



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 40<sup>th</sup> 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 Pro-

gram 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.

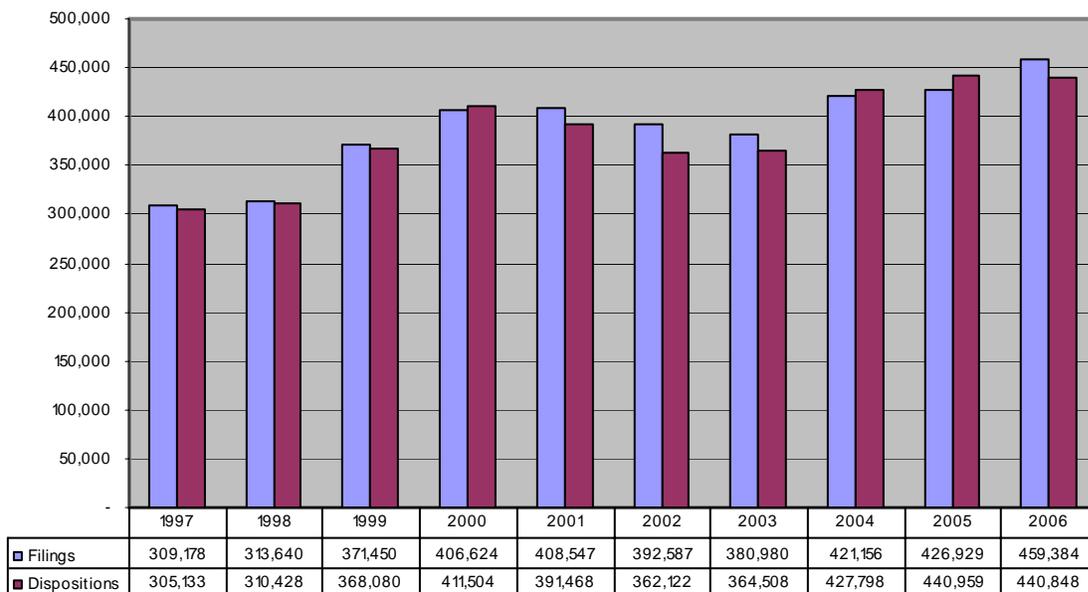
### **Modernization of JP Court Code Provisions**

Thanks to the actions of the 143<sup>rd</sup> 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



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

**Legal Authorization**

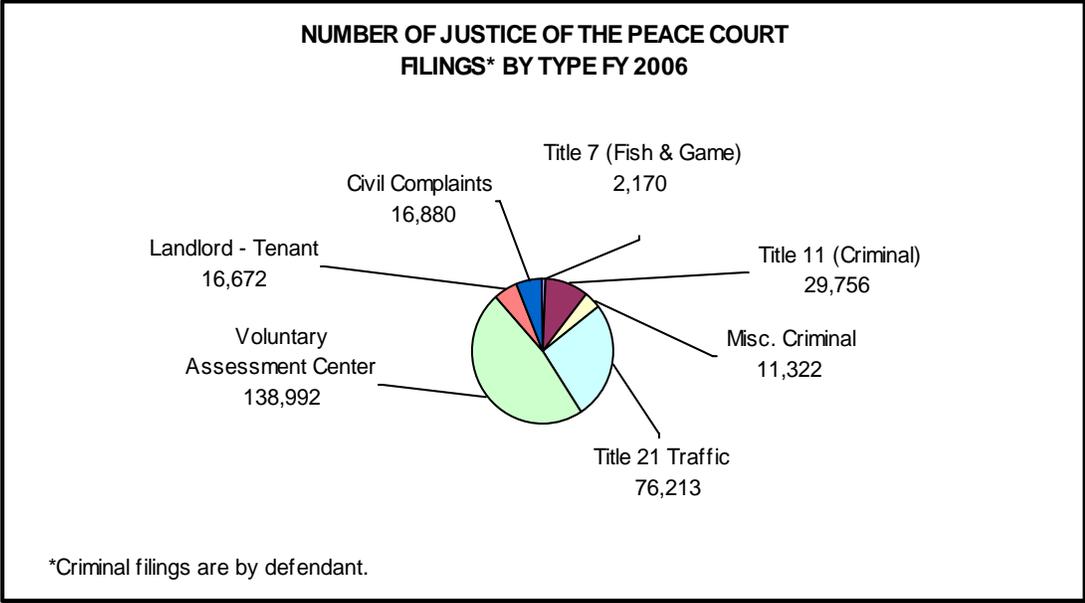
The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

**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 17<sup>th</sup> and 18<sup>th</sup> centuries on behalf of the English Crown was a primary duty of the justices of the peace. With the adoption of the State Con-

stitution 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



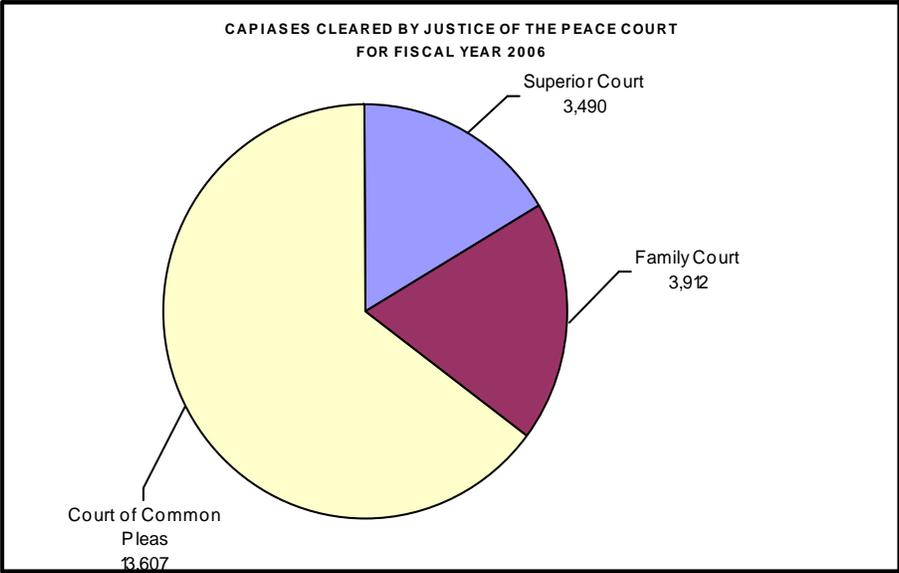
**Legal Jurisdiction**

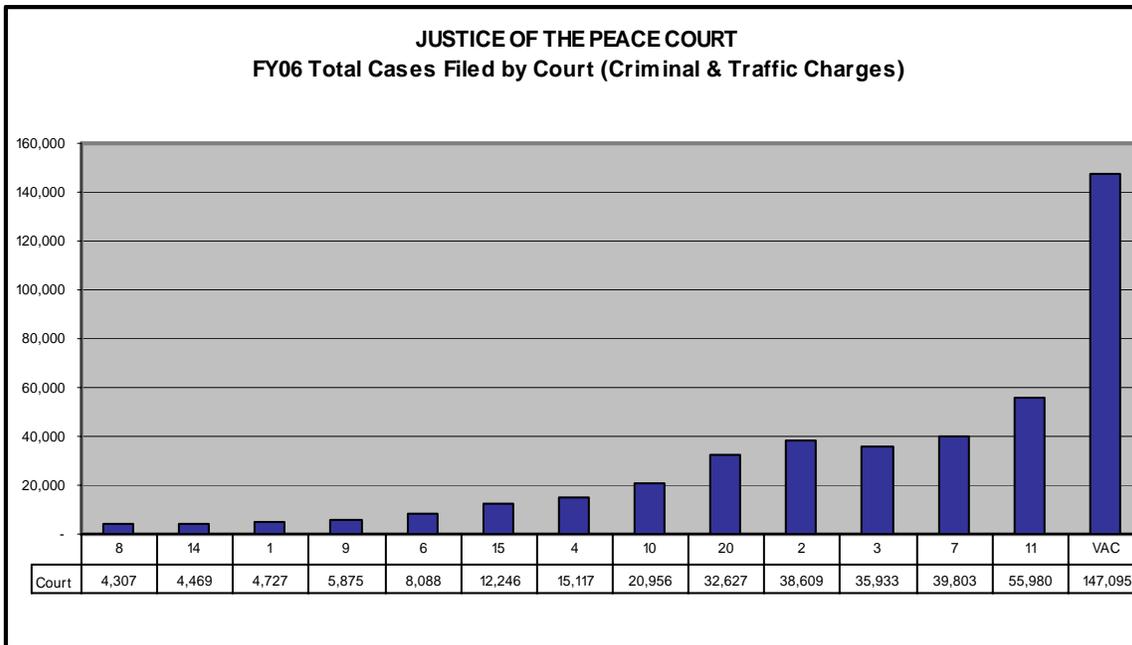
The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000 and over summary possession (landlord-tenant) actions. Justices of the peace are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and 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.





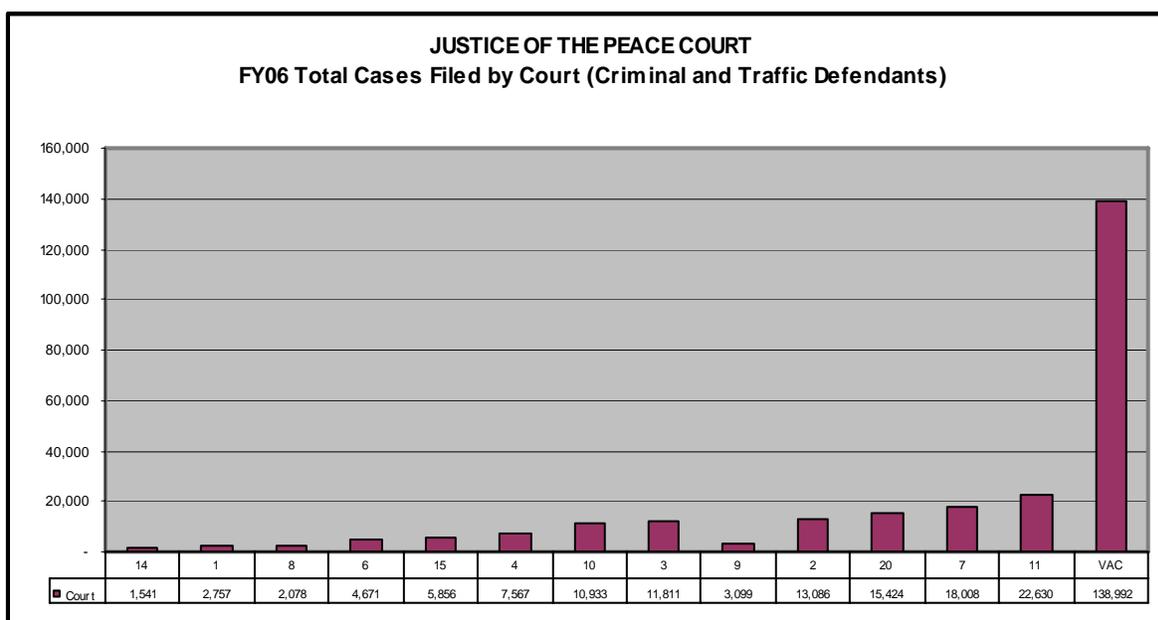
**Support Personnel**

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.

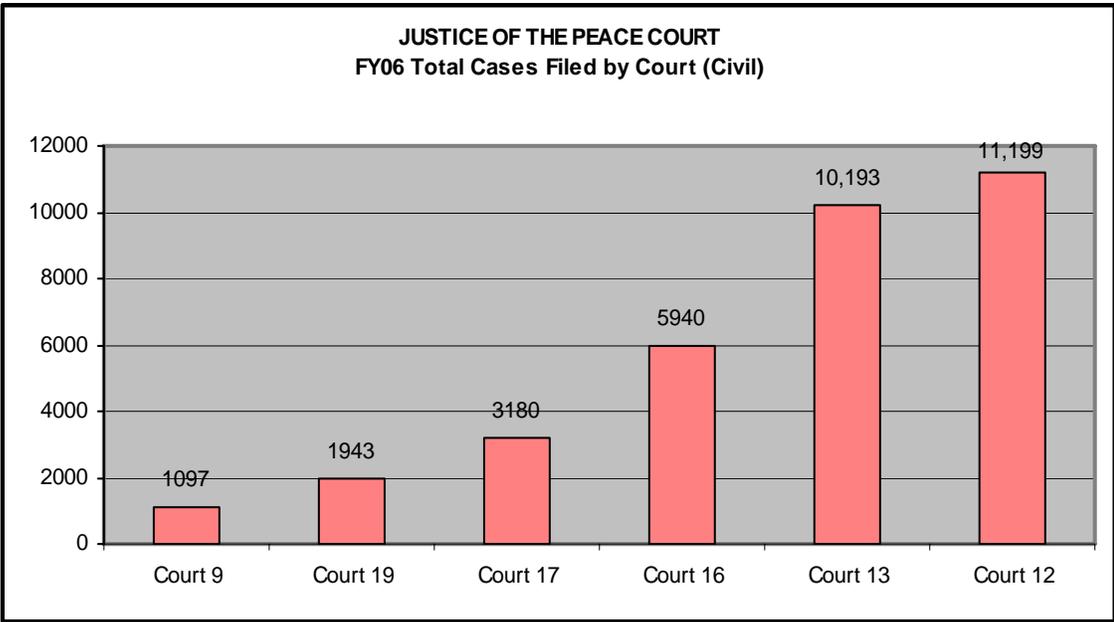
number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. A justice of the peace must be at least 21 years of age and a resident of the State of Delaware 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.

**Justices of the Peace**

The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum



# 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

## 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*

AROLD W. T. PURNELL  
GEORGETOWN, DELAWARE



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