



# DELAWARE DOCKET

*"The Newsletter of the Delaware Judiciary"*

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*Featuring web-based initiatives*

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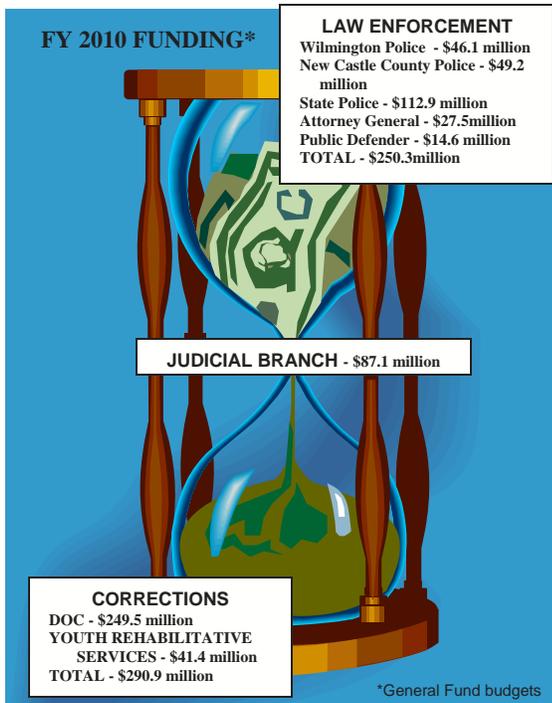
## THE DELAWARE JUDICIAL BRANCH RESPONDS TO FY 2010 BUDGET AND EMPLOYEE PAY CUTS

Fiscal Year 2010 is anticipated to be another difficult fiscal year for the State and the Delaware courts, coming on the "heels" of 2009's budget challenges. The FY 2010 State budget, which went into effect on July 1, 2009, implemented significant and painful fiscal reductions, including a 2.5% pay cut for Judicial Branch employees. Although the Delaware State Constitution precludes the reduction of the salaries of judges, commissioners and justices of peace while in office through a budget pay cut, members of the Delaware Judiciary demonstrated their complete commitment to "sharing in the sacrifice." In support of State employees, particularly those employees who work closely with them every day, 100% of the judges, commissioners, and justices of the peace volunteered to take a similar 2.5% reduction in pay in fiscal year 2010, either through a voluntary reduction in their pay or contributions to charitable organizations. Many of the charitable contributions made by judges and others in response to the pay cut focus on organizations that provide services to Delawareans accessing the courts, such as Community Legal Aid Society, Inc., whose State funding has been significantly reduced in FY 2010.

**Chief Justice Steele:** "I commend the members of the Delaware Judiciary, for their 'public spirit,' in voluntarily making individual choices to respond to the FY 2010 pay cuts, and demonstrating our collective commitment to helping Delaware through this difficult fiscal crisis, as well as standing 'side by side' with those who work with us on a daily basis."

The Judicial Branch worked closely with the other branches of government to help address the fiscal challenges which the State faced beginning in February 2008 and throughout FY 2009. As Chief Justice Steele stated: "Despite the fact that the Judicial Branch's budget represents only 2.7% of the overall State budget, we

have gone 'above and beyond' to do our part – we were the first in State government to implement a hiring freeze for non-essential personnel; we have also been making painful cuts to our budgets, and working with the other branches of government on new enhancements to State revenues, bringing in an additional \$2.2 million in FY 2009, and a projected \$2.9 million in FY 2010. Our approach has made millions of additional dollars available to help balance the State budget. Through the hiring freeze alone, in FY 2009, the Judicial Branch saved more than \$2 million in personnel funding. The cuts we have made have brought the impact on the core public services we provide to the 'breaking point.' Although the courts' State (General Fund) funding represents roughly one-third of that of the 'ends' of the criminal justice system (corrections and law enforcement), I am very concerned that, if resources continue to diminish, delays in adjudicating cases may become so serious that courts may be seen as the immovable 'bottleneck' in the justice system."



## **COURT OF CHANCERY PURSUES NEW INITIATIVES**

### **NEW ACCOUNTING TOOL FOR GUARDIANS AND TRUSTEES**

Guardians and trustees will soon have a new tool to assist them in filing required accountings with the Court of Chancery. The accountings are reports to the Court of all income, investments, and expenditures made on behalf of the ward or estate and must be filed periodically to ensure the proper use of funds. Since many individuals who serve as guardians or trustees have difficulty preparing the required accounting, the Court has found a way to assist them in this sometimes complicated process. It is currently working with Vel Micro Works, Inc. of Hockessin, Delaware and the Judicial Information Center of the Administrative Office of the Courts in putting the finishing touches on an interactive online computer program that will walk filers through the accounting process. The online program, which is expected to be ready in October, will ask filers questions and place their information in the proper location on the accounting form. Filers will have secured passwords and will be able to sign on whenever they wish so that they can add new expenditures or income at any time, with the program automatically adding each new entry and saving the information.

Use of the new accounting program will be free of charge and will be mandatory for all filers since, in addition to making the process easier for the public, it will also provide accounting reports that are uniform and easier for the Court to process. In order to ensure access to all who need to file accountings, the Court plans to make a computer terminal available in each courthouse. Once the online program is available, the Court will begin work on the second step of the process which will be to provide for the online filing of completed accountings, along with other aspects of guardianship and estate filings.

### **REVIEW OF GUARDIANSHIP PROCESSES**

It's not every day that an organization asks for an outside review of their processes from start to finish, but that's exactly what the Court of Chancery is doing this summer by inviting the National Guardianship Association to review its guardianship practices. The Court requested the review as part of its move to statewide standardization of its guardianship procedures and its efforts to ensure that those reflect the best possible standards for handling guardianships.

The review will start with the legal foundations for guardianship procedures contained in the Delaware Code and Court Rules and will move on to look at all court processes relating to guardianships from initial filing forward. In addition, the review team will conduct a survey to obtain the input of all those involved in the guardianship process, including guardians, attorneys, the Office of Public Guardian, other state agencies, and hospitals. Once the review is completed, the Association will prepare a report to the Court on their findings and will make recommendations for any ways they believe the process could be made more user-friendly. Delaware will be only the second state in the nation to undergo a complete review by the Association.

### **NEW GUARDIANSHIP MONITORING PROGRAM SEEKS VOLUNTEERS**

The Court of Chancery's new guardianship program, which oversees the services provided by guardians, is up and running and is currently seeking volunteers. Volunteers are needed to serve as the "eyes and ears" of the court by making home and facility visits to the disabled and elderly who are subject to guardianship. Volunteers can work on their own time schedules, but must have their own transportation and a valid driver's license. Anyone interested in volunteering is encouraged to contact Sherri Harmer at (302) 255-0547 or by e-mail at [sherri.harmer@state.de.us](mailto:sherri.harmer@state.de.us)

## KENT COUNTY COURTHOUSE BEAM SIGNING CEREMONY



Demonstrating how well the three branches of government work together, Delaware Governor Jack Markell, Chief Justice Myron T. Steele and Representative E. Bradford Bennett at the beam signing ceremony for the Kent County Courthouse on June 25, 2009. Construction on the new courthouse continues with \$13.2 million appropriated for the project in the FY 2010 state budget. If the necessary additional funding becomes available in FY 2011, the new construction phase of the project may be completed in 2011.

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## SUPERIOR COURT PROVIDES NEW TOOL FOR WEB SITE USERS

Finding the information you need on the Internet can sometimes be difficult, but the Superior Court is helping to solve this problem on its web site with its new online answer desk, iCourtClerk™.

“In this age of instant communication and information retrieval through Google, FaceBook, Twitter, and other social media, Superior Court needed a web-based answer desk for our online users,” related Superior Court Special Programs Director Margaret Derrickson. This new tool was designed and created by Ms. Derrickson, who also oversees it on an ongoing basis. iCourtClerk helps users quickly find the information they seek through one of a variety of options. In addition to a traditional search option, a quick connect drop-down list of the most requested information provides a list of topics from which to choose, or users may use the quick find index which provides a more detailed list of web site topics.

But, most importantly, for those who still cannot find what they are looking for, an online question form is provided that allows web site users to ask Superior Court a question by e-mail. Rapid e-mail responses are provided by Superior Court subject matter experts who can help with information about whom to contact, and how, or where to find information. While iCourtClerk provides a great deal of useful information, users are made aware that the service does not provide any legal advice and that an attorney should be consulted when legal advice is needed. iCourtClerk hit the ground running. Within two hours of its launch, a Delaware attorney wrote to ask where to find something, “I know I’ve seen before.” “It has really been rewarding to receive many unsolicited thank you e-mails,” said Margaret, “and know that you are helping citizens connect in a positive way with the Court.” One user responded, “Thank you. This was a nice system to get the information.” And another wrote, “You’ve helped me more than anyone in the last three years.”

For further information, contact [Margaret.Derrickson@state.de.us](mailto:Margaret.Derrickson@state.de.us)

## DELAWARE JUDICIARY RECOGNIZED



Pictured from left to right: Justice Henry duPont Ridgely, Justice Carolyn Berger, Chief Justice Myron T. Steele, Justice Randy J. Holland, Speaker of the House Robert F. Gilligan and Representative V. George Carey

**Justice Randy J. Holland** of the Supreme Court received tributes from the Delaware State Senate, the House of Representatives, and Governor Jack Markell on June 16, 2009 for being the longest serving justice on the Delaware Supreme Court. Justice Holland was appointed to the Supreme Court on December 12, 1988 and was the youngest member to be appointed to the Court.

**Justice Jack B. Jacobs** of the Supreme Court gave the 15<sup>th</sup> Annual Justice William J. Brennan, Jr. Lecture on State Courts and Social Justice. His lecture, which was entitled "The Reach of State Corporate Law Beyond State Borders; Reflections Upon Federalism", was hosted by the Dwight D. Opperman Institute of Judicial Administration, the Brennan Center for Justice and New York University School of Law.

**Judge Jan R. Jurden** of the Superior Court was the recipient of the 2009 Sylvia H. Rambo Award presented by the Women's Law Caucus of Pennsylvania State University and Dickinson School of Law. The Women's Law Caucus honors a woman in the legal profession who has had a distinguished career and who, by example, has made the professional success of women more likely. Judge Jurden was the fifteenth recipient of this prestigious award.

### The Court of Common Pleas welcomed new Judges Andrea L. Rocanelli and Anne Hartnett Reigle.



Chief Justice Myron T. Steele giving the oath of office to Judge Rocanelli, who is being assisted by her husband, Todd Veale.

*Photograph by Elisa Komins Morris of Wilmington, Delaware*

**Judge Rocanelli**, who serves in New Castle County, was sworn in on April 21, 2009. She received her J.D. from Harvard Law School and her B.A. summa cum laude, from Boston College. Before coming to the bench, Judge Rocanelli served as Chief Counsel of the Office of Disciplinary Counsel for the Delaware Supreme Court. She also practiced law in Boston and, in Wilmington, with the firm of Morris, Nichols, Arsht and Tunnell.

**Judge Reigle**, who serves in Kent County, was sworn in on April 24, 2009. She received her J.D. degree from Widener University School of Law and her B.A. from the University of Delaware. Previously, she practiced law at Parkowski, Guerke & Swayze for 10 years and served as a Deputy Attorney General in both the Civil and Criminal Divisions.



Judge Charles W. Welch, III giving the oath of office to Judge Reigle, assisted by her children, Blake and Kristen.

*Photograph by Eric Young of Young's Studio in Dover*

**Vice Chancellor Stephen P. Lamb** of the Court of Chancery retired on July 28 after serving 12 years on the Court. He will become a partner with Paul, Weiss, Rifkind, Wharton and Garrison on September 1, 2009. Prior to his appointment to the Court, Vice Chancellor Lamb practiced in the area of corporate and securities litigation both with Skadden, Arps, Slate, Meagher and Flom, where he was a partner from 1983 to 1995, and then as a principal in several smaller firms.

**Judge Jay Paul James** of the Court of Common Pleas retired on January 1, 2009. He had served for over 11 years on the Court of Common Pleas and for over 19 years on the Family Court. Prior to serving on the bench, Judge James was a Deputy Attorney General before becoming a partner in the law firm of Morris, James, Hitchens and Williams. In addition to serving as a senior judge in Court of Common Pleas on occasion, he is enjoying time with his family.



Judge Merrill C. Trader, pictured with his wife, Mary, received the Order of the First State award from Governor Markell in April 2009, in honor of his retirement in February 2009 after 37 years of outstanding judicial service to Delaware.

*Photograph by Eric Young of Young's Studio in Dover*

## DIVERSITY CLERKSHIP PROGRAM

Five law students from throughout the country are working in the Delaware Supreme Court and Court of Chancery this summer as part of the American Bar Association Section of Business Law Diversity Clerkship Program. Designed to increase the diversity of lawyers in the field of business law, the program gives special consideration to individuals who have overcome social or economic disadvantages to becoming a law student, such as physical disability, financial constraints, or cultural impediments. The program provides support and mentoring to the student participants in order to give them exposure to business practices and increase their interest in the field. This summer, Delaware is hosting five of the nine students in the program nationally, with three in the Supreme Court and two in the Court of Chancery.



Pictured from left to right: Aydin Bonabi, Nicole Cannizzaro and Peter Vignier

For the three students working in the Supreme Court, the summer has presented an exciting opportunity to work directly with Chief Justice Myron T. Steele on many appellate matters, including business issues, of national importance. The two students who are clerking for Vice Chancellor Par-

sons are also gaining business-related experience in the fast-paced environment of the Court of Chancery. According to Cori Harvey, who is working in the Court of Chancery, "working in the Court of Chancery is providing me with the opportunity to have an inside view of the most prestigious business court in the nation and to observe the best attorneys from throughout the world present their cases." Thanks to her experience this summer, she is also, for the first time, considering a career in Delaware.

In addition to their experiences in the courts, the students have the opportunity to participate in discussion sessions on emerging business issues and to become part of a mentoring network of current and former participants. Participants in the program are: Supreme Court: Aydin Bonabi of Stetson University College of Law; Nicole J. Cannizzaro, William Boyd School of Law; and Peter Vignier, Sandra Day O'Connor College of Law; Court of Chancery: Wan Ying Bin, George Washington University Law School and Cori Harvey, Rutgers School of Law-Camden.



Pictured from left to right: Cori Harvey, Vice Chancellor Donald F. Parsons, Jr. and Wan Ying (Patience) Bin

## JUSTICE HOLLAND IS FEATURED PANELIST AT INTERNATIONAL LAW FORUM

Justice Randy J. Holland of the Delaware Supreme Court was a featured panelist on May 30, 2009 at the Qatar Law Forum in Doha, Qatar. The title of the event was *Global Commitment to the Rule of Law*. The co-chairs were Lord Harry Woolf, the former Chief Justice of England, and Sir William Blair. The opening session began with a keynote address by Lord Nicholas Phillips, President-Elect of the Supreme Court of England. Lord Phillips' remarks were followed by a panel discussion with eight Chief Justices from Qatar, Bahrain, India, Hong Kong, Singapore, New Zealand, South Africa and Uganda.

Justice Holland's session was entitled *From Delaware to Doha: The Legal Environment Necessary for Corporate Centers and Thriving Financial Markets*. Other panelists included the Gen-



eral Counsel of the World Bank, the Chief Justice of Dubai's International Financial Centre Court and General Counsel of the Malaysia Securities Commission. The Qatar Law Forum was attended by 400 invited legal scholars and judges from around the world, including the Presidents of the European Court of Human Rights, the International Court of Justice and the International Criminal Court.

While Justice Holland was at the Qatar Law Forum, he appeared with Lord Woolf on a thirty-minute segment of the BBC World News program titled *The Doha Debates*, which was broadcast to an audience of 383 million people.

For further information, contact [Steve.Taylor@state.de.us](mailto:Steve.Taylor@state.de.us)



Pictured from left to right: Lord Harry Woolf, former Chief Justice of England; BBC World News Anchor; Lubna Qassim of the Dubai Economic Council; and Justice Randy J. Holland of the Delaware Supreme Court

Photography by Adrian Haddad

## OSCCE'S COLLECTIONS REACH NEW RECORDS

Using a new tax intercept program, the Office of State Court Collections Enforcement (OSCCE) has reached new records in the dollar amounts they have collected on behalf of Delaware courts and agencies. OSCCE, which is a division of the Administrative Office of the Courts, serves as a collection agency handling those criminal justice cases in which court-ordered fines, costs, or restitution, as well as the Department of Correction supervision fees, have not been collected. Under the new program, OSCCE has enhanced its notification process to those with outstanding court obligations and supervision fees, including advising the offenders that State of Delaware tax refunds or lottery winnings will be intercepted to pay amounts due. As a result of this program

and other OSCCE efforts, during FY 2009, which ended on June 30, 2009, OSCCE collected:

- A total of \$4.2 million - exceeding the previous year's collections by 11.1%.
- This included a record \$1.15 million in Department of Correction supervision fees, which represented an increase of 169% over a two year period.
- Also included was a new high for Justice of the Peace Court collections at \$141,000 - a 119% increase over a two year period.

For further information, contact [Bill.DiBartola@state.de.us](mailto:Bill.DiBartola@state.de.us)

## FROM CLASSROOM TO COURTROOM: TEACHING TEACHERS ABOUT THE COURTS

Acting as prosecutor, defense attorney, or witness in a mock trial was one of many highlights for teachers participating in the "From Classroom to Courtroom" project held in the New Castle County Courthouse June 22-24<sup>th</sup>. The project, which was designed to provide teachers with tools that will help them educate their students about the court system, was attended by fourteen teachers from throughout the state.

In addition to the mock trial, the teachers had the opportunity to learn about the courts from judges who volunteered to assist with presentations on topics including the independent judiciary, the functions of federal and state courts, and the role of a juror. Presentations by the Offices of the Attorney General and the Public Defender taught them about the complicated issues surrounding death penalty cases. Teachers also learned more about resources available to assist them in teaching their students about the justice system through a hands-on tour of the Judicial Branch web site, including a section on educational resources, and a discussion of Delaware Law Related Education Center resources.



Deputy Attorney General Paul Wallace giving last minute instructions to the teachers on the prosecution team.

*"Probably the best professional development I've been part of," said one teacher on the program evaluation. "I can't wait to share these resources with the students," said another.*

The teachers were uniformly excited about the program and looking forward to working with their students on mock trials and other exercises they learned about during their time in the Courthouse. Presenters

were equally as admiring of the teachers, who displayed a great deal of interest and inquisitiveness, as well as an impressive ability to think on their feet during the mock trial!

The project was a joint effort of the Delaware Supreme Court, the Administrative Office of the Courts, the Delaware Law Related Education Center, and the University of Delaware.



Classroom to Courtroom participants and presenters, including Superior Court Judge M. Jane Brady, Bailiff Glen Jackson, Delaware Law Related Education Center Executive Director Pat Quann, DAG Paul Wallace and Michael Clarke, Esquire

## JUSTICE OF THE PEACE COURT ACCEPTS PAYMENT OF TRAFFIC TICKETS ONLINE

Paying a traffic ticket has become more convenient with the Justice of the Peace Court's recent introduction of online ticket payment. Available for traffic tickets issued on or after July 1, 2009, the new web-based payment option can be accessed through the State of Delaware and the Justice of the Peace Court's home page (<https://pubserv.deljjs.delaware.gov/epayment/>). In order to pay a traffic ticket online, an individual will need the ticket number or case number and the last name of the person to whom the ticket was issued. There may be a delay in the ability to pay tickets that are hand written and not computer generated. Payment may be made by either credit card (Visa, Mastercard, or Discover) or authorized bank account withdrawal. The new payment option was developed through the technical efforts of DELJIS. Expansion of the online ticket payment program to provide deferred payment options for cases which have already been heard is anticipated in August 2009.

Chief Magistrate Alan G. Davis stated:

*"We are very pleased to be able to provide web-based payment services to individuals with this type of interaction with the Justice of the Peace Court. In recent years we have received many requests for e-payment services; in fact, Justice of the Peace Court users were so eager for this service that, after the e-payment option became available at 12:01 am on July 1<sup>st</sup>, there were 3 users before 8 am that morning. While several jurisdictions already provide e-payment of traffic tickets, the ability to pay on existing payment agreements for cases already adjudicated is, to our understanding, if not unique, at least unusual. Not only does this service benefit those we serve, but provides time and cost savings for the Court."*

For further information, contact [Alan.Davis@state.de.us](mailto:Alan.Davis@state.de.us)

## DELAWARE COURTS PARTICIPATE IN FUGITIVE SAFE SURRENDER PROJECT

Coming from as far away as San Francisco and Houston, as well as Delaware and surrounding states, over 1,000 individuals surrendered, and over \$14,000 in fines and fees were collected in Wilmington April 29-May 2, 2009, as part of the Fugitive Safe Surrender Project. The operation, which was held in the New Destiny Fellowship Church in downtown Wilmington, was the 13<sup>th</sup> location nationwide to hold a Safe Surrender Project. Designed to help resolve outstanding arrest warrants, focusing on those with non-violent felonies and misdemeanors, participants were able to meet with an attorney, see a judge, and have their cases adjudicated on-site. The program did not provide amnesty, but participants were offered favorable consideration for their willingness to surrender and only six individuals were incarcerated following their surrender. The goal of the program was twofold: to reduce the risk to law enforcement officers who



pursue fugitives to the neighborhoods in which they hide (which is one of the most dangerous duties facing police agencies) and to help individuals with outstanding warrants to resolve their fugitive status and regain their role in the mainstream of their community.

A cooperative venture led by the U.S. Marshals Service, the Delaware courts (Superior Court, Family Court, Court of Common Pleas, and Justice of the Peace Court), along with the Administrative Office of the Courts, played a crucial role in resolving outstanding warrants, collecting fines and fees, and providing necessary technology. Other participants included police agencies, the Delaware Department of Justice, the U.S. Attorneys Office, and a variety of other Delaware State agencies. Funding was provided through the Delaware Criminal Justice Council by the U.S. Department of Justice, Community Capacity Development Office.

For further information, contact [Jim.Wright@state.de.us](mailto:Jim.Wright@state.de.us)

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## DELAWARE COURTS: FAIRNESS FOR ALL TASK FORCE FOCUSES ON SELF-REPRESENTED CIVIL LITIGANTS

Every day in courtrooms throughout Delaware, individuals in civil cases are representing themselves without the assistance of an attorney. What challenges for these litigants, the court system, and others are created by this situation and how can these challenges best be met? These questions are currently being addressed by the Delaware Courts: Fairness for All Task Force, which was created by the Delaware Supreme Court to make recommendations concerning ways to further assist self-represented civil litigants and to ensure the fairness and the public perception of the procedural fairness of court proceedings. Co-chaired by Chief Magistrate Alan G. Davis and State Court Administrator, Patricia W. Griffin, the Task Force's membership includes representatives from the Judicial, Legislative, and Executive branches, as well as others familiar with the court system and issues faced by self-represented litigants.

According to Co-Chair Alan G. Davis, "Individual courts have already undertaken substantial efforts to assist self-represented litigants, but the Task Force is looking at an integrated, system-wide strategic approach to the challenges

created by the self-representation phenomenon." "The perception of procedural fairness is an issue that particularly needs to be explored," adds the Task Force's other co-chair, Patricia W. Griffin. "Procedural fairness refers to how the public perceives the fairness of the legal process itself, apart from actual outcomes, and has been receiving much national attention recently," she explains.

The Task Force has been using a variety of methods to examine issues surrounding self-representation. Public hearings have been held in the evening in each county to allow individuals throughout the state to relay their experiences in representing themselves, while separate hearings during the day have been held for representatives of agencies that serve the public. In addition, self-represented civil litigants in the Justice of the Peace and Family Courts, as well as attorneys, judicial officers, and court staff have been surveyed. The Task Force is currently in the process of reviewing the data it has gathered and considering recommendations. A report is expected to be issued in October.

For further information, contact [Chris.Sudell@state.de.us](mailto:Chris.Sudell@state.de.us)

## LAWDRAGON: I ❤️ DELAWARE JUDGES

Delaware's judiciary is "the finest bench, pound for pound in the United States," concludes a recent article in the Lawdragon legal magazine, entitled "I ❤️ Delaware Judges" which showcases the strength and expertise of Delaware judges and the Delaware Bar in the corporate area. The article's author, Katrina Dewey, spent two years interviewing nearly 50 Delaware lawyers and judges to understand why Delaware is home to more than half of the publicly traded companies in the United States, including 60 percent of the Fortune 500, and why, as the Lawdragon article concludes, "Delaware is to American corporate law as the U.S. Supreme Court is to the nation's overall jurisprudence."

*"The Delaware Judiciary is the finest bench, pound for pound in the United States. The gem of the nation's 'first state' because the excellence of its judges in terms of rigor, devotion, intelligence and scrutiny have made Delaware the forum of choice for the nation's corporations for more than 200 years."*

Lawdragon

The Lawdragon article notes that, while other states have tried to attract corporations by passing favorable legislation or establishing business courts, none have had Delaware's success and that this is due to Delaware's outstanding judiciary. One important factor is the high quality of the Delaware bar from which its judges are selected. A bar to which it is considered an honor to be admitted, along with a tradition of high ethical standards, and expertise in the corporate law,

the article explains, provides an excellent source for judicial candidates.

Although many of the State's judges could receive greater remuneration in private practice, the Delaware bar has a history of coming to the plate when good judicial candidates are needed, points out Chief Justice Myron T. Steele in the article. "Great care and quiet conversation is given to selecting and encouraging great attorneys to apply for and stay on the bench," adds Ms. Dewey. Another important factor, she says, is the State's Constitutional requirement for political balance on the courts, with a majority of not more than one judge being from the same political party. This requirement, along with the other factors discussed, helps to ensure that merit plays the major role in the judicial selection process. It is this attention to quality, that makes Ms. Dewey, along with parties and attorneys throughout the nation, say "I ❤️ Delaware judges!"

{ DELAWARE COURT OF CHANCERY VICE CHANCELLOR LEO STRINE }

**I ❤️ Delaware Judges**

BY KATRINA DEWEY || PHOTOGRAPHS BY HUGH WILLIAMS

**R**ichard Posner should have been a U.S. Supreme Court justice. I flash on him as I watch Vice Chancellor Leo Strine of the Delaware Court of Chancery stride back and forth before a rapt audience of hundreds of Harvard Law Students in October 2007. Strine's brilliance is staggering, his energy enormous; a boiling rage for the law of the now that is in your face and seething. He relishes skewering fat cats like Hannibal Lecter loves fava beans and a nice Chianti. And there is Posner, just like it was yesterday. It was 1984, and I am a first-year law student at the University of Chicago. He is a 7th U.S. Circuit Court of Appeals Justice, law professor, author and the anchor of the legendary economic analysis that will come to define the law of an era. It is civil procedure class and he is sucking the marrow out of the injustice of the federal docket being littered with so many lost limbs – and really, is a lost limb to a poor person actually worth \$10,000, or whatever the legal minimum for federal court jurisdiction is at the time. I know I am seeing genius. I am also slightly misused, but can see this is a rare legal mind which shifts a generation of jurisprudence to evaluate cases based on economic

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## KAREN TAYLOR NAMED JUDICIAL BRANCH 2008 EMPLOYEE OF THE YEAR

Chief Justice Myron T. Steele announced that **Karen Taylor** of Superior Court was named the Judicial Branch 2008 Employee of the Year. Ms. Taylor formally received the award on June 5, 2009. Ms. Taylor was selected for her many years of dedication to the Court, her ability to get things done, her willingness to take on new projects and to always stand behind support staff, and, most of all, for her loyalty to Superior Court and the State of Delaware.

A 23 year employee of the Judicial Branch, Ms. Taylor began her career in Family Court as Judge William Swain Lee's secretary. In 1986, when Judge Lee was appointed to Superior Court, she became his judicial secretary until his retirement, and in 2000, she became Sussex County's first paralegal. In that position, she devoted many hours to overseeing the remodeling of the Sussex County Courthouse, in addition to her paralegal

duties. In 2005, Ms. Taylor was promoted to Deputy Court Administrator for Sussex County and is responsible for personnel issues, budget, and special projects, such as data cleanup, archiving, and COTS. She has devoted numerous hours to ensuring that the transition to the new COTS system meets the needs of the Court, case managers, title searchers, judges, and the public.



Supreme Court Justice Randy J. Holland presenting the Judicial Branch 2008 Employee of the Year award to Karen Taylor of Superior Court, with President Judge James T. Vaughn, Jr. and Maureen Frederick, Court Administrator of Superior Court, looking on.

The other employees nominated for the award, who were honored as employee of the year for their respective courts are: **Kay Kris**, Judicial Operations Manager, Family Court; **Teresa Lindale**, Judicial Operations Manager, Court of Common Pleas; **Casey Tyndall**, Judicial Operations Manager, Justice of the Peace Court; and **Patricia Lutz Dilenno**, Human Resources Manager, Administrative Office of the Courts.

## FAMILY COURT PROVIDES ACCESS TO AUTOMATED ONLINE FILING

On June 8, 2009, the Family Court of the State of Delaware launched a new e-delivery service for both pro se litigants and attorneys.

In partnership with nCourt, an Atlanta based government services company, the court developed an automated and secure filing system which is funded by the users who pay a small convenience fee. The system prompts litigants to fill in information and answer a series of questions related to their filing, while at the same time providing them with instructions and information related to their filing and the law. At the conclusion of the questions, the system creates the forms that need to be filed for a particular type of pleading. Litigants then pay their court fees and a convenience fee online and are notified when the Family Court has accepted and processed their petition. The end result is a more accurate and legally correct pleading. The Family Court, which has a high percentage of individuals representing themselves, sees value in providing another tool to non-legally trained litigants. In addition to assisting litigants to properly complete and file pleadings, such a system also allows the public to file their petitions at their convenience.

Recognizing the large pro se population that Family Court serves, nCourt provides a toll free, customer service hotline for assistance in navigating the program. David Morris, CEO of nCourt, stated "We see ourselves as filling a need for both the court and those citizens who need to take advantage of the court's services; our service team is always delighted to help citizens with the website and our technology staff works diligently to ensure a high quality, user-friendly experience."

At the outset, the project is limited to the filing of a Petition for Custody in New Castle, Kent and Sussex Counties but will soon be expanded to cover divorce proceedings, Petitions of Support and many of the other related documents required in these proceedings. Access to the Delaware Family Court can be obtained by going to <http://courts.delaware.gov/Family> which provides a link to the filing landing page.

For further information, contact [Jody.Huber@state.de.us](mailto:Jody.Huber@state.de.us)

## SUPREME COURT TASK FORCE ON CRIMINAL JUSTICE AND MENTAL HEALTH RELEASES INTERIM REPORT

Since December, the Delaware Supreme Court Task Force on Criminal Justice and Mental Health has been hard at work identifying issues faced by people with mental illnesses and exploring ways to improve the treatment of the mentally ill within Delaware's criminal justice system. Chaired by the Honorable Henry duPont Ridgely, the Task Force has brought together judges, state leaders, legislators and nonprofit organizations to develop a strategic plan. The Task Force's Interim Report, which details current Task Force projects and includes a list of preliminary recommendations, is now available online at:

<http://courts.delaware.gov/AOC/Mental%20Health%20Task%20Force/?InterimReport.pdf>

One of the Task Force's projects was to provide copies of the *Judges' Guide to Mental Health Jargon*, a reference for mental health terms most often encountered by the Judiciary, to all Delaware Judges and Justices of the Peace. The Task Force has also applied for funding to expand the Superior Court Mental Health Court into Sussex County. Additionally, it has worked to educate the public about the need for mental health courts and the issues faced by those with mental illnesses by publishing numerous articles on mental health and criminal justice issues. Over the course of 2009, the Task Force will continue working on developing a strategic plan designed to improve the quality of life for those with mental illnesses in Delaware, increase public safety, and ensure that state funds directed toward mental health issues are being used most cost-effectively.

For further information, please contact Stephanie Symons, Administrative Office of the Courts, at [stephanie.symons@state.de.us](mailto:stephanie.symons@state.de.us) or (302) 255-2475.



Photograph by Hugh Williams of Lawdragon

Justice Henry duPont Ridgely, Chair of the Delaware Supreme Court Task Force on Criminal Justice and Mental Health, stated:

***“The frequency with which people with mental illnesses enter our courts, jails, and prisons remains a critical issue. This Task Force is greatly enhancing our understanding of the problems that individuals with mental illnesses face, enabling us to encourage inter-agency cooperation, identify specific gaps in resources, including improvements to treatment options, as well as steps to take, when appropriate, to help individuals with mental illnesses avoid contact with the criminal justice system.”***

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## JUDICIAL EMERGENCY ACT SIGNED

New legislation designed to clarify the authority of the Chief Justice during an emergency was signed by the Governor on May 19, 2009. The legislation, which gives the Chief Justice the authority to declare a judicial emergency, is designed to avoid the type of questions about the authority to make decisions concerning the court system that have occurred in emergency situations elsewhere, such as with Hurricane Katrina. Under the new legislation, the Chief Justice may declare a judicial emergency when there is an emergency due to natural or manmade causes that destroys or severely damages one or more court facilities or severely impacts the ability to staff the courts.

When a judicial emergency has been declared, the Chief Justice may override normal statutory limitations and take necessary actions such as ordering that court be held in a different county, suspending normal deadlines, or authorizing proceedings to be conducted by audiovisual device that are not normally conducted that way. An order declaring a judicial emergency is limited to an initial duration of 30 days, but may be modified or extended for additional 30 day periods.

## LIMITED PRO BONO ASSISTANCE PROGRAM HELPS LITIGANTS REPRESENT THEMSELVES

I could never imagine that fifteen minutes could be so valuable," said an individual who recently received help through the Limited Pro Bono Assistance Program. The program, which is a joint effort of the Administrative Office of the Courts and Delaware Volunteer Legal Services, is designed to assist self-represented litigants by providing a fifteen minute consultation with an attorney to obtain answers to specific legal questions concerning their case. Prior to meeting with an attorney, the litigants fill out an intake form and meet with staff from the Administrative Office of the Courts who explain the program and help them articulate the question(s) they wish to discuss with the attorney.

According to Andrew and William A. Gonser, Jr., a father and son who both regularly serve as attorneys for the program, "The parties leave with a better understanding of the law and court procedure, which helps to either promote settlement or at least facilitate a smoother trial. With the growing number of pro se litigants, especially in today's economy, the benefits of the program are invaluable." The program is fortunate to have a number of attorneys, such as the Gonsers, who generously volunteer their time to help self-

represented litigants. Many of the volunteers cite the satisfaction that they obtain from being able to make a significant difference for those they assist. Another frequent volunteer attorney, Richard (Buzz) Hannum, says, "The regularity with which the users of the program express appreciation for the guidance provided is undisputed evidence of the value of the program. I continue to volunteer because there is no question in my mind that I am helping those who seek my guidance." Operating each Monday in the Self Help Center of the New Castle County Courthouse, the program served over 200 individuals in the area of family law during fiscal year 2009. Assistance is generally available only by appointment.

A free continuing legal education program on family law is being planned for the fall at Widener School of Law. Participants will receive CLE credits and it is hoped that many use the knowledge they gain to volunteer in the Limited Pro Bono Assistance Program. Persons interested in obtaining assistance or attorneys interested in volunteering may contact Mary Ann Hillis at (302) 255-0480.

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We are pleased to present the Summer 2009 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. This and previous versions of the Delaware Docket are available on line at <http://courts.delaware.gov/AOC/?publications.htm>.

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