



## CHIEF MAGISTRATE ALAN G. DAVIS

Economy – to many over the past year this word has become something of a curse word. This past year has been a trying time for nearly everyone. State government, the judiciary and the Justice of the Peace Court have not been spared the ravages of “the greatest economic downturn since the Great Depression.”

But “economy” is not just something to think of in global or macro-economic terms. Economy can also describe how people or organizations respond to tough times like these. While an organization may not be forced to literally “tighten the belt” like an individual, it can begin to look at itself critically and seek new, innovative and cost-saving ways to do the work required of it. “Economy” can also mean “opportunity.”

The current economic downturn has certainly caused the Justice of the Peace Court to re-examine how it does business. Along with other State courts and State agencies struggling through this past year, this court has seen significant budget cuts, hiring delays, and additional shifts in staffing resources caused by end of fiscal year retirements. This situation has prompted the Justice of the Peace Court to look for cost-savings through improved processes, employing technological advances, and consolidation of resources. While the Justice of the Peace Court has not solved all of its budget related challenges, here is a sampling of some of the efforts we have undertaken to improve the system:

### **Consolidation of Resources**

Early in the year, the Justice of the Peace Court completed two major renovation and expansion projects. FY '09 saw the completion of the expansion project at Court 3/17 in Georgetown. This project has been critical in providing enough courtroom and clerical space to process the cases filed at this location. Further, the Court consolidated all civil case processing in Sussex County in this location, eliminating redundant services and providing flexibility to meet potential staffing shortages. In addition to this effort, Court 13 in Wilmington finished expansion to the second floor of its site. This growth has provided a consolidated location for the processing of the bulk of the more than 20,000 civil cases in New Castle County. Moving civil matters has freed space at the existing Court 10/12 location for better processing of truancy matters. A planned improvement project at the Court 10 site, designed to further enhance specialty case processing there, had to be delayed due to FY '09 budget cuts. We are hopeful that those improvements can be addressed in the next fiscal year.

Complementing those completed projects, the Court also pursued budgetary authorization to combine a number of criminal and administrative sites in New Castle County. Contained in the FY '10 budget, passed on June 30, 2009, is language granting the Court authority to combine Courts 11 and 15, our Constable Central, and our administrative offices. Court 11, as it is currently configured, has two courtrooms and processes more cases than any other court site in the state, with

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the exception of the Court of Common Pleas in New Castle County. Long a request in the capital budget to build a State-owned facility for this purpose, the Court has found a suitable rental site that will more than double the number of courtrooms compared to the existing sites it will replace. Staff will have more appropriate workspace and a number of security concerns will be alleviated. Enhanced customer service will be the result. All of these improvements will come at a cost near the current rental value of the sites being replaced. Add in the cost savings from process efficiencies resulting from consolidation and, over the long term, this site will represent a significant cost savings to the State and the Justice of the Peace Court.

### Technological Advances

The Court has also been involved in a number of technology enhancements. FY '09 saw the expansion of e-filing for civil matters. Rule 79.1 and the resulting Policy Directive provides for the implementation of mandatory e-filing of civil case filings. Attorneys and other frequent filers are now required to e-file in all civil matters. Mandatory free training ensures as much uniformity as possible. Detailed information about the requirements for and process of e-filing in the Justice of the Peace Court is available at the Court eFlex system website: <http://courtsefile.delaware.gov/ecf/>. E-filing has allowed the court to streamline some of its work as well as provide information related to civil cases, for system users, in an online environment.

A second significant technological advance the Court was able to make in FY '09 was to lay the groundwork for web-based payment of traffic tickets and time-to-pay agreements. The technical assistance and practical guidance of DELJIS allowed us to pursue this significant step. While implementation of this project did not occur until the first day of FY '10, all of the work leading up to this breakthrough for the Court occurred throughout FY '09. Although many other jurisdictions have the ability to accept payment for traffic tickets online, we believe this to be the first availability in the country of web-based payment involving cases already adjudicated – so-called “time-to-pay” agreements or payment plans. The clamor for web-based payment of traffic tickets was so great that, in the eight hours that the system was turned on but not yet “open for business,” the Court had several tickets paid online.

Though these two areas, technology and consolidation, represent the Court's response to the economic conditions facing us, two additional items of accomplishment bear examination in light of the impact they have had on the Court and the overall justice system.

### Security

During FY09, the Justice of the Peace Court was able to realize several improvements in the area of security. In FY08, nine security positions were approved to supplement existing security staffing levels. With the difficult budget year in FY 09, the Justice of the Peace Court was not able to expand this number of positions; however, we were able to stabilize our security coverage and deploy the existing resources to cover more shifts. In addition, the Court received authorization to hire a Chief of Uniformed Services. This position will be responsible for statewide security improvements. We look forward to this position adding value for standardization, analysis and improvement of key coverage needs and statewide stabilization of security.

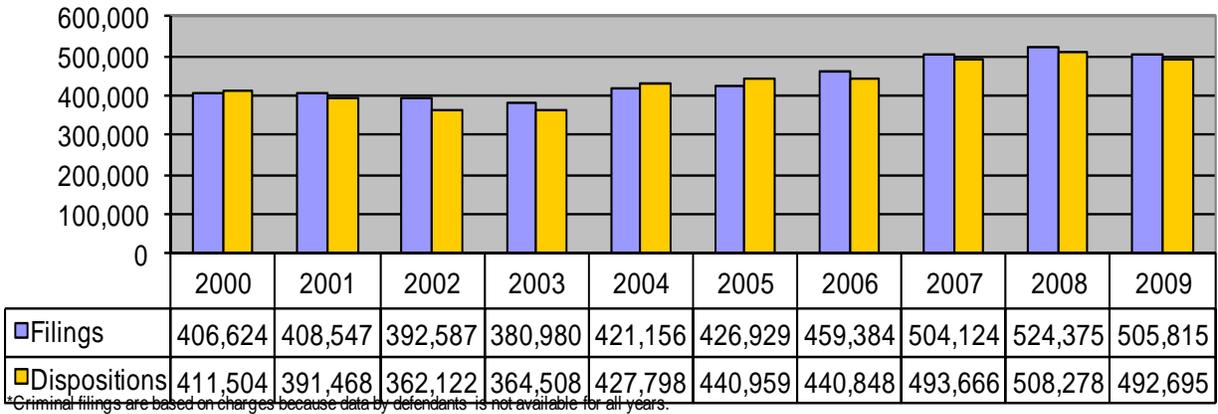
### Fugitive Safe Surrender

Along with other courts and criminal justice agencies within the State of Delaware, the Justice of the Peace Court participated in the Fugitive Safe Surrender event in April 2009. This event provided a forum, outside of formal court locations, for people wanted in New Castle County to turn themselves in. At this three day event, 1,073 people turned themselves in. There were 101 felons, 4,131 warrants cleared, and 6 people taken into custody. Fugitive Safe Surrender provided the opportunity for a significant number of capias warrants to be cleared. This program supplemented other efforts that the Justice of the Peace Court has been making to manage the number of capiases within the court and clear capiases that have been on the books for an extended duration. The Court has instituted clearance programs as well as enhanced collection efforts to better manage capias warrants.

In all, while FY '09 was a challenging year for the Justice of the Peace Court, as it was for many individuals and entities in this state, it was also a year of significant accomplishment and thoughtful reaction to the economic realities.

# JUSTICE OF THE PEACE COURT

**JUSTICE OF THE PEACE COURT 10-YEAR TOTAL CASELOAD  
TREND CIVIL & CRIMINAL/TRAFFIC FILINGS\* & DISPOSITIONS BY  
CHARGE FY 2009**



## LEGAL AUTHORIZATION

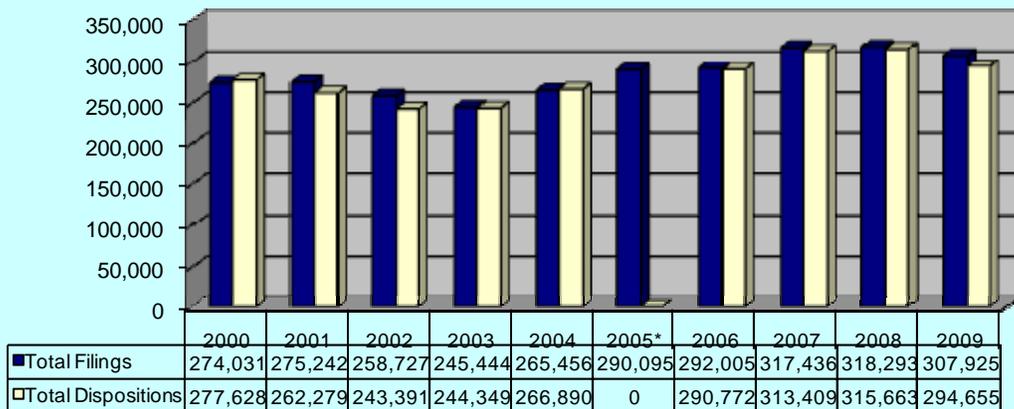
The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

## 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

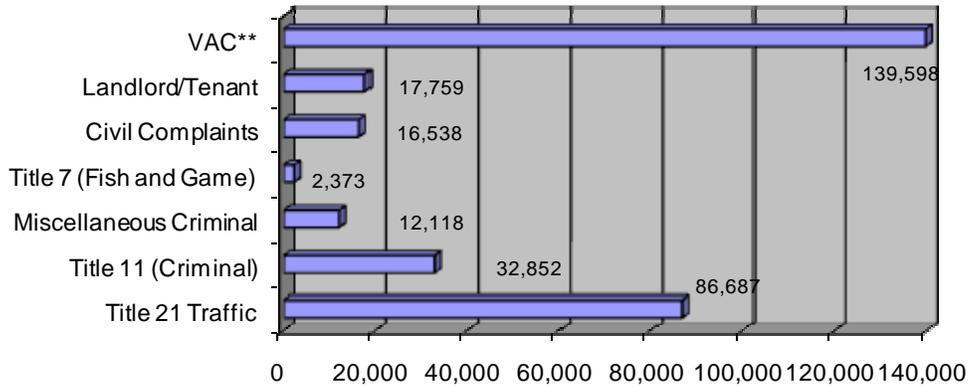
justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were stripped of their general administrative duties, leaving them with minor civil and criminal jurisdiction. During the period from 1792 through 1964, the justices of the peace were compensated entirely 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.

**TOTAL JUSTICE OF THE PEACE CASELOAD TREND  
CIVIL CASE & CRIMINAL/TRAFFIC FILINGS &  
DISPOSITIONS BY DEFENDANT FY 2009**



# JUSTICE OF THE PEACE COURT

**NUMBER OF JUSTICE OF THE PEACE FILINGS\* BY TYPE FY 2009**



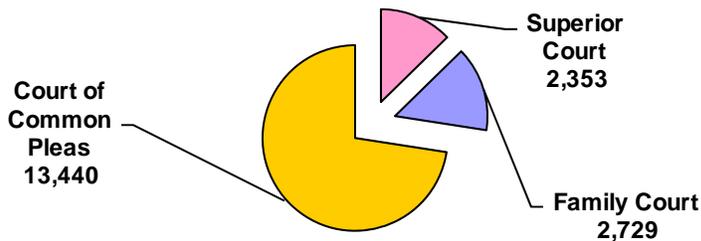
\* Criminal Filings are by defendant.  
 \*\* Voluntary Assessment Center

## LEGAL JURISDICTION

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 is less than \$15,000 and over summary possession (landlord-tenant) actions. 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

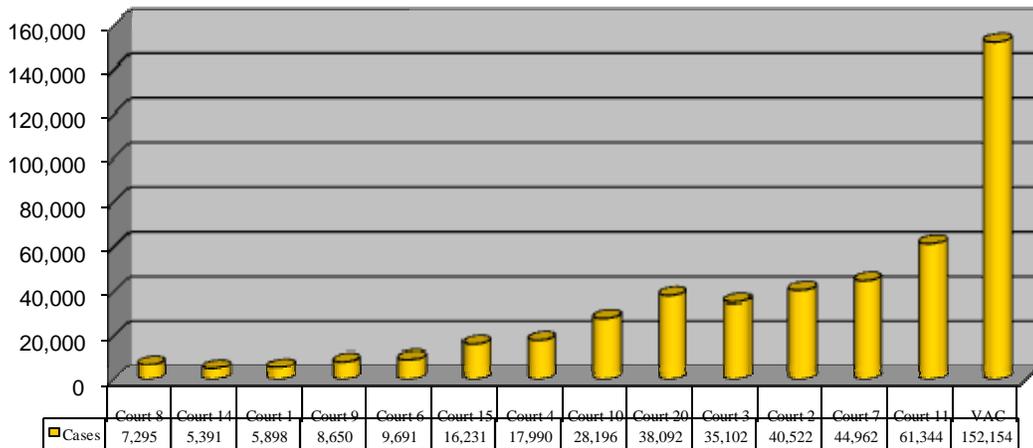
crimes. All permissible appeals are to the Court of Common Pleas, with two exceptions: findings of juvenile delinquency for contempt of court related to truancy proceedings are appealed to Family Court and summary possession cases are appealed to a three judge panel in the Justice of the Peace Court.

**CAPIASES CLEARED BY JUSTICE OF THE PEACE COURT FOR OTHER COURTS FY 2009**

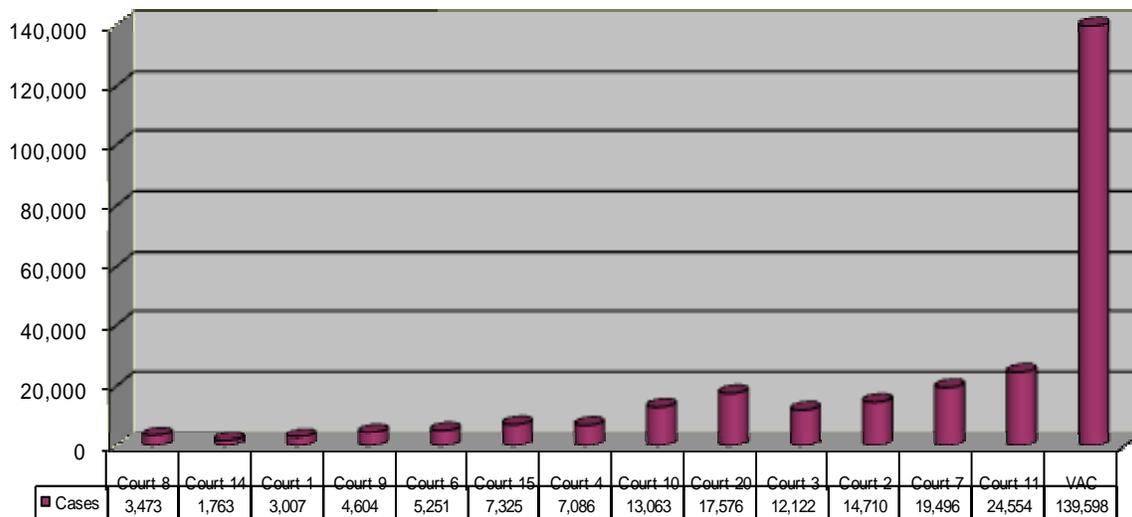


# JUSTICE OF THE PEACE COURT

## JUSTICE OF THE PEACE COURT CRIMINAL AND TRAFFIC CHARGES BY COURT FY 2009



## TOTAL JUSTICE OF THE PEACE CASES FILED BY COURT FY 2009 (Criminal & Traffic Defendants)



# JUSTICE OF THE PEACE COURT

## 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.

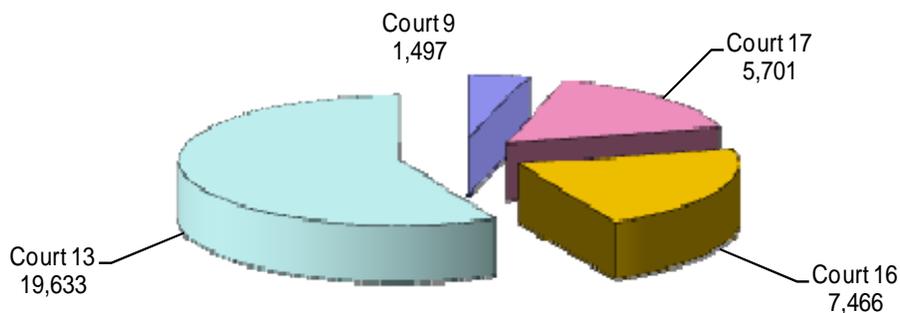
## SUPPORT PERSONNEL

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.

### TOTAL JUSTICE OF THE PEACE CASES FILED BY COURT FY 2009 (Civil)\*



\*In FY 2009, Court 12 merged with Court 13; Court 19 merged with Court 17.

## JUSTICE OF THE PEACE COURT



### New Castle County:

**Seated from left to right** – Cheryl Stallmann; Kathy S. Gravell; Rosalind Toulson; Chief Magistrate Alan Davis; Bonita Lee; Kathleen Lucas; Deborah McNesby

**Standing left to right** – Laurence L. Fitchett; Sean McCormick; Stanley J. Petraschuk; William S. Young, III; James Tull; Marie Page; Thomas Brown; Susan Cline; David R. Skelley; Donald W. Callender; Robert Lopez; Sidney Clark; James Hanby, Sr.; William Moser

**Not pictured:** Thomas Kenney; Marilyn Letts; Nancy Roberts; Katharine Ross; Rosalie Rutkowski; Paul J. Smith; Terry Smith; Vernon Taylor

### Kent County:

**Seated from left to right** - Christian J. Plack, Sr.; Cathleen M. Hutchison; Chief Magistrate Alan Davis; Ernst Arndt; Douglas P.K. Cox, Jr.

**Standing from left to right** - James A. Murray; William J. Sweet; Robert B. Wall, Jr.; Michael P. Sherlock; Agnes E. Pennella

**Not Pictured** : Debora Foor; Dwight Dillard; Pamela Darling



## JUSTICE OF THE PEACE COURT



### **Sussex County:**

***Seated from left to right*** – William J. Hopkins; Sheila G. Blakely; Chief Magistrate Alan G. Davis; Jana E. Mollohan; Jeni L. Coffelt

***Standing from left to right***— Richard D. Comly; John R. Hudson; H. William Mulvaney, III; James G. Horn; Herman Hagan; Edward G. Davis; John C. Martin; Stephanie Adams; Christopher A. Bradley; John C. McKenzie; William L. Boddy, III; Larry R. Sipple

***Not pictured:*** Marcealeate S. Ruffin; William P. Wood