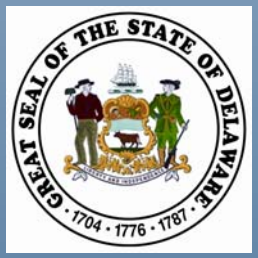
2004 ANNUAL/ STATISTICAL REPORT OF THE DELAWARE JUDICIARY



Administrative Office of the Courts

2004 Annual/Statistical Report of the Delaware Judiciary

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GREAT SEAL OF THE STATE OF DELAWARE
LIBERTY AND INDEPENDENCE
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CONTENTS

Message of the Chief Justice	5
Introduction to the Delaware Court System	7
Fiscal Overview	10
Supreme Court	17
Court of Chancery	26
Superior Court	41
Family Court	62
Court of Common Pleas	80
Justice of the Peace Court	92
Alderman's Courts	115

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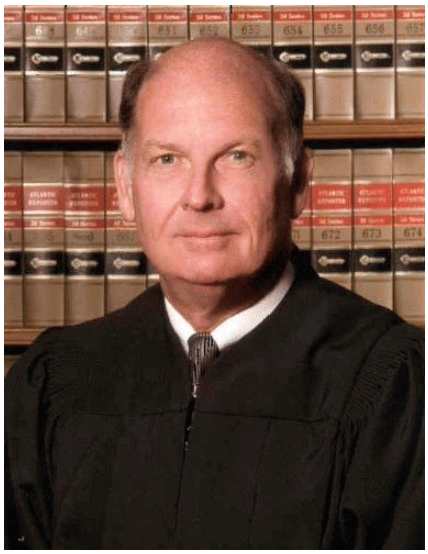
Message from Chief Justice Myron T. Steele

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



It is my pleasure to present the Delaware Judiciary "2004 Annual/Statistical Report." Statistics alone, however, cannot adequately convey the continuing efforts of our judicial community to improve the quality of service to all of Delaware's citizens.

I would like to take this opportunity to thank all the Judges and dedicated staff within each Court for their continued hard work which is reflected in the group and individual accolades that follow.

For the third year, the Harris Poll *State Liability Systems Ranking: Study,* conducted for the U.S. Chamber Institute for Legal Reform, rated Delaware number ONE. The survey recognized our Superior Court and overall system for "having a litigation environment perceived to be fair and reasonable in its handling of civil cases."

The study on corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment with their state court liability system focused on overall treatment of tort and contract litigation, treatment of class action suits, punitive damages, timeliness of summary judgment/dismissal, discovery, scientific and technical evidence, judges' impartiality, judges' competence, juries' predictability and juries' fairness.

The Delaware Court system, led by the Superior Court, earned this distinguished honor for the third year in a row because our Judges and staff are unfailing in their efforts to find innovative ways to improve services to the citizens of Delaware. I list here some of the awards and recognition our Judges and staff received this past year that epitomize our dedication to that effort. Every effort was made to ensure this list is all-inclusive. However, it is possible that I may have overlooked someone. If I have, I apologize for the inadvertent omission.

UCLA Law School recently selected Justice Jack B. Jacobs to be its "Regent's Scholar." This follows in a year during which he has lectured on corporate law in Hong Kong, Hamburg, London and Seoul, thereby broadening the reach of Delaware's reputation as an international center for corporate registration and litigation.

Every member of Delaware's well renowned Court of Chancery participated in conferences throughout the nation on securities and corporate law, reaching out to our corporate citizens in an effort to better understand the needs of our corporate citizens and their shareholders. Their far flung efforts take them from their regular work and families and involve personal sacrifice for the good of our legal environment.

United States Supreme Court Chief Justice William H. Rehnquist appointed Justice Randy J. Holland to a three-year term as the State Judge member on the Federal Judicial Conference Advisory Committee on Appellate Rules.

Justice Randy Holland was made an Honorary Master of the Bench at Lincoln's Inn in London in 2004. Justices Stevens and Ginsberg of the United States Supreme Court are the only other current

American Jurists to have received this honor. He was asked to serve on an Anglo-American Exchange as one of only nine members including Supreme Court of the United States Justices Scalia and Breyer.

Justice Randy Holland received the 2004 Adjunct Professor Award from Widener Law School, the 2004 James M. Latchum Professionalism Award from the Richard Rodney American Inn of Court of the United States Supreme Court and will be honored for his 20 years of service to the Delaware Bar Foundation.

Superior Court Judge Richard S. Gebelein is serving our Country on Active Duty in Afghanistan. He is on a one-year deployment as Rule of Law Officer for Combined Forces in Afghanistan. Before his deployment, he was elected for a second year as Vice-Chair of the Board of Directors of Drug Court Professionals.

Chief Magistrate Patricia W. Griffin received the" Person of the Year" Award from the International Association of Truancy and Dropout Prevention at their annual meeting in November 2004. This award was given in recognition of her efforts in establishing and expanding the Truancy Court Program in Delaware. After many years as an outstanding leader of our Justice of the Peace Court system, Chief Magistrate Griffin will become the Director of the Administrative Office of the Courts effective February 7, 2005.

Family Court Judge Kenneth M. Millman received the "Shirley Cuppery Award" presented by the Executive Committee of Delaware's Child Placement Review Board. Judge Millman received this award "For his untiring work on behalf of Delaware's children" as the Liaison Judge for the Family Court Improvement Project in October 2004.

Superior Court Commissioner Michael Reynolds received the National Alliance for the Mentally Ill in Delaware (AMID-DE) Outstanding Public Official Award for 2004 for his tireless efforts in making humane decisions regarding the need for treatment while protecting the rights of Delawareans living with the disability of severe and persistent mental illness."

Family Court Administrator Randall E. Williams received the Delaware State Bar Association Distinguished Government Service Award in January 2004.

Franny M. Haney, Administrative Office of the Courts, was elected Chairwoman of the National Consortium of State Court Interpreter Certification at its annual meeting in October 2004. As chairwoman, Franny will lead efforts to advance the goals of the Consortium which includes 32 member states.

Julie S. Dvorak received an invitation to participate in the prestigious National Summit on Self Represented Litigants. She continues to lead our statewide effort through the AOC to assist Pro Se Litigants as a public service for equal access to the courts.

We all value those who contribute well beyond their ordinary duties to the overall work of the judiciary. Their contributions make the Delaware Judicial system a special place to work and reflect credit upon themselves and our community of public servants.

Respectfully,

Myron T. Steele

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judiciary consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, and related judicial agencies.

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

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed $15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas. Over one-half of all cases are disposed of rapidly at the Justice of the Peace Court level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed $50,000. In criminal cases, the Court of Common Pleas handles all misdemeanors occurring in the State except certain drug-related and traffic offenses. The Court is also responsible for all preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

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

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

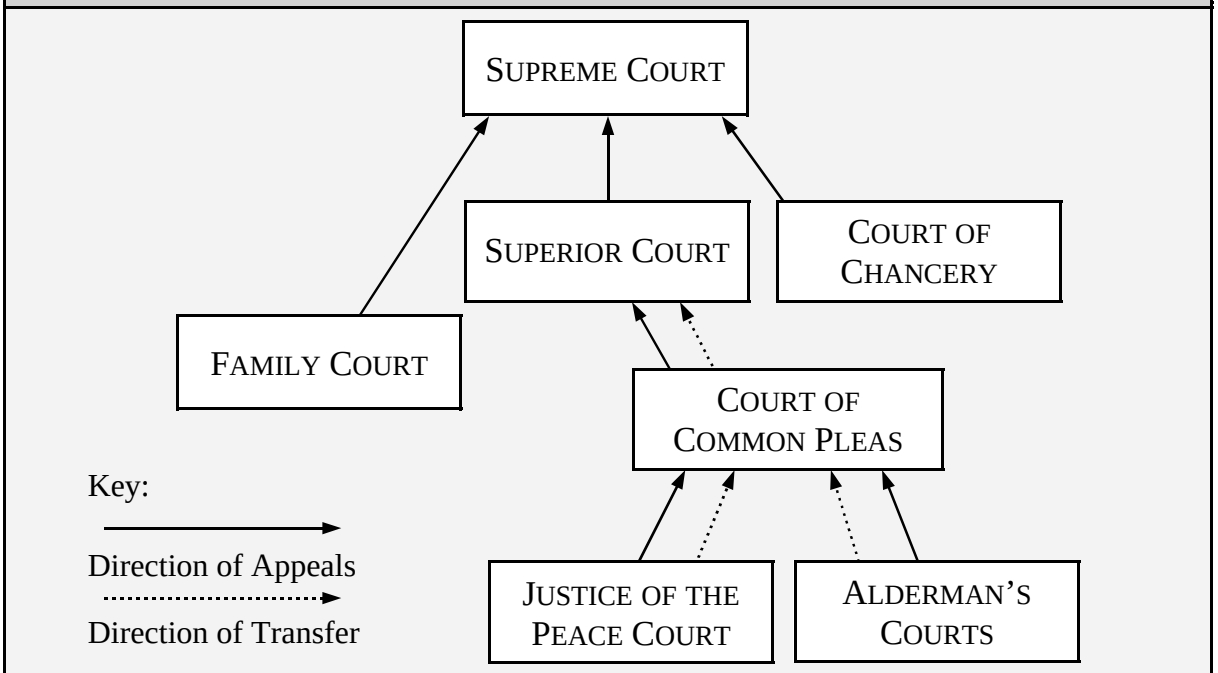
The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual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

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

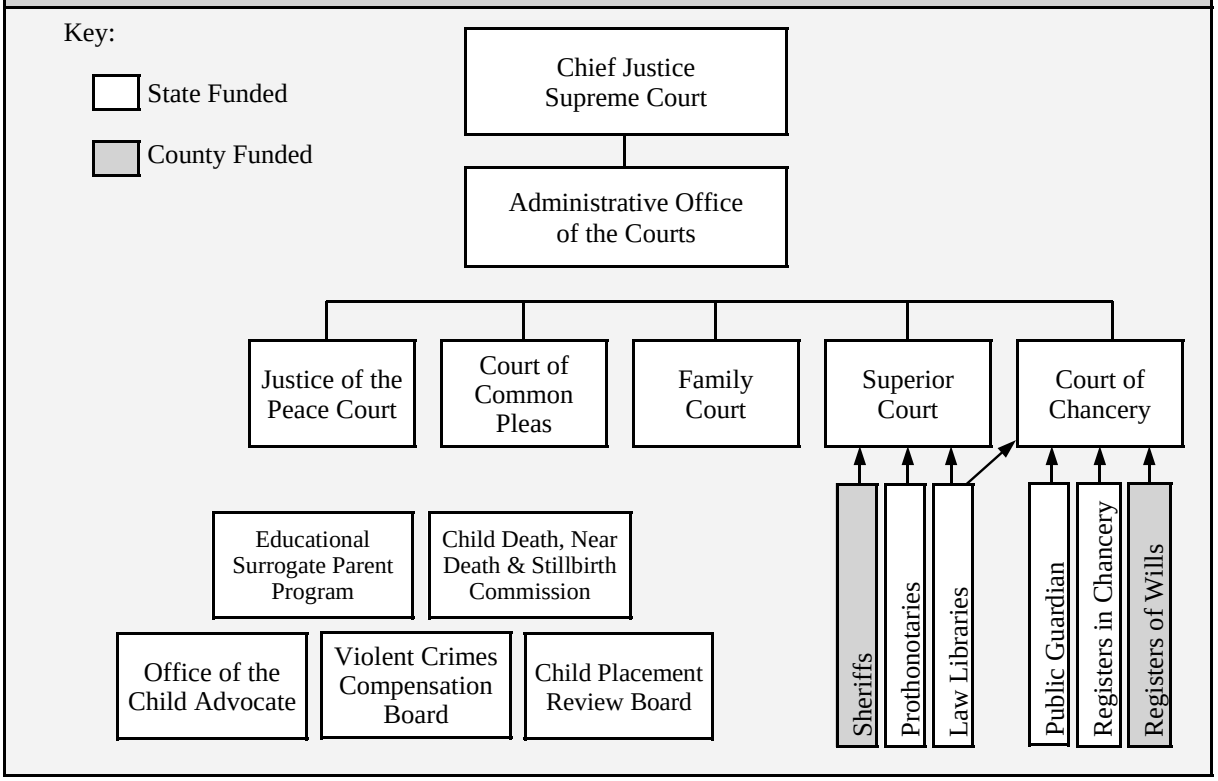
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides those centralized services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support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

Other agencies associated with the Delaware Judiciary include these state funded agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Program, Law Libraries, Public Guardian, Office of the Child Advocate, and the newly created (as of July 1, 2004) Child Death, Near Death and Still Birth Commission. The majority of the components of the Delaware judicial system are funded by the State. Exceptions to this are the Alderman's Courts, the Registers of Wills for the Court of Chancery, and the Sheriffs' Offices.

APPEALS & TRANSFERS



ADMINISTRATIVE AUTHORITY AND FUNDING



COURT OF LAST RESORT

SUPREME COURT

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

EQUITY COURT

COURT OF CHANCERY

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

LAW COURT

SUPERIOR COURT

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware State Hospital.

COURTS OF LIMITED JURISDICTION

FAMILY COURT

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

COURT OF COMMON PLEAS

Statewide jurisdiction in civil actions involving less than $50,000. All criminal misdemeanors (except certain drug-related and traffic offenses. Responsible for all preliminary hearings. Appeals from the Justice of the Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

JUSTICE OF THE PEACE COURT

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

ALDERMAN'S COURTS*

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

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

Fiscal Overview

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2003-2004-2005-2006				
State Judicial Agencies and Bodies*				
	FY 2003 Actual Disbursements	FY 2004 Actual Disbursements	FY 2005 Appropriations	FY 2006 Request
Administrative Office of the Courts (AOC)	$ 3,055,300	$ 4,739,800	$ 3,057,300	$ 3,270,600
Court Appointed Attorney Programs**,	$ 1,874,100	$ 2,687,300	$ 2,508,200	$ 3,544,000
Interpreters	$ 158,500	$ 188,900	$ 209,100	$ 209,100
Victim Offender Mediation Program**	$ 420,600	$ 424,800	$ 424,800	$ 424,800
Elder Law Program**	$ 50,000	$ 50,000	$ 50,000	$ 50,000
Judicial Information Center	$ 2,470,800	$ 3,220,900	$ 2,919,200	$ 3,188,000
State Court Collection Enforcement Office	$ 525,200	$ 661,100	$ 476,900	$ 505,800
Supreme Court	$ 3,822,700	$ 3,910,600	$ 3,487,200	$ 3,882,800
Retired Judges Program**	$ 55,200	$ 73,500	$ 60,000	$ 60,000
Continuing Judicial Education**	$ 58,800	$ 22,600	$ 33,300	$ 53,300
Court of Chancery	$ 3,935,300	$ 4,442,400	$ 3,902,100	$ 4,247,000
Public Guardian	$ 419,500	$ 390,600	$ 428,700	$ 490,200
Superior Court	$ 17,315,200	$ 17,683,200	$ 17,142,100	$ 18,333,500
Law Libraries	$ 455,400	$ 427,300	$ 474,600	$ 474,600
Family Court	$ 18,235,500	$ 19,190,200	$ 18,039,100	$ 19,510,700
Court of Common Pleas	$ 8,331,000	$ 8,674,700	$ 7,242,800	$ 7,875,500
Justice of the Peace Court	$ 16,545,900	$ 16,939,200	$ 13,846,800	$ 14,783,500
Violent Crimes Compensation Board ***	$ 9,177,400	$ 2,025,800	$ 3,075,300	$ 3,085,400
Child Placement Review Board****	$ 431,200	$ 469,400	$ 561,500	$ 575,500
Educational Surrogate Parent Program	$ 75,500	$ 88,100	$ 73,500	$ 97,300
Office of the Child Advocate	$ 454,000	$ 461,600	$ 446,700	$ 597,100
Child Death/Near Death/Still Birth Comm.#	N/A	N/A	$ 131,900	$ 180,500
Totals	**$ 87,867,100**	**$ 86,772,000**	**$ 78,591,100**	**$ 85,439,200**

County Judicial Agencies and Bodies			
NEW CASTLE COUNTY			
Register of Wills	1,082,604	1,203,332	1,323,360
Prothonotary	20,676	20,535	41,200
Sheriff	1,304,829	1,395,602	1,597,985
NEW CASTLE COUNTY TOTALS	$ 2,408,109	$ 2,619,470	$ 2,962,545
KENT COUNTY			
Register of Wills	282,710	207,305	244,700
Sheriff	358,541	404,077	444,400
KENT COUNTY TOTALS	$ 641,251	$ 611,382	$ 689,100
SUSSEX COUNTY			
Register of Wills	227,563	284,494	300,569
Sheriff	401,317	430,528	545,626
SUSSEX COUNTY TOTALS	$ 628,880	$ 715,022	$ 846,195
GRAND TOTALS-JUDICIAL BRANCH	**$ 91,545,340**	**$ 90,717,873**	**$ 83,088,940**

*Figures include all funds, including State General Funds, Appropriated Special Funds, Federal Funds and/or other funds.

**These programs are funded as part of the AOC. They are shown separately for informational purposes.

***Dramatic decrease in "expenditures" is due to the FY 2003 Budget Act capping the Violent Crimes Compensation Fund at $6 million. Funds in excess of the cap, totalling $7,183,100, were deposited to the General Fund.

****This Board was previously known as the Foster Care Review Board.

#Established by the FY 2005 Budget Act, July 1, 2004. FY 2005 funding is partial year. FY 2006 request represents full year funding

Source: Administrative Office of the Courts

COURT GENERATED REVENUE* - FISCAL YEAR 2004

Submitted to the State General Fund

	Fees and Costs	Fines	Interest	Misc.	Totals	Revenues as a % of Disbursements
Administrative Office of the Courts (AOC)	$ -	$ -	$ -	$ -	$ -	0.0%
Judicial Information Center	-	-	-	-	-	0.0%
State Court Collections Enforcement Office	$ 63,200	$ 20,100	$ -	$ -	$ 83,300	12.6%
Supreme Court	$ 61,300	$ -	$ -	$ -	$ 61,300	1.6%
Court of Chancery	$ -	$ -	$ 178,900	$ -	$ 178,900	4.0%
Office of the Public Guardian					-	0.0%
Superior Court	$ 2,647,600	$ 500,800	$ 21,300	$ 422,600	$ 3,592,300	20.3%
Law Libraries	-	-	-	-	-	0.0%
Family Court	$ 724,300	$ 74,000	$ -	$ 11,300	$ 809,600	4.2%
Court of Common Pleas	$ 2,562,700	$ 1,032,400	$ -	$ 84,300	$ 3,679,400	42.4%
Justice of the Peace Court	$ 2,500,500	$ 1,164,700	$ -	$ 8,300	$ 3,673,500	21.7%
Child Placement Review Board**	-	-	-	-	-	0.0%
Violent Crimes Compensation Board#	-	-	-	-	-	0.0%
Educational Surrogate Parent Program	-	-	-	-	-	0.0%
Office of the Child Advocate	-	-	-	-	-	0.0%
STATE TOTALS	**$ 8,559,600**	**$ 2,792,000**	**$ 200,200**	**$ 526,500**	**$ 12,078,300**	**13.9%**

Received by Violent Crimes Compensation Board

	Fees and Costs	Fines	Interest	Misc.	Totals
Superior Court		$ 489,274			$ 489,274
Family Court		22,854			22,854
Court of Common Pleas		718,067			718,067
Justice of the Peace Court		1,074,554			1,074,554
Alderman Courts		197,185			197,185
Restitution		331,830			331,830
Other		2,231	2,043	29,034	33,308
VCCB TOTALS	**$ -**	**$ 2,835,995**	**$ 2,043**	**$ 29,034**	**$ 2,867,072**

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

** This Board was previously known as the Foster Care Review Board.

#Represents deposit of funds in excess of $6 million cap on the Victim's Compensation Fund, per FY 2003 Budget Act

Note: FY 2004 revenue divided by FY 2004 actual disbursement, which includes State General Funds, federal funds and other funds.

Source: Administrative Office of the Courts

COURT GENERATED REVENUE*-FISCAL YEAR 2004

Submitted to New Castle County

	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of Disbursement
Register of Wills	2,266,929				2,266,929	188.4%
Prothonotary	28,728	558			29,287	142.6%
Sheriff	1,366,911				1,366,911	97.9%
Justice of the Peace Court		473,024			473,024	NA
New Castle County Totals	$ 3,662,568	$ 473,582	$ -	$ -	$ 4,136,150	157.9%

Submitted to Kent County

	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of Disbursement
Register of Wills	400,892				400,892	193.4%
Sheriff	556,264				556,264	137.7%
Justice of the Peace Court		1,940			1,940	NA
Kent County Totals	$ 957,157	$ 1,940	$ -	$ -	$ 959,097	156.9%

Submitted to Sussex County

	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of Disbursement
Register of Wills	681,841				681,841	239.7%
Sheriff	498,588				498,588	115.8%
Justice of the Peace Court		2,766			2,766	NA
Sussex County Totals	$ 1,180,429	$ 2,766	$ -	$ -	$ 1,183,195	165.5%

Submitted to Municipalities

	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of Disbursement
Prothonotary	$ -	$ 40,314	$ -	$ -	$ 40,314	NA
Court of Common Pleas		877,116			877,116	10.1%
Justice of the Peace Court		2,698,885			2,698,885	15.9%
Alderman Courts	112,306	212,320			324,626	NA
Municipalities Totals	**$ 112,306**	**$ 3,828,635**	**$ -**	**$ -**	**$ 3,940,941**	**NA**

Grand Totals-Judicial Branch

	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of Disbursement
TOTALS	**$ 14,472,060**	**$ 7,098,923**	**$ 200,200**	**$ 526,500**	**$ 22,297,683**	**NA**

*Figures represent only revenue collected, not the total amount of fines and costs assessed.
Note: FY 2004 revenue divided by FY 2004 actual disbursement.
Source: Administrative Office of the Courts.

RESTITUTION-FISCAL YEAR 2004			
	Assessed	Collected	Disbursed
Supreme Court	$ -	$ -	$ -
Court of Chancery	-	-	-
Superior Court	7,189,048	2,441,583	2,595,922
Family Court	130,936	230,954	222,608
Court of Common Pleas	521,742	465,560	455,009
Justice of the Peace Court	77,540	82,026	78,445
Office of State Court Collections*	-----	55,285	41,407
TOTALS	**$ 7,919,266**	**$ 3,275,408**	**$ 3,393,391**

*Reflects Family Court restitution transferred to OSCCE in FY2002.

DELAWARE GOVERNMENT APPROPRIATIONS* - FISCAL YEAR 2004		
State Appropriations		
	$'s	As a %
Judicial	$ 66,286,400	2.71%
Higher Education	200,663,100	8.21%
Executive Branch	1,349,162,900	55.19%
Legislative Branch	12,028,200	0.49%
Public Education	816,596,200	33.40%
Total	**$ 2,444,736,800**	**100.00%**

Judicial Appropriations - Fiscal Year 2004*		
	$'s	As a %
Supreme Court	$ 2,409,600	3.64%
Administrative Office of the Courts	5,433,900	8.20%
Judicial Information Center	2,882,600	4.35%
Court of Chancery	2,201,300	3.32%
Superior Court	16,527,800	24.93%
Law Libraries	473,600	0.71%
Family Court	14,221,300	21.45%
Court of Common Pleas	6,827,100	10.30%
Justice of the Peace Court	13,463,900	20.31%
Other**	1,845,300	2.78%
Total	**$ 66,286,400**	**100.00%**

*State General Fund monies only.
**Other: Public Guardian, Office of State Court Collections Enforcement, Child Placement Review Board, Educational Surrogate Parent Program and the Office of the Child Advocate.
Source: Administrative Office of the Courts

LEGISLATIVE UPDATE

HB 481 – Amends Chapter 48 of Title 21, Del. C. relating to child safety restraints.

HB 421 – Amends Title 11, Del. C. relating to compensation for innocent victims of crime. It updates coverage for victims of domestic violence.

HB 417 ---- Amends Title 11, Del. C. relating to life sentences. It insures that, consistent with the premises and stated purposes of the Truth –in –Sentencing Act of 1989, any life sentence imposed by any Court will be served in its entirety as a natural life sentence.

HB 414 ---- Amends Titles 10, 11, 16, and 21 Del. C. relating to classification of or sentencing for certain offenses. It provides for certain revisions of the criminal, drug and motor vehicle codes that have been identified through the practical experience of criminal law practitioners and the courts interpreting the sentencing changes introduced by House Bill No. 210 and Senate Bill Nos. 50 and 150 that were enacted last year.

HB 382 ---- Amends Title 11, Del. C. relating to specific offenses. This legislation is intended to give greater protection to sports officials who have been harassed, threatened, menaced or assaulted. It also enables the Department of Justice and the courts to appropriately track repeat offenders.

HB 319 ---- Amends Title 11, Del. C. relating to the State Bureau of Identification and public release of police, probation, and parole officer names and identification numbers. It limits the dissemination of police, probation, and parole officer names and identification numbers, and clarifies that such information is not available to the public pursuant to the Freedom of Information Act.

HB 230 ---- Amends Title 21, Del. C. relating to the rules of the road. It requires that the duration of the yellow light change interval at intersections where a governing body has installed a traffic control photographic system or other traffic light signal violation monitoring system be no less than the interval specified in the DOT design manual.

HB 233 ---- Amends Title 11 of the Delaware Code relating to specific offenses to include injuries suffered by law enforcement officers, including correctional officers off duty, as a result of an attacker identifying them as a law enforcement officer or in other incidents involving their official performance of duties.

HB 111 ---- Amends Title 11, Del. C. relating to specific offenses and Title 21, Del. C. relating to driving under the influence. It establishes .08 as the prohibited blood or breath alcohol concentration for driving, operating or having physical control of a motor vehicle, and establishes a limit on entering the First Offender Program to those who have a reading of less than twice the prohibited concentration, or .16.

Continued...

HB 78 ---- Amends Title 13, Del. C. relating to proceedings in the Family Court of the State of Delaware. It provides additional safeguards by including the criminal history of any party or adult member of a child's household to the list of factors to be considered by the Court when determining the best interest of a child.

HB 79 ---- Amends Title 13, Del. C. relating to divorce and annulment. It eliminates the need for a petitioner to physically appear in Family Court for a divorce hearing when the petition is not contested and permits either party to a divorce petition to request Family Court to permit them to resume the use of their maiden or former name.

SB 312 ---- Amends Title 10, Del. C. to increase the number of Justices of the Peace in Sussex County by two. This legislation provides the means to continue and expand the many benefits of the videophone court.

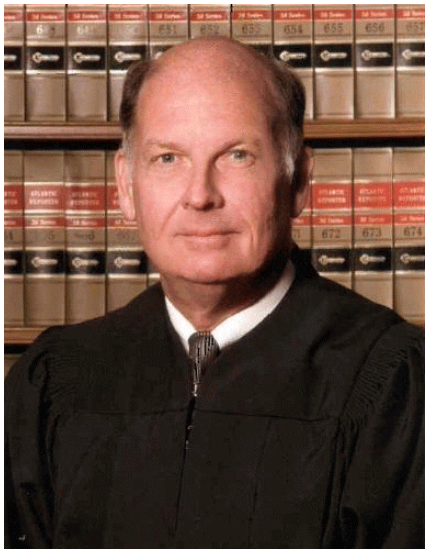
SB 238 ----- Amends Title 11, Del. C. relating to Homicide Offenses. It updates the language used to define the crime of felony murder. The wording of the felony murder statute had required an interpretation that was inconsistent with the common law rule, and with the definition of felony murder in almost every other state, which does not require evidence of specific intent in a felony murder prosecution.

SB 228 ---- Amends Title 10, Del. C. concerning the Appointment of Judges. It provides that all judges, regardless of whether they serve in a State or local court, shall be appointed by the Governor and confirmed by a majority of the Senate.

SB 232 ---- Amends Title 11, Del. C. concerning the jurisdiction of the Justice of the Peace Court. This legislation makes housekeeping changes related to the misdemeanor jurisdiction of the Court by reinstating a specific grant of such jurisdiction by amending the individual statutes creating the offenses.

SB 134 ---- Amends Title 13, Del. C. relating to the Family Court of the State of Delaware. This Bill deletes the provision providing for Family Court staff to conduct custody investigations.

Supreme Court



Chief Justice Myron T. Steele

In Fiscal Year 2004, the Delaware Supreme Court received 564 appeals and disposed of 586 appeals by opinion, order or dismissal. On average, the appeals were decided within 59 days from the date of submission to the date of final decision which is an increase of 17.9 days from the previous fiscal year. In 82.59% of appeals decided in FY2004, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision which is a decrease in the 91.2% compliance rate from the previous fiscal year. The Court attributes these performance measure fluctuations, to the retirement of two members of the Court, the resulting vacancies and an increasingly complex case load.

On May 26, 2004, Chief Justice Myron T. Steele took the oath of office to become Delaware's seventh Chief Justice since the separate Supreme Court was established in 1951. Before his appointment, the Chief Justice served as a Supreme Court Justice beginning on July 28, 2000. Previously, he served as a Vice Chancellor of the Delaware Court of Chancery from 1994 to 2000, and as the Resident Judge of the Delaware Superior Court in Kent County from 1990 to 1994. Chief Justice Steele succeeded Chief Justice E. Norman Veasey who served the Court and the State with great distinction from 1992 to 2004. Chief Justice Veasey will be long remembered for his national leadership in the areas of professionalism and legal ethics and his devotion to maintaining Delaware's pre-eminence in corporate law.

On July 22, 2004, Justice Henry duPont Ridgely took the oath of office and became the twenty-first member of the separate Supreme Court. From 1984 until his appointment as a Justice, he served as a general jurisdiction trial judge on the Superior Court of Delaware. For the last 14 years of his service as a trial judge, he was the President Judge of Superior Court.

The Court issued several Administrative Directives regulating the administration of the courts and the Bar. Administrative Directive No. 150 established a new Speedy Trial Committee to continue the development of statewide policies which, when implemented, will carry out the mission of swift and fair justice as well as reduce the number of pre-trial detainees and the length of pre-trial detentions. Administrative Directive No. 153 established the Permanent Advisory Committee on Administrative Efficiency in the Judicial Branch to advise the courts of such businesslike and cost-saving techniques that come to the attention of or are developed by the Committee. Administrative Directive No. 154 established a grant application procedure for the use of courts when applying for grant funding. Administrative Directive

Continue...

No. 155 authorized a six month experimental period for expanded electronic media coverage of non-jury, civil trials in the Court of Chancery and the Superior Court. Administrative Directive No. 156 established an Accounting Procedures Committee to develop procedures to implement the financial policies contained in The Policies for the Management of Non-Appropriated Funds that were adopted by the Administrative Directive.

Supreme Court Justices

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

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

Legal Authorization

The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

Court History

The modern Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three justices and was enlarged to the current five justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

Jurisdiction

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court, and the Family Court. Appeals are heard on the record. Under some circumstances, the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari, and mandamus.

Justices

The Supreme Court consists of a chief justice and four justices who are nominated by the Governor and confirmed by the Senate. The justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the justices must be of one of the major political parties while the other two justices must be of the other major political party.

Administration

The chief justice is responsible for the administration of all courts in the State and appoints a State Court Administrator to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a clerk of the court, staff attorneys, an assistant clerk, law clerks, secretaries, and court clerks.

Caseload Summary - Fiscal Year 2004						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
Criminal Appeals	166	268	293	141	-25	-15.1%
Civil Appeals	125	264	258	131	+6	+4.8%
Original Applications*	8	32	35	5	-3	-37.5%
Total*	**299**	**564**	**586**	**277**	**-22**	**-7.4%**

Caseload Comparison - Fiscal Years 2003-2004 - Filings				
	2003	2004	Change	% Change
Criminal Appeals	359	268	-91	-25.3%
Civil Appeals	264	264	0	+0.0%
Certifications	3	0	-3	-100.0%
Original Applications	35	20	-15	-42.9%
Bd. On Prof. Resp.	18	11	-7	-38.9%
Bd. Of Bar Exam.	2	0	-2	-100.0%
Un. Prac. Of Law	0	1	1	-----
Total	**681**	**564**	**-117**	**-17.2%**

Caseload Comparison - Fiscal Years 2003-2004 - Dispositions				
	2003	2004	Change	% Change
Criminal Appeals	389	293	-96	-24.7%
Civil Appeals	275	258	-17	-6.2%
Certifications	3	0	-3	-100.0%
Original Applications	38	21	-17	-44.7%
Bd. On Prof. Resp.	20	12	-8	-40.0%
Bd. Of Bar Exam.	1	1	0	+0.0%
Un. Prac. Of Law	0	1	+1	-----
Total*	**726**	**586**	**-140**	**-19.3%**

*Certifications, Board on Professional Responsibility, Board of Bar Examiners, Unauthorized Practice of Law cases are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

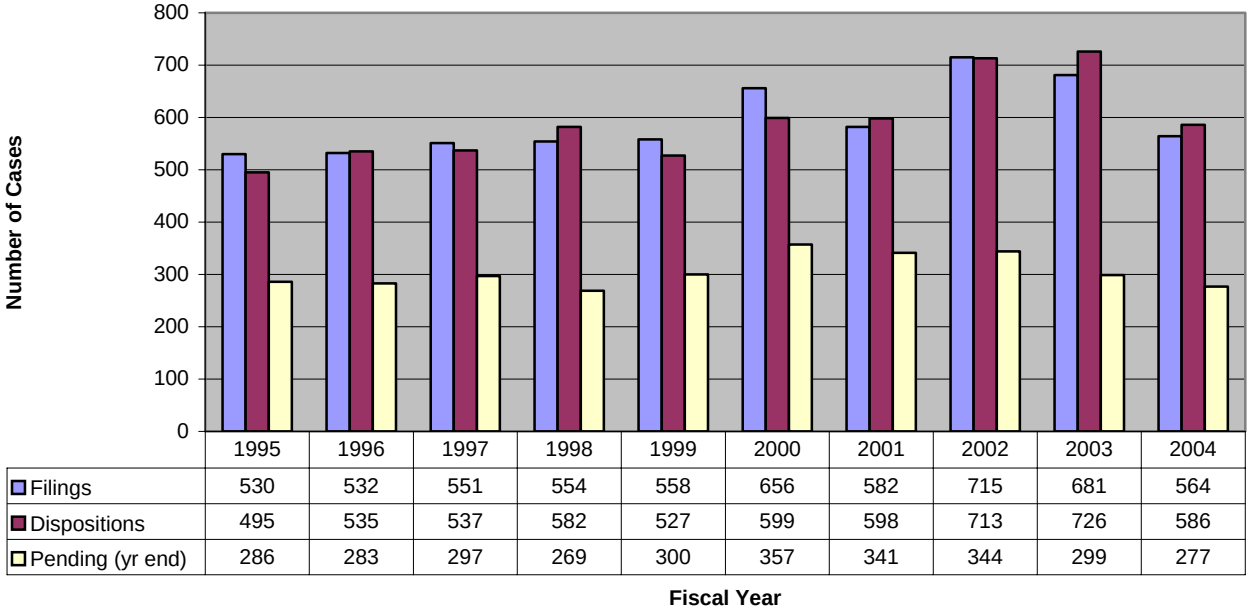
Bd. On Prof. Resp. = Board on Professional Responsibility

Bd. Of Bar Exam. = Board of Bar Examiners

Un. Prac. Of Law = Board on the Unauthorized Practice of Law

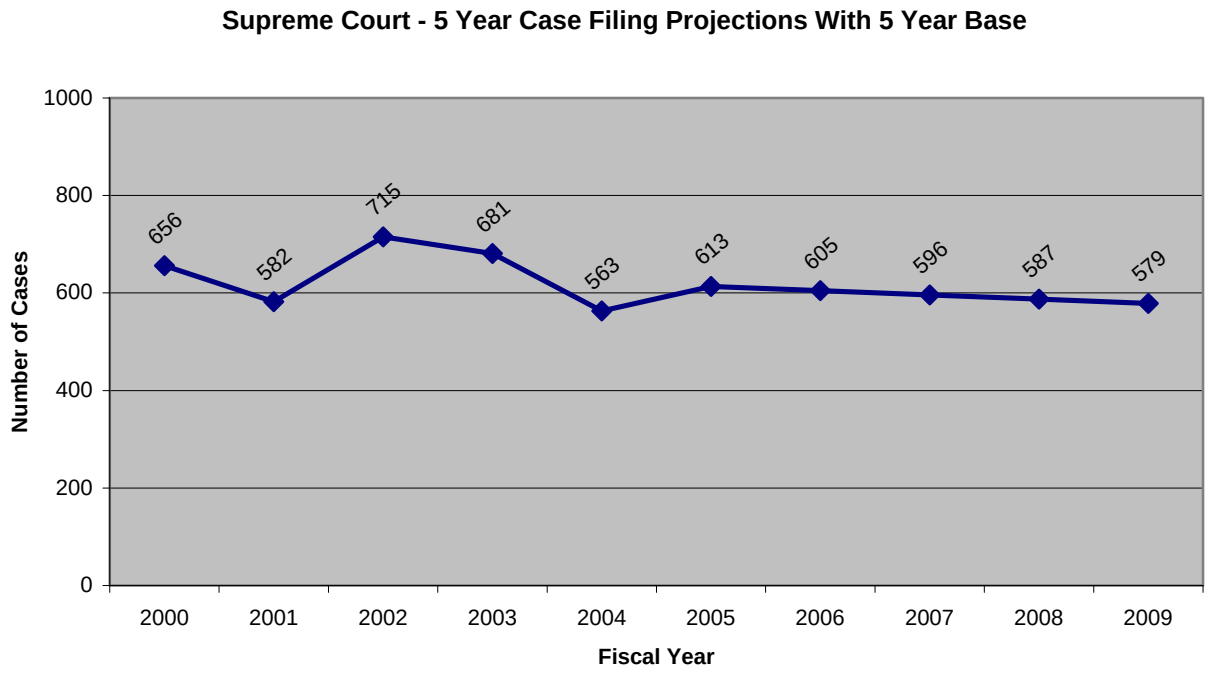
Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts.

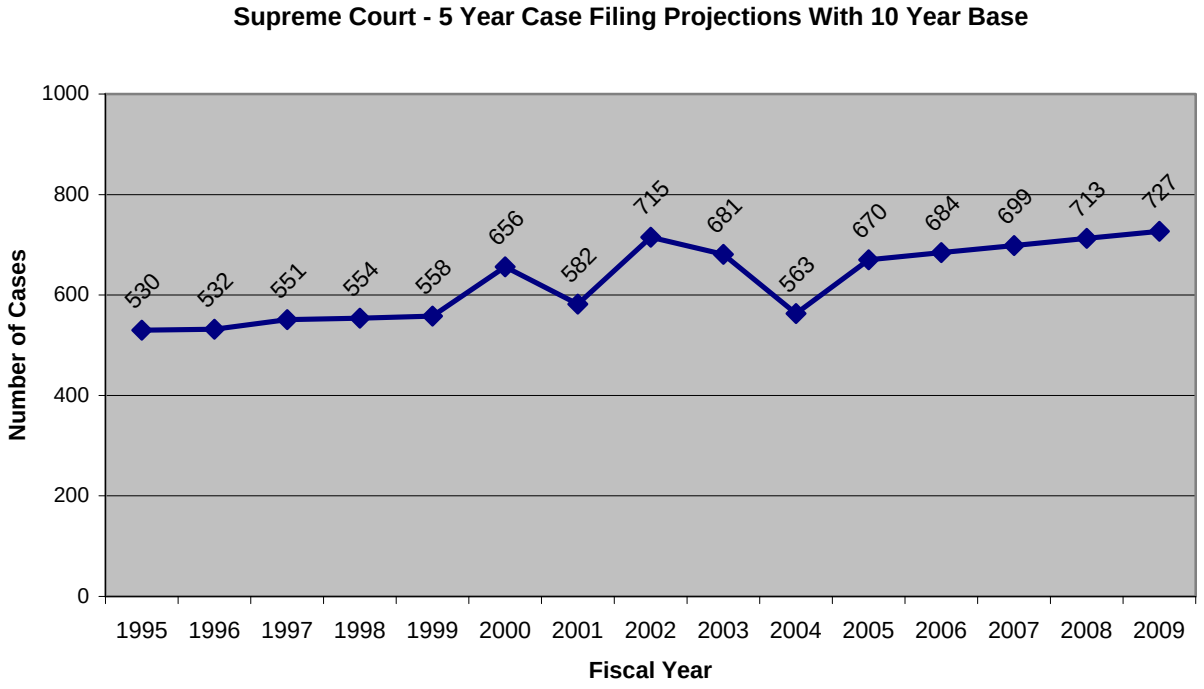
Supreme Court - 10 Year Caseload Trend



	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	530	532	551	554	558	656	582	715	681	564
Dispositions	495	535	537	582	527	599	598	713	726	586
Pending (yr end)	286	283	297	269	300	357	341	344	299	277

Source: Clerk of the Supreme Court; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Clerk of the Supreme Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Filings										
	Court of Chancery		Superior Court		Family Court		Non-Court Originated		Total	
Criminal Appeals	0	0.0%	268	100.0%	0	0.0%	0	0.0%	268	100.0%
Civil Appeals	52	19.7%	153	58.0%	59	22.3%	0	0.0%	264	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	20	100.0%	20	100.0%
Bd. On Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	11	100.0%	11	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Total	**52**	**9.2%**	**421**	**74.6%**	**59**	**10.5%**	**32**	**5.7%**	**564**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Dispositions										
	Court of Chancery		Superior Court		Family Court		Non-Court Originated		Total	
Criminal Appeals	0	0.0%	293	100.0%	0	0.0%	0	0.0%	293	100.0%
Civil Appeals	47	18.2%	142	55.0%	69	26.7%	0	0.0%	258	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	21	100.0%	21	100.0%
Bd. On Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	12	100.0%	12	100.0%
Bd. Of Bar Exam	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	1	100.0%	1	100.0%
Total	**47**	**8.0%**	**435**	**74.2%**	**69**	**11.8%**	**35**	**6.0%**	**586**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Change in Pending					
	Court of Chancery	Superior Court	Family Court	Non-Court Originated	Total
Criminal Appeals	0	-25	0	0	-25
Civil Appeals	+5	+11	-10	0	+6
Certifications	0	0	0	0	0
Original Applications	0	0	0	-1	-1
Bd. On Prof. Resp.	0	0	0	-1	-1
Bd. Of Bar Exam	0	0	0	-1	-1
Un. Prac. Of Law	0	0	0	0	0
Total	**+5**	**-14**	**-10**	**-3**	**-22**

Bd. On Prof. Resp. = Board on Professional Responsibility
Bd. Of Bar Exam. = Board of Bar Examiners
Un. Prac. Of Law = Board on the Unauthorized Practice of Law
Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.

Types of Dispositions Fiscal Year 2004 - Appeals

	Affirmed		Affirmed Part/ Reversed Part		Reversed		Remanded		Voluntary Dismissal		Court Dismissal		Leave to Appeal Denied		Other		Total	
Criminal Appeals	218	74.4%	0	0.0%	10	3.4%	3	1.0%	17	5.8%	44	15.0%	0	0.0%	1	0.3%	293	100.0%
Civil Appeals	141	48.1%	4	1.4%	16	5.5%	3	1.0%	48	16.4%	53	18.1%	14	4.8%	14	4.8%	293	100.0%
Total	**359**	**61.3%**	**4**	**0.7%**	**26**	**4.4%**	**6**	**1.0%**	**65**	**11.1%**	**97**	**16.6%**	**14**	**2.4%**	**15**	**2.6%**	**586**	**100.0%**

Types of Dispositions Fiscal Year 2004 - Miscellaneous

	Action Taken*		Approved		Answered		Voluntary Dismissal		Court Dismissal		Denied		Leave to Appeal Denied		Other		Total	
Original Applications	0	0.0%	1	4.8%	0	0.0%	2	9.5%	18	85.7%	0	0.0%	0	0.0%	0	0.0%	21	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	100.0%
Bd. On Prof. Resp.	7	58.3%	4	33.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	8.3%	12	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Total	**7**	**20.0%**	**5**	**14.3%**	**+0.0**	**0.0%**	**2**	**5.7%**	**20**	**57.1%**	**0**	**0.0%**	**0**	**0.0%**	**1**	**2.9%**	**35**	**100.0%**

Methods of Dispositions Fiscal Year 2004

	Assigned Opinion		Per Curiam Opinion		Written Order		Voluntary Dismissal		Other		Total	
Criminal Appeals	28	9.6%	6	2.0%	243	82.9%	16	5.5%	0	0.0%	293	100.0%
Civil Appeals	32	12.4%	0	0.0%	180	69.8%	46	17.8%	0	0.0%	258	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Original Applications	0	0.0%	0	0.0%	18	85.7%	2	9.5%	1	4.8%	21	100.0%
Bd. On Prof. Resp.	0	0.0%	4	33.3%	8	66.7%	0	0.0%	0	0.0%	12	100.0%
Bd. Of Bar Exam.	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	1	100.0%
Un. Prac. Of Law	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	1	100.0%
Total	**60**	**10.2%**	**10**	**1.7%**	**451**	**77.0%**	**64**	**10.9%**	**1**	**0.2%**	**586**	**100.0%**

*Action taken includes disbarments, suspensions and reinstatements.
Bd. On Prof. Resp. = Board on Professional Responsibility
Bd. Of Bar Exam. = Board of Bar Examiners
Un. Prac. Of Law = Board on the Unauthorized Practice of Law
Source: Court Administrator and Clerk of the Supreme Clerk; Administrative Office of the Courts.

Performance Summary Fiscal Year 2004 - Average Elapsed Time to Disposition			
	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Criminal Appeals	293	187.0 days	58.1 days
Civil Appeals	258	188.5 days	57.1 days
Certifications	0	----- days	----- days
Original Applications	21	67.5 days	----- days
Bd. On Prof. Resp.	12	131.9 days	149.2 days
Bd. of Bar Exam.	1	256.0 days	145.0 days
Un. Prac. Of Law	1	16.0 days	----- days
Total	**586**	**182.1 days**	**59.5 days**

Caseload Comparison - Fiscal Years 2003-2004 - Average Time From Filing to Disposition				
	2003	2004	Change	% Change
Criminal Appeals	192.3 days	187.0 days	-5.2 days	-2.7%
Civil Appeals	179.4 days	188.5 days	+9.1 days	+5.1%
Certifications	63.7 days	----- days	----- days	-----
Original Applications	50.7 days	67.5 days	+16.8 days	+33.1%
Bd. On Prof. Resp.	84.7 days	131.9 days	+47.3 days	+55.8%
Bd. Of Bar Exam.	145.0 days	256.0 days	+111.0 days	+76.6%
Un. Prac. Of Law	-----	16.0	----- days	-----
Total	**180.1 days**	**182.1 days**	**+1.9 days**	**+1.1%**

Performance Breakdowns Fiscal Year 2004 - Elapsed Time by Disposition Type			
Type of Disposition	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Affirmed	357	211.3 days	53.1 days
Affirmed Part/Reversed Part	4	313.5 days	176.5 days
Reversed	26	267.5 days	98.4 days
Remanded	6	238.2 days	60.3 days
Voluntary Dismissal	65	110.5 days	----- days
Court Dismissal	99	120.6 days	52.0 days
Leave to Appeal Denied	14	25.3 days	----- days
Other	15	143.8 days	84.3 days
Total	**586**	**182.1 days**	**59.5 days**

Performance Breakdowns Fiscal Year 2004 - Elapsed Time by Disposition Method			
Method of Disposition	Number of Dispositions	Average Time From Filing to Disposition	Average Time From Submission to Disposition*
Assigned Opinion	58	323.4 days	95.4 days
Per Curium Opinion	10	209.4 days	83.6 days
Written Order	452	174.1 days	50.2 days
Voluntary Dismissal	65	110.5 days	----- days
Other	1	0.0 days	----- days
Total	**586**	**182.1 days**	**59.5 days**

*Average time from date submitted for judicial decision to actual date of disposition.
Not all Supreme Court cases require a judicial decision.

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts.

Court of Chancery

Chancellor William B. Chandler III

With the transition of the Register in Chancery to a statewide office and the implementation of statewide practices and procedures, the Court of Chancery is now more accessible. On October 20, 2003, the Court of Chancery launched its new electronic filing system. As of that date, all documents filed in pending or new civil action cases are filed electronically only. Thus, the Court of Chancery becomes the first statewide court in the country to adopt e-filing for all of its civil dockets, regardless of the amount in controversy. E-filing will enhance the Court's reputation for efficiency, speed and accessibility, as well as reduce the amount of storage space needed for documents filed with the Register in Chancery. With the implementation of the LexisNexis e-filing system, the Court is now accessible not only by all chambers and Register in Chancery staff, but by the bar and the public through internet access. This system has enabled staff to better facilitate the management of the civil actions caseload. The Court of Chancery looks forward to when the COTS initiative will help integrate the Court's entire caseload into one case management system.

The Court of Chancery completed construction of the new Court of Chancery building on The Circle in Georgetown. The support staff and chambers are now consolidated in one building, which facilitates improved access for the public and the bar. Finally, in May 2003 the Court was given expanded jurisdiction over technology disputes and the ability to conduct a "mediation only" program for technology and business disputes. The Court recently adopted Rules implementing the new technology jurisdiction and "mediation only" program that were created pursuant to Senate Bill No. 58, which added Sections 346 and 347 to Title 10 of the Delaware Code. The technology dispute jurisdiction, as well as the "mediation only" program, will further expand the services that the Court of Chancery offers to entities incorporated or formed in Delaware, or that have their principal place of business here.

From Left to Right
Vice Chancellor John W. Noble
Vice Chancellor Leo E. Strine
Chancellor William B. Chandler III
Vice Chancellor Stephan P. Lamb
Vice Chancellor Donald F. Parsons, Jr.

Legal Authorization
The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

Court History
The Court of Chancery came into existence as a separate court under the constitution of 1792. It was modeled on the High Court of Chancery in England and is in direct line of succession from the Court. The Court consisted solely of the chancellor until 1939 when the position of vice chancellor was added. The increase of the Court's workload, since then, has led to further expansions to its present complement of a chancellor and four vice chancellors, with the addition of the fourth vice chancellor being made in 1989.

Geographic Organization
The Court of Chancery holds court in Wilmington, Dover and Georgetown. The chancellor and vice chancellors are nominated by the Governor and must be confirmed by the Senate for 12-year terms. The chancellor and vice chancellors must be learned in the law and must be Delaware citizens.

Public Guardian
The chancellor has the duty to appoint the public guardian.

Support Personnel
The register in chancery is the clerk of the court for all actions except those within the jurisdiction of the register of wills. The chancellor or vice chancellor resident in the county is to appoint one chief deputy register in chancery in each county. The register in chancery in New Castle County appoints a chief deputy register in chancery as well.

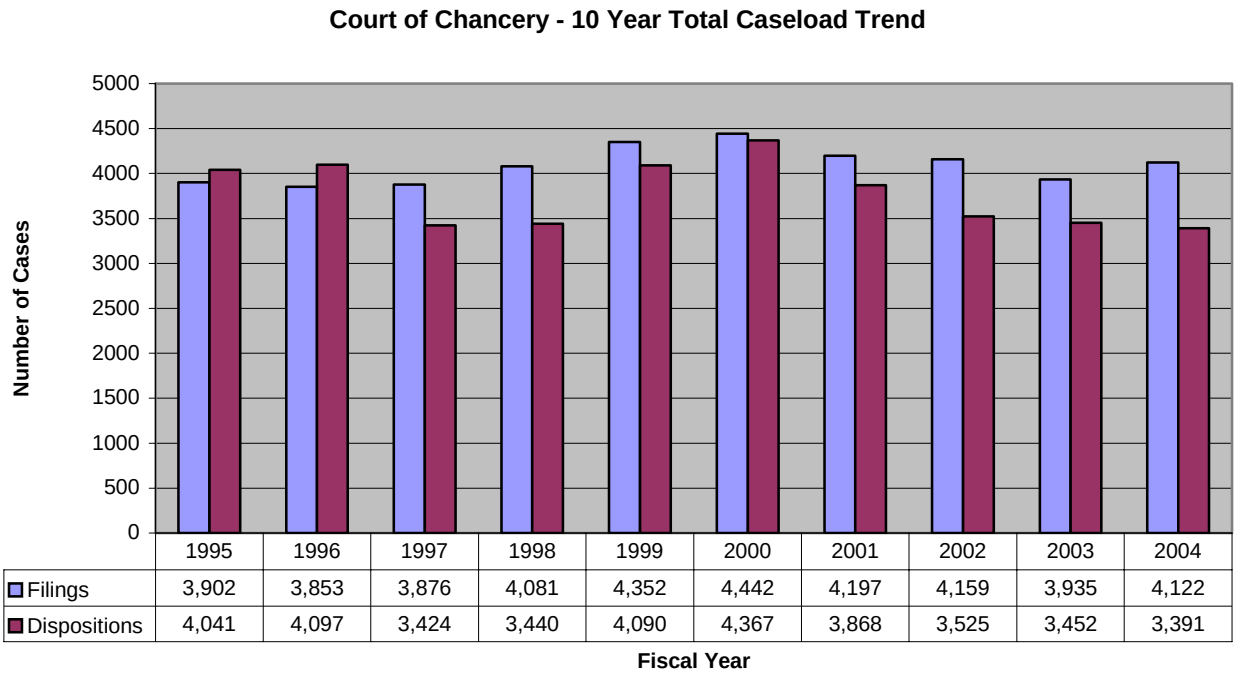
Legal Jurisdiction
The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. In today's practice, the litigation in the Court of Chancery consists largely of corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 Del. C., §369).

Caseload Summary Fiscal Year 2004 - Total Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	8,772	2,715	2,134	9,353	+581	+6.6%
Kent County	2,094	545	512	2,127	+33	+1.6%
Sussex County	3,360	862	745	3,477	+117	+3.5%
State	**14,226**	**4,122**	**3,391**	**14,957**	**+731**	**+5.1%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Filings				
	2003	2004	Change	% Change
New Castle County	2,617	2,715	+98	+3.7%
Kent County	543	545	+2	+0.4%
Sussex County	775	862	+87	+11.2%
State	**3,935**	**4,122**	**+187**	**+4.8%**

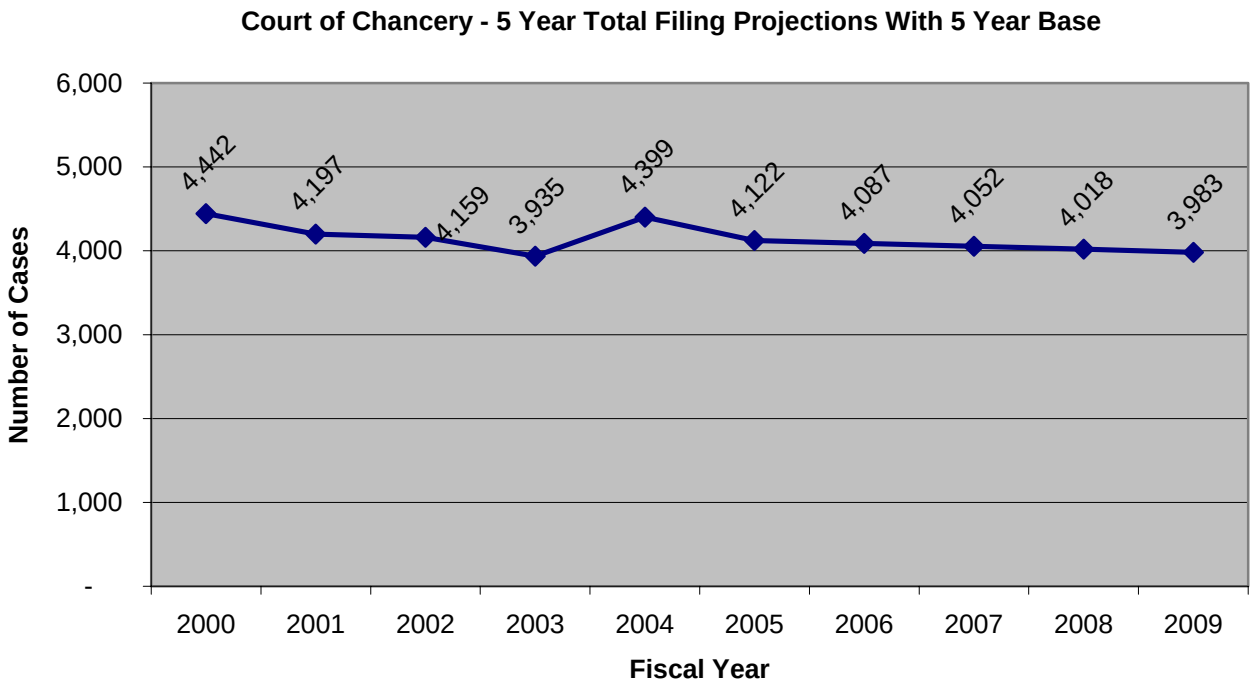
Caseload Comparison - Fiscal Years 2003-2004 - Total Case Dispositions				
	2003	2004	Change	% Change
New Castle County	2,129	2,134	+5	+0.2%
Kent County	634	512	-122	-19.2%
Sussex County	689	745	+56	+8.1%
State	**3,452**	**3,391**	**-61**	**-1.8%**

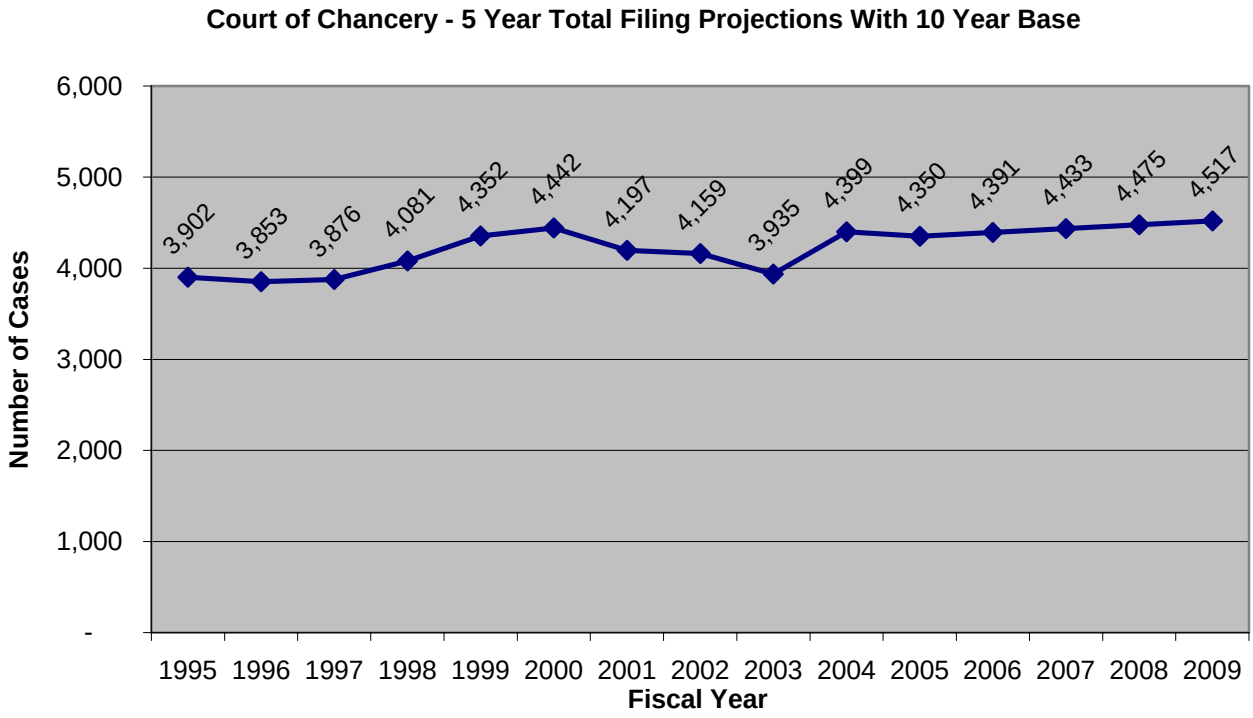
Source: Register in Chancery; Registers of Wills; Administrative Office of the Courts.



	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	3,902	3,853	3,876	4,081	4,352	4,442	4,197	4,159	3,935	4,122
Dispositions	4,041	4,097	3,424	3,440	4,090	4,367	3,868	3,525	3,452	3,391

Source: Register in Chancery; Registers of Wills; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Register in Chancery, Registers of Wills; Administrative Office of the Courts.

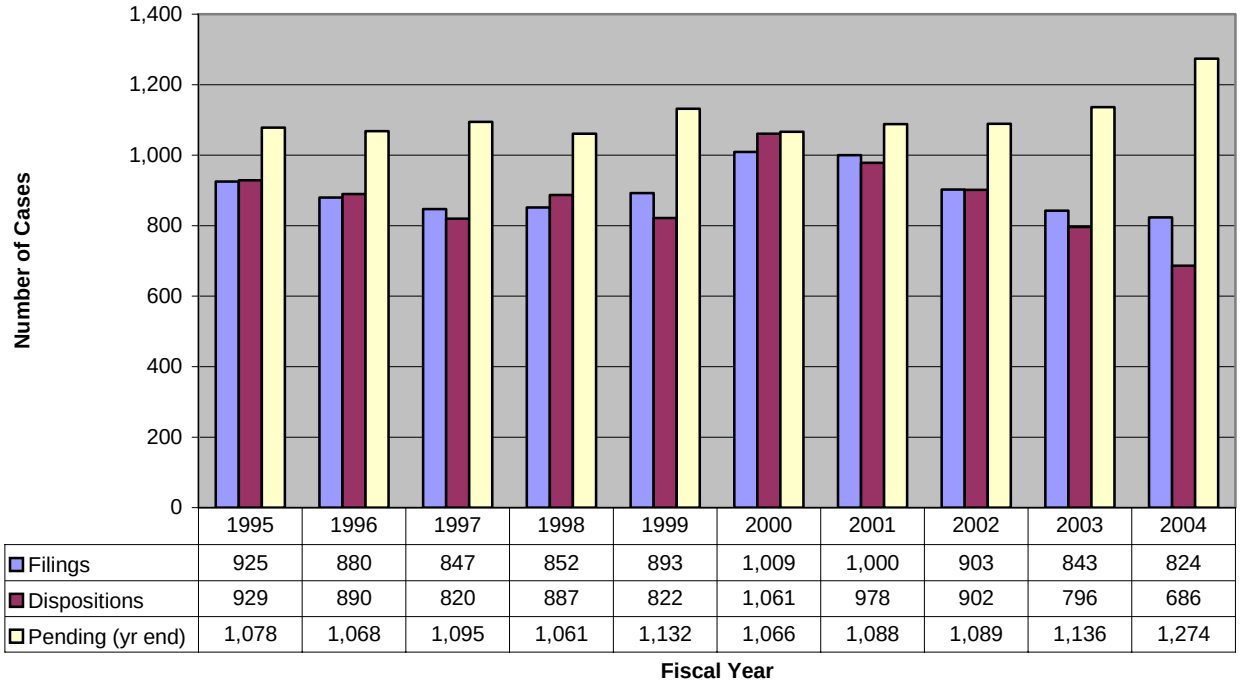
Caseload Summary Fiscal Year 2004 - Civil Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	911	679	571	1,019	+108	+11.9%
Kent County	67	44	39	72	+5	+7.5%
Sussex County	158	101	76	183	+25	+15.8%
State	**1,136**	**824**	**686**	**1,274**	**+138**	**+12.1%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Filings				
	2003	2004	Change	% Change
New Castle County	708	679	-29	-4.1%
Kent County	35	44	+9	+25.7%
Sussex County	100	101	+1	+1.0%
State	**843**	**824**	**-19**	**- 2.3%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Dispositions				
	2003	2004	Change	% Change
New Castle County	696	571	-125	-18.0%
Kent County	31	39	+8	+25.8%
Sussex County	69	76	+7	+10.1%
State	**796**	**686**	**-110**	**-13.8%**

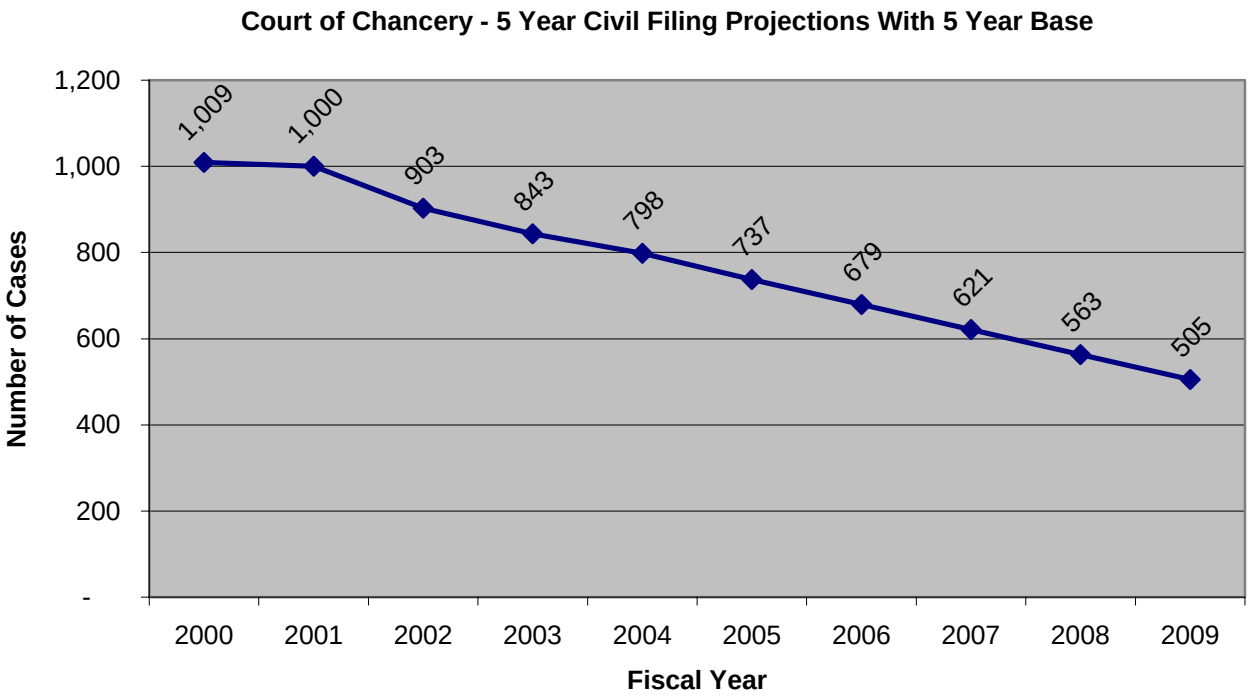
Source: Register in Chancery; Administrative Office of the Courts.

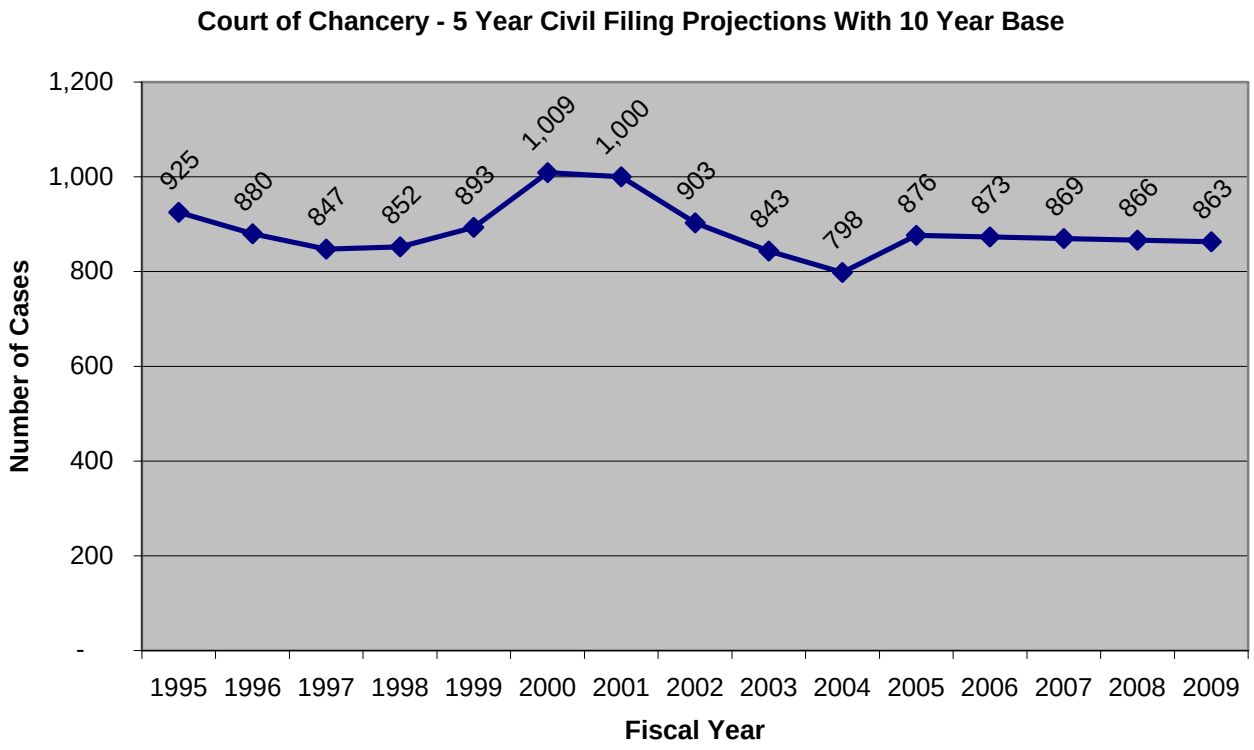
Court of Chancery - 10 Year Civil Caseload Trend



	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	925	880	847	852	893	1,009	1,000	903	843	824
Dispositions	929	890	820	887	822	1,061	978	902	796	686
Pending (yr end)	1,078	1,068	1,095	1,061	1,132	1,066	1,088	1,089	1,136	1,274

Source: Register in Chancery, Administrative Office of the Courts.





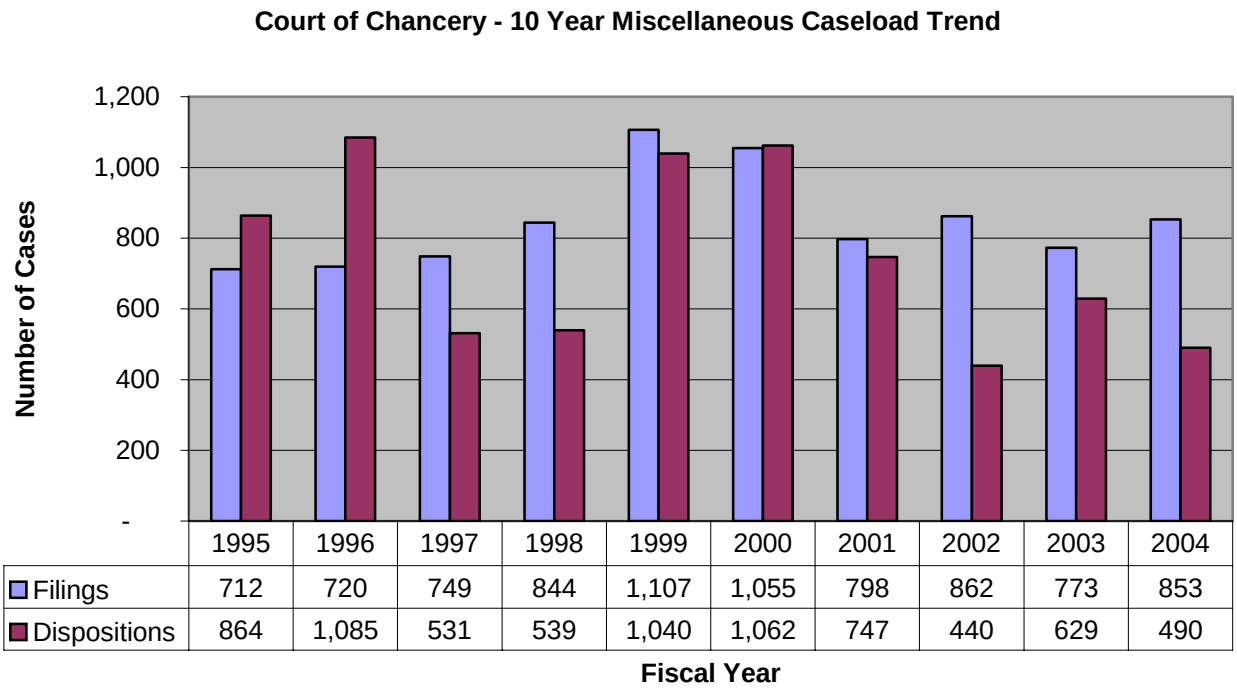
Trend lines computed by regression analysis.
Source: Register in Chancery, Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Miscellaneous Matters						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	3,982	542	237	4,287	+305	+7.7%
Kent County	680	143	133	690	+10	+1.5%
Sussex County	2,208	168	120	2,256	+48	+2.2%
State	**6,870**	**853**	**490**	**7,233**	**+363**	**+5.3%**

Caseload Comparison - Fiscal Years 2003-2004 - Miscellaneous Matters Filings				
	2003	2004	Change	% Change
New Castle County	490	542	+52	+10.6%
Kent County	141	143	+2	+1.4%
Sussex County	142	168	+26	+18.3%
State	**773**	**853**	**+80**	**+10.3%**

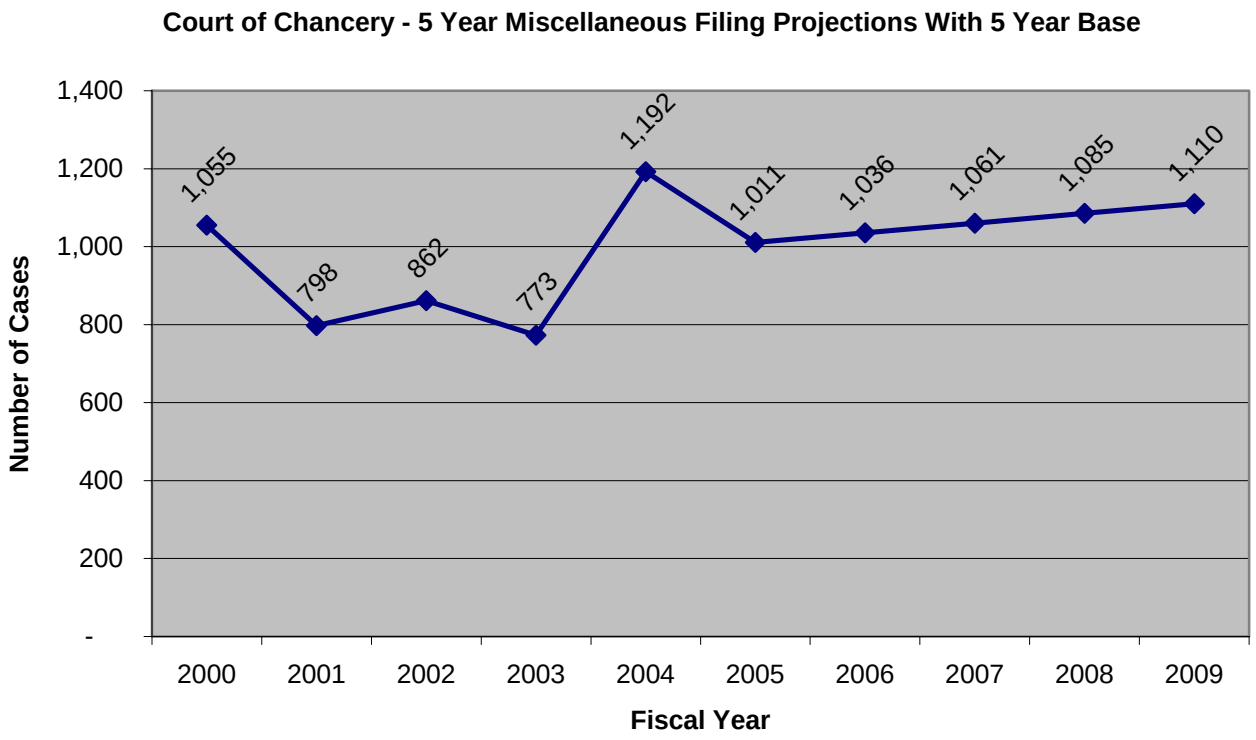
Caseload Comparison - Fiscal Years 2003-2004 - Miscellaneous Matters Dispositions				
	2003	2004	Change	% Change
New Castle County	289	237	-52	-18.0%
Kent County	256	133	-123	-48.0%
Sussex County	84	120	+36	+42.9%
State	**629**	**490**	**-139**	**-22.1%**

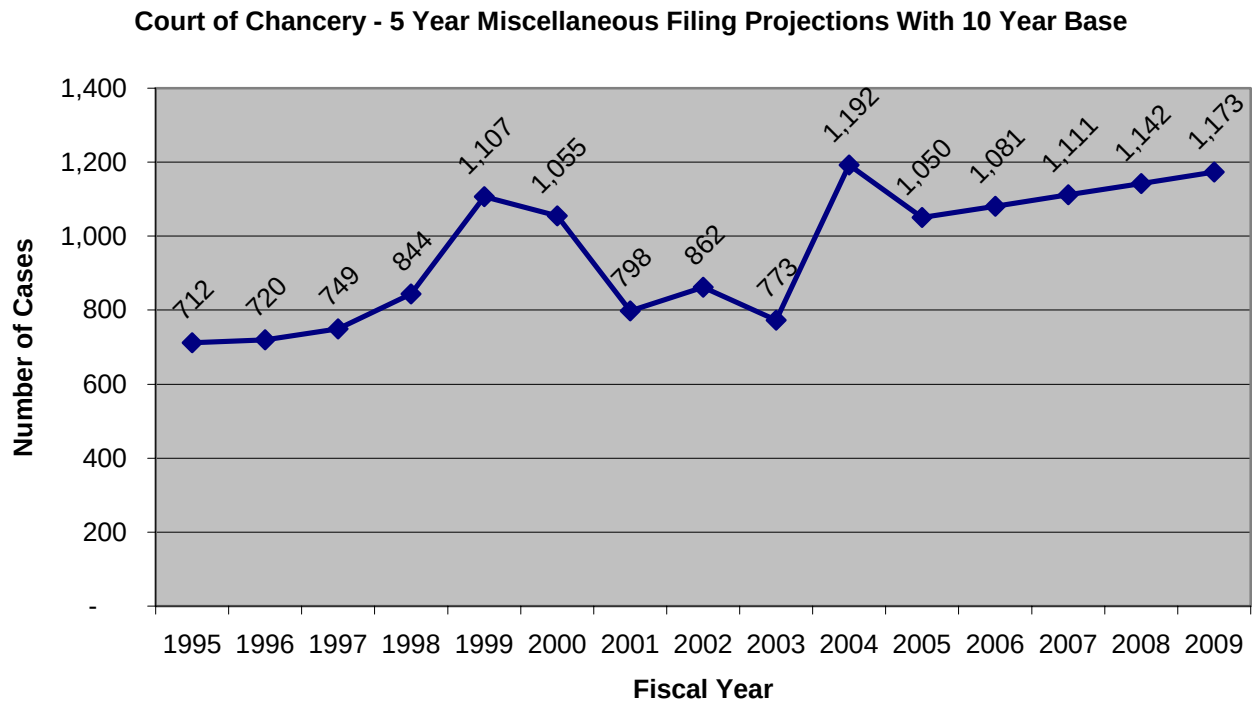
Source: Register in Chancery; Administrative Office of the Courts.



	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	712	720	749	844	1,107	1,055	798	862	773	853
Dispositions	864	1,085	531	539	1,040	1,062	747	440	629	490

Source: Register in Chancery, Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Register in Chancery, Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Miscellaneous Matters Filed										
	Guardians for Minors		Guardians for Infirm		Trusts		Other Matters		Totals	
New Castle County	168	31.0%	174	32.1%	51	9.4%	149	27.5%	542	100.0%
Kent County	48	33.6%	66	46.2%	4	2.8%	25	17.5%	143	100.0%
Sussex County	46	27.4%	77	45.8%	0	0.0%	45	26.8%	168	100.0%
State	**262**	**30.7%**	**317**	**37.2%**	**55**	**6.4%**	**219**	**25.7%**	**853**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Miscellaneous Matters Disposed										
	Guardians for Minors		Guardians for Infirm		Trusts		Other Matters		Totals	
New Castle County	125	52.7%	72	30.4%	27	11.4%	13	5.5%	237	100.0%
Kent County	63	47.4%	47	35.3%	5	3.8%	18	13.5%	133	100.0%
Sussex County	29	24.2%	50	41.7%	0	0.0%	41	34.2%	120	100.0%
State	**217**	**44.3%**	**169**	**34.5%**	**32**	**6.5%**	**72**	**14.7%**	**490**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Miscellaneous Matters Pending at End of Year										
	Guardians for Minors		Guardians for Infirm		Trusts		Other Matters		Totals	
New Castle County	1472	34.3%	1628	38.0%	561	13.1%	626	14.6%	4,287	100.0%
Kent County	342	49.6%	254	36.8%	67	9.7%	27	3.9%	690	100.0%
Sussex County*	836	37.1%	1080	47.9%	148	6.6%	192	8.5%	2,256	100.0%
State	**2,650**	**36.6%**	**2,962**	**41.0%**	**776**	**10.7%**	**845**	**11.7%**	**7,233**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Miscellanous Matters Change in Pending					
	Guardians for Minors	Guardians for Infirm	Trusts	Other Matters	Totals
New Castle County	+43	+102	+24	+136	+305
Kent County	-15	+19	-1	+7	+10
Sussex County	+17	+27	0	+4	+48
State	**+45**	**+148**	**+23**	**+147**	**+363**

*Pending trusts for the mentally retarded (n=16) included in pending guardians for the infirm.

Source : Register in Chancery; Administrative Office of the Courts.

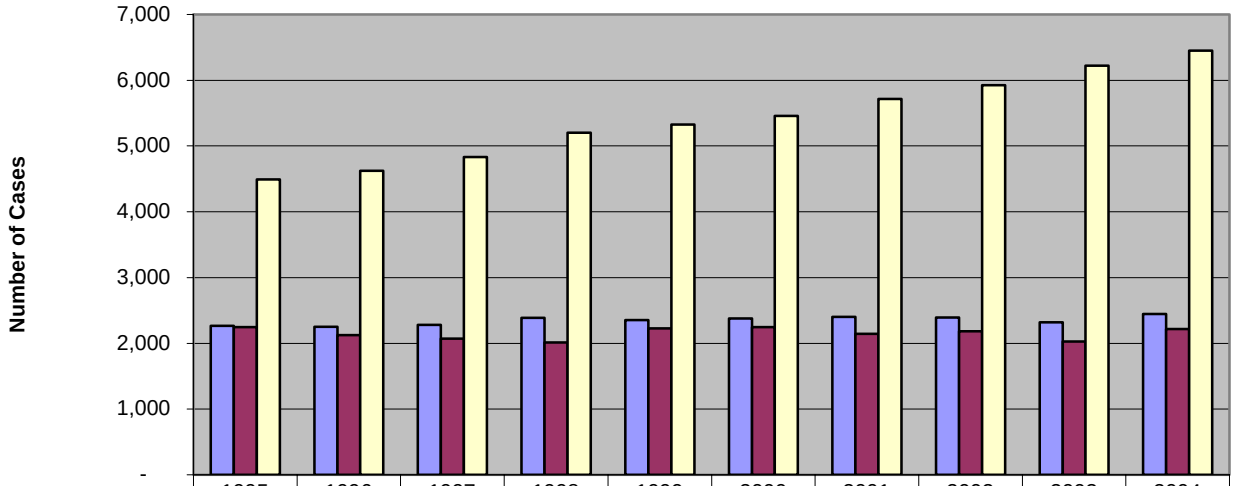
Caseload Summary Fiscal Year 2004 - Estates						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	3,879	1,494	1,326	4,047	+168	+4.3%
Kent County	1,347	358	340	1,365	+18	+1.3%
Sussex County	994	593	549	1038	+44	+4.4%
State	**6,220**	**2,445**	**2,215**	**6,450**	**+230**	**+3.7%**

Caseload Comparison - Fiscal Years 2003-2004 - Estate Filings				
	2003	2004	Change	% Change
New Castle County	1,419	1,494	+75	+5.3%
Kent County	367	358	-9	-2.5%
Sussex County	533	593	+60	+11.3%
State	**2,319**	**2,445**	**+126**	**+5.4%**

Caseload Comparison - Fiscal Years 2003-2004 - Estate Dispositions				
	2003	2004	Change	% Change
New Castle County	1,144	1,326	+182	+15.9%
Kent County	347	340	-7	-2.0%
Sussex County	536	549	+13	+2.4%
State	**2,027**	**2,215**	**+188**	**+9.3%**

Source: Registers of Wills; Administrative Office of the Courts.

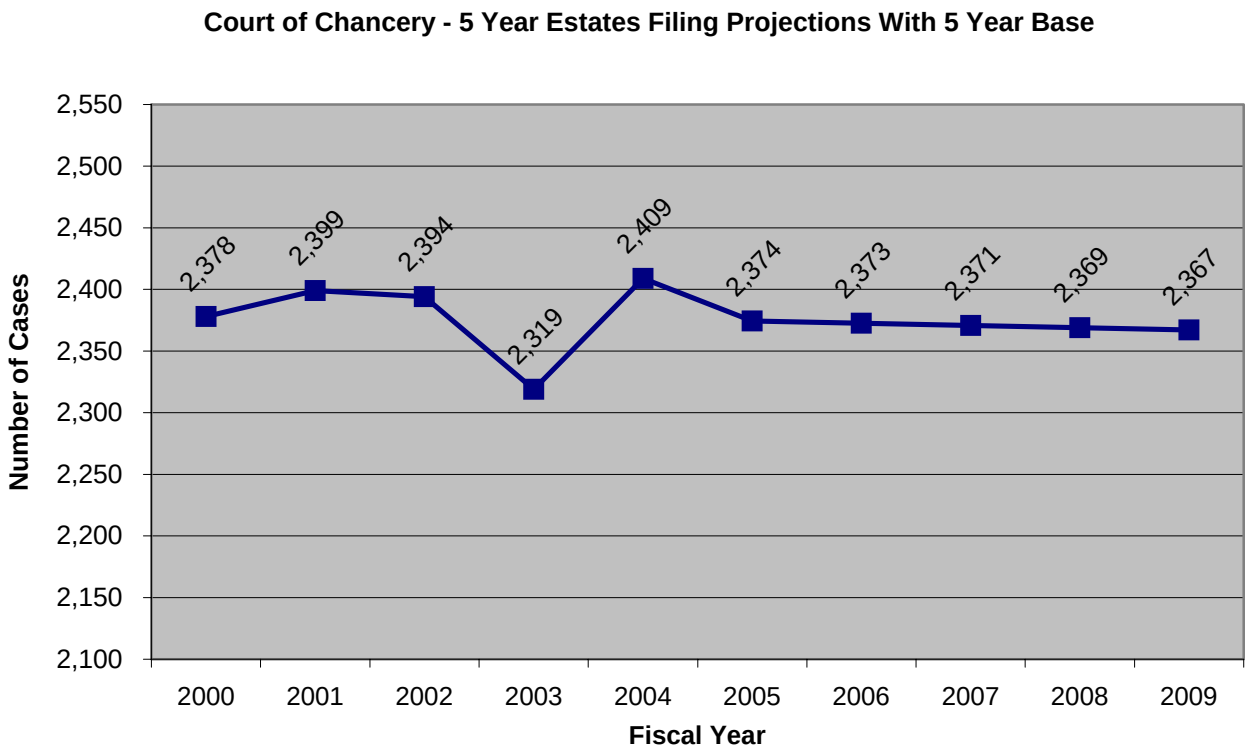
Court of Chancery - 10 Year Estates Caseload Trend

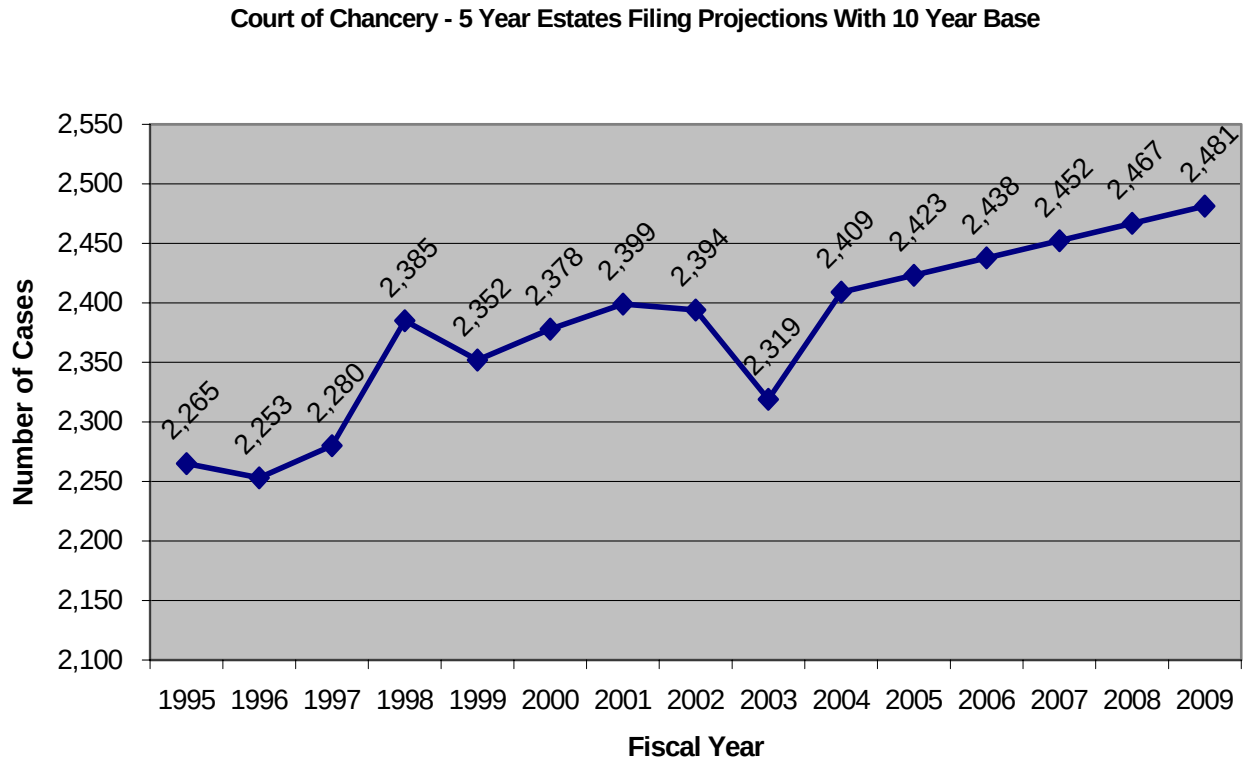


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	2,265	2,253	2,280	2,385	2,352	2,378	2,399	2,394	2,319	2,445
Dispositions	2,248	2,122	2,073	2,014	2,228	2,244	2,143	2,183	2,027	2,215
Pending (yr end)	4,494	4,625	4,832	5,203	5,327	5,461	5,717	5,928	6,220	6,450

Fiscal Year

Source: Registers of Wills; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Registers of Wills, Administrative Office of the Courts.

Superior Court

For a third straight year, Superior Court of Delaware has been recognized as the premier-court of general jurisdiction in the country. The Harris Poll State Liability Systems Ranking Study conducted for the United States Chamber Institute for Legal Reform measured corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment. Delaware continues to rank number one overall.

Fiscal Year 2004 was one of passages for Superior Court. First, we mourned the loss of Judge Haile Alford, who passed away on August 11, 2003. Judge Alford was appointed by Governor Michael N. Castle and began her service with the Court on July 17, 1992.

Judge Alford was the first African-American female in the history of Delaware to hold this office. She was a fine judge and a warm, compassionate person. Her memory will always remain in our hearts. Later in the year, we welcomed a new judge to the bench.

Judge Mary M. Johnston was sworn in on September 25, 2003. Then in April, Art Bernardino resigned his position as Court Administrator; and in June, Maureen Frederick was appointed to the position.

In this year, there were 20,387 filings (civil and criminal), an increase of 5.1% (+994 filings) from the end of the FY'03. There was also an increase in non-first degree murder cases moving through the system within allotted time frames. At the beginning of the year, 64% of non-first degree murder criminal cases were disposed within 120 days of indictment; by the end of the year, the disposition rate for these cases was 70%. The rates for those cases disposed within 180 days and within one year have risen as well. More capital murder cases went to trial this year; there were a total of nine statewide.

Superior Court's newest eFiling endeavor took place on October 6, 2003. As of this date, all new civil actions in which the damages exceed $100,000 were subject to eFiling. Statewide, approximately 625 cases (not including asbestos filings) were subject to eFiling from October 6, 2003 to October 2004. In another technology initiative, the Court obtained a grant that will provide a technical courtroom for digital evidence presentation in New Castle County. The technical courtrooms in Kent and Sussex Counties provide the jurors and attorneys with state-of-the-Art technology that helps to reduce the time needed to try cases and to improve jurors' comprehension of the evidence.

An initiative to revise Superior Court Civil Rule 16.1 Alternative Dispute Resolution was Delaware State Bar's ADR Section, as well as active arbitrators and mediators. There were 3,469 arbitration and mediation filings, an 8% increase for this fiscal year; and 3,325 arbitration and mediation dispositions, a 4.7% increase.

An entire new version of the Superior Court Web site, with new graphic design and dynamic navigation, was released this year. Eighteen separate Listservs are now maintained, with over 1,000 members to provide instant notification of orders, court opinions, rule changes and other information. Later in the year, Superior Court's site was subsumed into a comprehensive Web site for the Judiciary.

The Court continues in its commitment to COTS. The Court's staff has been actively engaged in the COTS initiative during this fiscal year, and will remain so for the duration of the project. Meanwhile, the staff still maintains high standards for their job responsibilities in the offices where they work. All those involved in this effort deserve special recognition for their level of dedication to their Courts and to the COTS effort.

Superior Court's vision holds in being the best Superior Court in the nation by providing superior service to the public in pursuit of justice. We are UNITED in our core values of unity, neutrality, integrity, timeliness, equality and dedication. Finally, Superior Court remains steadfast in building on the quality of justice and public service for which it is known on the home front and throughout the nation.

Front Row (sitting left to right)
Associate Judge Susan C. Del Pesco
Associate Judge Richard S. Gebelein
President Judge Henry duPont Ridgely
Associate Judge John E. Babiarz, Jr.
Associate Judge Jerome O. Herlihy

Second Row (standing left to right)
Associate Judge Fred S. Silverman
Associate Judge Haile L. Alford
Associate Judge Charles H. Toliver, IV
Resident Judge T. Henley Graves
Associate Judge Carl A. Goldstein
Resident Judge Richard R. Cooch
Associate Judge William C. Carpenter, Jr.

Third Row (standing left to right)
Associate Judge Joseph R. Slights, III
Associate Judge E. Scott Bradley
Associate Judge William L. Witham, Jr.
Resident Judge James T. Vaughn, Jr.
Associate Judge Richard F. Stokes
Associate Judge Peggy L. Ableman
Associate Judge Jan R. Jurden

Legal Authorization

The Constitution of Delaware, Article IV, Section 1, authorizes the Superior Court.

Court History

Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

The law courts, which represent today's Superior Court jurisdiction, go back as far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two courts.

In 1951, the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed president judge. There were five Superior judges in 1951; there are seventeen today.

Geographic Organization

Sessions of Superior Court are held in each of the three counties at the county seat.

Legal Jurisdiction

Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction, and domestic relations matters which jurisdiction is vested with the Family Court. The Court's authority to award damages is not subject to a monetary maximum. The Court hears cases of personal injury, libel and slander, and contract claims. The Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics' liens, condemnations, and appeals related to landlord-tenant disputes, and appeals from the Automobile Arbitration Board. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and except possession of marijuana cases). Superior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware State Hospital. The Court serves as an intermediate appellate court, hearing appeals on the record form the Court of Common Pleas, Family Court (adult criminal), and more than 50 administrative agencies including the Industrial Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Superior Court are argued on the record before the Supreme Court.

Judges

Superior Court judges are nominated by the Governor and confirmed by the Senate. The judges are appointed for 12-year terms and must be learned in the law. There may be nineteen judges appointed to the Superior Court bench. One of the nineteen judges is appointed president judge with administrative responsibility for the Court. Three are appointed as resident judges and must reside in the county in which they are appointed. No more than a bare majority of the judges may be of one political party; the rest must be of the other major political party.

Support Personnel

Superior Court may appoint court reporters, law clerks, bailiffs, pre-sentence officers, a secretary for each judge, and other personnel.

An appointed prothonotary for each county serves as clerk of the Superior Court for the county. The prothonotary for each county serves as clerk of the Superior Court and is directly involved with the daily operations of the Court. The office handles the jury list and property liens and is the custodian of costs and fees for the Court. It issues permits to carry deadly weapons, receives bail, deals with the release of incarcerated prisoners, issues certificates of notary public where applicable, issues certificates of election to elected officials, issues commitments to the State Hospital, and collects and distributes restitution monies as ordered by the Court in addition to numerous other duties. It is also charged with security, care, and custody of Court's exhibits. Elected sheriffs, one per county, also serve Superior Court.

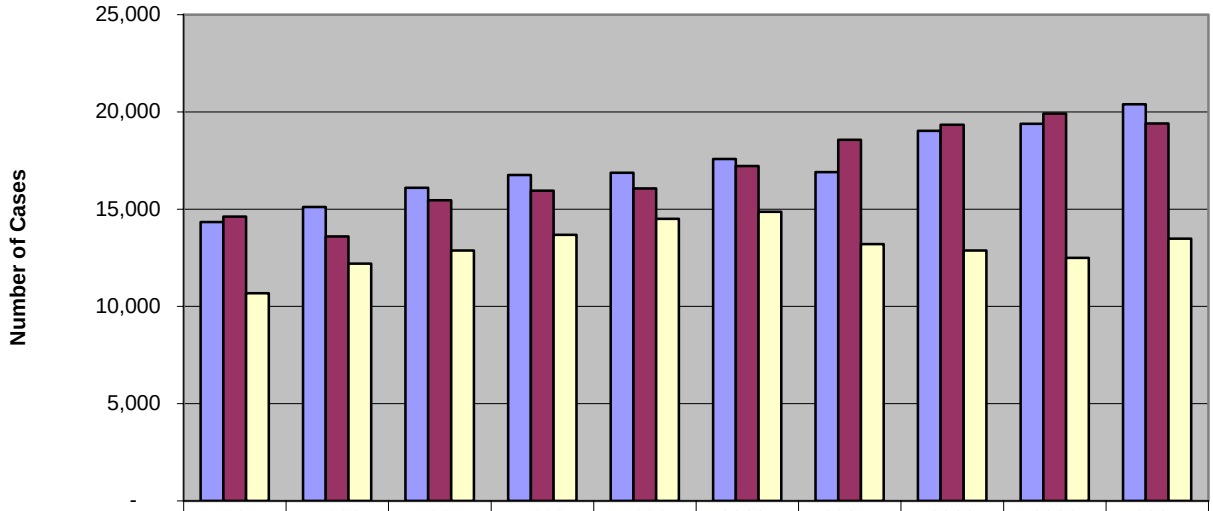
Caseload Summary Fiscal Year 2004 - Total Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004*	Change In Pending	% Change In Pending
New Castle County	9,434	13,858	13,028	10,264	+830	+8.8%
Kent County	1,645	3,655	3,431	1,869	+224	+13.6%
Sussex County	1,419	2,874	2,939	1,354	-65	-4.6%
State	**12,498**	**20,387**	**19,398**	**13,487**	**+989**	**+7.9%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Filings				
	2003	2004	Change	% Change
New Castle County	13,080	13,858	+778	+5.9%
Kent County	3,247	3,655	+408	+12.6%
Sussex County	3,066	2,874	-192	-6.3%
State	**19,393**	**20,387**	**+994**	**+5.1%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Dispositions				
	2003	2004	Change	% Change
New Castle County	13,385	13,028	-357	-2.7%
Kent County	3,191	3,431	+240	+7.5%
Sussex County	3,331	2,939	-392	-11.8%
State	**19,907**	**19,398**	**-509**	**-2.6%**

*Includes 4,306 non-triable pending criminal cases.
Source: Court Administrator and Prothonotaries' Offices, Superior Court;
Administrative Office of the Courts.

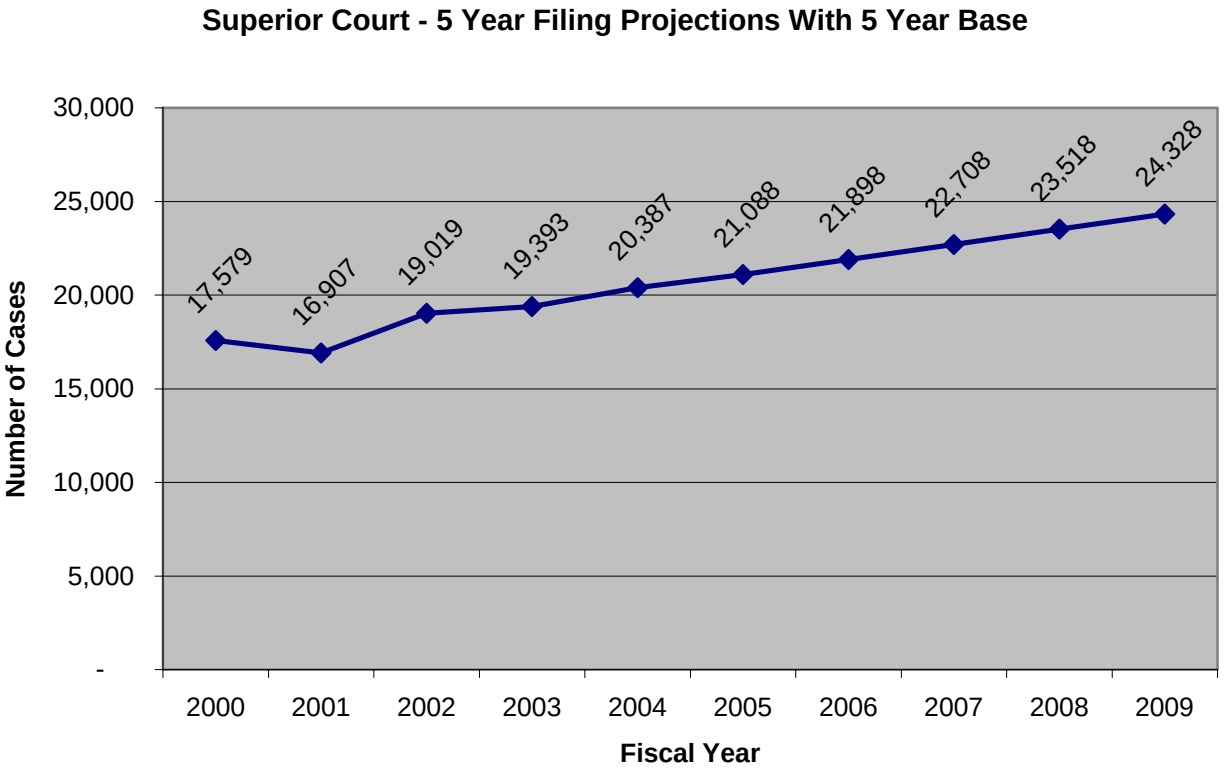
Superior Court - 10 Year Total Caseload Trend

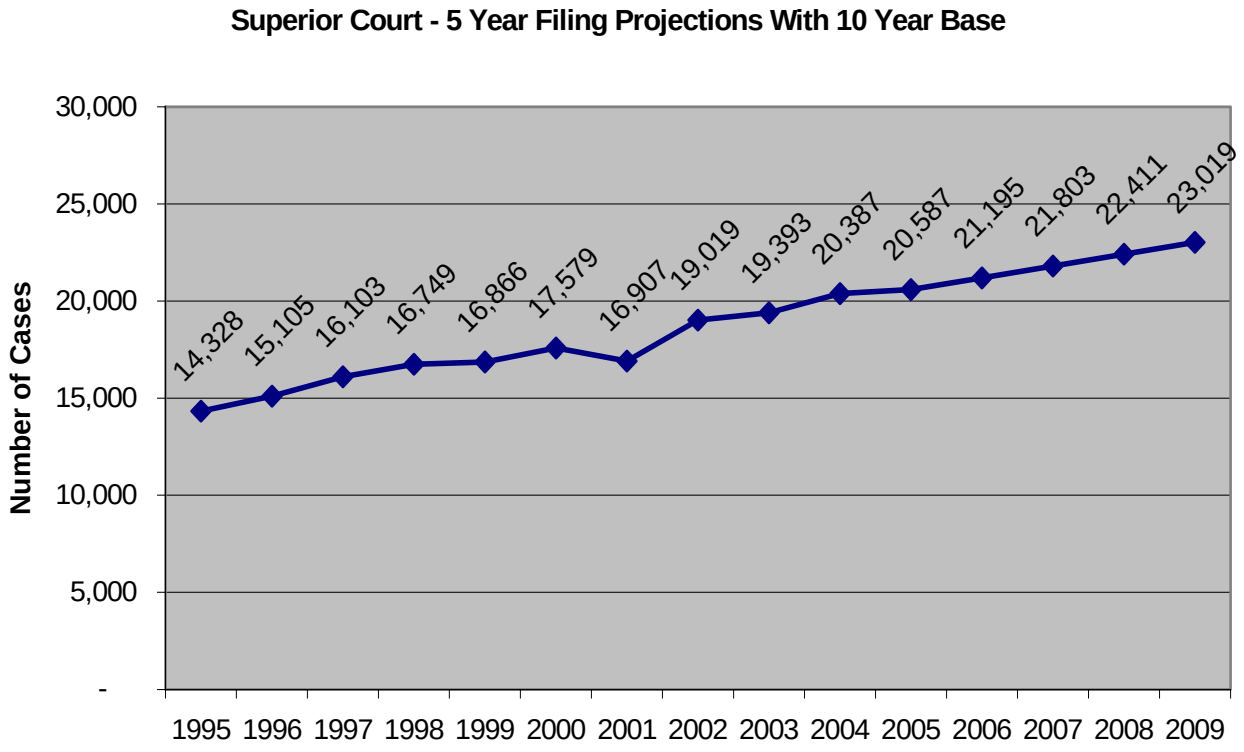


	1995	1996	1997	1998	1999	2000*	2001*	2002	2003	2004
Filings	14,328	15,105	16,103	16,749	16,866	17,579	16,907	19,019	19,393	20,387
Dispositions	14,608	13,595	15,456	15,946	16,070	17,222	18,562	19,345	19,907	19,398
Pending (yr end)	10,678	12,188	12,869	13,672	14,498	14,855	13,200	12,874	12,498	13,487

Fiscal Year

*Filings and pending at end of year amended.
Source: Court Administrator and Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.





*2001 Filings are amended from FY 2001 Statistical Report.
Trend lines computed by regression analysis.
Source: Court Administrator and Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Criminal Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004*	Change In Pending	% Change In Pending
New Castle County	3,682	5,476	5,001	4,157	+475	+12.9%
Kent County	970	2,171	1,979	1,162	+192	+19.8%
Sussex County	864	1,822	1,809	877	+13	+1.5%
State	**5,516**	**9,469**	**8,789**	**6,196**	**+680**	**+12.3%**

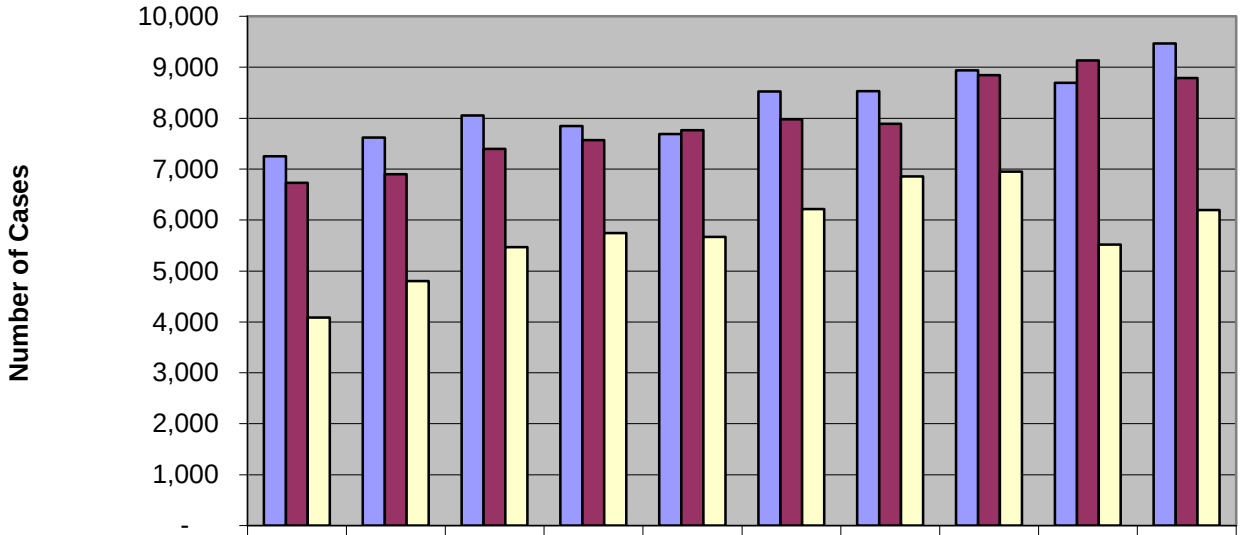
Caseload Comparison - Fiscal Years 2003-2004 - Criminal Case Filings				
	2003	2004	Change	% Change
New Castle County	4,856	5,476	+620	+12.8%
Kent County	1,912	2,171	+259	+13.5%
Sussex County	1,929	1,822	-107	-5.5%
State	**8,697**	**9,469**	**+772**	**+8.9%**

Caseload Comparison - Fiscal Years 2003-2004 - Criminal Case Dispositions				
	2003	2004	Change	% Change
New Castle County	5,220	5,001	-219	-4.2%
Kent County	1,868	1,979	+111	+5.9%
Sussex County	2,043	1,809	-234	-11.5%
State	**9,131**	**8,789**	**-342**	**-3.7%**

*Includes 4,306 non-triable pending cases.

Source: Court Administrator and Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Superior Court - 10 Year Criminal Caseload Trend

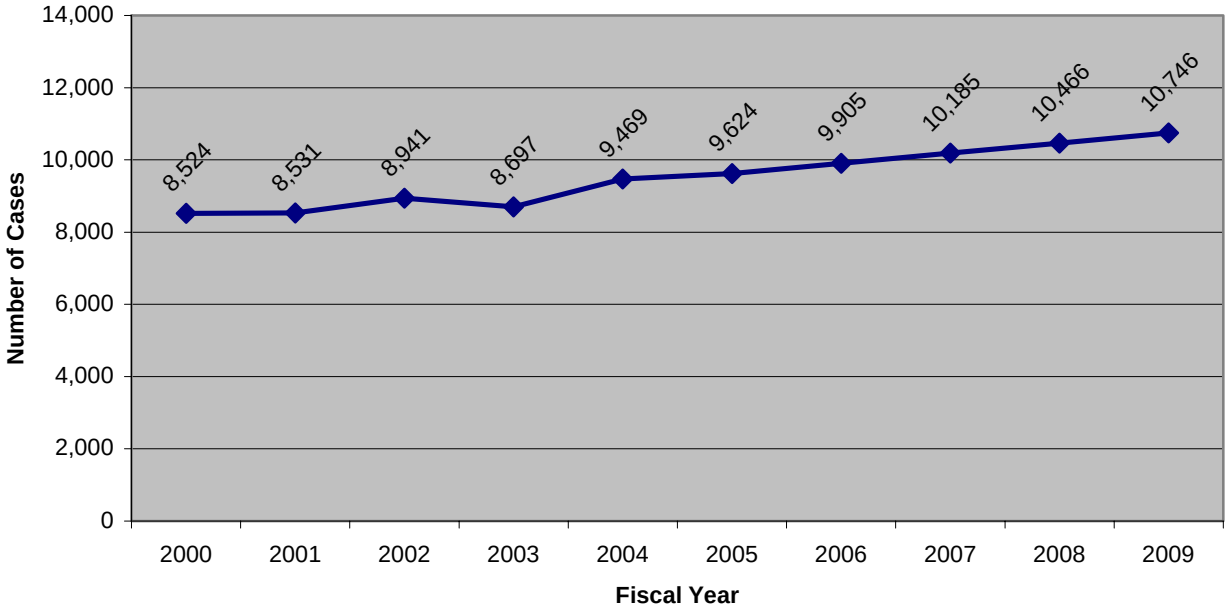


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	7,253	7,620	8,056	7,845	7,691	8,524	8,531	8,941	8,697	9,469
Dispositions	6,731	6,902	7,392	7,570	7,767	7,976	7,891	8,846	9,131	8,789
Pending (yr end)	4,085	4,803	5,467	5,742	5,666	6,214	6,854	6,949	5,516	6,196

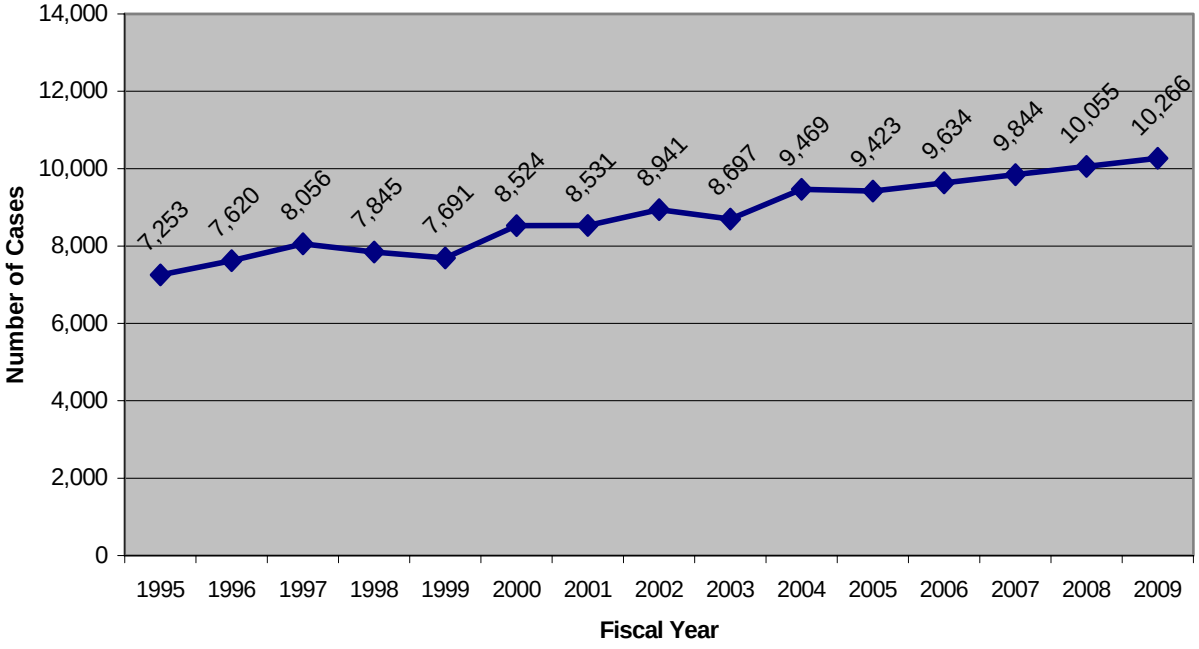
Fiscal Year

*Filings and pending at end of year amended.
Source: Court Administrator and Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Superior Court - 5 Year Criminal Case Filing Projections With 5 Year Base



Superior Court - 5 Year Criminal Case Filing Projections With 10 Year Base



*2001 Filings are amended from FY 2001 Statistical Report.
Trend lines computed by regression analysis.
Source: Court Administrator and Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Criminal Filings										
	Indictment		Rule 9 Warrant		Information		Other*		Total	
New Castle County	4,885	89.2%	376	6.9%	204	3.7%	11	0.2%	5,476	100.0%
Kent County	2,017	92.9%	34	1.6%	93	4.3%	27	1.2%	2,171	100.0%
Sussex County	381	20.9%	82	4.5%	1,344	73.8%	15	0.8%	1,822	100.0%
State	**7,283**	**76.9%**	**492**	**5.2%**	**1,641**	**17.3%**	**53**	**0.6%**	**9,469**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Criminal Dispositions										
	Trial		Guilty Plea		Nolle Prosequi		Remand/Transfer		ADRR	
New Castle County	129	2.6%	3,398	67.9%	607	12.1%	23	0.5%	0	0.0%
Kent County	49	2.5%	1,300	65.7%	328	16.6%	5	0.3%	0	0.0%
Sussex County	38	2.1%	1,248	69.0%	188	10.4%	5	0.3%	0	0.0%
State	**216**	**2.5%**	**5,946**	**67.7%**	**1,123**	**12.8%**	**33**	**0.4%**	**0**	**0.0%**

Caseload Breakdowns Fiscal Year 2004 - Criminal Dispositions (cont.)								
	Dismissal		FOP/Drug Court		Consolidation		Total	
New Castle County	179	3.6%	372	7.4%	293	5.9%	5,001	100.0%
Kent County	48	2.4%	193	9.8%	56	2.8%	1,979	100.0%
Sussex County	34	1.9%	114	6.3%	182	10.1%	1,809	100.0%
State	**261**	**3.0%**	**679**	**7.7%**	**531**	**6.0%**	**8,789**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Criminal Pending at End of Year						
	Triable Pending**		Non-Triable Pending		Total	
New Castle County	1,065	25.6%	3,092	74.4%	4,157	100.0%
Kent County	481	41.4%	681	58.6%	1,162	100.0%
Sussex County	344	39.2%	533	60.8%	877	100.0%
State	**1,890**	**30.5%**	**4,306**	**69.5%**	**6,196**	**100.0%**

Caseload Breakdown Fiscal Year 2004 - Criminal Change in Pending			
	Triable Pending	Non-Triable Pending	Total
New Castle County	-47	+522	+475
Kent County	+132	+60	+192
Sussex County	+1	+12	+13
State	**+86**	**+594**	**+680**

*Includes appeals, transfers, reinstatements and severances.
**Excludes murder cases.
ADRR = Appeal Dismissed Record Remanded
FOP = First Offender Program
Source: Court Administrator and Case Scheduling Office, Superior Court; Administrative Office of the Courts.

Types of Dispositions Fiscal Year 2004 - Criminal Trials - Part One

	Jury Trial		Non-Jury Trial		Total	
New Castle County	129	85.4%	22	14.6%	151	100.0%
Kent County	47	95.9%	2	4.1%	49	100.0%
Sussex County	36	94.7%	2	5.3%	38	100.0%
State	**212**	**89.1%**	**26**	**10.9%**	**238**	**100.0%**

	Guilty		Not Guilty*		No Final Disposition**		Total	
New Castle County	101	66.9%	28	18.5%	22	14.6%	151	100.0%
Kent County	32	62.7%	8	15.7%	11	21.6%	51	100.0%
Sussex County	27	67.5%	9	22.5%	4	10.0%	40	100.0%
State	**160**	**66.1%**	**45**	**18.6%**	**37**	**15.3%**	**242**	**100.0%**

Types of Dispositions Fiscal Year 2004 - Criminal Trials - Part Two

Jury Trial

	Guilty	Guilty LIO	Not Guilty	Pled Guilty At Trial	Nol Pros/ Dismiss at Trial	Mistrial	Hung Jury	Total
New Castle County	70	3	24	10	2	12	8	129
Kent County	23	1	6	2	7	1	1	41
Sussex County	21	3	9	0	2	0	0	35
State	**114**	**7**	**39**	**12**	**11**	**13**	**9**	**205**

Non-Jury Trial

	Guilty	Guilty LIO	Not Guilty	Nol Pros/ Dismiss at Trial	Mistrial	Reserved Decision	Total
New Castle County	14	4	2	0	0	2	22
Kent County	1	1	0	0	0	0	2
Sussex County	2	0	0	0	0	0	2
State	**17**	**5**	**2**	**0**	**0**	**2**	**26**

All Trials

	Guilty	Guilty LIO	Not Guilty	Pled Guilty At Trial	Nol Pros/ Dismiss at Trial	Mistrial	Hung Jury/ Reserved Decision	Total
New Castle County	84	7	26	10	2	12	10	151
Kent County	24	2	6	2	7	1	1	43
Sussex County	23	3	9	0	2	0	0	37
State	**131**	**12**	**41**	**12**	**11**	**13**	**11**	**231**

Types of Dispositions Fiscal Year 2004 - Criminal Nolle Prosequis

	Nolle Prosequis By Special Condition		Nolle Prosequis By Merit		Total	
New Castle County	296	48.8%	311	51.2%	607	100.0%
Kent County	210	64.0%	118	36.0%	328	100.0%
Sussex County	29	15.4%	159	84.6%	188	100.0%
State	**535**	**47.6%**	**588**	**52.4%**	**1,123**	**100.0%**

LIO = Lesser Included Offense
Nol Pros = Nolle Prosequi
*Includes Dismissals at Trial and Nolle Prosequis at Trial
**Hung Juries, Mistrials, and Reserved Decisions.
Source: Court Administrator and Case Scheduling Office, Superior Court; Administrative Office of the Courts.

Types of Dispositions Fiscal Year 2004 - Criminal Felony Guilty Pleas								
	PG - Original		PG - Lesser		PG - Information/ New Information		Total	
New Castle County	2,002	89.9%	205	9.2%	19	0.9%	2,226	100.0%
Kent County	626	85.5%	106	14.5%	0	0.0%	732	100.0%
Sussex County	603	59.2%	416	40.8%	0	0.0%	1019	100.0%
State	**3,231**	**81.2%**	**727**	**18.3%**	**19**	**0.5%**	**3,977**	**100.0%**

Types of Dispositions Fiscal Year 2004 - Criminal Misdemeanor Guilty Pleas								
	PG - Original		PG - Lesser		PG - Information/ New Information		Total	
New Castle County	625	53.3%	541	46.2%	6	0.5%	1,172	100.0%
Kent County	284	50.0%	284	50.0%	0	0.0%	568	100.0%
Sussex County	202	88.2%	27	11.8%	0	0.0%	229	100.0%
State	**1111**	**56.4%**	**852**	**43.3%**	**6**	**0.3%**	**1,969**	**100.0%**

Types of Dispositions Fiscal Year 2004 - Criminal Total Guilty Pleas								
	PG - Original		PG - Lesser		PG - Information/ New Information		Total	
New Castle County	2,627	77.3%	746	22.0%	25	0.7%	3,398	100.0%
Kent County	910	70.0%	390	30.0%	0	0.0%	1,300	100.0%
Sussex County	805	64.5%	443	35.5%	0	0.0%	1,248	100.0%
State	**4,342**	**73.0%**	**1,579**	**26.6%**	**25**	**0.4%**	**5,946**	**100.0%**

Source: Court Administrator and Prothonotaries' Offices, Superior Court;
Administrative Office of the Courts.

Criminal Cases Performance Explanatory Notes Fiscal Year 2004

1. The Speedy Trial Directive of Chief Justice Andrew D. Christie was effective as of May 16, 1990. In the directive it states that 90% of all criminal defendants brought before Superior Court (excluding those charged with murder in the first degree) are to be disposed of within 120 days of the date of arrest, 98% are to disposed of within 180 days of the date of arrest, and 100% are to be disposed of within 365 days of the arrest date. The standards were modified effective July 1, 2001 in the Speedy Trial Directive of Chief Justice E. Norman Veasey, changing the starting point for the time measures from the date of arrest to the date of indictment.
2. In measuring the elapsed time for defendants for the purpose of determining the rate of compliance with the speedy trial standards, the following are excluded by the Court :
   a. For all capiases, the time between the date that the capias is issued and the date that it is executed.
   b. For all Rule 9 summonses and Rule 9 warrants the time between the arrest and the indictment/information, if any.
   c. For all nolle prosequis, the time between the scheduled trial date and the actual filing date of the nolle prosequis.
   d. For all mental examinations, the time between the date that the examination is ordered and the date of the receipt of the results.
   e. For all defendants deemed to be incompetent the period in which the defendant is considered incompetent.

Performance Summary Fiscal Year 2004 - Criminal Cases, Elapsed Time

	Total Number Disposed of	Average Time from Arrest to Disposition	Median Time from Arrest to Disposition	Average Time from Indictment to Disposition	Median Time from Indictment to Disposition
New Castle County	5,023	160.5 days	101.7 days	88.3 days	66.9 days
Kent County	1,979	140.9 days	124.4 days	98.3 days	76.8 days
Sussex County	1,809	96.4 days	109.4 days	62.9 days	65.1 days
State	**8,811**	**143.0 days**	**108.4 days**	**85.4 days**	**68.7 days**

Performance Summary Fiscal Year 2004 - Criminal Case Compliance With Speedy Trial Standard

	Total Number Disposed of	Number Disposed of Within 120 Days of Arrest (90%)		Number Disposed of Within 180 Days of Arrest (98%)		Number Disposed of Within 365 Days of Arrest (100%)	
New Castle County	5,023	3,041	60.5%	3,997	79.6%	4,866	96.9%
Kent County	1,979	1,542	77.9%	1,776	89.7%	1,941	98.1%
Sussex County	1,809	1,584	87.6%	1,787	98.8%	1,804	99.7%
State	**8,811**	**6,167**	**70.0%**	**7,560**	**85.8%**	**8,611**	**97.7%**

Source: Court Administrator and Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Fiscal Year 2004 Civil Cases Explanatory Notes

1. Complaints most often are suits for damages though there are a number of other types of cases included in this category.
2. Mechanic's Liens and Mortgages are property suits.
3. Involuntary Commitments are proceedings to determine whether individuals are to be committed as mentally ill. Most involuntary commitments are held in New Castle County because the Delaware State Hospital, which is the State's facility for mentally ill patients, is located in New Castle County.
4. Appeals are on the record and come from a number of different courts and agencies.
5. Miscellaneous appeals include all other civil cases in the Superior Court.

Caseload Summary Fiscal Year 2004 - Civil Cases

	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	5,519	8,382	8,027	5,874	+355	+6.4%
Kent County	675	1,484	1,452	707	+32	+4.7%
Sussex County	555	1,052	1,130	477	-78	-14.1%
State	**6,749**	**10,918**	**10,609**	**7,058**	**+309**	**+4.6%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Case Filings

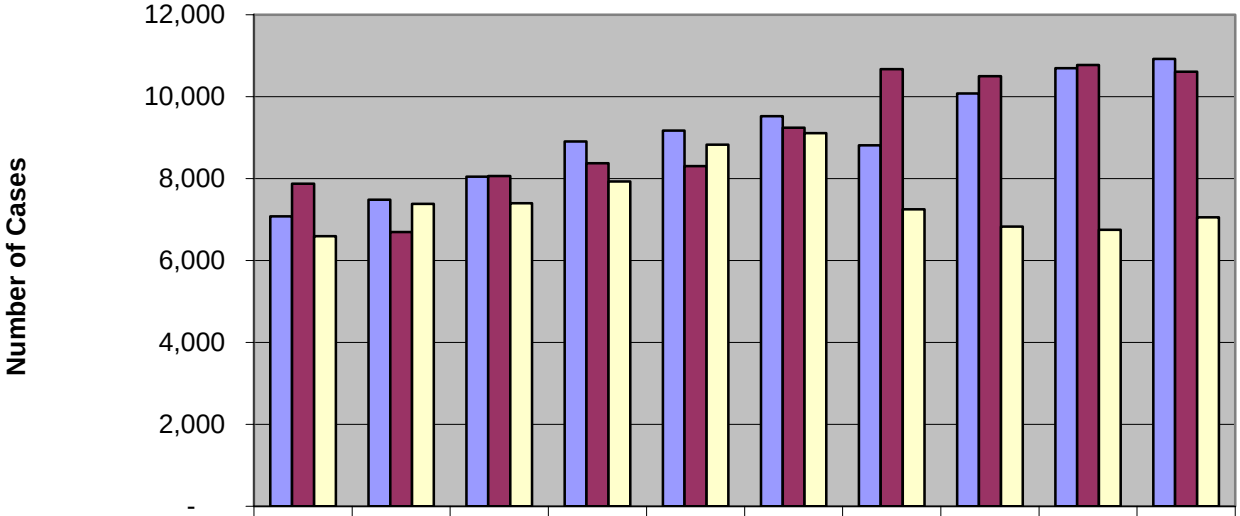
	2003	2004	Change	% Change
New Castle County	8,224	8,382	+158	+1.9%
Kent County	1,335	1,484	+149	+11.2%
Sussex County	1,137	1,052	-85	-7.5%
State	**10,696**	**10,918**	**+222**	**+2.1%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Case Dispositions

	2003	2004	Change	% Change
New Castle County	8,165	8,027	-138	-1.7%
Kent County	1,323	1,452	+129	+9.8%
Sussex County	1,288	1,130	-158	-12.3%
State	**10,776**	**10,609**	**-167**	**-1.5%**

Source: Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

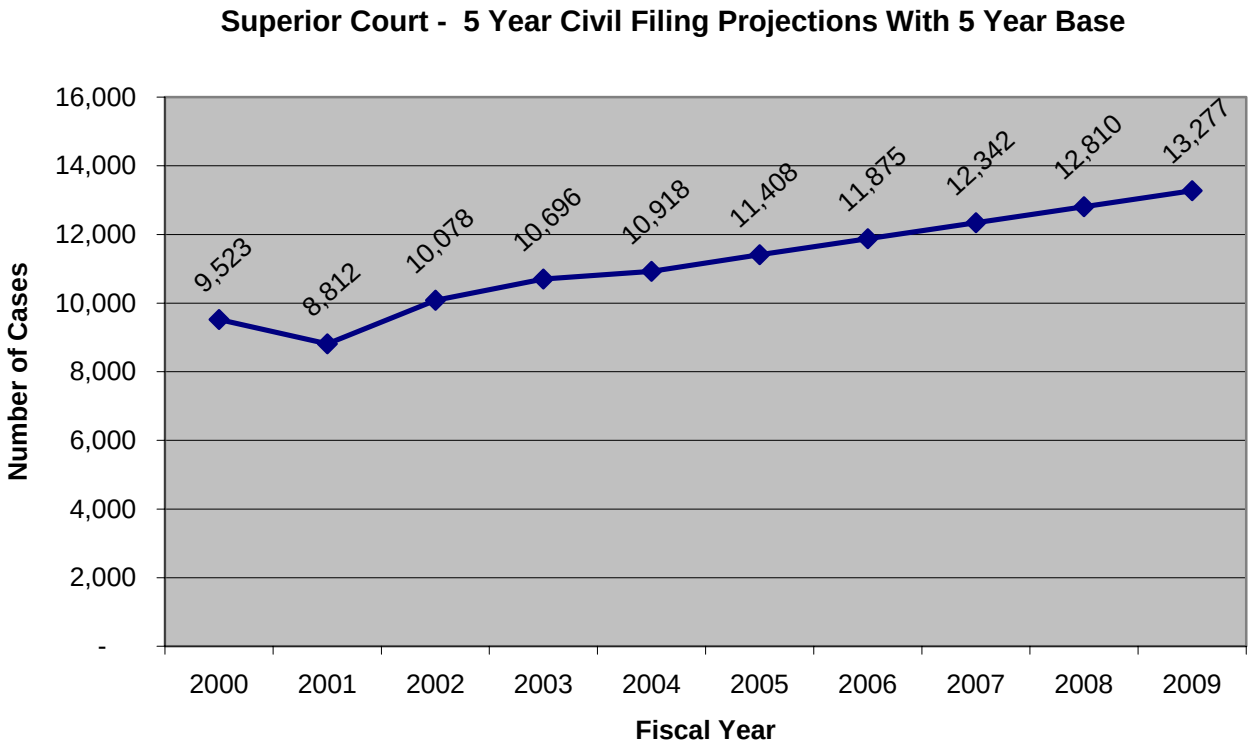
Superior Court - 10 Year Civil Caseload Trend

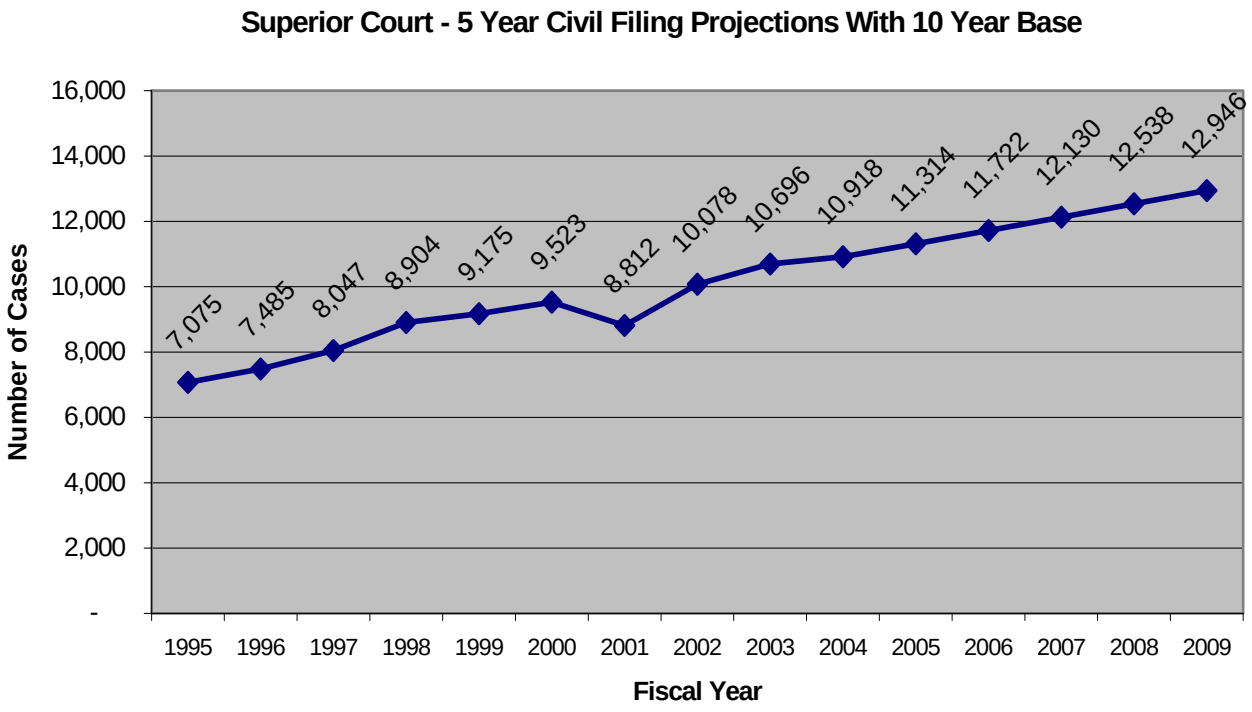


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	7,075	7,485	8,047	8,904	9,175	9,523	8,812	10,078	10,696	10,918
Dispositions	7,877	6,693	8,064	8,376	8,303	9,246	10,671	10,499	10,776	10,609
Pending (yr end)	6,593	7,385	7,402	7,930	8,832	9,109	7,250	6,829	6,749	7,058

Fiscal Year

Source: Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.





*2001 filings are amended from the FY 2001 Statistical Report.
Trend lines computed by regression analysis.
Source: Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Civil Case Filings

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		Total	
New Castle County	6,096	55.8%	1,672	15.3%	130	1.2%	1,400	12.8%	1,621	14.8%	10,919	100.0%
Kent County	589	39.7%	380	25.6%	56	3.8%	190	12.8%	269	18.1%	1,484	100.0%
Sussex County	356	33.8%	375	35.6%	21	2.0%	0	0.0%	300	28.5%	1,052	100.0%
State	**7,041**	**52.3%**	**2,427**	**18.0%**	**207**	**1.5%**	**1,590**	**11.8%**	**2,190**	**16.3%**	**13,455**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Civil Case Dispositions

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		Total	
New Castle County	3,336	41.6%	1,592	19.8%	127	1.6%	1,398	17.4%	1,574	19.6%	8,027	100.0%
Kent County	550	37.9%	410	28.2%	54	3.7%	141	9.7%	297	20.5%	1,452	100.0%
Sussex County	414	36.6%	392	34.7%	26	2.3%	8	0.7%	290	25.7%	1,130	100.0%
State	**4,300**	**40.5%**	**2,394**	**22.6%**	**207**	**2.0%**	**1,547**	**14.6%**	**2,161**	**20.4%**	**10,609**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Civil Cases Pending at End of Year

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		Total	
New Castle County	5,463	78.2%	603	8.6%	96	1.4%	510	7.3%	314	4.5%	6,986	100.0%
Kent County	574	66.3%	114	13.2%	40	4.6%	106	12.2%	32	3.7%	866	100.0%
Sussex County	346	57.2%	150	24.8%	14	2.3%	29	4.8%	66	10.9%	605	100.0%
State	**6,383**	**75.5%**	**867**	**10.3%**	**150**	**1.8%**	**645**	**7.6%**	**412**	**4.9%**	**8,457**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Civil Cases Change in Pending

	Complaints	Mechanic's Liens and Mortgages	Appeals	Involuntary Commitments	Miscellaneous	Total
New Castle County	+2760	+80	+3	+2	+47	+2892
Kent County	+39	-30	+2	+49	-+28	+32
Sussex County	-58	-17	-5	-8	+10	-78
State	**+2741**	**+33**	**+0**	**+43**	**+29**	**+2846**

Source: Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Types of Dispositions Fiscal Year 2004 - Civil Cases, Complaints Dispositions

	Trial Dispositions				Non-Trial Dispositions															
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Other Judgment for Defendant		Voluntary Dismissal		Court Dismissal		Other		Total	
New Castle County	36	1.1%	18	0.5%	142	4.3%	3	0.1%	2	0.1%	2053	61.5%	702	21.0%	380	11.4%	3,336	100.0%
Kent County	10	1.8%	5	0.9%	23	4.2%	17	3.1%	3	0.5%	333	60.5%	95	17.3%	64	11.6%	550	100.0%
Sussex County	16	3.9%	7	1.7%	8	2.0%	29	7.1%	2	0.5%	261	64.0%	23	5.6%	62	15.2%	408	100.0%
State	**62**	**1.4%**	**30**	**0.7%**	**173**	**4.0%**	**49**	**1.1%**	**7**	**0.2%**	**2,647**	**61.6%**	**820**	**19.1%**	**506**	**11.8%**	**4,294**	**100.0%**

Types of Dispositions Fiscal Year 2003 - Civil Cases, Mechanic's Lien and Mortgages Dispositions

	Trial Dispositions				Non-Trial Dispositions													
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Judgment for Defendant		Voluntary Dismissal		Court Dismissal		Other		Total	
New Castle County	0	0.0%	0	0.0%	916	57.5%	0	0.0%	0	0.0%	528	33.2%	146	9.2%	2	0.1%	1,592	100.0%
Kent County	0	0.0%	0	0.0%	279	68.0%	0	0.0%	0	0.0%	99	24.1%	31	7.6%	1	0.2%	410	100.0%
Sussex County	1	0.3%	1	0.3%	201	51.4%	3	0.8%	0	0.0%	146	37.3%	12	3.1%	27	6.9%	391	100.0%
State	**1**	**0.0%**	**1**	**0.0%**	**1,396**	**58.3%**	**3**	**0.1%**	**0**	**0.0%**	**773**	**32.3%**	**189**	**7.9%**	**30**	**1.3%**	**2,393**	**100.0%**

Types of Dispositions Fiscal Year 2003 - Civil Cases, Appeals Dispositions

	Trial Dispositions							Non-Trial Dispositions							
	Affirmed		Reversed		Remanded			Voluntary Dismissal		Court Dismissal		Other		Total	
New Castle County	50	39.4%	3	2.4%	15	11.8%		27	21.3%	31	24.4%	1	0.8%	127	100.0%
Kent County	21	38.9%	5	9.3%	4	7.4%		13	24.1%	11	20.4%	0	0.0%	54	100.0%
Sussex County	11	42.3%	5	19.2%	0	0.0%		6	23.1%	3	11.5%	1	3.8%	26	100.0%
State	**82**	**39.6%**	**13**	**6.3%**	**19**	**9.2%**		**46**	**22.2%**	**45**	**21.7%**	**2**	**1.0%**	**207**	**100.0%**

Source: Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Trial Activity Fiscal Year 2004 - Civil Trials					
	Number of Jury Trials	Number of Non-Jury Trials	Number of Special Jury Trials	Total Number of Trials	Trial Time
New Castle County	68	15	0	83	309 days
Kent County	11	1	0	12	73 days
Sussex County	16	7	0	23	40 days
State	**95**	**23**	**0**	**118**	**422 days**

Calendar Activity Fiscal Year 2004 - Civil Cases												
	Cases Tried		Cases Settled or Dismissed		Cases Continued for Settlement		Cases Continued Due to Lack of Judge		Cases Continued at Request of Attorney		Total Cases Scheduled	
New Castle County	83	9.1%	575	62.7%	38	4.1%	2	0.2%	219	23.9%	917	100.0%
Kent County	12	4.4%	165	60.7%	9	3.3%	5	1.8%	81	29.8%	272	100.0%
Sussex County	22	9.7%	111	49.1%	4	1.8%	2	0.9%	87	38.5%	226	100.0%
State	**117**	**8.3%**	**851**	**60.1%**	**51**	**3.6%**	**9**	**0.6%**	**387**	**27.3%**	**1,415**	**100.0%**

Performance Breakdowns Fiscal Year 2004-Civil Complaints-Method of Disposition												
	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		Total	
New Castle County	54	1.6%	315	9.4%	141	4.2%	2,053	61.5%	773	23.2%	3,336	100.0%
Kent County	15	2.7%	61	11.1%	23	4.2%	333	60.4%	119	21.6%	551	100.0%
Sussex County	22	5.4%	42	10.2%	8	2.0%	261	63.7%	77	18.8%	410	100.0%
State	**91**	**2.1%**	**418**	**9.7%**	**172**	**4.0%**	**2,647**	**61.6%**	**969**	**22.6%**	**4,297**	**100.0%**

Performance Breakdowns Fiscal Year 2004-Civil Mechanics' Liens and Mortgages-Method of Disposition												
	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		Total	
New Castle County	0	0.0%	2	0.1%	916	57.5%	528	33.2%	146	9.2%	1,592	100.0%
Kent County	0	0.0%	0	0.0%	279	73.6%	99	26.1%	1	0.3%	379	100.0%
Sussex County	3	0.8%	7	1.8%	201	51.3%	146	37.2%	35	8.9%	392	100.0%
State	**3**	**0.1%**	**9**	**0.4%**	**1,396**	**59.1%**	**773**	**32.7%**	**182**	**7.7%**	**2,363**	**100.0%**

Source: Prothonotaries' Offices, Superior Court; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Civil Arbitration						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	6,096	2,810	2,629	3,073	+129	+2.1%
Kent County	368	412	400	405	+37	+10.1%
Sussex County	286	247	296	252	-34	-11.9%
State	**3,598**	**3,469**	**3,325**	**3,730**	**+132**	+3.7%

Caseload Comparison - Fiscal Years 2003-2004 - Civil Arbitration Filings				
	2003	2004	Change	% Change
New Castle County	2,532	2,810	+278	+11.0%
Kent County	421	412	-9	-2.1%
Sussex County	260	247	-13	-5.0%
State	**3,213**	**3,469**	**+256**	+8.0%

Caseload Comparison - Fiscal Years 2003-2004 - Civil Arbitration Dispositions				
	2003	2004	Change	% Change
New Castle County	2,482	2,629	+147	+5.9%
Kent County	432	400	-32	-7.4%
Sussex County	263	296	+33	+12.5%
State	**3,177**	**3,325**	**+148**	+4.7%

Source: Arbitration Unit, Superior Court; Administrative Office of the Courts.

Family Court

Shortly after taking office on June 4, 2003, I established a number of priorities for my term of office. I am pleased to report at this time that the Court has made great progress on a number of those priorities.

Chief Judge Chandlee Johnson Kuhn

Strategic Planning

Family Court's Strategic Plan 2004-2006 was formally adopted by the Family Court Judges on August 12, 2004, representing the culmination of the five months of crafting and refinement by the Strategic Planning Committee. The Strategic Plan reads as follows:

WE, THE JUDGES OF THE FAMILY COURT OF THE STATE OF DELAWARE, *this 12th day of August, 2004, in furtherance of the Family Court's legislative mandate to best serve the interests of the citizens, families, and children of the State of Delaware, and all other individuals who appear before us, do hereby set forth the Court's guiding ideals, goals, and strategies.*

GUIDING IDEALS

The Family Court of the State of Delaware – its judicial officers and staff - is committed to securing meaningful access to justice for those who come before the Family Court; to striving for safety, permanency, and rehabilitation of our children; to protecting the peace and safety of the public; to resolving disputes impartially and fairly; to demanding respect, intellectual honesty, integrity, and accountability from ourselves as well as from those we serve; to responding to the social changes and innovative ideas of the future; to giving due deference to legal precedents of the past; and, ultimately, to enhancing the quality of life of the citizens, children and families of the State of Delaware.

GOALS

- *Safety and security*
- *Timely and expeditious hearings and case processing*
- *Institutional competence (fully trained and engaged judicial officers and staff)*
- *Conflict resolution in the least adversarial manner*
- *Comity in governmental relations*
- *Balanced court workload*

BROAD STRATEGIES

- *Effective judicial governance*
- *Continuous learning (training and education)*
- *Innovation and Community Outreach*
- *Alternate dispute resolution (ADR)*
- *Good working relationships with other branches of government and justice system partners*

On October 22, 2004, Family Court's Senior Management Team met to develop the first draft of the Court's "Operational Plan 2005-2010". The Operational Plan will set forth the "strategy" that the Family Court will employ to ensure that we produce outputs and outcomes consistent with the "Guiding Ideals", "Goals" and "Broad Strategies" set forth in the Court's Strategic Plan.

Lastly, work continues on full implementation of the twenty-one performance measures developed by the Family Court in March 2003. While the performance measures development pre-dates the adoption of the Court's Strategic Plan, the measures dovetail nicely with and complement both the "Strategic Plan" and the "Operational Plan 2005-2010".

Judicial and Administrative Support Staff

The need for two additional judges for the Family Court in New Castle County remains acute. Family Court has submitted requests for the two additional judgeships as part of our Fiscal Year 2005 and Fiscal Year 2006 budget submissions. I am pleased to report that Chief Justice Steele has established the two new Family Court judges and related support staff as his highest priority among the Mission Critical Court/Judicial Needs in Fiscal Year 2006.

The need for additional judgeships is well documented. In 1999, the Special Committee on Family Court Internal Operating Procedures recommended that four to five additional judges were needed "immediately" to effectively implement the proposed guidelines and standards as set forth in the Committee's final report issued on March 30, 1999. On December 15, 2003, the Ad Hoc Committee on Judicial Resources, appointed by former Chief Justice Veasey and chaired by Vice Chancellor Strine, ranked Family Court's Fiscal Year 2005 request for additional judges first among the Family, Superior and Common Pleas Courts.

Unfortunately, the Family Court's growth in judgeships has not kept pace with the Court's growth in caseload or workload. During the time period (1971-2004) the New Castle County bench has been increased by 33 percent from 6 judges in 1971 to 8 judges at present, the last increase occurring in 1978, while the caseload for the same time period has increased by 208.1 percent. Of significant note is the fact that while the New Castle County bench has grown by 0 percent since 1978, the New Castle County caseload has increased at a pace of 113.1 percent. Additionally in Fiscal Year 2004, the Family Court experienced an increase of 2,469 filings (4.6 percent) over Fiscal Year 2003. It is worthy to note that while the total Fiscal Year 2004 filings receipt increase of 2,469 filings represents an overall percentage increase of 4.6 percent, the Court actually experienced an increase of 2,912 "civil" filings in Fiscal Year 2004, a 7.5 percent increase over civil receipts in Fiscal Year 2003. However, the robust civil filing receipts increase was partially offset by a decrease of 443 criminal and delinquency filings in Fiscal Year 2004, a 3 percent decrease when compared to Fiscal Year 2003 criminal and delinquency receipts. Nevertheless, the 2,469 (4.6 percent) increase in filings in Fiscal Year 2004 is very significant and further strains the Court's scarce judicial resources.

The addition of two judgeships for the Court in New Castle County will allow the Court to better serve the citizens of our state by:

- Expediting the disposition of the child dependency, neglect and abuse caseload;
- Reducing the time frames for achieving permanency for child dependency, neglect and abuse cases;
- Fully implementing the recommendations set forth in the March 30, 1999, Final Report of the Delaware Supreme Court Special Committee on Family Court Internal Operating Procedures;
- Expediting the disposition of criminal and delinquency matters so as to maintain compliance with the Supreme Court Administrative Directive Number 130; and
- Improving the time frames for disposition of the Court's civil caseload.

Improving the Security, Safety and Functionality of the Family Court Facilities Statewide

While the Court continues to enjoy its new state-of-the-art facility in New Castle County, the Family Court facilities in Kent and Sussex Counties, now fifteen (15) and sixteen (16) years old respectively, have become outdated, overcrowded and no longer adequately meet the needs of the Court and the public we serve.

In Sussex County, $600,000.00 was allocated in the Fiscal Year 2005 budget to acquire a

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parcel of land immediately adjacent to the present courthouse, which will allow for the expansion of the existing facility. Additionally, Family Court judges and administrative staff are working with the Division of Facilities Management to identify and address the most critical security deficiencies in need of immediate attention. Lastly, Family Court will be included in a study of judicial facilities in Georgetown aimed at identifying the overall near- and long-term space needs of the Judicial Branch in Sussex County.

In Kent County, the first phase of renovations was recently completed, which has resulted in greatly improved public area and courtroom security. We anticipate the second phase of renovations will commence later this fiscal year, contingent on the availability of Judicial Branch minor capital improvement funding. Funding has also been requested by both the Family Court and the Department of Administrative Services to conduct a study for the Family Court in Kent County to determine whether the existing courthouse can be renovated or expanded to continue to support the day-to-day operations of Family Court in the near and long term.

Juvenile Justice Review

Family Court continues its commitment to review the performance of the juvenile justice system through our membership and active participation on the Juvenile Justice Review Task Force created by House Concurrent Resolution Number 52. In addition, the Court has created an internal committee to study the juvenile justice practices in Delaware and offer recommendations for improvements that further public safety and rehabilitative outcomes. As Chief Judge of Family Court, I serve as co-chair of the Juvenile Detention Alternative Initiative. This collaborative group is working with the Annie E. Casey Foundation to explore approaches to reducing the number of unnecessary preadjudicative juvenile detentions that result in overcrowding at the New Castle County Detention Center and Stevenson House. These coordinated efforts will result in a more effective and efficient juvenile justice system for Delaware.

COTS – Courts Organized To Serve

Family Court Judges and staff continue with their commitment to the statewide COTS (Courts Organized to Serve) automation initiative. Family Court anticipates that the COTS system will facilitate the Family Court in meeting our case management objectives through the development of a statewide information and case management system. During 2004, Family Court Judges and staff began work with the other courts on the detailed and time consuming process of learning the new system, refining court procedures and defining functional requirements. During 2004, the Court actively participated in various implementation committees and training sessions. Family Court anticipates implementation of the COTS system during 2006 and 2007 and continued progress in the coming years.

Court Improvement Project (CIP)

The Court Improvement Program (CIP) is a multi-year, federally funded grants project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of parental rights and adoption proceedings. Delaware has participated in this project since its inception in 1994.

Because of its sweeping systemic reforms, the Delaware Family Court was selected as a study site for the U. S. Department of Health and Human Services (HHS) to evaluate the impact of CIP. Pal Tech will conduct the court-focused evaluation in New Castle County under contract with HHS. The study will take place over a five-year period and will include observations and empirical information re-

garding the impact of court reforms, including observations and empirical information regarding the impact of court reforms, including their influence on the Division of Family Services and its ability to meet federal child welfare requirements.

During Fiscal Year 2004, the Family Court sponsored several training programs grounded in child welfare law for judges, attorneys, children's representatives and providers of social services.

Services for Self-Represented Litigants

In its continued efforts to serve *pro se* litigants, the Family Court helped over 40,000 people by providing assistance through the Resource Centers statewide. Seventeen thousand people in New Castle County utilized the services provided in the Self-Help Center. Kent County's Resource Center provided assistance to12,964 people, and Sussex County's Resource Center provided assistance to 10,616 people. These numbers indicate that Delaware's citizens continue to benefit from the variety of services offered in the Resource Centers.

In an effort to improve the services the Court offers, new forms/instructions packets are being developed. A new divorce packet, which explains recent changes in the divorce law, is in the final stages of approval. This new packet also contains changes in wording and forms to make the divorce process more understandable. Packets dealing with custody issues, including initial determinations, dependency/neglect and modification, are being drafted.

Throughout the fall, the Family Court Director of Pro Se Services has had the opportunity to present programs to local grandparents groups. These presentations have allowed the Court to increase community awareness of the services that it provides and to address misconceptions often held by community members regarding Family Court.

The Court's *pro se* litigant program has enhanced the public's access to the Court, has enhanced litigants' participation in the Court process and has contributed to more efficient Court operations.

Court Appointed Special Advocate (CASA) Program

The Court Appointed Special Advocate (CASA) Program provides trained volunteers to represent the best interests of abused and neglected children in court proceedings.

In Fiscal Year 2004, the statewide program was among the first in the country to successfully complete the National CASA Association's Quality Assurance Program that measures compliance with national standards. The Delaware Family Court program surpassed compliance requirements by meeting or exceeding 434 of the 438 (99 percent) possible measures in the process.

With a goal to diversify its volunteer pool to better reflect the community it serves, the CASA program implemented new statewide public relations strategies, which included targeted volunteer recruitment in each county.

During the Fiscal Year 2004, 222 CASA volunteers served as guardians *ad litem* for 613 abused and neglected children in the Family Court.

Child Support Standards

As in the past, assisting Delaware's families with the establishment, modification and enforcement of child support obligations constituted a substantial portion of the Court's workload. Child support petitions filed increased by 17 percent over the previous fiscal year with child support related actions representing nearly 60 percent of all civil filings with the

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Court. The Court adopted statewide scheduling standards requiring most support petitions to be scheduled for a hearing within 60 days of filing or other operative event and centralizing authority over scheduling in each county in a single administrative supervisor. Comparable standards for Court mediation are under development.

Human Resources Development and Recognition

In furtherance of the Court's goal to ensure that we have well qualified and well trained administrative support staff providing quality service to the public we serve and that staff are recognized for their individual achievements in public service, the Family Court has undertaken a number of staff training and recognition activities.

In April 2004, all Family Court supervisors attended a one-day educational conference on the new State of Delaware Merit Rules. The conference was conducted by the Family Court Human Resources Department in conjunction with the Delaware State Office of Personnel.

On September 30 and October 1, 2004, all Family Court Commissioners, managers, supervisors and staff attended a one-day conference titled "Examining Our Commitment to Public Service". The conference keynote address was delivered by The Honorable Jack A. Markell, State Treasurer. There were also plenary sessions and workshops that covered customer service, professional image and demeanor, examining ethical predicaments, and understanding common legal problems.

In November 2004, all Family Court supervisors attended a one-day educational conference on EEO Laws and Practices. The conference program was presented by Mr. Edward McCaffrey, who is the program analyst in the Philadelphia District Office of the Equal Opportunity Commission. Mr. McCaffrey is the author of several EEOC publications and serves as a trainer to EEOC staff at national training conferences.

One of the most active and effective programs for the development of Court employees is the Family Court Excellence in Performance Program. At the annual ceremonies, which were held in each county in May 2004 with all Family Court employees in attendance, over 130 employees were honored for their exceptional service and dedication to the citizens of the State.

Examples of the awards that were presented include length of service, perfect attendance, team player, employee of the quarter and employee of the year awards as well as Directors' awards.

In the area of commitment and support for employees who are pursuing associate, undergraduate and graduate degrees, the Court continues to fund an employee educational assistance program. For the year, $7,200.00 was reimbursed to employees who had successfully completed Court approved college-level courses leading to degrees.

Judge William N. Nicholas, an Associate Judge in Kent County, was sworn in on July 9, 2004, to serve a second twelve-year term.

Judge William J. Walls, Jr., also an Associate Judge in Kent County, was sworn in on September 21, 2004, to serve a second twelve-year term.

This year, the Family Court saw the retirement of one Associate Judge in New Castle County and the appointment of a new Associate Judge to fill the vacancy. After twelve years of dedicated service, Judge Alison Whitmer Tumas retired on October 15, 2004. The Court was especially pleased that upon announcement by Judge Tumas to not seek a second term, the

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Governor and the State Senate placed great weight on filling the forthcoming vacancy as early as possible.

On October 26, 2004, Michael K. Newell was sworn in as an Associate Judge for Family Court in New Castle County. Judge Newell was most recently a partner with Connolly Bove, Lodge & Hutz, L.L.P., has published several articles in legal journals, and has been a presenter at numerous seminars on topics in family law.

On October 19, 2004, Family Court Judge Kenneth M. Millman was awarded the "Shirley Cuppery Award" by the Executive Committee of Delaware's Child Placement Review Board. The award was presented to Judge Millman for "his untiring work on behalf of Delaware's children" as the Liaison Judge for the Family Court Court Improvement Project.

Family Court Administrator Randall E. Williams received from the Delaware State Bar Association the 2004 Distinguished Government Service Award, which is presented to an individual who is not a lawyer or a judge in recognition of dedicated and distinguished contribution to the administration of justice.

Family Court Co-Director of Legal Affairs Leann Mattoscio Summa was honored by being selected from the four Delaware American Inns of Court to speak to new Delaware lawyers at the Admission Ceremony for New Delaware Lawyers on December 15, 2003.

In conclusion, I am pleased to report on Family Court's accomplishments over the last year and to reiterate that the Family Court will continue to focus its resources on the quality of service we provide to the citizens of our State so that matters within the Court's jurisdiction are resolved as expeditiously as possible while meeting our obligation to providing our citizens with the highest quality of justice feasible. Finally, Family Court will continue its dedication to its "Guiding Ideals", "Goals" and "Broad Strategies" as set forth in its "Strategic Plan" through the collaborative efforts of its Judges, Commissioners and Administrative Support Staff statewide.

Family Court Judges

Back Row (standing left to right)
Associate Judge Aida Waserstein
Associate Judge John E. Henriksen
Associate Judge Arlene Minus Coppadge
Associate Judge Jay H. Conner
Associate Judge Alison Whitmer Tumas
Associate Judge Mardi F. Pyott
Associate Judge Peter Jones
Associate Judge William N. Nicholas
Associate Judge William L. Chapman, Jr.
Associate Judge Barbara D. Crowell

Front Row (sitting left to right)
Associate Judge Mark D. Buckworth
Associate Judge Kenneth M. Millman
Chief Judge Chandlee Johnson Kuhn
Associate Judge William J. Walls, Jr.
Associate Judge Robert B. Coonin

Legal Authorization

The Family Court Act, Title 10, Chapter 9, Delaware Code, authorizes the Family Court.

Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created.

From the early 1930s, there was a campaign to establish a Family Court in the northernmost county, and this ideal came to fruition in 1945 when the legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962, the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex counties.

As early as the 1950s, the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971.

Geographic Organization

The Family Court is a unified statewide court with branches in New Castle County in Wilmington, Kent County in Dover, and Sussex County in Georgetown.

Legal Jurisdiction

The Family Court has had conferred upon it by the General Assembly jurisdiction over juvenile delinquency, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spouse support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, orders of protection from abuse and intra-family misdemeanor crimes.

The Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first and second degree murder, rape and kidnapping, and assault and robbery in the first degree.

Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

Judges

Family Court has 15 judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the judges must be of one major political party with the remainder of the other major political party.

The Governor nominates the judges, who must be confirmed by the Senate. The judges are appointed for 12-year terms. Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least five years prior to appointment and must have a knowledge of the law and interest in and understanding of family and children's issues. They shall not practice law during their tenure and may be reappointed.

Other Judicial Personnel

Family Court uses commissioners to hear specific types of cases. Commissioners are appointed for six-year terms by the Governor with the consent of a majority of the Senate.

Support Personnel

The Family Court has a staff of more than 290 persons in addition to judicial officers, including a court administrator, directors, clerks of court, administrative specialists, accountants, judicial assistants, mediation/arbitration officers, intake officers, program coordinators and volunteers working in all areas of the Court.

Total Cases Explanatory Notes Fiscal Year 2004

1. The unit of count in Family Court for adult criminal, juvenile delinquency, and civil cases is the filing.
2. A criminal or delinquency filing is defined as one incident filed against one individual. Each incident is counted separately so that multiple incidents brought before the Court on a single individual are counted as multiple charges.
   a. A single criminal or delinquency filing may be comprised of a single or multiple charges relating to a single incident.
   b. A criminal filing is received by the Court in the form of an information or a complaint, and a delinquency filing is received by the Court in the form of a petition or a complaint.
3. A civil filing is defined as a single civil incident filed with Family Court. A civil incident is initiated by a petition. In a divorce, although the petition may contain multiple ancillary matters to the divorce, it is counted as one filing
   .

Caseload Summary Fiscal Year 2004 - Total Caseload

	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	7,971	31,698	32,189	7,480	-491	-6.2%
Kent County	2,113	11,671	10,472	3,312	+1199	56.7%
Sussex County	2,917	12,590	12,395	3,112	+195	6.7%
State	**13,001**	**55,959**	**55,056**	**13,904**	**+903**	**6.9%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Filings

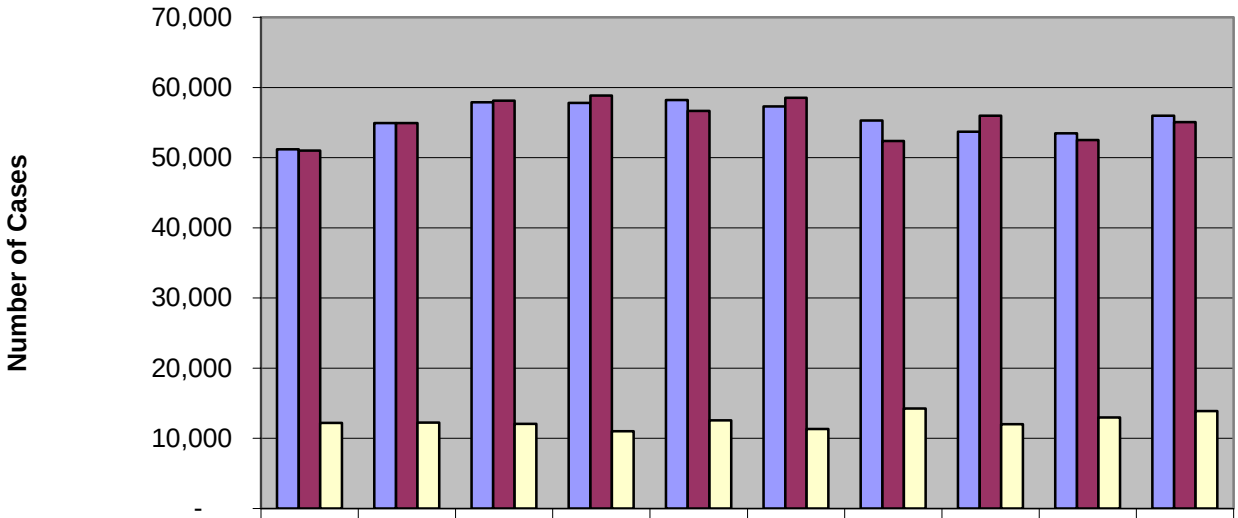
	2003	2004	Change	% Change
New Castle County	31,160	31,698	+538	1.7%
Kent County	10,105	11,671	+1566	+15.5%
Sussex County	12,225	12,590	+365	3.0%
State	**53,490**	**55,959**	**+2469**	**4.6%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Dispositions

	2003	2004	Change	% Change
New Castle County	30,313	32,189	+1876	+6.2%
Kent County	10,022	10,472	+450	+4.5%
Sussex County	12,182	12,395	+213	+1.7%
State	**52,517**	**55,056**	**+2539**	**+4.8%**

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Family Court - 10 Year Total Caseload Trend

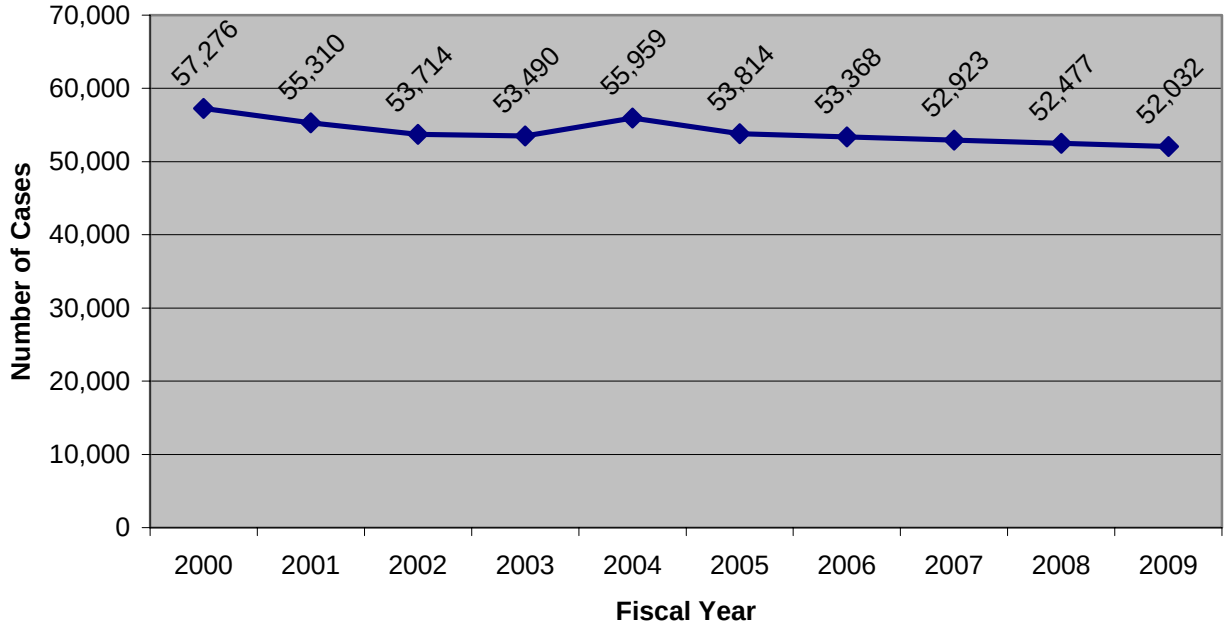


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	51,187	54,947	57,907	57,811	58,203	57,276	55,310	53,714	53,490	55,959
Disposed	51,031	54,906	58,108	58,850	56,638	58,515	52,367	55,957	52,517	55,056
Pending (yr end)	12,209	12,250	12,049	11,010	12,575	11,336	14,254	12,033	13,001	13,904

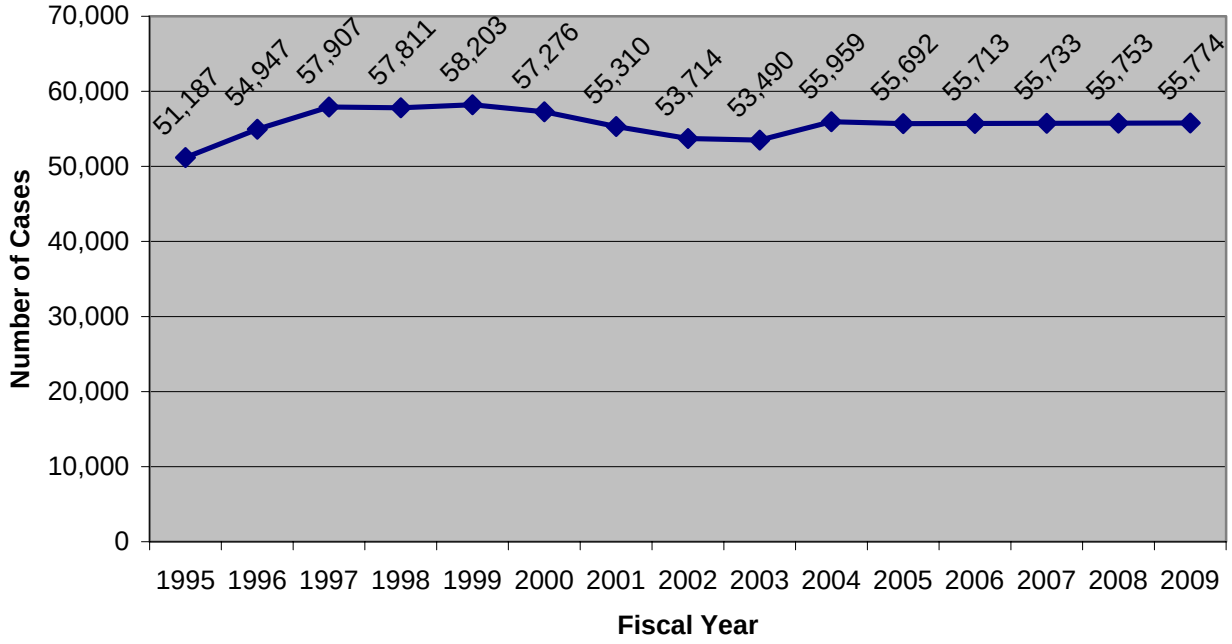
Fiscal Year

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Family Court - 5 Year Total Case Filing Projections With 5 Year Base



Family Court - 5 Year Total Case Filing Projections With 10 Year Base



Trend lines computed by linear regression.
Source: Court Administrator, Family Court; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Adult Criminal Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	855	3,265	3,940	180	-675	-78.9%
Kent County	87	895	867	115	+28	+32.2%
Sussex County	101	953	965	89	-12	-11.9%
State	**1,043**	**5,113**	**5,772**	**384**	**-659**	**-63.2%**

Caseload Comparison - Fiscal Years 2003-2004 - Adult Criminal Case Filings				
	2003	2004	Change	% Change
New Castle County	3,516	3,265	-251	-7.1%
Kent County	1,010	895	-115	-11.4%
Sussex County	1,068	953	-115	-10.8%
State	**5,594**	**5,113**	**-481**	**-8.6%**

Caseload Comparison - Fiscal Years 2003-2004 - Adult Criminal Case Dispositions				
	2003	2004	Change	% Change
New Castle County	3,519	3,940	+421	+12.0%
Kent County	1,023	867	-156	-15.2%
Sussex County	1,102	965	-137	-12.4%
State	**5,644**	**5,772**	**+128**	**+2.3%**

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Juvenile Delinquency Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	1,981	5,588	6,988	581	-1400	-70.7%
Kent County	417	1,784	1,798	403	-14	-3.4%
Sussex County	227	1,946	1,946	227	+0	+0.0%
State	**2,625**	**9,318**	**10,732**	**1,211**	**-1414**	**-53.9%**

Caseload Comparison - Fiscal Years 2003-2004 - Juvenile Delinquency Case Filings				
	2003	2004	Change	% Change
New Castle County	5,684	5,588	-96	-1.7%
Kent County	1,656	1,784	+128	+7.7%
Sussex County	1,940	1,946	+6	+0.3%
State	**9,280**	**9,318**	**+38**	**+0.4%**

Caseload Comparison - Fiscal Years 2003-2004 - Juvenile Delinquency Case Dispositions				
	2003	2004	Change	% Change
New Castle County	5,160	6,988	+1828	+35.4%
Kent County	1,416	1,798	+382	+27.0%
Sussex County	1,979	1,946	-33	-1.7%
State	**8,555**	**10,732**	**+2177**	**+25.4%**

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Juvenile Delinqueny Case Filings								
	Felony		Misdemeanor		Traffic		Total	
New Castle County	1,082	19.4%	4,067	72.8%	439	7.9%	5,588	100.0%
Kent County	323	18.1%	1,319	73.9%	142	8.0%	1,784	100.0%
Sussex County	306	15.7%	1,421	73.0%	219	11.3%	1,946	100.0%
State	**1,711**	**18.4%**	**6,807**	**73.1%**	**800**	**8.6%**	**9,318**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Juvenile Delinqueny Case Dispositions								
	Felony		Misdemeanor		Traffic		Total	
New Castle County	1,395	20.0%	5,001	71.6%	592	8.5%	6,988	100.0%
Kent County	304	16.9%	1,333	74.1%	161	9.0%	1,798	100.0%
Sussex County	291	15.0%	1,449	74.5%	206	10.6%	1,946	100.0%
State	**1,990**	**18.5%**	**7,783**	**72.5%**	**959**	**8.9%**	**10,732**	**100.0%**

Caseload Breakdown Fiscal Year 2004 - Juvenile Delinqueny Cases Pending at End of Year								
	Felony		Misdemeanor		Traffic		Total	
New Castle County	71	12.6%	445	79.0%	47	8.3%	563	100.0%
Kent County	141	33.5%	262	62.2%	18	4.3%	421	100.0%
Sussex County	55	24.2%	143	63.0%	29	12.8%	227	100.0%
State	**267**	**22.0%**	**850**	**70.2%**	**94**	**7.8%**	**1,211**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Juvenile Delinqueny Cases, Change in Pending				
	Felony	Misdemeanor	Traffic	Total
New Castle County	-313	-934	-153	-1400
Kent County	+19	-14	-19	-14
Sussex County	+15	-28	+13	0
State	**-279**	**-976**	**-159**	**-1414**

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Civil Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	5,135	22,845	21,261	6,719	+1584	+30.8%
Kent County	1,609	8,992	7,807	2,794	+1185	+73.6%
Sussex County	2,589	9,691	9,484	2,796	+207	+8.0%
State	**9,333**	**41,528**	**38,552**	**12,309**	**+2976**	**+31.9%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Case Filings				
	2003	2004	Change	% Change
New Castle County	21,960	22,845	+885	+4.0%
Kent County	7,439	8,992	+1553	+20.9%
Sussex County	9,217	9,691	+474	+5.1%
State	**38,616**	**41,528**	**+2912**	**+7.5%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Case Dispositions				
	2003	2004	Change	% Change
New Castle County	21,634	21,261	-373	-1.7%
Kent County	7,583	7,807	+224	+3.0%
Sussex County	9,101	9,484	+383	+4.2%
State	**38,318**	**38,552**	**+234**	**+0.6%**

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Caseload Breakdown Fiscal Year 2004 - Civil Case Filings												
	Divorces and Annulments		RTSC/Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle County	1,924	8.4%	772	3.4%	3,450	15.1%	4,523	19.8%	2,217	9.7%	2,472	10.8%
Kent County	807	9.0%	189	2.1%	1,339	14.9%	2,206	24.5%	774	8.6%	891	9.9%
Sussex County	781	8.1%	153	1.6%	1,534	15.8%	2,778	28.7%	916	9.5%	847	8.7%
State	**3,512**	**8.5%**	**1,114**	**2.7%**	**6,323**	**15.2%**	**9,507**	**22.9%**	**3,907**	**9.4%**	**4,210**	**10.1%**
	Visitation		Protection from Abuse		Adoptions		Termination of Parental Rights		Miscellaneous		Total	
New Castle County	662	2.9%	1,866	8.2%	168	0.7%	128	0.6%	4,663	20.4%	22,845	100.0%
Kent County	289	3.2%	767	8.5%	30	0.3%	28	0.3%	1,672	18.6%	8,992	100.0%
Sussex County	206	2.1%	816	8.4%	29	0.3%	32	0.3%	1,599	16.5%	9,691	100.0%
State	**1,157**	**2.8%**	**3,449**	**8.3%**	**227**	**0.5%**	**188**	**0.5%**	**7,934**	**19.1%**	**41,528**	**100.0%**

Caseload Breakdown Fiscal Year 2004 - Civil Case Dispositions												
	Divorces and Annulments		RTSC/Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle County	2,022	9.5%	651	3.1%	3,669	17.3%	3,203	15.1%	2,022	9.5%	2,323	10.9%
Kent County	851	10.9%	165	2.1%	1,098	14.1%	1,719	22.0%	657	8.4%	795	10.2%
Sussex County	868	9.2%	139	1.5%	1,469	15.5%	2,743	28.9%	890	9.4%	813	8.6%
State	**3,741**	**9.7%**	**955**	**2.5%**	**6,236**	**16.2%**	**7,665**	**19.9%**	**3,569**	**9.3%**	**3,931**	**10.2%**
	Visitation		Protection from Abuse		Adoptions		Termination of Parental Rights		Miscellaneous		Total	
New Castle County	580	2.7%	1,895	8.9%	184	0.9%	127	0.6%	4,585	21.6%	21,261	100.0%
Kent County	280	3.6%	778	10.0%	48	0.6%	28	0.4%	1,388	17.8%	7,807	100.0%
Sussex County	185	2.0%	811	8.6%	42	0.4%	22	0.2%	1,502	15.8%	9,484	100.0%
State	**1,045**	**2.7%**	**3,484**	**9.0%**	**274**	**0.7%**	**177**	**0.5%**	**7,475**	**19.4%**	**38,552**	**100.0%**

RTSC=Rules to Show Cause

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Caseload Breakdown Fiscal Year 2004 - Civil Cases Pending at End of Year

	Divorces and Annulments		RTSC/Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle County	598	8.9%	315	4.7%	906	13.5%	2,006	29.9%	684	10.2%	834	12.4%
Kent County	255	9.1%	95	3.4%	411	14.7%	697	24.9%	223	8.0%	351	12.6%
Sussex County	251	9.0%	91	3.3%	381	13.6%	983	35.2%	201	7.2%	304	10.9%
State	**1,104**	**9.0%**	**501**	**4.1%**	**1,698**	**13.8%**	**3,686**	**29.9%**	**1,108**	**9.0%**	**1,489**	**12.1%**

	Visitation		Protection from Abuse		Adoptions		Termination of Parental Rights		Miscellaneous		Total	
New Castle County	238	3.5%	82	1.2%	15	0.2%	79	1.2%	962	14.3%	6,719	100.0%
Kent County	186	6.7%	16	0.6%	11	0.4%	33	1.2%	516	18.5%	2,794	100.0%
Sussex County	105	3.8%	45	1.6%	1	0.0%	40	1.4%	394	14.1%	2,796	100.0%
State	**529**	**4.3%**	**143**	**1.2%**	**27**	**0.2%**	**152**	**1.2%**	**1,872**	**15.2%**	**12,309**	**100.0%**

Caseload Breakdown Fiscal Year 2004 - Civil Cases, Change in Pending

	Divorces and Annulments	RTSC/Other Civil Contempts	New Non-Support	Support Arrearages	Support Modifications	Custody
New Castle County	-98	+121	-219	+1320	+195	+149
Kent County	-44	+24	+241	+487	+117	+96
Sussex County	-87	+14	+65	+35	+26	+34
State	**-229**	**+159**	**+87**	**+1842**	**+338**	**+279**

	Visitation	Protection from Abuse	Adoptions	Termination of Parental Rights	Miscellaneous	Total
New Castle County	+82	-29	-16	+1	+78	+1584
Kent County	+9	-11	-18	+0	+284	+1185
Sussex County	+21	+5	-13	+10	+97	+207
State	**+112**	**-35**	**-47**	**+11**	**+459**	**+2976**

RTSC=Rules to Show Cause

Source : Court Administrator, Family Court; Administrative Office of the Courts.

Arbitration Explanatory Notes Fiscal Year 2004

1. Arbitration is an informal proceeding in which a specially trained arbitration officer attempts to resolve juvenile delinquency cases involving minor charges.
2. The Attorney General's Office decides according to established criteria if a case should be prosecuted at a formal hearing or if it should be referred to the Arbitration Unit.
3. An arbitration officer decides if the case should be dismissed, sent to a formal hearing, or kept open. A case is kept open if a defendant is required to fulfill conditions set by the officer and agreed to by the defendants.

Caseload Summary Fiscal Year 2004 - Arbitrations

	Pending 6/30/2003	Filed	Disposed	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	120	9,362	9,030	452	+332	+276.7%
Kent County	191	2,858	2,828	221	+30	+15.7%
Sussex County	215	3,774	3,809	180	-35	-16.3%
State	**526**	**15,994**	**15,667**	**853**	**+327**	**+62.2%**

Caseload Comparison - Fiscal Years 2003-2004 - Arbitrations Filed

	2003	2004	Change	% Change
New Castle County	9,639	9,362	-277	-2.9%
Kent County	2,526	2,858	+332	+13.1%
Sussex County	3,413	3,774	+361	+10.6%
State	**15,578**	**15,994**	**+416**	**+2.7%**

Caseload Comparison - Fiscal Years 2003-2004 - Arbitrations Disposed

	2003	2004	Change	% Change
New Castle County	9,639	9,030	-609	-6.3%
Kent County	2,622	2,828	+206	+7.9%
Sussex County	3,359	3,809	+450	+13.4%
State	**15,620**	**15,667**	**+47**	**+0.3%**

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Court of Common Pleas

Chief Judge Alex J. Smalls

The Court of Common Pleas had another busy and productive year in FY 2004. The Court's criminal misdemeanor caseload rose by more than 5,100 cases to 87,836 (an increase of 6.2%), and the preliminary hearing caseload rose by almost 4,000 cases to 25,596 (an 18.5% increase). The Court's civil caseload stayed at a record high level of 12,396, which is double the number of cases the Court handled in FY 2000. These high numbers strain an already overburdened court and challenge the Judges and staff to manage the caseload efficiently while maintaining a high quality of service and a commitment to providing a just resolution in every case.

The Court of Common Pleas continued to participate in the State's active courthouse improvement projects. The Court moved into its new quarters in Sussex County in May, ending years of temporary office space and enduring difficult working conditions. The new Clerk's Office is well appointed and comfortable and will allow the Court to provide service to the public in a much-improved environment.

In Kent County, planning began in earnest for the renovations to the Kent County Courthouse and the Court is still in the process of determining its long-term needs. Cramped conditions and inadequate office and courtroom space affect the Court daily.

In New Castle County, the Clerk's Office has effectively run out of space in the short time it has been in the New Castle County Courthouse. There is little or no room for additional staff and no remaining file space. The result is that file boxes are beginning to line the floors throughout the office, creating inefficient and unsafe conditions. The Court is currently looking for a remedy, perhaps through the use of some of the unfinished space in the building.

The Court of Common Pleas continued its successful drug court program, providing diversion programs in New Castle and Sussex Counties. In New Castle County, the Court has handled more than 2,000 participants since the program began in 1999. This program has been the subject of study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation. Sussex County's program handled 140 participants in its first year of operation. The Court has also sought and received funds to provide staff support for an expansion of the program to Kent County.

The Court continues to operate its successful mediation (alternate dispute resolution) program. This program provides an alternative to criminal prosecution and gives participants the opportunity to resolve conflicts more effectively and satisfactorily than going through the regular court process. Since its inception in 2001, the Court has referred more than 1,700 cases to mediation and has experienced an 88% success rate.

The Court of Common Pleas started the first Mental Health Court in the State of Delaware in October 2003. Modeled on the drug court concept, Mental Health Court is designed to provide a diversion program in the form of treatment and counseling to mentally ill persons in an effort to reduce their contact with the criminal justice system. The program provides regular contact with a judge and close contact with mental health professionals for a period of time to order and carry out appropriate treatment therapies. The judge serves as the center of the treatment and supervision process and provides the incentive for cooperation and completion of treatment.

For the Court of Common Pleas, managing a high volume of cases also requires managing a large number of traffic offenses. These offenses are largely minor in

nature but require a disproportionate amount of calendar time. The Court of Common Pleas established Traffic Court in New Castle County in November of 2003 to provide greater efficiency in the management of these cases and to reduce the burden on citizens who must appear in court. With the assistance of the Department of Justice and the Public Defender's Office, the Court holds several sessions one day each week devoted to handling traffic matters. Defendants are arraigned and tried on the same day, reducing the need to appear more then once. To date, this new program has reduced the amount of time it takes the Court to dispose of traffic matters by two weeks. The more serious traffic offenses of Driving under the Influence and Driving during Judgment Prohibited cases are not eligible for this program.

Two additional Court of Common Pleas audio monitors successfully completed the American Association of Electronic Reporters and Transcribers (AAERT) certification program this year. The Court is proud to have several of its reporters certified by AAERT and continues to take advantage of AAERT's educational and training programs throughout the year. All of the Court's existing courtrooms are now equipped with digital recording equipment. The Court expects to expand to additional courtrooms in Kent County as courthouse renovations take place.

The Court continued the process of converting court files to side tab folders in New Castle County and expanded the project to both Kent and Sussex Counties in FY 2004. This permits the Court to provide bar-coded labels for all court files for better file accessibility, control and tracking. In addition, the Court is pleased to report that, upon final completion of its FY 2004 PC and thin client allocation, court staff will have better and more efficient computing devices with which to do their jobs.

The Court continues its commitment of providing service to self-represented citizens. Public access computers are now actively in use in all three counties. In addition, the Court expanded its web site considerably this year. Many more forms and accompanying instructions are now included, providing improved accessibility to many Delaware citizens.

Front Row (from left to right)
Judge Merril C. Trader
Chief Judge Alex J. Smalls
Judge William C. Bradley, Jr.

Standing (left to right)
Judge Joseph F. Flickinger, III
Judge Charles W. Welch, III
Judge Jay Paul James
Judge Rosemary B. Beauregard
Judge John K. Welch
Judge Kenneth S. Clark, Jr.

Legal Authorization

The statewide Court of Common Pleas was created by Title 10, Chapter 13 of the Delaware Code, effective July 5, 1973.

Court History

Initially established under William Penn in the 17th Century, the Court of Common Pleas served as the supreme judicial authority in the State. During the latter part of the 18th Century and through most of the 19th Century; however, the Court was abolished during an era of Court reorganization.

The modern day Court of Common Pleas was established in 1917 when a Court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953.

In 1969, the three County Courts of Common Pleas became State Courts. In 1973, the three Courts merged into a single Statewide Court of Common Pleas.

In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995.

On May 1, 1998, the Municipal Court was merged into the State court system, and pending cases were transferred to the Court of Common Pleas.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed $50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except certain drug-related offenses. It is also responsible for all preliminary hearings. Jury trial is available to all defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles.

Judges

There are seven judges of the Court of Common Pleas, of which five are to be residents of New Castle County, two of Kent County, and two of Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one Judge may be from the same political party. The Chief Judge, also appointed by the Governor, serves as the administrative head of the Court during their term of appointment.

Support Personnel

Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, and presentence officers.

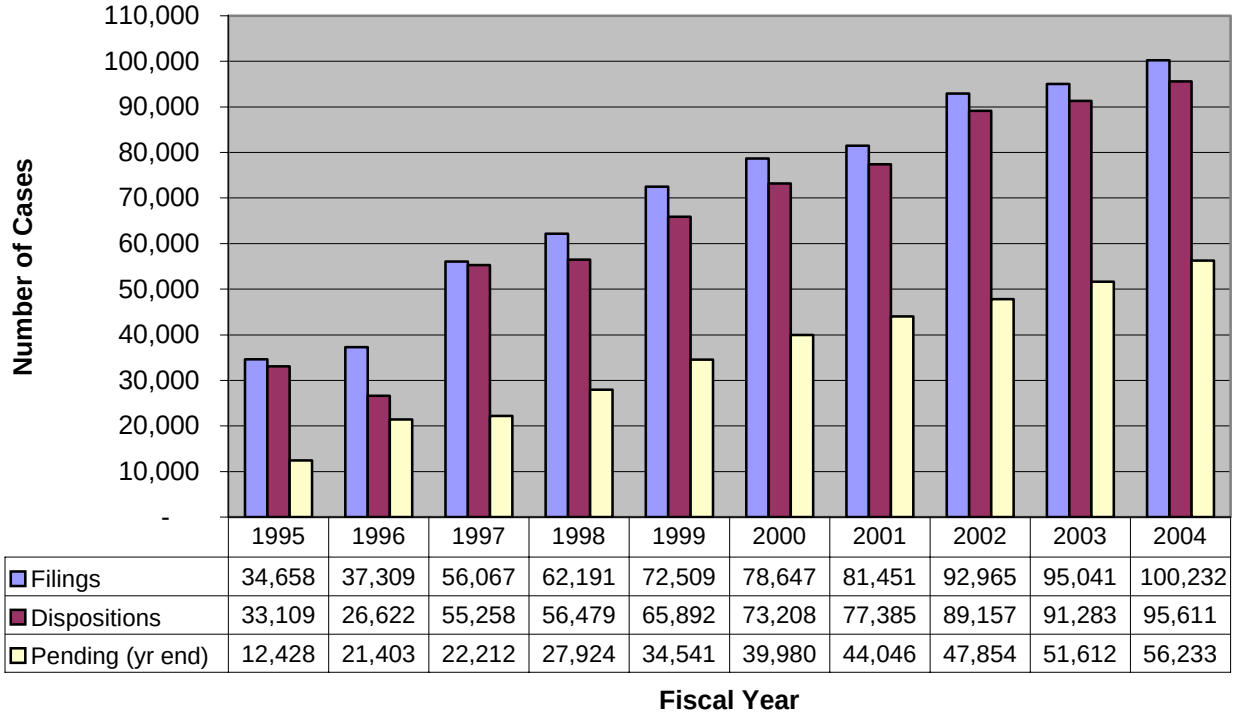
Caseload Summary Fiscal Year 2004 - Total Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	35,643	53,709	49,614	39,738	+4,095	+11.5%
Kent County	7,231	21,478	20,963	7,746	+515	+7.1%
Sussex County	8,738	25,045	25,034	8,749	+11	+0.1%
State	**51,612**	**100,232**	**95,611**	**56,233**	**+4,621**	**+9.0%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Filings				
	2003	2004	Change	% Change
New Castle County	48,388	53,709	+5321	+11.0%
Kent County	20,664	21,478	+814	+3.9%
Sussex County	25,989	25,045	-944	-3.6%
State	**95,041**	**100,232**	**+5191**	**+5.5%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Case Dispositions				
	2003	2004	Change	% Change
New Castle County	45,959	49,614	+3655	+8.0%
Kent County	20,271	20,963	+692	+3.4%
Sussex County	25,053	25,034	-19	-0.1%
State	**91,283**	**95,611**	**+4328**	**+4.7%**

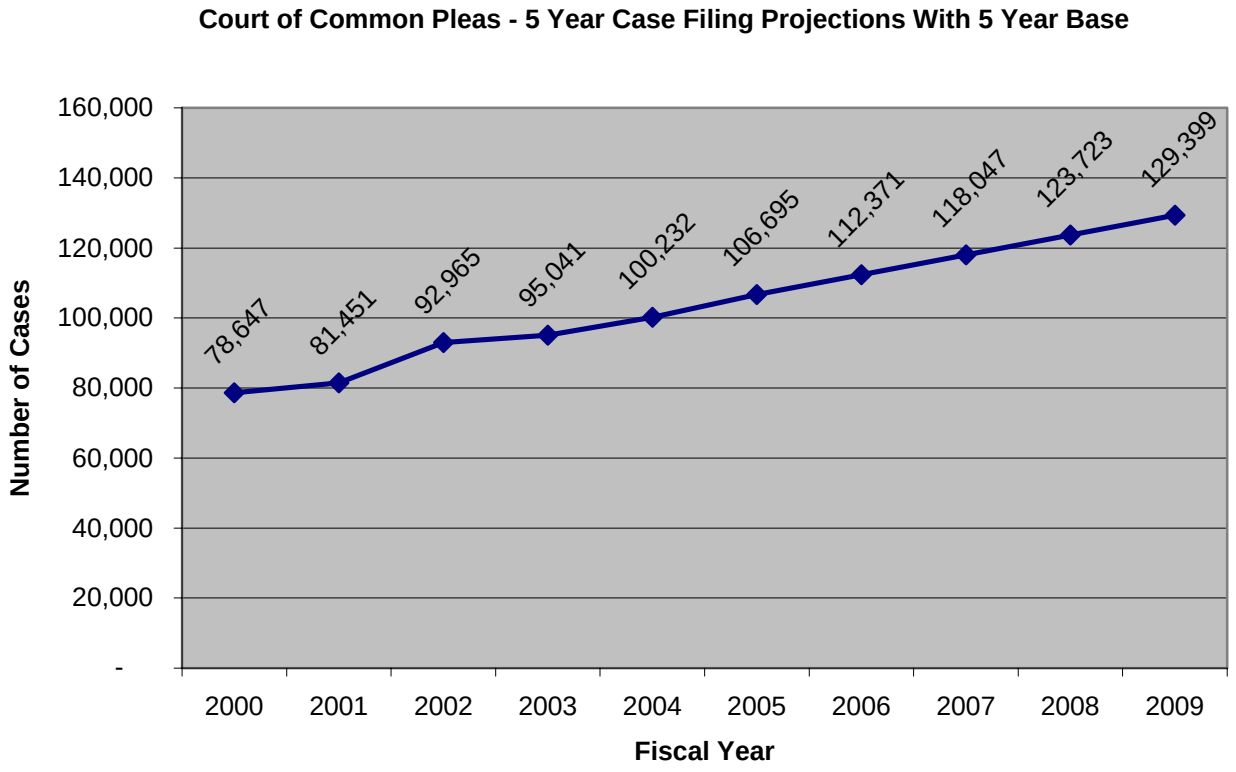
Note: FY 2003 pending and filing data amended.
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

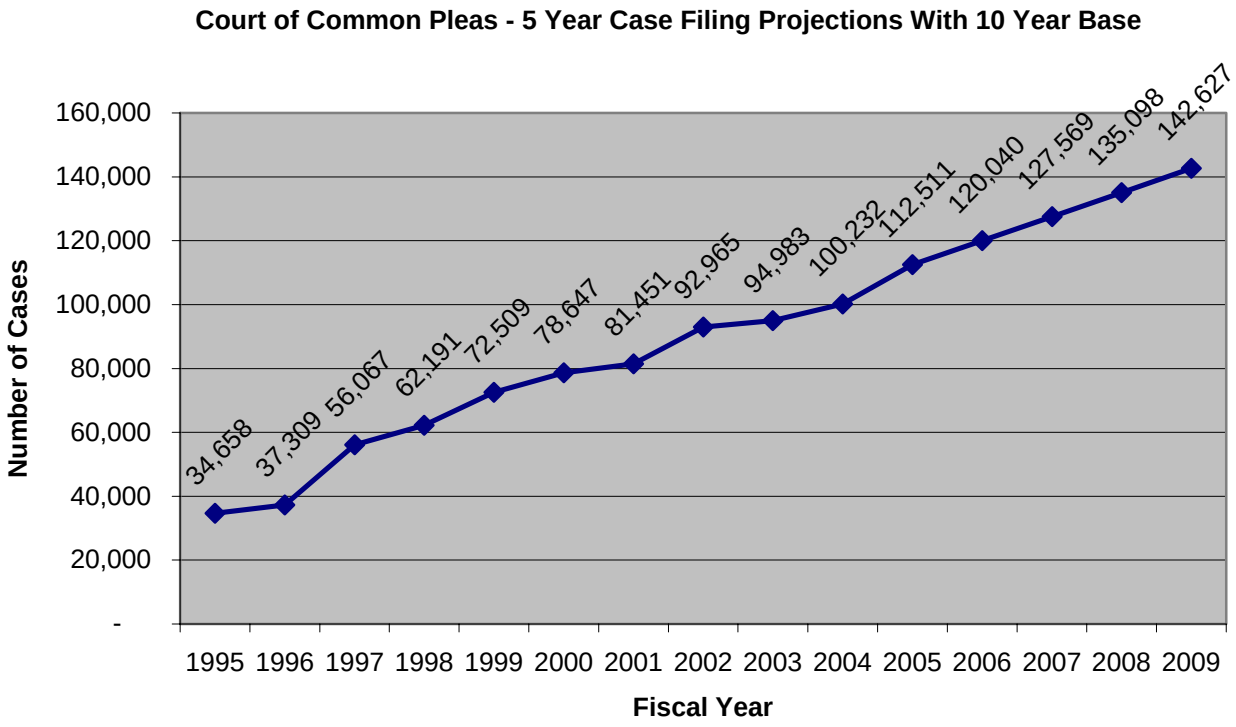
Court of Common Pleas - 10 Year Total Caseload Trend



	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	34,658	37,309	56,067	62,191	72,509	78,647	81,451	92,965	95,041	100,232
Dispositions	33,109	26,622	55,258	56,479	65,892	73,208	77,385	89,157	91,283	95,611
Pending (yr end)	12,428	21,403	22,212	27,924	34,541	39,980	44,046	47,854	51,612	56,233

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Criminal Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	25,171	45,279	43,639	26,811	+1640	+6.5%
Kent County	5,825	19,503	19,301	6,027	+202	+3.5%
Sussex County	6,941	23,054	22,953	7,042	+101	+1.5%
State	**37,937**	**87,836**	**85,893**	**39,880**	**+1,943**	**+5.1%**

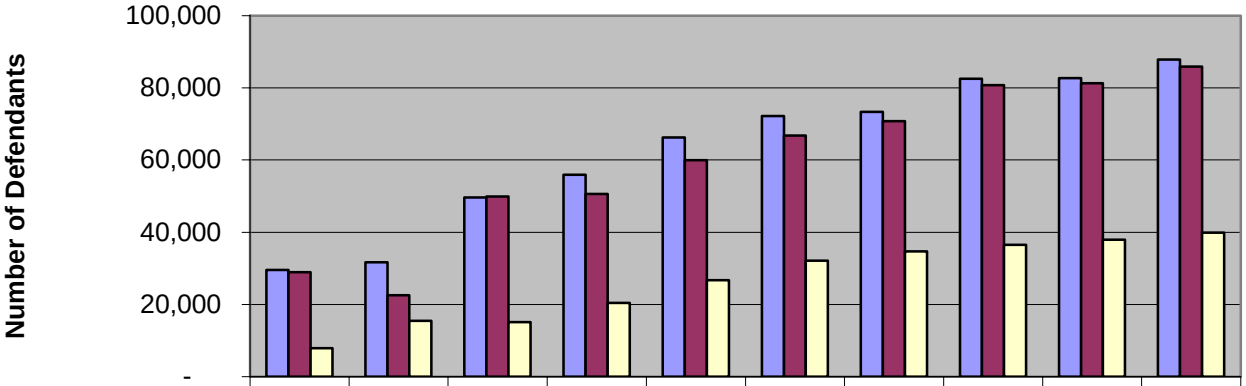
Caseload Comparison - Fiscal Years 2003-2004 - Criminal Case Filings				
	2003	2004	Change	% Change
New Castle County	40,089	45,279	+5190	+12.9%
Kent County	18,750	19,503	+753	+4.0%
Sussex County	23,880	23,054	-826	-3.5%
State	**82,719**	**87,836**	**+5117**	**+6.2%**

Caseload Comparison - Fiscal Years 2003-2004 - Criminal Case Dispositions				
	2003	2004	Change	% Change
New Castle County	39,513	43,639	+4126	+10.4%
Kent County	18,540	19,301	+761	+4.1%
Sussex County	23,204	22,953	-251	-1.1%
State	**81,257**	**85,893**	**+4636**	**+5.7%**

Caseload Comparison - Fiscal Years 2003-2004 - Preliminary Hearings Held				
	2003	2004	Change	% Change
New Castle County	4,838	5,336	+498	+10.3%
Kent County	1,889	2,110	+221	+11.7%
Sussex County	1,659	1,743	+84	+5.1%
State	**8,386**	**9,189**	**+803**	**+9.6%**

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

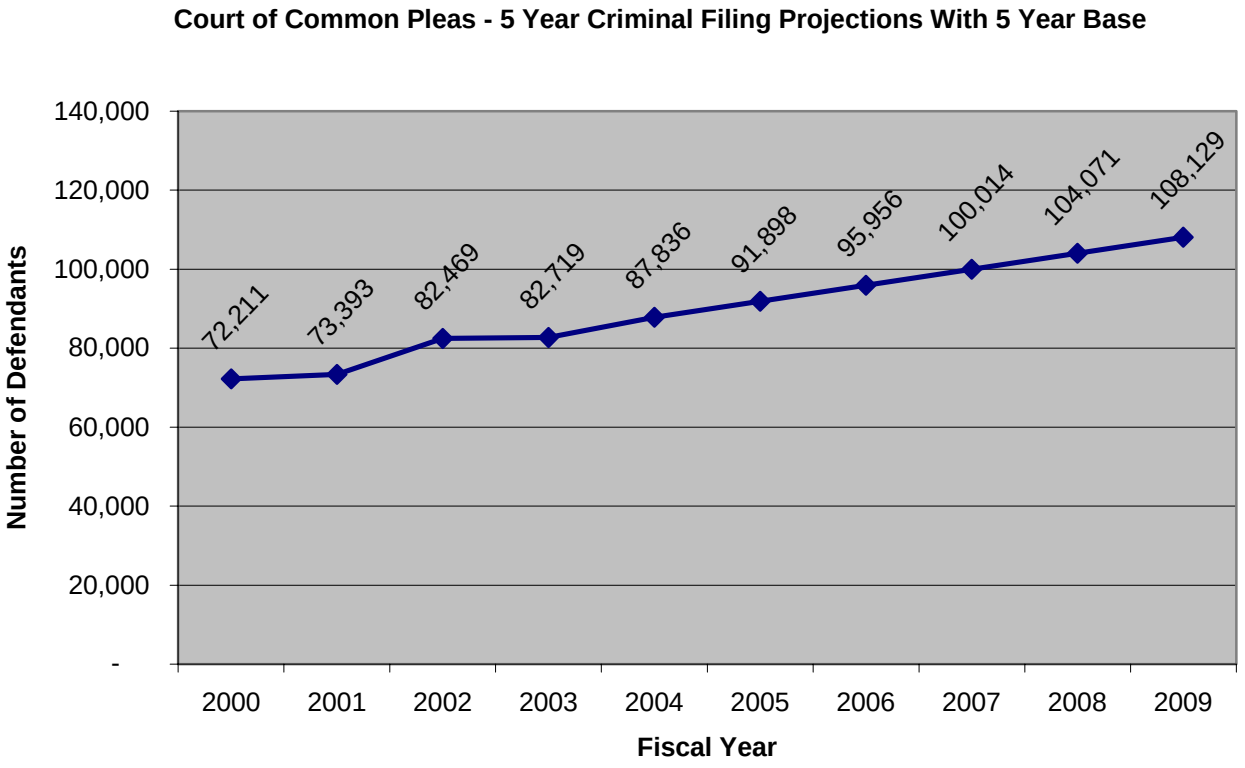
Court of Common Please - 10 Year Criminal Caseload Trend

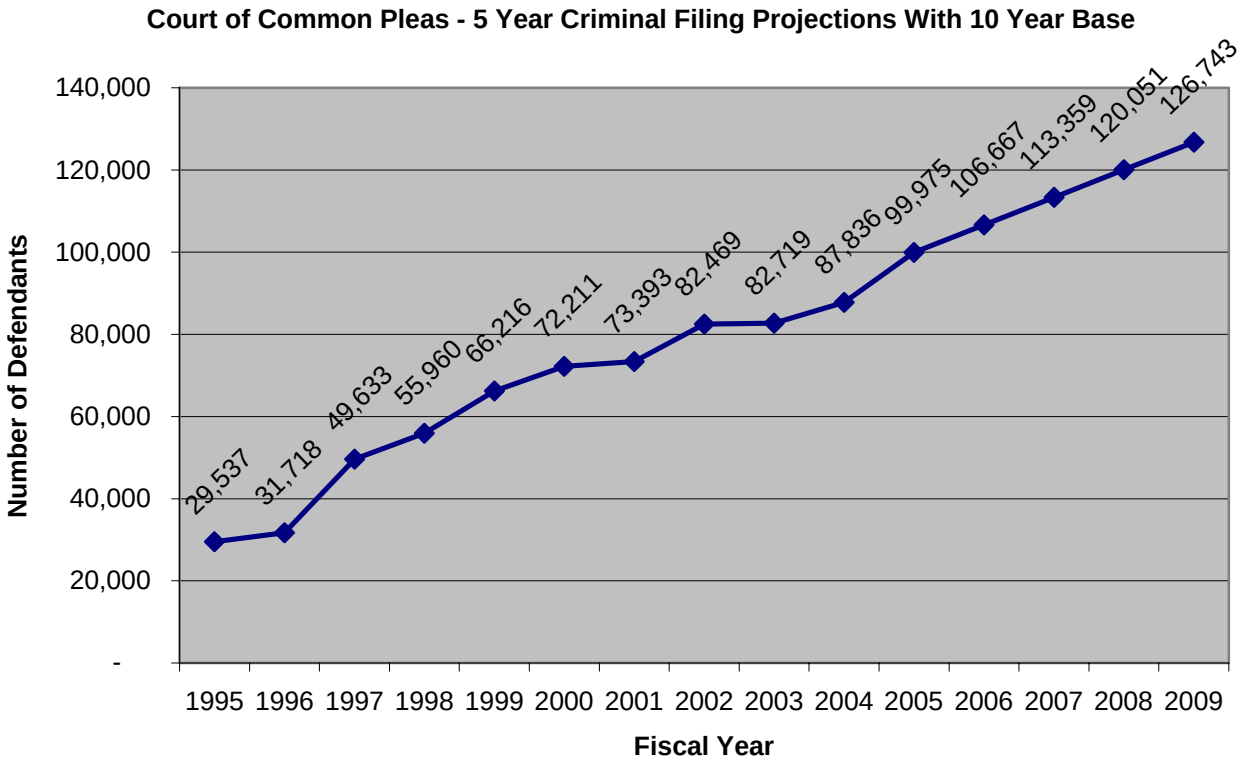


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	29,537	31,718	49,633	55,960	66,216	72,211	73,393	82,469	82,719	87,836
Dispositions	28,947	22,515	49,947	50,638	59,933	66,755	70,811	80,757	81,257	85,893
Pending (yr end)	7,943	15,434	15,120	20,442	26,725	32,181	34,763	36,475	37,937	39,880

Fiscal Year

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts





Trend lines computed by regression analysis.
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

Caseload Sumary Fiscal Year 2004 - Civil Cases						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County	10,472	8,430	5,975	12,927	+2455	+23.4%
Kent County	1,406	1,975	1,662	1,719	+313	+22.3%
Sussex County	1,797	1,991	2,081	1,707	-90	-5.0%
State	**13,675**	**12,396**	**9,718**	**16,353**	**+2,678**	**+19.6%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Case Filings				
	2003	2004	Change	% Change
New Castle County	8,299	8,430	+131	+1.6%
Kent County	1,914	1,975	+61	+3.2%
Sussex County	2,109	1,991	-118	-5.6%
State	**12,322**	**12,396**	**+74**	**+0.6%**

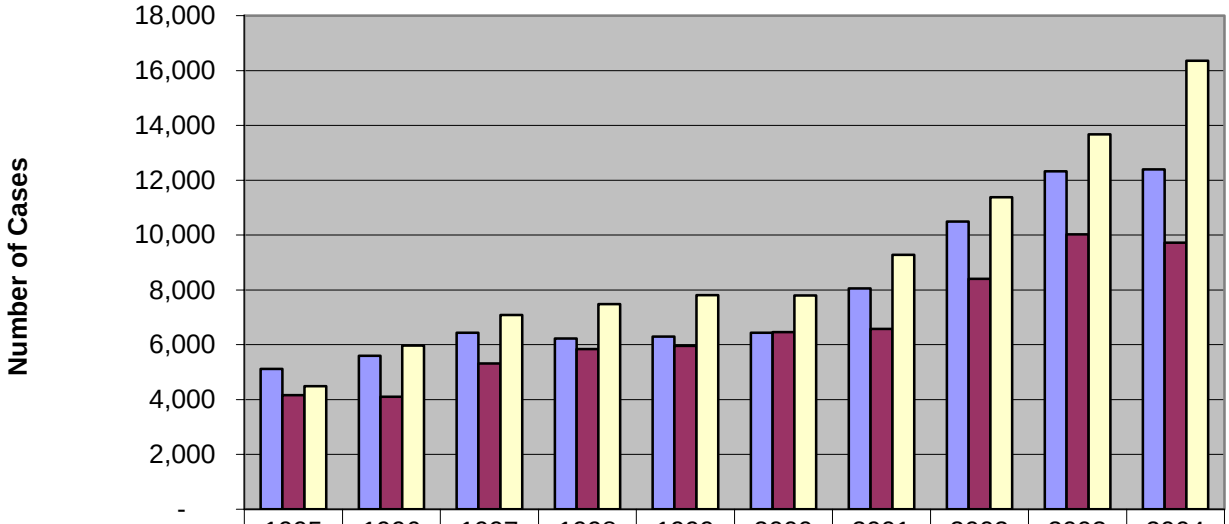
Caseload Comparison - Fiscal Years 2003-2004 - Civil Case Dispositions				
	2003	2004	Change	% Change
New Castle County	6,446	5,975	-471	-7.3%
Kent County	1,731	1,662	-69	-4.0%
Sussex County	1,849	2,081	+232	+12.5%
State	**10,026**	**9,718**	**-308**	**-3.1%**

Caseload Breakdowns Fiscal Year 2004 - Civil Case Filings						
	Complaints		Civil Judgments, Name Changes		Total	
New Castle County	7,987	94.7%	443	5.3%	8,430	100.0%
Kent County	1,855	93.9%	120	6.1%	1,975	100.0%
Sussex County	1,809	90.9%	182	9.1%	1,991	100.0%
State	**11,651**	**94.0%**	**745**	**6.0%**	**12,396**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Civil Case Dispositions						
	Court Action		Counsel Action		Total	
New Castle County	968	16.2%	5,007	83.8%	5,975	100.0%
Kent County	412	24.8%	1,250	75.2%	1,662	100.0%
Sussex County	688	33.1%	1,393	66.9%	2,081	100.0%
State	**2,068**	**21.3%**	**7,650**	**78.7%**	**9,718**	**100.0%**

Note: FY 2003 pending and filing data amended.
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

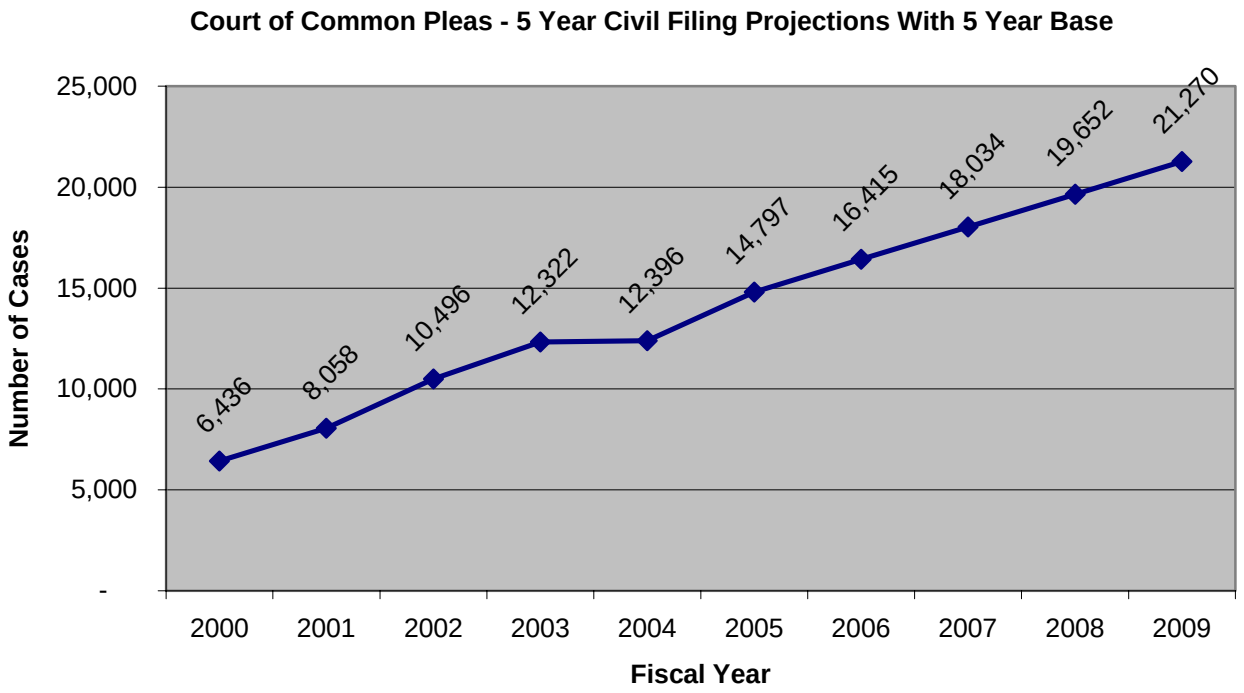
Court of Common Pleas - 10 Year Civil Caseload Trend

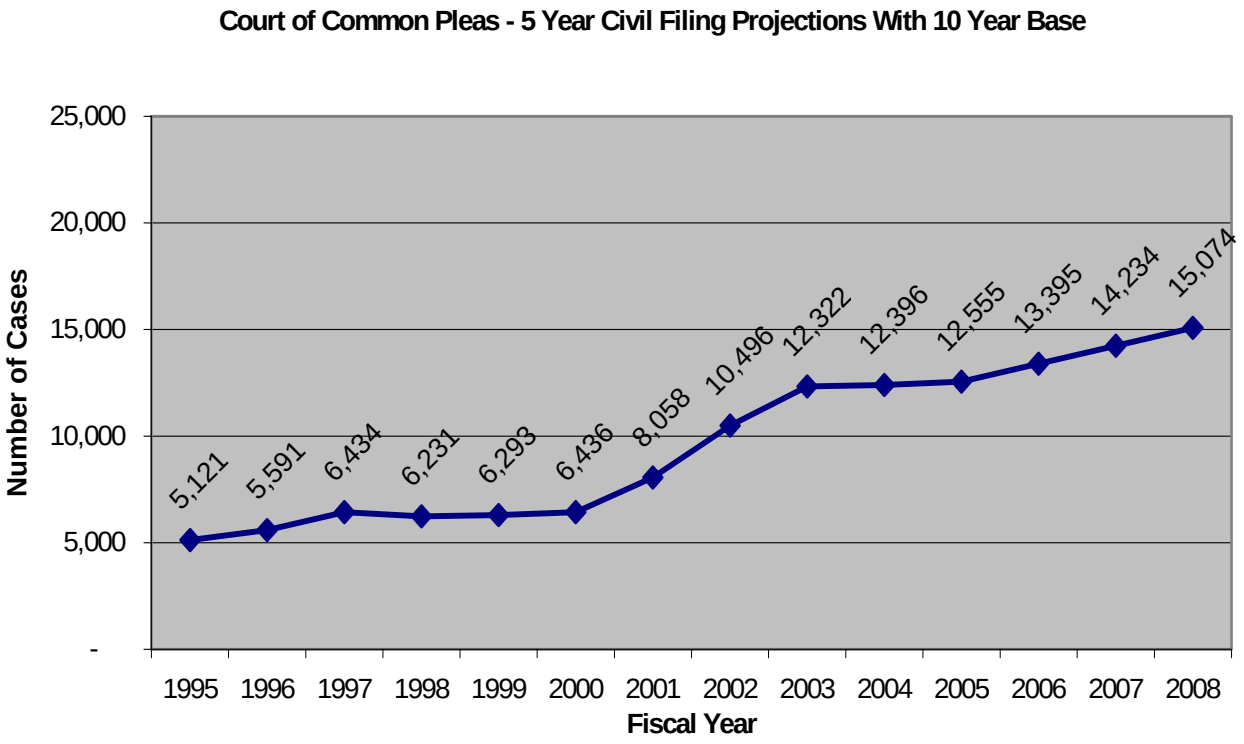


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	5,121	5,591	6,434	6,231	6,293	6,436	8,058	10,496	12,322	12,396
Dispositions	4,162	4,107	5,311	5,841	5,959	6,453	6,574	8,400	10,026	9,718
Pending (yr end)	4,485	5,969	7,092	7,482	7,816	7,799	9,283	11,379	13,675	16,353

Fiscal Year

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts





Trend lines computed by regression analysis.
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

Justice of the Peace Court

Chief Magistrate Patricia Walther Griffin

Justice of the Peace Court's Specialized Courts keep Delaware at the forefront: The statewide Truancy Court's comprehensive approach to reducing truancy (combining community health and social services with intensive court oversight to strengthen families, improve school attendance and prevent juvenile delinquency) continued with caseload growth, hard work, and achievement in 2003-2004. Its highlights included:

* Dramatic increase in filings and court events by 49% and 90%, respectively, since 2001-2002. 1095 new truancy cases were filed, and 6551 court events conducted, in 2003-2004.

* Early intervention is key
Compliance rate is 90-100% if students are 12 years or less. Unexcused absences at filing dropped by 12% since last year-- a 50% reduction since beginning of Truancy Court.

* Success with direct accountability of teenagers
Use of Failure to Attend School Charges for 12 – 16 year olds has dramatically increased caseload (from 90 to 276 charges) and compliance rates (from 53% to 86%).

* Improvements in compliance rates
Overall compliance (regular school attendance and academic progress) is close to 61%.
Compliance rate for cases actually prosecuted is 88% (developed with the assistance of the Statistical Analysis Center).

* Impact on long-term school attendance
92% of students who achieved full compliance, and 72% of students involved with Truancy Court in 2003-2004 completed the school year. 60% of all students involved with Truancy Court in 2002-2003 continue to attend school regularly.

* Named 2003 Program of the Year by the International Association for Truancy and Dropout Prevention.

In addition, the Truancy Court will be recognized when it receives the **Crystal Star Award** from the National Dropout Prevention Network in November 2004. It was nominated by the Delaware Department of Education for this national award.

Resource savings with the Statewide Videophone Court: The statewide Videophone Court at J.P. Court 2 in Rehoboth experienced substantial growth in FY 2004. The Videophone Court focuses on providing faster and consistent service to law enforcement agencies and corrections facilities seeking to conduct court proceedings with Justice of the Peace Court locations through the videophone, in an effort to reduce delays and eliminate travel time for officers and defendants. The resulting resource savings to the criminal justice community have, in turn, caused Court 2's dramatic caseload increase – a 63% increase in the past two years (from 18,943 in FY 2002, when the Videophone Court began operations, to 30,812 cases filed in FY 2004). Court 2's videophone proceedings continue to increase -- from an average 1,100 videophone proceedings per month last year to approximately 1,450 per month recently.

Pilot Project Providing Legal Representation at J.P. Court 20 continues to reduce transfers to the Court of Common Pleas: FY 2004 brought the completion of the Delaware Statistical Analysis Center's study on the operations of the pilot program providing legal representation at Court 20, which finished its third year of operation. SAC's report concluded:

> Analysis [of the program] shows a substantial increase in the number . . . and percentage (from about 54 to 70 percent) of cases retained in JP 20 for final disposition. There also appears to be a considerable decrease in case processing time associated with the program. Overall average processing times for cases within the pilot program's scope declined by more than 30 days. During the project period, JP 20 improved processing efficiency while taking on a substantial increase in caseload.
>
> [The program] appears to offer potential for statewide improvement if expanded to other JP courts. Extending results achieved in JP 20 to other JP courts indicates that the process could reduce CCP caseload by about 25 percent. . . .**expansion of the project may offer significant opportunities to improve criminal justice system efficiency** *[emphasis added]*.

Analysis of the Byrne Grant Pilot Program to Improve Disposition Times in a Justice of the Peace Court, Delaware Statistical Analysis Center, February 2004, pp. 1-2.

Clearly, the availability of prosecutors and public defenders at Court 20 through the pilot program has benefited the criminal justice system by resolving cases earlier without transfer to the Court of Common Pleas and providing victims' services earlier in the process. Expanding the pilot program to the other 24 hour courts (Courts 11, 7 and 3) will provide significant benefits to the criminal justice system overall and relieve caseload pressures on the Court of Common Pleas.

Status of Court Facilities' Improvements:

New Court 6 opened at its new location in Houston in January 2004 and combined the previous jurisdictions of Court 5 in Milford and former Court 6 in Harrington. New Court 6 operates for extended hours, providing enhanced services to law enforcement agencies and citizens in nearby communities. Court 1 will relocate to a new facility in early 2005, upon the completion of renovations converting a former bank building owned by the Town of Frankford to a court site. This new facility provides a larger and more suitable setting for a courthouse than Court 1's current rented facility, and is more centrally located in southwest Sussex County. A recent study of other Justice of the Peace Court locations found that many of the facilities are in need of repair and upgrades. It concluded that approximately $2.7 million would be needed to bring those sites up to acceptable standards.

Sussex County receives two additional judges: Two additional Justice of the Peace Court judicial positions were obtained beginning in FY 2005 – the first new judges in Sussex County since 1966. This brings the number of Sussex County judges to 19, and the number of Justices of the Peace to 60 statewide. The need for new judges was clear, with overall caseload increases in Sussex County from 31,000 cases in 1978 to more than 93,000 criminal and civil filings in FY 2004. The caseload increases reflect Sussex County's substantial population increases and the growth in law enforcement agency personnel, particularly since 1990. In addition, judicial resources have been stretched in Sussex County, in recent years, to handle the establishment of specialized courts targeting specific needs, such as the Truancy Court, the DUI Court, and the Statewide Videophone Court. The two new judges will provide welcome relief to an over-taxed system and will enhance the quality of service provided by the Court.

Justice of the Peace Court, New Castle County

Front Row (sitting from left to right)
Hon. Susan Cline, Hon. Kathleen Lucas, Hon. Cheryl Stallman, Hon. Deborah McNesby, Hon. Nancy Roberts, Hon. Roberto Lopez and Hon. Katharine Ross

Middle Row (standing from left to right)
Hon. Roger Barton, Hon. Sidney Clark, Hon. Laurence Fitchett, Hon. Thomas Brown, Hon. Robert Armstrong, Hon. Thomas Cole, and Hon. David Skelley

Back Row (standing from left to right)
Hon. James Tull, Hon. Rosalind Toulson, Hon. Marie Page, Hon. Marilyn Letts, Hon. Thomas Kenney, and Hon. Wayne Hanby

Not Pictured
Hon. Linda Gray, Hon. Sean McCormick, Hon. William Moser, Hon. Stanley Petraschuk, Hon. Rosalie Rutkowski, Hon. Paul Smith, Hon. Terry Smith, Hon. Vernon Taylor and Hon. Bonita Lee (Deputy Chief Magistrate)

Justice of the Peace Court, Kent County

Front Row (sitting left to right)
Hon. Pamela Darling, Hon. Ellis Parrott and Hon. Agnes Pennella

Back Row (standing left to right)
Hon. Harvey Leighty, Hon. Robert Wall, Hon. James Murray and Deputy Chief Magistrate Charles Stump

Not Pictured
Hon. Ernst Arndt, Hon. Margrett Barrett, Hon. Frederick Dewey, Hon. Debora Foor and Hon. Fred Lord

Justice of the Peace Court, Sussex

Front Row (from left to right)
Hon. Howard Mulvaney, Hon. Jeni Coffelt, Hon. Edward Davis, Hon. Sheila Blakely (Deputy Chief Magistrate), Hon. William Brittingham, Hon. Marcealeate Ruffin, Hon. James Horn, and Hon. Larry Sipple

Back Row (from left to right)
Hon. William Hopkins, Hon. John McKenzie, Hon. Richard Comly, Hon. John Hudson, Hon. John O'Bier, Hon.William Wood, and Hon. Joseph Melson

Not Pictured
Hon. William Boddy, Hon. Herman Hagan, Hon. John Martin, Hon. Jana Mollohan, and Hon. William Godwin (Senior Judge)

Legal Authorization

The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

Court History

As early as the 1600s, justices of the peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th Centuries on behalf of the English Crown was a primary duty of the justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the justices of the peace were compensated entirely by the costs and fees accessed and collected for the performance of their legal duties.

Legal Jurisdiction

The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than $15,000. This increased from $5,000 in January 1995. Justice of the Peace Court is authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals may be taken to the Court of Common Pleas effective January 1995. In the past, these appeals were taken to the Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Court of Common Pleas, except for summary possession actions.

The Court's jurisdiction was increased on May 1, 1998, to include filings in the City of Wilmington as a result of the Municipal Court merger.

Geographic Organization

The jurisdiction of the Court is statewide and sessions are held throughout the State. Of the 19 courts currently operating, eight are in New Castle County, four are in Kent County and six are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.

Justice of the Peace

The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. A justice of the peace must be at least 21 years of age and a resident of the state of Delaware and the county in which the justice of the peace serves. In addition to the 60 justices of the peace, the Governor nominates a chief magistrate, subject to Senate confirmation.

Support Personnel

An administrator, two operations managers, an administrative officer, and a fiscal administrative officer help the chief magistrate direct the Justice of the Peace Court on a daily basis. The State provides clerks of the court, constables, and other personnel for the Court.

Caseload Summary Fiscal Year 2004-Total Cases (charges)						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
Criminal	92,261	390,097	398,560	83,798	-8463	-9.2%
Civil	12,361	31,059	29,238	14,182	+1821	+14.7%
Total	**104,622**	**421,156**	**427,798**	**97,980**	**-6642**	**-6.3%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Cases Filed (charges)				
	2003	2004	Change	% Change
Criminal	350,651	390,097	+39446	+11.2%
Civil	30,329	31,059	+730	+2.4%
Total	**380,980**	**421,156**	**+40176**	**+10.5%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Cases Disposed (charges)				
	2003	2004	Change	% Change
Criminal*	337,007	398,560	+61553	+18.3%
Civil	27,501	29,238	+1737	+6.3%
Total	**364,508**	**427,798**	**+63290**	**+17.4%**

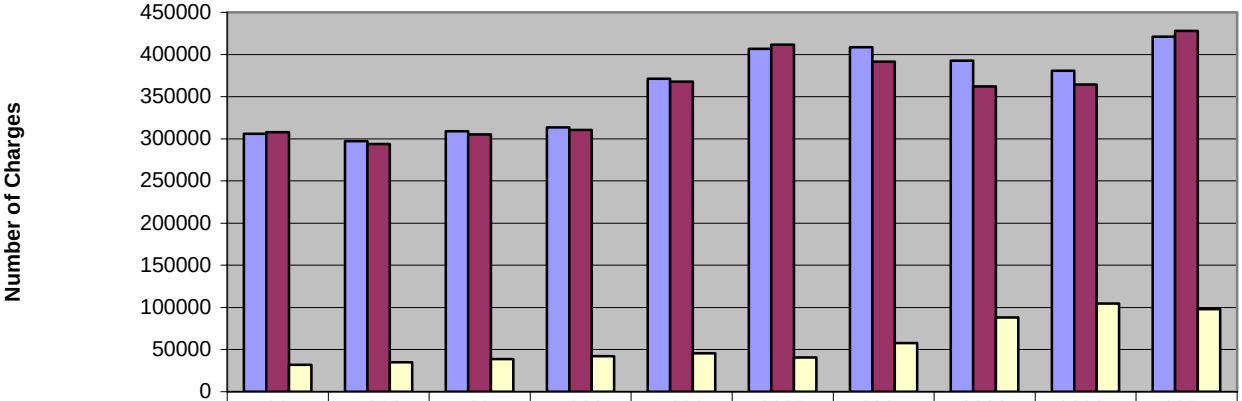
Caseload Summary Fiscal Year 2004 - Total Cases (defendants)						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
Criminal	40,197	234,397	237,652	36,942	-3255	-8.1%
Civil	12,361	31,059	29,238	14,182	+1821	+14.7%
Total	**52,558**	**265,456**	**266,890**	**51,124**	**-1434**	**-2.7%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Cases Filings (defendants)				
	2003	2004	Change	% Change
Criminal	215,115	234,397	+19282	+9.0%
Civil	30,329	31,059	+730	+2.4%
Total	**245,444**	**265,456**	**+20012**	**+8.2%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Cases Dispositions (defendants)				
	2003	2004	Change	% Change
Criminal	216,848	237,652	+20804	+9.6%
Civil	27,501	29,238	+1737	+6.3%
Total	**244,349**	**266,890**	**+22541**	**+9.2%**

*2003 criminal dispositions amended.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

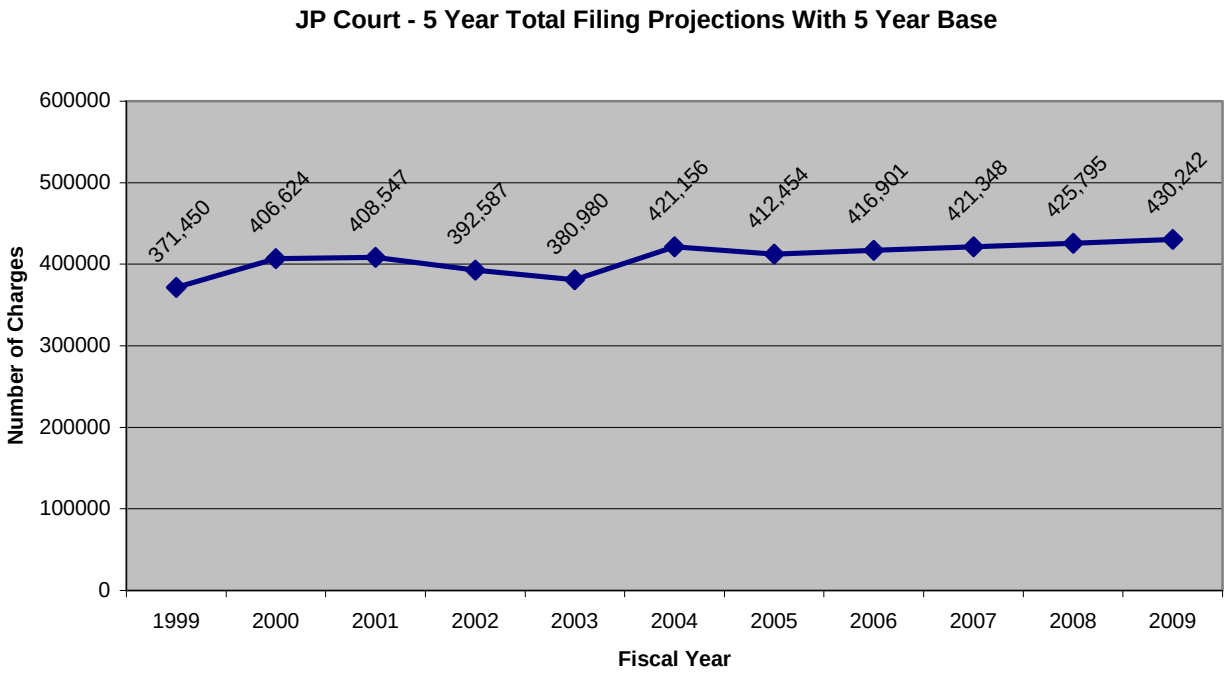
JP Court - 10 Year Total Caseload Trend

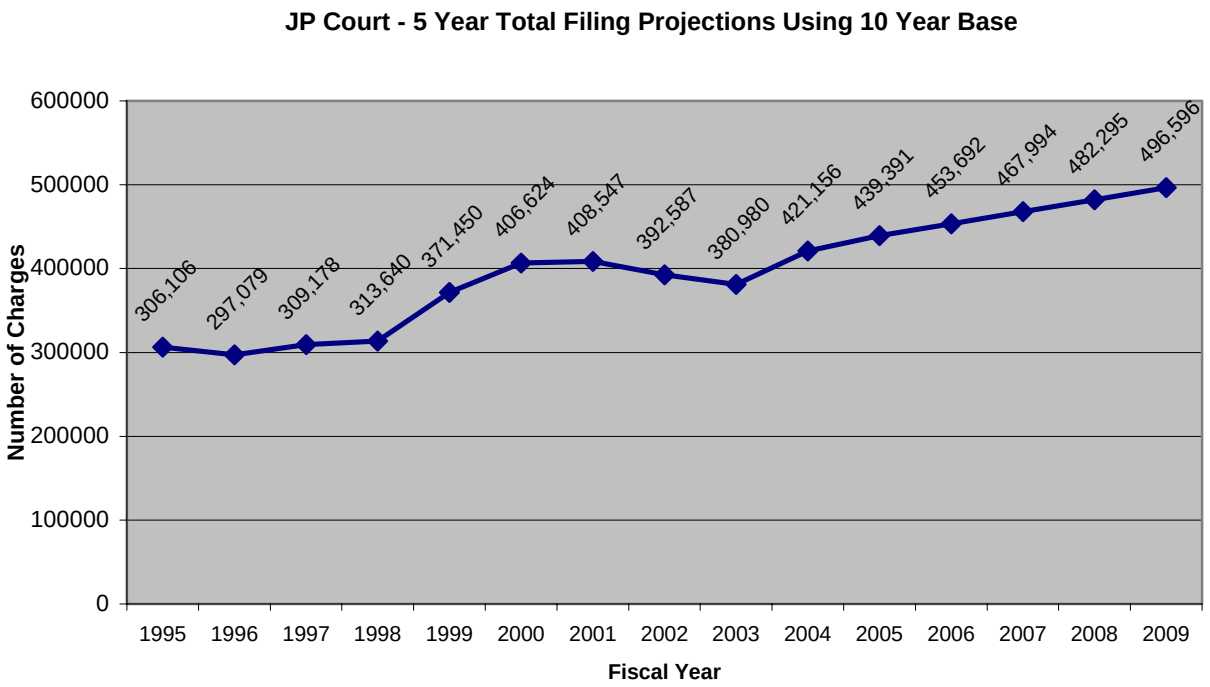


	1995	1996	1997	1998	1999	2000	2001	2002	2003*	2004
Filings	306,106	297,079	309,178	313,640	371,450	406,624	408,547	392,587	380,980	421,156
Dispositions	307,692	293,946	305,133	310,428	368,080	411,504	391,468	362,122	364,508	427,798
Pending (yr end)	31,834	34,863	38,908	42,120	45,486	40,606	57,685	88,150	104,622	97,980

Fiscal Year

*2003 criminal dispositions amended.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

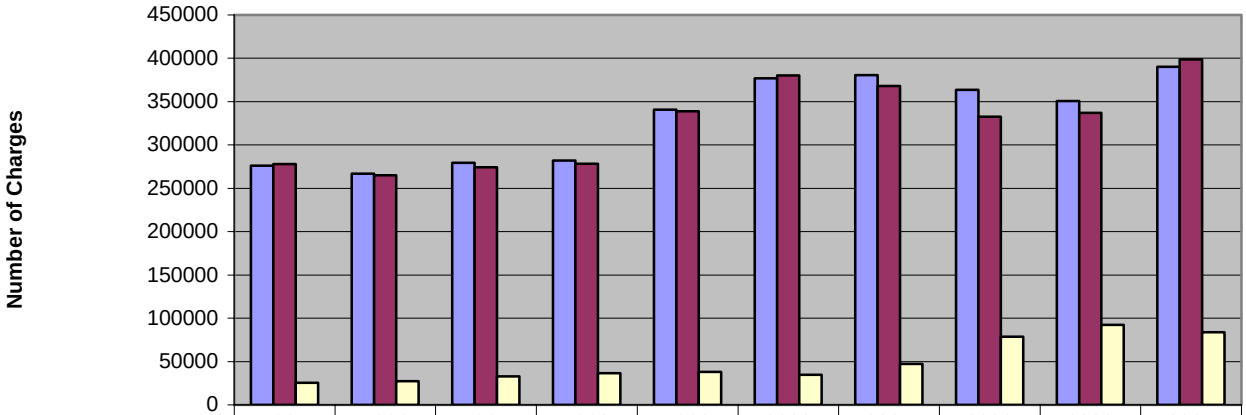
Caseload Summary Fiscal Year 2004 - Criminal and Traffic Cases (charges)						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County						
Court 9	1,086	5,328	5,418	996	-90	-8.3%
Court 10	7,397	18,919	19,591	6,725	-672	-9.1%
Court 11	15,498	42,389	43,401	14,486	-1012	-6.5%
Court 15	5,553	12,969	13,392	5,130	-423	-7.6%
Court 20	7,230	36,837	37,796	6,271	-959	-13.3%
Kent County						
Court 6	1,806	5,646	5,751	1,701	-105	-5.8%
Court 7	6,513	38,993	39,498	6,008	-505	-7.8%
Court 8	561	2,999	3,061	499	-62	-11.1%
Sussex County						
Court 1	1,410	4,444	4,572	1,282	-128	-9.1%
Court 2	3,278	30,812	31,000	3,090	-188	-5.7%
Court 3	4,803	32,123	32,557	4,369	-434	-9.0%
Court 4	2,994	15,002	15,287	2,709	-285	-9.5%
Court 5	1,103	2,390	2,495	998	-105	-9.5%
Court 14	1,125	3,864	3,993	996	-129	-----
State without VAC	60,357	252,715	257,812	55,260	-5097	-8.4%
VAC	31,904	137,382	140,748	28,538	-3366	-10.6%
State with VAC	**92,261**	**390,097**	**398,560**	**83,798**	**-8463**	**-9.2%**

Note: JP Court 5 and JP Court 6 merged in January 2004. It is now called JP Court 6.
VAC=Voluntary Assessment Center
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts

Caseload Summary Fiscal Year 2004 - Criminal and Traffic Cases (defendants)						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County						
Court 9	427	2,650	2,685	392	-35	-8.2%
Court 10	3,189	8,986	9,248	2,927	-262	-8.2%
Court 11	4,809	18,629	19,019	4,419	-390	-8.1%
Court 15	2,007	5,919	6,083	1,843	-164	-8.2%
Court 20	4,555	17,211	17,576	4,190	-365	-8.0%
Kent County						
Court 6	497	3,103	3,142	458	-39	-7.8%
Court 7	2,401	16,790	16,986	2,205	-196	-8.2%
Court 8	295	1,703	1,725	273	-22	-7.5%
Sussex County						
Court 1	609	2,418	2,468	559	-50	-8.2%
Court 2	894	11,884	11,957	821	-73	-8.2%
Court 3	2,064	10,774	10,946	1,892	-172	-8.3%
Court 4	1,355	7,187	7,291	1,251	-104	-7.7%
Court 5	498	2,201	2,242	457	-41	-8.2%
Court 14	610	1,594	1,644	560	-50	-8.2%
State without VAC	24,210	111,049	113,012	22,247	-1963	-8.1%
VAC	15,987	123,348	124,640	14,695	-1292	-8.1%
State with VAC	**40,197**	**234,397**	**237,652**	**36,942**	**-3255**	**-8.1%**

Note: JP Court 5 and JP Court 6 merged in January 2004. It is now called JP Court 6.
VAC=Voluntary Assessment Center
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts

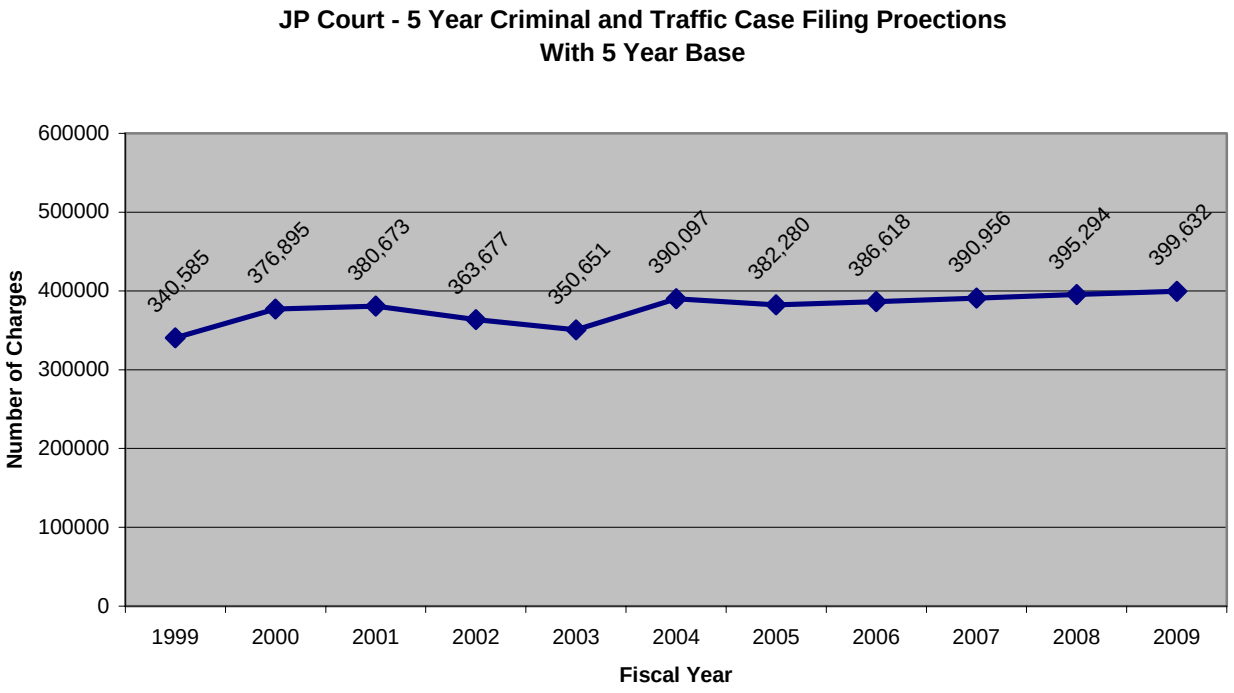
JP Court - 10 Year Criminal and Traffic Caseload Trend

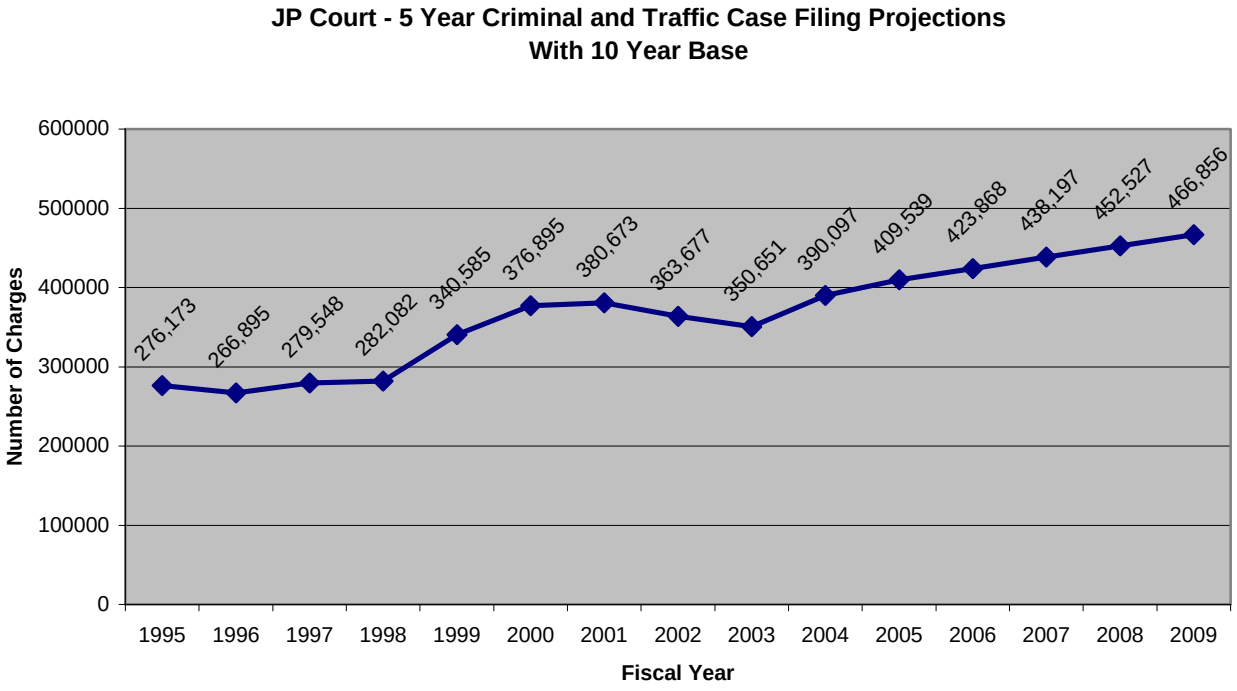


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	276173	266895	279548	282082	340585	376895	380673	363677	350651	390097
Dispositions	277961	264997	274209	278283	338968	380354	367941	332485	337007	398560
Pending (yr end)	25499	27397	32736	36535	38152	34693	47425	78617	92261	83798

Fiscal Year

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Criminal and Traffic Filings (defendants)										
	Title 7 - Fish/Game		Title 11 - Criminal		Title 21 - Traffic		Miscellaneous		Total	
New Castle County										
Court 9	200	7.5%	127	4.8%	2,219	83.7%	104	3.9%	2,650	100.0%
Court 10	152	1.7%	697	7.8%	6,975	77.6%	1,162	12.9%	8,986	100.0%
Court 11	296	1.6%	5,618	30.2%	10,960	58.8%	1,755	9.4%	18,629	100.0%
Court 15	60	1.0%	401	6.8%	5,181	87.5%	277	4.7%	5,919	100.0%
Court 20	55	0.3%	6,229	36.2%	7,375	42.9%	3,552	20.6%	17,211	100.0%
Kent County										
Court 6	81	2.6%	196	6.3%	2,760	88.9%	66	2.1%	3,103	100.0%
Court 7	394	2.3%	4,751	28.3%	9,986	59.5%	1,659	9.9%	16,790	100.0%
Court 8	2	0.1%	187	11.0%	1,440	84.6%	74	4.3%	1,703	100.0%
Sussex County										
Court 1	234	9.7%	112	4.6%	1,854	76.7%	218	9.0%	2,418	100.0%
Court 2	373	3.1%	7,136	60.0%	3,643	30.7%	732	6.2%	11,884	100.0%
Court 3	163	1.5%	3,945	36.6%	5,678	52.7%	988	9.2%	10,774	100.0%
Court 4	11	0.2%	1,031	14.3%	5,910	82.2%	235	3.3%	7,187	100.0%
Court 5	6	0.3%	250	11.4%	1,857	84.4%	88	4.0%	2,201	100.0%
Court 14	0	0.0%	42	2.6%	1,367	85.8%	185	11.6%	1,594	100.0%
State without VAC	2,027	1.8%	30,722	27.7%	67,205	60.5%	11,095	10.0%	111,049	100.0%
VAC	235	0.2%	3	0.0%	123,076	99.8%	34	0.0%	123,348	100.0%
State with VAC	**2,262**	**1.0%**	**30,725**	**13.1%**	**190,281**	**81.2%**	**11,129**	**4.7%**	**234,397**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Criminal and Traffic Dispositions (defendants)										
	Title 7 - Fish/Game		Title 11 - Criminal		Title 21 - Traffic		Miscellaneous		Total	
New Castle County										
Court 9	183	6.8%	116	4.3%	2,287	85.2%	99	3.7%	2,685	100.0%
Court 10	149	1.6%	709	7.7%	7,227	78.1%	1,163	12.6%	9,248	100.0%
Court 11	322	1.7%	6,039	31.8%	10,754	56.5%	1,904	10.0%	19,019	100.0%
Court 15	55	0.9%	397	6.5%	5,383	88.5%	248	4.1%	6,083	100.0%
Court 20	54	0.3%	6,278	35.7%	7,604	43.3%	3,640	20.7%	17,576	100.0%
Kent County										
Court 6	95	3.0%	194	6.2%	2,773	88.3%	80	2.5%	3,142	100.0%
Court 7	385	2.3%	4,811	28.3%	10,122	59.6%	1,668	9.8%	16,986	100.0%
Court 8	2	0.1%	189	11.0%	1,460	84.6%	74	4.3%	1,725	100.0%
Sussex County										
Court 1	226	9.2%	104	4.2%	1,924	78.0%	214	8.7%	2,468	100.0%
Court 2	355	3.0%	7,219	60.4%	3,658	30.6%	725	6.1%	11,957	100.0%
Court 3	158	1.4%	4,014	36.7%	5,771	52.7%	1,003	9.2%	10,946	100.0%
Court 4	11	0.2%	953	13.1%	6,090	83.5%	237	3.3%	7,291	100.0%
Court 5	7	0.3%	224	10.0%	1,942	86.6%	69	3.1%	2,242	100.0%
Court 14	0	0.0%	65	4.0%	1,378	83.8%	201	12.2%	1,644	100.0%
State without VAC	2,002	1.8%	31,312	27.7%	68,373	60.5%	11,325	10.0%	113,012	100.0%
VAC	204	0.2%	3	0.0%	124,407	99.8%	26	0.0%	124,640	100.0%
State with VAC	**2,206**	**0.9%**	**31,315**	**13.2%**	**192,780**	**81.1%**	**11,351**	**4.8%**	**237,652**	**100.0%**

Note: JP Court 5 and JP Court 6 merged in January 2004. It is now called JP Court 6.

VAC=Voluntary Assessment Center

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Criminal and Traffic Filings (charges)										
	Title 7 - Fish/Game		Title 11 - Criminal		Title 21 - Traffic		Miscellaneous		Total	
New Castle County										
Court 9	209	3.9%	255	4.8%	4,660	87.5%	204	3.8%	5,328	100.0%
Court 10	344	1.8%	1,106	5.8%	16,108	85.1%	1,361	7.2%	18,919	100.0%
Court 11	514	1.2%	12,213	28.8%	25,925	61.2%	3,737	8.8%	42,389	100.0%
Court 15	80	0.6%	825	6.4%	11,708	90.3%	356	2.7%	12,969	100.0%
Court 20	95	0.3%	12,228	33.2%	17,026	46.2%	7,488	20.3%	36,837	100.0%
Kent County										
Court 6	128	2.3%	739	13.1%	4,666	82.6%	113	2.0%	5,646	100.0%
Court 7	834	2.1%	11,638	29.8%	21,716	55.7%	4,805	12.3%	38,993	100.0%
Court 8	3	0.1%	342	11.4%	2,549	85.0%	105	3.5%	2,999	100.0%
Sussex County										
Court 1	412	9.3%	195	4.4%	3,588	80.7%	249	5.6%	4,444	100.0%
Court 2	460	1.5%	19,818	64.3%	8,116	26.3%	2,418	7.8%	30,812	100.0%
Court 3	458	1.4%	13,235	41.2%	15,270	47.5%	3,160	9.8%	32,123	100.0%
Court 4	15	0.1%	2,333	15.6%	12,152	81.0%	502	3.3%	15,002	100.0%
Court 5	3	0.1%	403	16.9%	1,878	78.6%	106	4.4%	2,390	100.0%
Court 14	3	0.1%	69	1.8%	3,574	92.5%	218	5.6%	3,864	100.0%
State without VAC	3,558	1.4%	75,399	29.8%	148,936	58.9%	24,822	9.8%	252,715	100.0%
VAC	254	0.2%	3	0.0%	137,074	99.8%	51	0.0%	137,382	100.0%
State with VAC	**3,812**	**1.0%**	**75,402**	**19.3%**	**286,010**	**73.3%**	**24,873**	**6.4%**	**390,097**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Criminal and Traffic Dispositions (charges)										
	Title 7 - Fish/Game		Title 11 - Criminal		Title 21 - Traffic		Miscellaneous		Total	
New Castle County										
Court 9	212	3.9%	254	4.7%	4,749	87.7%	203	3.7%	5,418	100.0%
Court 10	354	1.8%	1,086	5.5%	16,831	85.9%	1,320	6.7%	19,591	100.0%
Court 11	524	1.2%	12,627	29.1%	26,473	61.0%	3,777	8.7%	43,401	100.0%
Court 15	85	0.6%	807	6.0%	12,231	91.3%	269	2.0%	13,392	100.0%
Court 20	93	0.2%	12,790	33.8%	17,217	45.6%	7,696	20.4%	37,796	100.0%
Kent County										
Court 6	125	2.2%	747	13.0%	4,774	83.0%	105	1.8%	5,751	100.0%
Court 7	822	2.1%	11,815	29.9%	21,994	55.7%	4,867	12.3%	39,498	100.0%
Court 8	3	0.1%	349	11.4%	2,601	85.0%	108	3.5%	3,061	100.0%
Sussex County										
Court 1	410	9.0%	183	4.0%	3,724	81.5%	255	5.6%	4,572	100.0%
Court 2	436	1.4%	20,059	64.7%	8,066	26.0%	2,439	7.9%	31,000	100.0%
Court 3	464	1.4%	13,547	41.6%	15,318	47.0%	3,228	9.9%	32,557	100.0%
Court 4	15	0.1%	2,385	15.6%	12,376	81.0%	511	3.3%	15,287	100.0%
Court 5	2	0.1%	411	16.5%	1,969	78.9%	113	4.5%	2,495	100.0%
Court 14	3	0.1%	66	1.7%	3,712	93.0%	212	5.3%	3,993	100.0%
State without VAC	3,548	1.4%	77,126	29.9%	152,035	59.0%	25,103	9.7%	257,812	100.0%
VAC	264	0.2%	3	0.0%	140,433	99.8%	48	0.0%	140,748	100.0%
State with VAC	**3,812**	**1.0%**	**77,129**	**19.4%**	**292,468**	**73.4%**	**25,151**	**6.3%**	**398,560**	**100.0%**

Note: JP Court 5 and JP Court 6 merged in January 2004. It is now called JP Court 6.

VAC=Voluntary Assessment Center

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Caseload Comparison - Fiscal Years 2003-2004 - Criminal and Traffic Filings (defendants)				
	2003	2004	Change	% Change
New Castle County				
Court 9	1,934	2,650	+716	+37.0%
Court 10	7,378	8,986	+1608	+21.8%
Court 11	17,031	18,629	+1598	+9.4%
Court 15	6,108	5,919	-189	-3.1%
Court 20	16,241	17,211	+970	+6.0%
Kent County				
Court 6	2,909	3,103	+194	+6.7%
Court 7	15,891	16,790	+899	+5.7%
Court 8	2,114	1,703	-411	-19.4%
Sussex County				
Court 1	2,613	2,418	-195	-7.5%
Court 2	11,361	11,884	+523	+4.6%
Court 3	10,893	10,774	-119	-1.1%
Court 4	6,840	7,187	+347	+5.1%
Court 5	2,209	2,201	-8	-0.4%
Court 14	1,677	1,594	-83	-4.9%
State without VAC	105,199	111,049	+5850	+5.6%
VAC	109,916	123,348	+13432	+12.2%
State with VAC	**215,115**	**234,397**	**+19282**	**+9.0%**

Caseload Comparison - Fiscal Years 2003-2004 - Criminal and Traffic Dispositions (defendants)				
	2003	2004	Change	% Change
New Castle County				
Court 9	2,114	2,685	+571	+27.0%
Court 10	6,506	9,248	+2742	+42.1%
Court 11	17,676	19,019	+1343	+7.6%
Court 15	6,710	6,083	-627	-9.3%
Court 20	15,125	17,576	+2451	+16.2%
Kent County				
Court 6	3,455	3,142	-313	-9.1%
Court 7	16,775	16,986	+211	+1.3%
Court 8	2,057	1,725	-332	-16.1%
Sussex County				
Court 1	2,575	2,468	-107	-4.2%
Court 2	11,498	11,957	+459	+4.0%
Court 3	10,706	10,946	+240	+2.2%
Court 4	6,845	7,291	+446	+6.5%
Court 5	2,141	2,242	+101	+4.7%
Court 14	1,391	1,644	+253	+18.2%
State without VAC	105,574	113,012	+7438	+7.0%
VAC*	111,274	124,640	+13366	+12.0%
State with VAC	**216,848**	**237,652**	**+20804**	**+9.6%**

Note: JP Court 5 and JP Court 6 merged in January 2004. It is now called JP Court 6.
VAC=Voluntary Assessment Center
*2003 VAC figure amended.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Caseload Comparison - Fiscal Years 2003-2004 - Criminal and Traffic Filings (charges)				
	2003	2004	Change	% Change
New Castle County				
Court 9	3,792	5,328	+1536	+40.5%
Court 10	14,406	18,919	+4513	+31.3%
Court 11	37,702	42,389	+4687	+12.4%
Court 15	12,041	12,969	+928	+7.7%
Court 20	35,805	36,837	+1032	+2.9%
Kent County				
Court 6	4,958	5,646	+688	+13.9%
Court 7	36,949	38,993	+2044	+5.5%
Court 8	3,652	2,999	-653	-17.9%
Sussex County				
Court 1	4,451	4,444	-7	-0.2%
Court 2	27,059	30,812	+3753	+13.9%
Court 3	31,698	32,123	+425	+1.3%
Court 4	14,924	15,002	+78	+0.5%
Court 5	4,365	2,390	-1975	-45.2%
Court 14	4,590	3,864	-726	-15.8%
State without VAC	236,392	252,715	+16323	+6.9%
VAC	114,259	137,382	+23123	+20.2%
State with VAC	**350,651**	**390,097**	**+39446**	**+11.2%**

Caseload Comparison - Fiscal Years 2003-2004 - Criminal and Traffic Dispositions (charges)				
	2003	2004	Change	% Change
New Castle County				
Court 9	4,133	5,418	+1285	+31.1%
Court 10	11,550	19,591	+8041	+69.6%
Court 11	34,800	43,401	+8601	+24.7%
Court 15	11,675	13,392	+1717	+14.7%
Court 20	34,567	37,796	+3229	+9.3%
Kent County				
Court 6	5,030	5,751	+721	+14.3%
Court 7	36,650	39,498	+2848	+7.8%
Court 8	3,502	3,061	-441	-12.6%
Sussex County				
Court 1	4,100	4,572	+472	+11.5%
Court 2	25,590	31,000	+5410	+21.1%
Court 3	31,200	32,557	+1357	+4.3%
Court 4	14,590	15,287	+697	+4.8%
Court 5	4,090	2,495	-1595	-39.0%
Court 14	4,256	3,993	-263	-6.2%
State without VAC	225,733	257,812	+32079	+14.2%
VAC*	111,274	140,748	+29474	+26.5%
State with VAC	**337,007**	**398,560**	**+61553**	**+18.3%**

Note: JP Court 5 and JP Court 6 merged in January 2004. It is now called JP Court 6.

VAC=Voluntary Assessment Center

*2003 VAC figure amended from 2003

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Caseload Summary Fiscal Year 2004 - Capiases Handled*								
	Superior Court		Family Court		Court of Common Pleas		Total	
New Castle County								
Court 9	17	30.4%	5	8.9%	34	60.7%	56	100.0%
Court 10	48	12.8%	56	15.0%	270	72.2%	374	100.0%
Court 11	503	16.1%	438	14.1%	2,174	69.8%	3,115	100.0%
Court 15	7	18.9%	3	8.1%	27	73.0%	37	100.0%
Court 20	818	18.5%	662	15.0%	2,942	66.5%	4,422	100.0%
Kent County								
Court 6	28	17.3%	11	6.8%	123	75.9%	162	100.0%
Court 7	678	17.8%	517	13.6%	2,606	68.6%	3,801	100.0%
Court 8	0	---	0	---	0	---	0	---
Sussex County								
Court 1	2	8.3%	1	4.2%	21	87.5%	24	100.0%
Court 2	456	19.2%	365	15.4%	1,556	65.5%	2,377	100.0%
Court 3	407	15.7%	434	16.7%	1,752	67.6%	2,593	100.0%
Court 4	101	14.9%	111	16.4%	466	68.7%	678	100.0%
Court 5	0	---	0	---	0	---	0	---
Court 14	1	14.3%	0	0.0%	6	85.7%	7	100.0%
Total	**3,066**	**17.4%**	**2,603**	**14.8%**	**11,977**	**67.9%**	**17,646**	**100.0%**

Note: JP Court 5 and JP Court 6 merged January 2004, it is now called JP 6.
*Capiases issued by other courts which are processed by a Justice of the Peace Court.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

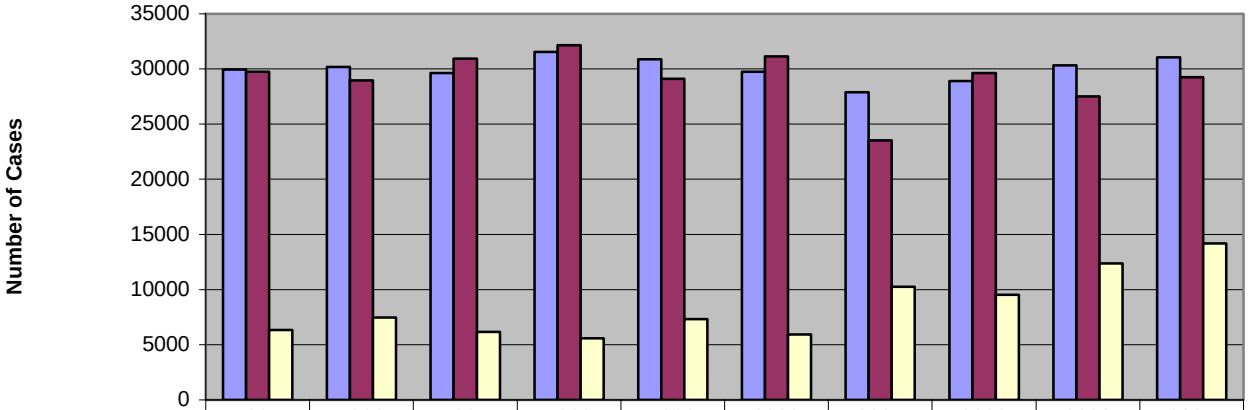
Caseload Summary Fiscal Year 2004 - Civil Cases							
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending	Executions Filed*
New Castle County							
Court 9	391	872	744	519	+128	+32.7%	NA
Court 12	3,163	9,839	9,922	3,080	-83	-2.6%	NA
Court 13	4,647	9,135	7,226	6,556	+1909	+41.1%	NA
Kent County							
Court 8	10	0	9	1	-9	-90.0%	NA
Court 16	2,092	6,556	6,610	2,038	-54	-2.6%	NA
Sussex County							
Court 17	1,154	2,754	2,703	1,205	+51	+4.4%	NA
Court 19	904	1,903	2,024	783	-121	-13.4%	NA
State	**12,361**	**31,059**	**29,238**	**14,182**	**+1821**	**+14.7%**	**-----**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Cases Filings				
	2003	2004	Change	% Change
New Castle County				
Court 9	625	872	+247	+39.5%
Court 12	9,432	9,839	+407	+4.3%
Court 13	9,420	9,135	-285	-3.0%
Kent County				
Court 8	8	0	-8	-100.0%
Court 16	6,027	6,556	+529	+8.8%
Sussex County				
Court 17	2,634	2,754	+120	+4.6%
Court 19	2,183	1,903	-280	-12.8%
State	**30,329**	**31,059**	**+730**	**+2.4%**

Caseload Comparison - Fiscal Years 2003-2004 - Civil Cases Dispositions				
	2003	2004	Change	% Change
New Castle County				
Court 9	520	744	+224	+43.1%
Court 12	8,869	9,922	+1053	+11.9%
Court 13	7,889	7,226	-663	-8.4%
Kent County				
Court 8	2	9	+7	+350.0%
Court 16	5,676	6,610	+934	+16.5%
Sussex County				
Court 17	2,404	2,703	+299	+12.4%
Court 19	2,141	2,024	-117	-5.5%
State	**27,501**	**29,238**	**+1737**	**+6.3%**

Note: *Information on executions filed in fiscal year 2004 was not available at the time of publication.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

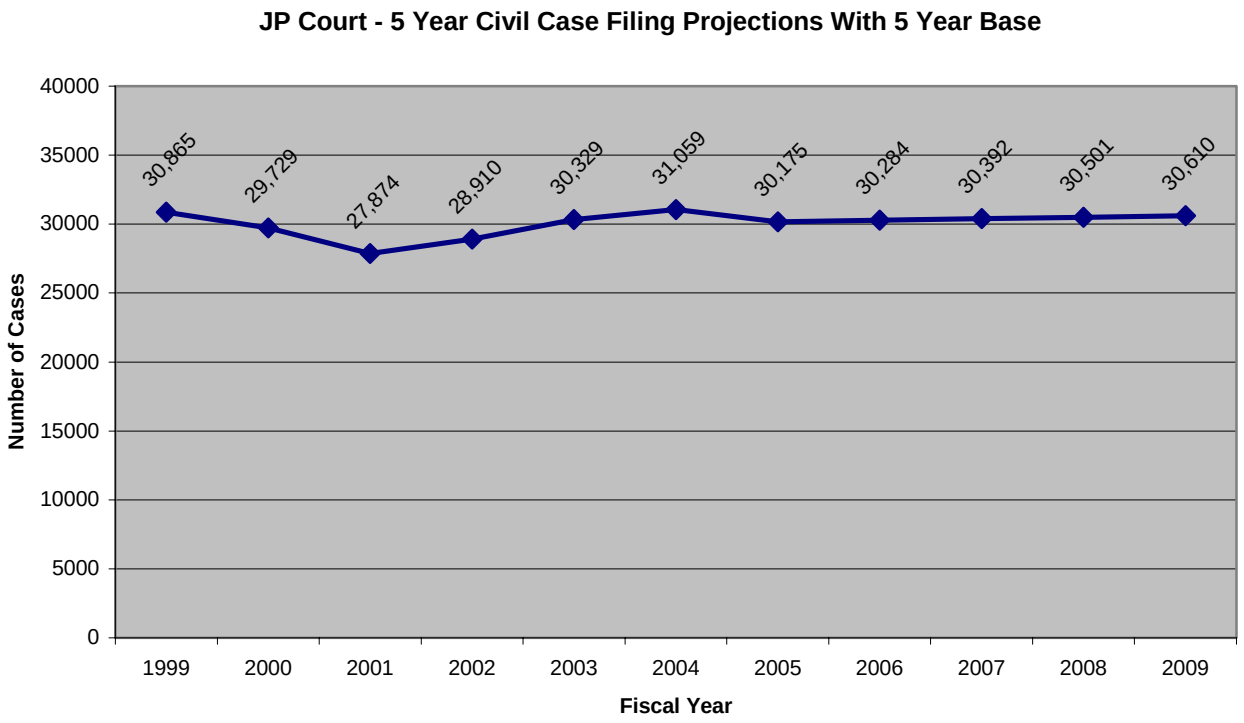
JP Court - 10 Year Civil Caseload Trend

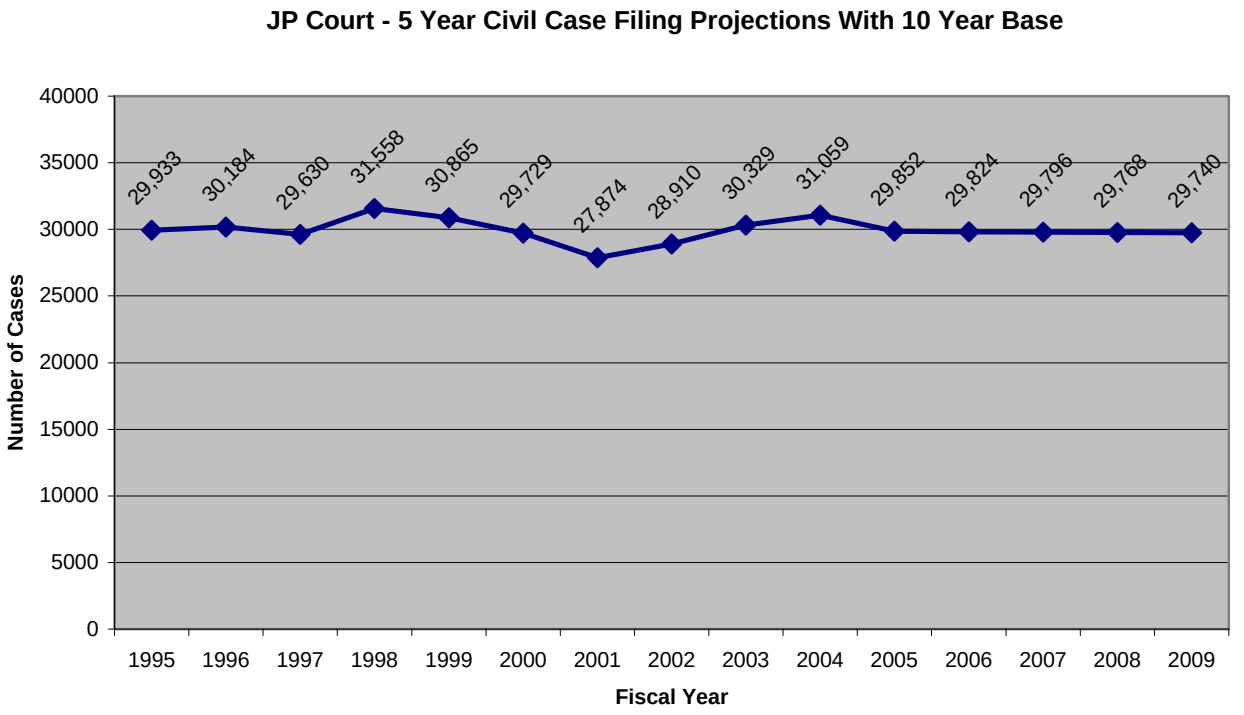


	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Filings	29933	30184	29630	31558	30865	29729	27874	28910	30329	31059
Dispositions	29731	28949	30924	32145	29112	31150	23527	29637	27501	29238
Pending (yr end)	6335	7466	6172	5585	7334	5913	10260	9533	12361	14182

Fiscal Year

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.





Trend lines computed by regression analysis.
Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Caseload Breakdowns Fiscal Year 2004 - Civil Case Filings						
	Complaints		Landlord/Tenant		Total	
New Castle County						
Court 9	555	63.6%	317	36.4%	872	100.0%
Court 12	4,451	45.2%	5,388	54.8%	9,839	100.0%
Court 13	4,732	51.8%	4,403	48.2%	9,135	100.0%
Kent County						
Court 8	0	0.0%	0	0.0%	0	100.0%
Court 16	4,119	62.8%	2,437	37.2%	6,556	100.0%
Sussex County						
Court 17	1,706	61.9%	1,048	38.1%	2,754	100.0%
Court 19	757	39.8%	1,146	60.2%	1,903	100.0%
State	**16,320**	**52.5%**	**14,739**	**47.5%**	**31,059**	**100.0%**

Caseload Breakdowns Fiscal Year 2004 - Civil Case Dispositions						
	Complaints		Landlord/Tenant		Total	
New Castle County						
Court 9	361	48.5%	383	51.5%	744	100.0%
Court 12	3,878	39.1%	6,044	60.9%	9,922	100.0%
Court 13	1,871	25.9%	5,355	74.1%	7,226	100.0%
Kent County						
Court 8	9	100.0%	0	0.0%	9	100.0%
Court 16	3,892	58.9%	2,718	41.1%	6,610	100.0%
Sussex County						
Court 17	1,724	63.8%	979	36.2%	2,703	100.0%
Court 19	964	47.6%	1,060	52.4%	2,024	100.0%
State	**12,699**	**43.4%**	**16,539**	**56.6%**	**29,238**	**100.0%**

Caseload Breakdown Fiscal Year 2004 - Civil Case Change in Pending			
	Complaints	Landlord/Tenant	Total
New Castle County			
Court 9	+194	-66	+128
Court 12	+573	-656	-83
Court 13	+2861	-952	+1909
Kent County			
Court 8	-9	-----	-9
Court 16	+227	-281	-54
Sussex County			
Court 17	-18	+69	+51
Court 19	-207	+86	-121
State	**+3621**	**-1800**	**+1821**

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Court Rankings Fiscal Year 2003-2004 - Total Cases Filed (defendants)				
2004 Rank w/o VAC	Court	Total Filings	% of Total w/o VAC	2003 Rank w/o VAC
1	Court 11	18,629	13.1%	1
2	Court 20	17,211	12.1%	2
3	Court 7	16,790	11.8%	3
4	Court 2	11,884	8.4%	4
5	Court 3	10,774	7.6%	5
6	Court 12	9,839	6.9%	6
7	Court 13	9,135	6.4%	7
8	Court 10	8,986	6.3%	8
9	Court 4	7,187	5.1%	9
10	Court 16	6,556	4.6%	11
11	Court 15	5,919	4.2%	10
12	Court 9	3,522	2.5%	15
13	Court 6	3,103	2.2%	12
14	Court 17	2,754	1.9%	13
15	Court 1	2,418	1.7%	14
16	Court 5	2,201	1.5%	16
17	Court 19	1,903	1.3%	17
18	Court 8	1,703	1.2%	18
19	Court 14	1,594	1.1%	19
	State w/o VAC	142,108		
	VAC	123,348		
	State w/ VAC	265,456		

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Court Rankings - Fiscal Year 2003-2004 - Total Filings (charges)				
2004 Rank w/o VAC	Court	Total Filings	% of Total w/o VAC	2003 Rank w/o VAC
1	Court 11	42,389	14.9%	1
2	Court 7	38,993	13.7%	2
3	Court 20	36,837	13.0%	3
4	Court 3	32,123	11.3%	4
5	Court 2	30,812	10.9%	5
6	Court 10	18,919	6.7%	7
7	Court 4	15,002	5.3%	6
8	Court 15	12,969	4.6%	8
9	Court 12	9,839	3.5%	9
10	Court 13	9,135	3.2%	10
11	Court 16	6,556	2.3%	11
12	Court 9	6,200	2.2%	15
13	Court 6	5,646	2.0%	12
14	Court 1	4,444	1.6%	14
15	Court 14	3,864	1.4%	13
16	Court 8	2,999	1.1%	17
17	Court 17	2,754	1.0%	18
18	Court 5	2,390	0.8%	16
19	Court 19	1,903	0.7%	19
	State w/o VAC	283,774		
	VAC	137,382		
	State w/ VAC	**421,156**		

VAC = Voluntary Assessment Center

Source: Chief Magistrate's Office, Justice of the Peace Court; Administrative Office of the Courts.

Alderman's Courts

Legal Authorization

Alderman's Courts are authorized by the town charters of their respective municipalities.

Legal Jurisdiction

The jurisdiction of an Alderman's Court is limited to misdemeanors, traffic offenses, parking violations, and minor civil matters. The specific jurisdiction of each court varies with the town charter (which is approved by the General Assembly). Appeals are taken de novo to the Court of Common Pleas within 15 days of trial.

Geographic Organization

Alderman's Courts have jurisdiction only within their own town limits. There were six active Alderman's Courts at the end of 2004, two in New Castle County and four in Sussex County. When a town is without a court or an alderman for any period of time, its cases are transferred to the nearest Justice of the Peace Court.

Aldermen

The selection, number, tenure and qualifications of aldermen are determined by the towns themselves. Some require lawyers while others choose private citizens. A few aldermen serve full-time, while some are part-time.

Caseload Summary Fiscal Year 2004 - Total Cases*						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County						
Newark	5,498	11,013	10,312	6,199	+701	+12.8%
Newport**	-----	-----	-----	-----	-----	-----
Sussex County						
Bethany Beach	0	3,388	3,388	0	0	0.0%
Dewey Beach	0	1,503	1,503	0	0	0.0%
Laurel	423	2,009	1,945	487	+64	+15.1%
Rehoboth Beach	99	586	603	82	-17	-17.2%
State	**6,020**	**18,499**	**17,751**	**6,768**	**+748**	**+12.4%**

Caseload Summary Fiscal Year 2004 - Criminal Cases*						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County						
Newark	357	2,299	2,134	522	165	46.2%
Newport**	-----	-----	-----	-----	-----	-----
Sussex County						
Bethany Beach	0	237	237	0	0	0.0%
Dewey Beach	0	676	676	0	0	0.0%
Laurel	38	235	198	75	+37	+97.4%
Rehoboth Beach	10	128	129	9	-1	-10.0%
State	**405**	**3,575**	**3,374**	**606**	**+201**	**+49.6%**

Caseload Summary Fiscal Year 2004 - Traffic Cases*						
	Pending 6/30/2003	Filings	Dispositions	Pending 6/30/2004	Change In Pending	% Change In Pending
New Castle County						
Newark	5,141	8,714	8,178	5,677	+536	+10.4%
Newport**	-----	-----	-----	-----	-----	-----
Sussex County						
Bethany Beach	0	3,151	3,151	0	0	0.0%
Dewey Beach	0	827	827	0	0	0.0%
Laurel	385	1,774	1,747	412	+27	+7.0%
Rehoboth Beach	89	458	474	73	-16	-18.0%
State	**5,615**	**14,924**	**14,377**	**6,162**	**+547**	**+9.7%**

*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.

**2004 Newport Alderman Court data not available.

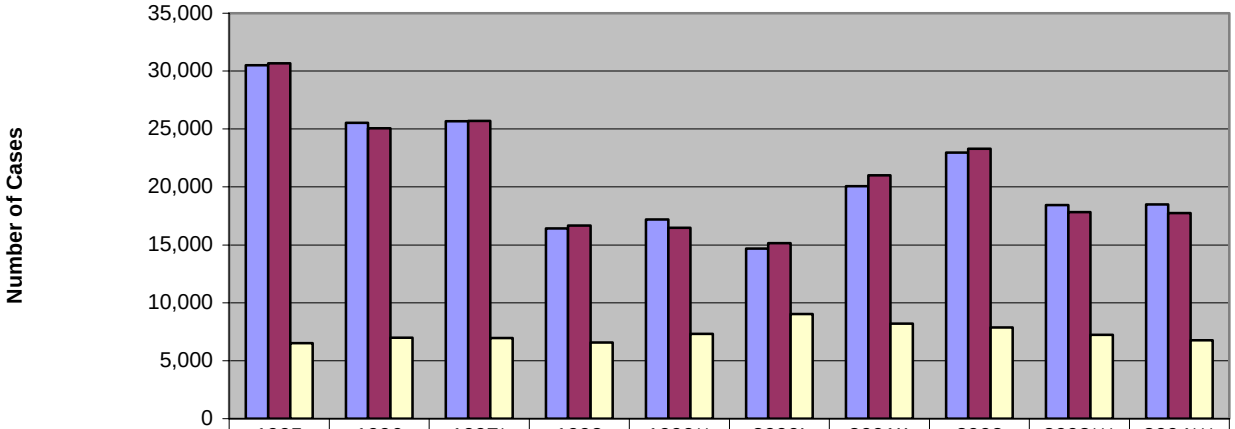
Source: Alderman's Courts; Administrative Office of the Courts.

Caseload Comparison - Fiscal Years 2003-2004 - Total Filings*				
	2003	2004	Change	% Change
New Castle County				
Newark	10,671	11,013	+342	+3.2%
Newport**	-----	-----	-----	-----
Sussex County				
Bethany Beach	3,777	3,388	-389	-10.3%
Dewey Beach	1,537	1,503	-34	-2.2%
Laurel	1,923	2,009	+86	+4.5%
Rehoboth Beach	529	586	+57	+10.8%
State	**18,437**	**18,499**	**+62**	**+0.3%**

Caseload Comparison - Fiscal Years 2003-2004 - Total Dispositions*				
	2003	2004	Change	% Change
New Castle County				
Newark	10,361	10,312	-49	-0.5%
Newport**	-----	-----	-----	-----
Sussex County				
Bethany Beach	3,777	3,388	-389	-10.3%
Dewey Beach	1,537	1,503	-34	-2.2%
Laurel	1,728	1,945	+217	+12.6%
Rehoboth Beach	442	603	+161	+36.4%
State	**17,845**	**17,751**	**-94**	**-0.5%**

*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.
**2004 Newport Alderman Court data not available.
Source: Alderman's Courts; Administrative Office of the Courts.

Alderman Court - 10 Year Caseload Trend



	1995	1996	1997*	1998	1999**	2000!	2001!!	2002	2003***	2004***
Filings	30,501	25,532	25,684	16,413	17,202	14,678	20,058	22,965	18,437	18,499
Dispositions	30,668	25,067	25,709	16,679	16,470	15,161	21,017	23,304	17,845	17,751
Pending (yr end)	6,506	6,971	6,946	6,570	7,319	9,034	8,193	7,854	7,238	6,768

Fiscal Year

*Filings, dispositions, and pending amended.
**Filings and dispositions amended.
***Does not include Newport Alderman Court figures.
!Dispositions and pending at end of year amended.
!!Pending at end of year amended.
Source: Alderman's Courts; Administrative Office of the Courts.

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