

“Justice on the Move”

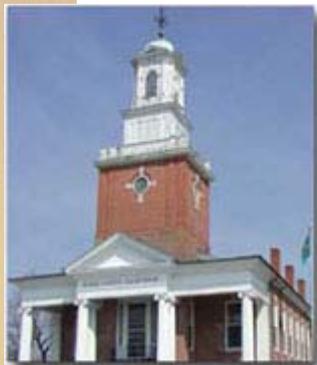


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2002 Annual Report of the Delaware Judiciary

IN MEMORY OF ADAM GOLBY

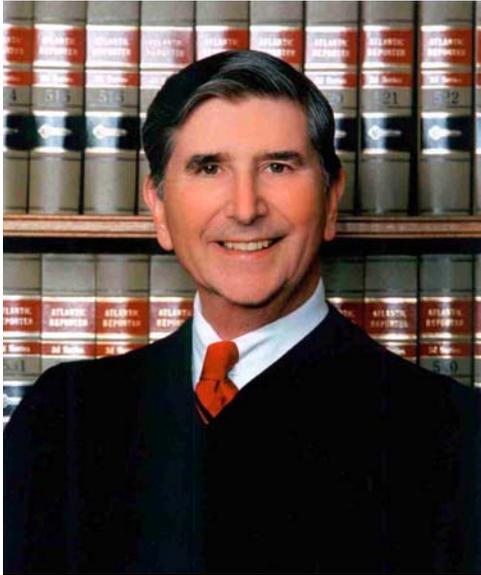
On December 29, 2002 the Delaware Judiciary lost a dedicated, valued co-worker and friend, Adam Golby. As the statistician for the Administrative Office of the Delaware Courts, Adam made many contributions throughout his career. Most notably, Adam was an integral part of the Delaware Judiciary's annual and statistical reports over the past twenty-five years. His unexpected passing has saddened all who knew him. He will be missed.

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Annual caseload statistics for the Delaware State Courts are published under separate cover in the "2002 Statistical Report of the Delaware Judiciary." Copies of this publication can be obtained by contacting the Administrative Office of the Courts or online at <http://courts.state.de.us/supreme>.

Message from Chief Justice E. Norman Veasey

To Governor Ruth Ann Minner, Members of the General Assembly, and Citizens of the State of Delaware:



It is my pleasure to present to you the 2002 Annual Report of the Delaware Judiciary. Over the past year, the Judiciary has faced many challenges. Our emphasis has been on the move to the new New Castle County Courthouse, building on our progress in technology, achieving effective integrated case management systems, addressing delays in court case processing, and finding fair and effective ways to provide legal services to indigent and non-English speaking litigants. The Judiciary is proud of its accomplishments in these areas and seeks to continue improving internal court operations and the access to justice for the citizens of Delaware.

The Judiciary strives to operate at peak efficiency with the resources available. To this end, I established a Court Resources Task Force as set forth in Administrative Directive No. 136 dated January 9, 2002. The Task Force is charged with assuring that modern business and management techniques prevalent in the private sector are being applied to the management and functioning of the Delaware Judiciary. The goal is to have the Courts maximize the economies of scales that can be achieved by a statewide co-operative effort.

I want to give special thanks to those who worked diligently to make the move to the new New Castle County Courthouse a success. Many individual officers and staff deserve great credit for this success, particularly Edward G. Pollard, Jr., former Family Court Administrator and current Deputy State Court Administrator, was instrumental in this process. His dedication, professionalism and thoroughness are exemplary. As we move forward, the Judiciary will focus on creating uniform case processing standards in preparation for the development and implementation of a commercial-off-the-shelf case and financial management system (COTS) and develop and implement case management initiatives that will reduce the adjudication time in criminal cases. Emphasis will also be given to providing the necessary funding for court-appointed counsel and court interpreters to assure fairness and to make the judicial process more efficient and cost effective.

It is my honor to serve Delaware as Chief Justice. I have enjoyed serving in good economic times and in challenging times such as those which now confront our state. I am proud to be a part of the traditional Delaware culture of all three branches of government working together to support the mission of Delaware's Judiciary.

Respectfully,

E. Norman Veasey

MISSION STATEMENT

To provide an efficient and effective mechanism for the citizens of the State to have their cases fairly decided in a prompt manner to achieve swift justice.

Improving Justice For All



The Delaware Court System is dedicated to the principles of equal and timely access to justice so that all individuals are treated with integrity, honesty, equality, respect for the rule of law and the rights of all.

Through innovative technologies to increased emphasis on increasing the pace of litigation the Delaware Court System is improving justice for all.

Court Facilities

The recently opened New Castle County Courthouse is a

state of the art facility that utilizes staff and technology to create a customer service oriented environment that is conducive to the efficient delivery of justice. Services that are most frequently needed by the public (e.g., document filings, fines/payments) are located close to the entrance. In addition, information staff are available near the entrance to assist the public in getting to where they need to go. Large plasma screens detailing court hearings, information staff, and an easily accessible self-help center are just some of the innovative approaches to quality customer services provided.

Renovations are underway at the Sussex County Courthouse in

Georgetown that will result in the addition of one new courtroom and new judges chambers; create more efficient work areas for staff in the Prothonotary's Office and Court of Common Pleas Clerk's Office; create separate areas for defense and prosecutorial witnesses; provide attorney-client interview rooms; and, increase the Department of Corrections' holding facility within the Courthouse. In addition, the entrance to the courthouse will be moved to the side of the building to provide better security and signage will be added to help guide the public while visiting the Courthouse.

Court of Chancery

The Court of Chancery is now more accessible with the transition of the Register in Chancery to a statewide office and the implementation of statewide practices and procedures. The Court has recently installed the same docketing software in all three counties that previously only the New Castle County Register in Chancery Office used. This docketing system is now accessible also by the Chambers staff to better facilitate the management of the caseloads. The Court of Chancery looks forward to when the COTS initiative will help mesh the information from the Register in Chancery and the other Courts statewide to better improve the entire Court system's accessibility to the public and the bar through e-filing and internet access to case information. The Court is also in the process of constructing a new Court of Chancery building on The Circle in Georgetown which will enable the consolidation of the all the support staff of the Court to be in one building which will facilitate an improved access for the public and the bar.

Superior Court

In 2002 the Superior Court of Delaware was commended in a Harris Poll of the nation's top corporate counsel and senior litigators, commissioned by the United States Chamber of Commerce, for "having a litigation environment perceived to be fair and reasonable in its handling of civil cases."

- The Superior Court has continued its involvement in the improvement of the administration of justice on a national level. President Judge Henry duPont Ridgely and Criminal Administrative Judge Richard Gebelein have worked, over the last year, on the American Bar Association's Drug Court Standard. Judge Gebelein was the principal draftsman and President Judge Ridgely managed it through the approval process, culminating in the approval of the Standard by the ABA House of Delegates last summer. The standard was later endorsed by the Conference of Chief Justices and the Criminal Justice Section of the American Bar Association.
- The Court's nationwide reputation was recognized when it was selected by the U.S. Department of Justice as one of nine pilot sites in the country to test the concept of re-entry courts. Re-entry courts focus on the need to create accountability systems and support networks for returning offenders to increase the chances of successful reintegration into their communities. The court is testing two approaches to re-entry: one targets returning domestic violence offenders in Sussex County and the other deals with the general population of returning offenders in New Castle County.
- Over the past year, the implementation of Real-Time Court Reporting has been accomplished in the Superior Court. The ability of attorneys, parties and Judges to instantly view recorded testimony is a major improvement accomplished throughout the state.

Family Court continues on its quest to improve the quality of the services provided in each of our courthouses. From our "VOICES" survey in 1992 to our "Courting Quality" initiative commenced in 1996 and our development and publication of the Family Court Performance Standards in 1999, we have now arrived at another critical milestone in our quest to provide quality services to the citizens of the State of Delaware.

- During the past year the Family Court focused much attention on the formulation and testing of performance "measures" for the Family Court Performance Standards as part of our "Quality Counts...Family Court...Counts Quality" program. The application of the performance measures will allow the Court, staff, litigants and the public to gauge our actual performance against those standards established in 1999.
- With the assistance and support of Dr. Ingo Keilitz, a nationally recognized expert on Trial Court Performance Standards and Measures, the five performance measurement focus groups, under the guidance of the Quality Counts Leadership Committee, composed of court and community members, and with the continued financial assistance of the First State Quality Improvement Fund, have developed and validated twenty-one measures for final development and implementation.
- Full implementation of the twenty-one performance measures is scheduled to commence in January 2003. Family Court will then utilize the information produced through the performance measurement process in order to adjust our policies, procedures and management practices in order to provide the quality of service the citizenry of our state deserve.

Court of Common Pleas

2002 was a challenging year for the Court of Common Pleas. The Court faced caseload increases and budget constraints and yet continued to effectively manage its busy calendars to provide high quality public service.

- During fiscal year 2002, the Court saw a considerable increase in the use of their mediation (dispute resolution) program that began in January of 2001. In partnership with the Center for Community Justice and the Delaware Center for Justice, the Court has referred approximately 800 cases to mediation since the start of the program. This program provides an alternative for criminal prosecution and it has been determined that it leaves participants with an increased sense of satisfaction about the criminal justice process.
- The Court continues to operate its very successful drug diversion program, a court-supervised, comprehensive program for non-violent offenders. This voluntary program, which handles approximately 500 participants each year, includes regular appearances before a Judge, participation in substance abuse education, drug testing and treatment, if needed. This program has been the subject of a study by the University of Pennsylvania on the role of judicial status hearings in drug court, a first study of its kind in the nation.
- Consistent with the Court's goal of ensuring maximum public access, it has developed a large number of materials and forms designed for self-represented litigants. Court materials are available providing general civil and criminal information, as well as for appeals from the JP Court, name changes, and civil and criminal motions. These materials are now available on the Court's website as well as in the New Castle County Courthouse Self-Help Center.

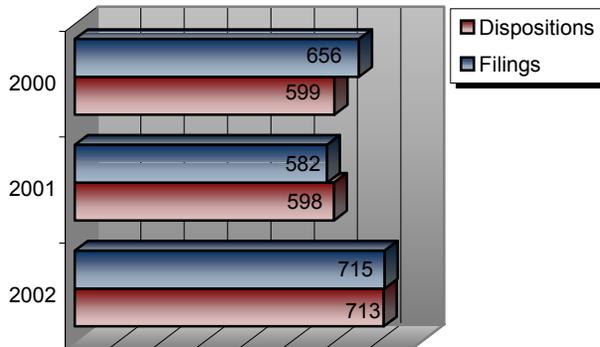
Justice of the Peace Court

In 2002 several initiatives underscore the Justice of the Peace Court's efforts to provide better services and to expedite case dispositions.

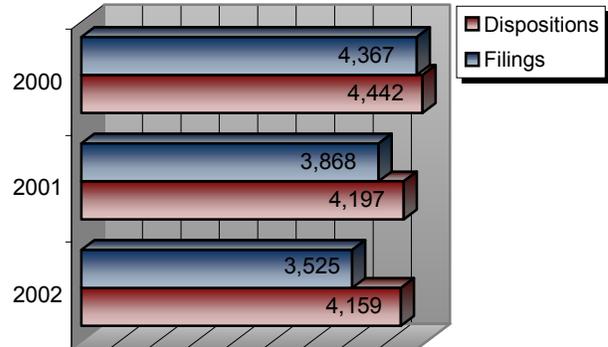
- A statewide Justice of the Peace Videophone Court was established at J.P. Court No.2 in Rehoboth. Conducting proceedings by videophone enables court users, such as the police, to obtain warrants and have arraignments conducted, without they or the defendants physically appearing in court, thereby saving time.
- A pilot project providing legal representation at JP Court 20 was initiated to provide an on-site attorney general and public defender. Benefits to victims and defendants include early resolution of cases (often at the initial court appearance), early access to victim's services, and access to legal services for both victims and defendants.
- The Justice of the Peace Court's statewide Truancy Court has developed into a multi-faceted program involving an extensive network of social service and treatment agencies that provide assistance to families with truancy problems.

Court Statistics by Fiscal Year (July 1, 2001 - June 30, 2002)

Delaware Supreme Court



Chancery Court

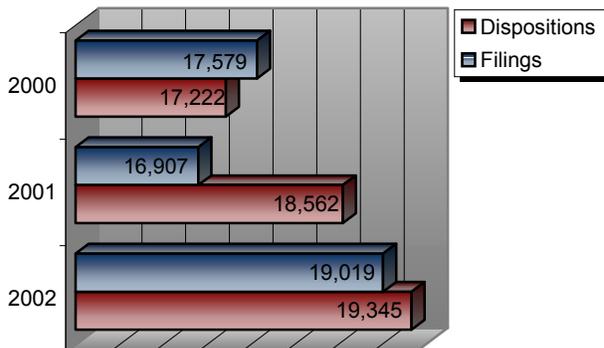


- The Supreme Court of Delaware saw a 22% increase in case filings in FY 2002 from the previous fiscal year.
- The Supreme Court disposed of 19.4% more cases in FY 2002 than in FY 2001.
- The difference between filings and dispositions resulted in a pending caseload increase of 0.6%, from 342 at the end of FY 2001 to 344 at the end of FY 2002.
- Chancery Court FY 2002 case filings decreased about 1% from cases filed in FY 2001.
- Cases disposed of by the Court in FY 2002 decreased 8.9% from the previous fiscal year.
- The total pending caseload increased 4.8%, from 3,156 at the end of FY 2001 to 3,274 at the end of FY 2002.

FY 2002 Case Filings by County

Court	New Castle	Kent	Sussex
Superior Court	12,968	3,025	3,026
Family Court	31,793	10,114	11,807
CCP	49,176	19,563	24,226
JP Court	57,612	22,229	29,545
Totals:	151,549	54,931	68,604

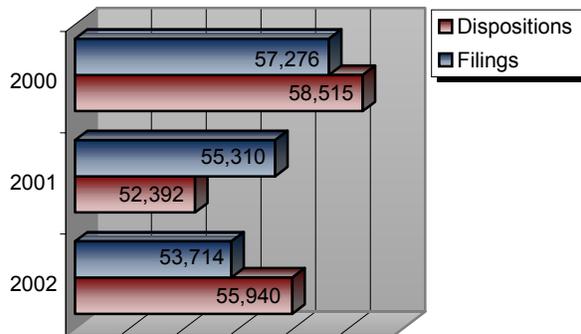
Superior Court



- Total case filings in FY 2002 increased 12.5% from cases filed the preceding fiscal year.
- Dispositions increased 4.2% in the same period.
- Civil case filings went up 14.4% during FY 2002, from 8,812 in FY 2001 to 10,078 in FY 2002.
- Civil case dispositions decreased 1.6% during the same period from 10,671 in FY 2001 to 10,499 in FY 2002.
- Criminal case filings increased 10.5% from 8,095 in FY 2001 to 8,941 in FY 2002.
- During the same period criminal case dispositions increased 12.1% from 7,891 in FY 2001 to 8,846 in FY 2002.
- Total pending caseload decreased 2.4%.

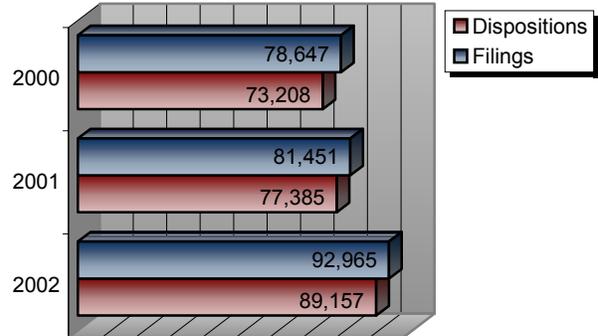
Court Statistics by Fiscal Year (July 1, 2001 - June 30, 2002)

Delaware Family Court



- Total case filings in FY 2002 decreased 2.9% from FY 2001.
- Total case dispositions increased 6.8% during the same period.
- Civil case filings decreased 2.9%, from 9,738 in FY 2001 to 9,230 in FY 2002. Civil case dispositions were up 7.7% from 37,669 to 40,571 during the same period.
- Adult criminal case filings were down 3.4% from 5,566 in FY 2001 to 5,378 in FY 2002. In the same period, criminal case dispositions were down 1% from 5,444 to 5,388.
- Juvenile case filings decreased 4.2%, from 9,728 in FY 2001 to 9,320 in FY 2002. In the same period, juvenile case dispositions were up 7.6% from 9,279 to 9,981.
- At the end of FY 2002 there were 12,028 cases pending compared with 14,254 pending at the end of FY 2001, a decrease of 15.6%

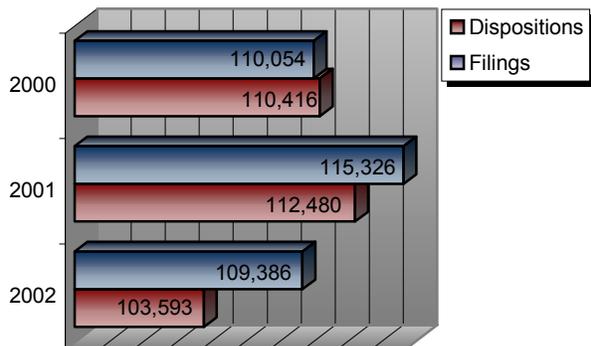
Court of Common Pleas



- In FY 2002, total case filings went up 14.1% from FY 2001.
- Dispositions increased 15.2% during the same time period.
- Civil case filings increased 30.3% during FY 2002, from 8,058 in FY 2001 to 10,496 in FY 2002. In the same period, civil case dispositions went up 27.8% from 6,574 in FY 2001 to 8,400 in FY 2002.
- Criminal case filings increased from 73,393 in FY 2001 to 82,469 in FY 2002, a 12.4% increase. Criminal case dispositions saw a 14% increase from 70,811 in FY 2001 to 80,757 in FY 2002.
- Total cases pending increased 8.6% from 44,046 at the end of FY 2001 to 47,854 at the end of FY 2002.

- FY 2002 case filings decreased 5.1% from FY 2001.
- Case dispositions decreased 7.9% during the same period.
- The difference between filings and dispositions resulted in a pending caseload increase of 30.8%, from 18,792 at the end of FY 2001 to 24,585 at the end of FY 2002.

Justice of the Peace Court



Court Developments and Initiatives

COTS – “Courts Organized to Serve”

In FY 2002, the Delaware Judiciary made significant progress toward the goal of acquiring a comprehensive, statewide, integrated case management and financial system for the Delaware court system. The adoption of a commercial off-the-shelf system (COTS) is expected to greatly improve the Delaware Judiciary’s ability to manage its complex caseload. COTS will assist the courts in improving service to the public and ensure that timely information is available for court decisions. COTS will also increase staff productivity, promote consistent and uniform staff training, and improve the Judiciary’s ability to respond to legislative mandates.

In November 2001 a Request for Proposal (RFP) for the development and implementation of COTS was issued. After careful review of the proposals received the selection of Affiliated Computer Services (ACS) as the COTS system vendor was made in the spring of 2002. This decision was based on ACS’s reputation as a

strong company with large court project success, including two statewide implementations. It has established strong partnerships with industry-leading vendors and is a Courtroom 21 participating company. Their off-the-shelf system provides a high degree of functionality based on Delaware’s requirements and provides scalable and flexible system architecture.

The term “COTS” stands most commonly for “commercial off-the-shelf software.” However, in Delaware, COTS has become known as “Courts Organized to Serve,” a name which has come to epitomize the project. All courts, from the Justice of the Peace Court through the Supreme Court, along with their partners in the Delaware justice system, pooled their talents and resources and worked in concert on this effort in an unprecedented fashion. Moving forward with this same level of cooperation will help ensure the project’s success and will ensure that the citizens of the State continue to be well-served by the courts in the years to come.

Rise in Conflict/Contract Attorneys

In early fiscal year 2002 it became apparent that the Judiciary would be facing a crisis in funding for Conflict Counsel Services. Chief Justice E. Norman Veasey asked Justice Myron Steele to assemble a broad based committee to study why costs in this area were increasing, what could be done to control these costs, and what ideas could be brought to the table to address the ever increasing cost in both the short and long-term related to conflict counsel and the closely related issue of court interpreters.

A broad based committee on representation of indigent defendants first met on November 20, 2001 and included a broad representation including numerous members of the defense bar, both public and private. After researching and considering the problem for several months, Justice Steele and his committee recommended legislative enactment of a surcharge on all criminal fines including traffic violations. House Bill 426, which was estimated would raise 1.9 million dollars annually, was drafted and introduced. Ultimately, adequate funds were included in the State’s operating budget and separate legislation was not required. The solution gives the Delaware Judiciary the ability to manage this difficult issue in an efficient fashion consistent with the goal of swift and fair justice.

Improving the Delivery of Justice

In fiscal year 2002 the Superior Court took steps toward improving its criminal case management in New Castle County to more efficiently process the Court's criminal caseload. The Judges of the Superior Court convened a Criminal Case Management Committee to reengineer the Court's Criminal Case Management Plan. Through the use of grant funds, the Superior Court was able to arrange visits by Judges representing courts around the country with innovative and diverse case management plans. These judges presented their plans, their insights and processes with not only the Superior Court Judges, but also to other key Court officials. Drawing from the best of these plans, in addition to the insights and ideas within the Court, the Criminal Case Management Committee has been working diligently to improve the efficiency and effectiveness of the Court in criminal cases.

In addition to reengineering the Court's Criminal Case Management System, representatives of the Superior Court from all three counties are working on the Delivery of Justice Subcommittee, chaired by Justice Walsh, in an effort to assure the speedy delivery of justice. In their work on this committee, Superior Court staff address issues pertaining to defendants detained within the Department of Correction, standardization of record keeping and work to assure that access to justice is reliable and efficient.

Court Resources Task Force

The Court Resources Task Force worked diligently throughout the previous year to develop recommendations for improved public access to the Delaware court system, improve the administration of justice, and increase efficiency in court operations.

One of the primary recommendations is the reorganization of the Administrative Office of the Courts to include merging financial staff from all courts to increase accounting efficiency and result in centralized control over the budget of the individual courts. The Task Force also highlighted the need to continue to pursue the COTS initiative that will provide a new inte-

grated case management and financial system for all of Delaware's Courts.

Centralizing collections through the Office of State Court Collections Enforcement (OSCCE) was also at the top of the list of recommendations. Currently each court is responsible for their own collection efforts, by centralizing these efforts the Task force believes the fee collection process will be more efficient and effective. Also suggested were the implementation of wage garnishments and allowing people to pay fines and assessments by credit card.

Legislative Updates

The bills listed were signed into law by the Governor of the State of Delaware over the past year:

House Resolution 67 – This resolution encourages the Courts to embrace the opportunities presented by the integration of the Courts in the New Castle County Courthouse and the Courts Resources Task Force to further unity and comity among the Courts. This resolution noted that the findings of the Court Resources Task Force, as presented in The Gilliam Report (November 2002), should be applied to improve services to the citizens of the State of Delaware and promote uniformity and centralization of services as a catalyst toward the implementation of COTS, “Courts Organized to Serve.”

House Resolution 80 - This resolution calls for a task force to be created to review the bail bond procedure in the various courts in the State of Delaware. Initial report to be delivered by February 1, 2003. With regards to bail, the various components of the Criminal Justice System have varying interest and as a general rule favor high bail; while the Department of Corrections struggles with pre-trial overcrowding the courts have a duty to set reasonable bail to assure the defendants appearance. A task force was established with representatives from the Courts, the office of the Attorney General, the Public Defender’s Office, Law Enforcement Agencies, the Legislature and others charged with making recommendations for improvement in the bail setting process.

House Bill 598 – This legislation is related to juvenile probation and juvenile drug treatment services which seeks to promote abstinence; the reduction or elimination of recidivism; the substitution of healthy habits and activities for substance abuse; strengthening the capacity of families to provide structure and guidance for their drug-involved youth; keeping juveniles in school or gainfully employed.

Senate Bill 255 – This act modifies and supersedes the Uniform Child Custody Jurisdiction Act (UCCJA) which has been the law in Delaware since 1976. The Act provides clearer standards for States to exercise jurisdiction over child custody disputes. The Act gives clear priority to the home state of the child, enunciates a standard for determining whether a state continues to have jurisdiction over a custody dispute and clarifies jurisdiction over requests to modify a custody order.

Senate Bill 349 – This legislation will minimize the ability of prisoners to file meritless civil suits. The overwhelming majority of civil suits brought by prisoners are dismissed without relief being awarded because they lack valid claims.

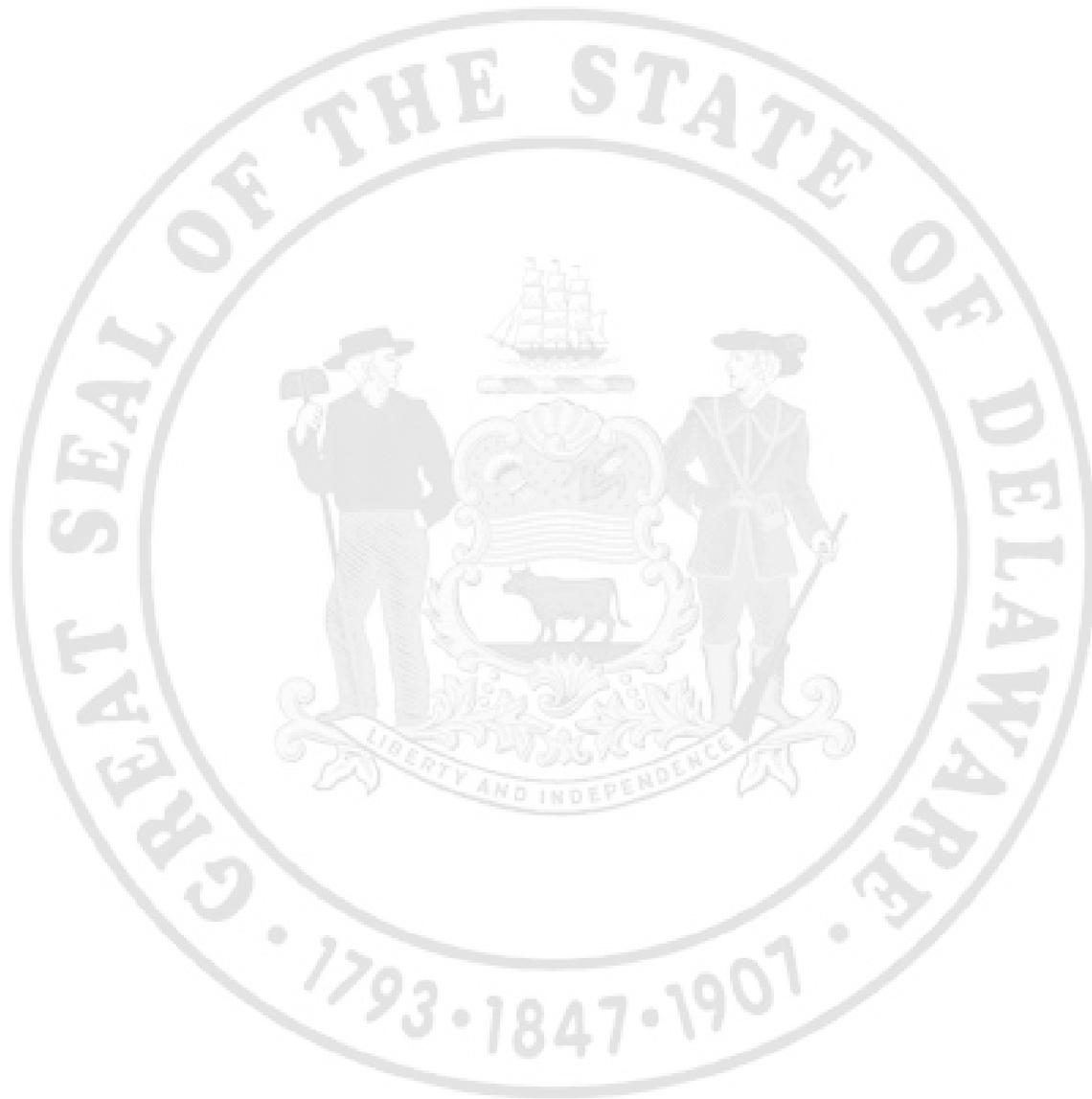
Senate Bill 351 – This legislation concerns an attorney guardian ad litem's role in representing a child. The changes make clear that the child is the client and the scope of representation is the child's best interests. It also makes sure that an attorney does not take the stand as a witness, but instead presents his or her position in the form of evidence.

Delaware Judicial Officer Appointments

The Honorable *Charles H. Tolliver, IV*, was reappointed as an associate judge of the Superior Court. His present term began upon his taking the oath of office on April 3, 2002.

The Honorable *William C. Bradley, Jr.*, was reappointed as a judge for the Court of Common Pleas. He took the oath of office for his term on April 3, 2002.

No new judicial officers were appointed during the 2002 Fiscal Year.



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