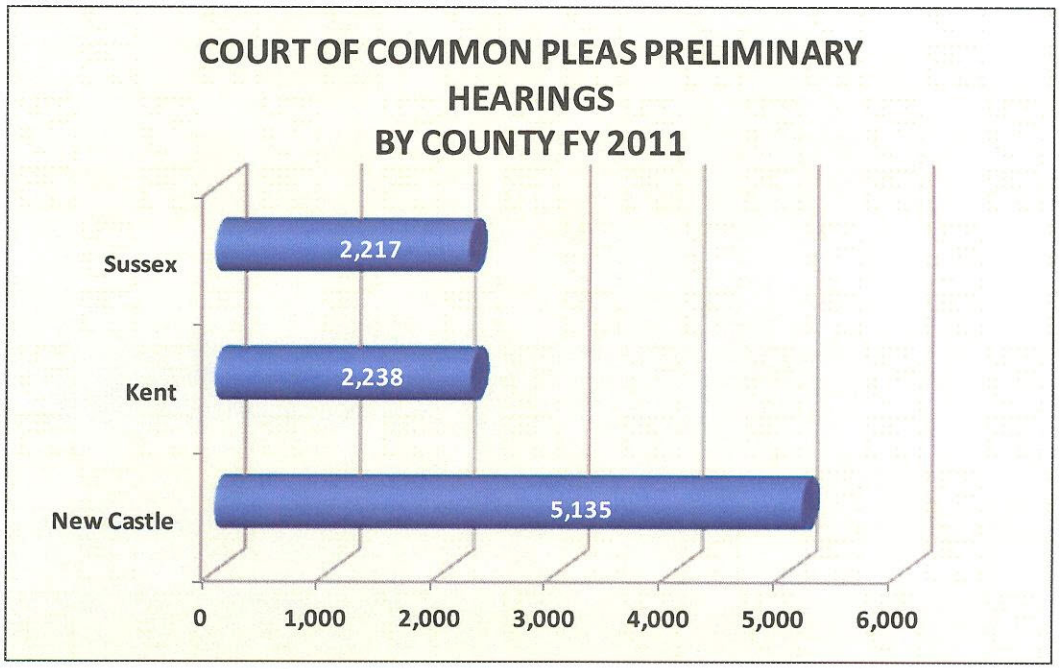
Enforcement of Court Orders

The Court of Common Pleas commitment to enforcement of its court orders continues. In spite of a weak economy, the Court collected approximately $6,500,000 in outstanding fines, costs and assessments. These collections represent money going to the State's General Fund, as well as to individual municipalities throughout the State. The Court returns more than 48% of its operating budget to the State's General Fund, a far higher percentage than any other Court. A significant portion of the Court's collections also represents restitution and compensation payments to victims of crime.

Kent County Courthouse

At the end of FY 2011, the Court of Common Pleas in Kent County moved into its long-awaited new courthouse in Dover. The move to the new Courthouse required the dedication and hard work of the judges and Court staff in preparing files and equipment for the move while continuing to maintain the same quality of service to the citizens of Delaware. The move to the Kent County Courthouse has provided a state of the art facility in which to conduct the Court's business that will continue to improve the delivery of service to the citizens of Delaware.

In spite of the challenges of managing a large and increasingly complex caseload, judges and staff remain committed to the mission of the Court of Common Pleas - to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner. Each member of the Court is responsible to the people and the Court serves to carry out that mission on a daily basis.



Front row (standing left to right)
Judge Andrea L. Rocanelli
Chief Judge Alex J. Smalls
Judge Rosemary Betts Beauregard

Second row (standing left to right)
Judge Charles W. Welch, III
Judge Joseph F. Flickinger, III
Judge Anne Hartnett Reigle
Judge Eric Davis
Judge Kenneth S. Clark, Jr.
Judge John K. Welch

JUSTICE OF THE PEACE COURT

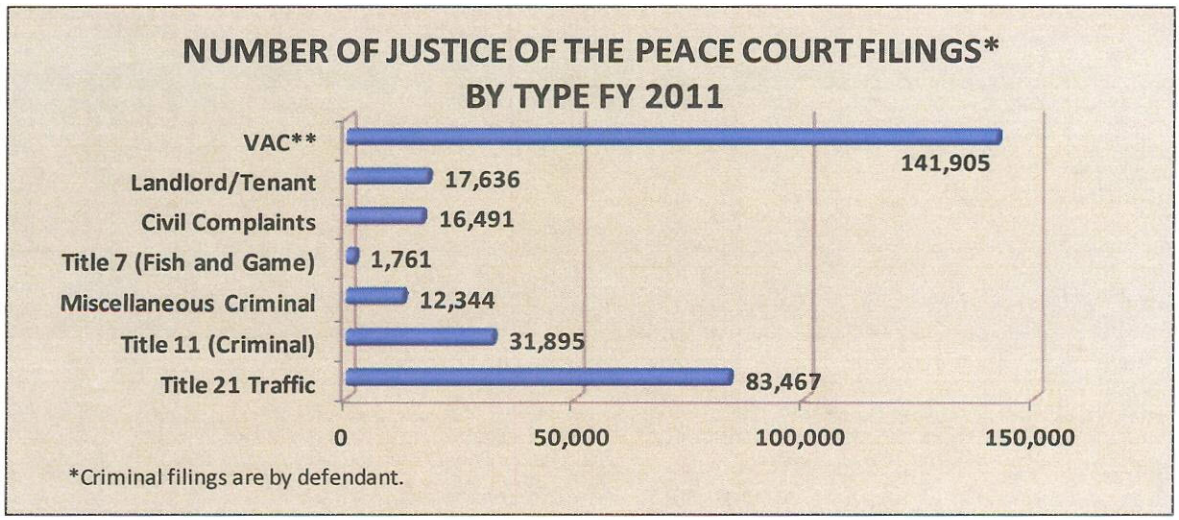
Chief Magistrate Alan G. Davis

Each year this space chronicles the advancements, improvements and challenges that the prior fiscal year brought. Sometimes those are improvements to the internal workings of the Court, such as more efficient case processing efforts. At other times they are more concrete, public-face examples, like the opening of a new court location. Fiscal Year 2011 was no different. As with most other years, change was our steady companion. Instead of examining the changes themselves, this year I'm using this opportunity to recognize the most significant constant that exists in this Court - its judges and staff – by highlighting how the people of this organization face their everyday challenges, adapting to change – often embracing it - like no other Court in this State. Our judges and staff are remarkable.

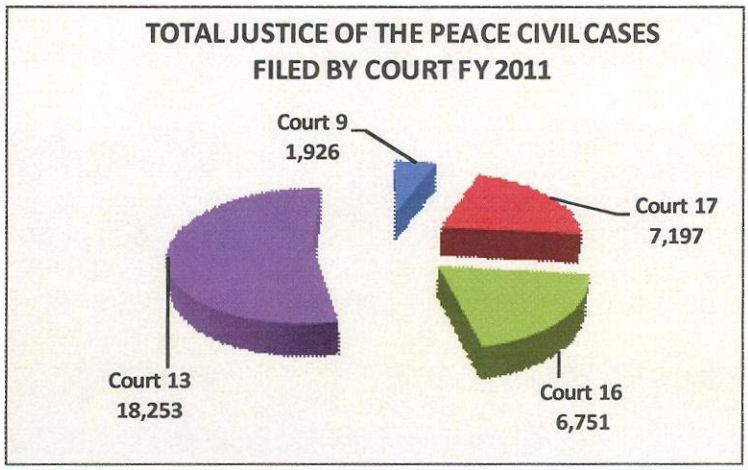
The first place this is evident is in the hours we work. Many afternoons, from the widow of my chambers, I watch as the parking lot of the county courthouse pours out the vehicles of that building's weary workers. I contemplate this scene with interest, wondering how many of those about to head home realize or appreciate that there are some in the Delaware judicial branch who, at that very moment, are just starting their day or who are napping in anticipation of a full night of work.

The Delaware Constitution affords criminal defendants the right to a "forthwith" bail hearing. So, since crime never sleeps, neither do we; four Justice of the Peace Court locations are designated 24-hour operations and one location serves 16 hours a day. Being open all the time certainly brings unique challenges. Riding out a blizzard for a couple of days with staff being unable to leave and replacements struggling to arrive is not unheard of. Nor is the unannounced police round-up, which turns an otherwise quiet night into a standing-room only lobby at two in the morning.

Never knowing what the next night brings - from the mundane to the exciting - is part of the experience of



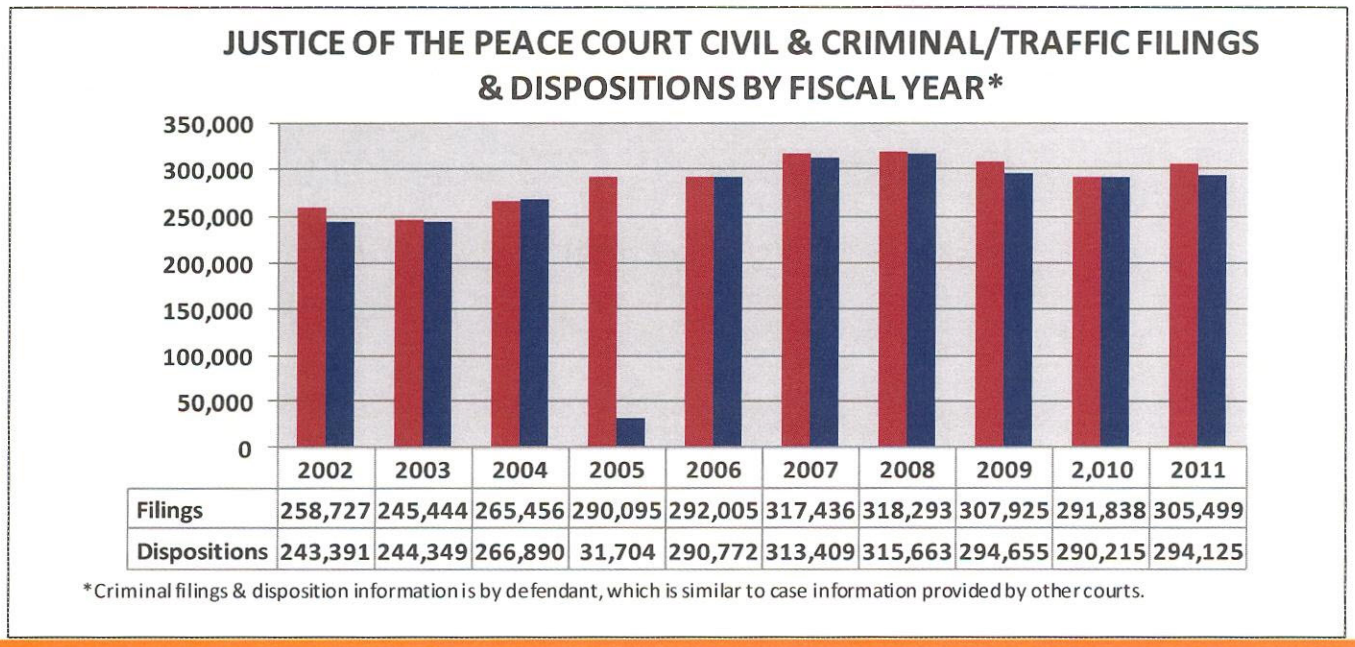
working here, but the pace also adds to the stress. Missing weekend events, cutting short holiday gatherings and facing menacing weather are all familiar experiences to many of our judges and staff. Maintaining 24-hour operations creates a challenge for retaining quality staff for these very reasons. While our staff members take these positions with the full knowledge of this requirement, it does not diminish the human impact of actually experiencing it.



The unique nature of this Court and the people who serve in it is also evident in the job that we do every day for the people of this state, our criminal and civil justice partners and our sister courts. As succinctly stated as possible, this Court, through its staff and judges, does a lot of work. In FY 11 we processed over 400,000 criminal charges and nearly 35,000 civil cases. We reviewed the overwhelming majority of arrest and search warrant requests from police agencies. We made, conservatively, 97% of all initial bail decisions. Capiases from other courts were returned to our court over 21,000 times last year. We did that work with more judges but with fewer staff than most of the other courts of this state.

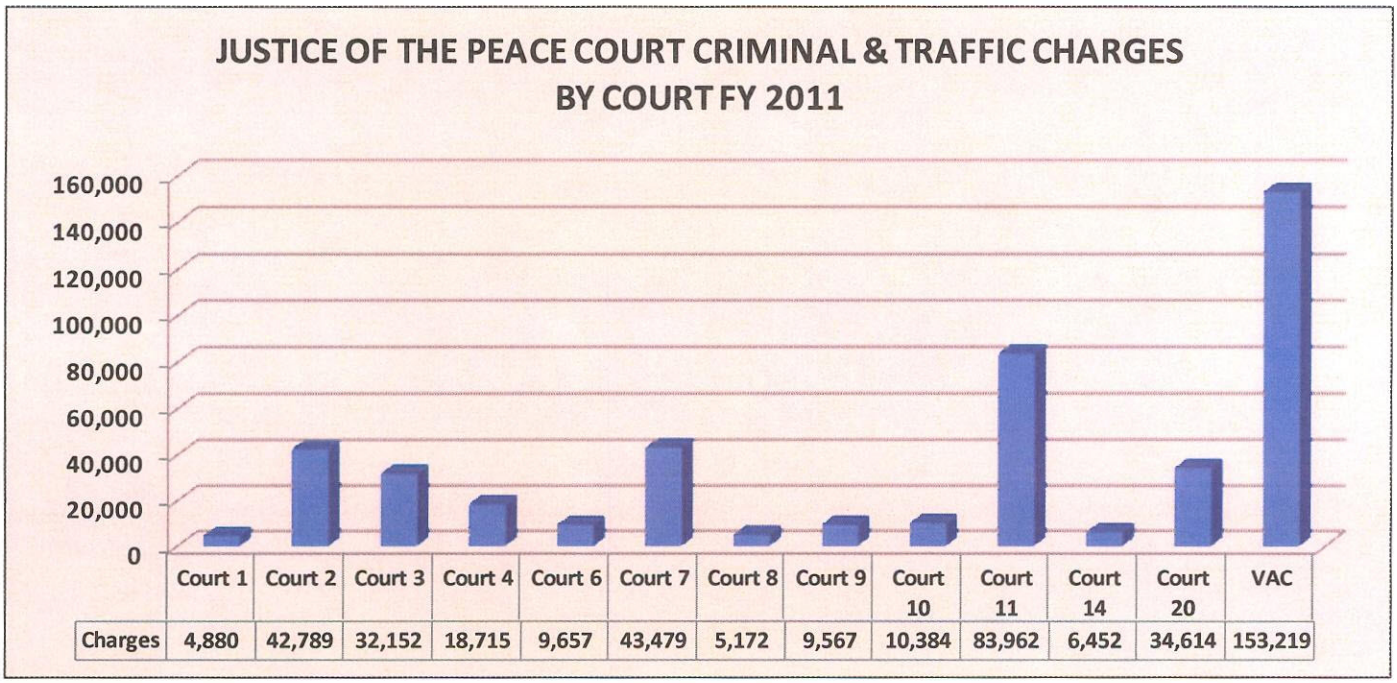
Very often we initiate programs or accept the responsibility of additional effort that is not entirely within the scope of our "normal work". In fact, many of these system enhancements do little for our Court's benefit, adding to our workload, but we accept, seeing the benefits of the system as a whole. Below is a partial list of those duties we have undertaken over the course of the years and some of their impacts:

- Police Prosecution Process - This project has reinvented the way that this Court handles traffic cases, to the benefit of the public as well as agencies across the criminal justice system. This benefits police agencies by increasing "road time" for officers. It has reduced the overall transfer rate to the Court of Common Pleas by more than half, thereby reducing traffic backlogs in that court in New Castle County from 6-9 months to 9 weeks. This process also benefits the Attorney General's office, by reducing their CCP caseload. The public spends less time in court, makes fewer appearances and has an opportunity to plea bargain a case where there previously was none.
- VAC - Our Voluntary Assessment Center processed over 153,000 traffic tickets in FY 11. While the advent of electronic tickets and payments has eased the bur-



	2002	2003	2004	2005	2006	2007	2008	2009	2,010	2011
Filings	258,727	245,444	265,456	290,095	292,005	317,436	318,293	307,925	291,838	305,499
Dispositions	243,391	244,349	266,890	31,704	290,772	313,409	315,663	294,655	290,215	294,125

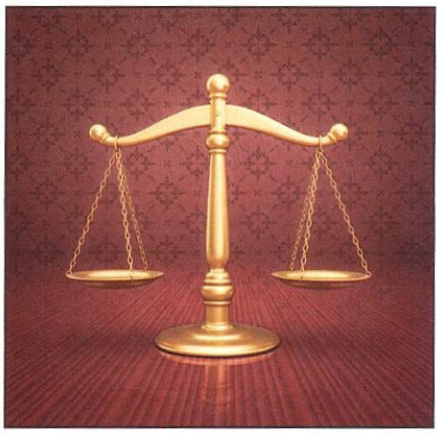
*Criminal filings & disposition information is by defendant, which is similar to case information provided by other courts.

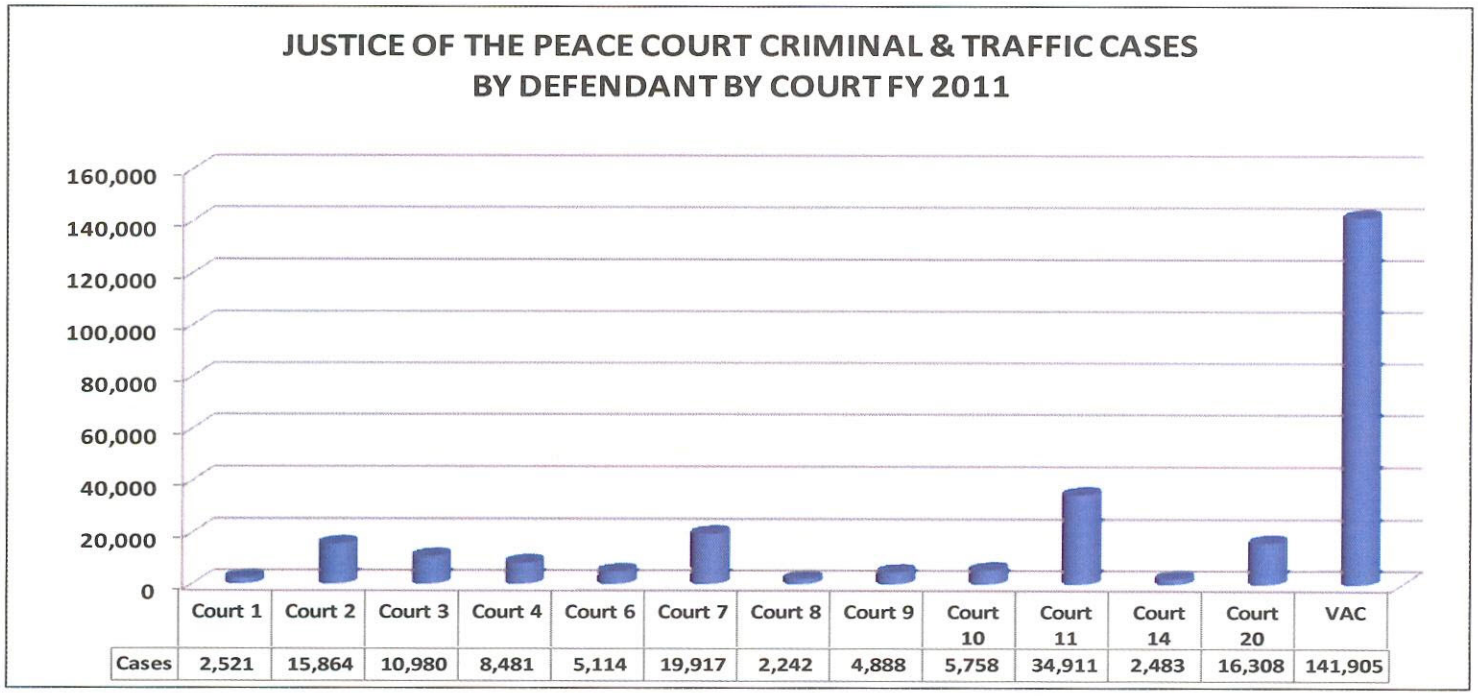


den of its functions, when the VAC was created it was revolutionary, greatly improving public convenience by eliminating the need for personal appearance of traffic defendants wishing to plead guilty.

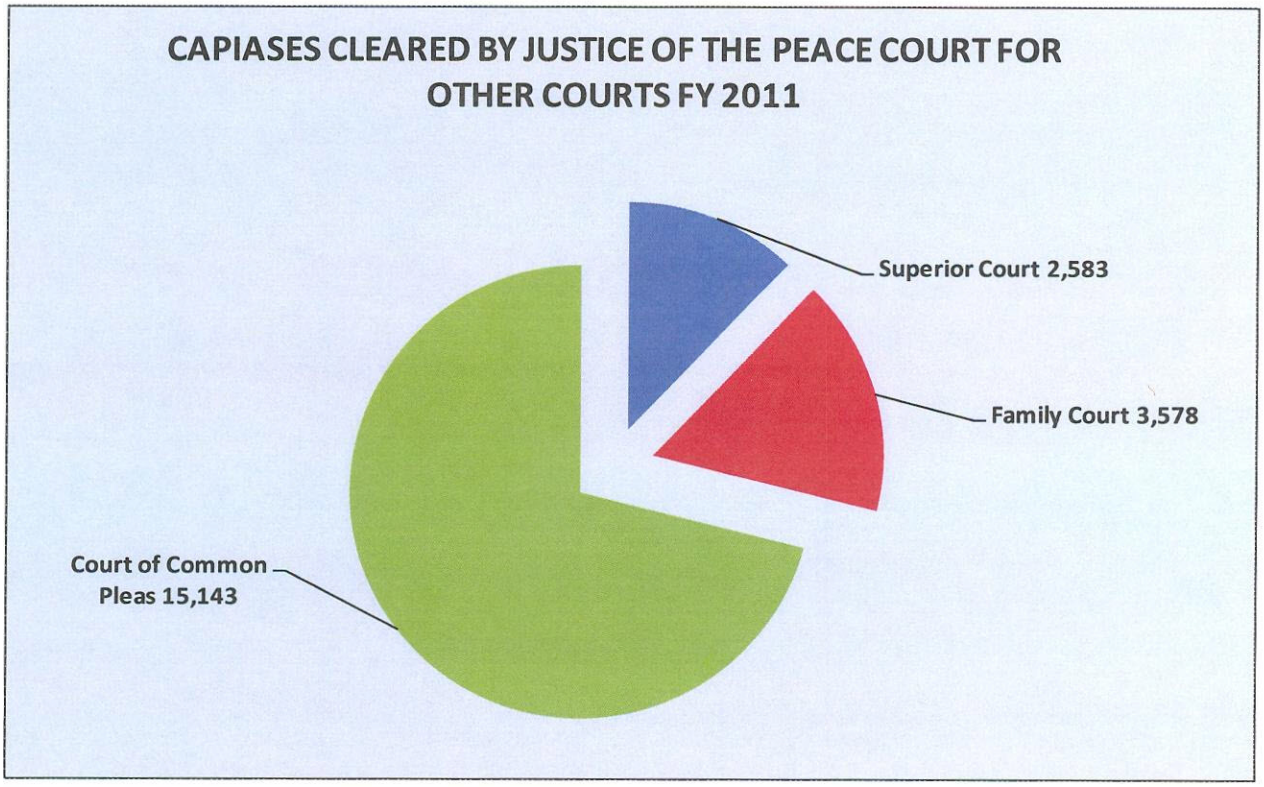
- State-wide Videophone Court – Established in 2002, this court location provides videophone access to warrant and bail setting processes for the vast majority of police agencies in the state, reducing transportation costs, improving officer safety and eliminating delays for defendants who are released. Of the over $10 million in cost avoidance that the videophone system provides throughout the criminal justice system, nearly ¼ of that is directly attributable to the Statewide Videophone Court. The monthly statistics from this location indicate that the Court is handling a video matter every six to nine minutes while it is operating.
- Truancy Court – This problem-solving court deals with a relatively low number of cases each year, but does so in an intense and focused fashion. Because the complex core causes of truancy are related to so many other potential criminal and social upheaval for a student and his or her family, early intervention in the Truancy Court process often diverts the need to address these serious underlying issues at a higher level in the criminal justice system or the social support network.

The remarkable thing about these efforts is not that we have undertaken them, or even that we have performed admirably in them; it is that our staff takes such gigantic modifications and increases to our work in stride and without complaint. I'm continually awed by this simple fact: The volume of our workload is not the measure of our worth as a court, it is the capacity of our people to continue to perform those duties every day.





	Court 1	Court 2	Court 3	Court 4	Court 6	Court 7	Court 8	Court 9	Court 10	Court 11	Court 14	Court 20	VAC
Cases	2,521	15,864	10,980	8,481	5,114	19,917	2,242	4,888	5,758	34,911	2,483	16,308	141,905



JUSTICE OF THE PEACE COURT JUDGES

SUSSEX COUNTY

Seated (left to right)
Michelle Jewell, Stephani Adams, Deputy Chief Magistrate Sheila Blakely, William Hopkins Jr., Marcealeate Ruffin, Jana Mollohan, James Horn
Standing (left to right)
John McKenzie, John Hudson, William Mulvaney III, William Boddy III, John Martin, Herman Hagan, Larry Sipple, John Adams, Richard Comly, Christopher Bradley

Not Pictured: Jeni Coffelt, William P. Wood

KENT COUNTY

Seated (left to right)
Debora Foor, Tracy Warga
Standing (left to right)
James Murray, Deputy Chief Magistrate Ernst Arndt, William J. Sweet, Robert B. Wall Jr., Dwight Dillard

Not Pictured: D. Ken Cox, Pamela Darling, R. Hayes Grapperhaus, Kathleen Hutchison

NEW CASTLE COUNTY

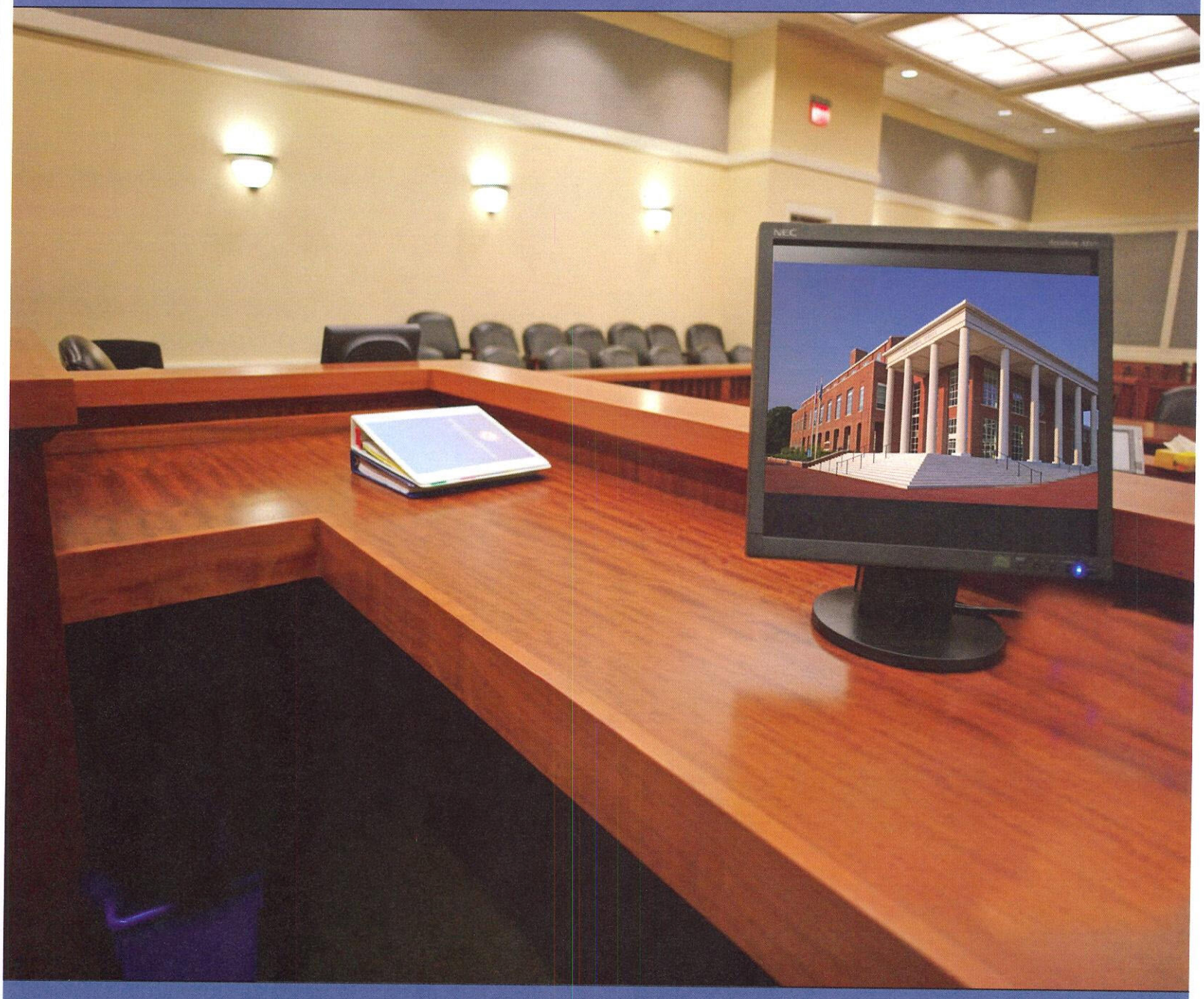
Seated (left to right)
Cheryl Stallmann, Beatrice Freel, Rosalie Rutkowski, Kathleen Lucas, Deborah McNesby, Nina Bawa, Marie Page, Rosalind Toulson
Standing Middle Row (left to right)
Susan Cline, Katharine Ross, Kathy Gravell, Nancy Roberts, Roberto Lopez
Standing Back Row (left to right)
William Moser, Sean McCormick, James Hanby Sr., William Young III, David Skelley, Thomas Brown, James Tull, Thomas Kenney, Vernon Taylor

Not Pictured: Deputy Chief Magistrate Bonita Lee, Marilyn Letts, Stanley Petraschuk, Paul Smith, Terry Smith

Kent County Courthouse

Many thanks to the Presiding Judges, Court Administrators and others in the Courts and the Administrative Office of the Courts for their efforts related to preparing this annual report.

Special appreciation goes to Richard K. Herrmann, Esquire for lending his exceptional talents to capture the Kent County Courthouse and Eden Hill in the photographs pictured in this report.



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