

# Court of Common Pleas

The Court of Common Pleas had a busy and productive year in FY 2003. Much of the Court's activities in New Castle County centered around planning for the move to the new courthouse, the move itself and adjustments to court operations after the move. The new building improved the Court's ability to serve the public and provided better working conditions for Judges and staff. The Court acquired one additional courtroom, providing hearing space for all of our Judicial officers for the first time in many years.



Chief Judge Alex J. Smalls

As a result of this new space, the Court was able to change its scheduling to increase the number of cases and to more efficiently schedule calendars. The Court was also able to increase calendar time for civil cases and arraignments, and create special calendars to expedite the cases of defendants who are incarcerated.

The new facility also permits the Court to participate with other courts in providing improved public service. The Court has an active presence in the central filing/collections area, providing two people to collect Court of Common Pleas assessments more quickly and efficiently. The Court also uses the center's central filing service, which reduces the level of traffic in the Clerk's Office.

The Court has made a large amount of material available for pro se litigants in the Self-Help Center and its public access computers are constantly in use.

To facilitate persons coming out of court and reduce time away from the courtroom for bailiffs,

the Court opened satellite clerk's offices outside of its courtrooms. They are used primarily by people arranging for the payment of court assessments.

Building projects in Kent and Sussex Counties also progressed in FY 2003. In Kent County, planning continues for the purchase of the O'Brien Building and for major courthouse renovations. This is critical because the Court's present space is inadequate to meet the needs which have grown over the past several years. In Sussex County, the long-delayed courthouse construc-

tion project made considerable headway and the Court is on target to move its Clerk staff into its new space in FY 2004.

The Court expanded its very successful drug diversion program in New Castle County to Sussex County and the first cases in this program were heard in June. Further expansion to Kent County is expected in FY 2004.

At the same time, the Court in New Castle County began planning for two new court concepts – mental health court and traffic court. Both are planned for implementation in FY 2004.

Most of the Court's courtrooms were equipped with digital recording equipment in FY 2003, including all of the courtrooms in the New Castle County Courthouse. The Court also began the process of converting court files to side tab folders as part of a larger project to provide bar-coded labels for all court files for better file accessibility, control and tracking.

The Court continued to revise its bail bond procedures and regulations and was the first Delaware Court to develop a program to help control the posting of bail bonds in the Court through a central registration process.

Two of the Court's employees received special honors this year. Cheryl Simmons, the Court's Chief Court Reporter, was named the American Association of Electronic Reporters and Transcribers (AAERT) Reporter of the Year. Tina Buckingham, one of the Court's audio

monitors, received the Victims Rights Task Force Outstanding Volunteer of the Year award for her work with the New Castle County Rape Crisis Center.

The Court continued to manage its busy and growing caseload with limited staff, even more limited as a result of the State's hiring freeze. Notwithstanding, the Court continues to improve its performance and its dedication to providing a just resolution to all cases is firm.



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

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

**Legal Authorization**

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

**Court History**

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

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

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

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

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

**Geographic Organization**

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

**Legal Jurisdiction**

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

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

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

**Judges**

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

**Support Personnel**

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

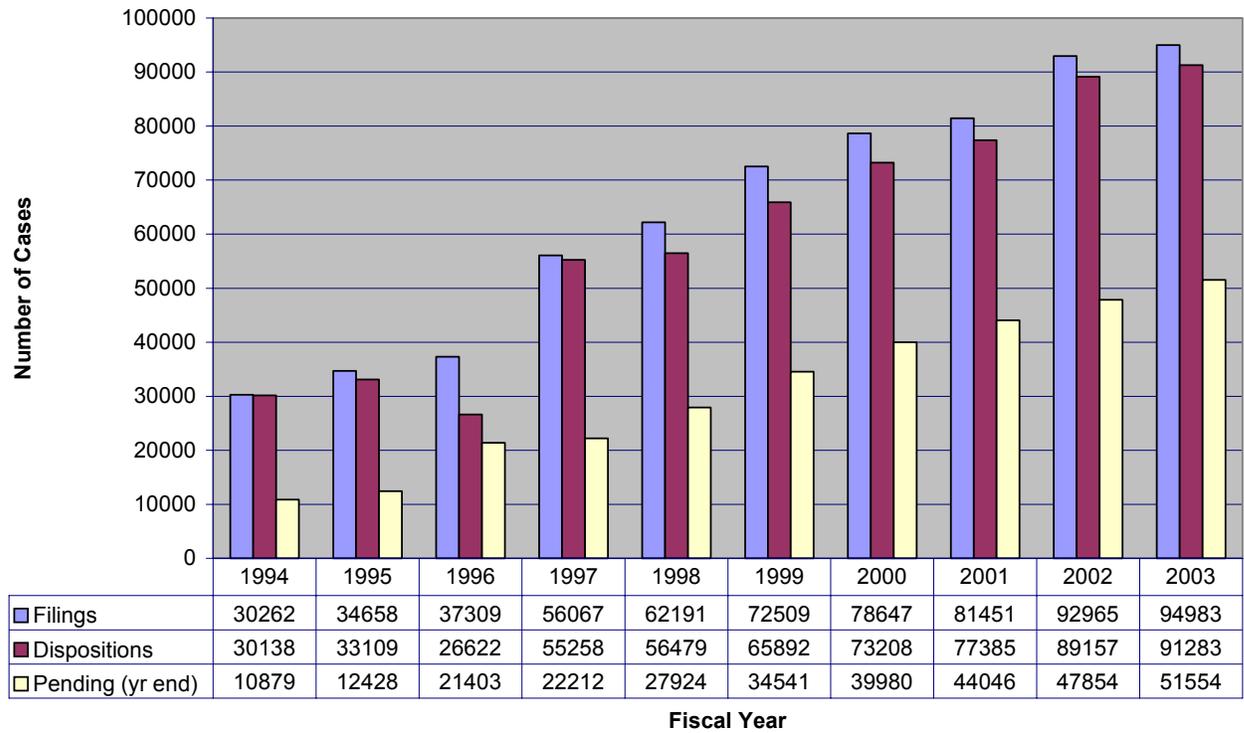
| <b>Caseload Summary Fiscal Year 2003 - Total Cases</b> |               |               |               |               |               |              |
|--------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|--------------|
|                                                        | Pending       |               |               | Pending       | Change        | % Change     |
|                                                        | 6/30/2002     | Filings       | Dispositions  | 6/30/2003     | In Pending    | In Pending   |
| New Castle County                                      | 33,214        | 48,353        | 45,959        | 35,608        | +2,394        | +7.2%        |
| Kent County                                            | 6,838         | 20,656        | 20,271        | 7,223         | +385          | +5.6%        |
| Sussex County                                          | 7,802         | 25,974        | 25,053        | 8,723         | +921          | +11.8%       |
| <b>State</b>                                           | <b>47,854</b> | <b>94,983</b> | <b>91,283</b> | <b>51,554</b> | <b>+3,700</b> | <b>+7.7%</b> |

| <b>Caseload Comparison - Fiscal Years 2002-2003 - Total Case Filings</b> |               |               |              |              |
|--------------------------------------------------------------------------|---------------|---------------|--------------|--------------|
|                                                                          | 2002          | 2003          | Change       | % Change     |
| New Castle County                                                        | 49,176        | 48,353        | -823         | -1.7%        |
| Kent County                                                              | 19,563        | 20,656        | +1093        | +5.6%        |
| Sussex County                                                            | 24,226        | 25,974        | +1748        | +7.2%        |
| <b>State</b>                                                             | <b>92,965</b> | <b>94,983</b> | <b>+2018</b> | <b>+2.2%</b> |

| <b>Caseload Comparison - Fiscal Years 2002-2003 - Total Case Dispositions</b> |               |               |              |              |
|-------------------------------------------------------------------------------|---------------|---------------|--------------|--------------|
|                                                                               | 2002          | 2003          | Change       | % Change     |
| New Castle County                                                             | 47,074        | 45,959        | -1115        | -2.4%        |
| Kent County                                                                   | 18,510        | 20,271        | +1761        | +9.5%        |
| Sussex County                                                                 | 23,573        | 25,053        | +1480        | +6.3%        |
| <b>State</b>                                                                  | <b>89,157</b> | <b>91,283</b> | <b>+2126</b> | <b>+2.4%</b> |

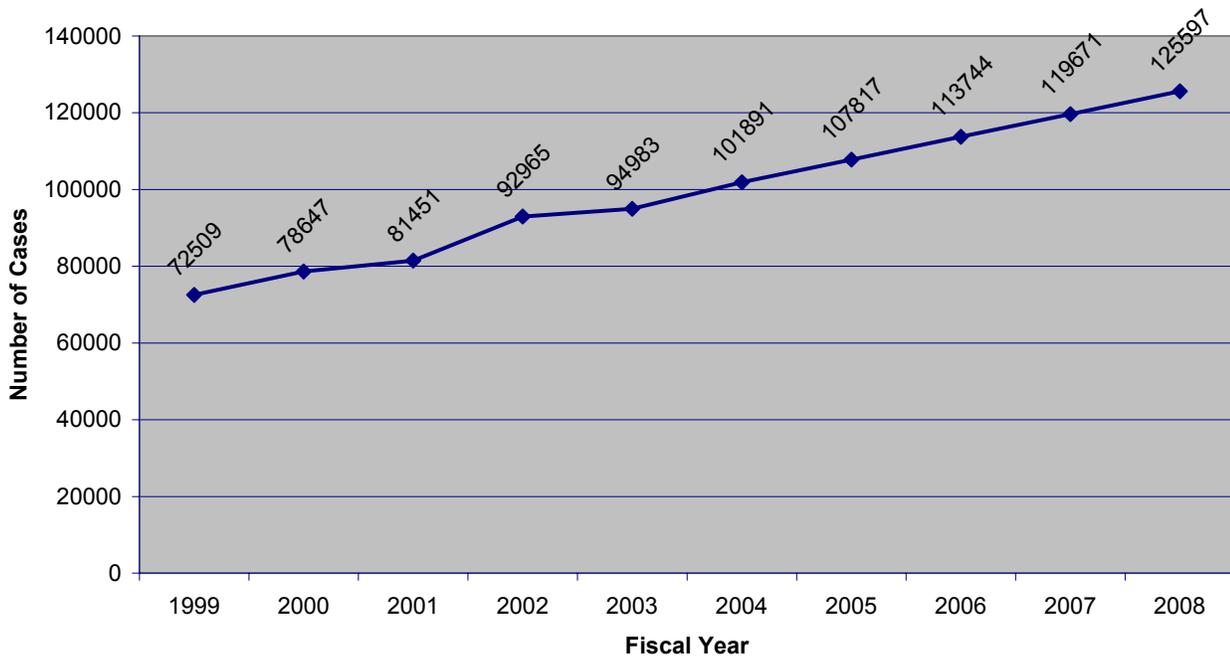
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

**Court of Common Pleas - 10 Year Total Caseload Trend**

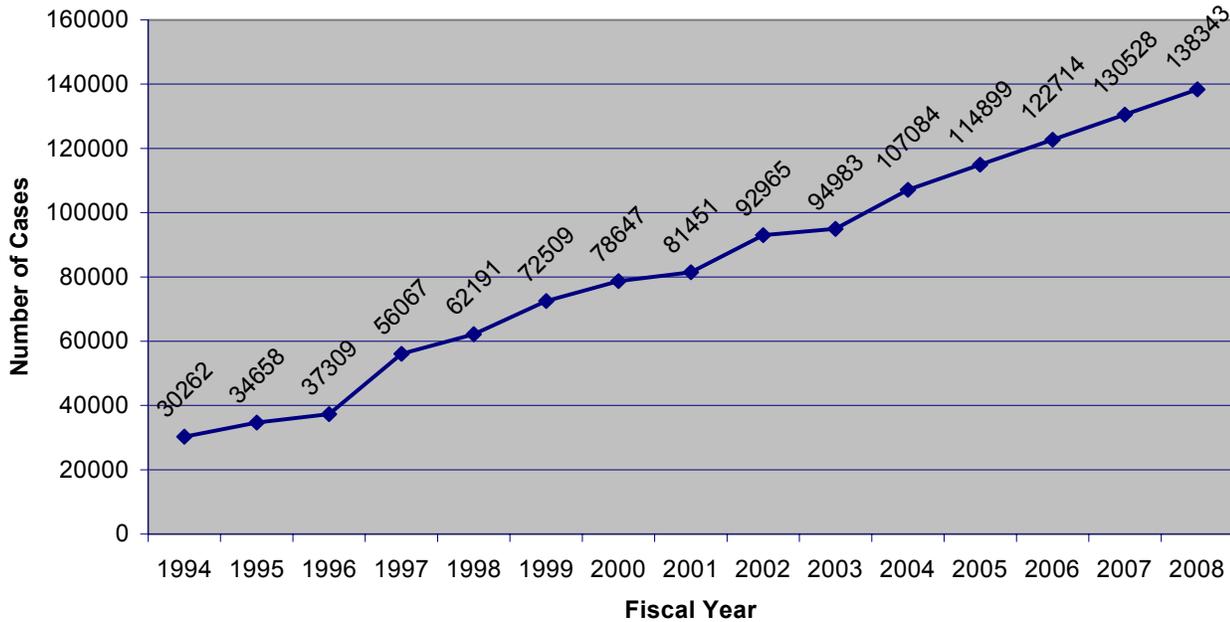


Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

**Court of Common Pleas - 5 Year Case Filing Projections With 5 Year Base**



**Court of Common Pleas - 5 Year Case Filing Projections With 10 Year Base**



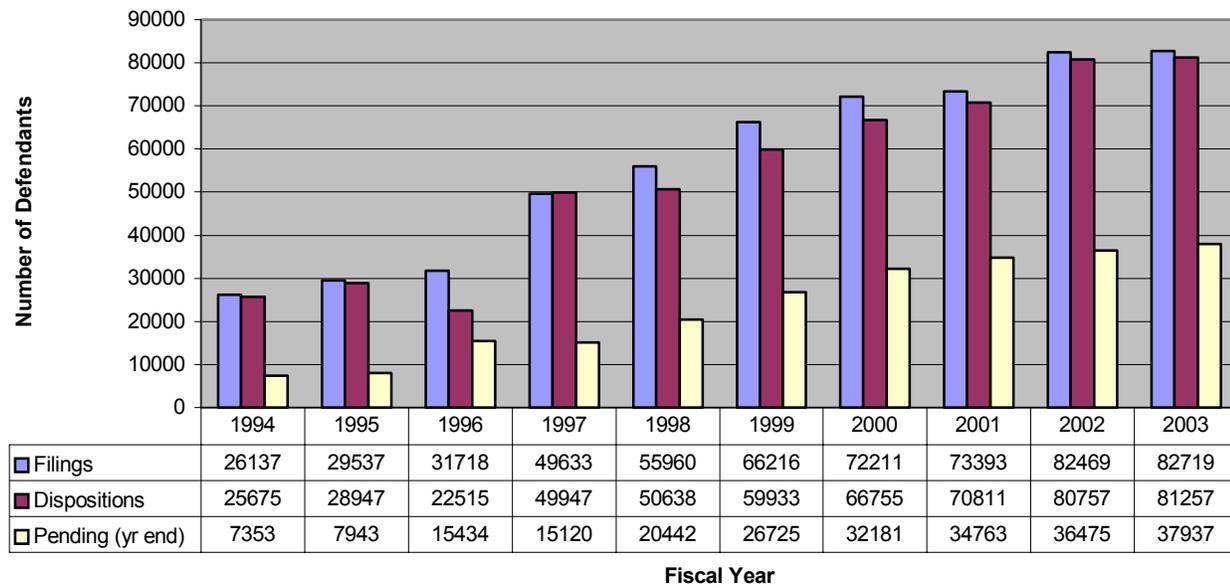
Trend lines computed by regression analysis.

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

| <b>Caseload Summary Fiscal Year 2003 - Criminal Cases</b>                        |                      |               |               |                      |                      |                        |
|----------------------------------------------------------------------------------|----------------------|---------------|---------------|----------------------|----------------------|------------------------|
|                                                                                  | Pending<br>6/30/2002 | Filings       | Dispositions  | Pending<br>6/30/2003 | Change<br>In Pending | % Change<br>In Pending |
| New Castle County                                                                | 24,595               | 40,089        | 39,513        | 25,171               | +576                 | +2.3%                  |
| Kent County                                                                      | 5,615                | 18,750        | 18,540        | 5,825                | +210                 | +3.7%                  |
| Sussex County                                                                    | 6,265                | 23,880        | 23,204        | 6,941                | +676                 | +10.8%                 |
| <b>State</b>                                                                     | <b>36,475</b>        | <b>82,719</b> | <b>81,257</b> | <b>37,937</b>        | <b>+1,462</b>        | <b>+4.0%</b>           |
| <b>Caseload Comparison - Fiscal Years 2002-2003 - Criminal Case Filings</b>      |                      |               |               |                      |                      |                        |
|                                                                                  | 2002                 |               | 2003          |                      | Change               | % Change               |
| New Castle County                                                                | 42,104               |               | 40,089        |                      | -2015                | -4.79%                 |
| Kent County                                                                      | 17,892               |               | 18,750        |                      | +858                 | +4.8%                  |
| Sussex County                                                                    | 22,473               |               | 23,880        |                      | +1407                | +6.3%                  |
| <b>State</b>                                                                     | <b>82,469</b>        |               | <b>82,719</b> |                      | <b>+250</b>          | <b>+0.3%</b>           |
| <b>Caseload Comparison - Fiscal Years 2002-2003 - Criminal Case Dispositions</b> |                      |               |               |                      |                      |                        |
|                                                                                  | 2002                 |               | 2003          |                      | Change               | % Change               |
| New Castle County                                                                | 41,709               |               | 39,513        |                      | -2196                | -5.3%                  |
| Kent County                                                                      | 17,162               |               | 18,540        |                      | +1378                | +8.0%                  |
| Sussex County                                                                    | 21,886               |               | 23,204        |                      | +1318                | +6.0%                  |
| <b>State</b>                                                                     | <b>80,757</b>        |               | <b>81,257</b> |                      | <b>+500</b>          | <b>+0.6%</b>           |
| <b>Caseload Comparison - Fiscal Years 2002-2003 - Preliminary Hearings Held</b>  |                      |               |               |                      |                      |                        |
|                                                                                  | 2002                 |               | 2003          |                      | Change               | % Change               |
| New Castle County                                                                | 5,156                |               | 4,838         |                      | -318                 | -6.2%                  |
| Kent County                                                                      | 1,571                |               | 1,889         |                      | +318                 | +20.2%                 |
| Sussex County                                                                    | 1,635                |               | 1,659         |                      | +24                  | +1.5%                  |
| <b>State</b>                                                                     | <b>8,362</b>         |               | <b>8,386</b>  |                      | <b>+24</b>           | <b>+0.3%</b>           |

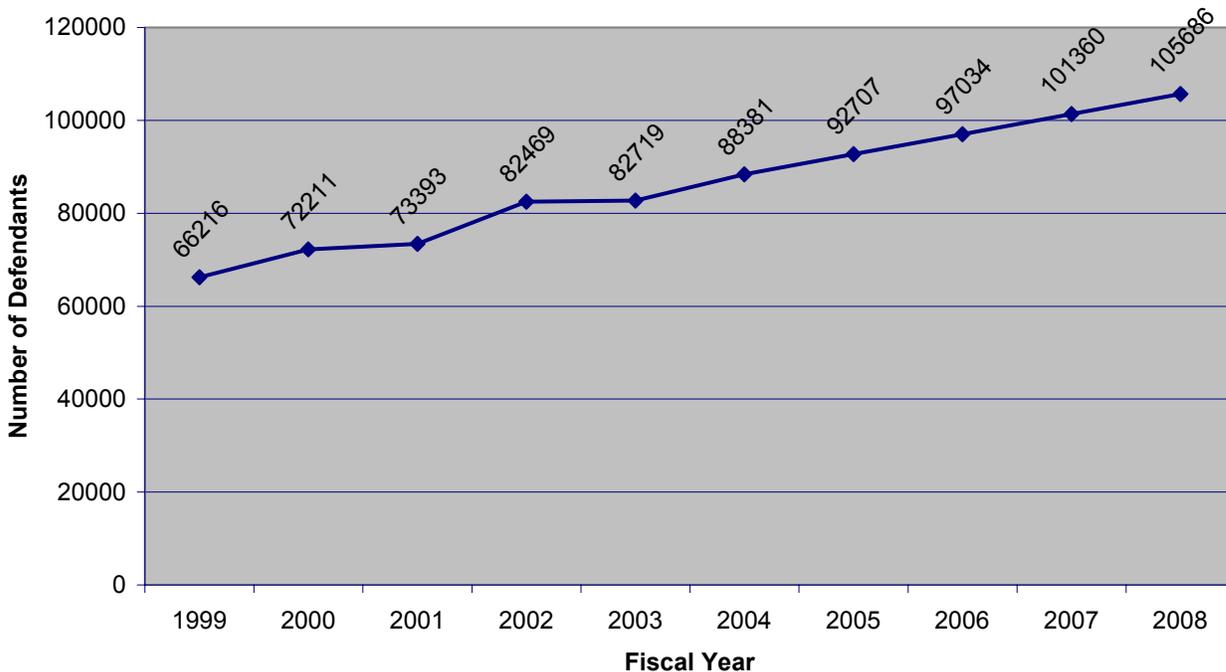
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

**Court of Common Pleas - 10 Year Criminal Caseload Trend**

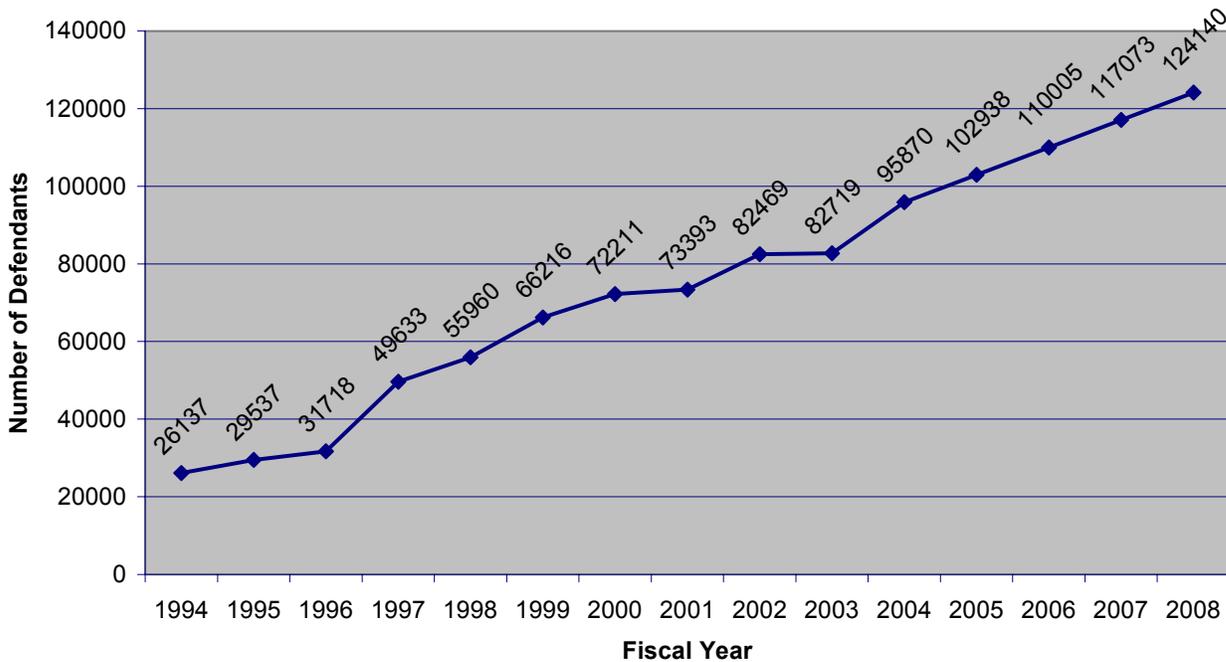


Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

**Court of Common Pleas - 5 Year Criminal Filing Projections With 5 Year Base**



**Court of Common Pleas - 5 Year Criminal Filing Projections With 10 Year Base**



Trend lines computed by regression analysis.

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

| <b>Caseload Summary Fiscal Year 2003 - Civil Cases</b> |               |               |               |               |               |               |
|--------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
|                                                        | Pending       |               |               | Pending       | Change        | % Change      |
|                                                        | 6/30/2002     | Filings       | Dispositions  | 6/30/2003     | In Pending    | In Pending    |
| New Castle County                                      | 8,619         | 8,264         | 6,446         | 10,437        | +1818         | +21.1%        |
| Kent County                                            | 1,223         | 1,906         | 1,731         | 1,398         | +175          | +14.3%        |
| Sussex County                                          | 1,537         | 2,094         | 1,849         | 1,782         | +245          | +15.9%        |
| <b>State</b>                                           | <b>11,379</b> | <b>12,264</b> | <b>10,026</b> | <b>13,617</b> | <b>+2,238</b> | <b>+19.7%</b> |

| <b>Caseload Comparison - Fiscal Years 2002-2003 - Civil Case Filings</b> |               |               |              |               |
|--------------------------------------------------------------------------|---------------|---------------|--------------|---------------|
|                                                                          | 2002          | 2003          | Change       | % Change      |
| New Castle County                                                        | 7,072         | 8,264         | +1192        | +16.9%        |
| Kent County                                                              | 1,671         | 1,906         | +235         | +14.1%        |
| Sussex County                                                            | 1,753         | 2,094         | +341         | +19.5%        |
| <b>State</b>                                                             | <b>10,496</b> | <b>12,264</b> | <b>+1768</b> | <b>+16.8%</b> |

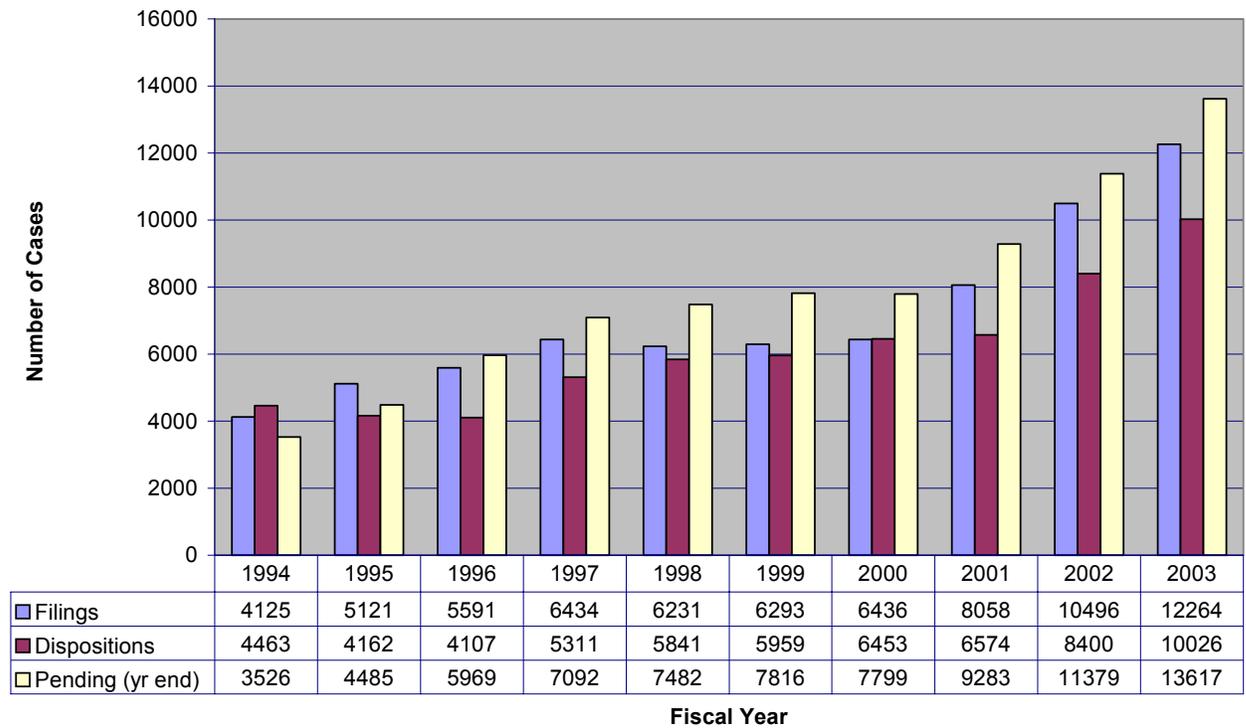
| <b>Caseload Comparison - Fiscal Years 2002-2003 - Civil Case Dispositions</b> |              |               |               |               |
|-------------------------------------------------------------------------------|--------------|---------------|---------------|---------------|
|                                                                               | 2002         | 2003          | Change        | % Change      |
| New Castle County                                                             | 5,365        | 6,446         | +1,081        | +20.1%        |
| Kent County                                                                   | 1,348        | 1,731         | +383          | +28.4%        |
| Sussex County                                                                 | 1,687        | 1,849         | +162          | +9.6%         |
| <b>State</b>                                                                  | <b>8,400</b> | <b>10,026</b> | <b>+1,626</b> | <b>+19.4%</b> |

| <b>Caseload Breakdowns Fiscal Year 2003 - Civil Case Filings</b> |               |              |                                  |             |               |               |
|------------------------------------------------------------------|---------------|--------------|----------------------------------|-------------|---------------|---------------|
|                                                                  | Complaints    |              | Civil Judgments,<br>Name Changes |             | Total         |               |
| New Castle County                                                | 7,840         | 94.9%        | 424                              | 5.1%        | 8,264         | 100.0%        |
| Kent County                                                      | 1,783         | 93.5%        | 123                              | 6.5%        | 1,906         | 100.0%        |
| Sussex County                                                    | 1,976         | 94.4%        | 118                              | 5.6%        | 2,094         | 100.0%        |
| <b>State</b>                                                     | <b>11,599</b> | <b>94.6%</b> | <b>665</b>                       | <b>5.4%</b> | <b>12,264</b> | <b>100.0%</b> |

| <b>Caseload Breakdowns Fiscal Year 2003 - Civil Case Dispositions</b> |              |              |                |              |               |               |
|-----------------------------------------------------------------------|--------------|--------------|----------------|--------------|---------------|---------------|
|                                                                       | Court Action |              | Counsel Action |              | Total         |               |
| New Castle County                                                     | 833          | 12.9%        | 5,613          | 87.1%        | 6,446         | 100.0%        |
| Kent County                                                           | 406          | 23.5%        | 1,325          | 76.5%        | 1,731         | 100.0%        |
| Sussex County                                                         | 535          | 28.9%        | 1,314          | 71.1%        | 1,849         | 100.0%        |
| <b>State</b>                                                          | <b>1,774</b> | <b>17.7%</b> | <b>8,252</b>   | <b>82.3%</b> | <b>10,026</b> | <b>100.0%</b> |

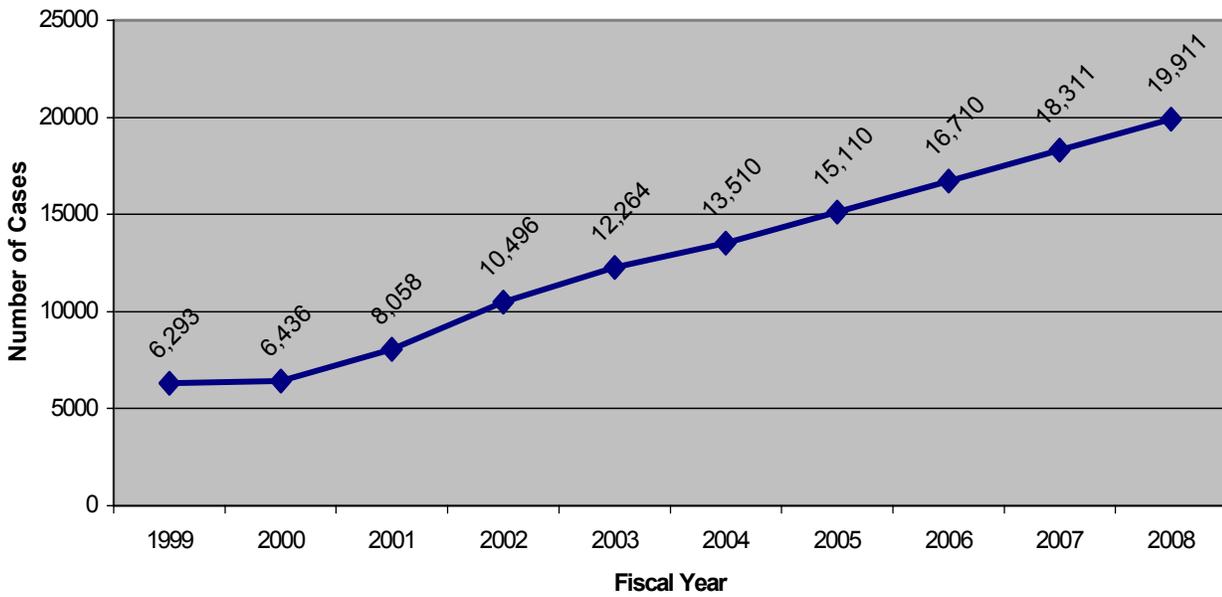
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

### Court of Common Pleas - 10 Year Civil Caseload Trend

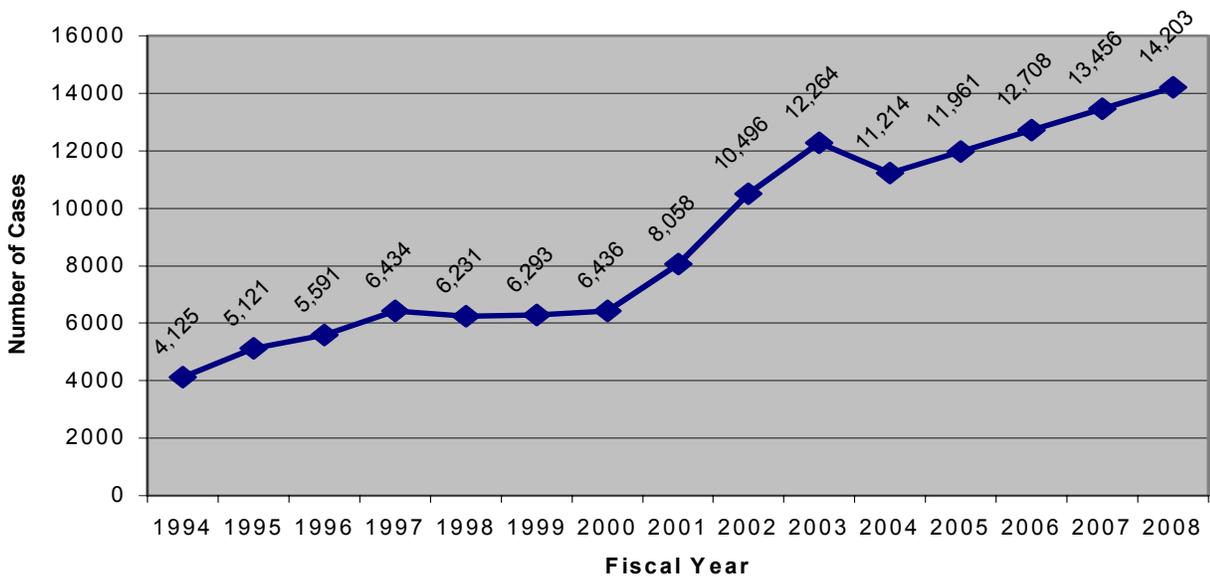


Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

**Court of Common Pleas - 5 Year Civil Filing Projections With 5 Year Base**



**Court of Common Pleas - 5 Year Civil Filing Projections With 10 Year Base**



Trend lines computed by regression analysis.

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