2006 Annual Report of the Delaware Judiciary

Tradition of Excellence

Published By:

Administrative Office of the Courts
500 North King Street, Suite 11600
Wilmington, Delaware 19802
(302) 255-0090

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

http://courts.delaware.gov/AOC/Annual Reports/FY06
(2006 Annual Report of the Delaware Judiciary)

The AOC would like to offer special thanks to Richard K. Herrmann, Esquire, for his photographic expertise and assistance in memoralizing the Delaware Courthouses featured in this Annual Report.

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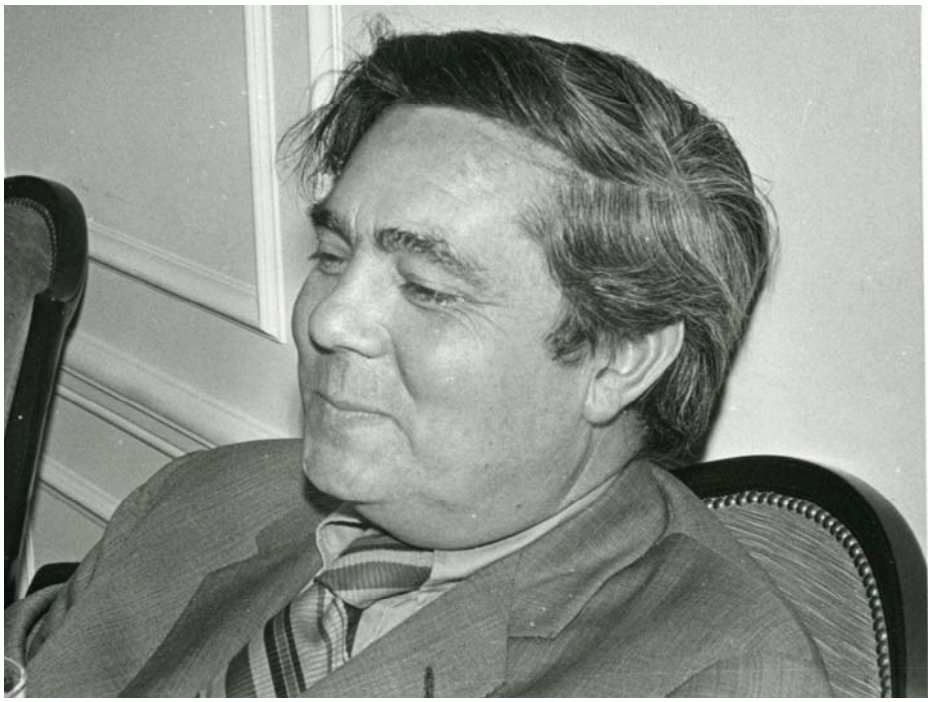
The Judiciary honors and recognizes the outstanding contributions of the late EDWARD R. "NED" DAVIS, who dedicated many years of service and support to the court system and the State of Delaware.



EDWARD R. "NED" DAVIS
1928—2006

MESSAGE FROM CHIEF JUSTICE MYRON T. STEELE

Honorable Myron T. Steele

"The most sacred of the duties of a government [is] to do equal and impartial justice to all its citizens." -
Thomas Jefferson, 1816

As we celebrate the Delaware Judiciary's Tradition of Excellence in this 2006 Annual Report of the Judiciary, we do so in recognition that the foundation of this tradition is that function which Jefferson deemed the "most sacred of the duties of a government" - the provision of equal and impartial justice. The tradition of excellence is, at its core, one of service to the Delaware community.

This tradition starts with the high quality of our judges. Judges in Delaware are chosen by a merit selection process and view their selection as an opportunity to serve the public. Our tradition of excellence is also based in the expertise of all of our courts, especially our specialized trial courts, all of which are nationally and internationally recognized as leaders in their respective fields. The Supreme Court and the Court of Chancery are renowned in the area of corporate law (important factors in attracting corporations to the State of Delaware). The Superior Court, in addition to its emphasis on providing fair and speedy criminal proceedings, has significant expertise in the handling of commercial litigation and has led our recognition for five straight years, including this year, as the premier forum for commercial litigation in the nation, by the Harris Poll State Liability Systems Ranking Study by the United States Chamber of Commerce Institute for Legal Reform.

Our other courts are also crucial to the Judicial Branch's tradition of excellence. The Family Court has played a leadership role in the field of juvenile justice, with a strong commitment to reviewing and improving juvenile justice practices in ways that further both public safety and rehabilitative outcomes. The Court of Common Pleas has excelled in the development of specialized courts, including the first Mental Health Court in the State of Delaware, which it instituted in 2003. The Justice of the Peace Court is, in many ways, a leader among its peers nationally, having placed a strong emphasis on professionalism by providing initial and continuing legal education to its mainly lay judiciary.

This year we mark many milestones in our tradition of excellence: the 55th anniversary of the founding of the modern Supreme Court, the 175th anniversary of the Superior Court, the 35th anniversary of the Family Court, and the 40th anniversary of the Justice of the Peace Court. As we celebrate these anniversaries, we also look forward to a continuing of our tradition of excellence in the future. We especially look forward to significant advances in the use of technology in court processes as the initial implementation phases of a new case management system began this fall in the Justice of the Peace Court. This will be the culmination of several years of commitment from all of the courts and we eagerly await the many benefits to be forthcoming from this project. We also anticipate the further expansion of the Supreme Court's e-filing initiative which, along with similar initiatives which have been undertaken by the Court of Chancery and the Superior Court, reduces dependency on paper documents and saves time and money for the public, litigants, and the courts.

While we celebrate the Judicial Branch's tradition of excellence, we realize that this tradition could not exist without the continuing support and partnership of the other branches of government. I am grateful for the important role in this tradition played by Governor Minner and the General Assembly and wish to take this opportunity to thank them for providing the assistance to make possible the Judicial Branch's tradition of excellence that we celebrate in this Annual Report.

Respectfully,

Myron T. Steele

Honorable Patricia W. Griffin

ADMINISTRATIVE OFFICE OF THE COURTS

This year, as we celebrate several court anniversaries, we also mark the 10th anniversary of the Delaware Court Interpreter Program which is administered by the Administrative Office of the Courts (AOC) under the direction of the Court Interpreters Advisory Board. The program, which was established in response to recommendations of the Supreme Court Task Force on Racial and Ethnic Fairness, is critical in ensuring equal access to justice for non-English speaking litigants. In the last several years, the courts have experienced a dramatic rise in the number of non-English speaking litigants, making the efforts of the Program to ensure the availability of qualified court interpreters increasingly important. Recent and upcoming initiatives, such as a rate increase for court interpreters (implemented in FY 2007), skills building training programs, and a pilot program providing for telephonic interpretation by Delaware certified interpreters in certain court proceedings, support and strengthen Delaware's court interpreter program. With the addition of a new interpreter coordinator position for the program in the upcoming year, it is anticipated that additional enhancements to the program will be implemented in the near future.

During the past year, the Administrative Office of the Courts has undertaken a number of new initiatives. For example, under the leadership of the Courthouse Operations Policy Committee, the AOC has focused efforts on improving safety and security in the New Castle County Courthouse (NCCCH), working with the Fire Marshal to complete a fire safety and emergency evacuation plan for the building and with Capitol Police to revise procedures both for screening of packages in the mail room and for screening of persons entering the courthouse.

The AOC has also worked with the Budget Office to solve ongoing recruitment and retention problems in the indigent defense services program. As a result of these efforts, substantial progress has been made in resolving shortages of conflict counsel and work is ongoing to resolve similar issues for other indigent contract counsel.

In the area of human resources, a streamlined procedure for handling career ladder requests has been developed and implemented, greatly reducing the time and effort

involved for the courts. *Pro se* services initiatives have included assistance to the Justice of the Peace Court and the Court of Chancery in revising forms and in supporting informational forums for *pro se* litigants. AOC-sponsored educational programs for judges and staff were offered on a statewide and county-by-county basis throughout the year, covering topics such as security, fire safety, mail handling, and pandemic concerns, among others.

Another new initiative during the past year has been the establishment of a court system-wide newsletter, the Delaware Docket, which is published on a semi-annual basis. The newsletter is designed to highlight Judicial Branch achievements and to provide information on the court system to members of the other branches of government and the public.

The Judicial Information Center moved to new office space in the Corporate Commons. The new space will provide more room for staff and better training facilities for court users. The COTS case management system has continued to be a major focus for the Judicial Information Center with extensive staff support being provided to this critical court system-wide initiative. The hard work of all of the COTS participants – both from the Administrative Office of the Courts and from the individual courts – culminated in the first phase of implementation in the Justice of the Peace Court in November of 2006.

During the past year, the JIC has also worked with the Government Information Center and the courts on several e-government projects including delayed web casting of Supreme Court oral arguments, on-line access to older Supreme Court orders and opinions, online access to trade name information (Superior Court) and setting up interactive accounting forms for guardianships (Court of Chancery).

Finally, the Office of State Court Collections has streamlined its operations this year by creating a centralized office in Kent County for mail payment, processing, calls, archives, and research. This reorganization will assist the Office in improving services by providing for more equalized distribution of workload among staff, improved oversight, and greater fiscal security.

Authorization and Functions

The Administrative Office of the Courts was established in 1971 pursuant to 10 *Del.C.* § 128. The function of the office is to assist the Chief Justice in carrying out the responsibilities as administrative head of the Delaware courts.

The AOC provides a wide variety of support services to the courts ranging from assisting in policy development to technology assistance to providing day-to-day support services. Among its services are:

- Judicial education and staff training – works with individual courts and the Judicial Conference as a whole to sponsor educational programs for all Delaware judges, commissioners and court staff.
- Budget and accounting assistance – coordinates the development of the Judicial Branch budget, monitors spending, and works with the Budget Office to resolve problems. The AOC also provides accounting services to the Supreme Court and judicial branch agencies.

- Support services for the New Castle County Courthouse - operates the information desk, the filing and payments center and the mailroom for the Courthouse. AOC support staff at the NCCCH entrance provided information to 213,866 persons in FY 2006.
- Coordination services relating to the Courthouse — providing staffing for the Courthouse Operations Policy Committee, the Security Operations Committee, and the New Castle County Courthouse Art Committee. Another related function is working with Facilities Management to resolve ongoing building issues.
- Management of the New Castle County Courthouse Pro Se Center – operates the self-help center located in the New Castle County Courthouse which assists unrepresented litigants. This includes recruiting and training attorney and law student volunteers who assist in the Center. NCCCH Self Help Center staff provided assistance to 19,947 persons in FY 2006, representing a 17% increase in services provided from the previous year.
- Administration of the statewide court interpreter program — provides interpreters in numerous languages, as well as for hearing impaired persons.
- Court security and safety coordination – works under the direction of the Courthouse Operations Policy Committee to ensure the safety and security of the New Castle County Courthouse.
- Human resources assistance – assists with a variety of human resources issues including coordinating career ladder applications, position reclassifications and establishments, as well as assisting with related policy issues.
- Research and analysis – coordinates the production of the annual report of the judicial branch and maintains statistics relating to the courts and their caseloads.
- Policy coordination/development and staffing of committees concerning issues affecting the courts.
- Legislative coordination – serves on the judicial branch's legislative team.
- Technology coordination – assists in the coordination of technology-related projects, including the COTS integrated case management program that is currently under development.
- Technology problem solving – administers the Helpdesk function for technology problems experienced by court users.
- Website assistance – supports development and maintenance of websites for courts and judicial branch agencies.
- Business analysis, program development, and data integration/administration for technology-related initiatives.
- Statewide collections enforcement – using a variety of State and private sector sanctions, collects court-ordered financial assessments including restitution, statutory surcharges, fines, and court costs.

While the primary focus of the AOC is on service to the courts, it also provides limited fiscal and administrative services to several agencies, many of which receive policy direction and oversight from boards and governing bodies outside the judicial branch. These agencies are: the Office of the Public Guardian; the Violent Crimes Compensation Board; Child Placement Review Board; Educational Surrogate Parent Program; Office of the Child Advocate; Child Death, Near Death and Stillbirth Commission; the Delaware Nursing Home Residents Quality Assurance Commission, and the Law Libraries.

CELEBRATING THE TRADITION OF EXCELLENCE - COURTS AND COURTHOUSES

SUPREME COURT

This year we celebrate the 55th anniversary of the founding of the modern Supreme Court, which was established by constitutional amendment in 1951. Prior to that time, the function of acting as highest appellate authority was filled by those state judges who had not heard the case below. When originally created, the new Supreme Court consisted of three justices, one of whom was the Chief Justice. In 1978, the court was expanded to its current size of five justices, including a Chief Justice. Today, the Court is nationally and internationally recognized for its appellate role in corporate litigation matters.

When the separate Supreme Court was created, it was housed in the Annex to the Old State House on The Green in Dover, where it remains today. Although there are also offices of the Court in Wilmington and Georgetown, the Dover location is the official seat of the Court and the enduring symbol of its leadership of the Delaware Judicial Branch and its tradition of excellence.

COURT OF CHANCERY

The Court of Chancery was created by the Delaware Constitution of 1792 as a court of equity. From the time of the Court's creation until 1932, the chancellor was the sole judge of the Court. In 1939, the office of vice chancellor was created by statute, with the vice chancellor being appointed by, and serving at the pleasure of, the chancellor. This was changed in 1949 when a constitutional amendment made the office of vice chancellor a constitutional one and created a twelve year term. With increases in caseload, additional vice chancellors have been added, to reach the current complement of four vice chancellors in addition to the chancellor.

The Court's preeminence in matters of corporate law has its roots in the nineteenth century when the corporation became the primary form of business organization and a general corporation law was authorized by the Constitution of 1831. During that century, the Court's corporate jurisprudence developed as it heard numerous cases involving corporate matters. By the early twentieth century, the Court had become a forum for major corporate litigation. While best known for its role in corporate matters, the Court has also used its equity jurisdiction in a variety of areas as when, in the 1950's, it upheld the right to equal protection in notable civil rights cases.

Although the Court of Chancery has been a separate court since its creation by the Constitution of 1792, the Court did not have its own courthouse until the completion of the Court of Chancery Courthouse in Sussex County in 2003. (The Court is housed in the New Castle County Courthouse in New Castle County and uses courtrooms in the Kent County Courthouse in Kent County.) The new courthouse in Sussex County, a federal-style building located on the Circle in Georgetown, is a fitting setting for this unique and esteemed participant in the tradition of excellence.

SUPERIOR COURT

The Superior Court was created by the Delaware Constitution of 1831, making 2006 the 175th anniversary of the creation of the Court. Upon its creation, the Court was granted jurisdiction over civil matters. The 1831 Constitution provided for four judges to serve on the Superior Court as well as on the Court of Oyer and Terminer, which had jurisdiction over crimes punishable by death, and the Court of General Sessions, which had jurisdiction over all other crimes except those over which the justices of the peace had exclusive jurisdiction. One of the judges was designated as the chief justice and the others were associate judges, one of whom was to reside in each county. These judges, along with the Chancellor, also sat on the Court of Errors and Appeals and the Orphans' Court.

The Constitution of 1897 added an additional judge to the Court who was to serve "at large". The Court remained at five judges until 1961 at which time increasing caseloads began requiring the gradual addition of new judges. In 1951, the Court gained jurisdiction over criminal offenses when the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were placed in the Superior Court. Today, the Superior Court is known nationally as the premier court of general jurisdiction in the nation and this year has received the number one ranking from the United States Chamber Institute for Legal Reform for the fifth year in a row.

In New Castle County, the first courthouse of the Superior Court was located in the Town of New Castle. The Court moved to Wilmington in 1881, with the opening of a new courthouse built on what is now Rodney Square. In 1916, a new courthouse shared with the

City of Wilmington opened on King Street and was known as "the Public Building" until it was renamed the "Daniel L. Herrmann Courthouse" in 1992. The Superior Court joined other courts in moving to the New Castle County Courthouse facility in 2002.

The first courthouse of the Superior Court in Kent County was located in what is now the Old State House Building. In 1874, a new courthouse was built. With major renovations and additions, the 1874 courthouse is still in use.

The first Superior Court in Sussex County was housed in a wood frame building in Georgetown. During the late 1830's while a new courthouse was constructed, the Court operated from the Brick Hotel on The Circle. The new courthouse was completed in 1840 and, with many improvements and additions, still serves as the Sussex County courthouse today.

As we celebrate the 175th anniversary of the Superior Court and its tradition of excellence, we also celebrate the many courthouses throughout the State which have formed a part of the tapestry of its distinguished history.

COURT OF COMMON PLEAS

The current statewide Court of Common Pleas was created in 1973 by legislation that consolidated the county funded and operated Courts of Common Pleas that had existed in each county. The new Court of Common Pleas had a civil jurisdiction not to exceed $3,000, as well as statewide criminal misdemeanor jurisdiction, except in the City of Wilmington. There was authorization for jury trials in criminal cases in Kent and Sussex Counties, but not in New Castle County.

In the years since its creation, the jurisdiction of the Court of Common Pleas has increased. Preliminary hearings in felony cases were added to the Court's jurisdiction in 1978. As the result of recommendations from the Commission on Delaware Courts 2000, legislation was passed in 1994 that increased the Court's civil jurisdiction from the then existing limit of $15,000 to $50,000 and granted the Court appellate jurisdiction over decisions of the Justice of the Peace and Alderman's Courts, as well as over administrative decisions of the Division of Motor Vehicles. In addition, the legislation provided for jury trials in the New Castle County Court of Common Pleas for the first time. Another recommendation of the Commission was implemented in 1998 when the Municipal Court of Wilmington was abolished and the criminal jurisdiction of the Court of Common Pleas expanded to statewide. A final recommendation of the Commission became reality in 2005 when the role of the Court of Common Pleas in the Judiciary's tradition of excellence was recognized with its establishment as a Constitutional court.

The Court of Common Pleas shared a courthouse with the Superior Court and with the Court of Chancery in each of the 3 counties (until the Court of Chancery Courthouse in Sussex County was completed in 2003). In New Castle County, the Court also shared the Public Building with the Supreme Court and the Family Court until the early 1970's. The current New Castle County Courthouse, completed in 2002, is shared by the Court of Chancery, the Superior Court, the Court of Common Pleas and the Family Court.

FAMILY COURT

2006 marks the 35th anniversary of the founding of the current Family Court. The current Family Court was created by statute in 1971 and was the culmination of many years of efforts to create a statewide Family Court.

The newly authorized statewide Family Court was given jurisdiction over dependency and neglect, child custody, juvenile delinquency, and non-felony adult criminal offenses involving family members or a child. In 1975, this jurisdiction was increased to give it sole jurisdiction over divorce and annulment proceedings which had previously been within the jurisdiction of the Superior Court. Another notable addition to the Court's jurisdiction occurred in 1994 when protection from abuse proceedings were established by statute, with jurisdiction provided to Family Court.

In 2005 the Family Court's role in the tradition of excellence was fully recognized when it became a Constitutional court.

As we celebrate the 35th anniversary of the Family Court, we recognize the role that the courthouses of the Family Court have played in its history. While the Court formerly had its own building in New Castle County, with the opening of the New Castle County Courthouse in 2002, the Family Court became a part of the New Castle County Courthouse community, gaining much needed additional space. In Kent and Sussex Counties, new buildings were built to house the Court in the late 1980's. The Sussex County Family Court Building, a three-story brick building of Georgian design, located on The Circle, opened in 1988. The Kent County Family Court Building, located on Court Street, opened in 1989, replacing the Court's prior location in the Arden Building on North Street, where it had been located since 1971.

CELEBRATING OUR COURTHOUSES YESTERDAY AND TODAY

The rich heritage of our courts lies not only in their tradition of excellence but also in the history of the buildings that house them. As Winston Churchill stated in 1943 in discussing the re-building of the House of Commons, "[w]e shape our buildings, and afterwards, our buildings shape us." And so it is with our courthouses. Our courthouses are more than buildings. They are symbols of our justice system and focal points for our communities. As we celebrate the tradition of excellence of our courts, so we celebrate the history of the courthouses in which the courts have convened. Courts and courthouses are intertwined as inspirational symbols and reality of our democratic system of government and of justice itself.

The buildings which have housed the courts have changed over the years, but their history, remains a testament to the history of our State and judicial system.

Historic photographs courtesy of the Delaware State Archives.

NEW CASTLE COUNTY

New Castle County Courthouse
(New Castle—1682)

New Castle County Courthouse
(Wilmington-opened 1881)

KENT COUNTY

Old State House
(Dover—Built in 1792)

Kent County Courthouse
(Dover—after 1918 renovation)

SUSSEX COUNTY

Sussex County Courthouse
(Georgetown –built in 1792)

Sussex County Courthouse
(Georgetown-built in 1840)

Sussex County Courthouse
(Georgetown 1920-enlarged in 1914)

Public Building
(Wilmington—1916— Renamed
Daniel R. Herrmann Courthouse in 1992)

New Castle County Courthouse
(circa World War II)

NCCCH (Wilmington—opened
2002) Superior, CCP,
Chancery & Family Courts

Family Court
(Dover—opened October 1989)

Kent County Courthouse
(Dover—2006) Superior, CCP & Chancery Courts

Supreme Court
(Dover—2006)

Family Court
(Georgetown-opened November 1988)

Court of Chancery
(Georgetown-completed April 2003)

Sussex County Courthouse
(Georgetown– renovations
completed 2006)

TRADITION OF EXCELLENCE—JUSTICE OF THE PEACE COURT AND COURTHOUSES

This year, the Justice of the Peace Court celebrates its 40th anniversary as a State court. Until 1966, justices of the peace operated, for the most part, independently, without State oversight, with their salaries based on the fines they collected. In 1966, they were brought under the umbrella of the State Judiciary. The initiative for this change came from persons concerned with the fairness of the process, including the Delaware State Bar Association and civic-minded groups.

When the Justice of the Peace Courts were made part of the State court system, the position of deputy administrator to the Chief Justice was created and made responsible for supervising the justices of the peace, preparing budgets, leasing property in which to hold the courts and other administrative functions, as well as enforcing orders and directives issued by the Chief Justice. In 1979, this position was replaced with a chief magistrate who is a justice of the peace appointed by the Governor and confirmed by the Senate.

Today, with in-depth initial training and continuing legal education programs, and the leadership of the chief magistrate, the Court shares in Delaware's tradition of excellence by having become a model of professionalism for lay courts across the county.

In observing the 40th anniversary of the Justice of the Peace Court, we also note the courthouse improvement program undertaken by the Justice of the Peace Court in recent years which has resulted in a number of new courthouses, such as J.P. Court No. 7 below, that not only provide additional space and functionality, but also promote the professionalism of the Court.

Justice of the Peace Court No. 7 in Dover

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 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 in the State except certain drug-related offenses. It also handles motor vehicle offenses (excluding those that are 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 the case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court that 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.

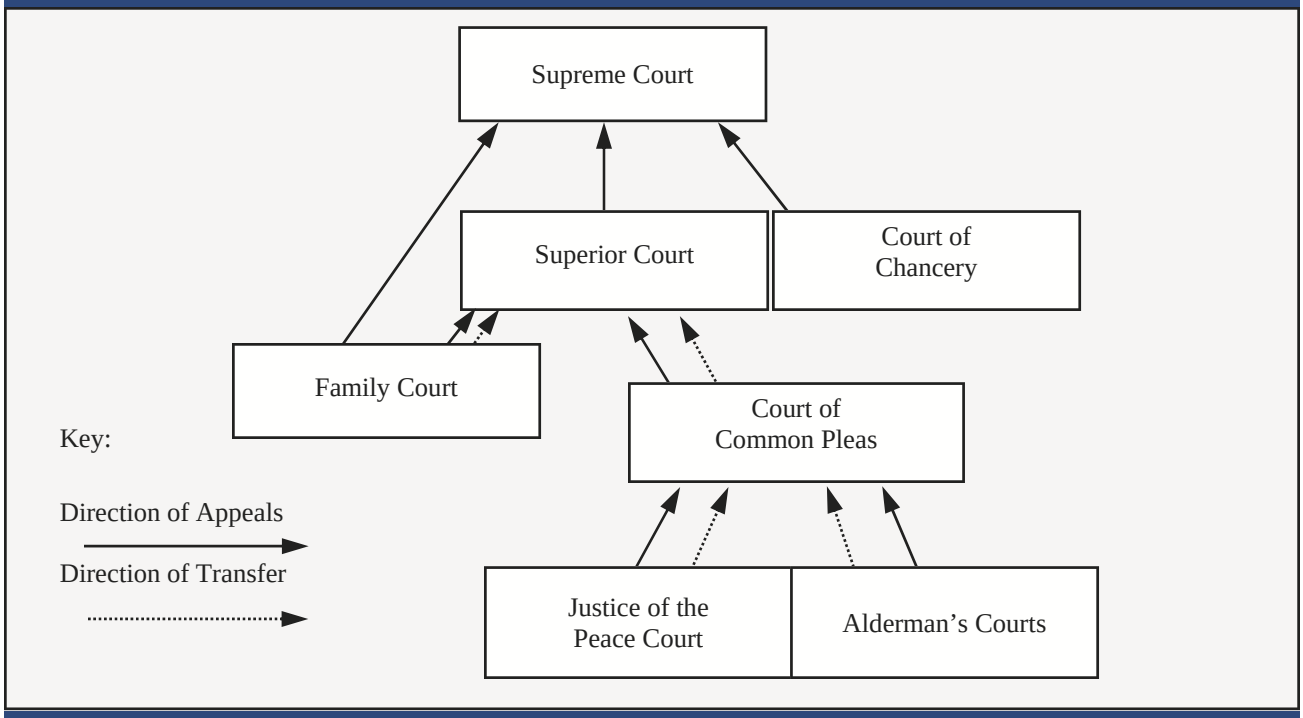
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established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

Other agencies associated with the Delaware Judicial Branch include these state agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Program, 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.

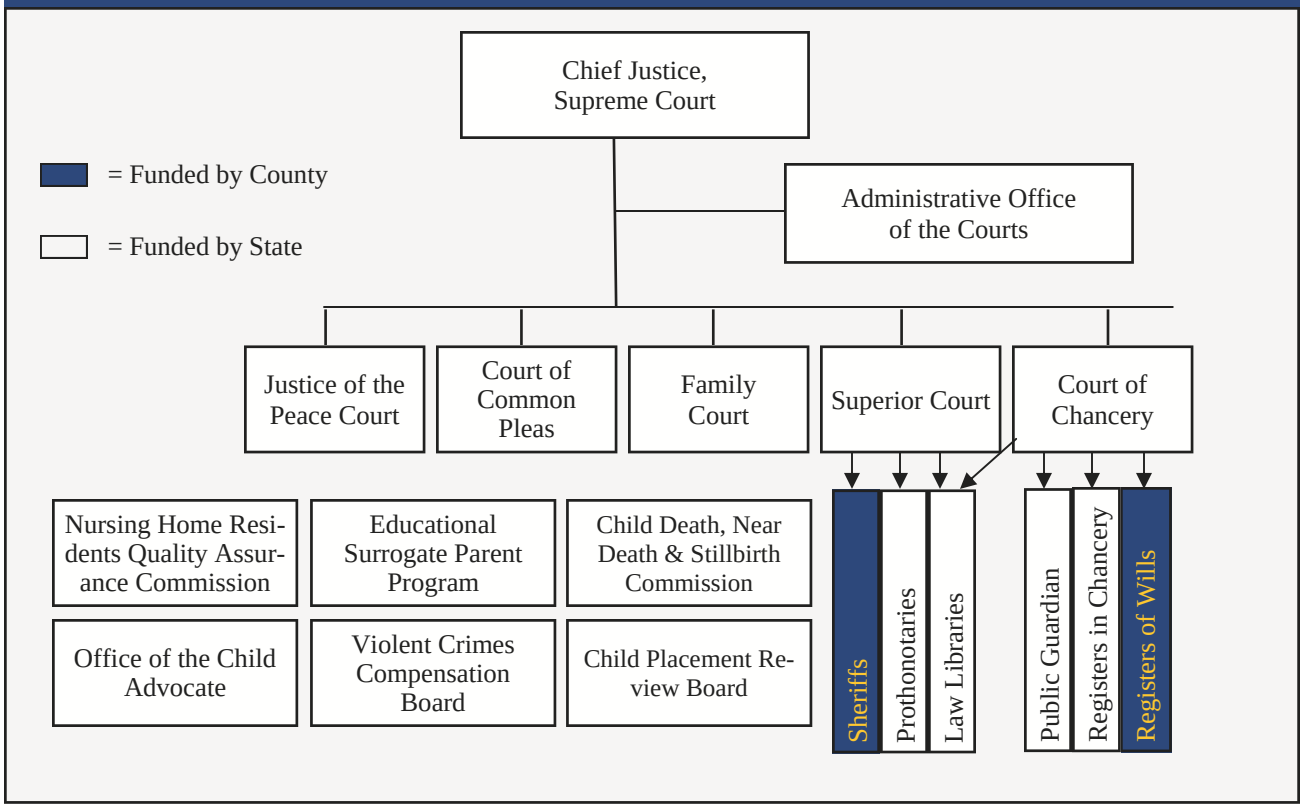
OLD STATE HOUSE—DOVER
Built in 1792
(Original home of the Supreme and Superior Courts)

OVERVIEW OF THE COURTS

Appeals & Transfers



Administrative Authority and Funding



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 State Hospital. 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 Courts, 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.

COTS, an acronym for Courts Organized to Serve, is a Judicial Branch-wide project to create an integrated computerized case management system for civil and criminal cases in all Delaware state courts. Development of the system is a multi-year project which is expected to result in one of the most comprehensive case management systems in the country. The timetable for project implementation is shown below.

COTS TIMETABLE, BY PHASE

Phase 1: Justice of the Peace (JP) Civil Pilot Courts (Court 17 and 19 in Sussex County and Court 12 in New Castle County) and Document Imaging – November 2006
Phase 2: JP Civil Courts and Web Access Statewide – March 2007
Phase 3: Civil Pilot Courts (all civil courts in one county) and E-Filing and IVR (Interactive Voice Recognition) Program – April 2008
Phase 4: Civil Courts Statewide (except Family Court) – July 2008
Phase 5: Criminal Pilot Court and Web Payment – March 2009
Phase 6: Criminal Courts Statewide – June 2009
Phase 7: Family Civil Courts Statewide – September 2009
Phase 8: CourtMetrix and Workflow (statistical reports and other remaining initiatives) – March 2010

COTS FY 2006 HIGHLIGHTS

During FY 2006, substantial progress was made in preparing for the implementation of the first phase of the COTS project scheduled for November 2006.

One highlight was the resolution of the handling of "parking lot" items. Last year, COTS project teams identified a number of "gaps" in the system – items that the off-the-shelf system did not perform to the courts' satisfaction. Those gaps were placed on a "parking lot" list for later review. Part of that review was dedicated to determining whether the courts could adjust their business practices to fit within ACS's (the vendor's) off-the-shelf system or whether system modification was needed to ensure that the courts could maintain important business applications.

During FY 2006, negotiations with ACS resulted in ACS agreeing to include a number of Delaware's most significant "parking lot" items into their baseline product at no cost. Those features included judge assignment (court/location specific and sequential); calendar headers; global recording of person; case event notes; on demand printing in batch; court/location specific

screens and dockets; transfer of cases; and expungements. Other benefits stemming from those negotiations included order generation for on-line plea/pre-sentence investigation (PSI) items, as a part of the customized sentencing package. The total value of the features obtained through these negotiations is more than $2,000,000. Delaware's ability to acquire them at no additional cost represents real dollar savings for the State of Delaware. ACS's agreement to include these features in their baseline product also significantly reduces the burden of reconfiguring the system every time Delaware moves to a new product release. This will save the Judiciary significant cost and work effort for years to come.

Work undertaken during FY 2006 included efforts to ensure that the Justice of the Peace Court would be ready for scanning and imaging activities for Phase 1 and for the conversion of JP data from the existing case management system to the new system – a necessary step before Phase 1 system implementation. The conversion effort also focused on data clean-up and data quality - an ongoing effort to improve the overall quality and timeliness of data for all courts.

The design and analysis work to develop the e-filing component of the case management system began this year. ACS and Tybera, the e-filing vendor for the project, joined project team members from Delaware to begin to design the e-filing system to meet the Judiciary's needs. E-filing is a part of the Phase 3 implementation, with a possible pilot application in Phase 2.

Critical interface work continued throughout the year with special focus on the financial interface with the Delaware Financial Management System (DFMS). That interface had to be built for Phase 1 implementation and also structured to accommodate interface needs with DFMS for all future phases. Other interfaces for the early phases included an interface with the counties and a limited interface with the Division of Motor Vehicles.

Preparing Justice of the Peace Court judges and staff for Phase 1 was also important. The Training Team spent many months preparing for the intensive training conducted in the weeks before implementation. In addition, staff and judges in several courts were exposed to the system in several ways during the year, including through a series of COTS Fairs. These fairs combined both fun and learning activities and allowed people to get their first "taste" of the system and some of its features.

Along with the project teams, Justice of the Peace Court judges and staff have worked hard to prepare themselves and their courts for Phase 1 implementation, the important first step in delivering an information system that will enable the Delaware Judiciary to fulfill its mission of providing a fair, efficient, effective, and prompt forum for the resolution of both criminal and civil matters

JUDICIAL BRANCH UPDATES—LEGISLATIVE HIGHLIGHTS

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 legislature by serving as the main judicial branch contact for legislative matters and by monitoring and analyzing legislation for impact on the judicial branch.

The following legislation affecting the judicial branch was passed during FY 2006 by the 143rd session of the General Assembly and has been enacted into law.

Bill No.	Description
SB 261 as amended by SA 2, HA 1, HA2	Eliminates and updates various outdated criminal procedure statutes relating to the Justice of the Peace Court.
SB 300	Permits use of probation before adjudication for juveniles and for adults removes requirement (when the Dept. of Justice will not appear) that the prosecution consent to probation before judgment.
SB 333	Adds the Securities and Exchange Commission to the list of entities that may certify questions of law to the Delaware Supreme Court.
SB 336 as amended by SA 1	Creates procedural requirements for the issuance of subpoenas for records or employees of the Department of Correction.
SB 337 as amended by SA 2	Creates certain requirements/restrictions on orders of visitation involving a child being brought to a correctional facility.
SB 354	Permits Family Court to order mandatory counseling for parents/guardians of a child found delinquent.
SB 356	Clarifies that information on juvenile adjudications may be used when consistent with other code provisions, evidentiary rules, court rules, or when determined by a court to be in the interest of justice.
SB 361	Makes various changes in statutes relating to sex offenses.
SB 371	Permits transfer of criminal cases to a Delaware court of competent jurisdiction when the case has been filed in a court without jurisdiction.
HB 331	Amends provisions relating to child support.
HB 362 as amended by SA 1	Creates a separate felony offense of resisting arrest with violence or struggle.
HB 363	Makes failure to stop for a police officer a felony and creates an affirmative defense.
HB 404 as amended by HA 1, HA 2, SA 1	Creates mandatory minimum sentence of 25 years incarceration for certain sex offenders.
HB 441	Clarifies that modifications of existing custody orders are initiated by verified petition.
HB 475	Establishes requirements for ensuring notice of right of ways or assessments relating to tax ditches or lagoons.

DELAWARE JUDICIAL BRANCH EMPLOYEE OF THE YEAR NAMED

Chief Justice Myron T. Steele of the Delaware Supreme Court announced the selection of Elizabeth Jonkiert, the Employee of the Year for the Court of Common Pleas, as the overall Delaware Judicial Branch Employee of the Year for 2005.

Ms. Jonkiert received her award, including a plaque, savings bond, day off certificate and a personal gift, from the Chief Justice at the Court of Common Pleas Employee Recognition luncheon on May 12, 2006. She is a Management Analyst with the Court of Common Pleas and was selected for the outstanding contributions that she has made to the Court of Common Pleas and to the Judicial Branch as a whole. She has served in the Delaware Judiciary for almost 30 years and has become an expert in all aspects of criminal case flow, scheduling, calendaring, and statistics for the Court. In addition, she has served on numerous committees and is a respected resource for organizations throughout the criminal justice community.

Elizabeth Jonkiert receiving the Judicial Branch Employee of the Year Award from Chief Justice Steele.

Most recently, Ms. Jonkiert has been appointed as the lead representative of the Court of Common Pleas to the COTS project, which is the new integrated civil, criminal and financial case management system under development by the Judicial Branch.

Ms. Jonkiert is a native Delawarean and a resident of New Castle County. She was nominated by her colleagues on the Court of Common Pleas who noted her dedication, quality of her work, long hours spent at the job, and her willingness to go the extra mile quietly and without fanfare.

SANTA COMES TO THE DELAWARE COURTS DECEMBER 12-15, 2006

Members of the Judiciary and the Bar presented the Miracle on 34th Street in each county to 2,210 school children, on December 12-15, 2006. The "cast" photographed in the Sussex Courthouse include:

First row left to right:

Ed Joyner (Superior Court bailiff); Justice Henry duPont Ridgely; Daniel Slipetsky of Bear, Delaware; Judge M. Jane Brady; and in front is Madeline Hughes from the Delaware Children's Theater.

Second row left to right:

Richard Herrmann; Judge Robert Young; Eric Robbins, the DSBA's Director of Information and Technology; and Tom Russo, the Director.

FISCAL OVERVIEW

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2005-2006-2007-2008

State Judicial Agencies and Bodies*

	FY 2005 Actual Disbursements	FY 2006 Actual Disbursements	FY 2007 Enacted Budget	FY 2008 Budget Request
Supreme Court	$ 4,637,900	$ 4,515,000	$ 4,256,700	$ 4,548,700
Court of Chancery	4,096,200	4,338,400	4,860,000	5,354,400
Superior Court	18,372,800	20,265,600	20,374,400	22,692,100
COURT OF COMMON PLEAS	11,011,200	10,283,000	8,632,100	9,536,800
FAMILY COURT	20,317,400	22,603,100	21,935,700	24,153,000
Justice of the Peace Court	18,593,800	19,733,700	16,036,800	17,385,200
Administrative Office of the Courts (AOC)	2,789,500	2,763,800	2,943,000	3,042,300
AOC Custodial Pass Thru Funds:**	6,517,900	7,949,000	4,708,800	4,708,800
State Court Collection Enforcement Office	784,400	889,000	523,700	575,500
Judicial Information Center	3,084,300	3,197,000	4,058,300	4,536,400
Law Libraries	411,700	469,900	477,500	488,500
Public Guardian	409,200	452,600	460,800	555,100
Violent Crimes Compensation Board	2,273,100	2,723,100	3,104,900	3,104,900
Child Placement Review Board	580,200	583,300	593,600	620,800
Educational Surrogate Parent Program	87,800	89,300	79,600	101,000
Office of the Child Advocate	458,000	623,200	662,900	877,100
Child Death/Near Death/Still Birth Com.#	57,800	195,700	382,400	402,500
Nursing Hm Residents QA Commission##	N/A	2,900	55,900	55,900
Totals	**$ 94,483,200**	**$ 101,677,600**	**$ 94,147,100**	**$ 102,739,000**

* Figures include all funds, including State General Funds, Appropriated Special Funds, estimated federal funds, and/or other funds.
** These programs are included in AOC funding but are shown separately because they are pass-through funds. For FY 06 they included the Court Appointed Attorney Programs, Interpreters, Victim Offender Mediation Program, Elder Law Program, Retired Judges Program, Continuing Judicial Education, New Castle County Courthouse, COTS and other NSF/ASF Funding (includes funding for other items related to centralized functions.
# Established by FY 2005 Budget Act, July 1,2004. FY 2005 funding is partial year. FY 2006 Budget funding represent full-year funding plus additional positions authorized. FY 2007 represents full-year funding of all positions authorized FY 2005-2007.
Established by FY 2006 Budget Act, July 1, 2005. FY 2006 funding is partial year. FY 2007 Budget Request represents full-year funding.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

County Judicial Agencies and Bodies	FY 2005 Actual Disbursements	FY 2006 Actual Disbursements	FY 2007 Enacted Budget
NEW CASTLE COUNTY			
Register of Wills	1,281,603	1,317,316	1,415,391
Prothonotary +	30,098	35,405	50,600
Sheriff	1,507,284	1,470,861	1,650,935
NEW CASTLE COUNTY TOTALS	**$ 2,818,985**	**$ 2,823,582**	**$3,116,926**
KENT COUNTY			
Register of Wills	217,071	261,484	343,200
Sheriff	406,969	440,822	483,900
KENT COUNTY TOTALS	**$ 624,040**	**$ 702,306**	**$827,100**
SUSSEX COUNTY			
Register of Wills	332,201	362,076	357,529
Sheriff	549,082	550,601	567,385
SUSSEX COUNTY TOTALS	**$ 881,283**	**$ 912,677**	**$924,914**

+ Pension and sick pay for former County employees
Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2006 Submitted to the State General Fund					
	Fees and Costs	Fines	Interest	Misc.	Totals
State Court Collections Enforcement**	83,600	16,500	-	-	100,100
Supreme Court	70,300	-	-	-	70,300
Court of Chancery	1,500	-	66,000	-	67,500
Superior Court	2,795,500	454,100	94,200	410,100	3,753,900
Family Court	454,000	82,400	-	8,300	544,700
Court of Common Pleas	2,385,100	1,073,400	-	140,600	3,599,100
Justice of the Peace Court	3,663,000	886,300	-	32,000	4,581,300
STATE TOTALS	**$ 9,453,000**	**$ 2,512,700**	**$ 160,200**	**$ 591,000**	**$ 12,716,900**

Received by Violent Crimes Compensation Board					
	Fees and Costs	Fines	Interest	Misc.***	Totals
Superior Court		499,986			499,986
Family Court		27,625			27,625
Court of Common Pleas		832,246			832,246
Justice of the Peace Court		1,096,100			1,096,100
Alderman Courts		177,311			177,311
Restitution		110,686			110,686
Other			17,940	66,558	84,498
VCCB TOTALS	**$ -**	**$ 2,743,954**	**$ 17,940**	**$ 66,558**	**$ 2,828,452**

* 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 table reflect only fees, costs, and fines for cases that have been written off. 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 these courts are included in the figures for those courts.

***Misc. includes unclaimed restitution, refunds, forensic, and subrogation.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE*-FISCAL YEAR 2006					
Submitted to New Castle County					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Register of Wills	4,003,543				4,003,543
Prothonotary	21,779	518			22,297
Sheriff	563,883		51,100	1,429,898	2,044,881
Justice of the Peace Court		485,054			485,054
New Castle County Totals	**$ 4,589,205**	**$ 485,572**	**$ 51,100**	**$ 1,429,898**	**$ 6,555,775**

Submitted to Kent County					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Register of Wills	543,943				543,943
Sheriff	610,434				610,434
Justice of the Peace Court		3,661			3,661
Kent County Totals	**$ 1,154,377**	**$ 3,661**	**$ -**	**$ -**	**$ 1,158,038**

Submitted to Sussex County					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Register of Wills	904,617				904,617
Sheriff	415,904				415,904
Justice of the Peace Court		6,854			6,854
Sussex County Totals	**$ 1,320,521**	**$ 6,854**	$ -	$ -	**$ 1,327,375**

Submitted to Municipalities					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Prothonotary		23,517			23,517
Court of Common Pleas		982,751			982,751
Justice of the Peace Court		2,797,782			2,797,782
Alderman Courts	529,082	1,016,308			1,545,390
Municipalities Totals	**$ 529,082**	**$ 4,820,358**	**$ -**	**$ -**	**$ 5,349,440**

Grand Totals-Judicial Branch					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
TOTALS	**$ 7,593,185**	**$ 5,316,445**	**$ 51,100**	**$ 1,429,898**	**$ 14,390,627**

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

Source: Administrative Office of the Courts

FISCAL OVERVIEW

RESTITUTION-FISCAL YEAR 2006			
	Assessed	Collected	Disbursed
Supreme Court	-	-	-
Court of Chancery	-	-	-
Superior Court	9,710,543	2,389,101	2,386,704
Family Court	198,314	276,867	257,580
Court of Common Pleas	415,333	546,767	551,315
Justice of the Peace Court	79,167	62,365	77,264
Office of State Court Collections*	-----	92,001	75,143
TOTALS	**$ 10,403,357**	**$ 3,367,101**	**$ 3,348,006**

DELAWARE GOVERNMENT APPROPRIATIONS**F25 - FISCAL YEAR 2006 State Appropriations		
	$'s	As a %
Judicial	74,243,500	2.63%
Higher Education	221,407,800	7.85%
Executive Branch	1,546,285,400	54.80%
Legislative Branch	13,455,800	0.48%
Public Education	966,448,400	34.25%
Total	**$ 2,821,840,900**	**100%**

Judicial Appropriations - Fiscal Year 2006		
	$'s	As a %
Supreme Court	2,677,300	3.61%
Court of Chancery	2,553,200	3.44%
Superior Court	18,272,500	24.61%
Court of Common Pleas	7,497,200	10.10%
Family Court	15,774,000	21.25%
Justice of the Peace Court	14,625,000	19.70%
Administrative Office of the Courts	2,763,800	3.72%
AOC Pass Thru Funds	4,100,600	5.52%
Court Collections Enforcement	505,800	0.68%
Judicial Information Center	3,063,800	4.13%
Law Libraries	474,600	0.64%
Other***	1,935,700	2.61%
Total	**$ 74,243,500**	**100%**

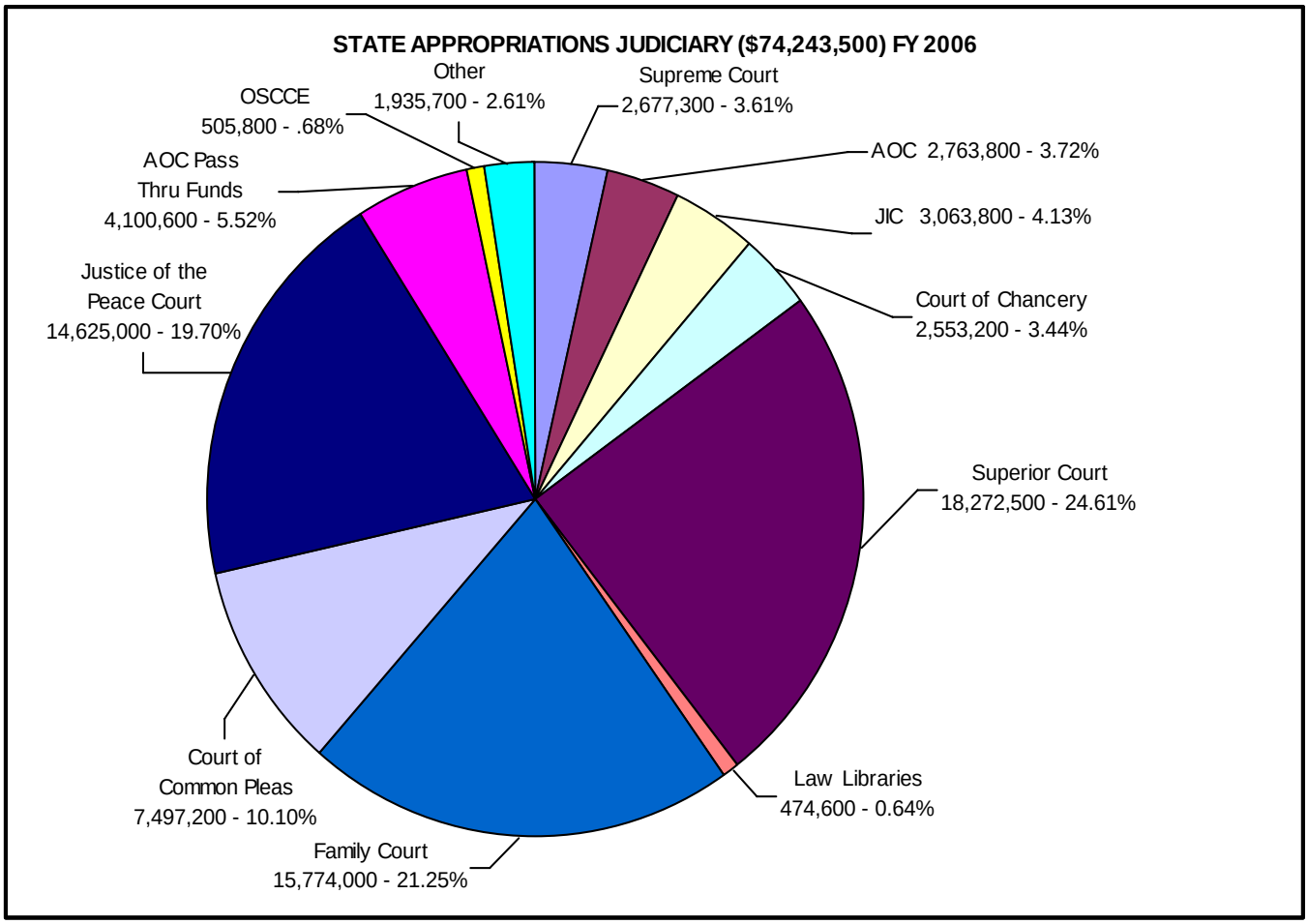
*The figures shown for the Office of State Court Collections Enforcement (OSCCE) in this table reflect only restitution for cases that have been written off. OSCCE also collects restitution on current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of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

** State General Fund monies only.

*** Other: Public Guardian, Child Placement Review Board, Educational Surrogate Program, Office of the Child Advocate, CDNDSB Commission, and DE NHRQA Commission

Source: Administrative Office of the Courts

FISCAL OVERVIEW



New Castle Courthouse

City Building, 1925

Kent County Courthouse
April 23, 1926

Early Kent County Courthouse

Sussex County Courthouse facility (after court operations had been relocated)

Sussex County Courthouse, 1910

THE DELAWARE COURTS

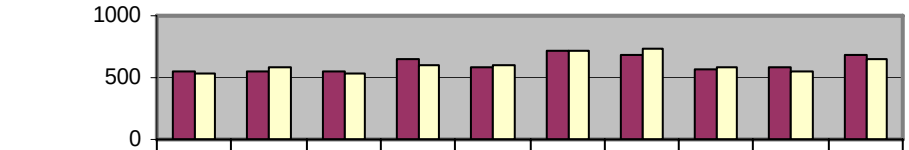
Delaware Supreme Court—Dover

SUPREME COURT

In Fiscal Year 2006, the Delaware Supreme Court received 688 appeals and disposed of 655 appeals by opinion, order or dismissal. On average, the appeals were decided within 44.6 days from the date of submission to the date of final decision. In 93.4% of appeals decided in FY 2006, the Court met the standard of the Delaware Judiciary for deciding cases within the 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 85.3% 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 disposed of 92.7% within this one year timeframe.

On October 24, 2005, the Delaware Supreme Court became the first appellate Court in the nation to require electronic filing of appeal documents using the LexisNexis e-Filing system. Taking an incremental approach to e-Filing, the first e-Filing phase encompassed only those civil appeals from the Court of Chancery and the Superior Court that were previously e-Filed in those courts. In the second phase which was effective on June 1, 2006, the Court expanded its e-Filing initiative to all new civil appeals from the Court of Chancery and the Superior Court. The next phases of the project will be the e-Filing of all criminal appeals from the Superior Court, followed by all appeals from the Family Court.

During the past fiscal year, 3,311 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court amended the Statement to provide for an assessment to be paid by each active Delaware lawyer to fund the Delaware Lawyers' Assistance Program. Under Supreme Court Rule 74(b), the purpose of the program is to provide assistance to Delaware attorneys and members of the State Judiciary with alcohol, drug, gambling, emotional, behavioral, or other personal problems that affect well-being and professional performance. The Program is overseen by the Delaware State Bar Association, which receives an annual grant from



10 YEAR CASELOAD TREND
SUPREME COURT FILINGS AND DISPOSITIONS BY FISCAL YEAR

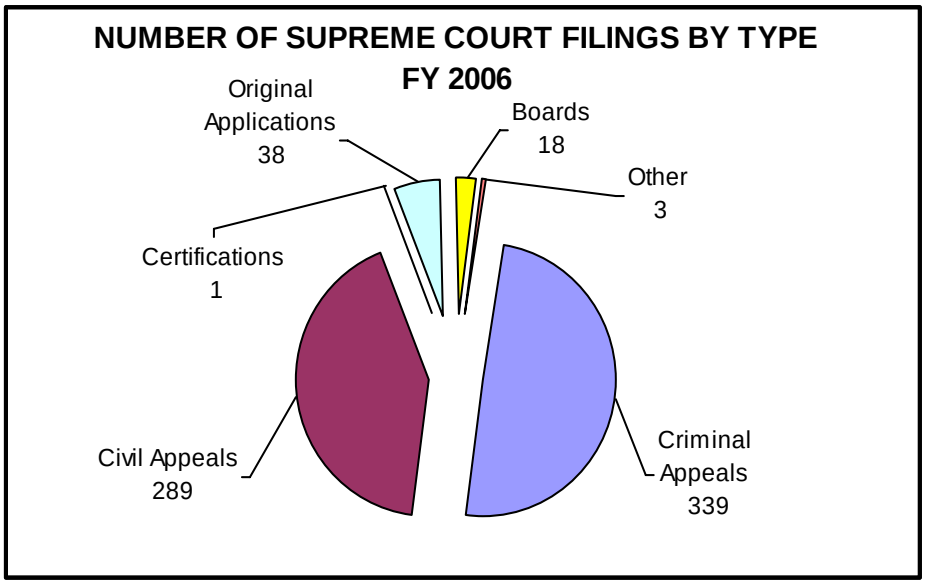
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Filings	551	554	558	656	582	715	681	564	583	688
Dispositions	537	582	527	599	598	713	726	586	554	655

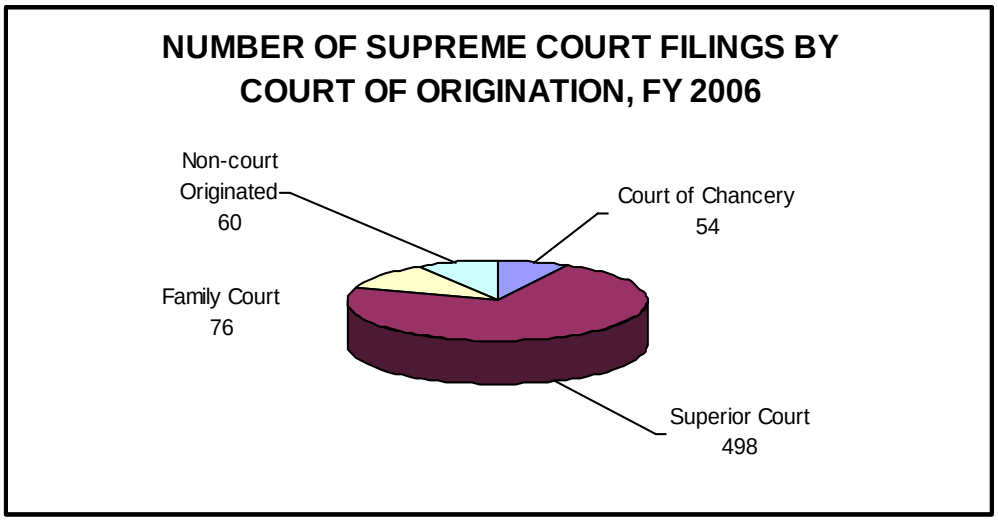
the Court's Rule 69 assessments, and operates through the Association's Lawyers' Assistance Program.

In FY 2006, the Court celebrated the fifty-fifth anniversary of the separate Supreme Court. After the second leg of the constitutional amendment was passed in the Delaware House of Representatives on May 14, 1951, Governor Elbert N. Carvel nominated Clarence A. Southerland as Chief Justice, and Daniel F. Wolcott and James M. Tunnell, Jr. as Justices, to serve on the Court. They were confirmed by the Delaware State Senate and sworn in on June 5, 1951.

Legal Authorization

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





Court History

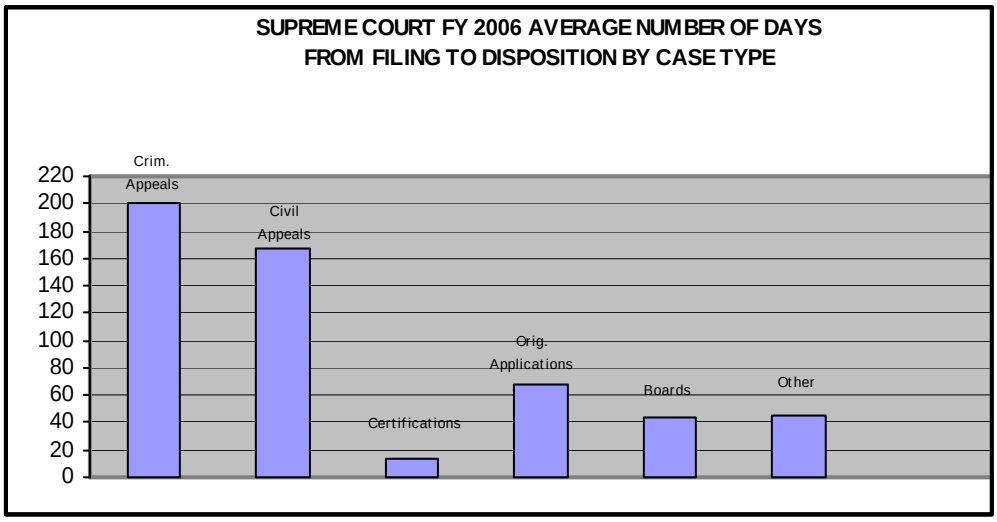
The modern Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three justices and was enlarged to the current five justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of a separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts.

These judges would hear the appeal *en banc* (collectively) and would exercise final jurisdiction in all matters in both law and equity.

Jurisdiction

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



SUPREME COURT

Justices

The Supreme Court consists of a chief justice and four justices who are nominated by the Governor and confirmed by the Senate. The justices are appointed for 12-year terms and must be learned in the law and citizens of the State. The Court may have no more than a majority of one justice from any political party.

Administration

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

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

Chancellor William B. Chandler, III

COURT OF CHANCERY

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 06 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 which can provide measures of the court's performance against established benchmarks.

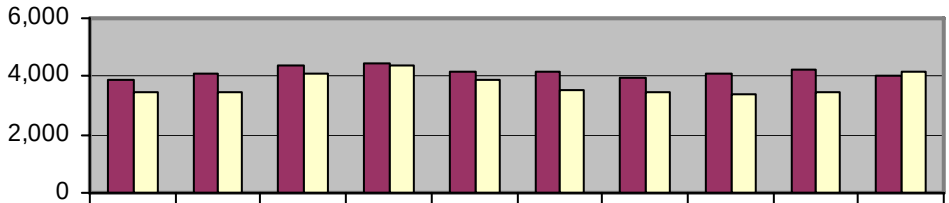
Part of the plan to continue the Court's tradition of excellence is to take advantage of the opportunities presented with the legislation which established the statewide Register in Chancery Office. Thanks to e-Filing and the resultant elimination of many paper intensive tasks, the Court has benefited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

Efficiencies are also being sought in the area of civil miscellaneous filings. Two senior finance students from the University of Delaware assisted the court in analyzing the level of access to information that the Register's Office was providing to persons seeking guardianships. 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.

As the fiscal year came to a close the Court was given another expedited caseload in the form of filings involving communities attempting to enforce deed restrictions and covenants. Once again the Court is being called upon to provide an expedited solution to a community problem. With the assistance of a new Master, the Court will be able to deal more expeditiously with these particular cases and to continue to handle its traditional caseload in a fashion for which this court is known.

COURT OF CHANCERY

10 YEAR CASELOAD TREND
COURT OF CHANCERY FILINGS AND DISPOSITIONS BY FISCAL YEAR

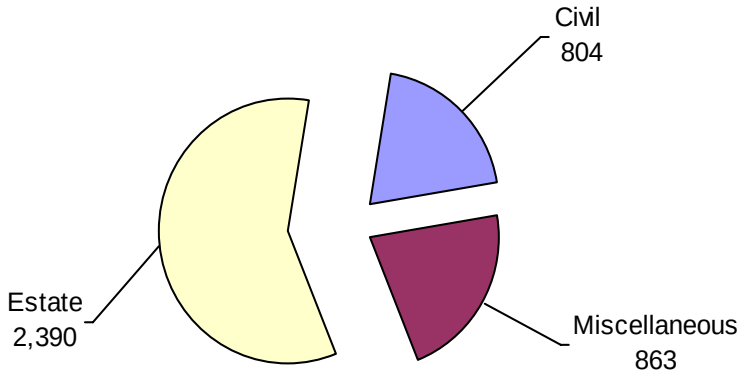


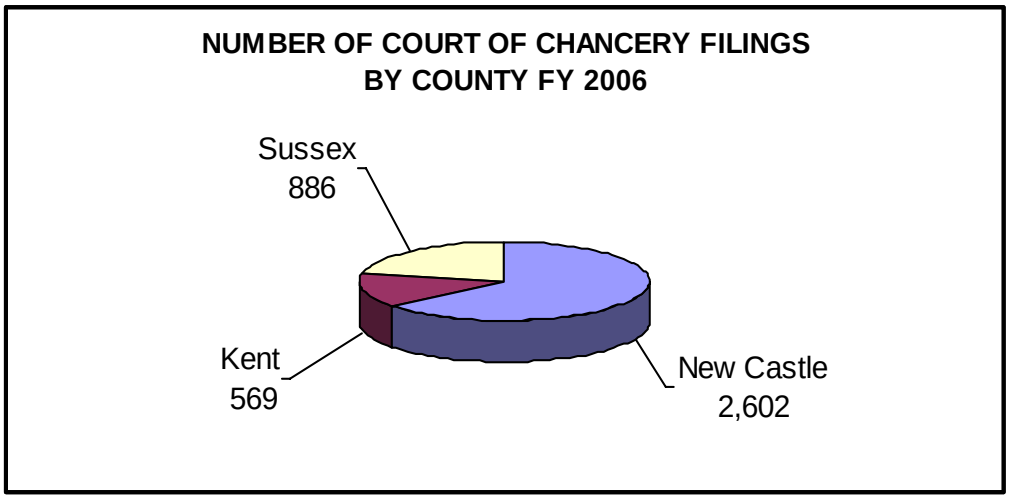
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Filings	3,876	4,081	4,352	4,442	4,197	4,159	3,935	4,122	4,221	4,057
Dispositions	3,424	3,440	4,090	4,367	3,868	3,525	3,452	3,391	3,457	4,200

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

Court History
The Court of Chancery came into existence as a separate court under the Delaware Constitution of 1792. Its creation contradicted an historical trend in eighteenth century America away from chancery courts. The Court consisted solely of a chancellor until 1939 when the position of vice chancellor was added. The increase of the Court's workload, since then, has led to further expansions to its present complement of a chancellor and four vice chancellors, with the addition of the fourth vice chancellor being made in 1989.

NUMBER OF COURT OF CHANCERY FILINGS BY TYPE FY 2006





Legal Jurisdiction

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction.

In today's practice, litigation in the Court of Chancery consists largely of corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 *Del.C.* § 369).

Court of Chancery *(standing left to right)*

Vice Chancellor John W. Noble
Vice Chancellor Leo E. Strine, Jr.
Chancellor William B. Chandler, III
Vice Chancellor Stephen P. Lamb
Vice Chancellor Donald F. Parsons, Jr.

Court of Chancery - Sussex

President Judge James T. Vaughn, Jr.

SUPERIOR COURT

As Superior Court celebrates its 175th Anniversary in Fiscal Year 2007, we look back to our origins and review our present day challenges. It was under the Constitution of 1832 that Superior Court came to be. Ever since that time, the Court has been in the business of pursuing justice—only more so today. In 1832, four judges were appointed to the Superior Court bench. According to "The Abstract of the Fifth Census," the total population in 1832 for the State of Delaware was 76,748. Today, 19 judges are appointed to the bench, and the U.S. Census estimates 843,524 citizens reside in the State. Superior Court has a long, strong heritage, one that we carry proudly into the future.

This year, Superior Court is recognized for the fifth year in row as the premier court of general jurisdiction in the country by The Harris Poll State Liability Systems Ranking Study. For the third year in a row, the Superior Court has undergone a change in judicial officers. On August 31, 2005, Hon. Richard S. Gebelein, Attorney General for the State before coming to the bench, retired from Superior Court to assume the role of International Judge. Thereafter, Hon. M. Jane Brady, the first woman to serve as Attorney General, who also came to the bench from that office, was appointed on December 7, 2005.

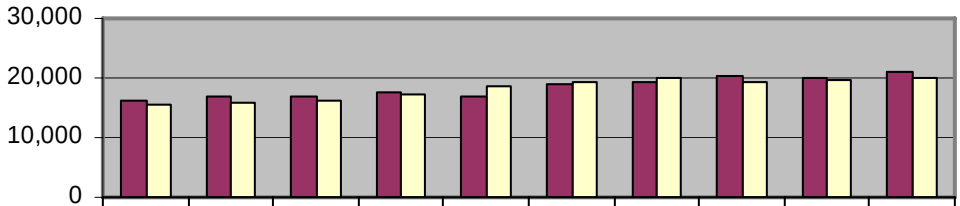
Statewide, filings totaled 20,977, a six percent increase (+1,126 cases) over last year; dispositions totaled 20,077, a two percent increase (+296 cases). The number of non-first degree murder cases moving through the system within allotted time frames remained consistent. Of the number of first-degree murder cases moving through the system, 81% were within the standard. A total of 16 murder first cases went to trial: eight capital murder cases and eight non-capital murder cases.

During fiscal year 2006, a change was made in the assignment of civil and criminal cases in New Castle County. For some years prior to that date, three judges were assigned to criminal cases only and ten tried both civil and criminal cases on a rotating basis. Effective January 1, 2006, all thirteen judges try both civil and criminal cases on a rotating basis. During the six month period from January 1, 2006 to June 30, 2006, the number of pending criminal cases in New Castle County declined by 215 (12%).

Our web site's Listserv, with 18 separate Listservs, has increased its membership to 1,750, 35 percent more over last year. The Web feedback helpdesk responded to 292 citizens (28 percent more) who had questions regarding how to locate information regarding the Court's forms, opinions and orders, fees, records, and jury duty.

Superior Court's core values of unity, neutrality, integrity, timeliness, equality, and dedication keep us UNITED. In the pursuit of justice, our vision is to provide superior service to the public. We take pride in the work we do, and we never forget we are accountable to the citizens of the State of Delaware for the work we do.

10 YEAR CASELOAD TREND SUPERIOR COURT CIVIL & CRIMINAL FILINGS AND DISPOSITIONS BY FISCAL YEAR



	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Filings	16,103	16,749	16,866	17,579	16,907	19,019	19,393	20,387	19,851	20,977
Dispositions	15,456	15,946	16,070	17,222	18,562	19,345	19,907	19,398	19,781	20,077

Legal Authorization

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

Court History

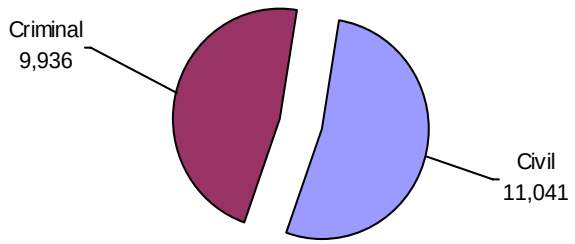
Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

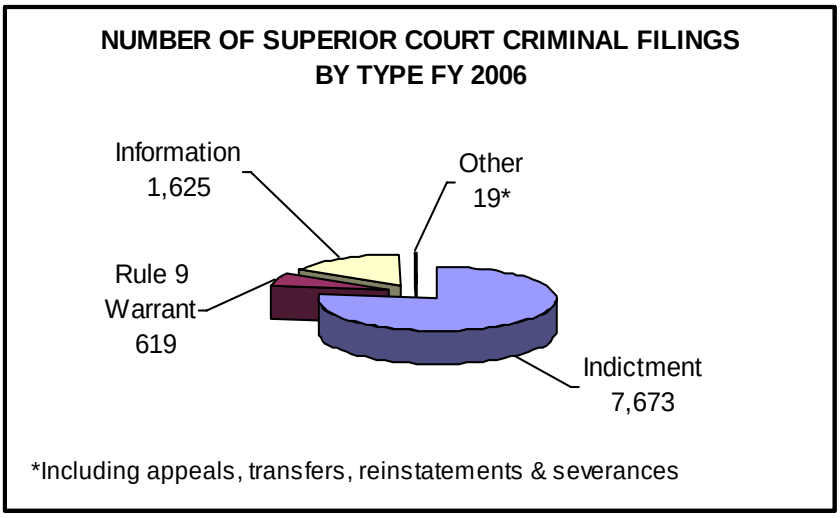
The law courts, which represent today's Superior Court jurisdiction, go back as far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two courts. In 1951, the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed president judge. There were five Superior Court judges in 1951; there are nineteen today.

Geographic Organization

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

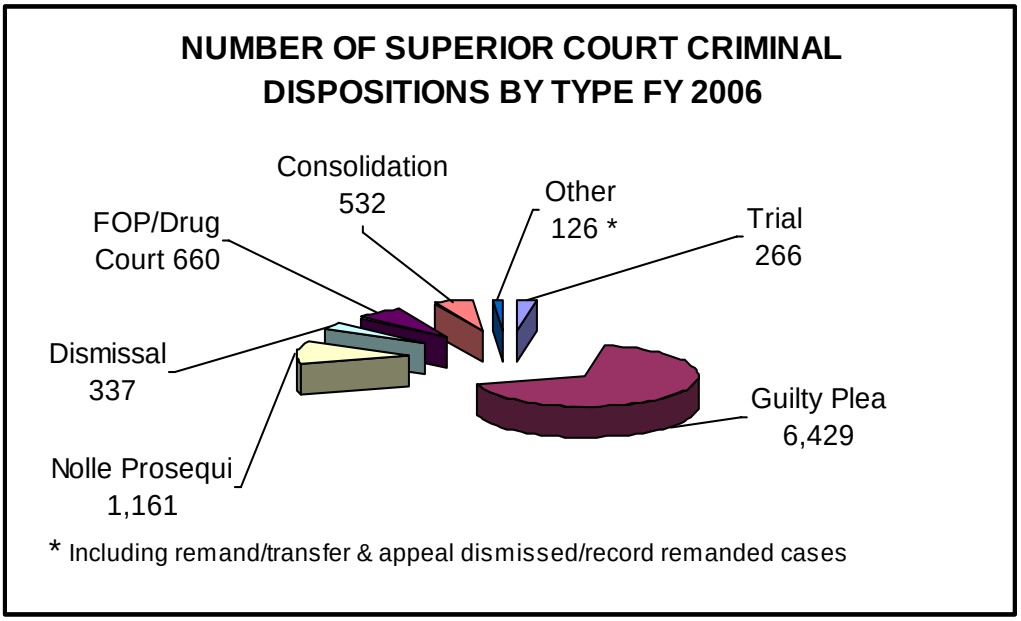
NUMBER OF SUPERIOR COURT FILINGS BY TYPE FY 2006

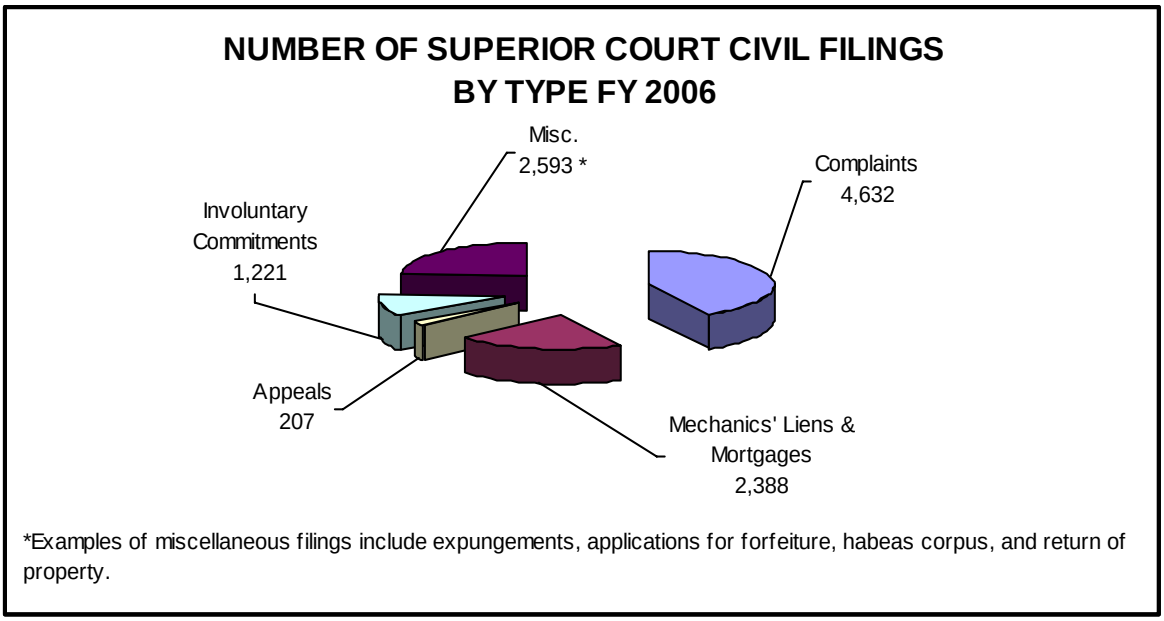




Legal Jurisdiction

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

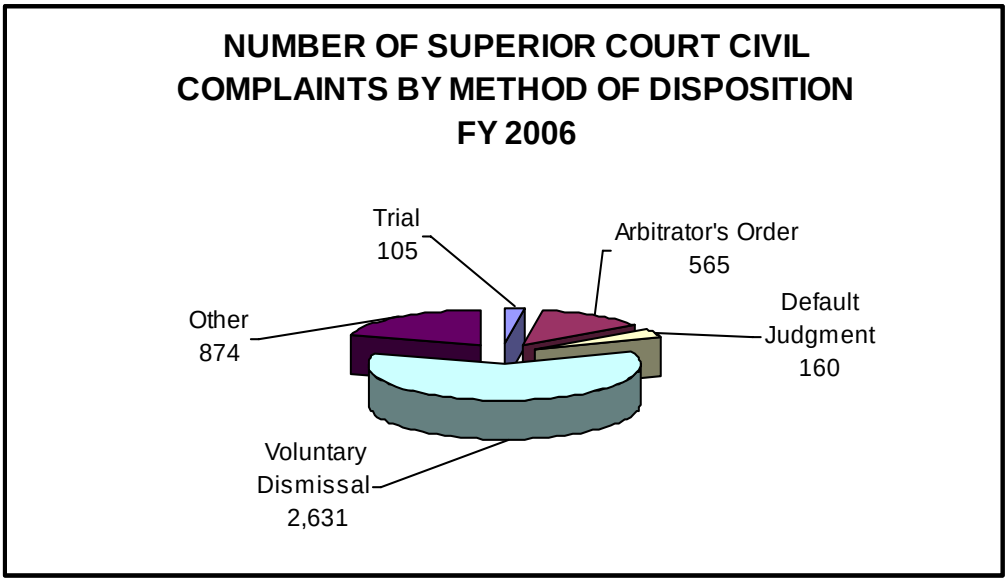




Support Personnel

Superior Court employs court reporters, law clerks, bailiffs, investigative service officers, a secretary for each judge, and other support personnel.

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



Judges

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

Superior Court

Front Row (sitting left to right)
Judge Jerome O. Herlihy
Judge John E. Babiarz, Jr.
President Judge James T. Vaughn, Jr.
Judge Susan C. DelPesco
Judge T. Henley Graves (SC Resident Judge)

Second Row (standing left to right)
Judge Richard F. Stokes
Judge William C. Carpenter, Jr.
Judge Richard R. Cooch (NCC Resident Judge)
Judge Charles H. Toliver, IV
Judge Fred S. Silverman
Judge William L. Witham, Jr. (KC Resident Judge)
Judge E. Scott Bradley

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

New Castle County Courthouse

Kent County Courthouse

Sussex County Courthouse

Chief Judge Chandlee Johnson Kuhn

FAMILY COURT

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its mission and strategic plan.

In accordance with 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."

Strategic Planning

Family Court's Strategic Plan reads as follows:

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

GUIDING IDEALS

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

GOALS

- *Safety and security*
- *Timely and expeditious hearings and case processing*

- *Institutional competence (fully trained and engaged judicial officers and staff)*
- *Conflict resolution in the least adversarial manner*
- *Comity in governmental relations*
- *Balanced court workload*

BROAD STRATEGIES

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

Judicial Composition

The addition of two judgeships for the Court in New Castle County in 2005 has allowed us to better serve the citizens of our state in a year in which we handled an additional 1,423 filings and rendered 3,922 more dispositions than in fiscal year 2005. Although the Court is unable to determine at this time the complete impact of the two additional Judges, the Court hopes to be able to obtain accurate performance information upon full implementation of COTS.

Commissioner Mary Much was unanimously confirmed in a Senate hearing on June 1, 2006 to fill the vacancy created when Judge Hitch was elevated.

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.

Because of its sweeping systemic reforms, the Delaware Family Court was selected as a study site for the U. S. Department of Health and Human Services (HHS) to evaluate the impact of CIP. Pal Tech will conduct the court-focused evaluation in New Castle County under contract with HHS. The study will begin in the fall of 2006 and take place over a five-year period. It will include 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.

Last fall, a team of judges, staff and child welfare professionals in Delaware had the opportunity to attend The National Leadership Summit on the Protection of Children. Each team at the Summit was charged with developing an action plan for its state.

In order to further advance the goals and mission of the action plan written after the Summit, the Family Court has partnered with the Department for Children Youth and their Families to host a two-day Statewide Summit on the Protection of Children entitled: *Joining Forces for Delaware's Children.* Both national and local experts will present at the Conference which will be held in November in Dover.

Our intent is to collaborate with the Department for Children Youth and their Families to further the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met. Through this collaboration we plan to identify and obtain needed resources system-wide, better utilize data that is available, create performance measures for the Family Court and the Division of Family Services specifically in

the CIP area, and ultimately to create County Collaboratives to meet the individual needs of our State's three counties. Family Court will dedicate an employee to coordinate the CIP Grant and the Collaborative's efforts to ensure achievement of the goals and objectives.

Juvenile Justice

The Court has created an internal committee to study the juvenile justice practices in Delaware and offer recommendations for improvements that further public safety and rehabilitative outcomes.

The Delaware Girls Initiative (DGI) is a collaborative group that has partnered with the Delaware Center for Justice, the National Council on Crime and Delinquency, and the PACE Center for Girls to explore the need for a comprehensive continuum of services for at-risk adolescent girls in the State of Delaware. There are over 125 participants from various national, state, and local government agencies, community for and not-for profit organizations, elected officials, law enforcement and service providers.

A blueprint, which outlines the DGI Strategic Plan and Action Steps, was unveiled on May 31, 2006, in the Senate Chambers in Legislative Hall with over 100 supporters.

Family Court continues to contract with an Expeditor in New Castle County to track juveniles in the system and identify alternative pre-adjudicatory non-secure placements. The Family Court also implemented the Risk Assessment Instrument, which is an objective tool to facilitate the hearing officers' identification of those juveniles who qualify for alternative non-secure placements to detention. These coordinated efforts will result in a more effective and efficient juvenile justice system for Delaware.

In addition, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health, has received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with criminal charges pending against them in the New Castle County Family Court. The program will result in a treatment-based resolution of the criminal charges that will target both competent and incompetent offenders with mental health disorders. The participating agencies are finalizing implementation plans and we anticipate a start date in January 2007.

Services for Self-Represented Litigants

In its continued efforts to serve *pro se* litigants, the Family Court helped over 48,000 people by providing assistance through the Resource Centers statewide. Over 24,000 people in New Castle County utilized the services provided in the Self-Help Center. Kent County's Resource Center provided assistance to approximately 14,000 people, and Sussex County's Resource Center provided assistance to approximately 10,000 people. These numbers indicate that Delaware's citizens continue to benefit from the variety of services offered in the Resource Centers.

Over the past year, the Court has developed and implemented instruction booklets for custody, visitation, custody modification, guardianship and permanent guardianship. These instruction booklets are in addition to the divorce and annulment booklets offered previously and provide extensive information to *pro se* litigants regarding how to complete court forms (including sample forms), the court process and information to assist them in preparing for their particular court hearing. The booklets are available to *pro se* litigants in all Family Court Resource Centers and are accessible on the Family Court

webpage. The Court is currently developing additional instruction booklets in the areas of child support, termination of parental rights and motions practice.

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

Court Appointed Special Advocate (CASA) Program

The Family Court CASA Program celebrated 25 years of service this year. In 1981 the Family Court of the State of Delaware, in collaboration with the Junior League of Wilmington and the Wilmington Chapter of the National Council of Jewish Women, started a pilot program in New Castle County to address the needs of Delaware's abused and neglected children who appeared in the Court unrepresented. The program was called "Guardian *ad Litem*" and volunteers would represent the abused, neglected and dependent children appearing before the Court.

Since its inception 25 years ago, the program was renamed Court Appointed Special Advocate Program (CASA) and continues to grow. The Court Appointed Special Advocate (CASA) Program provides trained volunteers to represent the best interests of abused and neglected children in court proceedings.

During Fiscal Year 2006, 207 CASA volunteers served as guardians *ad litem* for 562 abused and neglected children in the Family Court statewide. In Fiscal Year 2004, the statewide program was among the first in the country to successfully complete the National CASA Association's Quality Assurance Program that measures compliance with national standards. The Delaware Family Court program surpassed compliance requirements by meeting or exceeding 434 of the 438 (99 percent) possible measures in the process.

With a goal to further diversify its volunteer pool to better reflect the community it serves, the CASA program implemented new statewide public relations strategies, which included targeted volunteer recruitment in each County. This fall the Court will sponsor Public Service Announcements through several media outlets encouraging people to become CASA volunteers.

Security, Safety and Functionality of the Family Court Facilities Statewide

Family Court, in conjunction with the Department of Administrative Services continues a multi-year initiative to renovate, modernize and expand our courthouse in Sussex County. Funding for space needs assessment studies for both Kent and Sussex Counties has been secured. The Court anticipates that the studies for both Kent and Sussex counties will be completed during Fiscal Year 2007.

In May 2006, the Department of Administrative Services purchased a parcel of land immediately adjacent to the present Family Court building in Sussex County, which, if feasible, will allow for the expansion of the existing facility. With surplus funds from that project, Family Court judges and administrative staff are working with the Division of Facilities Management to identify and correct the most critical security deficiencies in need of immediate attention in Sussex.

In Kent County, the Court, in concurrence with Facilities Management, has decided to forego any further renovations of the Family Court building other than minor critical security needs. The Family Court, in conjunction with the Division of Facilities Management, has begun the process to conduct a comprehensive space needs assessment in order to determine the long term space requirements for the Family Court and to determine whether the existing courthouse can be renovated and expanded in order to support the day to day operations of the Court.

As of July 2006 we were granted two additional Judicial Assistant positions, one each in Kent and Sussex Counties. Those positions will enhance the security profiles in the two courthouses.

COTS – Courts Organized To Serve

Family Court judges and staff continue with their commitment to the statewide COTS (Courts Organized to Serve) automation initiative, as the project nears the initial phase of implementation. During Fiscal Year 2006, court personnel at all levels have continued to support our sister court, the Justice of the Peace Court, as they prepare to implement the COTS case management software in three of their civil courts in November 2006. The Family Court has continued to work diligently in evaluating the functionality of the system and in refining our case management processes to assure that the COTS Initiative is successful and beneficial to the public, the State of Delaware judiciary, and all partner agencies.

Human Resources Development

The Family Court continues to focus on the professional development of its administrative support staff with the goal of enhancing overall organizational effectiveness and individual competencies. The emphasis is on providing our employees with the knowledge and skills needed to provide information and assistance to litigants effectively.

The guiding principles that the Court uses as its long range human resources strategy are embedded in its Strategic Plan that has been adopted and approved by all Family Court judges. Additionally, the framework that exists in the National Association of Court Management's (NACM) Core Competency Guidelines is being explored as the basis for specific long-term professional development strategies for court managers and administrative support staff.

The Court's current development program for its supervisors and managers centers on two one-day conferences that are held annually at a central location with full participation required.

In April 2006, all managers and supervisors attended a one-day conference titled "Managing Performance and Motivating Employees" that was conducted by Strategic Initiatives Consulting Group, LLC.

The second supervisor's conference for 2006 will be held on November 17 and the proposed theme will build on the core competencies for court managers that have been authored by the National Association of Court Management.

On September 28 and 29, 2006 all commissioners and all administrative support staff will attend the Family Court Staff Development Conference that is titled "Purpose-

Driven Courts." The agenda will focus on the value and importance of public service in the courts.

In addition to the staff-wide Family Court conference, employees in administrative support positions attend various staff development programs offered by the Administrative Office of the Courts, the Office of Human Resources Management and other training resources. The judges, commissioners, managers and supervisors are committed to the participation of their unit members in these programs.

The Court continues to encourage employees to apply for its employee educational assistance program which provides tuition reimbursement to employees who are pursuing college degrees.

Under the Court's Excellence in Performance program, annual ceremonies were held in each county in May and awards were presented for a broad range of individual and group achievements, including Employees of the Year, Manager of the Year and Director's awards.

Members of the Court continue to be recognized locally and nationally for their accomplishments in our communities as evidenced by the following awards:

- The Honorable Chandlee Johnson Kuhn was presented with the National Council on Crime and Delinquency Albert Elias Award for 2006. Each year, NCCD recognizes an individual who has made significant and outstanding contributions to juvenile justice.

- The Honorable Chandlee Johnson Kuhn was presented with the 2006 City of Wilmington Award to recognize and honor her outstanding accomplishments with the Delaware Girls' Initiative.

- The Honorable Chandlee Johnson Kuhn was chosen as a recipient for the Strong, Smart and Bold Award for 2006 from Girls, Inc. of Delaware. The Judge was chosen as one of three women honored who have distinguished themselves through exemplary achievements in the community, their professions, and as role models for girls.

- The Honorable Aida Waserstein was awarded the 2006 John H. Mathis Trailblazer Award. Judge Waserstein was chosen for her leadership role in promoting cultural understanding and diversity as chair of the Delaware Supreme Court's Certified Court Interpreter Program Advisory Board and her many contributions to the Hispanic community in Delaware.

- The Honorable Aida Waserstein along with Jody Huber, Esq., Director of Pro Se Services, wrote an article titled "A War on Two Fronts" regarding the Servicemembers Civil Relief Act which was published in the Spring 2006 issue of Delaware Lawyer Magazine.

- The Honorable Patricia Tate Stewart was honored with the Adjunct Professor Distinguished Service Award for 2006 from Widener University School of Law.

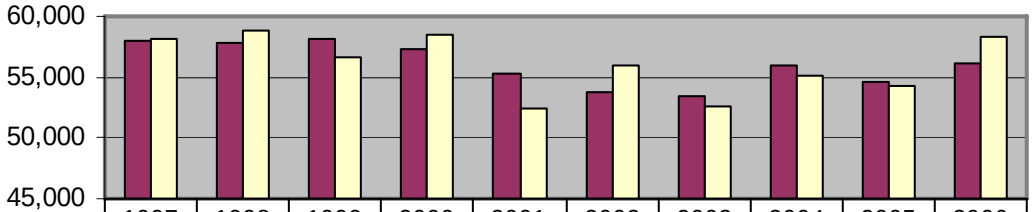
- Jody Huber, Esq., Director of Pro Se Services, was selected to address the new lawyers at the Delaware Bar Induction ceremony.

It should also be noted that on September

6, 2006, The Honorable Jay Connor was reconfirmed to serve his third term in the Family Court and The Honorable Mark Buckworth was reconfirmed to serve his second term in the Court.

We are pleased to report on Family Court's accomplishments over the last year. Family Court will continue to focus its resources on providing quality service to the citizens of our state and ensuring that matters within the Court's jurisdiction are resolved as expeditiously as possible, while meeting our obligation to providing our citizens with the highest quality of justice feasible.

10 YEAR CASELOAD TREND
FAMILY COURT CIVIL & CRIMINAL FILINGS AND DISPOSITIONS BY FISCAL YEAR



	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Filings	57,907	57,811	58,203	57,276	55,310	53,714	53,490	55,959	54,639	56,062
Dispositions	58,108	58,850	56,638	58,515	52,367	55,957	52,517	55,056	54,313	58,235

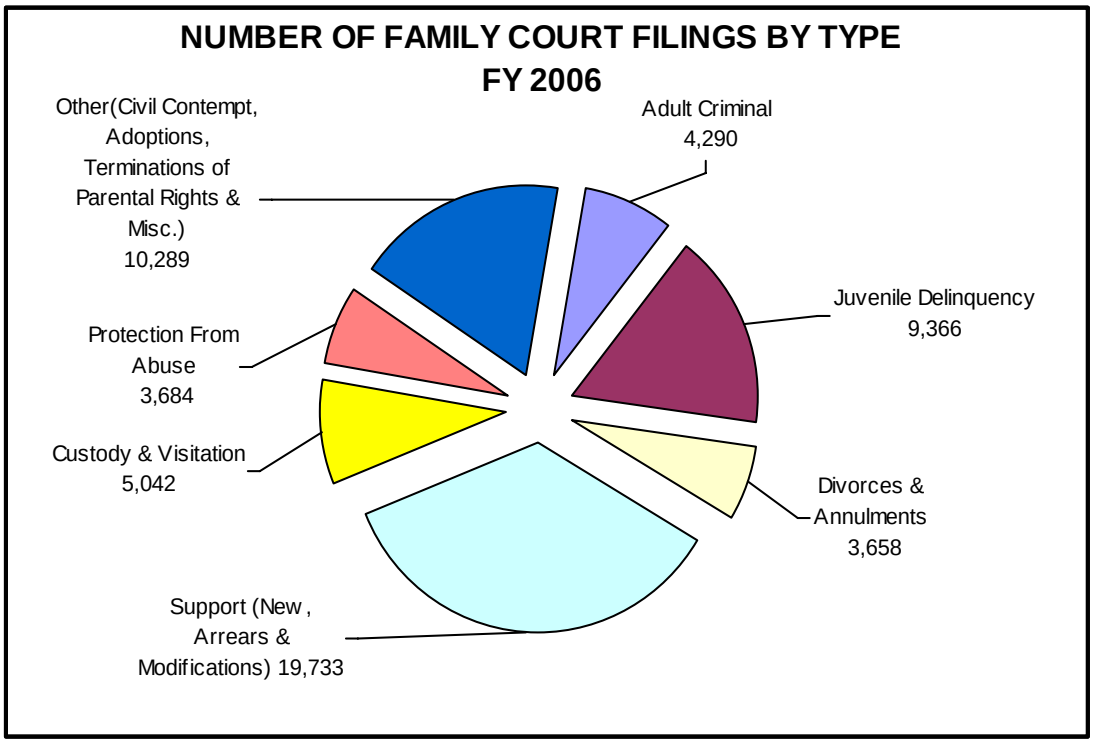
Legal Authorization

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

Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington, which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created. From the early 1930s, there was a campaign to establish a Family Court in the northernmost county. This idea came to fruition in 1945 when the legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962, the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950s, the concept of a statewide Family Court had been endorsed. This concept was realized with



the statutory authorization of the Family Court of the State of Delaware in 1971.

In 2005, Family Court was granted Constitutional Status by an act of the General Assembly.

Geographic Organization

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

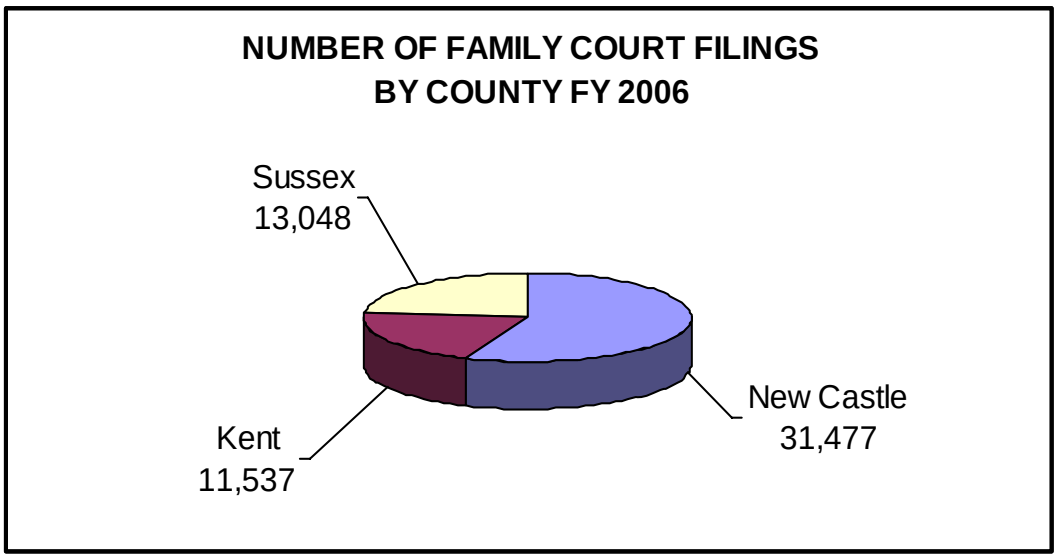
Legal Jurisdiction

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

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

Judges

Family Court has 17 judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the judges must be of one major political party with the remainder of the other major political party.



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

Commissioners

Family Court has 16 Commissioners of equal judicial authority. Commissioners are attorneys at law who are nominated by the Governor, confirmed by the Senate and serve an initial four-year term. Upon second and subsequent appointments and confirmation, Commissioners serve six-year terms.

Commissioners hear a broad range of cases including child support, misdemeanor crimes and delinquency, civil protection orders, bail hearings and other cases as assigned by the Chief Judge. Orders from Commissioners are subject to review by Family Court Judges.

Administrative Support Personnel

The Family Court has an administrative support staff of 300 full-time positions in addition to the above-referenced judges and commissioners. The Court's administrative support staff includes positions such as the court administrator, directors of operations, supervisors, clerks of court, administrative specialists, accountants, judicial assistants, mediation/arbitration officers, intake officers, program coordinators and volunteers working in all areas of the Court.

FAMILY COURT

Family Court

Front Row (sitting left to right)

Judge William J. Walls, Jr.
Judge Jay H. Conner
Chief Judge Chandlee Johnson Kuhn
Judge Kenneth M. Millman
Judge Mark D. Buckworth

Back Row (standing left to right)

Judge Arlene Minus Coppadge
Judge Peter B. Jones
Judge Barbara D. Crowell
Judge Michael K. Newell
Judge Robert B. Coonin
Judge William L. Chapman, Jr.
Judge Joelle P. Hitch
Judge Alan N. Cooper
Judge Aida Waserstein
Judge Mardi F. Pyott

Not pictured: Judge John E. Henriksen and Judge William M. Nicholas

Chief Judge Alex J. Smalls

COURT OF COMMON PLEAS

The Court of Common Pleas reaches a milestone in its history with 90 years of service to the public. The present organizational structure was enacted in August 1973, when the Court of Common Pleas became a unified statewide court. The Court's mission is 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.

Consistent with its mission, the Court of Common Pleas continued to effectively manage its extremely high volume of cases during FY 2006. The Court's criminal misdemeanor filings rose by 6% in FY 2006, topping 90,000 defendant filings for the first time. The Court's preliminary hearing filings rose 10% to more than 9,000 defendants. Requests for jury trials in criminal cases have dramatically increased over the last several years, exceeding 2,700 in New Castle County alone. Although the Court's civil caseload dropped by 6%, this followed several years of unprecedented growth in civil caseload. In addition, the Court continues to be challenged by civil cases of greater complexity which requires more time to manage and resolve.

While the heavy case load challenges an already very busy court, the Court remains committed to maintaining a high quality of service and is committed to providing a just resolution in every case. To that end, the Court continues to revise its case management approach to meet the needs of its clients.

The Court continues to operate a successful drug court program, now providing diversion programs in all three counties. The program was initiated in New Castle County in 1998 and has handled more than 3,200 defendants. In FY 2006, 397 defendants completed the New Castle program. Sussex County has handled 285 defendants since its inception in 2003, with 121 people entering the program this fiscal year. Kent County, which began its program in 2005, handled 200 defendants in FY 2006.

Other initiatives of the Court include a successful mediation (alternate dispute resolution) program. This program provides an alternative to criminal prosecution and gives participants the opportunity to resolve conflicts more effectively and satisfactorily than going through the regular court process. Since its inception in 2001, the Court has handled more than 3,200 cases and has experienced a success rate of nearly 90%. In FY 2005, the Court's mediation program was expanded to include civil cases, which has been well received.

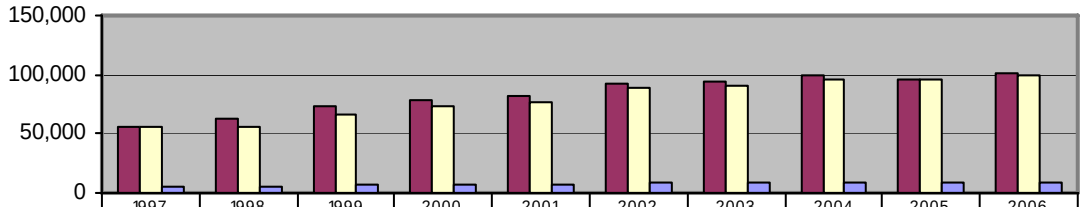
The Court of Common Pleas started the first Mental Health Court in the State of Delaware in October 2003. Modeled on the drug court concept, Mental Health Court is designed to provide a diversion program in the form of treatment and counseling to mentally ill persons in an effort to reduce their contact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

In New Castle County, the Court initiated a revised procedure to manage its high volume traffic cases through a calendaring process designed to provide greater efficiency in the management of cases and reduce the burden on citizens. Traffic Court was instituted to allow most offenses to be scheduled for a single event; defendants are arraigned in the morning and trials, if necessary, are held in an afternoon session. This is designed to eliminate multiple court appearances.

The Court continues its commitment to supporting a successful COTS project for the Delaware Judiciary. It has dedicated several staff to the effort full-time, as well as providing staff support for COTS committees.

The Court of Common Pleas continues its commitment of providing service to self-represented citizens. Public access computers are available and used regularly at all court locations. In addition, the Court continued to expand its web site this year by increasing the number of forms and accompanying instructions on the internet. These changes provide improved accessibility to the courts to many Delaware citizens and help support the Court's mission of helping people in the resolution of their everyday

10 YEAR CASELOAD TREND COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS AND DISPOSITIONS AND PRELIMINARY HEARINGS BY FISCAL YEAR



	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Filings	56,067	62,191	72,509	78,647	81,451	92,965	95,041	100,232	96,322	100,814
Dispositions	55,258	56,479	65,892	73,208	77,385	89,157	91,283	95,611	96,525	99,704
Preliminary Hearings	5,912	5,778	7,118	7,298	7,616	8,362	8,386	9,189	8,329	9,165

Legal Authorization

Art. IV, Sec. 1 of the Delaware Constitution authorizes the Court of Common Pleas.

Court History

Common Pleas Courts were established in Pennsylvania's three lower counties (now Delaware) during the colonial period. The Delaware Constitution of 1792 continued their existence in the State of Delaware for a few decades. These, however, were courts of general jurisdiction and, as such, the antecedents of the present Superior Court.

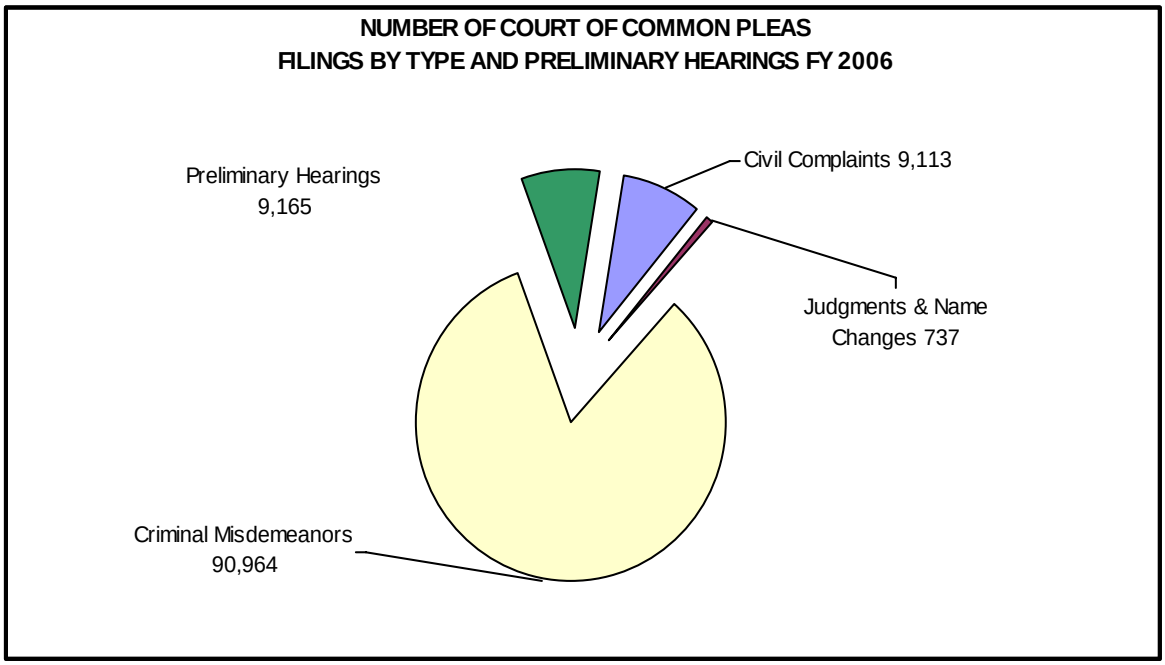
The modern day Court of Common Pleas was established in 1917 when a court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953. In 1969, the three County Courts of Common Pleas became state courts and, 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.

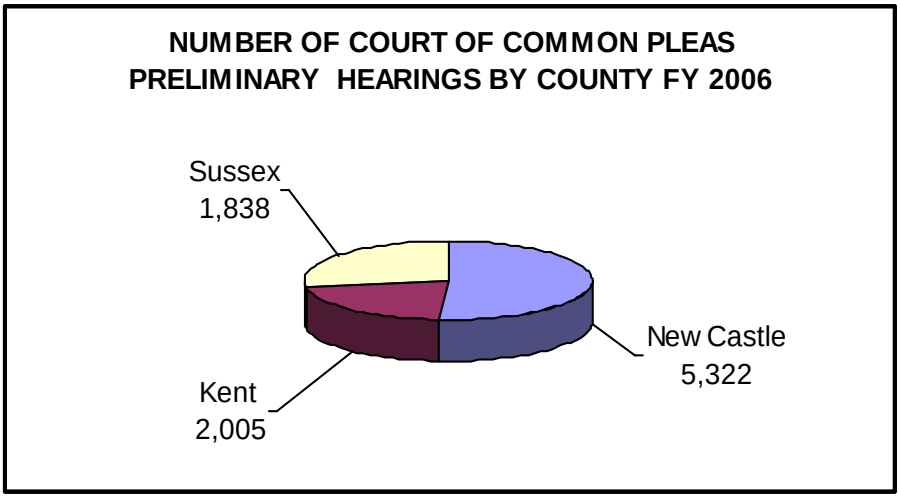
Geographic Organization

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. It also has jurisdiction over change of name petitions and habitual offender motor vehicle hearings. 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. In addition, it has jurisdiction over traffic offenses (other than those that are felonies). It is also responsible for preliminary hearings. Jury trial is available to all criminal defendants.

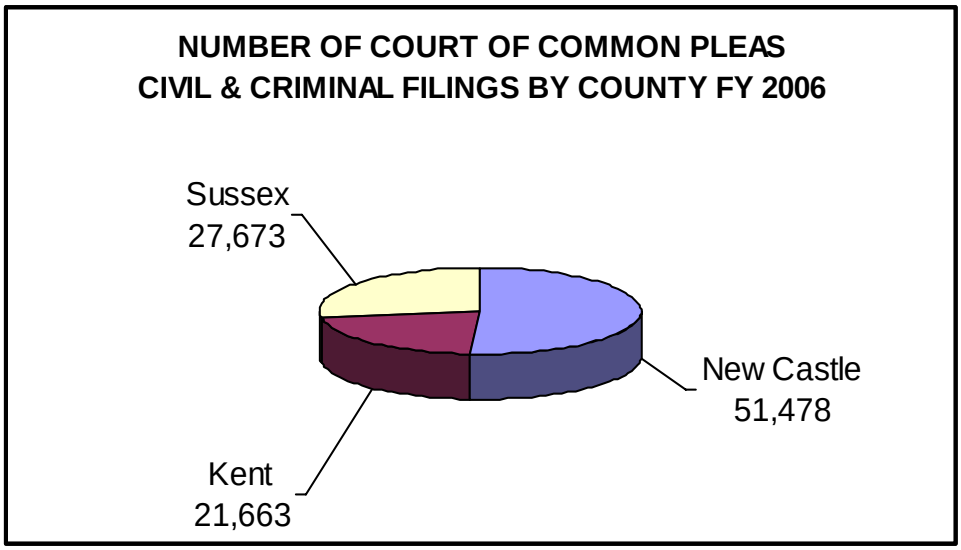
The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles and from the Dog Control Panel.

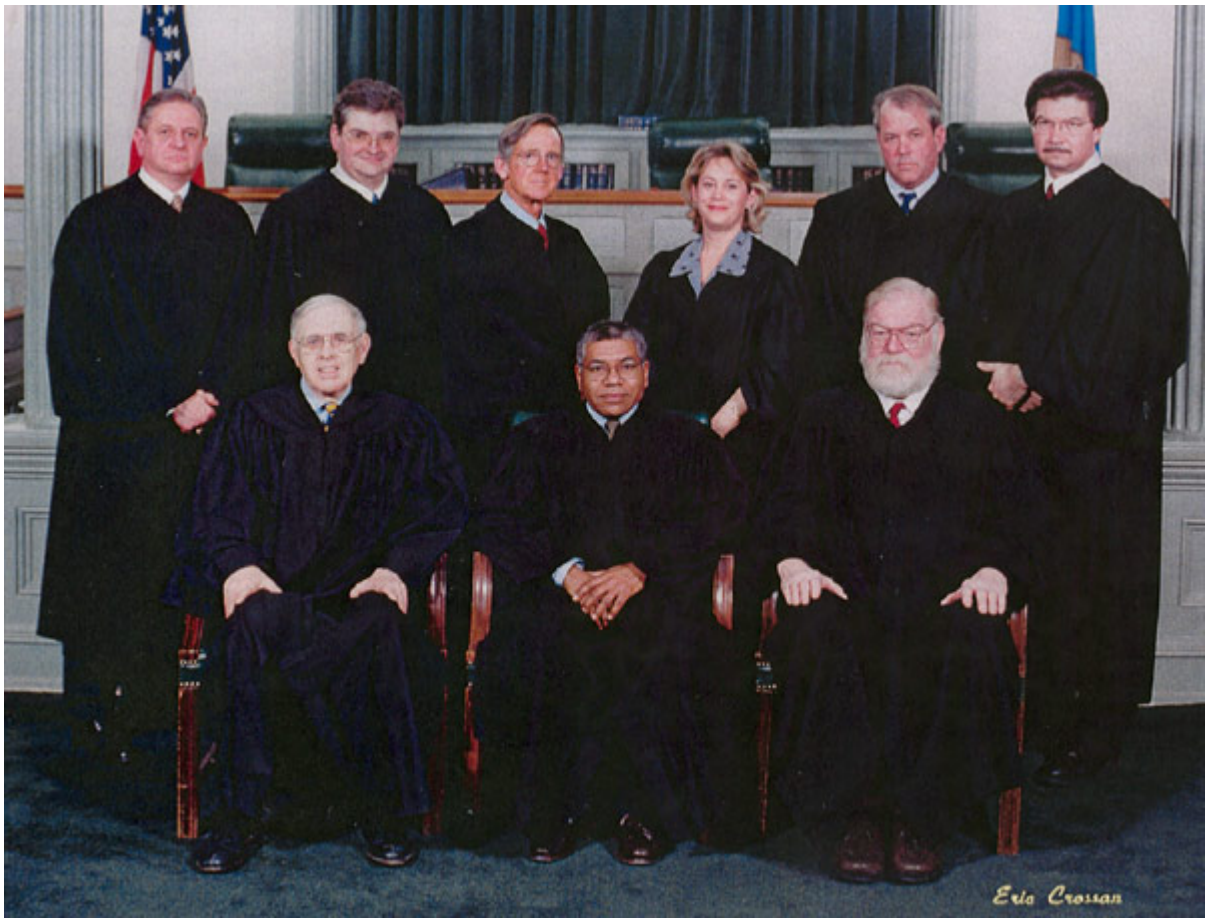
Judges

There are nine judges of the Court of Common Pleas, of which five serve in New Castle County, two in Kent County, and two in 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 serves as the administrative head of the Court.

Support Personnel

The staff of the Court of Common Pleas includes a court administrator and one clerk of the court for each county as well as bailiffs, court reporters, secretaries, clerks and investigative service officers.





Court of Common Pleas

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

Standing (from 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.

AN IMPORTANT DAY IN JUSTICE OF THE PEACE COURT HISTORY

The modern day Justice of the Peace Court was created with the signing of legislation by Governor Charles Terry on March 31, 1965. Included in the photograph are: Arlen Mekler, Esquire (third from left), Raymond V. West of Millsboro, then Sussex Democratic Chairman (forth from left), then-Representative, M. Martin Isaacs of Georgetown (fifth from left), Justice Joseph Walsh, retired. (sixth from left), then-Lieutenant Governor Sherman W. Tribbitt (sixth from the right), then-Representative Harrison Phillips of Laurel (fifth from right), then-Senator Allen J. Cook of Kenton (fourth from right), Joshua Twilley, Esquire, of Dover, deceased (third from right), and then-Representative and future Superior Court Judge Vincent Bifferato (second from right).

Picture is courtesy of the State Highway Department Archives

Chief Magistrate Alan G. Davis

JUSTICE OF THE PEACE COURT

The past fiscal year was one of new beginnings for the Justice of the Peace Court. On July 12, 2005, I was sworn in as the fourth chief magistrate of the modern Justice of the Peace Court. In the year following that date, the Court has continued to provide efficient, accessible and affordable service to the people of Delaware, while undergoing a significant transition to a new administration. The judges and staff of this Court are to be commended for their unwavering desire and outstanding ability to process the vast number of cases it handles each year and do so not only with an eye toward efficiency, but also a firm handle on justice. While so much has changed in the past year, it is comforting to know that such dedication has remained unshakable.

During this transition period, the Court has undertaken a number of exciting and important initiatives. Some have been completed in the past fiscal year and some are in various stages, but all will have a significant impact on the ability of this Court to perform its critical functions. Below find a sample of those items we have been working on to improve the Justice of the Peace Court and celebrate its mission:

Justice of the Peace Court's 40th Anniversary

While the justice of the peace is a figure of note in the annals of Delaware history dating to colonial days, the modern unified Court is a relatively new item. In 1966 the legislature passed legislation proposed by Governor Charles Terry that significantly changed the Justice of the Peace system by bringing it within the auspices of the Delaware Judiciary. As a state court, the Justice of the Peace Court has been professionalized through the training of judges and staff, the improvement of court facilities, and the establishment of a centralized and uniform administration. Today the Delaware Justice of the Peace Court is, in many ways,

a model of limited jurisdiction courts. This year we have celebrated this milestone in the history of the Court in a variety of ways, at times involving those who were integral in the remaking of this organization.

COTS Implementation Preparations

Three Justice of the Peace Court civil locations will serve as the pilot locations for the first implementation of the new case management system that will eventually provide branch-wide uniformity and an enhanced ability for the various courts of this state to interact more efficiently. In anticipation of the November 1, 2006 "go-live" date for those pilot court locations, thousands upon thousands of hours of planning, program development, operations reviews and preparation for change have taken place. In the Justice of the Peace Court, nearly every civil court manager and the vast majority of administrative staff have been involved in the planning and the ultimate "kick-off" of the first phase of the civil COTS case management program.

Truancy Court Support

Our statewide Truancy Court celebrated its tenth year of cooperative effort with schools and social service agencies to reduce truancy. Aside from the Truancy Court coordinator, during that ten-year period, this program has never had staff dedicated specifically to the Truancy Court mission. All work has been accomplished through judges volunteering and court staff fitting truancy among other caseload duties. With a reassignment of a position within the Court, the Truancy Court Program now has an additional staff person dedicated to assist the coordinator in administering this highly successful program. In addition to the staffing change, computer programming improvements developed by DELJIS and internal policy modifications regarding drug testing will ensure a stronger, smoother-running program as we go forward.

Voluntary Assessment Center Lockbox Project

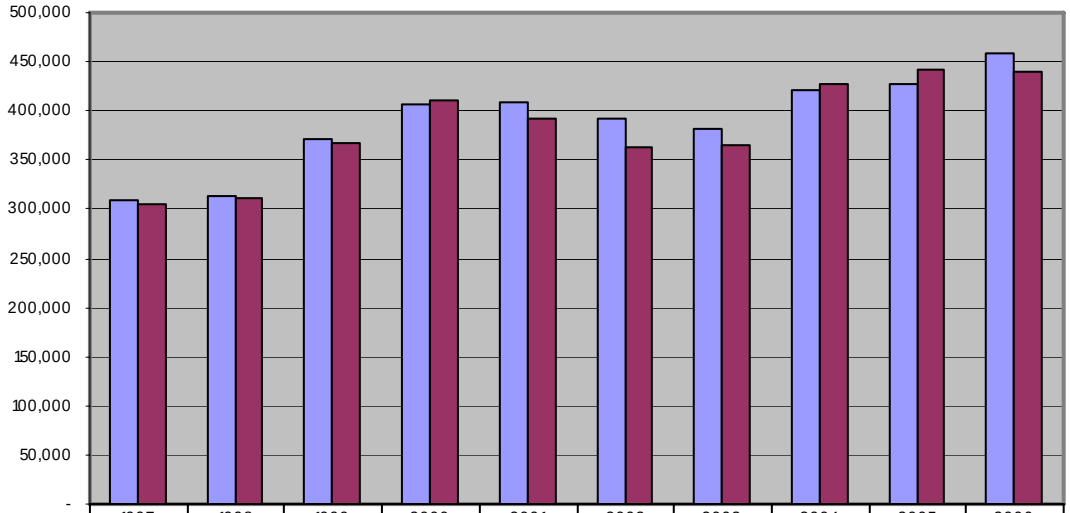
In conjunction with the Delaware Treasurer's Office, the Justice of the Peace Court embarked on a program to speed the deposit of funds generated by payment of traffic tickets to the Voluntary Assessment Center. By partnering with Wachovia Bank, we have made the payment collection and deposit processes more efficient and have provided some limited relief to the Voluntary Assessment Center, allowing the VAC staff to focus on other aspects of the voluntary mail-in payment processing. The Court has undertaken a one-year review of the project to ensure that evident improvements to the process are institutionalized and that modifications are undertaken where necessary.

Modernization of JP Court Code Provisions

Thanks to the actions of the 143rd General Assembly, the Justice of the Peace Court's authorizing operational legislation received a substantial facelift, through the elimination of antiquated code provisions, including those mandating manual record-keeping techniques and allowing for a justice of the peace to fine a person for profane swearing and drunkenness. In addition, Chapter 59 of Title 11 of the Dela-

ware Code was modernized to allow for successful implementation of the new COTS case management system. Many of the old provisions, which found their origin before the adoption of the Justice of the Peace Court in the state court system, depicted an entity with little resemblance to the modern incarnation of the Court.

10 YEAR CASELOAD TREND JUSTICE OF THE PEACE COURT CIVIL & CRIMINAL/TRAFFIC FILINGS* AND DISPOSITIONS BY FISCAL YEAR



	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Filings	309,178	313,640	371,450	406,624	408,547	392,587	380,980	421,156	426,929	459,384
Dispositions	305,133	310,428	368,080	411,504	391,468	362,122	364,508	427,798	440,959	440,848

***Criminal filings are based on charges because data by defendants is not available for all years.**

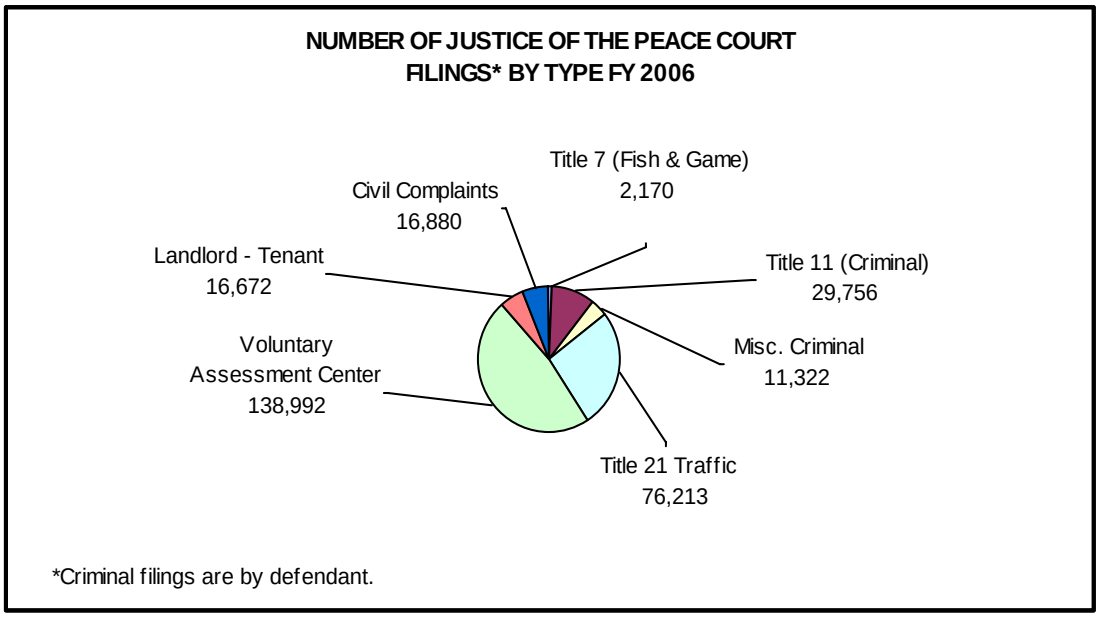
Legal Authorization

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

Court History

As early as the 1600's, justices of the peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th centuries on behalf of the English Crown was a primary duty of the justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were stripped of their general administrative duties, leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the justices of the peace were compensated entirely by the costs and fees assessed and collected for the performance of their legal duties. In 1966 the individual justices of the peace were absorbed into the state judicial system, and the first chief magistrate was installed in 1980 as the administrative head of the Court.

JUSTICE OF THE PEACE COURT

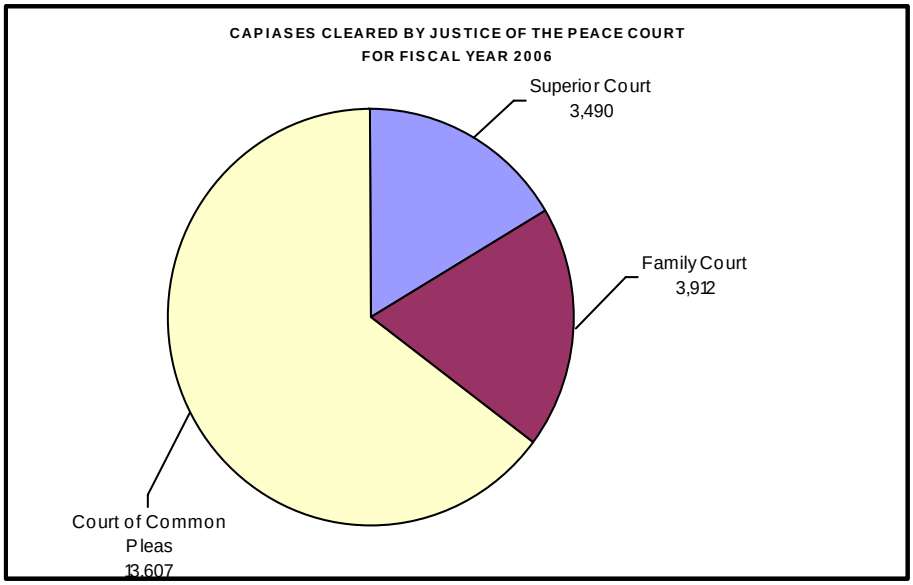


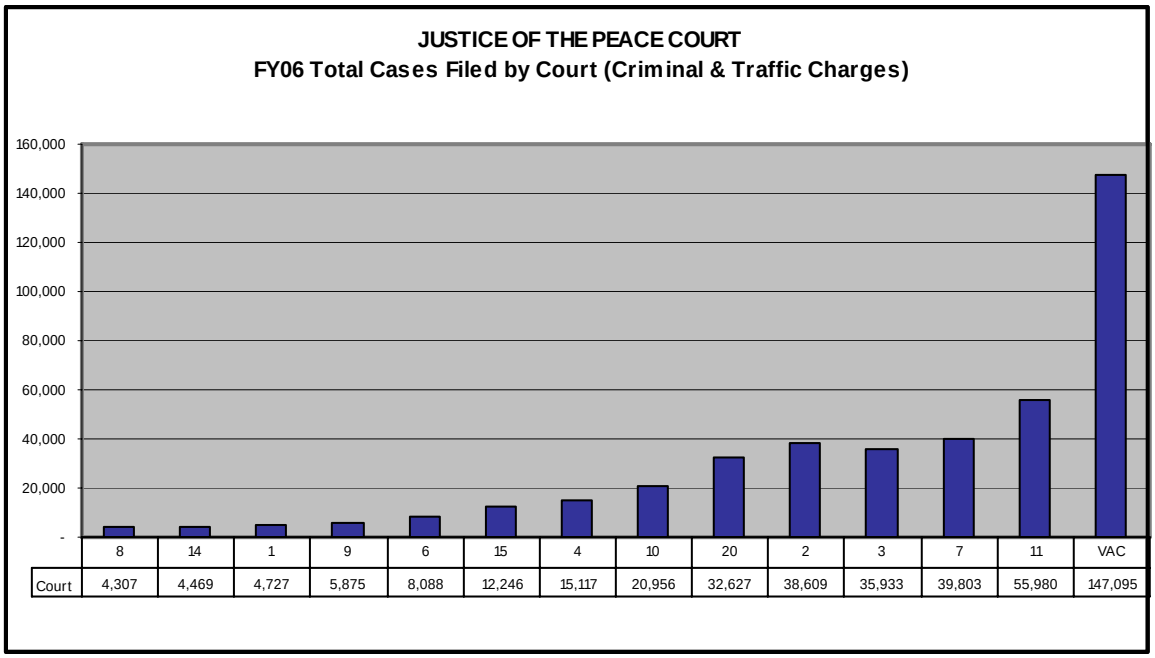
Legal Jurisdiction

The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than $15,000 and over summary possession (landlord-tenant) actions. Justices of the peace are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals (other than in summary possession cases, which are appeals to a three judge panel in the Justice of the Peace Court) may be taken to the Court of Common Pleas. The subject matter jurisdiction of the Justice of the Peace Court is shared with the Court of Common Pleas, except that the Justice of the Peace Court has sole jurisdiction over summary possession actions. The Justice of the Peace Court also shares jurisdiction over replevin actions with the Superior Court, rather than the Court of Common Pleas.

Geographic Organization

The jurisdiction of the Court is statewide and sessions are held throughout the State. Of the 18 courts currently operating, seven are in New Castle County, four are in Kent County, and seven are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.



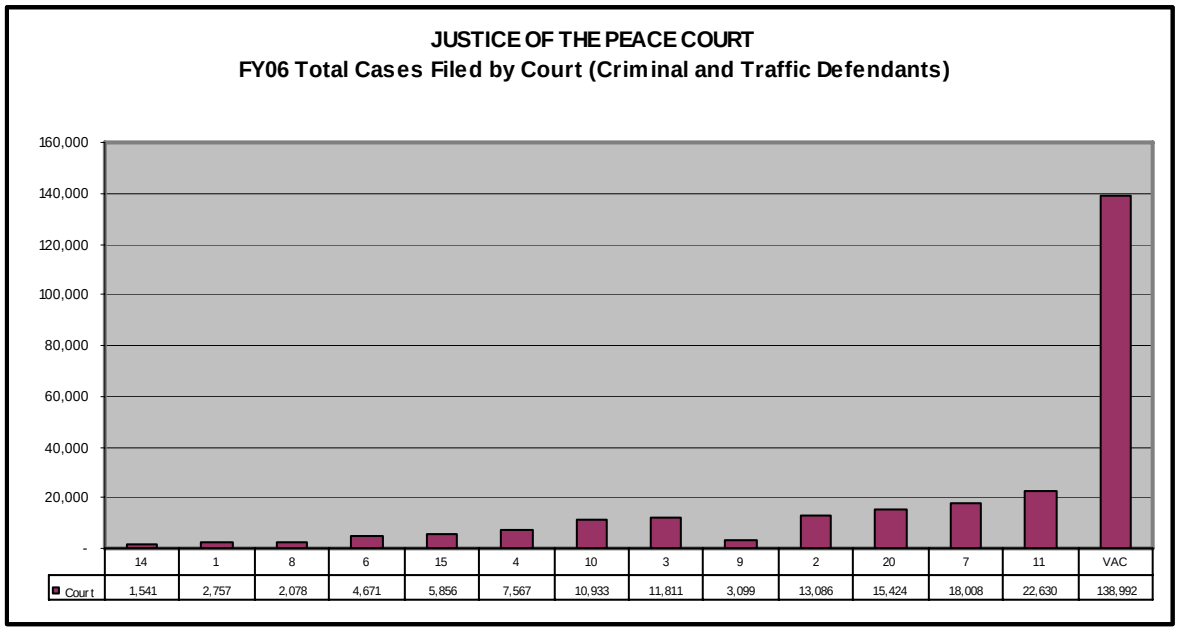


Support Personnel

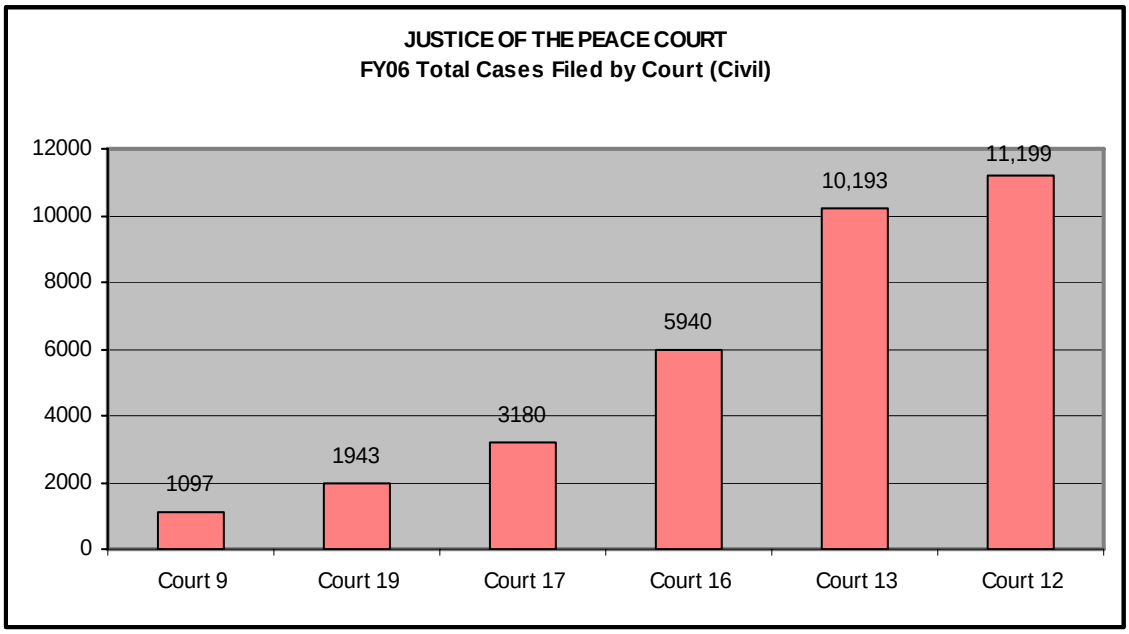
A court administrator, two operations managers, an administrative officer, and a fiscal administrative officer help the chief magistrate direct the Justice of the Peace Court on a daily basis. The Court also employs clerks, constables, and other support personnel.

Justices of the Peace

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



JUSTICE OF THE PEACE COURT



Justice of the Peace Court, Kent County

Standing left to right in front of stairs:
Judge Agnes Pennella
Judge James Murray

Front row on stairs (left to right):
Chief Magistrate Alan G. Davis
Deputy Chief Magistrate Ernst Arndt
Judge Robert B. Wall, Jr.

Second Row on stairs (left to right):
Judge Michael Sherlock
Judge Dwight Dillard
Judge D. Ken Cox
Judge Debora Foor
Judge Pamela A. Darling
Judge Ellis Parrott

Not Pictured: Judge Cathleen Hutchison and Judge Frederick Dewey, Jr.

Justice of the Peace Court, New Castle County

Seated in front (left to right):

Judge Robert Armstrong
Chief Magistrate Alan G. Davis

Standing second row (left to right):

Judge Kathleen Lucas
Deputy Chief Magistrate Bonita N. Lee
Judge Rosalind Toulson
Judge Vernon Taylor
Judge Marilyn Letts
Judge Roberto Lopez
Judge Katharine Ross
Judge Cheryl Stallmann

Standing Third Row up the stairs (left to right):

Judge Paul Smith
Judge Sidney Clark
Judge Donald W. Callender, Jr.
Judge Thomas Brown
Judge William Moser
Judge James Tull
Judge Rosalie Rutkowski
Judge Deborah McNesby
Judge Nancy Roberts
Judge Susan Cline

Not Pictured: Judge Lawrence Fitchett, Judge Linda Gray, Judge Wayne Hanby, Judge Thomas Kenney, Judge Sean McCormick, Judge Marie Page, Judge Stanley Petraschuk, Judge David Skelley, and Judge Terry Smith.

JUSTICE OF THE PEACE COURT

Justice of the Peace Court, Sussex County

Seated:

Chief Magistrate Alan G. Davis

Second Row (left to right):

Judge Edward G. Davis
Judge John McKenzie
Judge Jana Mollohan
Judge Marcealeate Ruffin
Judge Jeni Coffelt
Judge Stephani Adams
Judge John O'Bier
Judge John Hudson

Third Row on floor and heading up stairs (left to right):

Judge W. Patrick Wood
Judge H. William Mulvaney, III
Judge John Martin
Judge Herman Hagan
Judge Christopher Bradley
Judge Larry Sipple
Judge William Hopkins
Judge Richard D. Comly
Deputy Chief Magistrate Sheila Blakely
Judge James Horn

Not Pictured:

Judge William Boddy, III

COURT-HOUSE AT GEORGETOWN.

PUBLISHED BY:

The Administrative Office of the Courts, January 2007.

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