

COURT OF COMMON PLEAS

FY 2012 was 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 8,381 new civil cases in FY 2012. Cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time.

SPEED Docket

In FY 2011, the Court of Common Pleas adopted Administrative Directive 2010-3, making the Court's new SPEED Docket (Special Election and Expedited Docket) available in all civil cases in the Court and all appeals de novo from the Justice of the Peace Court to the Court of Common Pleas, where the amount in controversy is between \$10,000 and \$50,000, excluding consumer debt cases and appeals on the record. Special scheduling rules are applied to SPEED cases that ensure a more timely resolution than that which is available through traditional scheduling practices, most notably judicial assignment of the case to one Judge to handle all matters until the case is resolved. A scheduling conference is scheduled within 30 days of the filing of an answer or a motion by any party and the trial scheduled within five months of this scheduling conference. The program has been well-received by the Bar and the public. In FY 2012 there were 42 SPEED cases filed with the Court of Common Pleas.



*Chief Judge
Alex J. Smalls*

Consumer Debt

The mission of the Delaware Court of Common Pleas is to provide a neutral forum for the people and institutions of Delaware, in the resolution of everyday problems, disputes, and more complex legal matters 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 imposed procedural guidelines in consumer debt collection actions to ensure fairness to the litigants and improve efficiency in the administration of justice. To further increase both accessibility and fairness, the Court sought recommendations, in Fiscal Year 2012, from an independent committee of members from the Bar, to improve upon Administrative Directive 2011-1.

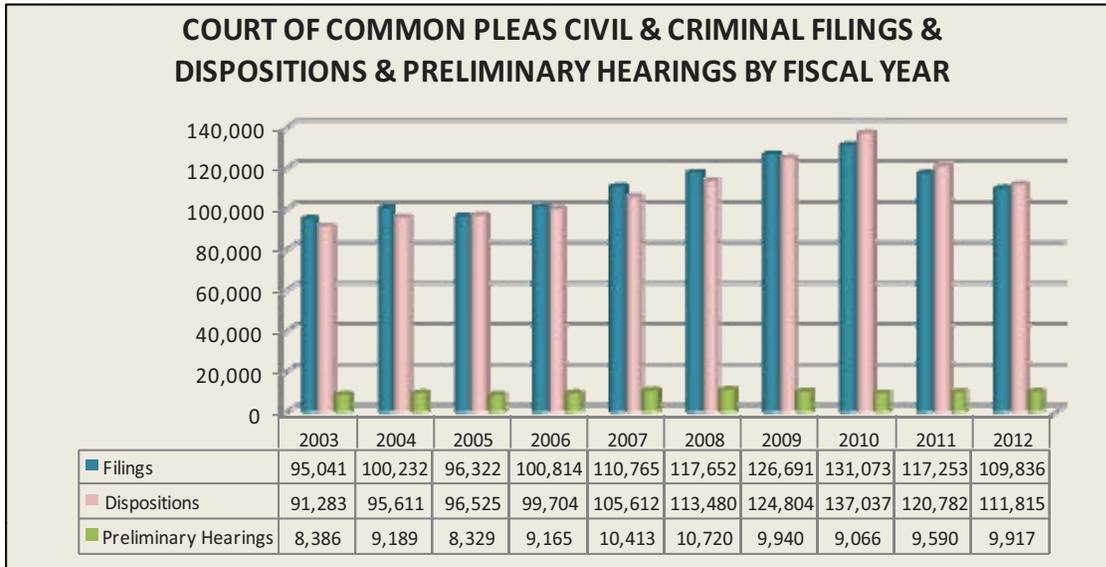
Civil Mediation

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.

Criminal Initiatives

The number of criminal defendant filings in the Court of Common Pleas in FY 2012 was 101,284. The slight decrease from last fiscal year appears to be largely a

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result of the remaining impact of the Police Prosecution Initiative in the Justice of the Peace Court as well as House Bills 134 and 135 which reduced the number of traffic cases eligible for transfer to the Court. This allows the Court of Common Pleas to focus its attention on the more serious misdemeanor and traffic cases. Preliminary Hearing filings increased 3.3% to 9,917 in FY 2012. 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

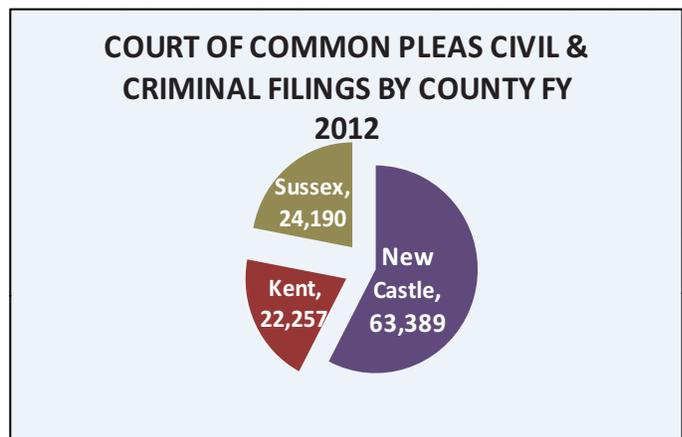
The Court continues to work aggressively to manage its caseload in spite of greater demands on judges and staff. Additional calendars and the application of aggressive case management techniques have reduced the time to disposition in most case categories. The Court received funding in FY 2012 from a Byrne Justice Assistance Grant to provide resources for the expansion of the mental health court to Kent and Sussex Counties. Kent County held its first mental health court calendar in January of 2012. The Court served 53 clients in FY 2012.

Mediation

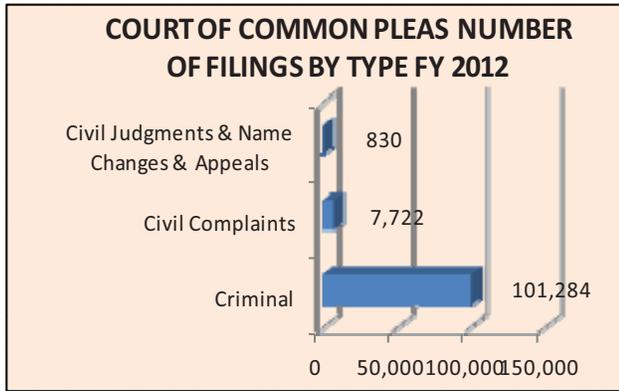
Since 2001, the Court has referred over 10,000 cases for mediation, with more than 1,534 referrals made to the program in FY 2012. Mediation provides an alternative to criminal prosecution, assists the Court in the management of its busy calendars, and leaves participants with an increased sense of satisfaction with the justice system. In FY 2012, 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



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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 2012, 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 6,853 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 referred to as 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.

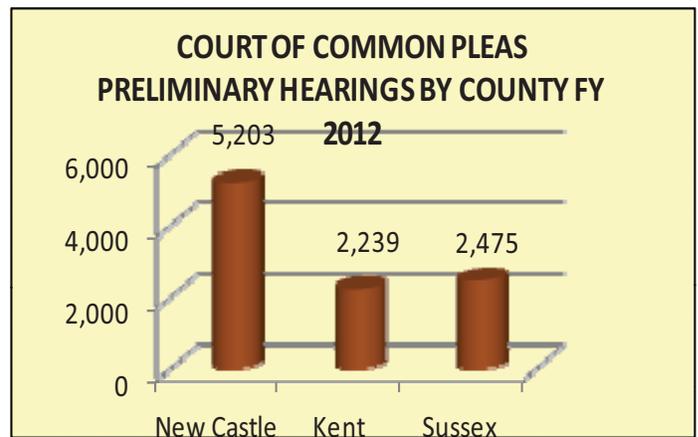
Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its

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 260 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, 2012, 89% of the individuals who successfully completed the program did not incur new convictions within six months of their graduation.

In Fiscal Year 2012, the Court introduced the Trauma Informed Probation calendar (TIP). TIP is a new specialty court designed to handle female defendants who have experienced significant trauma in their backgrounds. The goal is to provide trauma-informed care to help improve outcomes for the TIP participants and to reduce recidivism rates. Trauma Informed Probation entered 30 participants in FY 2012.

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. The Court is also an active partner in the Judiciary's Delaware Courts Automation Project 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



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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 2012, the Court received 47,030 individual filings and collected \$775,443.50 in fees. 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, 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, and the Court collected approximately \$6,600,000 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 45.7% of its operating budget to the State's General Fund. A significant portion of the Court's collections also represents restitution and compensation payments to victims of crime.

Conclusion

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 a neutral forum for the people and institutions of Delaware in the resolution of everyday problems, disputes, and more complex legal matters in a fair, professional, efficient, and practical manner. Each member of the Court is responsible to the people 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