2010 ANNUAL REPORT OF THE DELAWARE JUDICIARY

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http://courts.delaware.gov (Delaware Judiciary)

http://courts.delaware.gov/AOC/AnnualReports/FY10 (2010 Annual Report, Statistical Report of the Delaware Judiciary and additional Delaware Courts background information)

MESSAGE FROM THE CHIEF JUSTICE

Honorable Myron T. Steele

Innovation is the key to the Delaware Courts' ability to continue to provide core, constitutionally mandated services for our constituents, given growing workload demands and diminishing resources. Our efforts to innovate have increased because the fiscal challenges that the Courts have faced since FY 2008 have increased.

To help address fiscal concerns, the Delaware Courts struggled to adjust to several million dollars in budget cuts between FY 2008 and FY 2010; instituted a stringent hiring review process (which resulted in savings to the State of Delaware of more than $3.5 million in the last two years); and, increased state revenues by close to $4 million during that period. Given the increasing workload demands, a 2.5% pay cut for state employees enacted in FY 2010 in response to the State's fiscal challenges, brought court employee morale to a low point. In support of staff, all judges, commissioners, and justices of the peace, constitutionally exempt from a forced pay cut, voluntarily took a similar reduction in pay, either through a direct reduction in pay or by way of contributions to law related organizations, without regard to deductibility. We are extremely relieved and pleased that the State employees pay will be restored in FY 2011. However, employees' compensation continues to fall significantly behind inflation, federal deductions, and the employee share of benefit cost increases. Similarly, Delaware judges' national standing based upon judicial compensation comparisons with other states has fallen. This is not surprising since, factoring in inflation, Delaware judges averaged a loss of nearly $15,000 apiece in real salary dollars in the last 5 years (since the last Compensation Commission Report).

A critical fiscal area relates to increasing costs in providing constitutionally mandated legal representation and related services to those who are indigent. Dramatic growth in indigent services costs occurred in FY 2010, representing a 9% increase from the previous year, and a 71% increase over the last four years (from $2.7 million in FY 2006 to $4.6 million in FY 2010). Although we carefully monitor these expenses to minimize costs, the most critical cost factor is caseload, over which the Courts have no control. The number of homicides requiring conflict attorney representation jumped from 15 in FY 2006 to 57 in FY 2010. Given this trend, we vigilantly monitor this area, and are exploring options to enhance program efficiencies, including possible changes to the program structure.

Another fiscal issue is the federal mandate contained in Title VI of the Civil Rights Act of 1964, which was recently clarified by the United States Department of Justice (USDOJ) to require that state courts provide interpreter services to limited English proficiency parties in all civil, criminal and administrative proceedings, including court functions conducted outside the courtroom, at no cost to the parties and without regard to ability to pay. For the Delaware courts to change their policies to comply fully with the unquantifiable federal mandates by USDOJ, the additional cost will be substantial.

I am pleased to report that the renovation of the Kent County Courthouse progressed as scheduled this fiscal year, and with the $19.2 million FY 2011 appropriation, the first stage of the project is slated to be completed in July 2011. Renovations of the historic courthouse will begin immediately thereafter.

The need for two new Superior Court judges and associated staff, which were first authorized in FY 2009 – based upon a clearly demonstrated need, remains unaddressed, since these resources have not yet been fully funded. Access to these desperately needed resources to support Superior Court operations in New Castle County must be achieved as soon as possible.

MESSAGE FROM THE CHIEF JUSTICE

Regardless of the fiscal challenges, the Delaware Courts continue to do our best to process cases as efficiently as possible, with the limited resources currently available. We strive to use innovative means to achieve system-wide improvements, through on-going initiatives such as the Delaware Supreme Court Task Force on Criminal Justice and Mental Health, chaired by Justice Henry duPont Ridgely. This task force continues work on improving outcomes for persons with mental illness in the criminal justice system. The Delaware Courts: Fairness for All Task Force, co-chaired by Chief Magistrate Alan G. Davis and State Court Administrator Patricia Griffin, is working on improvements to accessibility and perceived fairness of the courts. Another initiative addressing racial and ethnic fairness in the justice system culminated in the adoption of the Criminal Justice Council's Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System in Delaware during this fiscal year.

Since this year's signing of the Hague Convention on Choice of Court Agreements by the United States, Delaware Courts have undertaken innovative initiatives to ensure that we are poised to handle disputes arising out of choice-of-court agreements in international business contracts. These efforts include the recent creation of the Complex Commercial Litigation Division to enhance the Superior Court's administrative handling of complex commercial and business cases, and the Court of Chancery's procedural changes to arbitration proceedings for business disputes.

The Delaware Courts play an important role in the lives of the Delaware citizens who may use our courts to address injustices they face, as well as the national and international business community. Again in FY 2010, Delaware Courts, with the focus on fairness of process in the Superior Court, were ranked number one in the country for the eighth year in a row, in a recent national survey. Accordingly to the U.S. Chamber of Commerce's Institute for Legal Reform, which conducted the survey, two-thirds of the corporate lawyers surveyed stated that a state's legal environment is "likely to impact important business decisions at their company, such as where to locate or expand their business – up 10% from just three years ago." In addition, our Courts were included as an "influential" voice in the boardroom by "Directorship" (a magazine for corporate board members and high level corporate executives) – and the *only* court system to make that list. This recognition demonstrates the clear connection between the Delaware Courts' outstanding reputation and the State's attractiveness to businesses and other employers.

Other FY 2010 highlights include the successful completion of the civil phase of the COTS technology project and the restructuring of the COTS project, creating a new Project Leadership Team with Justice Ridgely as its chair. The Team is focusing on determining the best approach for moving forward with implementation of criminal and Family Court case management systems.

The entire system now focuses on the development, expansion, or improvement of innovative projects including the Court of Chancery's guardianship program through a volunteer monitoring program; Superior Court's mortgage foreclosure mediation program, felony Violation of Probation mental health court, and efforts to create a veterans' court; Family Court's specialized juvenile gun court and development of a risk assessment for pre-adjudicated juveniles; the Court of Common Pleas' and the Justice of the Peace Court's e-filing and e-payment initiatives, and the Justice of the Peace Court's police prosecution project.

Though facing many difficult financial challenges, the Judicial Branch continues to seek innovative solutions for meeting the needs of those who use our courts and we look with optimism toward a future improved by our efforts.

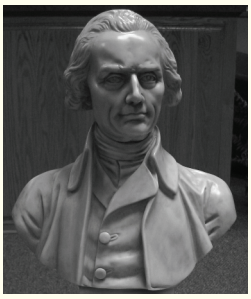
Respectfully yours,

Myron T. Steele

Innovating for the Future

"I like the dreams of the future better than the history of the past."

Thomas Jefferson, Letter to John Adams, 1816



While the Delaware court system has an illustrious history, it recognizes that the spirit of innovation is what makes Delaware courts the pride of our state. Delaware's courts are meeting the challenges of an ever changing world by adopting new programs, improving technologies, and developing creative procedures to constantly advance our efforts to meet the needs of those whom we serve. The efforts discussed below illustrate this spirit of innovation.

Developing new ways to serve our business community

In the Court of Chancery, rules adopted this year for voluntary binding arbitration help provide a cost-effective means of resolving business disputes. The rules, which implement previously passed legislation, provide a number of advantages for those choosing arbitration. These include an arbitrator who is a chancellor, vice chancellor or master sitting permanently on the Court of Chancery; fast track handling of the arbitration, with arbitration hearings generally held within 90 days of filing; and private proceedings that only the parties and their representatives may attend, unless all parties agree otherwise.

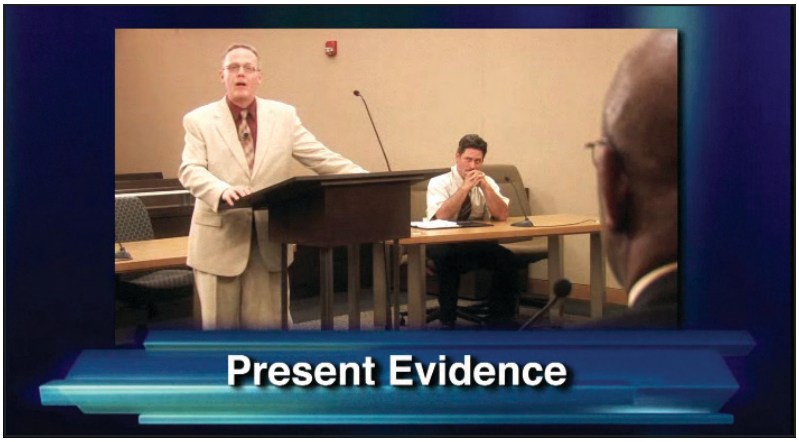
In the Superior Court, a new complex litigation division was inaugurated in 2010. The new division provides for streamlined and more uniform administration of complex commercial cases. Streamlining of cases is assured by providing firm pretrial and prompt trial dates; assigning cases to one of the three judges on the division's panel; and giving scheduling priority over other cases heard by the assigned judge. Uniformity in administration is promoted through the establishment of consistent procedures by the panel of judges, as well as a case management order that provides guidance on commonly occurring issues.

For those seeking to register a trade name with the prothonotary, a new online search of names already in use is now available to make naming and registering their business easier.

Pioneering efforts to assist self-represented litigants

The Delaware courts have long been leaders in providing information to assist self-represented litigants, with initiatives such as the Family Court Resource Centers, the Administrative Office of the Courts' Limited Pro Bono Assistance Program, and brochures and web sites provided by the courts. To promote further innovation in this area, Chief Justice Myron T. Steele created the Delaware Courts: Fairness for All Task Force in June 2008. A report issued by the Task Force during FY 2010 recommended a variety of efforts to promote these goals and implementation efforts began shortly thereafter.

These efforts have included the development of an online video to assist self-represented litigants which is available on the Judicial Branch web site; online interactive forms to assist litigants in filing a complaint; the creation of a Bench Bar Committee on Limited Scope Representation to consider whether any changes need to be made to the Delaware Rules of Professional Conduct and Court Rules to clarify issues regarding limited scope representation; and a Judicial Committee on Self-Represented Litigants to address concerns that judicial officers may have regarding balancing self-represented litigants' perceptions of procedural fairness while maintaining neutrality in the courtroom.



Screen print from the online video series for *pro se* litigants on civil case processing in the Delaware Courts.

Additional efforts serving the self-represented include the Court of Chancery's launch of an online accounting system that helps individuals serving as guardians or trustees prepare an accounting for filing with the Court and the Family Court's online filing of petitions in conjunction with nCourt.

Creating Innovative Special Courts and Programs

Delaware's courts have designed special courts and programs which use effective and efficient procedures tailored to specific case types. From drug and mental health courts, which work with treatment providers to divert those with substance abuse issues or mental illnesses from the criminal justice system, to the recently created gun court in Family Court, which handles cases against juveniles involving a firearm, and the truancy court in the Justice of the Peace Court, Delaware courts are using cutting-edge concepts for processing cases, assisting individuals, and helping the community.

The Delaware Judicial Branch has also taken the lead in applying creative approaches to solving issues affecting the entire criminal justice system. Through the Delaware Supreme Court Task Force on Criminal Justice and Mental Health, the Judicial Branch has been a leader in bringing together representatives of all three branches of state government with community leaders to develop comprehensive ways of diverting individuals with mental illness from the criminal justice system and improving outcomes for such individuals when they are involved in the criminal justice system.

Leading Initiatives in Promoting Racial and Ethnic Fairness in the Justice System

During the past year, Justice Henry duPont Ridgely and Chief Judge Alex J. Smalls, co-chairs of the Criminal Justice Council's Racial and Ethnic Fairness Committee, led the Committee in drafting the "Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System in Delaware." Pursuant to this Declaration, applicants for grants administered by the Criminal Justice Council must certify compliance with the Declaration to receive preference in grant awards. The courts and the Administrative Office of the Courts are focusing on ensuring that their policies and procedures are compliant with the Declaration requirements, including complaint processes, community outreach, and bias-free decision making. As a result of its efforts in this area, Delaware was one of four states awarded an ABA Racial Justice Improvement grant to support further efforts in this area.

Employing Cutting Edge Technology

Starting with the Complex Litigation Automated Docket (CLAD) in 1991, which was the nation's first electronic docketing and filing system for civil cases, the Delaware courts have been on the leading edge of court technology. Today, some type of electronic filing is used in all of the courts and the COTS civil case management system has computerized case processing in the Superior Court, Court of Common Pleas, and Justice of the Peace Court. Besides the automatic transfer of case information through e-filing into the case management system, the COTS system provides for better document management and management reporting, and access to civil case information remotely through CourtConnect. This enhanced public access allows internet access to general information about the progress of civil cases in the three courts in which it has been implemented. Planning for improvements to the integrated criminal case processing system is currently underway.

In the courtroom, technology such as courtroom computers, projection screens, and real time court reporting supports the needs of judges, attorneys, witnesses, and jurors. For the public, the Judicial Branch web site provides a wealth of information, including "how to" instructions, court rules and forms, and information for jurors.

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Teaching Tomorrow's Citizens Today

Our children are our future and teaching them to understand the importance of an independent judicial system within our democracy is a key to developing informed citizens of tomorrow. To that end, the Judicial Branch has undertaken several creative initiatives to teach students and teachers about its role. A recently developed program, the Youth Forum, brings middle school students to the courthouse for an impromptu mock trial in which students work with real life judges, deputy attorneys general, and assistant public defenders to stage a trial and to use the jury process to determine the guilt or innocence of the "accused." The program works with schools during the school year and with community groups in the summer.

Other efforts to reach students and teachers include the "From Classroom to Courtroom" project which works with the University of Delaware to sponsor a three day teaching institute to provide teachers with the tools needed to teach students about the justice system and the annual high school mock trial event, in which the Judicial Branch is a participant, along with others, to provide an opportunity for students to learn about the court system and to develop new skills.

Both of these efforts are part of an overall community outreach effort to inform our community about the courts which also includes use of the Judicial Branch web site, the Delaware Docket Newsletter, and the iCivics program.

MESSAGE FROM THE STATE COURT ADMINISTRATOR

Honorable Patricia W. Griffin

Over the past year, the Administrative Office of the Courts has made significant progress in a number of areas, both in initiating new projects and completing existing ones. We will continue to strive to enhance the services provided by the AOC. As a part of that initiative, I would like to recognize the efforts of all of those in the AOC who work to support the Judicial Branch and the citizens of Delaware. It is my hope that the following highlights from the past year will provide the reader with a sense of the AOC's many accomplishments during that time.

Self-Represented Litigants/Procedural Fairness

During the past year, the report of the Delaware Courts: Fairness for All Task Force was completed and approved by the Delaware Supreme Court after which implementation began. Implementation activities included:

- Developing a video for self-represented litigants. The video, which is in short segments that can be viewed individually, explains the various aspects of preparing a case and appearing in court and is available on the Judicial Branch web site.
- Preparing an interactive form for the return of a security deposit in conjunction with the Justice of the Peace Court. The form, which is found on the Court's home page, fills out the complaint form based on the answers provided by litigants to questions. This is the first in a planned series of such forms.
- Staffing a Bench Bar Committee on Limited Scope Representation which reviewed possible rule changes to clarify the parameters of such representation.
- Staffing a Judicial Committee on Self-Represented Litigants which was formed to discuss ways in which judges could be assisted in balancing the needs of self-represented litigants and the need to maintain neutrality in the courtroom.

Mental Health and Criminal Justice Task Force

The Delaware Supreme Court Task Force on Criminal Justice and Mental Health, staffed by the AOC, is charged with identifying ways to improve early identification, prevention, and system-wide responses for persons with mental illnesses entering the criminal justice system or re-entering into the community. To this end, in January 2010, the Task Force released a strategic plan with long and short term objectives based on the sequential intercept model for intercepting and diverting persons from the criminal justice system. Following adoption of the strategic plan, the Task Force began planning implementation efforts. These include a colloquium for mental health providers to be held in November 2010, Crisis Intervention Team (C.I.T.) training for law enforcement officers, which is planned for May 2011, as well as a conference on mental health issues related to the criminal justice system designed for judicial officers, the Department of Justice, the Office of the Public Defender and other appropriate treatment providers and criminal justice agencies, also planned for May 2011.

Community Outreach

During the past year, the AOC's youth forum for middle school students expanded to include seven schools during the school year and three community groups during the summer months, with approximately 350 students participating during the year. The youth forum provides an opportunity for students to learn about the court system by working with real life judges, deputy attorneys general and assistant public defenders in an impromptu mock trial held in a real courtroom during which each student participates by either taking on the role of one of these professionals or serving as a witness or juror. This year also saw the continuation of the Supreme Court's "From Classroom to Courtroom" project, coordinated by the AOC, which is a three day event through which teachers participating in the University of Delaware's externship program learn more about the court system and take this information back to their schools to assist their fellow teachers and students. Other efforts included staffing the Delaware high school mock trial program and assisting in promoting the iCivics program in Delaware. iCivics is a web-based education project, designed to teach students civics and inspire them to be active participants in our democracy. iCivics was started by former U.S. Supreme Court Justice Sandra Day O'Connor and initiated in Delaware by Delaware Supreme Court Justice Randy J. Holland. In addition, the AOC coordinated a volunteer summer internship program for high school students, who learned about the working world and the courts as they helped the Court of Common Pleas with an archiving project.

Family Court Judge William L. Chapman, Jr. talking to student participants from the Latin American Community Center during a Youth Forum last summer.

Teacher Participants in the 2010 Supreme Court "Classroom to Courtroom" Teachers Program, along with Chief Justice Myron T. Steele, Justice Henry duPont Ridgely and Justice Carolyn Berger.

Collections

A new initiative for the Office of State Court Collections is being planned for a pilot project to install kiosks, which would accept payments of fines, costs, and restitution, in Probation and Parole facilities. The system, which will operate at no charge to the State, will provide for secure, real time payments, enhance availability of services to the public, and refocus OSCCE staffing from payment processing to collections enforcement. If the pilot project is successful, OSCCE anticipates expanding the installation of kiosks to additional locations.

Racial and Ethnic Diversity

The AOC worked with the courts to prepare for certifying compliance with the Criminal Justice Council's "Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System in Delaware". An initiative of the CJC's Racial and Ethnic Fairness Committee co-chaired by Justice Henry duPont Ridgely and Chief Judge Alex Smalls, this project is designed to give priority in grants awarded through the CJC to those organizations in compliance with the Declaration's requirements. The AOC and the courts have focused on implementing policies and procedures consistent with those requirements, including complaint processes, community outreach, and bias-free decision making. Additionally, the AOC continued its diversity training programs for court staff. Several training sessions for Justice of the Peace Court staff were held and planning was undertaken for additional diversity training sessions for court staff for next year.

Overseeing the provision of language access services to the courts remains a key focus of the AOC. In FY 2010, the AOC worked with the courts to identify key documents for translation, install Spanish signage for the New Castle County Courthouse (signage for other courthouses is being undertaken through the translation project), and implement a telephonic interpreter pilot project providing language assistance at Justice of the Peace Court front counters.

Continuity of Operations Planning/Security/Facilities

During the past year, the Judicial Branch became one of the first State entities to complete the Living Disaster Recovery Planning System (LDRPS), a statewide effort coordinated by the Department of Technology and Information. In addition, testing of the Notifind system, which provides for notification of key personnel in an emergency, has been completed.

Security and facilities work during FY 2010 focused on improvements to the Department of Corrections parking lot at the New Castle County Courthouse, which was paved and fenced in for security purposes. In addition, work began on installing a security gate for the NCCCH's loading dock and preparing for the installation of new courthouse front doors.

Technology Management and Support

With the completion of the civil phase of the new COTS case management system, the Supreme Court adopted a modified COTS governance structure to be used in support of the remaining phases of the project. Led by a new Project Leadership Team, chaired by Justice Henry duPont Ridgely, and the Trial Courts COTS Committee, headed by Marianne Kennedy, Court Administrator for the Justice of the Peace Court, the COTS focus has been on determining the best approach for moving forward with modernization of the case management system. It is anticipated that a final decision on the approach to be taken for modernization of the Courts' criminal, and Family Court's civil, case management systems will be made in the coming fiscal year.

Starting this year and looking ahead to FY 2011, the AOC is reinvigorating its service-oriented approach for technology to better address COTS project demands and meet the Courts' needs. FY 2010 initiatives included the development of online e-filing user training, website improvements, and refinements to the COTS system, such as enhancements to the "courtroom assistant" program which the Courts have found beneficial.

LEGISLATION

The Judiciary's legislative team brings together representatives of the courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation affecting the Judicial Branch was passed during FY 2010 by the General Assembly:

BILL NUMBER	DESCRIPTION
SB 24	Second leg of a Constitutional Amendment making the chief magistrate a state judge under Article IV of the Delaware Constitution.
SB 217 w/HA 1	Codifies the current practice by police and the Justice of the Peace Court of temporarily holding or placing in Department of Correction custody defendants who are unable to meaningfully participate in presentment proceedings because they are under the influence of alcohol or drugs until they are able to participate.
SB 218	Makes court costs for civil traffic offenses subject to court rule, as for other court costs, pursuant to 10 *Del.C.* § 9801.
SB220	Extends lien on chattel goods levied for sale in the Justice of the Peace Court to three years from two, consistent with provisions in Superior Court.
SB 310, Section 51	Allows for the addition of two new Superior Court judges if funding becomes available.
SB 320 w/SA 1	Provides for inmates sentenced after the enactment of the statute to be awarded good time credit. However, those inmates serving a life sentence or sentenced as habitual offenders under 11 *Del.C.* § 4214 or sentenced under 11 *Del.C.* § 4204(k) are excluded.
HB 324	Eliminates a reference to a code section which no longer regulates court costs in the Justice of the Peace Court. Court costs are now regulated by court rule subject to the approval of the Chief Justice.
HB364	Changes the upper-level management positions in the Court of Common Pleas from classified service to exempt service, consistent with similar positions in the Superior Court and the Family Court. The provisions of this legislation shall become effective at the time incumbents separate from state service.
House Joint Resolution 14	Requests Delaware's United States Congressional delegation to immediately enact legislation implementing a court fee intercept program to intercept federal tax refunds to pay overdue State court-ordered restitution, fines, fees and costs. This resolution was part of a national effort by the Conference of Chief Justices.

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2009-2011*			
GENERAL FUNDS - State Judicial Agencies and Bodies			
	FY 2009 Enacted Budget	FY 2010 Enacted Budget	FY 2011 Enacted Budget
Supreme Court	$ 3,219,500	$ 3,140,700	$ 3,126,900
Court of Chancery	3,105,100	3,012,700	3,002,500
Superior Court	22,202,600	21,257,200	21,152,600
Family Court	19,619,900	18,984,000	18,590,300
Court of Common Pleas	9,260,400	8,996,900	8,971,600
Justice of the Peace Court	17,261,300	16,664,800	16,611,700
Administrative Office of the Courts (AOC)	3,742,700	3,478,400	3,475,000
AOC Custodial Pass Through Funds**	4,940,000	4,876,300	5,471,300
Office of State Court Collections Enforcement	560,500	543,000	538,300
Judicial Information Center	3,585,700	3,448,400	3,448,200
Law Libraries	491,100	453,000	451,700
Office of the Public Guardian	501,700	481,200	482,900
Child Placement Review Board	526,600	502,200	491,900
Office of the Child Advocate	876,500	836,200	826,600
Child Death, Near Death & Stillbirth Commission	418,600	393,900	393,400
DE Nursing Home Residents Quality Assurance Commission	56,700	54,700	54,800
TOTAL	**$ 90,368,900**	**$ 87,123,600**	**$ 87,089,700**

*The FY 2009 Enacted Budget does not reflect reversions of appropriated budget funds back to the General Fund. Judicial Branch reversions were $735,200 in FY 2009. No reversions were taken in FY 2010. As of the date of this publication, no reversions were taken in FY 2011.

**These programs are included in AOC funding but are shown separately because they are pass-through funds. They include the Court Appointed Attorney Programs, Interpreters, Victim Offender Mediation Program, Elder Law Program, and COTS.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2010					
Submitted to the State General Fund					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Supreme Court	$ 107,200	$ -	$ -	$ -	$ 107,200
Court of Chancery	8,500	-	656,200	-	664,700
Superior Court	3,890,800	350,600	2,300	305,400	4,549,100
Family Court	505,300	61,600	-	16,100	583,000
Court of Common Pleas	3,243,400	977,800	-	88,900	4,310,100
Justice of the Peace Court	3,094,200	1,094,900	-	19,000	4,208,100
Office of State Court Collections Enforcement (OSCCE)**	9,600	11,300	-	-	20,900
OSCCE - DOC Fees***	890,600	-	-	-	890,600
State Total	**$11,749,600**	**$ 2,496,200**	**$ 658,500**	**$ 429,400**	**$15,333,700**
Submitted to Counties and Municipalities					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	$ 140,000	$ 63,300	$ -	$ -	$ 203,300
Court of Common Pleas	2,800	800,700	-	-	803,500
Justice of the Peace Court	-	2,909,400	-	-	2,909,400
Counties and Municipalities Total	**$ 142,800**	**$ 3,773,400**	**$ -**	**$ -**	**$ 3,916,200**
GRAND TOTAL	**$11,892,400**	**$ 6,269,600**	**$ 658,500**	**$ 429,400**	**$ 19,249,900**

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

**The figures shown for the Office of State Court Collections Enforcement (OSCCE) in this row reflect fees, costs and fines for cases that have been closed by Family Court. OSCCE also collects fees, costs and fines for current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of Superior Court and the Justice of the Peace Court are included in the figures for those courts. See also the OSCCE table on page 12 for amounts collected by OSCCE for each court.

***OSCCE collected supervision fees on behalf of the Department of Correction (DOC).

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE - FISCAL YEAR 2010			
RESTITUTION - FISCAL YEAR 2010			
	Assessed	Collected	Disbursed*
Superior Court	$ 10,737,700	$ 2,181,400	$ 2,355,900
Family Court	113,200	267,500	256,400
Court of Common Pleas	673,800	592,600	576,800
Justice of the Peace Court	39,100	56,300	33,800
Office of State Court Collections Enforcement**	-	52,000	58,100
RESTITUTION TOTAL	**$ 11,563,800**	**$ 3,149,800**	**$ 3,281,000**

ASSESSMENTS AND COLLECTIONS FOR THE TRANSPORTATION TRUST FUND		
	Assessed	Collected
Superior Court	$ 218,900	$ 60,100
Family Court	13,700	10,500
Court of Common Pleas	1,051,100	523,000
Justice of the Peace Court	2,930,900	2,382,400
TRANSPORTATION TRUST FUND TOTAL	**$ 4,214,600**	**$ 2,976,000**

COLLECTIONS BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT	
On Behalf of Courts and Agencies* **	
	Total
Superior Court	$ 2,801,100
Family Court	77,900
Justice of the Peace Court	152,300
Department of Correction	890,600
OSCCE - TOTAL COLLECTIONS	**$ 3,921,900**

*The amount disbursed is greater than the amount collected because some funds collected in FY 2009 were disbursed in FY 2010.

**The figures shown in this table for the Office of State Court Collections Enforcement (OSCCE) reflect only restitution for cases that have been closed by Family Court. OSCCE also collects restitution on current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of those courts are included in the restitution figures for those courts.

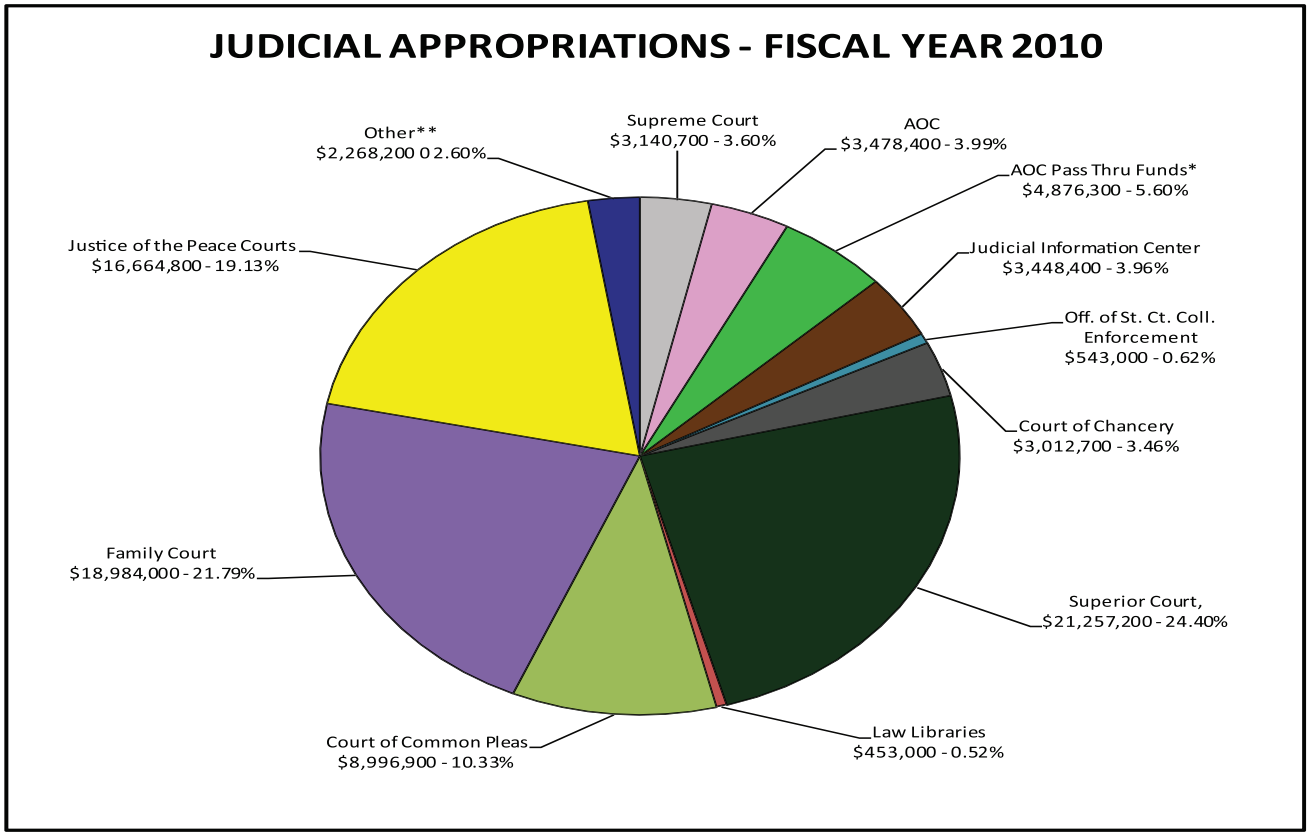
***In FY 2010, OSCCE collections included amounts submitted to the general fund, amounts submitted to non-general fund recipients, and restitution. Amounts collected by OSCCE on behalf of all courts, except Family Court, are also included in general fund and restitution figures for those courts.

NOTE: As of July 1, 2009, the Violent Crimes Compensation Board was transferred to the Department of Justice as the Victims' Compensation Assistance Program.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2010			
		Total	As a %
Public Education	$	1,121,078,700	36.26%
Health and Social Services		813,457,900	26.31%
Correction		249,451,400	8.07%
Higher Education		224,598,100	7.26%
Children, Youth & Their Families		130,934,000	4.24%
Safety & Homeland Security		122,397,200	3.96%
Judicial Branch		**87,123,600**	**2.82%**
All Other		342,493,400	11.08%
TOTAL	**$**	**3,091,534,300**	**100%**



*AOC Pass Through Funds - Conflict Attorneys, CASA Attorneys, Family Court Civil Attorneys, Court Appointed Attorneys/Involuntary Commitment, Interpreters, Victim Offender Mediation Program, Elder Law Program, COTS Maintenance Agreements (in JIC).

**Other: Office of the Public Guardian; Child Placement Review Board; Office of the Child Advocate; Child Death, Near Death & Still-birth Commission; and Delaware Nursing Home Residents Quality Assurance Commission.

Source: Administrative Office of the Courts

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judicial Branch 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, the Administrative Office of the Courts 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 represents 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 in resources used to handle the matters and in speedier resolution of the issues at hand.

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.

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 has jurisdiction over all misdemeanors except certain drug-related offenses. It also handles motor vehicle offenses (excluding felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive 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 case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

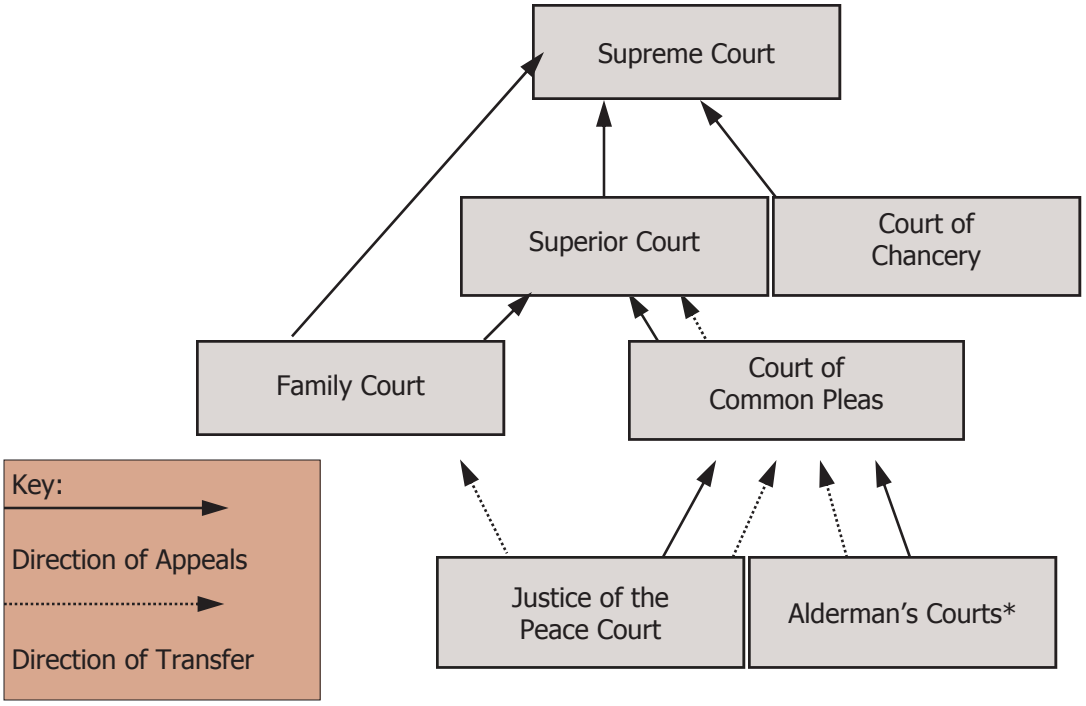
The Supreme Court receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

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

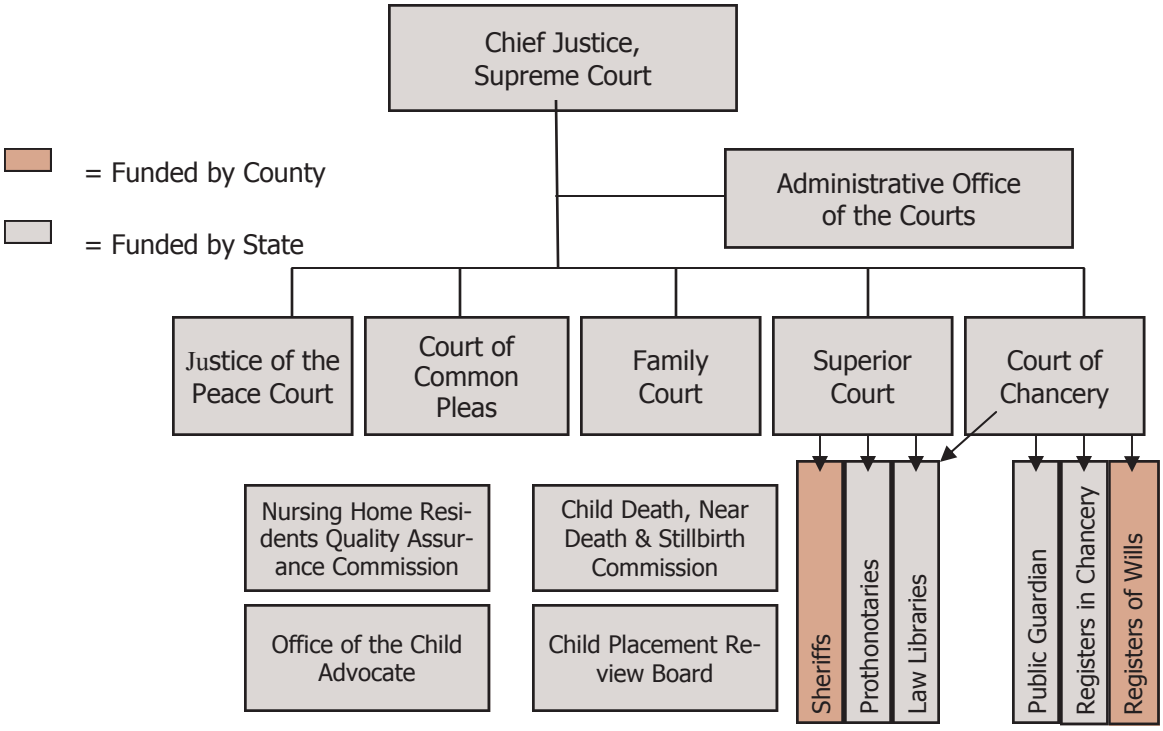
Other state agencies associated with the Delaware Judicial Branch include: Child Placement Review Board, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission, and the Nursing Home Residents Quality Assurance Commission.

OVERVIEW OF THE COURTS

APPEALS & TRANSFERS



ADMINISTRATIVE AUTHORITY AND FUNDING



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

THE DELAWARE COURT SYSTEM

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 Psychiatric Center. Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

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 certain serious offenses.

Court of Common Pleas

Statewide jurisdiction in civil actions that do not exceed $50,000. All criminal misdemeanors (except certain drug-related offenses). All motor vehicle offenses (except felonies). Responsible for preliminary hearings. Appeals from the Justice of the Peace Court, Alderman's Courts, and the Division of Motor Vehicles.

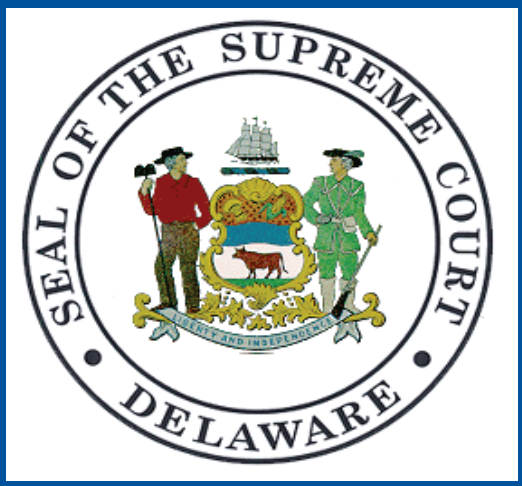
Justice of the Peace Court

Civil cases that do not 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*

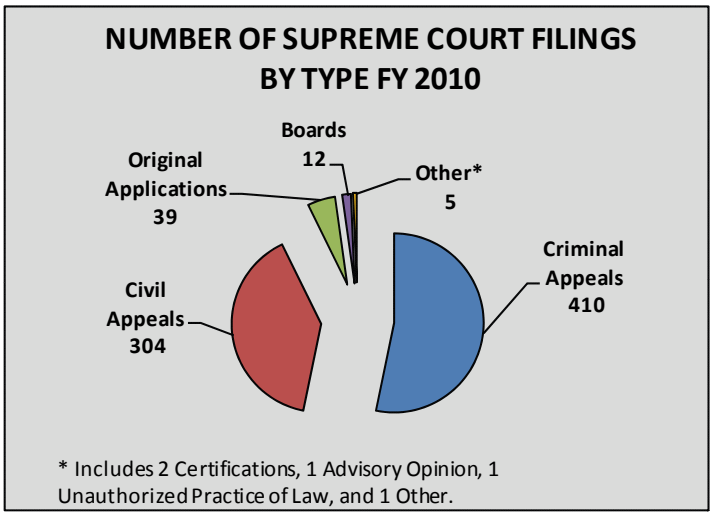
Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

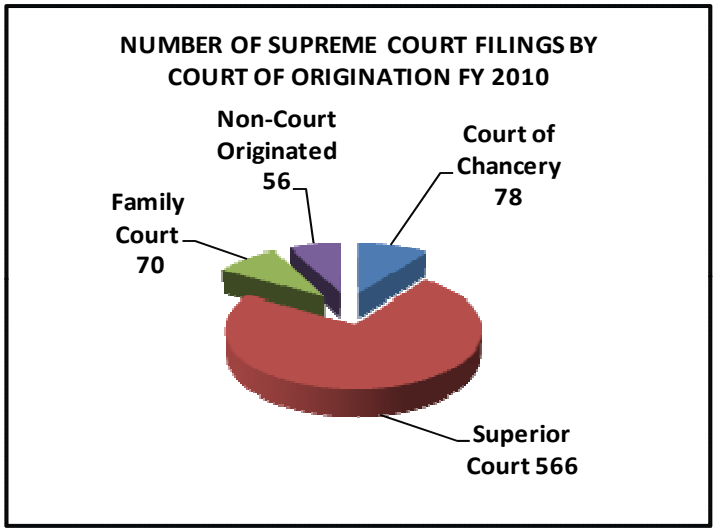
*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective municipalities. However, cases may be transferred or appealed to a State court.



SUPREME COURT

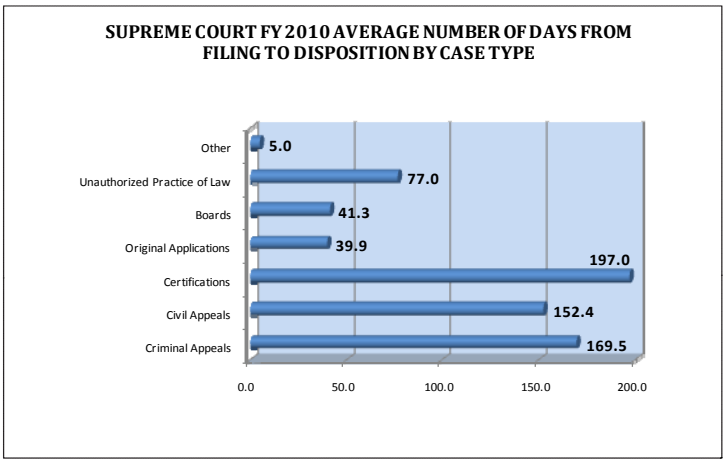
In Fiscal Year 2010, the Delaware Supreme Court received 770 appeals and disposed of 724 appeals by opinion, order or dismissal. On average, the appeals were decided within 32.4 days from the date of submission to the date of final decision. In 95.4% of the appeals decided in FY 2010, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision. Based on the American Bar Association's Standards Relating to Appellate Courts, the Court set a performance measure for the disposition of 75% of all cases within 290 days of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 89.4% of all cases within the 290 days timeframe. The Court set another performance measure for the disposition of 95% of all cases within one year of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 95.7% of all cases within this one year timeframe.





During FY10, the Court issued significant Administrative Directives pursuant to Del.Const.Art.IV, §13(1). Under Revised Administrative Directive No. 171, the Court adopted a revised version of the Judicial Branch Personnel Rules. In Superior Court v. State of Delaware Public Employment Relations Board, 988 A.2d 429 (Del. 2010), the Delaware Supreme Court found that the Public Employment Relations Board had violated the constitutional doctrine of separation of powers by certifying a union for Superior Court employees. In order to ensure that these Superior Court employees as well as other Judicial Branch employees are able to exercise their right to collective bargaining, the Supreme Court stated in the foregoing opinion that it would use its constitutional authority to establish administrative rules for the Judicial Branch setting forth its own process and procedures regarding employment relations for the Judicial Branch. Revised Administrative Directive No. 171 adds a new Chapter 20 containing Employment Relations Rules for

non-judicial, non-merit Judicial Branch employees and an Appendix B containing Employment Relations Procedures for these employees, as well as related forms, and amends Rule 1.4 of the Judicial Branch Personnel Rules. The Court noted in a footnote to the Administrative Directive that although the rules adopted apply only to non-judicial, non-merit employees, the Supreme Court may, in the future, exercise its authority pursuant to Art.IV, § 13 of the Delaware Constitution, to provide for a uniform system of employment relations for all non-judicial Judicial Branch employees.

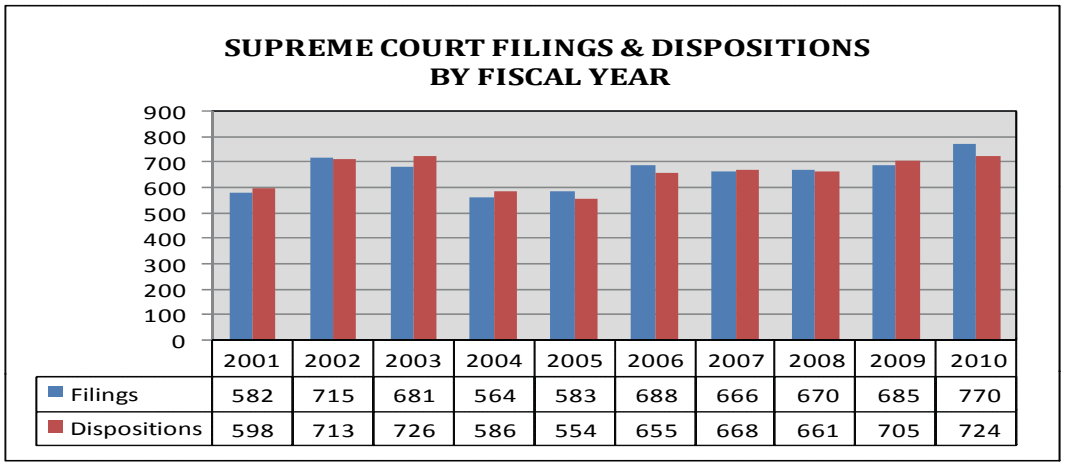


Under Administrative Directive No. 175, the Court superseded Administrative No. 94 and promulgated new reporting requirements for all members of the Delaware Judiciary regarding cases under advisement. Under Administrative Directive No. 176, the Court superseded Revised Administrative Directive No. 142 and modified the governance structure of the COTS case management system project to provide for the most effective administration of the project. Under Administrative Directive No. 177, the Court strongly encouraged each Court and the Administrative Office of the Courts, including the non-judicial agencies, to adopt a policy addressing the effects of domestic violence on the workplace.

The Delaware Supreme Court Task Force on Criminal Justice and Mental Health, chaired by Justice Henry duPont Ridgely, issued a strategic plan for Delaware on January 28, 2010. The strategic plan is designed to provide a comprehensive blueprint for diverting individuals with mental illnesses, when appropriate, for improving outcomes for those with mental illness who are already engaged with the criminal justice system, for reducing criminal justice costs, and for improving public safety and public health. It requires the courts, law enforcement, state agencies and community service providers to work together to identify individuals with mental illnesses and to be more efficient and responsive in ensuring that the appropriate treatment is received either in the community or, where diversion is not appropriate, in the criminal justice system.

The Delaware Courts: Fairness for All Task Force, co-chaired by Chief Magistrate Alan G. Davis and State Court Administrator Patricia W. Griffin, issued a report on self-represented litigants in September 2009. Among the Report's recommendations is the creation of a Bench Bar Committee to consider whether to clarify rules permitting attorneys to provide limited services to clients in litigation so that those who could otherwise not afford an attorney can obtain help with certain aspects of their cases. Another recommendation is to form a judicial committee on self-represented litigants. Chief Justice Myron T. Steele appointed members to both committees which began meeting in FY 2010.

During the past fiscal year, 3,801 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court continues to grant Delaware Certificates of Limited Practice to in-house counsel pursuant to Rule 55.1 and Delaware Certificates of Limited Practice as a Foreign Legal Consultant pursuant to Rule 55.2.

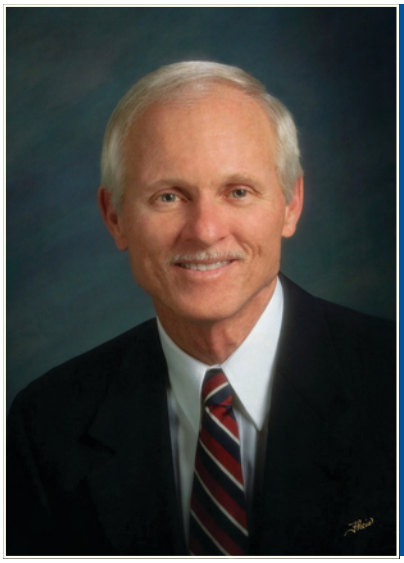


	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Filings	582	715	681	564	583	688	666	670	685	770
Dispositions	598	713	726	586	554	655	668	661	705	724

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



COURT OF CHANCERY

Chancellor William B. Chandler III

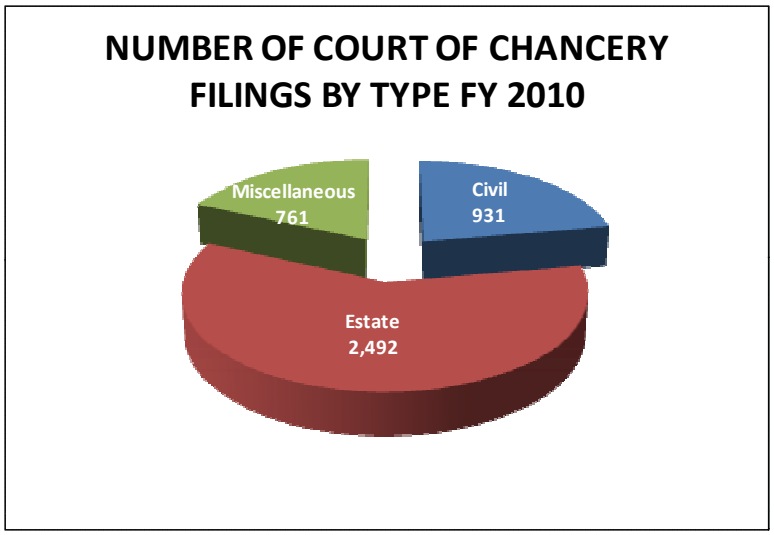
Since 1792 the Court of Chancery has been an indispensable component of Delaware's legal culture. The Court's preeminence in American business law has long been established. Two of the ingredients that have enabled the Court to achieve its stature within the national and international legal community are its expertise in its jurisdiction as evidenced in its extensive case law and its ability to deal with matters in a timely fashion. In FY 2010 the Court took steps to continue its tradition of excellence.

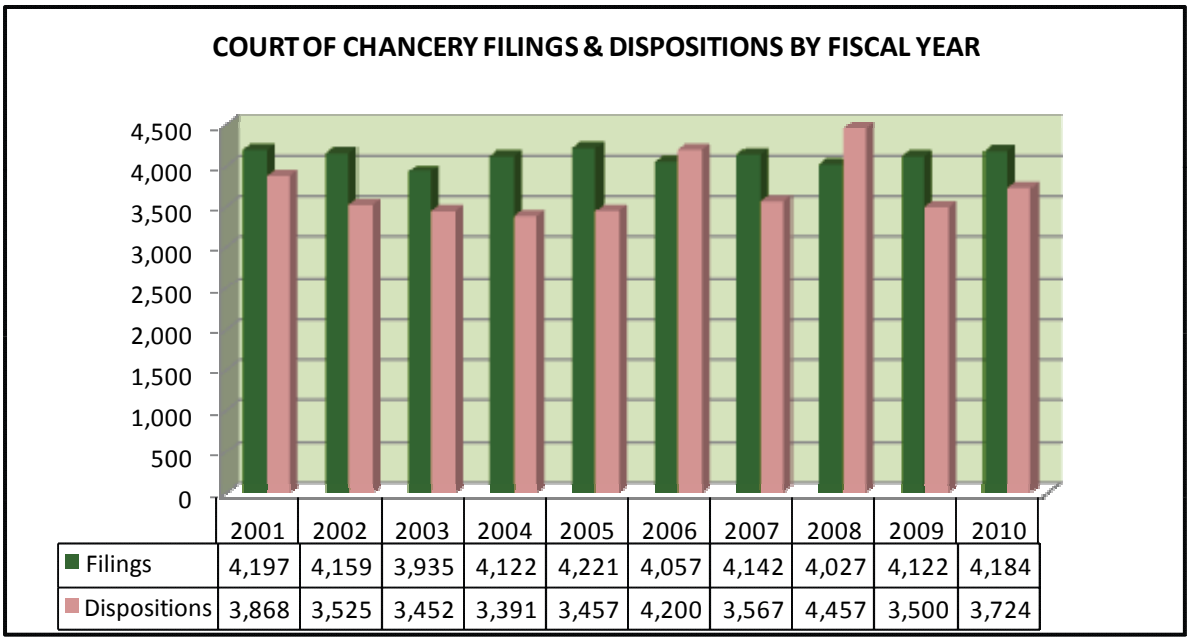
The e-filing effort first launched in 2003 continues to produce outcomes consistent with the project's original goals and objectives. To capitalize on that effort, the Court is working with the developers of COTS to secure the efficiencies realized to date and maximize the potential of e-filing throughout the entirety of the Court's caseload. With this expansion under COTS the Court is also focused on the development of a viable case management system that can provide measures of the Court's performance against established benchmarks.

Part of the plan to continue the Court's tradition of excellence is to take advantage of the opportunities presented with the legislation that established the statewide Register in Chancery Office. Thanks to e-filing and the resultant elimination of many paper intensive tasks, the Court has benefited from the reallocation of resources within the Register's Office.

With the graying of the population, the number of persons seeking guardianships is expected to grow significantly. It is anticipated that there is a potential for this burgeoning population to need assistance in managing their personal and financial affairs. Having materials and procedures that are user friendly and that can guide citizens is important to providing the public with the access it deserves.

The Court has also been given additional statutory jurisdiction, in the form of authority to handle arbitration matters filed with the Court. Once again the Court is being called upon to provide an expedited solution to large business and commercial disputes. In a similar view, the Court's Rules were amended to permit the Court to hold arguments, conferences and hearings via videoconferencing, thus enabling counsel and parties to have access to the Court from distant locations. These steps were taken to further the Court's reputation for providing efficient access and prompt decision-making to those who choose to incorporate in Delaware or who choose Delaware law to apply to their disputes.

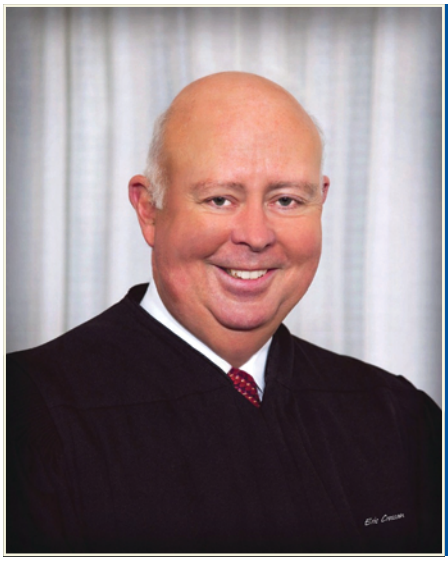




	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Filings	4,197	4,159	3,935	4,122	4,221	4,057	4,142	4,027	4,122	4,184
Dispositions	3,868	3,525	3,452	3,391	3,457	4,200	3,567	4,457	3,500	3,724

Court of Chancery ***(left to right)***

Vice Chancellor Donald F. Parsons, Jr.
Vice Chancellor Leo E. Strine, Jr.
Chancellor William B. Chandler III
Vice Chancellor John W. Noble
Vice Chancellor J. Travis Laster



SUPERIOR COURT

President Judge James T. Vaughn, Jr.

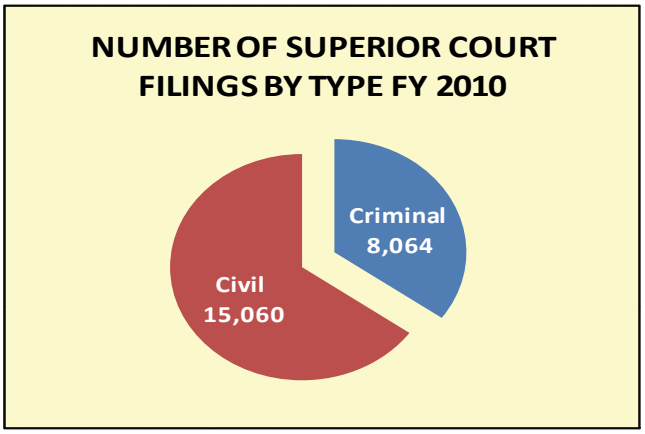
On January 24, 2010, after nearly 25 years of service, the Honorable John E. Babiarz, Jr., retired from the Superior Court bench. The well-respected, well-liked jurist is not really gone, however, as he continues to serve the Court part-time by appointment of the Chief Justice. On February 15, Superior Court welcomed Judge Diane Clarke Streett as she took her place on the bench to fill the full-time vacancy created by Judge Babiarz's retirement.

The Court saw an increase in each county's civil filings and dispositions this year. Filings were up seven percent, and disposition increased by three percent. This past year, communities statewide saw mortgage foreclosures rise by 19%. Unfortunately, there has been no decrease in foreclosures from the 39% increase last year.

New Castle County's Project Rightful Owner, designed to help residents who have lost their homes to sheriff's sale, disbursed $916,604 to petitioners this year. Since the program's implementation in 2007, I am proud to say that over $4,385,992 in sales proceeds over and above those necessary to pay liens has been given back to the victims of foreclosure.

Our Court's Dormant Docket, where mortgage foreclosures may be moved for up to 24 months, gives the parties in these cases a substantial period of time to negotiate the prevention of foreclosures. Currently, the Dormant Docket reflects 1,043 cases.

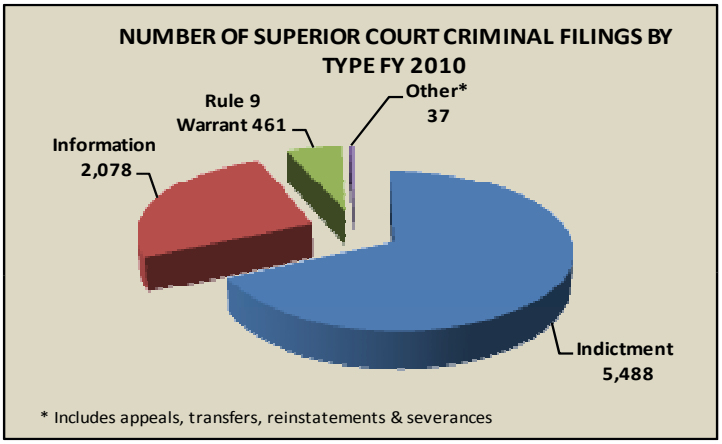
Fiscal year FY10 produced several important administrative changes in the Court's civil work. First, on January 1, 2010, Administrative Directive (AD) No. 2009-4 designated judgment cases for e-filing. This was done as part of the Court's effort to expand the use of e-filing to all our civil filings. Next, on February 22, 2010, AD No. 2010-2 eliminated paper files in all civil actions and matters filed using the LexisNexis File & Serve e-file system. And finally, effective May 1, 2010, AD 2010-3 created a "Complex Commercial Litigation Division" (CCLD) for Superior Court.



The CCLD's purpose is to improve upon the handling of complex commercial and business cases. Cases may be assigned to the CCLD when the controversy does not involve personal injury and the amount in controversy is one million dollars or greater, when an exclusive choice of court agreement is involved, or when designated by the President Judge. Cases assigned to the CCLD will be specifically assigned to a judge on the CCLD Judges' Panel (AD2010-4).

The Mortgage Foreclosure Mediation (MFM) program provides a way for homeowners to participate in court mediation with their lender. The program's goal is to assist homeowners in avoiding foreclosure by fostering negotiations between homeowners and mortgage companies. To date, there have been 104 mediations held statewide in Superior Court. The program suffered a terrible blow this year with the tragic death of Chris White, former Executive Director of Community Legal Services, Inc.

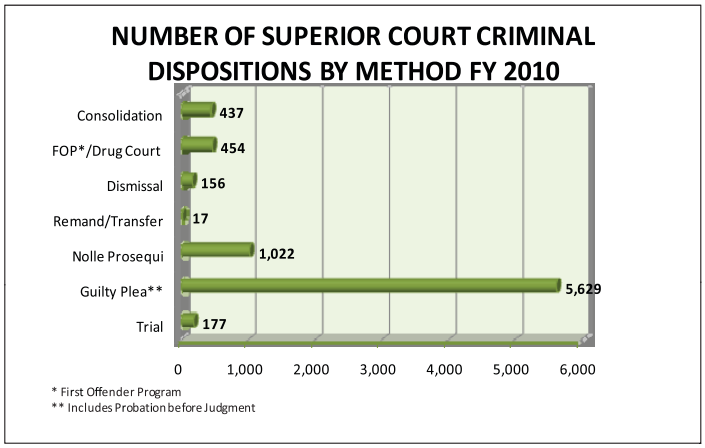
(CLASI). Chris was the driving force in creating and maintaining the program.



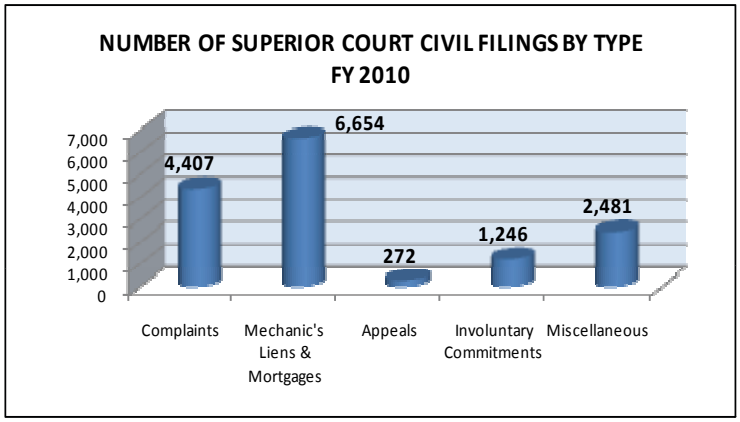
Statewide, our criminal statistics show that there were 8,064 criminal filings and 7,892 cases dispositions. These numbers represent a nine percent decrease in filings from last fiscal year, but there were 15 % fewer cases disposed of. As of June 30, 2010, there were 34 murder cases pending in Superior Court. Seventy-nine percent of these 34 cases are pending in New Castle County. Additionally, 5,523 violations of probation (VOP) cases were filed and 4,535 had final dispositions.

In keeping with our goal to reduce the number of VOP's this year, the Court expanded the VOP Mental Health Court, begun in New Castle County, to Kent and Sussex Counties. Kent County is piloting a Veteran's Court, joining our so-called "specialty courts" which include our Drug Court, Re-Entry Court, and the VOP Mental Health Court. All of these courts are means to find new ways and new treatments to assist specific offenders in getting back control of their lives. The goal of these courts is to help reduce offender recidivism rate and thereby reduce the crowded prison population.

The Court's web site continues to expand, to become more user-friendly and to offer more on-line access for our customers. In October 2009, an all new Superior Court internet site was launched. As part of that effort, a Trade, Business and Fictitious Names database was made available to the pubic to determine if they are registering a unique name. The application guides people through the process and provides interactive on-line forms to make the process easier. Our Listserv information service continues to grow, with 19 separate Listservs maintained, with nearly 1,974 members with access to instant notifications.



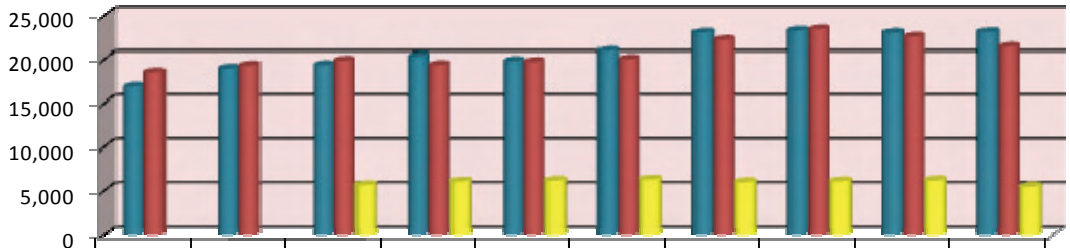
For the eighth year in a row, the Delaware Judiciary, and Superior Court in particular, were voted No.1 by a national survey which ranked Delaware's litigation environment first in the country for fairness. The survey, *Lawsuit Climate 2010: Ranking the States* by the Institute for Legal Reform, shows that Delaware continues to lead the other 49 states, holding the number one ranking for each year since the survey was first conducted in 2002.



Next year, the Court looks forward to moving into the new Kent County Courthouse. It is a building worthy of its historical surroundings. We look to the future to new challenges that the Court will face in an ever changing political and economic climate. As always, we look to work hard and to continue the Court's record of excellence in all three counties throughout the coming years.

SUPERIOR COURT

SUPERIOR COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Filings	16,907	19,019	19,393	20,387	19,851	20,977	23,075	23,292	23,035	23,124
Dispositions	18,562	19,345	19,907	19,398	19,781	20,077	22,231	23,450	22,602	21,435
VOP Filings			5,706	6,119	6,232	6,349	6,055	6,151	6,255	5,523

Front row (sitting left to right)
Judge T. Henley Graves (SC Resident Judge)
Judge John E. Babiarz (retired January, 2010)
President Judge James T. Vaughn, Jr.
Judge Jerome O. Herlihy
Judge Charles H. Toliver, IV

Second row (standing left to right)
Judge E. Scott Bradley
Judge William L. Witham, Jr. (KC Resident Judge)
Judge Fred S. Silverman
Judge Richard R. Cooch (NCC Resident Judge)
Judge William C. Carpenter, Jr.
Judge Richard F. Stokes
Judge Peggy L. Ableman

Back row (standing left to right)
Judge M. Jane Brady
Judge Mary M. Johnston
Judge Jan R. Jurden
Judge Joseph R. Slights, III
Judge Calvin L. Scott, Jr.
Judge Robert B. Young
Judge John A. Parkins, Jr.

Not Pictured: Judge Diane Clarke Streett (Sworn in February, 2010)

Standing (left to right)
Commissioner Michael P. Reynolds
Commissioner Alicia B. Howard
Commissioner Mark Vavala
Commissioner Andrea Maybee Freud
Commissioner Lynne Parker

FAMILY COURT

Chief Judge Chandlee Johnson Kuhn

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its statutory mission set forth in 10 *Del.C.* § 902(a),

"The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interest of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another."

COURT IMPROVEMENT PROJECT (CIP)

The Court Improvement Program (CIP) is a multi-year, federally funded grant 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 and continues to utilize this federal resource to embark on a dynamic new partnership with the child welfare system by focusing on the common goal of improving the safety, stability and well-being of children who have experienced abuse and neglect.

Initial CIP efforts resulted in today's best practice of having all stages of a dependency and neglect case heard by the same judge within a schedule of hearings and reviews that meet federal standards. More children and parents have representation, case plans are more meaningful, orders more consistently include detailed reasoning, and reunification or permanency is achieved more timely.

The Court is building on that foundation through a more active partnership with others in the child welfare system, primarily the Division of Family Services, but also with legal professionals, advocates and service providers. A number of judges serve as champions in particular subject areas, enabling the Court to participate more proactively than reactively with other stakeholders.

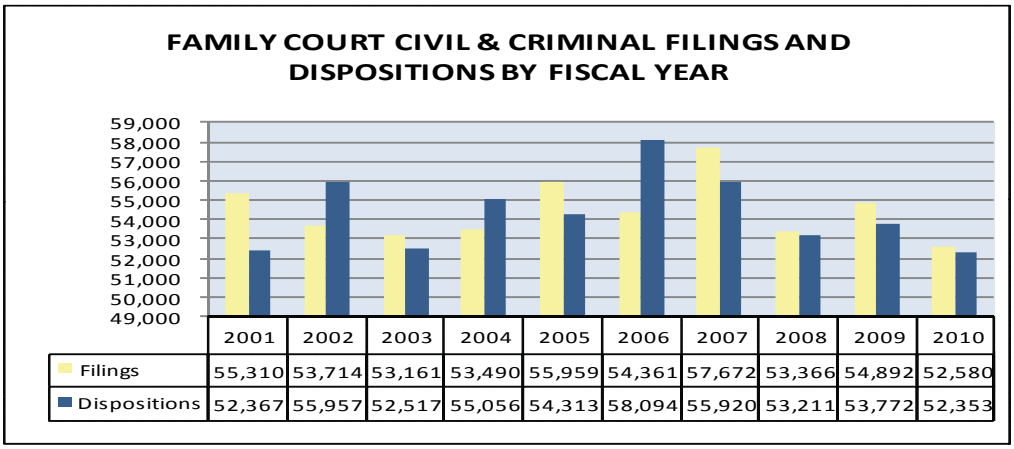
Highlights include:

The Family Court actively assisted DSCYF in completing the federal Child and Family Services Review Program Improvement Plan (PIP) to further the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met. Members of the Court participate in ongoing workgroups focused on fulfilling the quarterly goals of the plan, as well as other work groups with system partners that focus on legislation, improving education, enhancing services for children, and ensuring they have lasting connections as they go through early adulthood.

Collaboration is advanced through quarterly meetings between Court and DFS leadership, as well as county level quarterly stakeholder meetings intended for partners to remedy local challenges and share beneficial information.

The CIP Judges continue to meet with the Youth Advisory Committee (YAC) to discuss matters of interest to youth in foster care. YAC members and Judges remain in contact, and YAC members are speaking at Court sponsored training sessions, or participating as panel members.

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 is conducting the court-focused evaluation in New Castle County under contract with HHS. The study began in the fall of 2006 and will take place over a five-year period. It includes 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.



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Filings	55,310	53,714	53,161	53,490	55,959	54,361	57,672	53,366	54,892	52,580
Dispositions	52,367	55,957	52,517	55,056	54,313	58,094	55,920	53,211	53,772	52,353

JUVENILE JUSTICE

Mental Health Diversion Court

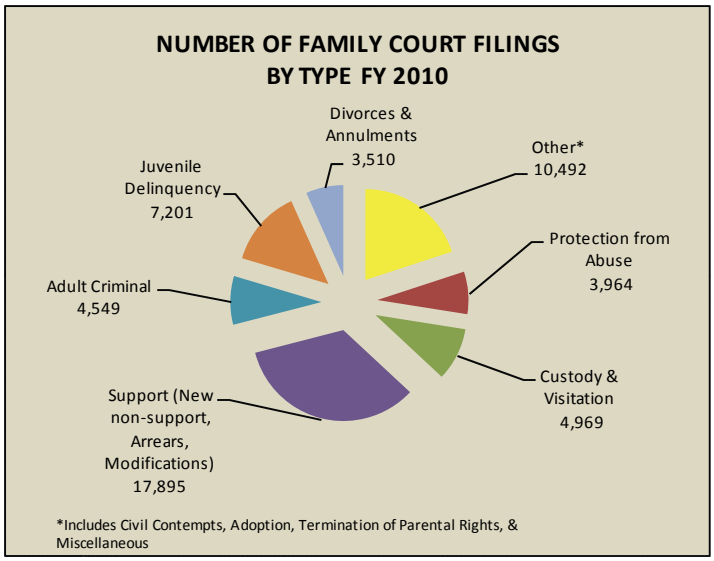
In 2006, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health, received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with delinquency charges pending against them in the New Castle County Family Court. The program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. The program began in January of 2007 and quickly acquired a full caseload. Since the programs inception, 94 juveniles have entered into the program and 58 have graduated. Of the 58 juveniles who have graduated from the program, 82% of them have not picked up new charges within six months of graduation.

In conjunction with the Mental Health Court program, the Family Court in New Castle County has created a dedicated juvenile competency calendar for conducting competency hearings and monitoring compliance with treatment recommendations for non-competent juveniles still facing open charges. One dedicated judge is assigned to hear and track all the competency hearings.

Gun Court

In April of 2009, in response to the increasing level of gun violence in the state, Chief Judge Kuhn implemented a Gun Court Calendar in New Castle County. Today, the specialized calendar has expanded to Kent and Sussex Counties. The Chief Judge presides over the calendar, hearing all case reviews, preliminary hearings and motions for all cases involving juveniles with firearm charges, as well as reviews after a finding of guilt or as a condition of a sentence.

The Gun Court provides Delaware's juveniles with an exclusive forum in which to resolve these cases quickly while providing sentencing that includes appropriate treatment, rehabilitation efforts and close court supervision.



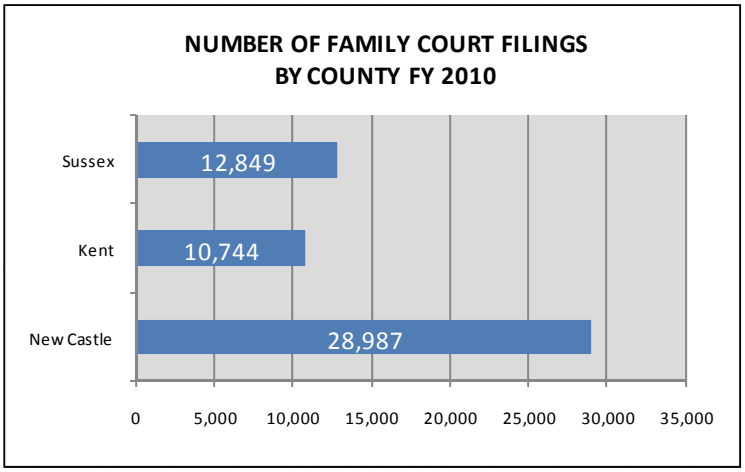
As a result of the collaboration between the Family Court, Department of Justice, Department of Services for Children, Youth and Their Families, and law enforcement, Gun Court has been effective in substantially decreasing the population of juveniles charged with gun crimes being detained at the New Castle County Detention Center. These serious cases are being resolved more quickly and efficiently and are subject to judicial oversight.

SERVICES FOR SELF-REPRESENTED LITIGANTS

In its continued effort to serve the ever-growing *pro se* litigant population, the Family Court introduced several new initiatives during the past year, while continuing to offer a high level of service to those who seek assistance in repre-

senting themselves. Over 39,000 litigants were assisted in the Family Court Resource Centers statewide, reflecting the national and statewide trend of increasing self-representation in domestic relations law.

Last year, the Family Court partnered with nCourt, and developed an automated and secure filing system in the area of child custody which is funded by the users who pay a small convenience fee. The system prompts litigants to fill in information and answer a series of questions related to their filing, while at the same time providing them with instructions and information related to their filing and the law. At the conclusion of the questions, the system creates the forms that need to be filed for a particular type of pleading. Litigants then pay their court fees and a convenience fee online and are notified when the Family Court has accepted and processed their petition. The end result is a more accurate and legally correct pleading that can be created and filed at the litigants' convenience. The Court expanded its electronic delivery services to divorce and motions this year.



The Family Court continued its efforts to develop and implement instructional packets and resources in a variety of new areas. In addition to developing resources for its self-represented population, the Director of Pro Se Services will begin to focus on staff trainings as a newly named Director of Pro Se and Professional Services. The Director will create training resources and modules designed to increase competency and efficiency of Family Court staff that will enable the Court to better serve the public.

DOMESTIC VIOLENCE

In staying at the forefront of developments in the area of domestic violence, the Family Court has taken on a number of tasks to promote the forward momentum in this area.

In its continued efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, Family Court has created a specialized domestic violence court. The intention of this specialized court is twofold: to create greater continuity in Family Court cases involving domestic violence and to create a more standardized system of compliance for offenders.

In January 2008, Family Court began conducting Protection from Abuse review hearings. These hearings are being scheduled before the Court when a Respondent has not complied with the evaluation and treatment conditions of an active Protection from Abuse order. These reviews do not require the Petitioner to file a contempt petition in order for a hearing to be scheduled. The Court is currently reviewing this process to possibly expand review hearings to other conditions in of the Protection from Abuse order.

In addition to conducting PFA review hearings, Family Court was able to secure federal grant money to continue with the position of the Domestic Violence Court Project Coordinator to promote the efforts of the specialized domestic violence court statewide. The Coordinator will continue to monitor compliance, provide training to court staff as needed and attend various meetings of the Domestic Violence Coordinating Council on behalf of Family Court.

Lastly, on July 1, 2010 Delaware Capitol Police began providing a police officer dedicated to Family Court on PFA hearing duty in each of the three Family Courts located in New Castle, Kent, and Sussex counties. This officer will be assigned to provide a police presence at the hearings and waiting rooms to reduce the potential of violence and to maintain a safe and secured environment for anyone directly involved with PFA issues and concerns.

This officer will also be assigned to liaison with the PFA advocates to ensure that the victims who need additional attention are provided that service. The officer will (upon request) escort victims to/from the courthouse and coordinate with local law enforcement to provide escorts outside of the immediate area.

COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

The Family Court CASA Program continues to recruit and train volunteers to provide advocacy for abused and neglected children involved in court proceedings. The CASA volunteers establish the child's best interest by gathering information and monitoring the circumstances surrounding

the child(ren) in question. The statewide program continues to operate within each Family Court location. Diligent efforts are in place to train and recruit interested individuals to be a powerful voice for children. The CASA Program used several recruiting techniques such as: outdoor billboards along well traveled routes throughout the state; advertisements in local newspapers, radio stations, and website advertisements on Volunteer Match, Mentors, National CASA Volunteer Referrals and the Family Court CASA website. The CASA Program participated in many community events throughout the state as another means to recruit volunteers. As a result, the program has increased the exposure and knowledge about the volunteer opportunities, resulting in the doubling of the new volunteer pool from the previous year. The CASA Program has been a model used by National CASA to share with other CASA programs across the country in reference to our volunteer recruitment, new volunteer and diversity training.

Currently the program has over 255 volunteers serving over 610 children. On several occasions this year, CASA together with the Office of the Child Advocate, was able to provide 100% representation for Delaware's Children. Our diverse group of volunteers represents many professionals from distinct backgrounds and locations within the state. New volunteer training (offered quarterly) and in-service trainings (offered monthly) are extended to all volunteers within the program. Each volunteer receives over 30 hours of continuing education a year (12 hours are required annually). Over 3500 hours of service is given by the volunteers on a monthly basis, as they speak for the children we serve. Over 50% of our volunteers have remained assigned to a case beyond the 18 month commitment. The Family Court CASA Program continues to grow and make a difference for Delaware's children.

HUMAN RESOURCES

Over the past year, Family Court's HR Department has partnered with the Administrative Leadership team and focused on three (3) main areas: 1) employee engagement, 2) effective leadership, and 3) developing 'best practices'. These three elements were instrumental in helping grow and develop Family Court's employees. Through various trainings such as *Coaching for Success*, *Performance Management*, and *Sexual Harassment*, Family Court was able to sharpen the skills and knowledge of its current supervisors in an effort to help them become more effective, strategic leaders.

Overall, the Human Resources Department, in collaboration with the Administrative Leadership Team, is committed to creating a challenging work environment that focuses on talent management, talent acquisition and organization effectiveness; while at the same time making Family Court the 'employer of choice'.

Front row (sitting left to right)
Judge William M. Nicholas
Judge Jay H. Conner
Chief Judge Chandlee Johnson Kuhn
Judge Kenneth M. Millman
Judge William J. Walls, Jr.

Second row (standing left to right)
Judge Arlene Minus Coppadge
Judge Aida Waserstein
Judge Barbara D. Crowell
Judge Joelle P. Hitch
Judge Mardi F. Pyott

Back row (standing left to right)
Judge Mark D. Buckworth
Judge Peter B. Jones
Judge Michael K. Newell
Judge William L. Chapman, Jr.
Judge Robert B. Coonin
Judge John E. Henriksen
Judge Alan N. Cooper

COURT OF COMMON PLEAS

Chief Judge Alex J. Smalls

FY 2010 was another demanding year for the Court of Common Pleas. The number of cases transferred to, and filed with, the Court of Common Pleas contributes to a high volume environment in the Court which intensified in FY 2010. Caseloads continued to rise in most categories, with the civil caseload increase representing an all-time high for the Court.

The Court of Common Pleas welcomed new judge, Eric Davis, to its bench on April 14, 2010. Judge Davis received his B.A. from the University of Virginia in 1985 and subsequently earned his JD from Emory University School of Law, graduating with honors in 1992. Judge Davis began practicing law with the Baltimore law firm of Miles and Stockbridge, P.C. in 1992 and in 1996 went on to become a partner at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. He will serve primarily in New Castle County.

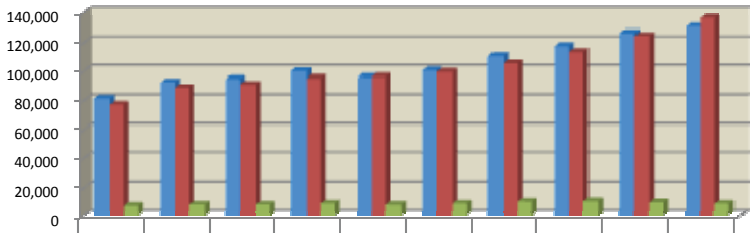
The number of criminal defendant filings in the Court of Common Pleas in FY 2010 was 115,882, a 3.7% increase over FY 2009. Preliminary Hearing filings dropped from 9,940 to 9,066. However, as a result of an aggressive program by the Department of Justice of reviewing felony arrests prior to their scheduled hearings, the Court of Common Pleas is taking a significantly greater number of pleas at Preliminary Hearing. This has had a positive effect on the entire criminal justice system because it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court; many such cases, if not pled, would be re-filed in the Court of Common Pleas after the defendant is bound over for the Superior Court.

Civil filings also continued to rise. In FY 2010, 15,191 cases were filed with the Court representing a 1.7% increase over FY 2009 and representing the largest number of civil cases ever filed in the Court of Common Pleas. This followed a dramatic 24% increase in FY 2009. Cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time. To allow for better management of its more complex caseload, the Court also implemented an expedited process for managing debt collection cases, reducing disposition time as well as providing opportunities for improved time management for litigants, attorneys and judges.

The Court continues to work aggressively to manage its caseload in spite of greater demands on judges and staff. Additional calendars and the application of aggressive case management techniques have begun to reduce the time to disposition in most case categories. The acquisition of funds from the American Recovery and Reinvestment Act allowed the Court to add traffic calendars in New Castle County and expedite case processing, which resulted in a reduction in time to disposition of traffic cases from 38 weeks to 18 weeks in just one year. In spite of the increase in criminal misdemeanor filings, the Court's disposition rate also continued to improve in FY 2010.

The Court also received funding through the Stop Violence Against Women Act to allow greater concentration on the movement of domestic violence cases. The goal of ensuring prompt disposition of these cases by identifying them early in the process, tracking and monitoring case activities, anticipating case flow problems/causes for delay, and initiating appropriate action to expedite cases has begun to be realized and the time to disposition of domestic violence cases dropped by three weeks.

COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS & DISPOSITIONS & PRELIMINARY HEARINGS BY FISCAL YEAR



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010*
Filings	81,451	92,965	95,041	100,232	96,322	100,814	110,765	117,652	126,691	131,073
Dispositions	77,385	89,157	91,283	95,611	96,525	99,704	105,612	113,480	124,804	137,037
Preliminary Hearings	7,616	8,362	8,386	9,189	8,329	9,165	10,413	10,720	9,940	9,066

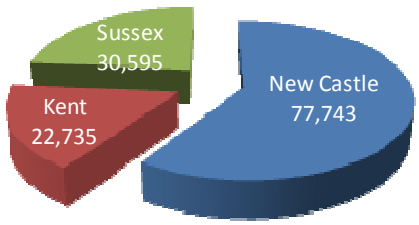
*The significant increase in total case dispositions reflects a significant increase in civil case dispositions. This increase in civil case dispositions is the result of several factors, including the implementation of more efficient case processing procedures, attention to Rule 41(e) dismissals, and the implementation of an expedited docket for debt collection cases.

The Court continued to operate its court-supervised comprehensive drug diversion program for non-violent offenders. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing and treatment. The Drug Diversion program represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Public Defender, the private bar, the treatment providers, and the Treatment Research Institute at the University of Pennsylvania. Collaboration with the Treatment Research Center (TRI) has provided the basis for observation, research and analysis to launch scores of other drug diversion programs throughout the United States and internationally. Based on TRI's research, in FY 2010, the Court made a renewed commitment to identify and accept into the program those defendants who will most benefit from the program and who are committed to a clean and sober lifestyle. The Court has handled more than 5,820 participants since its inception in 1998.

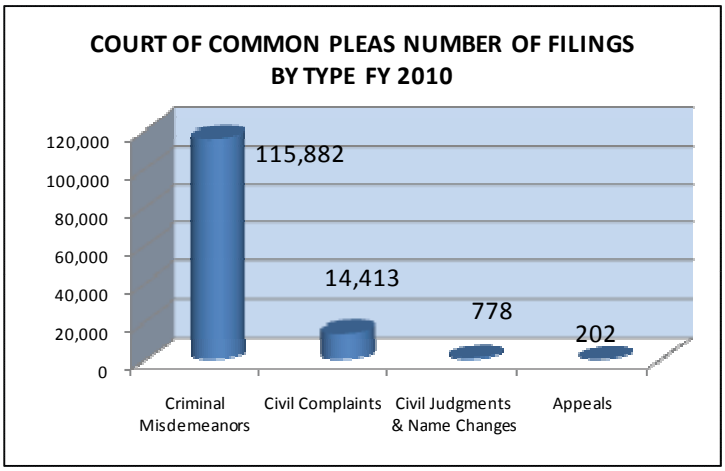
Since 2001, the Court has referred more than 6,950 cases for mediation, with more than 1,025 referrals made to the program in FY 2010. In recent years, the Court's mediation program has been expanded and is available to parties in civil cases as well as criminal cases. Mediation provides an alternative to criminal prosecution and leaves participants in both civil and criminal cases with an increased sense of satisfaction with the justice system. The Court's mediation program continues to have a success/satisfaction rate of nearly 90%.

Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the Drug Court concept, the goal of Mental Health Court is to effectively serve the special needs of the mental health population through continuous judicial oversight and intensive case management and, through this approach, to reduce this population's contacts with the criminal justice system. Approximately 250 cases have been referred to the Mental Health Court since its inception, exceeding the original goal of serving 100 misdemeanor offenders. Ninety-eight percent of the admissions have been compliant with their case management plans and, as of June 30, 2010, 80% of the individuals who successfully completed the program did not incur new convictions within six months of their graduation.

COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS BY COUNTY FY 2010

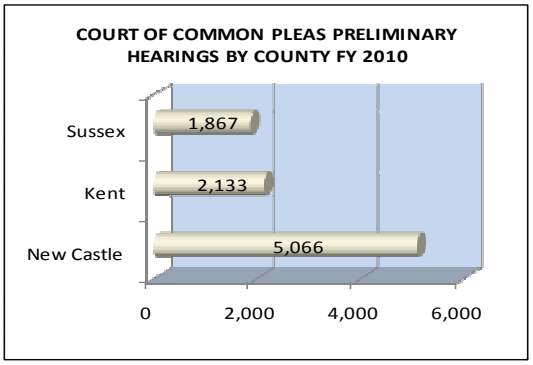


The Court continues to explore avenues to increase efficiency through technology. A web-based payment system for the payment of fines, costs and restitution through an internet application was implemented at the end of FY 2010 and has continued to reduce the burden on Court staff by allowing people to pay their fines electronically. The Court is also exploring other opportunities by which it can serve its customers through improved public access, such as through an Interactive Voice Recognition Program and through expanded e-Payment opportunities.



The continued success of the civil COTS implementation has significantly improved access to civil cases and civil case information. E-filing has been extremely successful, with more than 90% of the Court's caseload being e-filed. In FY 2010, the Court received 48,287 e-filings and collected $1,206,437 in receipts for those filings. Additionally, the COTS implementation provides electronic access by judges and staff to court filings, reduces the Court's reliance on paper, provides access to accurate and complete reporting information for the first time, and provides the public with internet access to civil case information.

The Court of Common Pleas commitment to enforcement of its court orders continues. In spite of a weak economy, the Court's collection rate rose in FY 2010, going from $6,029,900 in FY 2009 to $6,857,200, a 13.7% increase. These collections represent money going to the State's General Fund, as well as to individual municipalities throughout the State. The Court returns more than 48% of its operating budget to the State's General Fund, a far higher percentage than any other Court. A significant portion of the Court's collections also represents restitution and compensation payments to victims of crime.



In spite of the challenges of managing a large and increasingly complex caseload, judges and staff remain committed to the mission of the Court of Common Pleas - to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner. Each member of the Court is responsible to the people the Court serves to carry out that mission on a daily basis.

Front row (standing left to right)
Judge Andrea L. Rocanelli
Chief Judge Alex J. Smalls
Judge Rosemary Betts Beauregard

Second row (standing left to right)
Judge Charles W. Welch, III
Judge Joseph F. Flickinger, III
Judge Anne Hartnett Reigle
Judge Eric Davis
Judge Kenneth S. Clark, Jr.
Judge John K. Welch

JUSTICE OF THE PEACE COURT

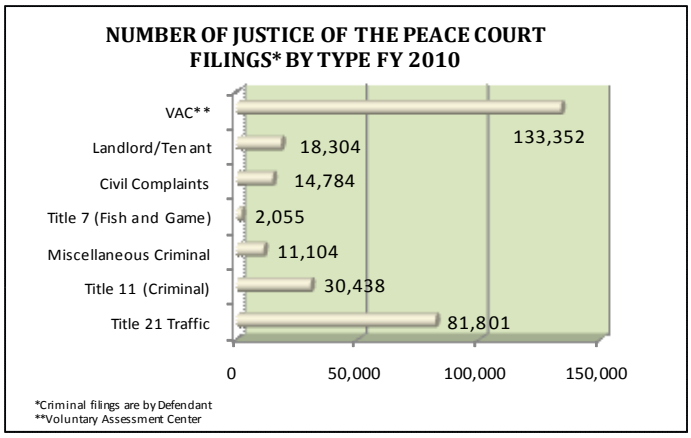
Chief Magistrate Alan G. Davis

While the economic and budgetary climate over the recent past has continued to present formidable challenges, the Justice of the Peace Court made some significant advances in Fiscal Year 2010. The efforts of the administration, staff and judges of this court all contributed to making this past year one of progress and success. There are numerous individual efforts I would like to chronicle that this space and format will not allow. As such I will limit my comments to two endeavors that have and will continue to change the shape and direction of this organization for years to come. In addition to continuing to process an incredible caseload, the Court embarked on a remarkable new method of processing traffic cases. Additionally, we consolidated and enhanced New Castle County criminal court resources by moving into an expanded location that not only meets our current needs, but gives opportunity for growth.

Police Prosecution Process

Several years ago, as a result of the effect of some local police practices on case processing, Court #6 engaged the Harrington and Felton Police Departments in a project to reduce the number of cases going to trial in that small venue. A process was developed in which the police agency would send an officer to the arraignment calendar to discuss traffic cases with the defendants. This was a unique situation in the Justice of the Peace Court; traditionally, only defendants would appear at arraignment day, without the presence of the police or a prosecutor. In the original system a defendant would only have three choices: plead guilty as charged; transfer the case to the Court of Common Pleas, where he or she could interact with a prosecutor; or request a trial in Justice of the Peace Court, where the arresting officer would prosecute the case. Obviously, the incentive for the defendant was to transfer the case or request trial in this court. Arraignment was essentially a wasted day for the vast majority of defendants and ensured that most cases would see a second contact with the court system.

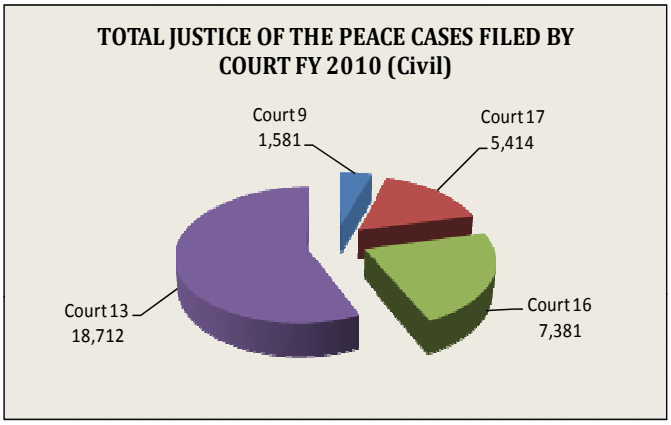
Under the new program at Court #6, the Court began to schedule the cases for the specific agency on a single calendar. The officer attending that agency's arraignment calendar would attempt to negotiate pleas in the cases before the Court. If the case could not be resolved, the arresting officer was on call to try the case the same day. This was a fairly successful method of dealing with these traffic cases. The Court benefited by having fewer cases transferred or going to trial, the agency had some consistency in case processing, and senior officers were able to better monitor the activity of road officers. Seeing this success, the Court decided to move forward with implementation of a similar process with other agencies and in other Court locations.



The process changed a bit as a result of consultation with the Police Chiefs' Council and other stakeholders. Instead of having trial the same day as arraignments, individual police agency calendars were established to handle arraignment on a single day and schedule requested trial dates to meet work schedules of individual arresting officers. This eliminated the need for on-call overtime costs and optimized the opportunity for meaningful plea negotiations at the call of the calendar. In addition, the Attorney General's office, which has ultimate prosecutorial authority in this state, came on board to provide training and evaluation resources for police agencies engaged in this process.

As a result of these modifications and the interest of the law enforcement community in finding cost savings measures, the Court moved forward in expanding the process throughout the state. As of the end of FY 2010, the process was in place in almost every Justice of the Peace Court criminal location, with all of the Kent County locations involved. Two of the three largest

police agencies in the State were participating, with plans for the third to come on early in FY 2011. Many local police agencies had joined in the process as well. While the Court had anecdotal evidence of success in the areas of initial case disposition, reduction of transfers and smaller trial calendars, it became evident as the expansion was occurring that there was a real need for data collection and documentation of the effects of this process not only on the Justice of the Peace Court, but also on the police agencies, the Court of Common Pleas and the Department of Justice. The Court engaged the Delaware Statistical Analysis Center to study the process to determine its effect on the overall criminal justice system. I look forward to sharing some of the data from that evaluation with you next year.



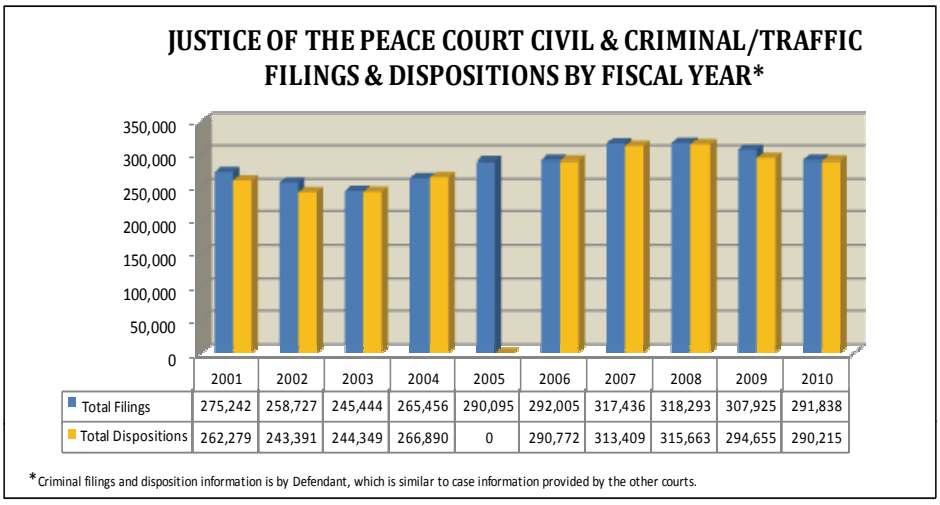
Consolidation and Relocation in New Castle County

Economic pressures led much of state government to begin looking at ways to streamline services over the past couple of years; the Justice of the Peace Court was no exception. The Justice of the Peace Court has long operated out of multiple small locations throughout each county. While having many locations provides some level of convenience for our users, it hampers other efforts to provide better service once the user is actually in the courthouse. Operating out of multiple leased facilities, providing redundant services in many locations, and using inconveniently located facilities for centralized case processing services did not provide optimum efficiency for the Justice of the Peace Court in New Castle County. Consolidation to a more centralized, user-friendly facility was the natural solution to address all of these concerns.

In advance of FY 2010 many of our leased locations in New Castle County had come to the end of their lease terms, providing a unique opportunity to address facility needs in a comprehensive manner. The epilogue language of the FY 2010 budget authorized the Justice of the Peace Court to consolidate a number of court resources and facilities. Following a process of evaluating several locations for possible consolidation, a leased facility in the Corporate Commons business development was selected to house the unified court facility.

In late December 2009, the Court took possession of its new facility, a 25,000 square foot space custom renovated to meet the needs of the Court. The facility contains five public courtrooms, a secure forthwith presentment courtroom for detained individuals, and a dedicated videophone courtroom. In addition to the courtroom space, it has a large waiting room; individual space for victims, prosecutors and defense counsel; enhanced workspace and break areas for staff; and semi-private judges' chambers. The new location boasts complete generator backup to meet the needs of a 24-hour court facility and to support the Court's continuity of operations plan. Further, the space provides the court adequate storage space and state-of-the-art security components.

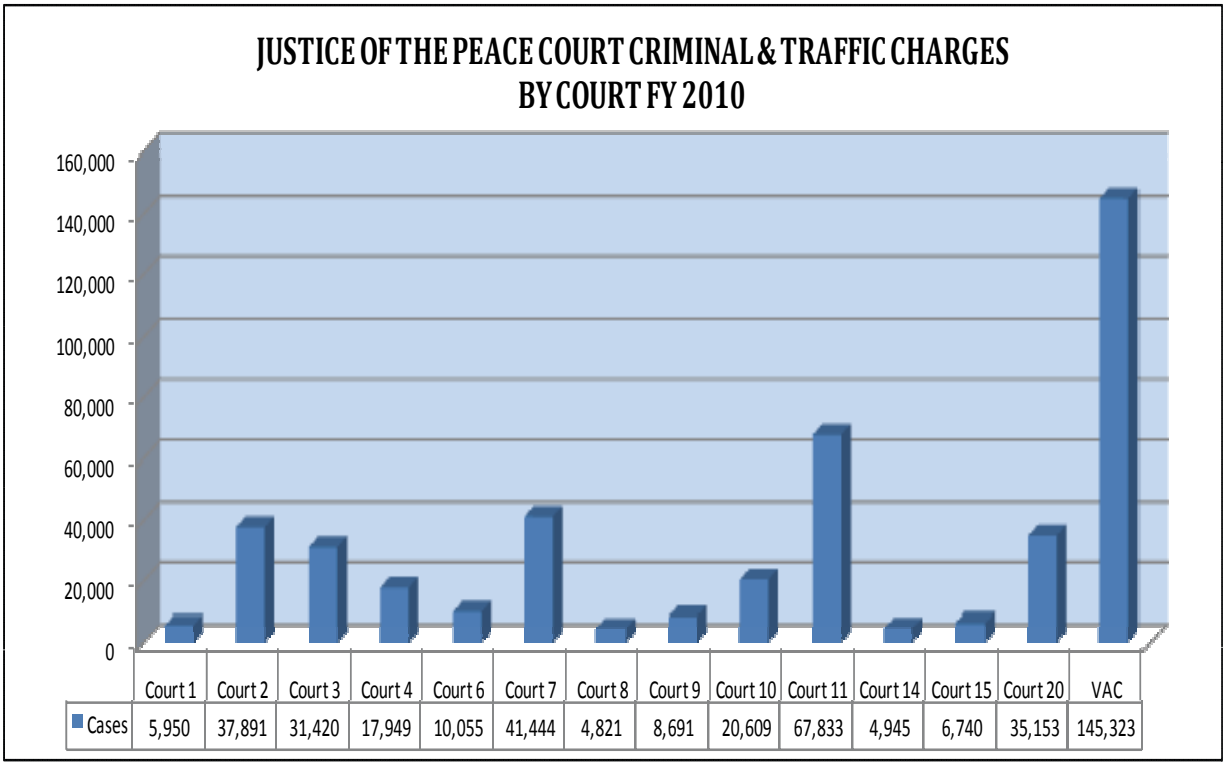
Several Court operations were consolidated into this location. The Justice of the Peace Court Administrative Office, Courts 11 and 15 and the Constable Central operation were all incorporated into the new facility. This allowed for the better management of case types, such as central DUI processing, which had been taking place remotely at Court 15. This move also set the table for this court location to begin actively participating in the Police Prosecution Process as the main location for that operation in New Castle County. Not only has this move provided a better environment for the Court's staff, judges and public users, it has allowed the Court to process cases in a more efficient and effective manner.



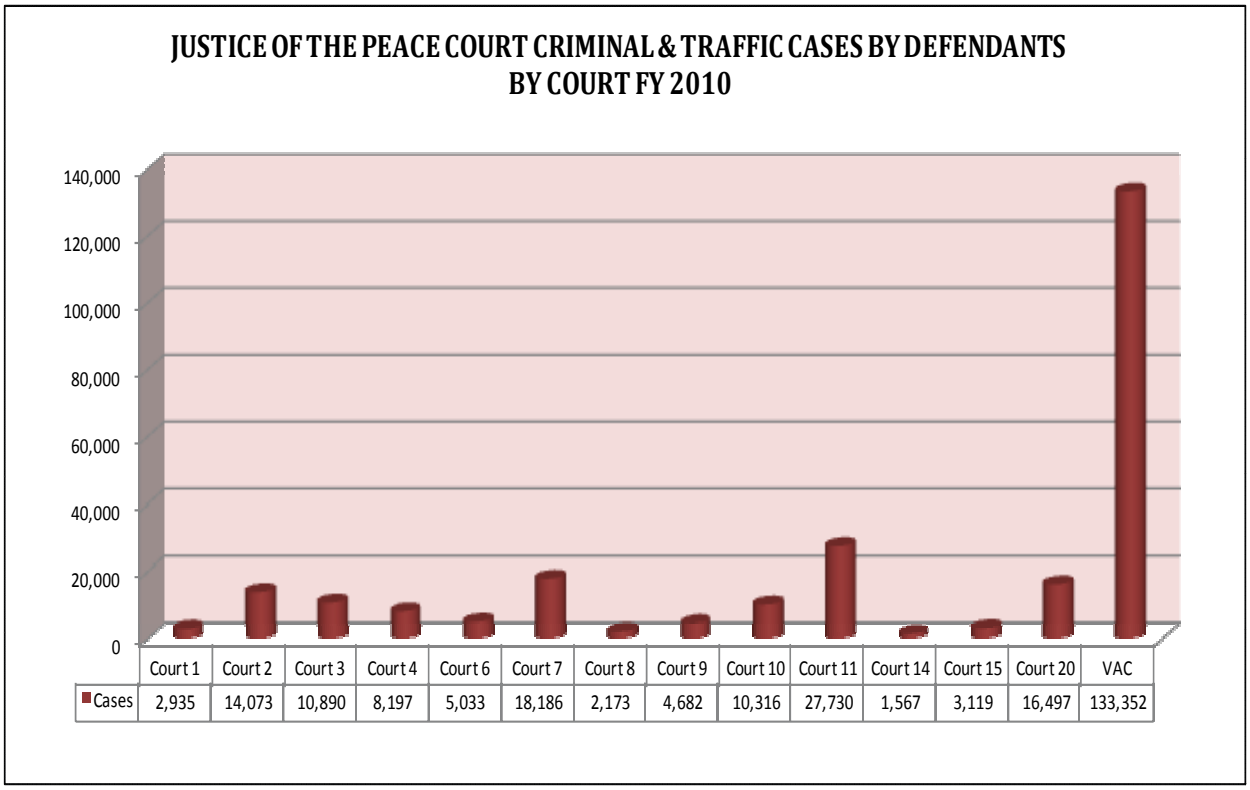
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Total Filings	275,242	258,727	245,444	265,456	290,095	292,005	317,436	318,293	307,925	291,838
Total Dispositions	262,279	243,391	244,349	266,890	0	290,772	313,409	315,663	294,655	290,215

*Criminal filings and disposition information is by Defendant, which is similar to case information provided by the other courts.

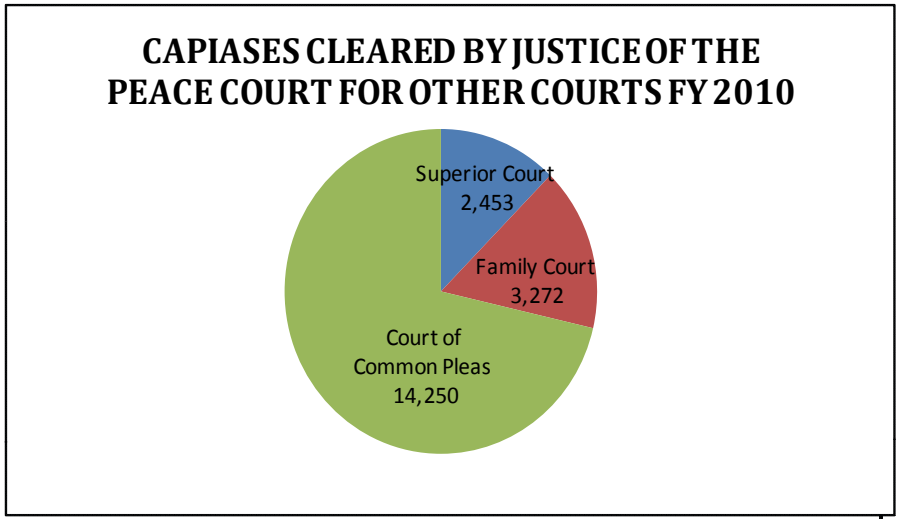
These two advancements mark significant achievements for this Court. One is "concrete" and provides a long-term home for the bulk of criminal case processing in New Castle County. It will serve this organization well as it sees changes resulting from the other, process-oriented development. Both Police Prosecution and the consolidated facility represent a new view of the Justice of the Peace Court – one with an eye toward efficiency, but grounded in justice.



	Court 1	Court 2	Court 3	Court 4	Court 6	Court 7	Court 8	Court 9	Court 10	Court 11	Court 14	Court 15	Court 20	VAC
Cases	5,950	37,891	31,420	17,949	10,055	41,444	4,821	8,691	20,609	67,833	4,945	6,740	35,153	145,323



	Court 1	Court 2	Court 3	Court 4	Court 6	Court 7	Court 8	Court 9	Court 10	Court 11	Court 14	Court 15	Court 20	VAC
Cases	2,935	14,073	10,890	8,197	5,033	18,186	2,173	4,682	10,316	27,730	1,567	3,119	16,497	133,352



JUSTICE OF THE PEACE COURT JUDGES

SUSSEX COUNTY

Seated (left to right)
John R. Hudson, Stephani Adams, Jeni Coffelt, CM Alan Davis, DCM Sheila G. Blakely, William J. Hopkins Jr.
Standing (left to right)
John D. McKenzie, Christopher A. Bradley, Michelle Jewell, Larry R. Sipple, James G. Horn, John Martin, Jana Mollohan, John Adams, William P. Wood, Marcealeate Ruffin.

Not pictured: William L. Boddy, III, Richard D. Comly, Herman G. Hagan, H. William Mulvaney, III

KENT COUNTY

Seated (left to right)
Robert B. Wall Jr., Cathleen M. Hutchison, CM Alan Davis, James A. Murray, Dwight D. Dillard

Standing (left to right)
R. Hayes Grapperhaus, William J. Sweet, D. Kenneth Cox

Not pictured:
Ernst M. Arndt, DCM, Pamela Darling, Debora Foor, Michael P. Sherlock

NEW CASTLE COUNTY

Seated (left to right)
Laurence L. Fitchett, Jr., Cheryl Stallmann, Bonita N. Lee, DCM, CM Davis, Marie Page, Stanley J. Petraschuk, Kathleen C. Lucas.

Standing middle row (left to right)
Katharine B. Ross, Rosalind Toulson, Vernon A. Taylor, Deborah McNesby, Roberto Lopez, Marilyn Letts, Kathy Gravell, Nancy C. Roberts

Standing back row (left to right)
Susan E. Cline, Paul J. Smith, William T. Moser, David R. Skelley, James A. Tull, Donald W. Callender, Jr., William S. Young, III, Thomas P. Brown, James Hanby Sr., Sean McCormick, Beatrice Freel

Not pictured: Sidney Clark, Thomas M. Kenney, Rosalie Rutkowski, Terry L. Smith

Many thanks to the Presiding Judges, Court Administrators and others in the Courts and the Administrative Office of the Courts for their efforts related to preparing this annual report.

Special appreciation goes to Deputy State Court Administrator Christine H. Sudell, Esquire, in recognition of her retirement in December 2010, for her dedication and outstanding work as writer and editor for the Delaware Judiciary's Annual Report and the Delaware Docket, among many other contributions during the past six years.

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