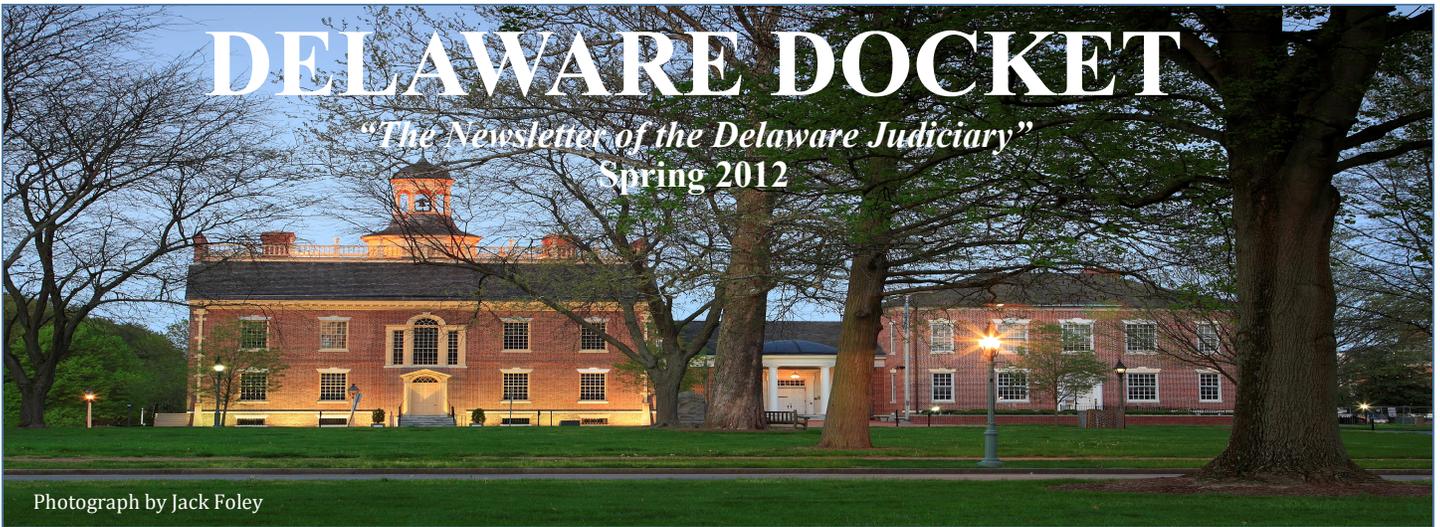


# DELAWARE DOCKET

*"The Newsletter of the Delaware Judiciary"*  
Spring 2012



Photograph by Jack Foley

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## Conference of Chief Justices Midyear Meeting Held in Delaware

Chief Justice Myron T. Steele hosted the 2012 Midyear Meeting of the Conference of Chief Justices (CCJ) in Wilmington, Delaware. Delaware was selected over Puerto Rico as the locale for the January conference on Chief Justice Steele's assurance that there would be palm trees in Wilmington. And there were palm trees (chocolate ones) offered to CCJ guests at the conference.

This is the first time that Delaware has hosted the full Conference of Chief Justices. The Conference of Chief Justices was founded in 1949 to provide an opportunity for the highest judicial officers of the states to meet and discuss matters of importance in improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems, and to make recommendations and bring about improvements on such matters.

Attendees from across the country participated in the four-day conference which included a dynamic educational program focusing on "Commercial and Business Law" with renowned speakers and panelists from the United States and abroad, including Lord Peter Goldsmith, a Partner of Debevoise & Plimpton, LLP, of London, England, and Ellen J. Kullman, Chair of the Board and CEO of the DuPont Company.

After their arrival on Saturday, January 28, 2012, the attendees and their guests enjoyed a Law and Literature session and welcome reception hosted by Delaware's Secretary of State, Jeffrey W. Bullock, at the Buena Vista State Conference Center. Attendees were treated to an informative presentation given by Simmie Knox, nationally acclaimed portrait artist.



CCJ President Washington (Chief Judge, D.C. Court of Appeals), Chief Justice Steele, Governor Markell, Attorney General Biden, and Mayor Baker welcome the Conference of Chief Justices to Delaware.



*"The Mid-Year Meeting of the Conference of Chief Justices was simply outstanding. The educational program was substantively rich and the cultural program was vintage Delaware. We are all indebted to Chief Justice Steele and the Delaware AOC for being such gracious hosts."*

The Honorable Eric T. Washington, Chief Judge of the District of Columbia Court of Appeals, President of the Conference of Chief Justices

Washington, D.C. Court of Appeals Chief Judge Eric T. Washington, President of the Conference of Chief Justices, presided over the official opening ceremony on Sunday, January 29, 2012 at the Hotel DuPont. Chief Justice Steele offered welcoming remarks along with Governor Jack Markell, Senator Thomas R. Carper, Attorney General Joseph R. "Beau" Biden III, and Mayor James M. Baker, who were all on hand to welcome the participants.

Over the course of the next several days, participants engaged in numerous committee meetings and broad ranging panel discussions focused on both national and international issues relating to complex multi-jurisdictional litigation, e-discovery, and business courts, among other topics. Moderator Stephen Saltzburg, Professor of Law at George Washington University Law School, and a panel, including Superior Court Judge Joseph R. Slight III, discussed problems and potential fixes involved in the "Management of Complex Multi-Jurisdictional Litigation." During the "Business Litigation through Regulation and Prosecution" panel, Henry R. Butler, Executive Director, Law & Economics Center, George Mason University Law School, engaged the panelists in discussions on whether litigation and prosecution (or the threat of such actions) of corporate behavior results in sound public policy. The



Panelists discussing "Issues and Effectiveness of Commercial Dispute or 'Business' Courts" at CCJ Meeting.

panel on "International Practice of Law and Its Impact on State Court Systems" was moderated by the former Chief Justice of the Supreme Judicial Court of Massachusetts, Margaret H. Marshall, and included speakers from Australia, Canada, United States and Justice Philip Pillai, Supreme Court of Singapore, who addressed the types of mechanisms in place in their respective court systems that attract business chartering and litigation. A panel, led by Chief Justice Jean Toal from South Carolina and including Delaware Supreme Court Justice Carolyn Berger, discussed "Issues and Effectiveness of Commercial Dispute or 'Business' Courts."

One of the highlights of the conference included a breakfast event at the Hotel DuPont featuring an appearance by Vice President Joseph R. Biden, Jr. With a nod to his esteemed audience, the Vice President began his address with, "May it please the courts..." and told the chief justices that their work in enforcing the rule of law reinforces aspirations shared by people around the world to be treated fairly. The Vice President went on to say that "**American exceptionalism' ... does exist... The truly exceptional aspect of our American democracy is our deep commitment to the rule of law in our**



Former Chief Justice Margaret Marshall (Massachusetts) moderated a panel on "International Practice of Law and Its Impact on State Court Systems" at recent CCJ meeting in Wilmington.



**courts.”** After his address, the Vice President lingered with the crowd addressing many of the Chief Justices personally.

Bringing the thought-provoking educational program to completion, Ellen J. Kullman, Chair and CEO of DuPont Company, spoke at the farewell luncheon on Wednesday, February 1, 2012. Speaking on the topic of “What Factors CEOs of Publicly Traded Multinational Corporations Favor in the Litigation Environment,” Ms. Kullman suggested to the

participants what many business experts have come to recognize: that the extensive experience, track record, and accessibility of the Delaware Courts makes this state an ideal choice for business litigation.

Supplementing the intellectual discourse, social activities sponsored by the program treated the attendees and their guests to a healthy sampling of Delaware hospitality. Social events included a tour of the Air Mobility Command Museum at the Dover Air Force Base (and Air Force Two – the recently retired Vice Presidential plane), visits to the town of Old New Castle, a tour of the Brandywine River Museum, an evening at Winterthur Museum, and a reception at the Wilmington Club. The festivities were capped off by a dinner reception on the last night of the conference at the World Café Live at the Queen Theater. During dinner, the chief justices were delighted by the young musical group and local blue grass favorite, Road 599, and a performance by the Learned Hands (a group comprised of Delaware judges and local practitioners), enticing guests to break out their dancing shoes and sing along to some new and old jazz and rock favorites.



Ellen Kullman, Chair and CEO of DuPont Company, speaking at the CCJ meeting.

From start to finish, the conference showcased the strong relationship of Delaware courts with the business law area, as well as Delaware’s many cultural treasures. The success of the conference was due to the hard work and collaboration of many volunteers. Chief Justice Steele expressed his appreciation to all of those, including Delaware judges, attorneys, AOC staff, and others, who went above and beyond to support the event.



*“The Delaware hosts outdid themselves! The CCJ 2012 midyear meeting ranks among one of the best—stellar education sessions, flawless execution, and opportunities to experience the many charms and attractions that make the State of Delaware First in the Nation! Franny Haney, Pat Griffin, Amy Quinlan and their wonderful staffs were all were super efficient, detail-oriented and a joy to work alongside.”*

Brenda Williams, Association Manager for the Conference of Chief Justices

Chief Justice Myron T. Steele and Vice President Joseph R. Biden, Jr. at the CCJ meeting in Wilmington, Delaware.



## The Youth Forum Goes International

Twenty four French high school students experienced the American prosecutorial process first hand when they assisted in the case of The State v. The Cellphone Thief tried in New Castle County's Superior Court on April 20, 2012. Visiting from Lyon, France, as guests of the Tower Hill School, the students, their two French teachers, and their American guide for the day, Patricia Schwartz, Esq., were engaged in an open-question session on the American judicial system with Superior Court Judge Mary M. Johnston, Deputies Attorney General, Ipek Medford, Esq. and Danielle Brennan, Esq., and Deputy State Court Administrator, Amy Quinlan, Esq., when suddenly, a phone rang in Ms. Schwartz's pocket. A member of the Administrative Office of the Courts staff recognized the phone as hers and a mock trial was staged to determine whether Ms. Schwartz had stolen the phone or, as she claimed, inadvertently picked it up.

Twelve students were selected as jury members and the other students

were evenly divided between the prosecution and defense. As the prosecution and defense teams prepared their case, jurors were instructed on the jury process and selected a foreperson. The students got to practice their English as they gave opening statements, examined and cross-examined witnesses, and made closing arguments (one in French to better persuade the jury). The students were guided through the process with interpretive assistance provided by the Administrative Office of the Courts Staff Attorney, Ashley Tucker, Esq. (whose language of origin is French). Judge Johnston instructed the jurors who then deliberated on the strengths and weaknesses of the case. Although it was a hung jury, the students gained a greater understanding of the challenges faced by an American jury that must reach a unanimous decision.

### THE FRENCH JUSTICE SYSTEM

The concept of a jury "of your peers" was a novel idea for many of the students and the subject of numerous questions regarding jury selection, the number of jurors, and jury duty. In France, ordinary citizens do not serve as jurors in civil matters or in most criminal matters. Ordinary citizens only serve in aggravated criminal matters, such as murder or when the possibility of incarceration exceeds ten years. In such instances, a jury is composed of six citizens and three *magistrats* (professional judges or judicial officers). The chief *magistrat* (*président*) acts as a moderator, judge, and jury in the arguments between prosecutors and defense counsel. France is based on an inquisitorial system of justice so that the court is actively involved in investigating the facts of the case. Citizen-jurors can question witnesses on factual matters to help with their analysis. A verdict is reached by a majority decision.

During the open question session, the students were surprised by the Deputy Attorney General's explanation that prior criminal history cannot be introduced under the Rules of Evidence, as well as the fact that Delaware has the death penalty – France abolished it in 1981. Of additional interest to the students was that the Delaware Superior Court is a court of general jurisdiction able to hear either civil or criminal matters. In contrast, French courts have different courts for different matters including: the *tribunal administratif* which hears all disputes in which the State or any public institution is a party; the *tribunal de grande instance* which handles civil matters in excess of €10,000 (approximately \$13,000) and family law issues; the *tribunal de commerce* which handles commercial



French high school students participating in a Youth Forum at the New Castle County Courthouse.

disputes; the *conseil de prud'hommes* which resolves labor law disputes; the *tribunal correctional* that hears criminal matters in which incarceration is less than ten years; and the *Cour d'assises* that handles aggravated criminal matters. Cases that involve mixed questions of civil and criminal law are heard by the criminal courts. The concept of plea bargaining, which until recently did not exist in France, was discussed.

Prior to the mock trial, the students toured the courthouse and the Capitol Police's security facilities. The students viewed the Capitol Police's collection of confiscated objects that litigants have tried to bring into the courthouse, including brass knuckles (known as *poing américain* in France or "American fist"), and a canine demonstration. This is the second annual visit of French students to the New Castle County Courthouse, and we look forward to continuing these international experiences.



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## Family Court Members Go the Extra Mile to Connect with the Young Women of Grace Cottage

Around 5:00 p.m. on the third Thursday of each month, Jennifer Ellsworth-Aults, law clerk to Judges Aida Wasserstein and Barbara Crowell, can be seen heading off to Grace Cottage on the Ferris School Campus on Centreville Road in New Castle County. Grace Cottage is the staff-secured residential facility that houses adolescent girls. While residents can be as young as 12, most of the girls, some of whom are pregnant, are between 14 and 17. The capacity of Grace Cottage is 14 girls but 8-10 is more common.

Each month, Jennifer and Judge Crowell along with some of the other Family Court law clerks, and occasionally a couple of attorneys and interested adults, meet with the residents for pizza and a joint activity that can include baking, team sports, craft projects, board games, yoga, or zumba. Sometimes the girls will meet with an interesting adult from the community about that adult's job or passion. "You put a message in our head to go out and do the right thing," said one resident when remembering a recent presentation by

Agent Pam Marshack of the Delaware State Police. "It gives us a different outlook," another resident commented. About twice a year the girls take a tour behind the scenes of the Grand Opera House, meet a performer, and watch the Delaware Symphony Orchestra rehearse. In addition to a nice night out, the tour provides the girls with a new experience.

Judge Crowell began meeting with the girls at the New Castle Detention Center eight years ago in 2004, after learning from the girls who appeared before her that they enjoyed talking with adults and had few positive female role models in their lives. Attorneys from the Women and the Law Section and the Family Court judges, commissioners, and law clerks were also invited to participate. A year later, when Grace Cottage reopened under the direct operation of the Division of Youth Rehabilitative Services, the monthly activities continued at Grace. Judge Crowell's law clerks over the years, aided by other Family Court law clerks, have taken responsibility for organizing the

monthly activities.

For the last several years, the Women and the Law Section of the DSBA has generously paid for the cost of the pizza that is a welcomed treat each month. All attorneys and judicial officers are invited to participate.

When asked about the program's value to the girls, a Grace Cottage supervisor stated,

***"It's nice to see you out of your robes and suits and to connect with you on a personal level."***

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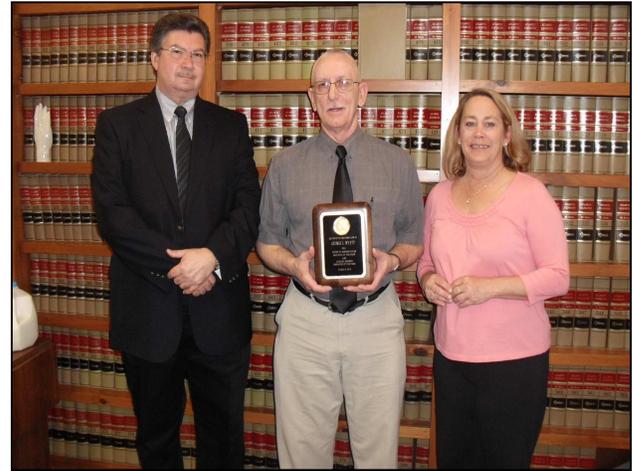
## Judicial Branch Employee of the Year

George Wyatt, the Judicial Branch Employee of the Year, has provided outstanding service to the Court of Common Pleas since his hire in 1996 as a Senior Court Clerk and his subsequent promotion to Judicial Case Manager. George is an extremely conscientious employee, being the first employee to arrive to work each day. George volunteers to pick up the paperwork from Justice of the Peace Court each morning before arriving to work. He also prepares all of the resulting add-on work for the day including, but not limited to, Capias Returns and Arraignments, and completes all the related functions such as arranging for transportation or video conferencing of inmates and faxing calendars to the Attorney General's Office before most other employees report for work. Because of George's extraordinary efforts, the Court of Common Pleas in Sussex County is able to resolve a great majority of its add-on matters on the same day, without the need for further scheduling or processing, adding greatly to the Court's efficiency.

George routinely goes above and beyond what is both required and expected in preparing his trial cal-

endar and in his work in the courtroom. He takes the initiative to gather information that he anticipates the Judge will need during trial, does the appropriate research, and is ready to provide the information in Court. Additionally, George goes above and beyond in retrieving information for the Deputy Attorneys General, Assistant Public Defenders, private counsel, and defendants despite being outside the scope of his job requirements. George makes it his mission to do what is needed to facilitate the Court's work and increase the efficiency of the Court.

In addition, George has an outstanding attendance record. He takes very little time off, and donates much of his accumulated time to other Court of Common Pleas employees throughout the State who are dealing with medical issues.



Judges Kenneth S. Clark, Jr. and Rosemary B. Beauregard of the Court of Common Pleas with Judicial Branch Employee of the Year, George Wyatt.

George Wyatt has quietly and selflessly provided dedicated and exceptional service to the Court of Common Pleas since his hire in 1996. He is repeatedly complimented by members of the local Bar on his willingness to answer questions and provide information and his knowledge of the Court's processes is frequently recognized. George is regularly sought out by attorneys and members of other state agencies when they need assistance with a Court matter, and George courteously renders assistance without hesitation.

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Other employees who were nominated for this award and who will be honored as the Employee of the Year for their respective courts or the Administrative Office of the Courts were:

**Lisa Robinson**, Deputy Court Administrator (former Prothonotary) for Superior Court; **Dianne Woodson**, Judicial Case Processor Supervisor for Family Court; **Denise Baker**, **Melody Chesser**, **Phyllis Conner** and **Susan McNatt**, Justice of the Peace Court 4 employees; and **Karen Antonelli**, **Dave Brezenski**, and **Aida Torres**, Administrative Office of the Courts New Castle County Courthouse Information Desk Team.

## Law Day Brings Civics Games to Delaware Schools



Former Chief Justice E. Norman Veasey speaking to students from Hanby Elementary School. He was one of many attorneys, judges, and others who participated in Law Day this year.

Judges, attorneys, law students, and paralegals visited approximately 127 public elementary and middle schools in New Castle County, Kent County, and Sussex County as part of this year's Law Day initiative. Law Day, which marks the United States of America's commitment to the rule of law, was established in 1958 by President Dwight Eisenhower and codified by Congress in 1961. Law Day is celebrated on the first day of May.



Justice of the Peace Court Judge Susan Cline presenting the iCivics program to Seaford Middle School students.

This year's initiative introduced elementary and middle school students to iCivics, a web based program that allows students to explore and exercise through role play their rights and responsibilities as citizens of our constitutional democracy. ICivics was founded in 2009 by retired U.S. Supreme Court Justice Sandra Day O'Connor to promote civic understanding and participation among a new generation of young Americans. A 2011 Report by the Leonore Annenberg Institute for Civics at the University of Pennsylvania underscores the need for a greater understanding of the function and purpose of the three branches of our government. The report found that only one-third of Americans could name all three branches of government and one-third could not name any branches; one-third believed that a U.S. Supreme Court ruling could be appealed; and nearly a quarter of polled individuals believed that a 5-4 Supreme Court decision is referred to Congress for resolution. Despite a record high voter turnout in the 2008 presidential election, only 56.8% of the population voted.

The program provides students with the ability to participate in all three branches of government - they can run for president, help the Supreme Court make a decision, or craft new laws as members of the leg-



Christine DiGuglielmo, Esquire, presenting the iCivics program to Seaford Middle School students.

islative branch - as well as learn about the Bill of Rights, executive power, and the federal budget. By playing these games, children will develop a better appreciation of the role and function of each branch of government, the separation of powers, and the need for an independent judiciary. ICivics is aligned to state and national educational standards and has been recognized by Delaware's Department of Education. This initiative was sponsored by the Delaware Supreme Court iCivics Pro Bono Project; Justice Randy J. Holland, Delaware Chair for iCivics; the Women and the Law Section led by Laina Herbert, Esq., Women and the Law Section Chair; Superior Court Judge Jan R. Jurden; and the Delaware Paralegal Association, with assistance from the Administrative Office of the Courts.

***Civics education must be encouraged to ensure that today's students become the knowledgeable and engaged citizens of tomorrow.***

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## Delaware Judiciary Recognized

**Supreme Court Chief Justice Myron T. Steele** hosted the 2012 Conference of Chief Justices (CCJ) Midyear Meeting in Wilmington, Delaware. Attendees from across the country participated in the four-day conference which included an exciting educational program focusing on "Commercial and Business Law" with renowned panelists from both the United States and abroad. The Chief Justice will begin his term as President of CCJ in August 2012.

**Supreme Court Justice Jack B. Jacobs** was one of the featured panelists at a conference on Corporate Governance and Long-Term, "Patient" Capital hosted by the Brookings Institute on March 14, 2012 in Washington, D.C. Justice Jacobs, along with his fellow panel of experts, explored policy and regulatory mechanisms which incentivize the business sector to refocus on longer-term time horizons and "patient" business practices. **Justice Jacobs** gave the keynote address at the recent Executive Compensation Director's Forum in New York City on December 2, 2011. The two-day conference was presented by the Weinberg Center for Corporate Governance and the Conference Board Governance Center. Panelists from a broad range of disciplines discussed topics relating to executive compensation including peer grouping and its role in the compensation process as well as viewpoints from the institutional investor and legal perspectives on compensation structure.

**The Court of Chancery** was recently praised at a conference hosted by Columbia Law School Professor John C. Coffee, Jr. The day-long conference celebrated the court's prestige and great impact in the New York legal community and credited the court as a major draw for huge numbers of companies, partnerships, and trusts to incorporate in Delaware, reaping significant economic benefits for the state. **Supreme Court Justice Jack B. Jacobs**, other Delaware judges, and former judges participated as speakers and panelists at the conference. In addition, more than 300 academics and attorneys, including Delaware attorneys, attended the conference.

**Superior Court Resident Judge William L. Witham Jr.** hosted a delegation of Veterans Administration officers and specialists on December 2, 2011 to view the Kent County Veterans Court in action. The delegation represented many states including Massachusetts, Virginia, Mississippi, and Texas. Although there are Veterans Courts in other states, Delaware is the first statewide program and the first to combine both diversion and probation into the program.

**Superior Court Judge Jan R. Jurden** was awarded the 2011 Outstanding Service to the Courts and the Bar Award. The yearly award is presented to the Delaware judge or lawyer who "by exemplary service to the Delaware Courts and the Delaware Bar has substantially assisted the Courts and the Bar and strengthened public trust and confidence in the State's court system and the administration of justice." One of the many reasons Judge Jurden received the 2011 Award was for her leadership in establishing the Superior Court Mental Health Court.

**Court of Common Pleas Judge Andrea L. Rocanelli** spoke at the Delaware Chamber of Commerce on February 7, 2012, discussing the Court of Common Pleas' problem-solving efforts, including the Court's drug diversion program and the Court's consumer debt collection actions. Judge Rocanelli also spoke about her involvement with the Delaware Coalition on Health and Justice. The coalition, which is funded through an Office of the Women's Health grant, seeks to identify alternative approaches to addressing prostitution in our community.

**Family Court Chief Judge Chandlee Johnson Kuhn** presented on March 5, 2012 at the 23rd Annual National Youth-At-Risk Conference in Savannah, Georgia. The conference trains adults who serve youth to create safe, healthy, caring, and intellectually empowering educational environments that foster the well-being of all children and adolescents. The Chief Judge presented on the topic of "Addressing Gun Violence in Juvenile Court Promotes Community Safety and Rehabilitation." **Chief Judge Kuhn** also spoke at the National Council of Juvenile Family Court Judges (NCJFCJ) National Leadership Summit on School-Justice Partnerships on March 12, 2012 in New York. She presented alongside Kerrin C. Wolf, J.D., Ph.D., on the topic of "Fightin' and Fussin' - An Examination of School Arrests, Adjudications, and Dispositions in Delaware."

## The Justice of the Peace Court to Open New Community Court



The Justice of the Peace Court took a first step towards its goal of establishing a community court on Wednesday, May 16, 2012, when Chief Magistrate Alan G. Davis, Deputy Chief Magistrate Bonita N. Lee, and several representatives from the Justice of the Peace Court and the Administrative Office of the Courts (AOC) participated in a meeting with Mayor James M. Baker, Wilmington Police Department Chief Michael Szczerba, and several community stakeholders to discuss the future court. Working collaboratively with the AOC, the Justice of the Peace Court is seeking to relocate Wilmington's Justice of the Peace Court 20 and transform it into a community court. Meeting participants were enthusiastic about the potential for a community court and its positive impact on the community.

Community courts are neighborhood-focused courts, with the judicial system involved in addressing local problems. The courts can take many forms, but all focus on creative partnerships and problem solving. The

key to the success of these courts is the strength of the relationships developed both within the justice system and with community stakeholders such as residents, merchants, and schools. Rather than responding to crime after it has occurred, these groups work together proactively to identify the specific needs of the locality and develop innovative and meaningful approaches to public safety. This country's first community court was the Midtown Community Court, launched in 1993 in New York City. Several dozen community courts, inspired by the Midtown model, are in operation or planning around the country.

To maximize the potential and efficacy of the community court, the Justice of the Peace Court is working closely with the Center for Court Innovation (CCI). CCI was founded in response to the success of the Midtown Community Court and provides consulting services to jurisdictions looking at launching their own community courts. As part of the initial planning and to obtain a first-hand

look at an established community court, Justice of the Peace Court members and AOC representatives traveled to the Red Hook Community Justice Center, a model community court in Brooklyn, New York. This allowed the team to view the possibilities offered by a community court and engage in preliminary discussion with CCI about the feasibility of establishing such a court in Delaware.

On April 5, 2012, CCI staff traveled to Delaware for the first of several planned strategic sessions to assist the Justice of the Peace Court in its efforts to develop and implement a community court in the City of Wilmington. During the initial planning session, the participants outlined goals for the project, set objectives, and began to develop an action plan. Planning is in the beginning stages, starting with the Justice of the Peace Court, by identifying and communicating with community partners, in the development of a survey to identify the areas of greatest concern to the community.

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## Family Court Measures Performance in Dependency & Neglect Cases

The **Family Court** was awarded funding by the Court Improvement Program. The program provides funding to States and Tribes to develop programs that focus on preventing the abuse of children in troubled families, protecting children from abuse, and finding permanent placements for those who cannot safely return to their homes. Through this funding the court has created and implemented a stand-alone database to collect data and track information on all the Dependency and Neglect cases in the State of Delaware. Delaware is the first state to have a statewide system collecting all 30 of the Federal Children's Bureau's Toolkit for Court Performance Measures. Performance measurement is a vital part of making sure that Family Court succeeds in its efforts on behalf of children who have been abused and neglected to promote the well being of every child.

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## Important Changes to Superior Court's Residential Mortgage Foreclosure Mediation Program

On September 21, 2011, Governor Markell signed House Substitute 1 for House Bill 58 which established the Automatic Residential Mortgage Foreclosure Mediation Program (the "Mediation Program"). The Superior Court first established a Mortgage Foreclosure Program pursuant to Administrative Directive 2009-3. That original Mortgage Foreclosure Program was modified by Administrative Directive 2011-2, which was subsequently expanded by the passage of House Substitute 1 for House Bill 58. The Mediation Program is set forth in Administrative Directive 2012-2. Representatives of the Attorney General's Office, attorneys who regularly practice in the foreclosure area, housing counsels, and representatives of the Superior Court met numerous times over the course of several months to develop a draft Administrative Directive which was modeled after successful programs in other states and jurisdictions, including Philadelphia and the state of Connecticut.

The goal of the Mediation Program is to encourage the parties to a foreclosure action to meet and consider a possible resolution which may permit the homeowner to continue to own their home. Unlike the previous mortgage foreclosure programs which were voluntary, participation in the Mediation Program is mandatory. When a foreclosure complaint is filed, the lenders and borrowers are now required to meet and confer regarding the payment plan and other options before a foreclosure can proceed. The Mediation Program is applicable to most residential mortgage foreclosure actions filed from January 19, 2012 through January 18, 2014.

Many of the functions necessary to implement the Mediation Program will be shared through the cooperation of the Delaware Department of Justice, the Delaware State Housing Authority and Delaware Volunteer Legal Services. As program administrator, the Delaware Department of Justice is responsible for scheduling

mediation conferences, sending mediation notices, ensuring the collection, maintenance and disbursement of mediation fees, and compiling program statistics. The Delaware State Housing Authority will take on certain financial tasks, such as disbursing funds to pay for operating costs, housing counselors, and other administrative expenses. The Delaware Volunteer Legal Services is responsible for mediation coordination.

On March 23, 2012, President Judge James T. Vaughn, Jr. presented during The Vincent A. Bifferato Superior Court Trial Practice Forum's expanded seminar "The New Process for Residential Foreclosures in Delaware." This seminar was very well attended and provided an overview of the new law, as well as the Superior Court's, the Attorney General's, and the Housing Counselor's perspective on the new mediation process.

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## Justice of the Peace Court Police Prosecution Program in Full Swing as of June 1, 2012

On June 1, 2012, the Police Prosecution program (implemented initially in Justice of the Peace Court 6 on June 1, 2007) expanded to full operation in all twelve criminal Justice of the Peace Courts. This program was initiated with the goal of decreasing time to disposition, facilitating plea agreements, and reducing the time spent by the public and officers in the courthouse.

The program institutes a call of the calendar for traffic charges filed by each police agency in Delaware. A representative appears on behalf of each agency to conduct plea negotiations and, if no plea agreement is reached, the case is scheduled for trial at a later date. This provides adequate notice to

the arresting officer and gives the defendant time to prepare his case. The court consolidates similar cases on trial calendars for better efficiency.

A comparison of pre-Police Prosecution (July 1, 2007-June 30, 2008) data and post-Police Prosecution (July 1, 2010-June 30, 2011) data showed a 42% increase in final dispositions on traffic cases in the Justice of the Peace Court. This same comparison also showed a 56% decrease in traffic trials from FY 2008 to FY 2010, along with an 8.8% increase overall in traffic cases filed in the Justice of the Peace Court (excluding DUI trials). From July 2009 through June 2011, there were 14,933 (43%) fewer traffic cases transferred

from Justice of the Peace Court to Court of Common Pleas. Data collected on January 6, 2010 and September 7, 2011 showed a 53% drop in the number of weeks between arraignment in Justice of the Peace Court and traffic arraignment in Court of Common Pleas. Cases transferred on January 6, 2010 were scheduled 23 weeks later in Court of Common Pleas, whereas it took 11 weeks on September 7, 2011.

All eight State Police troops and 30 other police agencies are currently participating in the Police Prosecution program.

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## Justice Reinvestment Initiative Releases Final Recommendations



Delaware's recent budget crisis created serious challenges for the criminal justice system. Although the number of people in the state's prisons has remained relatively constant in recent years, spending on corrections has risen sharply over the past decade. In addition, the state's facilities, many of which are aging and in need of repair, are operating near or at over capacity. According to data from the Department of Correction, Delaware spent roughly \$250 million on corrections expenses last year – a 20% increase from 2006. Similarly, the cost to incarcerate an inmate in Delaware also jumped by 20% between 2005 and 2010, and violent crimes have increased across the state - from 4,868 violent crimes in 2001 to 5,365 violent crimes in 2009. Policy makers struggle with the growing need to expand prison capacity as well as invest in alternatives such as pretrial services and community-based supervision and treatment.

The Delaware Justice Reinvestment Task Force, established by an executive order from Governor Jack Markell on July 25, 2011, was created to conduct a comprehensive examination of the state's criminal justice system and find ways to reduce costs, improve public safety, and reduce recidivism. The Task Force, led by Lieutenant Governor Matt Denn, includes Supreme Court Justice Carolyn Berger, President Judge James T. Vaughn, Jr. (Superior Court), Chief Judge Alex J. Smalls (Court of Common Pleas), Chief Magistrate Alan G. Davis (Justice of the Peace Court), as well as members of the Senate and House of Representatives, criminal justice system stakeholders, such as the Attorney General, Public Defender, Corrections, Delaware State Police, and others.

Since its inception, the Task Force worked with the Criminal Justice Council which coordinated the efforts of the Vera Institute of Justice, an independent nonprofit national research and policy organization that focuses on justice-related issues, in examining the prison and community corrections systems and developing recommendations to both cut costs and improve public safety. Over the past months, the Task Force and Vera Institute collected and analyzed data to determine the factors that contribute to the size of the corrections population, including both pretrial detainees and sentenced individuals, and related costs. Input from policy

*"The efforts of the JRI task force are quite impressive. Stakeholders representing all aspects of the criminal justice system have provided forward-thinking recommendations for change based on data and research. The road map presented by the task force promises to benefit Delaware over the next several years."*

Honorable James T. Vaughn, Jr.  
President Judge of Superior  
Court

experts, prosecutors, public defenders, parole officers, corrections officers, judges, advocate organizations, and crime victims was critical in developing the final recommendations which were released in the Delaware Justice Reinvestment Consensus Report in March 2012.

The report proposed a set of policies aimed at: (1) concentrating detention resources on high-risk defendants, (2) focusing supervision and prison resources on high-risk individuals, (3) holding offenders accountable, (4) reducing barriers to reentry, and (5) protecting and supporting victims of crime. The proposals in the report

are geared toward addressing those objectives. Fundamental recommendations adopted by the Task Force include the implementation of two new risk assessment tools – one to be used pretrial to evaluate an offender's risk of flight and re-arrest, and a second risk assessment to be used to enhance the ability of the judges to choose appropriate sanctions (and identify individuals who are good candidates for alternatives to incarceration), and to reduce recidivism.

Other Task Force recommendations included: increasing pretrial supervision capacity; providing training to Justice of the Peace Court judges and others on the administration of the pretrial risk assessment; assessing inmates and probationers for risk and need areas and providing adequate programming to address those "factors most closely associated with recidivism;" instituting an earned compliance credit program for inmates that would encourage them to complete programs focused on reducing recidivism; issuing criminal summonses for certain low-level offenses instead of arrest; imposing a graduated sanctions scheme for probation violations proportional to severity and risk; promoting the use of evidence-based practices by community service providers to support ex-offenders' efforts to readjust to society after release; undertaking a study to analyze and address common reentry barriers (such as restrictions on housing and employment); and enhancing services and responses to victims, in part, by providing victim-centered programming.

The Task Force began its implementation effort, with the introduction of Senate Bill 226 on May 16, 2012, with other implementation initiatives to follow.

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## Court of Common Pleas Expands Mental Health Court to Kent and Sussex Counties

***One of the goals of the criminal justice system is rehabilitation. The expansion of the Mental Health Court program into Kent and Sussex Counties will give the Court of Common Pleas additional means to encourage offenders to participate in various counseling programs. The ultimate goal is for people to be well and refrain from committing new offenses.***

**Court of Common Pleas Judges Anne Hartnett Reigle and Kenneth S. Clark, Jr.**

The Court of Common Pleas established the first Mental Health Court in the State of Delaware in 2003 which continues to operate successfully today. The New Castle County Mental Health Court follows a diversion model, similar to the existing drug court model. The goal of the Mental Health Court is to reduce recidivism rates by connecting the individual with effective treatment for their underlying mental health needs through continuous judicial oversight and intensive case management. Approximately 250 cases have been referred to New Castle County Mental Health Court since its inception. Eighty-nine percent of the individuals who successfully completed the program incurred no new convictions within six months of graduation.

With the assistance of the Delaware Criminal Justice Council and the Administrative Office of the Courts, the Court of Common Pleas

received a Byrne Justice Assistance Grant to expand the court to Kent and Sussex Counties. During the initial planning process, Court of Common Pleas judges traveled to Brooklyn, New York to observe the Brooklyn Mental Health Court (which employs a traditional diversionary model) and ultimately decided to apply Brooklyn's approach to the

new Mental Health Courts in the lower two counties. This traditional model provides for a Clinical Care Manager housed within the court to allow for fluid communication between the various participants and treatment providers. In addition, the courts will also add a post-adjudication track for participants who are already sentenced to probation.

The Byrne Grant funding provided access to contractual Clinical Care Managers in both Kent and Sussex Counties. The Clinical Care Manager will be present in Mental Health Court and available to evaluate potential participants to ensure appropriate enrollment in the Mental Health Court; provide case management; coordinate service with local community treatment organizations; and act as a liaison between the participants, the Court and other Mental Health Court team members.

By identifying and diverting in-

involved individuals in the justice system with mental health issues away from the criminal justice system and into proper treatment, the goal of the Court of Common Pleas' Mental Health Court expansion is to improve the criminal justice systems' response to mental illness in the two southern counties. The intention of this approach is to reduce recidivism and increase public safety.

***The Mental Health Court program has been positively received by offenders, who realize that they have problems and genuinely want help.***

**Judge Reigle**

***I am pleased that the State has dedicated resources to divert offenders from the criminal justice system and help them get the mental health counseling and medications that they need to be productive members of society.***

**Judge Clark**

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## The Justice of the Peace Court Welcomes New Judges



The Justice of the Peace Court is pleased to welcome three new judges to the bench. The Honorable Vincent Kowal, the Honorable Susan Ufberg, and the Honorable Deborah Keenan began their Justice of the Peace Court Basic Legal Education program (BLE) on April 30, 2012. The BLE criminal program, which lasts approximately five weeks, is intended to provide Justices of the Peace with both academic and practical exposure to all aspects of the criminal justice system. The program provides intense training in both a classroom and courtroom setting related to the duties of a Justice of the Peace. Classroom sessions during the criminal BLE module include topics such as criminal law, criminal procedure, warrants, bail setting, civil offenses, evidence, arraignments, sentencing and truancy, among others. New judges also work in tandem with experienced judges in the courtroom and participate in mock trials. New judges also participate in a civil BLE program within 2 years of their start date to

prepare them for work on the civil bench at the Justice of the Peace Court. "Our upcoming civil BLE will be held in September of this year and is slated to include classes such as torts, contracts, replevin, landlord-tenant law, and decision writing, amongst others," says Jody Huber, staff attorney for the Justice of the Peace Court. Once judges have completed both the criminal and civil BLE modules, they may serve on both benches and rotate on a yearly basis.



Left to right:  
Hon. Vincent Kowal of New Castle County  
Hon. Deborah Keenan of Sussex County  
Hon. Susan Ufberg of New Castle County

*"We've added some exciting components to the Basic Legal Education Program this session, including webcasts from the National Judicial College and guest speakers from various state agencies. Our new judges bring varied backgrounds and life experiences to our sessions. It really is a process where we all learn from each other,"* says Jody Huber, staff attorney at the Justice of the Peace Court and coordinator of the BLE program.

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## Superior Court Establishes Bench-Bar Program

Superior Court President Judge James T. Vaughn, Jr. recently implemented Administrative Directive 2011-5 establishing the Superior Court Bench-Bar Program. The program provides for two volunteer liaison positions in each county, one of which will act in civil cases and the other in criminal cases. The liaisons serve at the pleasure of the Superior Court and act as intermediaries between Superior Court practitioners and the Resident Judge or appointed Liaison Judge for each county. Practitioners' communications with the liaisons are confidential unless otherwise agreed.



## Upbeat Mural Graces Sussex County Family Court Courtroom



Artist John Donato helping students from various schools on the Youth Advisory Council to paint the mural.

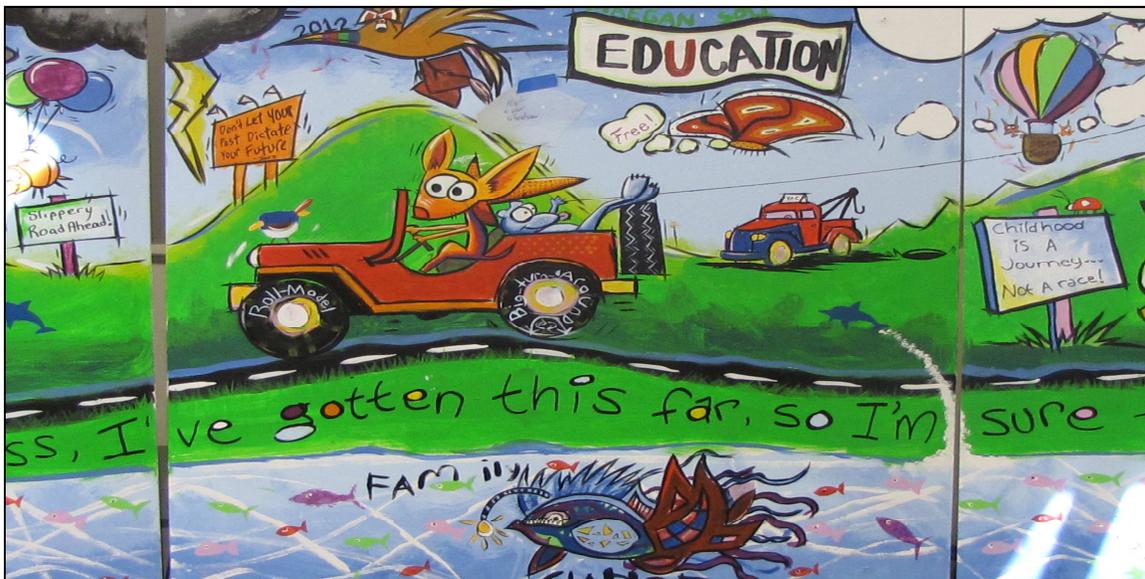
Thanks to the support of the Rehoboth Art League (RAL) and the vision of 18 past and present foster care children of the Youth Advisory Council (YAC), Judge Peter B. Jones’s Sussex County Family Court courtroom now showcases a bright, 25-foot-wide mural depicting foster care children’s hopes and challenges as they travel along life’s path. A colorful, whimsical coastal landscape teeming with fish and birds serves as a backdrop to a road leading to an island with gently swaying palm trees. Traveling on, above and alongside the road, is a medley of animals and people. They are traveling collectively in a bus or individually on a skateboard; they are seated in a jeep or astride a motorcycle; they are floating in a hot air balloon or cutting through the waves and the air in speedboats or planes. Peppered along the way are positive, upbeat signs, billboards, and messages such as **“Keep going forward,”** **“Don’t let your past dictate your future,”** and **“No turning back.”** A bandaged, bent tree sports a sign that says “torn, but not broken.” The final destination is a lighthouse with an all-seeing eye marked **“Hope.”**

The mural is the product of a joint collaboration between Family Court, RAL, and YAC. Judge Jones approached RAL about the possibility of doing a project with YAC as part of RAL’s community outreach program. RAL immediately endorsed the idea and a meeting was set up between RAL, YAC, and the Court. The children were excited at the prospect of a mural and, with the assistance of a local mural artist, John Donato, work quickly got underway in studio space donated by RAL. The project was funded by RAL and completed in five days. Now, children entering the courtroom can view this wonderful addition and learn from their peers, who traveled on the same road, that hope is what they saw at the end of the journey.



Honorable Peter Jones (center) from the Family Court, artist John Donato, and the owner of the Rehoboth Art League with the Youth Advisory Council in front of the finished mural.

The official unveiling of the mural took place on April 30, 2012, just in time for the month of May. May is Foster Care Month.



## Student Accused of Arsenic Poisoning at Prep School on Trial at 2012 High School Mock Court Competition



Months of polishing opening statements and closing arguments, sharpening rhetorical skills, and mastering the rules of evidence were finally put to the test on Friday, February 24 and Saturday, February 25, 2012 as 24 high schools competed in the 21<sup>st</sup> annual Delaware Mock Trial Court competition.



Howard High School of Technology participates in the 2012 Delaware Mock Trial competition.

Students tried and defended the case of an elite prep school student accused of the murder of a fellow student, president of the social club *Carpe Diem*. The initial cause of death – alcohol poisoning – was changed to murder when a subsequent autopsy suggested high levels of arsenic. The death occurred at a club event in which new pledges served alcohol to club members. The defendant was a new pledge.

The facts of the case focused on humiliation, jealousy, and revenge as a motive for murder. The desire to conform and fit in, the role of money and connections, hazing, the danger of underage drinking, and the subjectivity of scientific data, were all at play. Witnesses role played by the Mock Court team members included a rich student from a powerful family who coveted the role of *Carpe Diem*

president and was publicly humiliated on many occasions by the deceased; a detective whose investigation may have been influenced by ties to wealthy families; a teacher supportive of a bright student whose position as lab assistant provided unfettered access to stored arsenic; pathologists with opposing scientific opinions as to the cause of death and personal reasons that may have impacted their scientific conclusions; and the defendant, an intelligent student from a modest background who wanted to fit in the school's milieu.

Each school participated in four preliminary rounds and had to try all sides of the case. The two best advocates and two best witnesses were awarded gavels by the judges. A final round, late on Saturday, pitted the finalists and was judged by a panel that included Supreme Court Justice Henry duPont Ridgely.

St. Mark's was announced as this year's winner at the banquet held at the end of the tournament. St. Mark's went on to compete on May 3, 2012 to May 6, 2012 at the National Championship in Albuquerque, New Mexico. They placed 22<sup>nd</sup> out of 46 championship teams that competed. Individual members of St. Mark's team received a gavel for outstanding attorney and a gavel for outstanding witness.

This event would not have been possible without the numerous volunteers who stepped forward to help.

Overall planning for the event was spearheaded by Judge Joseph R. Slight III of the Superior Court; Jason Jowers, Esq. and Margie Touchton of Morris James LLP; Pat Quann, Executive Director of the Delaware Law Related Education Center, Inc.; Rob Hastings, Chief of Court Security for Superior Court in New Castle County; Lieutenant Lee C. Clough, Delaware Capitol Police; Mary Quinn, Director of Pro Bono for the Delaware Paralegal Association; and staff from the Administrative Office of the Courts. Participants were judged by judges, attorneys, and Widener law students who provided personal feedback to the students. Security officers, bailiffs, and court staff volunteered to help throughout the courthouse as greeters, bailiffs, and in any other capacity for which they were called. Once again, we thank all those who participated and hope to see them again next year.



Howard High School of Technology Mock Trial participants — with gavels.

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## Justice of the Peace Court Holds Management Retreat

On March 20, 2012, the Justice of the Peace Court held a Management Retreat including judges, managers, court security managers, and administrative staff. The goal of the retreat was to refocus energy on the development of innovative and effective court management tools. Speakers included Judge Patricia Costello, Assignment Judge for the Superior Court of New Jersey – Essex Vicinage and Jim Imperatrice, Former Chief Clerk for Criminal Matters, Kings County, New York State.

Mr. Imperatrice's presentation focused on the difference between "quality" service versus "customer" service and stressed the importance of the former given the court's customer base. For example, he suggested that people visiting the courthouse are generally not enthusiastic about their visit, are not here by choice, and are often upset, frustrated, and confused. This is different from the traditional customer-based service model and requires a different focus. He stressed the importance of providing quality service and challenged the group to focus on the following seven S.E.R.V.I.C.E. concepts:

- S** = Self-Awareness: *Court employees need to have self-awareness, being aware of their own needs before they can serve others.*
- E** = Empathy: *Understanding our clients and having empathy for their needs is critical to providing quality service.*
- R** = Responsibility: *When individuals take responsibility for how they view situations, they can make better decisions.*
- V** = Value: *We need to value why we are providing the service, the basic mission of the court.*
- I** = Integrity: *Honesty and fairness are essential in dealing with others.*
- C** = Commitment: *Our commitment to excellence will inspire others.*
- E** = Energy: *Energy and motivation are key to doing the right thing.*

Judge Costello spoke to the critical nature of shared responsibility between judges and court administrators. She suggested that to effectively run our courts, we have a duty to mentor leaders and tap the diverse motivations and perspectives of both judges and staff to effectively solve problems and enhance operations. Judge Costello encouraged the group to look closely at how external and internal challenges are handled within the JP Court.

During the breakout session, various groups worked together to develop project ideas that would enhance the operation of the court which were presented to the full group at the end of the session.



The Honorable Patricia Costello from the Superior Court, Essex Vicinage, Newark, New Jersey, and James Imperatrice, the former Chief Clerk of the Supreme Court in Kings County, New York, speaking, along with Chief Magistrate Alan G. Davis, at the Justice of the Peace Court's recent management retreat.



Suggestions for court improvements ranged from centralizing more services, to improving customer services, focusing on cultural sensitivity issues, and enhancing training programs. The next steps for the court will be to set more specific goals, objectives, and strategies to implement improvements based on the project recommendations made during the retreat.

## THREE NEW INTERACTIVE FORMS ARE NOW AVAILABLE TO HELP PRO SE LITIGANTS FILE CIVIL ACTIONS IN JP COURT



New interactive online tools are now available, free of charge, to help self-represented litigants file debt, replevin, and trespass actions in the Justice of the Peace Court. Developed by the Administrative Office of the Courts and the Justice of the Peace Court, in partnership with Legal Services Corporation of Delaware, and with programming support from Ohio DR Software, LLC, the interactive forms for debt, replevin, and trespass actions complete the planned series of five online tools.

“We hear from a lot of people who need help so this will be a very valuable resource for them, especially in this difficult time where there have been significant cuts in funding for legal services,” says Douglas Canfield, who heads Legal Services Corporation of Delaware.

Feedback has been positive since the return of security deposit tool went online in August 2010 and the summary possession interactive form became available in May 2011.

Graphics guide litigants through an online interview process in which the user is asked questions specific to the type of claim selected. Using the answers to these questions, the program automatically fills in the complaint form, including the statement of facts. Upon completion, a file-ready document can be printed out by the litigant for submission to the Court. These new resources for self-represented litigants can be found on the web sites of the Justice of the Peace Court ([www.courts.delaware.gov/jpcourt](http://www.courts.delaware.gov/jpcourt)) and the Legal Services Corporation of Delaware ([www.lscd.com](http://www.lscd.com)).

“The majority of civil cases in the Justice of the Peace Court are filed by self-represented litigants so we are pleased to be able to make a variety of forms available interactively through this joint initiative with the Administrative Office of the Courts,” says Chief Magistrate of the Justice of the Peace Court, Alan G. Davis. He adds that “The forms also help the judges and court staff by making filings easier to read and clearer than is sometimes the case.”

Until these forms became available, the ability of JP Court staff to assist pro se litigants when asked for help to complete the complaint form was limited. However, at recent hands-on demonstrations of the new interactive online forms, staff at JP Court 13 in Wilmington and Court 9 in Middletown became familiar with the ease and convenience of using these tools. They can now confidently refer litigants to these readily accessible resources.

According to one user, the return of security deposit program was “**extremely helpful and made a seemingly daunting task very simple and straight forward.**” Another found the form completion process “**very, very helpful.**”

The interactive online interview process relies on a nationally recognized tool, A2J Author, which is supported by grants from the Chicago-Kent College of Law, State Justice Institute, Center for Access to the Courts through Technology, Center for Computer-Assisted Legal Instruction, and Legal Services Corporation (LSC).

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## CONTINUING EDUCATION FOR ATTORNEYS ON COURT INTERPRETATION

On February 10, 2012, Maria Pérez-Chambers, Program Coordinator of the Administrative Office of the Courts' Court Interpreter Program (CIP), provided members of the Delaware Bar with an informative overview of Delaware's *Judiciary Language Access Plan and Practices for Attorneys Working with Foreign Language Interpreters*. The free CLE presentation, sponsored by the Public Defender's Office, was held at the Carvel Building in New Castle County with live video connections to Kent and Sussex Counties.

Ms. Pérez-Chambers provided attendees with an overview of the genesis of the CIP, which began in 1997, a description of the Judiciary's Language Access Plan (LAP), Delaware's most frequent language needs, CIP's practices and services, and best practice tips for attorneys communicating through interpreters.

### ***Language Access Plan (LAP) and Delaware's Court Interpreter Program (CIP)***

The Language Access Plan contains the Delaware Judiciary's policy on current and prospective programs to serve limited English proficient (LEP) speakers, consistent with Title VI of the Civil Rights Act of 1964.

Delaware's language needs are currently tracked through records of requested services maintained by CIP's Program Coordinator and current population census. 2010 United States Census data revealed that Delaware's Hispanic or Latino population makes up 8.2% of Delaware's total population. AOC records, which track court requests for court interpreter services, confirmed that Spanish services were the most frequently requested language services. In fiscal

year 2011, a total of 2,374 court events required 6,189 foreign language interpreter hours and provided language assistance to an estimated 8,939 LEP litigants. Of these 8,939 LEP litigants, 89% were Spanish speakers. Haitian Creole, the second most frequently requested language, follows as a distant second with a total of 211 litigants. Spanish is, by far, the predominant language of LEP individuals accessing the Delaware courts.

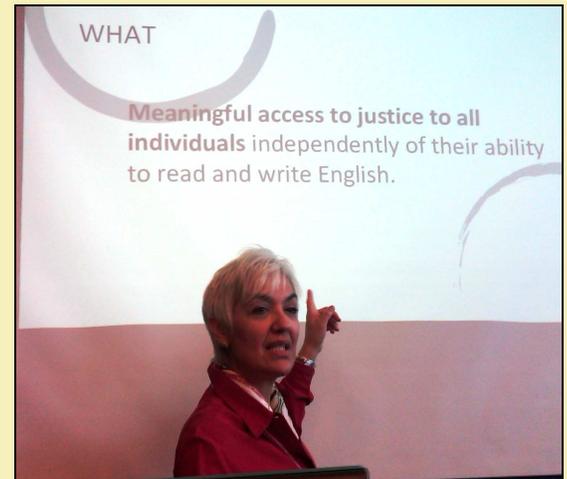
The CIP maintains a registry of qualified interpreters who have completed a rigorous qualification process, and works to ensure that courts have access to interpreters as needed. Although in-person interpretation is the preferred method of interpretation, telephonic interpreter services are available for limited non-evidentiary proceedings and infrequently requested languages. The CIP is exploring the possibility of video conferencing for accessing court interpreter services.

### ***Best Practices and a Competent Interpreter***

An interpreter serves as the linguistic conduit between speakers, whose only role is as a communication facilitator between the parties and the court. A competent interpreter will not translate the conversation "word for word" but will convey the meaning of the language in the speaker's language level, style, tone, and intent. Persons communicating with a LEP person should speak directly to that person as though the interpreter was not present in the room.

An interpreter is bound by profes-

sional rules of conduct and standards of practice which impose ethical and confidentiality obligations. An interpreter's first responsibility is to the



Maria Pérez-Chambers, Court Interpreter Program Coordinator, presenting on court interpretation to members of the Delaware Bar.

LEP individual for whom the interpretation services are being provided. The interpreter must interpret everything that is said to comply with their ethical obligations. To ensure the quality of their interpretation, interpreters will prepare, in advance, by reviewing the facts of the matter; will explain the ethical rules governing interpretation to all parties present; will minimize opportunities for private conversation with just one party present; will allow the full question to be phrased before interpreting so as to provide a clearer interpretation; will ask for permission to clarify, repeat, or correct a term if a previous interpretation was in error; and will use the first person singular for the LEP individual to avoid confusion on the record. All of those involved in the court process, including the interpreter and the attorney, should remind the LEP individual that an interpreter cannot provide any legal advice; that the interpreter will not interject or offer a



personal opinion; and that the interpreter will translate everything that is said.

At the CLE presentation, Ms. Pérez-Chambers provided “DOs & DON’Ts” for attorneys using interpreters to follow, such as:

- DO provide the interpreter with any information that could affect the interpreter’s ability to effectively translate the LEP individual’s testimony, such as a speech defect, mental health needs, emotional distress issues, or educational level.
- DO share with the interpreter prior to the proceedings basic facts and information that will arise in the proceedings.
- DO allow the interpreters to seat or position themselves where they wish during the proceedings so that

they can see and have eye contact with all participants.

- DO use the interpreter for a LEP individual whenever it appears that they have a limited ability to understand or communicate in English.
- DO speak directly to the LEP individual.
- DO ask clear and unambiguous questions.
- DON’T ask the interpreter to repeat or rephrase a question, ask or rephrase the question yourself.
- DON’T engage in a private conversation with the interpreter or leave them in a situation which could lead to a private conversation with one party.
- DON’T ask a relative, friend, minor, or bilingual staff member to provide interpretative services.

The CLE concluded with an open

question and answer session. Some of the topics discussed were the availability of interpreters for conflict counsel and pro se litigants, who is responsible for securing interpreting services, which services are supplied by the CIP, and which services can be contracted out to CIP certified interpreters on a private basis.

Through its training and other program initiatives, the AOC’s Court Interpreter Program promotes the Courts’ goal of ensuring overall fairness in the court system through providing competent interpreter and other language access services to those who are limited English proficient.

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## JUDGE HOPKINS OF THE JUSTICE OF THE PEACE COURT RETIRES

**Justice of the Peace Court Judge William Hopkins** retired on March 21, 2012 and was honored during a presentation at Legislative Hall on May 2, 2012. Tributes by each Chamber were presented and the legislators gave Judge Hopkins a standing ovation. Accompanying Judge Hopkins were his wife, children, and grandchildren.

Judge Hopkins served as a Justice of the Peace for 42 years and is believed to be the longest serving Judge in the history of the Delaware Judiciary. Judge Hopkins was originally appointed by Governor Charles L. Terry, Jr. on February 1, 1966, and his tenure spans six different Governors. He served as a Deputy Chief Magistrate for the Western part of Sussex County from September 13, 1973 through approximately 1989 and was named as the 2005 Judicial Officer of the Year by the Justice of the Peace Court. Judge Hopkins is a Korean War Veteran (stateside), an associate member of the American Bar Association, and has been recognized for his professional and courteous courtroom demeanor. He is best known by his staff for keeping them well fed.



**Representative Biff Lee, Chief Magistrate Alan G. Davis, and Judge Hopkins in the Delaware House of Representatives on May 2, 2012.**

## May 2012 Proclaimed Problem-Solving Court Month in the State of Delaware



On May 15, 2012, Chief Justice Myron T. Steele, Secretary Rita Landgraf (Department of Health and Social Services), Commissioner Carl C. Danberg (Department of Correction), as well as members of the judiciary and legislators, joined Governor Jack Markell as he proclaimed May 2012 Problem-Solving Court Month in the State of Delaware at a ceremony in Legislative Hall.

The proclamation recognized 23 years of drug courts in the United States and 18 years of problem-solving courts in the State of Delaware. Delaware's first problem-solving court began operations in 1994 with the creation of the Superior Court Drug Court. Delaware now operates over 15 problem-solving courts including drug courts, gun court, mental health courts, reentry courts, truancy courts, a trauma-informed probation court, and a veterans' treatment court.

Problem-Solving Courts are specialized courts that address matters under a court jurisdiction through a multi-disciplinary and collaborative approach involving the court, other governmental entities, and community organizations. The goal of these courts is to reduce recidivism rates and save criminal justice resources by holding defendants accountable for their actions while ensuring that they have access to services to support their efforts to become tax-paying citizens.



Governor Jack Markell signing the Proclamation establishing May 2012 as Problem-Solving Court Month with Chief Justice Myron T. Steele (on right standing), Representative Melanie Smith (second from right, seated), Secretary Rita Landgraft (Health and Social Services), Commissioner Carl Danberg (Corrections), many of the judges and commissioners who preside over problem-solving courts, and others.

Problem-Solving Court Month was celebrated with graduations, court site-visits, and presentations throughout the state. At the ceremony, Chief Justice Steele recognized the important work of the Judiciary and others in resolving the complex issues faced by the litigants in the problem-solving courts. Governor Markell's proclamation encouraged Delaware citizens to recognize the efforts of problem-solving court practitioners and the approximately 5,000 individuals who have successfully graduated from a problem-solving court in Delaware.

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We are pleased to present the Spring 2012 issue of the **Delaware Docket**, the Newsletter of the Delaware Judiciary, which is published semi-annually to provide updates on activities and events in the Judicial community. All are welcome to suggest topics, contribute articles for future editions, and provide suggestions on the newsletter. The Delaware Docket is available on line at <http://courts.delaware.gov/AOC/?publications.htm>.

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