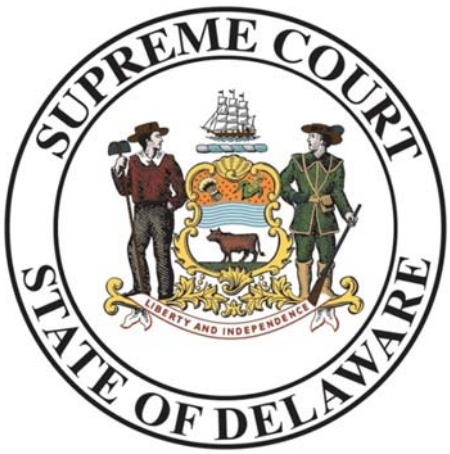
2012

Annual Report of the Delaware Judiciary



The names of members of the Delaware Bar are engraved on a placque in the Delware Supreme Court.

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

http://courts.delaware.gov/AOC/AnnualReports/FY12 (2012 Annual Report, Statistical Report of the Delaware Judiciary and additional Delaware Courts background information)

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A MESSAGE FROM THE CHIEF JUSTICE

There is a true cost of justice – the risk associated with a governmental system lacking fair and impartial courts. At a time when the benefits afforded by the courts' role in enforcing legal protections are most critically needed, our courts face serious challenges undermining their ability to enforce the rule of law. When Vice President Joe Biden spoke to the Conference of Chief Justices during its meeting in Wilmington, Delaware in 2012, he referred to "American Exceptionalism," observing that "the truly exceptional aspect of our American democracy is our deep commitment to the rule of law in our courts." He further commented that "until nations embrace the rule of law where a business can be sure that its intellectual property will be protected and its citizens are free to speak their minds, those nations will never fully realize their true potential."

The risks appear even greater when we consider the enormous value that our courts bring to our governmental system and society. Besides the courts' role as protector of the rule of law, Delaware courts offer the practical reward of the substantial revenue brought to the State of Delaware by business entities, and the related economic activity generated because business leaders choose Delaware Courts for determination of business disputes. Including income and franchise taxes and fees from business entities, UCC filings, and abandoned property, it is estimated that more than $1.5 billion in FY 2012, representing 40% of the State's operating budget, can be attributable to the Delaware Judiciary. In addition, the Delaware Courts contributed another $13.5 million in state revenue in FY 2012 through filing fees and costs paid by litigants. An important resource to ensure compliance with court orders is the Office of State Court Collections Enforcement. In FY 2012, OSCCE collected $3.6 million in outstanding court obligations. Recently, OSCCE installed payment kiosks, starting with probation and parole offices, which offer users easy access to make payments on outstanding judgments. Steps are being taken to expand access to kiosks to other sites.

Honorable Myron T. Steele

Problem-solving courts provide a clear example of courts' efforts to re-engineer approaches for better solutions. These specialized courts involve courts, government entities, and community organizations to reduce recidivism by holding defendants accountable while making sure they have access to necessary services. Starting 18 years ago with the creation of the Superior Court Drug Court, the Courts in Delaware opted for coordinated approaches to addressing specialized needs. With limited funding to support these courts, growth has been carefully directed to meet the highest needs. Today the 15 problem-solving courts in Delaware focus on a myriad of special needs. The newest problem-solving courts include Superior Court's first Diversionary Veterans' Treatment Court, which Resident Judge and retired Delaware Army National Guard Colonel, William L. Witham, Jr., oversees, to serve veterans with mental illness involved in the court system, the Court of Common Pleas' trauma-informed probation court to impact high recidivism rates for prostitutes and others who have experienced trauma and violence, and the expansion of the Court of Common Pleas' Mental Health Court statewide. In recognition of the important work of those courts, Governor Jack Markell proclaimed May 2012 as Problem-Solving Court Month in the State of Delaware. In addition, the Justice of the Peace Court is exploring establishing a community court in the City of Wilmington, representing a collaboration between the court and the community to provide better access to public resources, and the Court of Common Pleas is fo-

> ***"Although recent fiscal challenges have placed enormous strains on the Delaware courts and they have suffered setbacks, they remain undaunted, nimbly adjusting court practices and approaches to achieve efficiencies and keep cases moving."***
>
> **Chief Justice Myron T. Steele**

cusing on creating a DUI court to address alcohol abuse issues for those charged with driving under the influence in that court.

Other court initiatives have worked to ensure access to justice in Delaware for individuals and for small, as well as large, businesses. Courts focus on projects to expedite the processing of cases, such as CCP's SPEED docket for expediting civil litigation, its new court procedures for consumer debt collection litigation, and the Justice of the Peace Court's access to justice initiatives. The Justice of the Peace Court's Prosecution Project has helped decrease time to disposition in traffic cases, with data showing that 43% fewer traffic cases are being transferred from the Justice of the Peace Court to the Court of Common Pleas as a result of this initiative. The Justice of the Peace Court's interactive forms online have been applauded by users for simplifying the process of filling out court forms.

The Family Court recently implemented a statewide call center so that all calls to that Court are addressed in an informed and timely manner. And it did so without additional resources – by reengineering its approach to responding to phone calls. It has augmented its online resources by establishing a resource center offering a collection of Court FAQ's, instruction packets, and official forms online. In addition, the Family Court established a new database, making Delaware the first state to collect statewide information on national dependency and neglect performance measures.

Ongoing interbranch initiatives focusing on system improvements in FY 2012 included the Racial Justice Improvement Project, led by Justice Henry duPont Ridgely and Chief Judge Alex Smalls, which focuses on enhancing racial and justice fairness in the criminal justice system, the Delaware Supreme Court Task Force on Criminal Justice and Mental Health, also chaired by Justice Ridgely, which continues its work on improving criminal justice outcomes for persons with mental illness. A new conflict counsel structure was implemented in November 2011, to provide benefits to the justice system by centralizing conflict services under a single agency – the Public Defender's Conflict Counsel Office. The new structure supports the coordination of service providers and eliminates potential ethical issues that arise when judges are involved in contracting with conflict attorneys and approving their fees and expenses in cases before them.

We worked closely with the Public Defender's office to ensure that the transition to the new structure was smooth and acclaim the Public Defender's thoughtful and diligent implementation of the program.

Delaware Courts, and their judges, continue to be recognized for their vital roles and contributions on a national and international level. For example, the Delaware Supreme Court and Court of Chancery have retained positions, for six years in a row, on the list of the *Directorship's* top 100 most influential players in corporate governance. The *Directorship*, a leading magazine for public company board directors, recognized the Delaware Courts for their influential leadership and commitment to upholding the highest standards and best practices in corporate governance. I was honored to receive the 2012 United States Chamber Institute of Legal Reform Judicial Leadership Award and accepted that award on behalf of all of the women and men in the Delaware Judicial Branch, who work with limited resources and take enormous pride in their work product. I am also privileged to serve as the president of the Conference of Chief Justices, which is comprised of the chief justices from all states, and the Chair of the National Center for State Courts Board of Directors during 2012 – 2013, supporting efforts to promote the effectiveness of state judicial systems.

Delaware was honored to host the Conference of Chief Justices's meeting in January, 2012. Chief Justices, spouses, and others from across the country enjoyed an enlightening educational program on "Commercial and Business Law", and experienced some of Delaware's finest attractions during their visit to Wilmington, Delaware.

The Court of Chancery, under the leadership of Chancellor Leo E. Strine, Jr., is focused on enhancing operational efficiencies and services provided to litigants in that court. Recent Court of Chancery rule changes enhance public access to case filings and improve the process for modifying trusts by consent and related to guardianship proceedings.

Delaware Courts, with the focus on Superior Court processes, were recently recognized, for the ninth consecutive time, as the best in the country by the U.S. Chamber of Commerce Institute for Legal Reform. Delaware ranked number one overall and in categories such as judges' impartiality and competence. In addition, the Superior Court recently celebrated 20 years of e-filing. In 1991, the Superior Court established the first electronic docketing and filing system for civil cases in the United States. The Superior Court's Pro-

MESSAGE FROM THE CHIEF JUSTICE

ject Rightful Owner has disbursed $5.25 million since its inception in 2007.

Delaware Courts have continued to use their limited resources as effectively as possible. Through the Courts and the Administrative Office of the Courts, we have worked hard to enhance branch wide coordination and efficiencies. There is a point, however, no matter how creative we are, that the resources fail to meet demand. Judges and court staff continue to amaze me in their ability to find ways to keep the courts moving forward, despite the fiscal challenges that the Delaware Courts have faced in recent years. We cannot, however, continue to manage growing caseloads — up close to 20% overall for Delaware Courts in the last 10 years — without additional resources to address unmet needs. The new resources available to the Courts in FY 2013, most importantly, the critically needed two new Superior Court judges and staff in new Castle County, will help us begin to fill the deepening chasm between court resources and needs. We are extremely grateful for the support of the members of the Delaware State Bar Association, the Joint Finance Committee, and Representative Melanie Smith, in particular, for their commitment to funding the new judges.

Recent salary increases for state employees – Judicial Branch employees received a 2% increase in January 2012 (the first pay increase since 2007) and a 1% increase in July 2012 – represent a small step towards addressing rising inflation and benefit costs. Delaware judges' national standing based upon judicial compensation comparisons with other states that compete with us as a center for business disputes resolution has fallen – as a result of minimal pay increases for all judges since 2005 when the last Delaware Compensation Commission issued a report. When inflation and increases during that period are factored in, judges' pay has eroded by more than $22,000 per judge. Compensation has been further eroded by rising benefit costs, with health care contributions paid by individual employees increasing around 60%, on average, between FY 2007 and FY 2012. It is our fervent hope that the Delaware Compensation Commission, when it meets in FY 2013, will conduct an objective assessment of salaries and make progress in addressing fairly both past pay inadequacies and future financial growth implications.

During the times when Hurricane Sandy closed down state government in Delaware in October 2012, an expedited appeal was filed with, and decided by, the Supreme Court. The Justice of the Peace Court kept a court facility open in each county 24 hours a day during that weather emergency to meet the public's and law enforcement's needs. Courts offer core state services that dramatically impact the lives of Delawareans, and others, every day and especially in times of emergencies. There is a true cost of justice – one with serious consequences on individuals and businesses alike – if courts, through stagnant funding, are stripped of their ability to manage their operations effectively and to enforce legal protections.

SUPREME COURT WATER DAMAGE

On the weekend of November 30 through December 2, 2012, the Supreme Court in Dover suffered major water damage from a broken water pipe. The damage was discovered in the early morning of Monday, December 3, 2012. Despite the damage, heroic efforts were made to ensure that Supreme Court oral arguments could be held in the Court that week. Repairs are continuing and anticipated to be completed in early 2013.

A GUIDE TO PROBLEM SOLVING COURTS IN DELAWARE WHAT ARE THEY AND WHAT DO THEY DO?

Governor Jack Markell, members of the executive branch, legislators, and members of the judiciary were in attendance as Governor Markell declared May 2012 Problem-Solving Courts Month for the State of Delaware. The Governor's declaration recognizes the important goal of these courts to reduce recidivism rates and save criminal justice resources by holding defendants accountable for their actions while ensuring that they have access to services to support their efforts to become productive tax-paying citizens.

Governor Jack Markell (seated, second to left), Representative Melanie Smith (seated, second to right), Chief Justice Myron T. Steele (standing, far right), and other judges and government officials recognized Problem-Solving Courts Month in May 2012.

Since its inception in 1994 with the creation of Superior Court Drug Court, problem-solving courts have grown and expanded statewide. There are now over 15 problem-solving courts in the State of Delaware. Following is a guide to the various problem-solving courts currently in operation throughout the state. Problem-solving courts facilitate community-wide partnerships, bringing together public safety and healthcare professionals in the treatment of substance abuse and mental illness and the fight against criminality.

Domestic Violence

As part of its continued efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, **Family Court** has created a specialized domestic violence court. The intention of this specialized court is twofold: to create greater continuity in Family Court cases involving domestic violence and to create a more standardized system of compliance for offenders. In January 2008, Family Court began conducting Protection from Abuse review hearings when a Respondent has not complied with the evaluation and treatment conditions of an active Protection from Abuse order.

The **Administrative Office of the Courts** recently received a 24 month grant from the Office on Violence against Women that will fund the Victim Advocacy and Safety Enhancement project in **Superior Court's** Mental Health Court ("MHC") and the **Court of Common Pleas'** Trauma Informed Probation Court ("TIP"). This project will support efforts in MHC and TIP to identify and coordinate services for justice involved victims of domestic violence and/or sexual assault with the goal of addressing the root cause of the problem that may have led to their involvement with the criminal justice system and reducing recidivism.

Drug Courts

The **Superior Court** Drug Court operates statewide. There are two tracks in this program. Track I targets defendants who are arrested while on Superior Court probation and charged with a drug offense

that does not carry a minimum mandatory sentence. A violation hearing is held to resolve both the new charges and the violation. If a plea agreement is reached, both a treatment and punishment program is established. If the new charge is not resolved by a plea agreement, the court hears the violation hearing and schedules the new charge for trial.

Track II (diversion) targets defendants who have no or minimal prior felony convictions and are charged with a drug offense without a minimum mandatory sentence. A defendant in Track II waives a trial and enters into the diversion program. Diversion defendants appear at a monthly status hearing before the Drug Court Judge. If a defendant successfully completes the program, the case is dismissed.

The **Court of Common Pleas** Drug Court ("Drug Diversion") operates statewide. Drug Diversion targets defendants with a minimal criminal history, which does not include a felony or previous drug conviction, who are charged with (1) possession of marijuana; (2) possession of drug paraphernalia; or (3) possession of a hypodermic needle without authority. The program monitors participants for a minimum of 14 weeks (8 weeks for the accelerated track in New Castle County). Upon successful completion of drug diversion, the case is dismissed.

The Delaware Legislature added new Section 1010 of Title 10 of the Delaware Code to establish the **Family Court** Adjudicated Drug Court Program in 2002. The Adjudicated Drug Court program operates statewide. The Delaware Department of Justice refers potential participants to the program. Once referred, defendants enter a plea of delinquency and the court orders a substance-abuse evaluation through the Division of Prevention and Behavioral Health. If the child successfully completes the program, the judge or commissioner will vacate the judgment of delinquency six months after program completion.

DUI Court

As a result of House Bill No. 378 (signed by the Governor on July 18, 2012), the **Court of Common Pleas** has begun the work of establishing a DUI Court. To aid in these efforts, the **Administrative Office of the Courts** was recently awarded a 30 month grant from the National Highway Traffic Safety Administration, Federal Department of Transportation, to establish a State Judicial Outreach Liaisons Officer ("State JOL"). The State JOL will assist the Court of Common Pleas in establishing a DUI Court by assisting with its research, coordination, planning, and implementation. In collaboration with other agencies, the State JOL will also review and develop community outreach programs on matters related to traffic safety and impaired driving.

Gun Court

The **Family Court** established a Gun Court in 2009 to break the repeating cycle of juvenile gun crime and rehabilitate Delaware's youth as quickly and effectively as possible. Working in collaboration with the Department of Justice, the Office of the Public Defender, the Department of Services for Children, Youth and Their Families, and law enforcement, Family Court Gun Court strives to provide a single, streamlined judicial forum to address gun violence, to provide close court monitoring, dispense uniform justice, and reduce judicial backlog. Since its inception, 355 youth have been through Gun Court

and Gun Court has been effective in reducing the average number of days from arrest to disposition by 45 days, resulting in reduced expenses to the state, as well as more effective and efficient access to rehabilitative and education services to juveniles.

Superior Court Judge Jan Jurden, court staff and others, involved in the New Castle County Superior Court Mental Health Court.

Mental Health Courts

The **Superior Court** Mental Health Court offers a post-adjudication (probation) court statewide, and a diversion court in New Castle County, which is expanding to Kent County. Although the eligibility requirements differ in each county, generally a participant must have an Axis-I diagnosis and must not be convicted of a domestic violence or sexual offense. The Treatment Access Center ("TASC") monitors and provides case-management services for participants. Upon successful completion of the post-adjudication program, the participant's probation is successfully terminated. In the diversion program, charges against a defendant are dismissed.

Court of Common Pleas Judge Joseph Flickinger III, court staff and others involved in CCP's New Castle County Mental Health Court. Judge Flickinger, who was the founder of CCP's Mental Health Court, recently retired from the bench.

The **Court of Common Pleas** recently expanded its Mental Health Court statewide. The Court of Common Pleas offers a diversion program in New Castle County and a diversion and post-adjudication program in Kent and Sussex Counties. To be eligible for the Court of Common Pleas Mental Health Court, a defendant must have an Axis-I diagnosis. Program participants receive case-management services and, if successful in the program, may have charges dismissed or their probation terminated.

The **Family Court** Mental Health Court operates in New Castle and Kent Counties and offers two unique tracks. The first track is a traditional diversion program where defendants must have an Axis-I diagnosis and be approved by the Delaware Department of Justice. The second track focuses on children who are deemed incompetent but can be rehabilitated. These children remain under judicial supervision until they are deemed competent.

Family Court Commissioner Loretta Young listening to testimony in Mental Health Court in New Castle County.

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Reentry Court

The New Castle County **Superior Court** operates a Reentry Court that targets moderate to high-risk offenders returning to the community. The court offers two tracks: (1) offenders with multiple violation of probation charges who have a history of violent, weapon, or drug offenses; and (2) offenders who have committed crimes in, or are returning to, the City of Wilmington and have been incarcerated for a year or more. These participants receive dedicated TASC case managers, ancillary case managers through non-profits, and dedicated probation officers. Reentry court participants appear regularly in front of the Reentry Court judge for status conferences. Upon successful completion of the program, participants are successfully terminated from probation.

Trauma-Informed Probation Court

This unique post-adjudicated court in the New Castle County **Court of Common Pleas** targets participants with backgrounds in prostitution or who have a significant trauma background. Participants appear regularly in front of the Court of Common Pleas Commissioner and may receive trauma-informed therapy and other dedicated services.

Truancy Court

Truancy Court has operated in the **Justice of the Peace Court** statewide since 1998. Truancy Court is innovative in its remedial, non-punitive approach to improving school attendance as opposed to the more disciplinary measures of enforcing the law and mandating change seen in traditional court settings. The court encourages children to become productive citizens in both the classroom and in the home through regular judicial supervision and partnership with the local school systems.

Veteran's Court

The **Superior Court** Veterans' Treatment Court, which began in Kent County, is designed to assist justice-involved veterans with mental illness in obtaining services and reducing recidivism. The mission of the Veterans' Treatment Court is to work with veteran defendants with substance dependency and/or mental illness who have been charged with non-violent criminal offense(s). Veterans are identified through specialized screening and assessments and voluntarily participate in a judicially supervised treatment plan developed by a team of court staff, veteran health care professionals, and veteran peer mentors, among others. On January 2, 2013, the first session of the Veterans' Treatment Court in New Castle County, was held.

Judge William L. Witham, Jr., court staff and others providing services in the Superior Court Veterans' Treatment Court in Kent County.

MESSAGE FROM THE STATE COURT ADMINISTRATOR

Building upon our efforts to support the Judicial Branch in its service to the citizens of Delaware, the Administrative Office of the Courts, including the Judicial Information Center and the Office of State Court Collections Enforcement, embarked on a series of exciting initiatives during the past year. I would like to highlight a few of our accomplishments.

TRAINING FOR STAFF EXCELLENCE

Facing growing workloads and limited resources, court staff has worked hard to keep the courts moving forward. Training has become increasingly important to support the high quality of services provided by the courts. Recognizing staff's time limitations, the AOC is exploring computer-based training, along with other types of training to meet staff training needs. Recently, the AOC's training team piloted a web-based program using software training tools. Online orientation training is being considered for new court staff. Additionally, planning for a Lunchtime Learning Series including court-focused topics such as E-mail Etiquette, Legal Information vs. Legal Advice, and Time Management, is underway.

RACIAL AND ETHNIC DIVERSITY

Delaware Racial Justice Improvement Project (RJIP): The RJIP, led by Supreme Court Justice Henry duPont Ridgely, continued its efforts to promote fair, efficient, and accountable systems through a grant sponsored by the Bureau of Justice Assistance and American Bar Association. Joined by task force members including the Court of Common Pleas Chief Judge Alex Smalls, and staffed by the AOC, the task force is in the final stages of implementing its planned reform ensuring that racial disparity does not play a role in violation of probation cases. Through the work of the task force, a new bias-free decision-making policy, including guidelines for the imposition of graduated sanctions, has been adopted by the Probation and Parole Division of the Department of Corrections ("DOC"); implicit bias training has been provided for probation and parole officers; and the DOC case management system is being modified to track the application of the graduated sanctions. Educational programs on implicit bias have been provided to judges as well.

Honorable Patricia W. Griffin

Language Access Program: The Delaware Judiciary's commitment to provide language access services to litigants with Limited English Proficiency ("LEP") continues to be supported by the AOC's Court Interpreter Program. The program has experienced increasing demand for services, with the service hours increasing by 18% in FY 2012. In addition to coordinating the courts' interpreter services and implementing the second phase of the court forms' translation project, the AOC offered a series of educational seminars on best practices to the courts and the Delaware Bar. A recent highlight was the participation of a team from Delaware, including AOC staff and judges, in the National Summit on Language Access in the Courts in Houston, Texas, which was sponsored by the Conference of Chief Justices, Conference of State Court Administrators, National Center for State Courts, and the State Justice Institute. The conference offered the opportunity for state court leaders across the country to share successful language access strategies and evidence-based practices, and to devise approaches to improve access to justice for LEP litigants.

SELF-REPRESENTED LITIGANTS/PROCEDURAL FAIRNESS

To address access to justice issues, the AOC has intensified its efforts to find innovative ways to meet the needs of self-represented litigants, both through enhanced programming and strengthened partnerships. Those efforts include:

- AOC participation in the Delaware State Bar Association's ad hoc Committee on Access to Justice which was tasked with promoting access to justice for all litigants in Court of Common Pleas consumer debt collection matters. The Committee's recommendations on revisions to the Administrative Directive on Consumer Debt Collection Actions

were approved and adopted by the Court of Common Pleas.

- Expansion of the AOC's Limited Legal Assistance Program for court litigants by adding new volunteer attorneys and issuing a monthly program newsletter, as well as plans to include volunteer paralegal assistance for litigants, extend the hours of the program, and enhance the program's offering for Spanish speaking litigants. The success of the program is evidenced by last year's survey results showing that 100% of participants were satisfied with the program overall.

COMMUNITY OUTREACH

- Community outreach through the expansion of civics educational opportunities was the cornerstone of this year's programming. The AOC supported the *iCivics* project, jointly sponsored by the Delaware Supreme Court, the Women and the Law Section of the Delaware State Bar Association, and the Delaware Paralegal Association. Through the leadership of Supreme Court Justice Randy Holland and Superior Court Judge Jan Jurden, 250 attorneys, judges, law students, and paralegals visited approximately 127 public elementary and middle schools throughout the state in conjunction with Law Day 2012. ICivics, a web-based program allowing students to role play their rights and responsibilities as citizens of our constitutional democracy, was founded in 2009 by retired U.S. Supreme Court Justice Sandra Day O'Connor to promote civic understanding and participation among young Americans.

Former Chief Justice Norman E. Veasey presenting on iCivics during Law Day 2012.

Howard High School of Technology Mock Trial Participants.

- The Delaware Mock Trial High School Competition, sponsored by the Delaware Supreme Court and the Delaware Law Related Education Center, and supported by the AOC, experienced another successful year. Months of polishing opening statements and closing arguments, sharpening rhetorical skills, and mastering the rules of evidence were put to the test in February 2012, when 24 high schools competed in the 21st Delaware Mock Trial competition.
- For the sixth consecutive year, the AOC facilitated a visit of Delaware teachers enrolled in the University of Delaware's Democracy Project Institute for Teachers to the Delaware Supreme Court and the New Castle County Courthouse.
- Another FY 2012 highlight was the AOC's Summer Youth Program. Through the efforts of Robin Jenkins, AOC's Manager of Support Services, the program has grown dramatically – with 46 children, mostly from the foster care system, participating last summer statewide. Program participants receive valuable work experience and learn new skills that they can apply to school and everyday life.
- Other efforts included hosting tours of the New Castle County Courthouse for various school and community groups, coordinating Youth Forums in which middle school students visit the courthouse, participate in a mock trial, learn about the court system, and supporting the Miracle on 34th Street holiday production at the courthouses statewide for school children.

Training: The AOC supported several statewide problem-solving courts' training initiatives on best practices, including:

- As one of four states selected to participate in a Bureau of Justice Assistance grant, the AOC provided instruction to judicial officers and staff on a pilot curriculum targeted at best practices for mental health courts.
- The AOC helped coordinate the Superior Court's Veterans' Court training seminar for potential volunteer mentors, which trained veteran mentors to assist justice-involved veterans.
- The AOC conducted presentations by the Director of the Division of Substance Abuse and Mental Health, the Assistant Director for the Community Mental Health and Addiction Services Division, among others, on topics related to mental illness, to the Judicial Conference, Superior Court judges, and Court of Common Pleas Drug Diversion program staff.

Community Court: The AOC is working with the Justice of the Peace Court to establish a community court in the City of Wilmington. Community courts focus on addressing the public safety needs of a specific locality.

Grants: Efforts by the AOC to coordinate grant request initiatives across the courts proved successful in attracting federal dollars to support Judicial Branch programs targeted at reducing recidivism and increasing positive outcomes. Examples include:

- ***Office of Violence Against Women ("OVW"):*** The OVW recently awarded the AOC a grant aimed at assisting justice-involved victims of sexual assault and domestic violence in both the Superior Court Mental Health Court and the Court of Common Pleas Trauma-Informed Program.
- ***National Highway Traffic Safety Administration ("NHTSA"):*** The AOC received a grant from NHTSA to provide a liaison for the Delaware Judiciary ("JOL") in the areas of impaired-driving, DUI Court, and traffic safety. Besides assisting the Court of Common Pleas with developing a DUI court, consistent with a recent legislative mandate, the JOL will develop a community outreach program to provide public and judicial education related to impaired driving and traffic safety.

MEASURING PERFORMANCE

Expanding demand in the face of limited resources requires that courts assess performance to maximize system efficiencies. Through a partnership between the AOC and the University of Delaware, AOC and court staff participated in a series of process improvement workshops this summer with the goal of learning new approaches to streamline and improve systems. Additionally, ongoing process improvement serves as an integral part of the Delaware Courts Automation Project, the courts' case management modernization project.

Security Initiatives

- ***Cyber Security:*** The Judicial Information Center, in conjunction with the Department of Technology and Information, launched an initiative in 2012 to educate state computer users about cyber crime and proper security measures.
- ***Continuity of Operations Planning:*** A New Castle County Court House ("NCCCH") space study was completed this year to assist the courts in addressing growing space inadequacies within the NCCCH.
- ***Court Security/Facility:*** On behalf of the NCCCH Courts' Operations Policy Committee, the AOC worked with Facilities Management and the United States Marshal to update the security study completed by the U.S. Marshal in 2005.

COURT COLLECTIONS

The AOC's Office of State Court Collections Enforcement ("OSCCE") focused on efforts to improve its operational efficiency through the installation of five payment kiosks at Probation and Parole offices for court fines and Department of Correction supervision fees, and specialized collection efforts for the courts. OSCCE collected $3.6 million for the courts and agencies in FY 2012, including tax intercepts totaling $229,000.

INFORMATION TECHNOLOGY

The Judicial Information Center ("JIC") in the AOC experienced tremendous change and growth in its management and direction in 2012. During the past year, JIC focused on: staffing critical managerial positions including training, business solutions, helpdesk, and enterprise architect; enhancing staff skills; implementing critical systems stabilization and infrastructure improvements (hardware and software); improving business process analysis and helpdesk support and performance; and providing technical leadership to, and continued support of, the Delaware Courts Automation Project.

LEGISLATION

The Judiciary's legislative team brings together representatives of the Courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation affecting the Judicial Branch was passed during FY 2012 by the 146th session of the General Assembly:

BILL NUMBER	DESCRIPTION
SB 37	First Leg of Constitutional Amendment permitting a Justice of the Peace Court Judge to be reappointed for eight terms after completing three successful terms of office.
SB 221	First Leg of Constitutional Amendment that would add United States Bankruptcy Courts to the list of entities that may certify questions of law to the Delaware Supreme Court.
SB 232	Grants permission to the Family Court and the Court of Common Pleas to temporarily assign retired commissioners to active duty.
HB 108	Provides that a violation of 21 Del. C. § 4172 is exempted from those motor vehicle offenses that are subject to voluntary assessment. Section 4172 provides for enhanced penalties, including suspension of license, and is consistent with motor vehicle violations currently exempted from voluntary assessment. It retains the option of probation before judgment for this offense.
HB 252	Removes the two-year sunset provision from the amendment of Title 10, Section 1007 of the Delaware Code, signed into law on July 12, 2012 so that the amendment may remain in place. The amendment was a product of the joint effort of the agencies of the Juvenile Justice Collaborative and aims to reduce the unwarranted detention of juveniles and provide meaningful alternatives to detention.
HB 266	Authorizes the Clerk of the Justice of the Peace Court to verify the final disposition of a case when a fine should be refunded.
HB 272	Changes the residency requirement of the Chief Investigative Services Officer from a county residency requirement to a state residency requirement.

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS - FISCAL YEARS 2011-2013			
GENERAL FUNDS - State Judicial Agencies and Bodies			
	FY 2011 Enacted Budget	FY 2012 Enacted Budget	FY 2013 Enacted Budget
Supreme Court	$ 3,126,900	$ 3,239,400	$ 3,296,800
Court of Chancery	3,002,500	3,122,500	3,081,700
Superior Court	21,152,600	22,323,300	23,431,500
Family Court	18,590,300	19,725,300	20,052,800
Court of Common Pleas	8,971,600	9,433,600	9,725,100
Justice of the Peace Court	16,611,700	17,413,800	17,682,500
Administrative Office of the Courts (AOC)	3,475,000	3,449,100	3,612,100
AOC Custodial Pass Through Funds*	5,471,300	5,655,200	3,043,700
Office of State Court Collections Enforcement	538,300	533,600	541,000
Information Technology**	3,448,200	3,617,800	3,662,600
Law Libraries	451,700	461,300	463,600
Office of the Public Guardian	482,900	512,400	537,600
Child Placement Review Board	491,900	514,600	521,300
Office of the Child Advocate	826,600	867,500	898,200
Child Death, Near Death, and Stillbirth Commission	393,400	414,800	420,500
DE Nursing Home Residents Quality Assurance Commission	54,800	59,000	59,800
TOTAL	**$ 87,089,700**	**$ 91,343,200**	**$ 91,030,800**

* These programs are included in AOC funding but are shown separately because they are pass through funds. They include the Court Appointed Attorney Programs, Interpreters, Victim Offender Mediation Program, Elder Law Program, and DCAP. In November 2011, the Conflict Attorneys Program was transferred to the Office of the Public Defender.
**Information Technology also refers to the Judicial Information Center.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2012					
SUBMITTED TO THE STATE GENERAL FUND					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Supreme Court	$ 98,600	$ -	$ -	$ -	$ 98,600
Court of Chancery	8,800	-	-	-	8,800
Superior Court	3,209,400	335,000	1,500	235,600	3,781,500
Family Court	353,600	48,100	-	9,600	411,300
Court of Common Pleas	2,932,400	566,900	-	122,900	3,622,200
Justice of the Peace Court	2,587,900	2,300,900	-	1,600	4,890,400
Office of State Court Collections Enforcement (OSCCE)**	300	9,000			9,300
OSCCE - DOC Fees***	715,500	-	-	-	715,500
State Total	**$ 9,906,500**	**$ 3,259,900**	**$ 1,500**	**$ 369,700**	**$ 13,537,600**
SUBMITTED TO COUNTIES AND MUNICIPALITIES					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	$ 114,300	$ 40,700	$ -	$ -	$ 155,000
Court of Common Pleas	1,800	766,800	-	-	768,600
Justice of the Peace Court	-	3,239,100	-	-	3,239,100
Counties and Municipalities Total	**$ 116,100**	**$ 4,046,600**	**$ -**	**$ -**	**$ 4,162,700**
GRAND TOTAL	**$ 10,022,600**	**$ 7,306,500**	**$ 1,500**	**$ 369,700**	**$ 17,700,300**

* Figures represent only revenue actually received, not the total amount of fines and costs assessed.
**The figures shown for the Office of State Court Collections Enforcement (OSCCE) in this row reflect fees, costs, and fines for cases that have been closed by Family Court. OSCCE also collects fees, costs, and fines for current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of Superior Court and the Justice of the Peace Court are included in the figures for these courts. See also the OSCCE table on page 14 for amounts collected by OSCCE for each court.
*** OSCCE collected supervision fees on behalf of the Department of Correction (DOC).

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE - FISCAL YEAR 2012			
RESTITUTION - FISCAL YEAR 2012			
	Assessed	Collected	Disbursed*
Superior Court	$ 9,185,100	$ 2,205,700	$ 2,750,900
Family Court	83,900	239,700	241,600
Court of Common Pleas	757,900	674,000	686,400
Justice of the Peace Court	51,400	63,600	27,600
Office of State Court Collections Enforcement**	-	80,500	57,900
RESTITUTION TOTAL	**$ 10,078,300**	**$ 3,263,500**	**$ 3,764,400**

ASSESSMENTS AND COLLECTIONS FOR THE TRANSPORTATION TRUST FUND		
	Assessed	Collected
Superior Court	$ 448,900	$ 76,100
Family Court	7,200	7,300
Court of Common Pleas	871,100	529,100
Justice of the Peace Court	3,089,600	2,635,000
TRANSPORTATION TRUST FUND TOTAL	**$ 4,416,800**	**$ 3,247,500**

COLLECTIONS BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT ON BEHALF OF COURTS AND AGENCIES**	
	Total
Superior Court	$ 2,661,900
Family Court	80,800
Justice of the Peace Court	137,500
Department of Correction	715,500
OSCCE - TOTAL COLLECTIONS	**$ 3,595,700**

*The amount disbursed is greater than the amount collected for Superior Court, Family Court, and Court of Common Pleas because some funds collected in FY 2011 were disbursed in FY 2012.

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

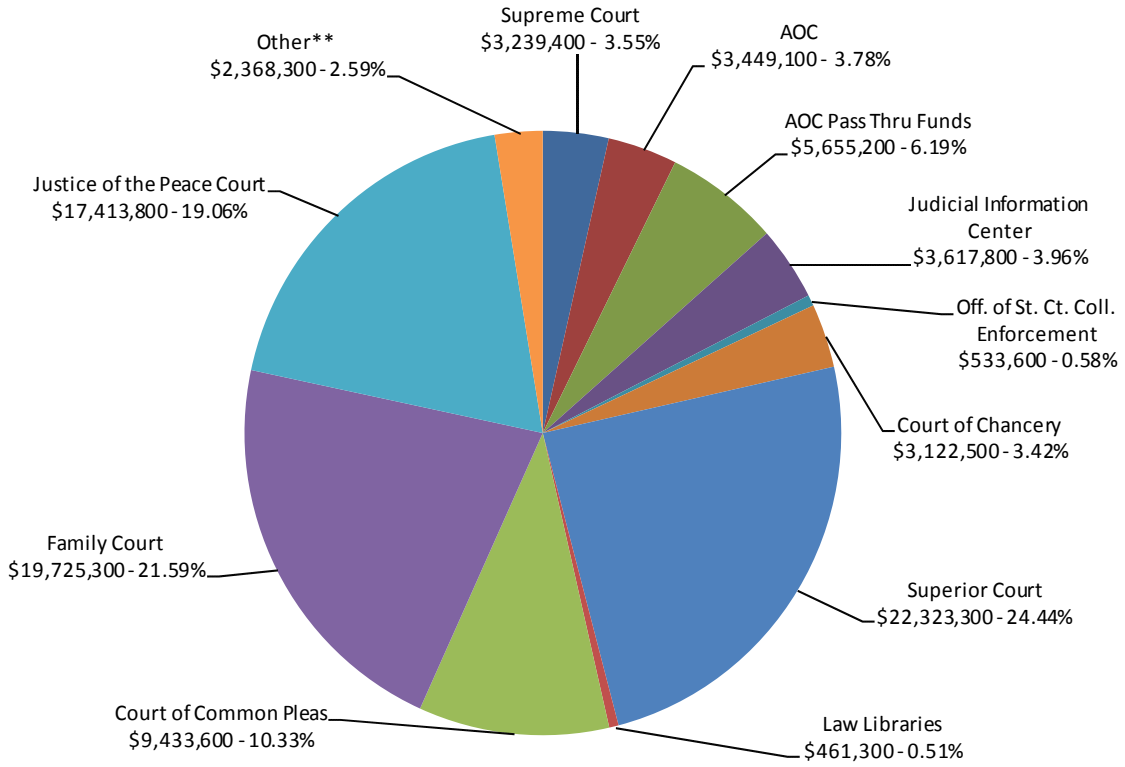
*** In FY 2012, OSCCE collections included amounts submitted to the general fund, amounts submitted to non-general fund recipients, and restitution. Amounts collected by OSCCE on behalf of all courts, except Family Court, are also included in general fund and restitution figures for those courts.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2012		
Public Education	$1,109,671,900	31.64%
Health and Social Services	997,995,100	28.44%
Correction	254,733,400	7.26%
Higher Education	213,193,700	6.08%
Children, Youth and Their Families	130,686,600	3.72%
Safety and Homeland Security	130,941,400	3.73%
Judicial Branch	**91,343,200**	**2.60%**
All Other	579,994,800	16.53%
TOTAL	**$3,508,560,100**	**100%**

JUDICIAL APPROPRIATIONS* - FISCAL YEAR 2012



*General Fund Appropriations.
**Other: Office of the Public Guardian; Child Placement Review Board; Office of the Child Advocate; Child Death, Near Death & Stillbirth Commission; and Delaware Nursing Home Residents Quality Assurance Commission.

Source: Administrative Office of the Courts

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, the Administrative Office of the Courts, and related judicial agencies.

In terms of interrelationships among the courts, the Delaware court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed $15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed $50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors except certain drug-related offenses. It also handles motor vehicle offenses (excluding felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

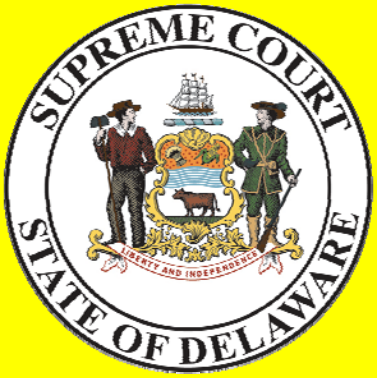
The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land, and questions of title to real estate, as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

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

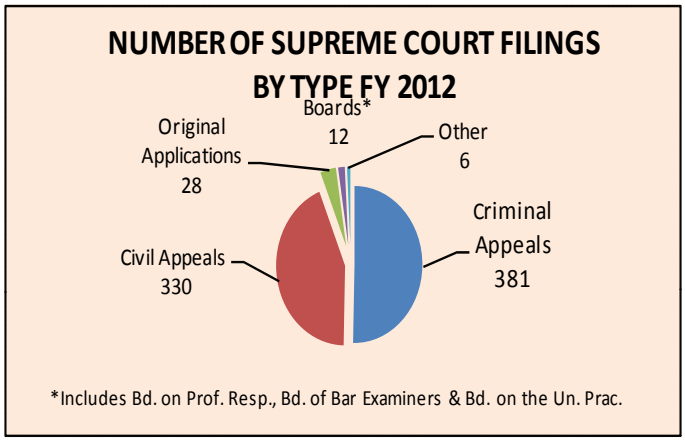
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware Judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established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

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

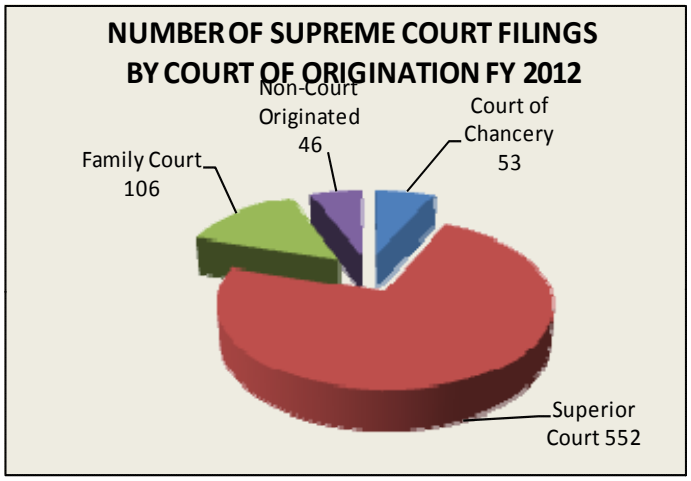
SUPREME COURT



In Fiscal Year 2012, the Delaware Supreme Court received 757 appeals and disposed of 747 appeals by opinion, order, or dismissal. On average, the appeals were decided 29.7 days from the date of submission to the date of final decision. In 99.1% of the appeals decided in FY 2012, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision. Based on the American Bar Association's Standards Relating to Appellate Courts, the Court set a performance measure for the disposition of 75% of all cases within 290 days of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 86.2% 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 92.8% of all cases within this one year timeframe.

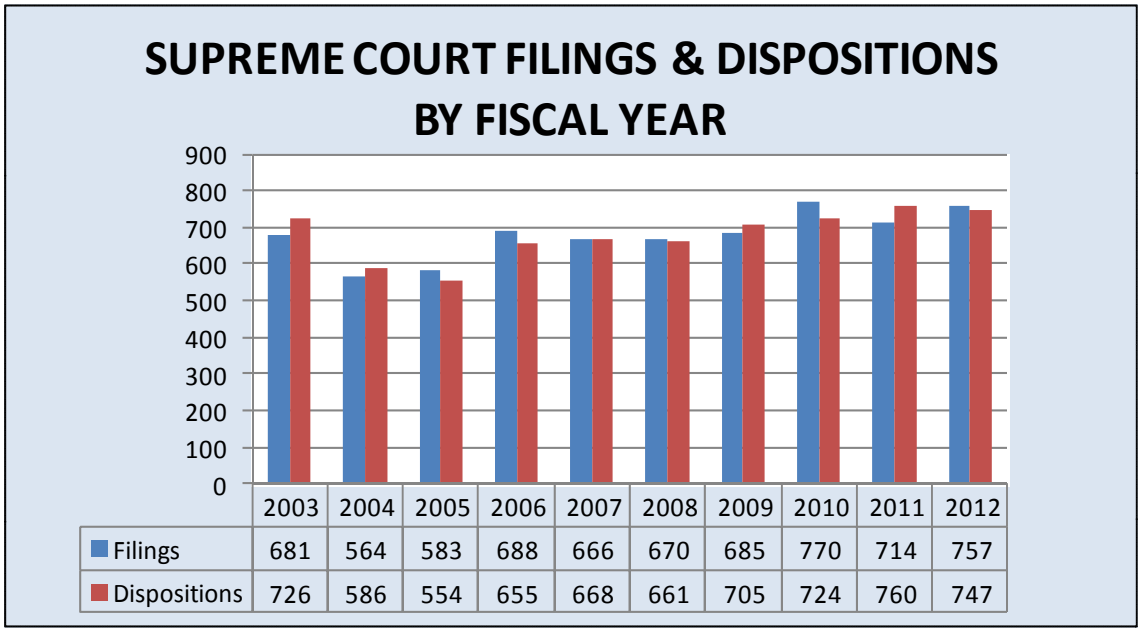


Under Administrative Directive No. 179 dated December 22, 2011, a judge is no longer required to



file a report of marriage ceremonies performed by that judge with the Administrative Office of the Courts. A judge officiating a marriage or civil union ceremony is responsible for maintaining a copy of the original marriage or civil union form, pursuant to 13 *Del.C.* §§114 and 209. Under Administrative Directive No. 180 dated May 21, 2012, a hiring review process remains in effect, which requires that no positions may be filled within the Judicial Branch, including all new hires, promotions, paid interns, casual/seasonal, temporary, limited-term, merit and exempt positions, without prior approval of the Chief Justice. Career ladder promotions are not included in this process.

Chief Justice Myron T. Steele hosted the 2012 Midyear Meeting of the Conference of Chief Justices (CCJ) in Wilmington, Delaware in January. Chief Justice Steele began his term as President of the CCJ in August 2012. This was the first time that Delaware has hosted the full Conference of Chief Justices. The Conference of Chief Justices

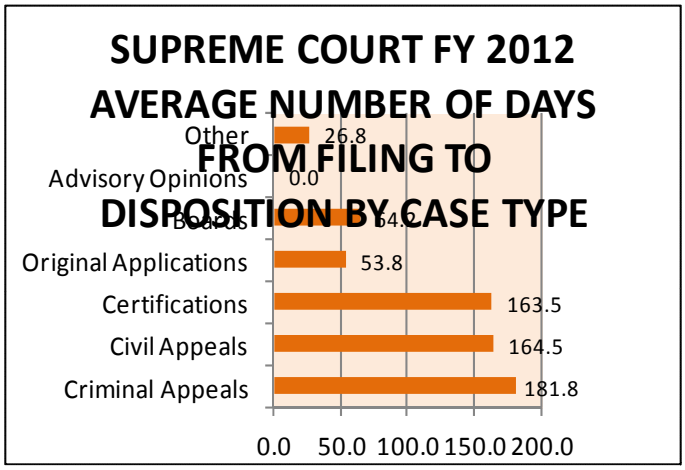


	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Filings	681	564	583	688	666	670	685	770	714	757
Dispositions	726	586	554	655	668	661	705	724	760	747

was founded in 1949 to provide an opportunity for the highest judicial officers of the states to meet and discuss matters of importance in improving the administration of justice, rules and methods of procedure, and the organization and operation of state courts and judicial systems, and to make recommendations and bring about improvements on such matters. Attendees from across the country participated in the four-day conference which included a dynamic education program focusing on "Commercial and Business Law" with renowned speakers and panelists from the United States and abroad.

The Delaware Courts, criminal justice agencies, and others were recognized for their leadership in efforts to implement racial and justice fairness initiatives during a conference sponsored by the Bureau of Justice Assistance (BJA) and the American Bar Association (ABA) on October 21-22, 2011 in Washington, D.C. In September 2010, Delaware was selected as one of four states to receive a two-year Racial Justice Improvement Project (RJIP) grant sponsored by the BJA and ABA as a part of the ABA's program to support state criminal justice systems in efforts to enact key practices to promote fair, efficient, and accountable systems. Representatives of the jurisdictions receiving the ABA grants attended the Conference to review progress midway through the grant period. The Delaware RJIP initiative is led by Supreme Court Justice Henry duPont Ridgely, with task force members including Chief Justice Alex Smalls of the Court of Common Pleas; Peggy Bell, Executive Director of Delaware Criminal Justice Information System (DELJIS); Public Defender Brendan O'Neill; Colonel Robert Coupe, Delaware State Police Superintendent; Curt Shockley, the Director of Probation and Parole; Attorney General Joseph R. Biden, III; Drewry N. Fennell, Esquire, Executive Director of the Criminal Justice Council; community representative Janet Leban, Executive Director of Delaware Center for Justice; State Court Administrator Patricia W. Griffin, Esquire and Task Force Facilitator; Amy A. Quinlan, Esquire, Deputy State Court Administrator.

As part of this year's Law Day initiative, judges, attorneys, law students, and paralegals visited approximately 127 public elementary and middle schools in New Castle County, Kent County, and Sussex County. Law Day, which marks the United States of America's commitment to the rule of law, was established in 1958. This year's initiative introduced elementary and middle school students to iCivics, a web based program that allows students to explore and exercise,



through role play, their rights and responsibilities as citizens of our constitutional democracy. The program provides students with the ability to participate in all three branches of government. By playing these games, children will develop a better appreciation of the role and function of each branch of government, the separation of powers, and the need for an independent judiciary. iCivics is aligned to state and national educational standards and has been recognized by Delaware's Department of Education. iCivics was founded in 2009 by retired U.S. Supreme Court Justice Sandra Day O'Connor to promote civic understanding and participation among a new generation of young Americans. The initiative was sponsored by the Delaware Supreme Court iCivics Pro Bono Project; Justice Randy J. Holland, Delaware Chair for iCivcs; the Women and the Law Section led by Laina Herbert, Esquire, Women and the Law Section Chair; Superior Court Judge Jan R. Jurden; and the Delaware Paralegal Association, with assistance from the Administrative Office of the Courts.

During the past fiscal year, 3,966 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court implemented a new electronic system for Delaware lawyers to file their Annual Registration Statements, Certificates of Compliance, and Pro Hac Vice Renewals. The Court continues to grant Delaware Certificates of Limited Practice to in-house counsel pursuant to Rule 55.1 and Delaware Certificates of Limited Practice as a Foreign Legal Consultant pursuant to Rule 55.2.

Supreme Court Justices:

Front Row (sitting left to right)
Justice Randy J. Holland
Chief Justice Myron T. Steele
Justice Carolyn Berger

Back Row(standing left to right)
Justice Henry duPont Ridgely
Justice Jack B. Jacobs

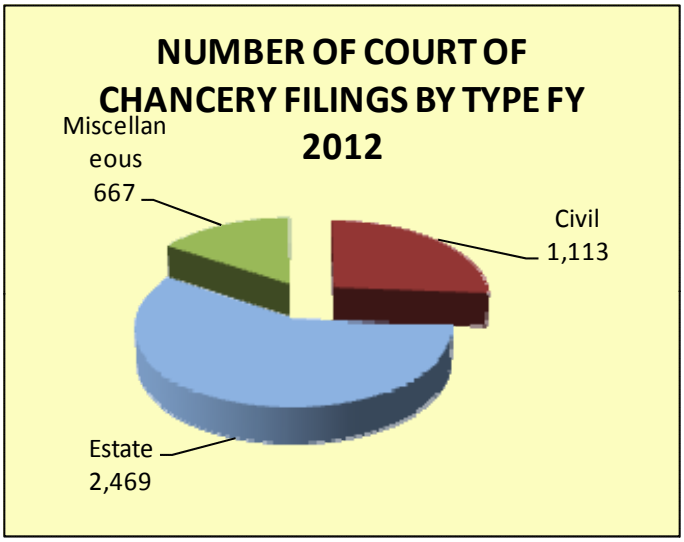
COURT OF CHANCERY

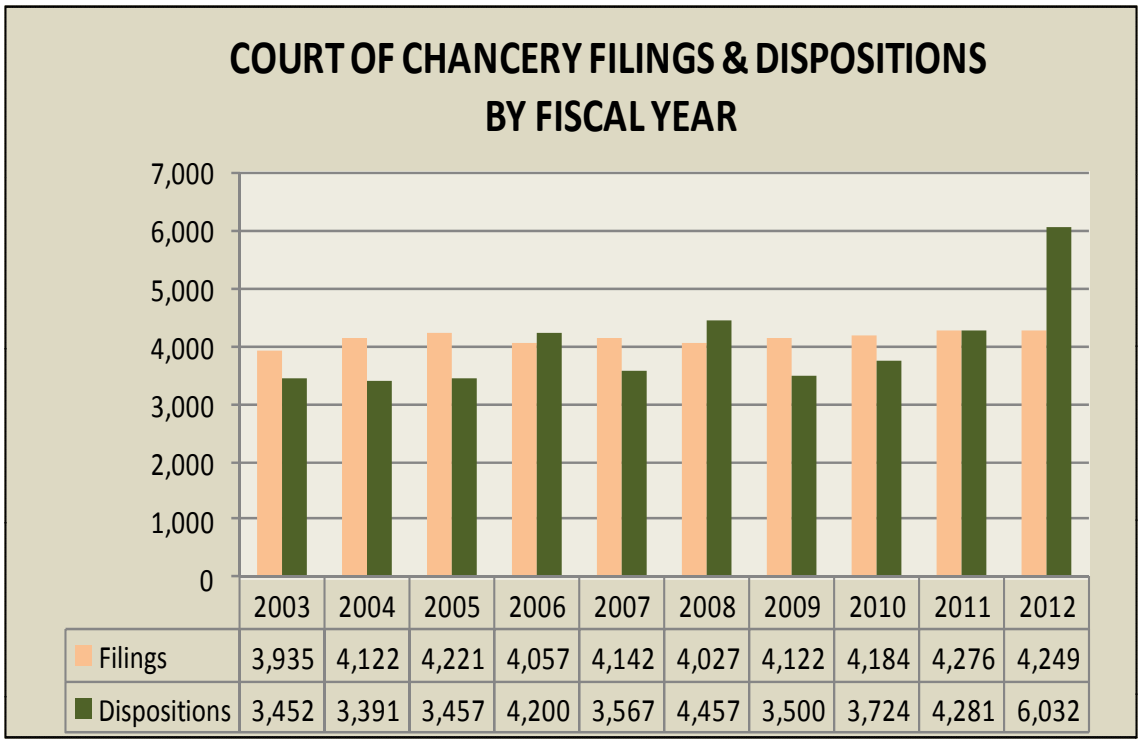
During the last decade, the Court of Chancery began two important initiatives to enable it to continue to deliver timely, cost-effective justice in the face of increasing caseloads, the enormous growth in the evidentiary records of many cases due to technology such as smart phones and tablets that generate huge amounts of discoverable evidence, and limited state budget growth. One initiative was electronic filing, which reduces the cost of storing paper records and allows the court and its litigants to process cases more efficiently. The other was a constitutional amendment to make the Court's clerk, the Register In Chancery, an effective statewide unit, directly accountable to the Court and operating consistently in each County, rather than three separate units operating under three different sets of policies under three separate elected officials.

Chancellor Leo E. Strine, Jr.

Capitalizing on change of that kind takes time. In the last year, the Court has undertaken important steps to make further gains from these initiatives. In terms of e-filing, the Court, with the leadership of the Register of Wills in New Castle County, is implementing an initiative that requires electronic filing of all Court of Chancery cases filed in the New Castle County Register of Wills. The Court is in the midst of implementing that change and has initiated conversations with the Registers of Wills in Kent and Sussex County, with the goal of having *all* cases in Chancery e-filed by the end of 2013. This will provide consistency and efficiency for practitioners, reduce storage costs and pressures to add staff, and limit the fiscal impact of an aging population and a resulting growth in the number of trust and estate cases on the Court and the Register of Wills' offices.

Likewise, the Court has taken important steps this past year to truly make the Register In Chancery a cohesive statewide unit. A step-by-step manual was developed to aid courtroom clerks in preparing for, handling, and completing their trial-related duties, a manual that now is used in all counties. Statewide standards for case management have been put in place, outlining the responsibilities for case managers and their relationship with chambers, and a case management manual has been completed, which provides staff with useful information about expectations and guidance about how to meet those expectations. Similarly, an effort is underway to make sure that guardianship and trusts and estates cases are handled in a consistent way in each county, and





	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Filings	3,935	4,122	4,221	4,057	4,142	4,027	4,122	4,184	4,276	4,249
Dispositions	3,452	3,391	3,457	4,200	3,567	4,457	3,500	3,724	4,281	6,032

that employees are provided with better guidance about their responsibilities. To aid this project, a new subcommittee of the Court's Rules Committee was formed, adding distinguished practitioners in the fields of guardianship and trusts and estates to help improve the process for handling these sensitive and important matters. In sum, no longer is each Register In Chancery office a separate unit, rather there is one Register In Chancery unit working to marshal its resources to address in the most effective way the Court's caseload, regardless of the county of filing. That was a goal of Chancellor Chandler when he led the effort to end the elected Register In Chancery system, and we are committed to obtaining its full benefits for the State. Although there is a good deal of work that remains to be done, the progress made in the last year has been considerable, and has been seen in sharp increases in cases disposed of during 2012.

As the Court moves forward, we are continuing to look for ways to better serve our litigants' needs in a cost-effective way. To make the Court's processes more understandable, the Court is endeavoring to develop a complete list of operating procedures that will be available on its website. This will put in one place those procedures that litiants should know about, but which are not appropriate for inclusion in the Court's Rules of Procedure, and will eliminate the need for litigants to be familiar with various standing orders.

Consistent with making information about the Court's processes more readily accessible, in concert with our Rules Committee, the Court has also developed useful guidance for litigants practicing in the Court. This guidance is designed to help practitioners process cases more cost-effectively and to focus more on the merits, and less on costly, procedural jousting. Important work is now underway to supplement this guidance with specific guidance addressing the area of practice that most vexes practitioners - discovery - and that guidance should be available by the end of 2012.

Through these efforts, the Court hopes that it will give practitioners, litigants, and the public three basic, reliable, up-to-date sources to consult about practice in the Court: the formal Rules of Procedure; a set of up-to-date operating procedures; and guidelines that make helpful, non-binding suggestions for effective practice before the Court.

The goal of all these efforts is to ensure that the Court of Chancery and its bar continue the tradition of being able to resolve the important cases within the Court's jurisdiction in a timely and effective way.

Court of Chancery *:*

Front row (sitting left to right)
Vice Chancellor John W. Noble
Chancellor Leo E. Strine, Jr.
Vice Chancellor Donald F. Parsons, Jr.

Back row (standing left to right)
Vice Chancellor J. Travis Laster
Vice Chancellor Sam Glasscock, III

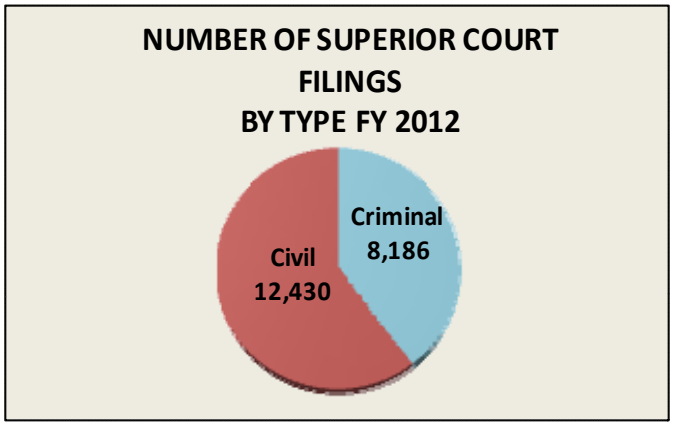
SUPERIOR COURT

In February, FY12, Superior Court welcomed its new Chief Staff Attorney, Linda M. Carmichael, who was formerly with the Department of Justice. In addition to her responsibilities to the President Judge and the other judges in all three counties, Ms. Carmichael is also a part of the Judiciary's Legislative team.

President Judge James T. Vaughn, Jr.

In Kent County, a chain reaction in administration occurred. Joe Klenoski retired as the Court's Deputy Court Administrator on March 3, 2012. On April 11, Lisa M. Robinson, former Prothonotary, was appointed as the Deputy Court Administrator. Annette Ashley, former Deputy Prothonotary, was appointed to the position of Prothonotary on June 14.

June 14, was the one-year mark for the grand opening of the Kent County Courthouse. The new courthouse seems like home now. The renovations to the old Courthouse should be completed by FY13, and we look forward to the opening of our renovated old courthouse. This year, Sussex County Courthouse completed its project to cover the jurors' entrance to the courthouse. Jurors are now protected from the elements as they file into the building. Dry jurors are happier jurors.

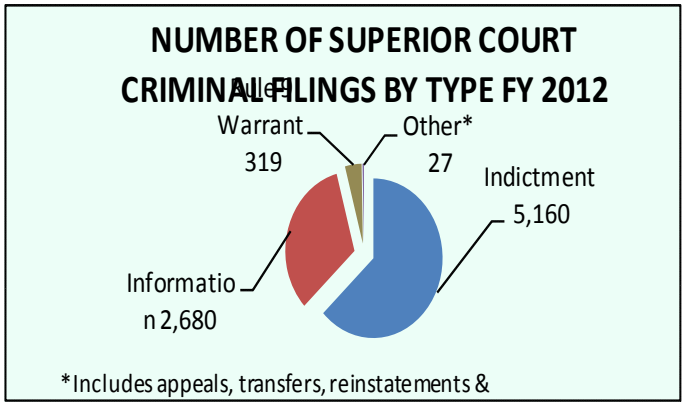


At the New Castle County Courthouse (NCCCH), Superior Court added to its complement of high-tech courtrooms. There are now nine high-tech courtrooms, and seven remain to be updated in the future. A Space Study for all the courts in the NCCCH was undertaken this year. All the courts have been involved in the planning, and we all look forward to having more workspace and courtrooms.

The workload in both criminal and civil has shifted somewhat this year. On the criminal side, our problem-solving courts have been in the spotlight and, in some instances, have become the standard for such courts. We are very proud of our problem solving courts, and they are proving to be successful in meeting very real needs in the community. Our four problem-solving courts are Drug Court, Mental Health Court, Reentry Court, and Veteran's Court.

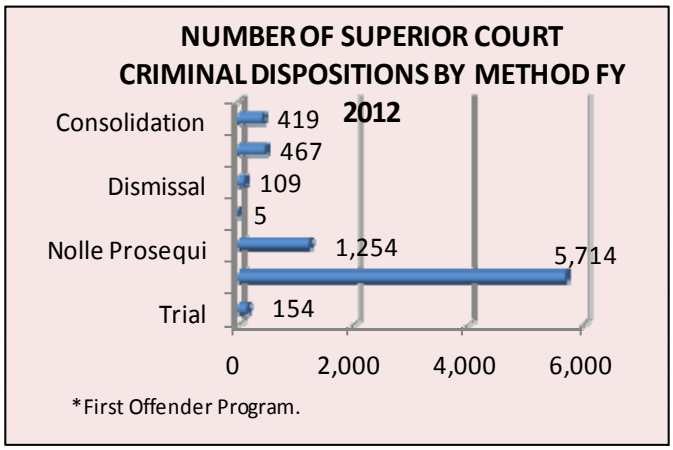
The focus of these courts centers on the work and time our judges, staff, and volunteers devote to help people with special needs. These are people caught up in the criminal justice system because they have problems that were not getting treatment. As a result, their rate of recidivism was high. The goals of problem solving courts are to take these people out of the system, to reduce cycle of recidivism, and to increase the help needed to get them re-acclimated into society. Assistance is available to help to find them places to work, somewhere to live, and give support systems to help sustain them.

Our civil side has seen a shift in our workload as well. On September 21, 2011, Governor Markell signed House Substitute 1 for House Bill 58 which established the Automatic Residential Mortgage



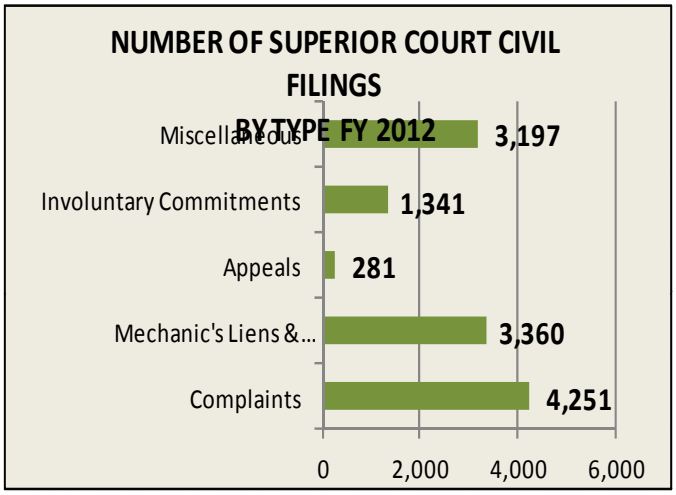
Foreclosure Mediation Program (the "Mediation Program"). The Superior Court first established a Mortgage Foreclosure Program pursuant to Administrative Directive 2009-3. That original Mortgage Foreclosure Program was modified by Administrative Directive 2011-2, which was subsequently expanded by the passage of House Substitute 1 for House Bill 58. The present Mediation Program is set forth in Administrative Directive 2012-2.

The goal of the Mediation Program is to encourage the parties to a foreclosure action to meet and consider a possible resolution which may permit the homeowner to continue to own the home. Unlike the previous mortgage foreclosure programs which were voluntary, participation in the Mediation Program is mandatory. When a foreclosure complaint is filed the lenders and borrowers are now required to meet and confer regarding the payment plan and other options before a foreclosure can proceed. The Mediation Program is applicable to most residential mortgage foreclosure actions filed from January 19, 2012 through January 18, 2014.

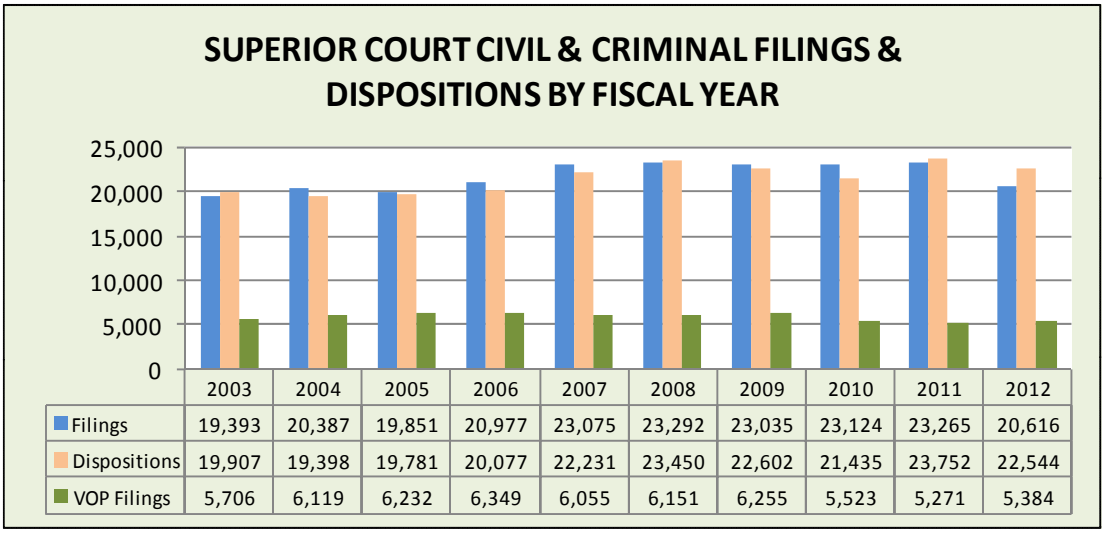


Mediations scheduled for FY 2012 under the 2009-3 Directive (filed prior to January 19, 2012) totaled 352. Mediations filed January 19, 2012 through June 30, 2012, under the new 2012-2 Directive, totaled 45.

In 1991, Superior Court was the first state court in the nation to implement electronic filing. Effective May 1, 2012, Administrative Directive No. 2012-3 was made to expand the use of civil e-Filing to some cases filed as Miscellaneous Civil. This Administrative Directive rescinded and replaced Administrative Directive 2011-6.



Project Rightful Owner, which began in 2007, is still in action. Twenty-two orders were processed, and $379,634.75 was disbursed to those who lost their homes to mortgage foreclosure. In our Complex Commercial Litigation Division (CCLD), 42 cases were filed, 36 disposed of, and 53 were pending. These cases may be assigned when the controversy is one million dollars or greater, involves an exclusive choice of court agreement, or is designated by the President Judge.

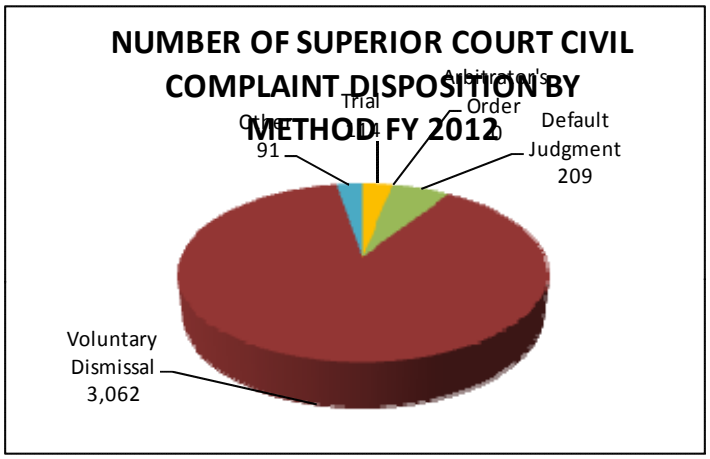


	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Filings	19,393	20,387	19,851	20,977	23,075	23,292	23,035	23,124	23,265	20,616
Dispositions	19,907	19,398	19,781	20,077	22,231	23,450	22,602	21,435	23,752	22,544
VOP Filings	5,706	6,119	6,232	6,349	6,055	6,151	6,255	5,523	5,271	5,384

Statewide case statistics for FY12 civil cases numbered 12,490 filings; 14,423 dispositions; and 8,525 pending. Criminal cases came in at 8,816 filings; 8,223 dispositions, and 1,683 pending. The decrease in civil filings appears to be the result of fewer judgments being filed. There was a slight increase this year in criminal filings and in dispositions. By the end of the fiscal year, statewide, 38 murder first cases were filed, and 27 were pending. This totals 65 potential capital murder trials for the court. Statewide Violation of Probation (VOP) cases filed were 5,384; 4,468 were disposed of, and 694 were pending.

The Superior Court website (http://courts.delaware.gov/superior/), after last year's complete redesign and major functionality changes, optimized the site for quicker load response access in FY12. Segments newly designed include Judicial Officers, Jury Service, Governance, Problem-Solving Courts, CCLD, About Us, and iCourtClerkTM. Our ListServ now includes 2,754 members, and maintains 19 separate List Servs. The public service provided over 126 instant notifications to our users. The Court's Intranet is a source of information for court employees. The most anticipated Intranet item is the Court's on-line news letter, Hearsay.

Superior Court employees are its best asset, and they strive to fulfill the Court's vision of superior service to the public-those in pursuit of Justice. Our judges and staff work hard to adhere to the Supreme Court Speedy Trial Standards for criminal cases and to follow the Court's Civil Case Management Plan to move civil cases to expedite resolution. Our core values of Unity, Neutrality, Integrity, Timeliness, Equality, and Dedication unite us as a Court and unite us as part of a Judiciary that strives for excellence.



SUPERIOR COURT

Front row (sitting left to right)
Judge Charles H. Toliver, IV
Judge Jerome O. Herlihy
President Judge James T. Vaughn, Jr.
Judge T. Henley Graves (SC Resident Judge)
Judge Richard R. Cooch (NCC Resident Judge)

Second row (standing left to right)
Judge Peggy L. Ableman
Judge William C. Carpenter, Jr.
Judge Fred S. Silverman
Judge William L. Witham, Jr. (KC Resident Judge)
Judge E. Scott Bradley
Judge Joseph R. Slights, III

Back row (standing left to right)
Judge John A. Parkins, Jr.
Judge Richard F. Stokes
Judge Robert B. Young
Judge Calvin L. Scott, Jr.
Judge Jan R. Jurden
Judge Mary M. Johnston
Judge M. Jane Brady
Judge Diane Clarke Streett

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

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 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."

Chief Judge
Chandlee Johnson Kuhn

Since the Court's creation and, in part, due to the evolution of the family, the Family Court's jurisdiction has grown to meet the needs of more complex family units and issues. The Family Court has implemented various problem-solving calendars and "courts" to respond to the social, cultural, and behavioral health issues confronting Delaware's families including:

GUN COURT

Gun Court was established in 2009 as a response to increasing levels of gun violence in Delaware. The goal of the Gun Court calendar is to break the repeating cycle of juvenile gun crime and rehabilitate Delaware's youth as quickly and effectively as possible. Working in collaboration with the Department of Justice, the Office of the Public Defender, the Department of Services for Children, Youth and Their Families, and law enforcement, the Family Court Gun Court has been successful in reducing the number of juveniles rearrested with firearm charges within one year to 6%. Gun Court strives to provide a single, streamlined judicial forum to address gun violence, to provide close court monitoring, dispense uniform justice, and reduce judicial backlog. Gun Court has been successful in increasing percentage of gun crime cases that remain in Family Court and receive rehabilitative services in the juvenile justice system by 7%. Prior to the establishment of Gun Court, 61% of the space at Delaware's juvenile detention centers was occupied by gun crime respondents. Since its inception, 355 youth have been through Gun Court, and Gun Court has been effective in reducing the average number of days from arrest to disposition by 45 days, resulting in reduced expenses to the state, as well as more effective and efficient access to rehabilitative and education services to juveniles.

MENTAL HEALTH DIVERSION COURT

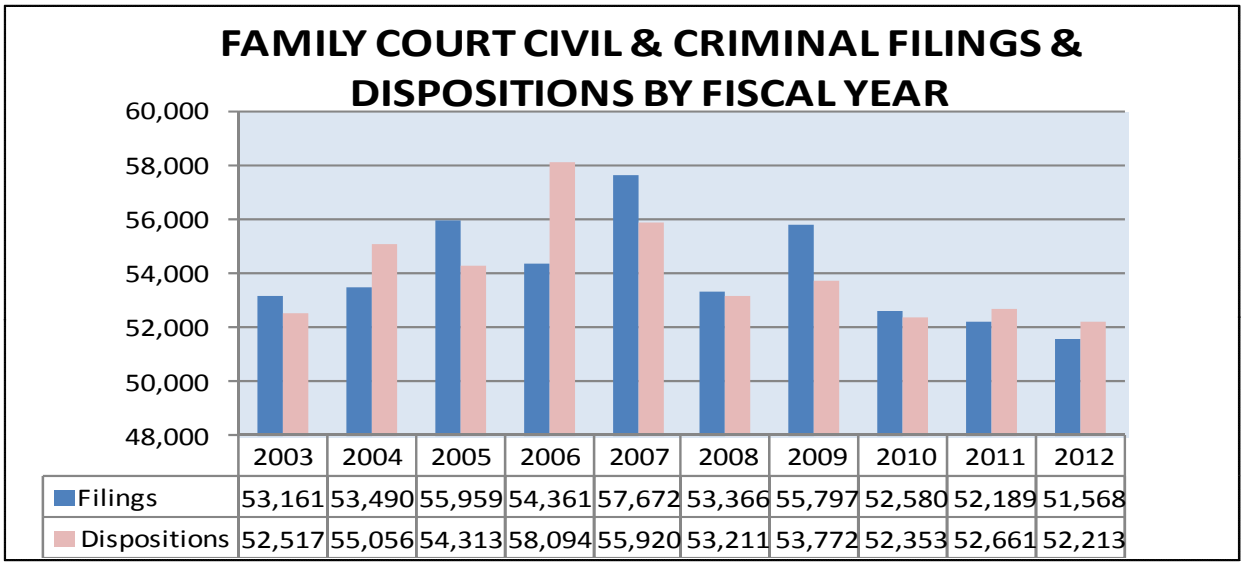
Since 2007, the Family Court, in collaboration with the Office of the Public Defender and the Division of Prevention and Behavioral Health Services, has offered Mental Health Diversion Court as a diversion program for juveniles with delinquency charges pending against them in the New Castle County Family Court. Since the program's inception, 141 juveniles have entered the program, and 77 juveniles have successfully graduated. In 2012, the program was expanded to include Kent County and Sussex County. This program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. Within six months, 77% of graduates have not incurred any new charges and are eligible to have their charges dismissed.

DRUG COURT

Family Court's Drug Court is a diversion program established to address the specific needs of juvenile offenders who have accepted responsibility for drug related offenses and/or charges that indicate drug related activities. In 2012, 62 juveniles entered into Drug Court. In order to successfully complete the Drug Court program, these juveniles are required to receive rehabilitative services, attend monthly court hearings with a parent or guardian, and submit to drug testing. Since 2007, 110 juveniles have graduated Drug Court and 70% have received no new charges within six months of graduating. Juveniles who meet the requirements of the program have their charges dismissed six months after graduation.

DOMESTIC VIOLENCE – COMPLIANCE COURT

Family Court continues its efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, by continuing with a specialized domestic violence court. The intention of this specialized court is twofold: to create greater continuity in Family Court cases involving domestic violence and to create a more standardized system of compliance for offenders. Since January 2008, Family Court has been conducting Protection from Abuse review hearings. These hearings are being scheduled before the Court when a Respondent has not complied with the evaluation and treat-



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Filings	53,161	53,490	55,959	54,361	57,672	53,366	55,797	52,580	52,189	51,568
Dispositions	52,517	55,056	54,313	58,094	55,920	53,211	53,772	52,353	52,661	52,213

ment conditions of an active Protection from Abuse order. These reviews do not require the Petitioner to file a contempt petition in order for a hearing to be scheduled.

ARBITRATION

Family Court offers arbitration as an option for certain first-time juvenile offenders with misdemeanors or violations. Arbitration allows juveniles who accept responsibility for their charges and comply with specific conditions, such as community service, conflict resolution classes, and alcohol/drug evaluations, to have their charges dismissed. In FY 2012, 946 juveniles were referred to or active in arbitration and 80% of those in arbitration successfully completed the program and had their charges dismissed.

MEDIATION

Family Court continues its efforts to provide individuals who appear before it the opportunity to participate effectively to resolve issues regarding custody, visitation, guardianship and child support themselves with the assistance of a court employed mediator. Mediation is required by court rule in most of these proceedings (unless one party is a victim of domestic violence), recognizing the importance of empowering individuals and giving them the opportunity and support needed to make decisions regarding their own lives and the lives of their children in a non-adversarial setting. In 2012, 12,426 cases were scheduled for mediation statewide; of those cases 67% were resolved by agreement of the parties and with the assistance of the court mediator and without the need for the parties to appear before a Judge or Commissioner.

Last year, Family Court expanded its services, including reinstating the New Castle County Call Center and continued to strengthen its outcomes in the area of child welfare.

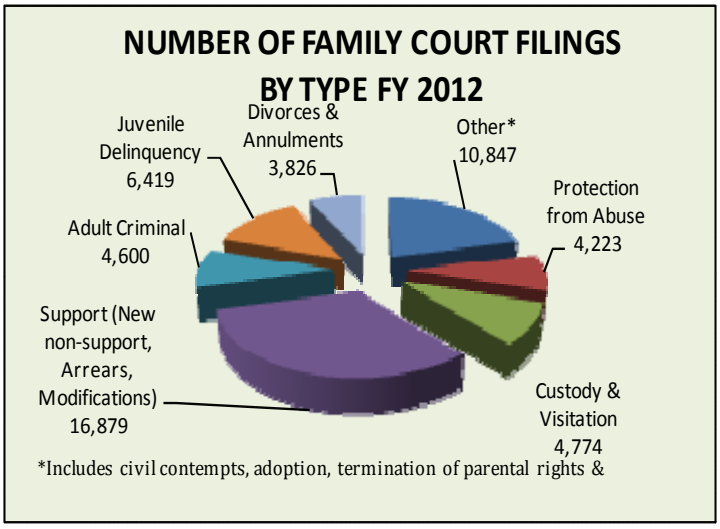
SERVICES AND RESOURCE CENTERS FOR SELF-REPRESENTED LITIGANTS

We are working hard to provide better customer service, streamline processes, and efficiently process litigants in our Resource Centers. In the last year, several design changes were implemented in New Castle County Resource Center. These changes are intended to increase customer service satisfaction, reduce wait times, and better inform the public. The Resource Centers in all three counties continue to be an important resource for self-represented litigants, and play a key role serving the needs of the public:

- Average of 5,401 self-represented litigants served each month in New Castle County
- Average of 1,296 self-represented litigants served each month in Kent County
- Average of 970 self-represented litigants served each month in Sussex County

CALL CENTER

On June 1, 2012, the Family Court reinstituted the New Castle County Call Center. Family Court recognized a need to better serve the public in an efficient manner, and to provide a dedicated resource for litigants seeking court information via telephone. Since it began, the Call Center has benefitted all areas of the Court, largely by providing a dedicated staff whose sole purpose is to provide pertinent information to better prepare litigants for filing and court hearings, and has fielded an average of 4,726 calls a month. The staff of the Call Center is trained in all areas of court procedures and customer service skills, and on average answer calls within 31 seconds. The focus of the Call Center has not only been customer service, but also the continued improvement of Family Court resources in an effort to alleviate problems arising from misinformation and a lack of awareness of court procedures.



COURT IMPROVEMENT PROJECT

The Court Improvement Program (CIP) continues to mature, using data to strengthen both Family Court practices and partnership with child welfare stakeholders to improve the safety, stability, and well-being of children who have experienced abuse and neglect.

In the formative years, the Court focused on

- embracing and offering training in support of best practices,
- forming collaborative partnership with others in the child welfare system, and
- more recently becoming the first state to have a data base to track, statewide, the federally recommended Court Performance Measures (CPM) which fall into four categories: Safety, Permanency, Due Process, and Timeliness.

The Court is taking significant steps to ensure that CIP initiatives are meaningful and successful. In the past year, CIP has engaged the University of Delaware (UD) to provide in-depth evaluation of training and education. UD has also been engaged to provide data collection/analysis relative to the Delaware Youth Opportunities Initiative, which focuses on improving supports for youth leaving foster care after turning 18 without being adopted, returning home, or otherwise having permanent connections.

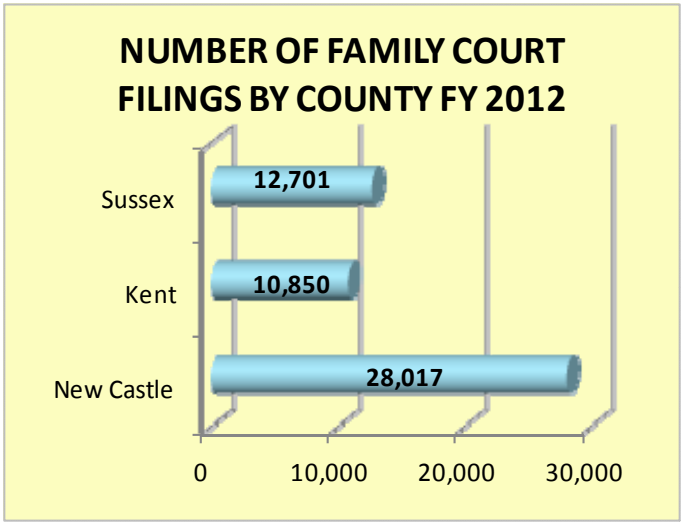
More locally, the Chief Judge along with the CIP liaison Judges from each county have been meeting monthly to leverage the Court Performance Measures data collected to see if system improvements are necessary. The data shows that:

- 100% of children are represented by a Court Appointed Special Advocate or Guardian Ad Litem by the adjudicatory hearing.
- 96.78% of children whose cases closed following a permanent placement were not further abused or neglected within 12 months.
- 88% of the cases follow the best practice of one judge hearing the cases from start to finish. In the remaining 12% of cases, two judges were involved.
- 309 days is the average time to the permanency hearing, well within the recommended 365 day timeline. However, 19% of the cases do not reach the permanency hearing within the timeframe. While there are no benchmarks in CPM, this is an area the Court can further examine for cause and possible correction.

An area where the data collection, collaboration, and training efforts have combined for success for children is an area of great focus in Delaware. Approximately 78% of cases close with a child being reunified with their family, adopted, or finding guardianship with a caring adult. The remaining 22% either aged out of the system or remain in an Alternative Planned Permanent Living Arrangement. The Court has used CIP funding to provide nationally recognized training on achieving permanency for children to all partners and especially DFS workers. Evaluations and observations in Court show statistically significant change in knowledge and practice. It will take time to see those improvements reflected in the CPM. It is an exciting time in CIP, with the Court and partners making significant progress for children in care.

COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

The Court Appointed Special Advocate (CASA) Program of the Family Court of the State of Delaware received the 2011 Governor's Award for Outstanding Volunteer Organization. The CASA program has been advocating for abused and neglected children within the state more than 30 years. The program is located within each county in the state. It is the mission of this program to provide screened, trained, and



qualified individuals from the community to represent the children during court proceedings. Many children have benefited from the untiring and priceless time provided by the CASA volunteers, all in efforts to assure that the well-being of children is paramount.

Delaware's CASA volunteers receive 30 hours of initial training and over 25 hours of continuing education trainings annually. The CASA program has over 285 volunteers statewide, almost half of whom have been serving for more than 10 years. This consistency and dedication has contributed to the quality legal representation abused and neglected children deserve. The CASA program, together with the Office of Child Advocate, is responsible for representing the best interest of the children within the child welfare system. Both programs have assured that every child has representation. Over 3,000 hours is provided by CASA volunteers on a monthly basis, for all the children assigned. More than 50% of the volunteers remain with the program after completing their case assignments. The efforts of the CASA volunteers have a true impact on the lives of the children and families that they so passionately serve.

Front row (sitting left to right)
Judge Aida Waserstein
Judge Mark D. Buckworth
Judge William M. Nicholas
Judge Jay H. Conner
Judge Kenneth M. Millman
Judge William J. Walls, Jr.
Judge William L. Chapman, Jr.
Judge Barbara D. Crowell

Back row (standing left to right)
Judge Robert B. Coonin
Judge Alan N. Cooper
Judge Peter B. Jones
Judge Arlene Minus Coppadge
Chief Judge Chandlee Johnson Kuhn
Judge Mardi F. Pyott
Judge Joelle P. Hitch
Judge Michel K. Newell

Front row (seated left to right)
Commissioner Loretta Young
Commissioner John Carrow
Commissioner Jennifer Mayo
Commissioner David Jones
Commissioner Janell Ostroski
Commissioner Andrew Southmayd
Commissioner Mary Ann Herlihy

Second row (standing left to right)
Commissioner DeSales Haley
Commissioner Louann Vari
Commissioner Bernard Pepukayi (retired 8/3/12)
Commissioner Susan Tussey
Chief Judge Chandlee Johnson Kuhn
Commissioner Mary Much
C ommissioner Lester Blades
Commissioner Pamela Holloway
Commissioenr Sonya Wilson
Commissioner Frederic Kenney (retired 6/30/12)

COURT OF COMMON PLEAS

FY 2012 was a busy and challenging year for the Court of Common Pleas. The number of cases transferred to, and filed with, the Court of Common Pleas contributes to a high volume environment in the Court. While misdemeanor and civil caseloads leveled off for the first time in many years, they are down from all-time highs in each category.

Chief Judge Alex J. Smalls

Civil Initiatives

The Court of Common Pleas received 8,381 new civil cases in FY 2012. Cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time.

SPEED Docket

In FY 2011, the Court of Common Pleas adopted Administrative Directive 2010-3, making the Court's new SPEED Docket (SPecial Election and Expedited Docket) available in all civil cases in the Court and all appeals de novo from the Justice of the Peace Court to the Court of Common Pleas, where the amount in controversy is between $10,000 and $50,000, excluding consumer debt cases and appeals on the record. Special scheduling rules are applied to SPEED cases that ensure a more timely resolution than that which is available through traditional scheduling practices, most notably judicial assignment of the case to one Judge to handle all matters until the case is resolved. A scheduling conference is scheduled within 30 days of the filing of an answer or a motion by any party and the trial scheduled within five months of this scheduling conference. The program has been well-received by the Bar and the public. In FY 2012 there were 42 SPEED cases filed with the Court of Common Pleas.

Consumer Debt

The mission of the Delaware Court of Common Pleas is to provide a neutral forum for the people and institutions of Delaware, in the resolution of everyday problems, disputes, and more complex legal matters in a fair, professional, efficient, and practical manner. In recognition of that mission, the Court of Common Pleas is the ideal forum to litigate consumer debt collection cases efficiently and effectively.

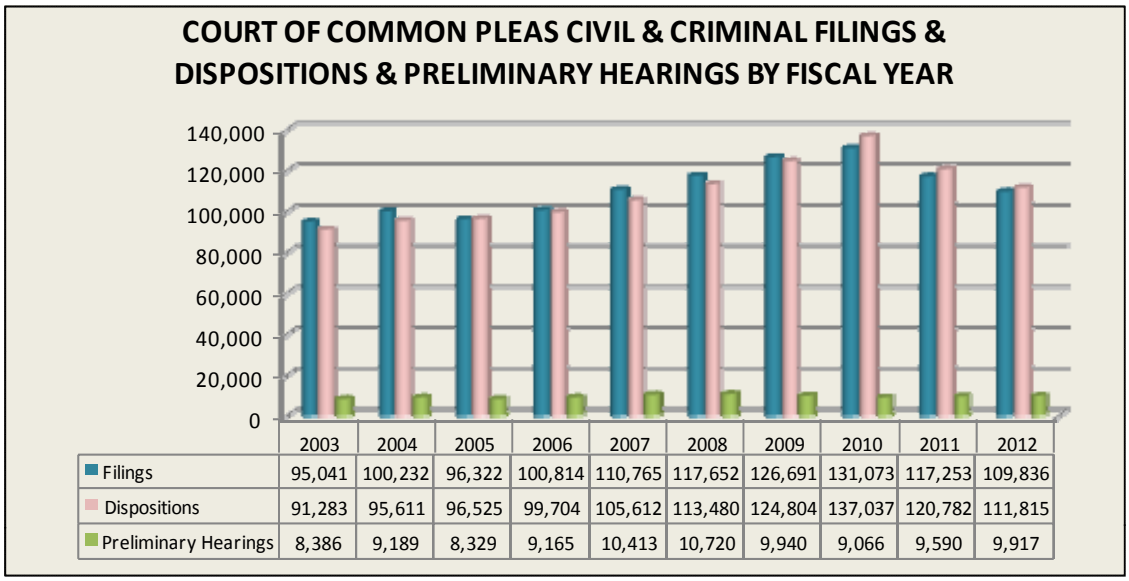
Consumer Debt Collection cases represent a significant percentage of the Court's civil caseload. Consistent with sound public policy and the requirements of due process, and in an effort to better manage these cases, the Court adopted Administrative Directive 2011-1 effective July 1, 2011. The Directive imposed procedural guidelines in consumer debt collection actions to ensure fairness to the litigants and improve efficiency in the administration of justice. To further increase both accessibility and fairness, the Court sought recommendations, in Fiscal Year 2012, from an independent committee of members from the Bar, to improve upon Administrative Directive 2011-1.

Civil Mediation

In recent years, the Court of Common Pleas extended its successful criminal mediation program to include civil cases. This option has been well received by civil litigants and has been responsible for the successful settlement of an increasing number of cases.

Criminal Initiatives

The number of criminal defendant filings in the Court of Common Pleas in FY 2012 was 101,284. The slight decrease from last fiscal year appears to be largely a



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Filings	95,041	100,232	96,322	100,814	110,765	117,652	126,691	131,073	117,253	109,836
Dispositions	91,283	95,611	96,525	99,704	105,612	113,480	124,804	137,037	120,782	111,815
Preliminary Hearings	8,386	9,189	8,329	9,165	10,413	10,720	9,940	9,066	9,590	9,917

result of the remaining impact of the Police Prosecution Initiative in the Justice of the Peace Court as well as House Bills 134 and 135 which reduced the number of traffic cases eligible for transfer to the Court. This allows the Court of Common Pleas to focus its attention on the more serious misdemeanor and traffic cases. Preliminary Hearing filings increased 3.3% to 9,917 in FY 2012. As a result of an aggressive program by the Department of Justice of reviewing felony arrests prior to their scheduled hearings, the Court of Common Pleas continues to take a significantly greater number of pleas at Preliminary Hearing. This has a positive effect on the entire criminal justice system because it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court. Many such cases, if not pled, would be re-filed in the Court of Common Pleas after the defendant is bound over for the Superior Court.

Grant Funded Initiatives

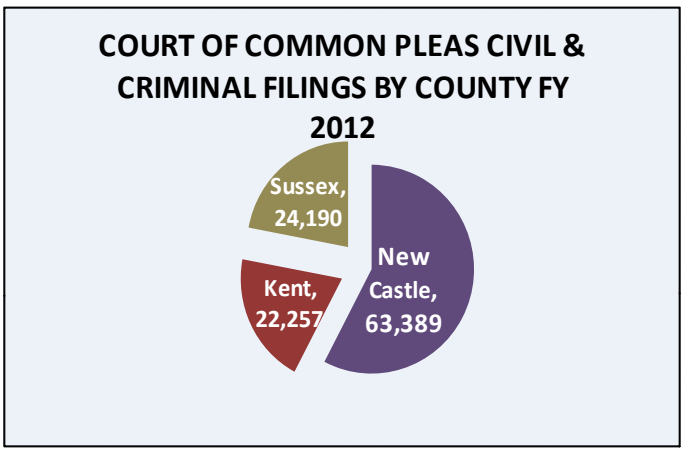
The Court continues to work aggressively to manage its caseload in spite of greater demands on judges and staff. Additional calendars and the application of aggressive case management techniques have reduced the time to disposition in most case categories. The Court received funding in FY 2012 from a Byrne Justice Assistance Grant to provide resources for the expansion of the mental health court to Kent and Sussex Counties. Kent County held its first mental health court calendar in January of 2012. The Court served 53 clients in FY 2012.

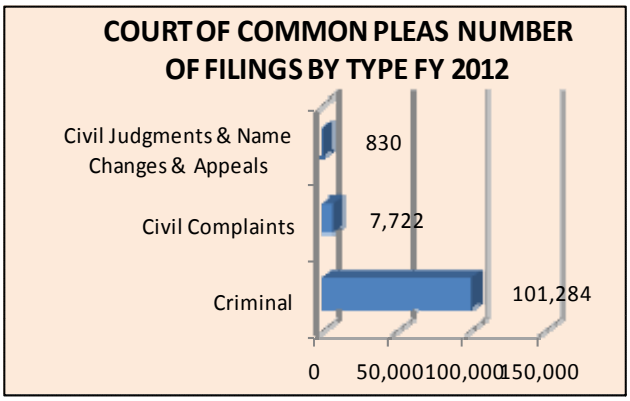
Mediation

Since 2001, the Court has referred over 10,000 cases for mediation, with more than 1,534 referrals made to the program in FY 2012. Mediation provides an alternative to criminal prosecution, assists the Court in the management of its busy calendars, and leaves participants with an increased sense of satisfaction with the justice system. In FY 2012, the Court's mediation program had a success/satisfaction rate of nearly 88%.

Specialty Courts

The Court continued to operate its highly successful court-supervised comprehensive Drug Diversion Program for non-violent offenders. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing, and treatment. The Drug Diversion Program





represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Public Defender, the private bar, the treatment providers, and the Treatment Research Institute at the University of Pennsylvania. (The TRI program is limited to New Castle County.) Collaboration with the Treatment Research Center (TRI) has provided the basis for observation, research, and analysis to launch scores of other drug diversion programs throughout the United States and internationally. Based on TRI's research, in FY 2012, the Court continued its commitment to identify and accept into the program those defendants who will most benefit from the program and who are committed to a clean and sober lifestyle. The Court has handled more than 6,853 participants since its inception in 1998.

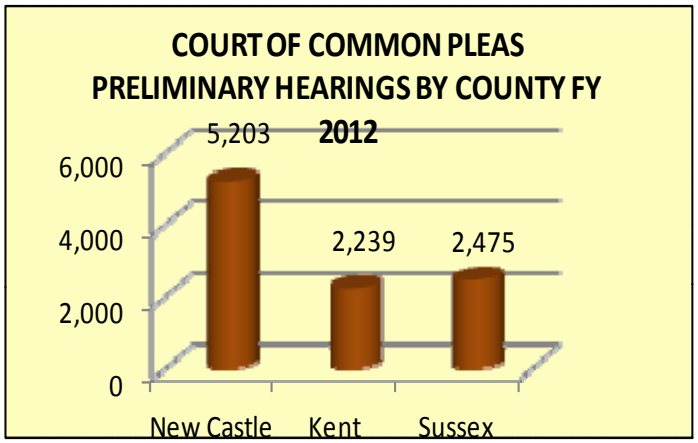
While there are a limited number of drug charges within the jurisdiction of the Court of Common Pleas, the Court serves a large number of clients with serious drug problems. To address the needs of all participants, the New Castle County Drug Diversion Court introduced a new tool to improve services to its clients on July 1, 2010. The new tool referred to as the "RANT Assessment" is a web-based placement tool developed by the Court's partners at the Treatment Research Institute at the University of Pennsylvania. "RANT" is an acronym for Risk and Needs Assessment Triage. The assessment tool asks each client a series of questions which are used to assess each client's risks and needs. The answers to the questions are used to group clients into one of four quadrants, those with: low risks/low needs; low risks/high needs; high risk/low needs; and high risk/high needs. Identifying these risk/needs groups allows treatment to be better tailored to meet the individual needs of the client, promote successful program completion, and to reduce recidivism rates.

Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the Drug Court concept, the goal of Mental Health Court is to effectively serve the special needs of the mental health population through continuous judicial oversight and intensive case management and, through this approach, to reduce this population's contacts with the criminal justice system. Approximately 260 cases have been referred to the Mental Health Court since its inception, exceeding the original goal of serving 100 misdemeanor offenders. Ninety-eight percent of the admissions have been compliant with their case management plans and, as of June 30, 2012, 89% of the individuals who successfully completed the program did not incur new convictions within six months of their graduation.

In Fiscal Year 2012, the Court introduced the Trauma Informed Probation calendar (TIP). TIP is a new specialty court designed to handle female defendants who have experienced significant trauma in their backgrounds. The goal is to provide trauma-informed care to help improve outcomes for the TIP participants and to reduce recidivism rates. Trauma Informed Probation entered 30 participants in FY 2012.

Technology Initiatives

The Court continues to explore avenues to increase efficiency through technology. The success of the civil e-filing initiative; increased use of a web-based system for the payment of fines, costs and restitution through an internet application; and increased use of, and reliance on, the Court's web site have afforded the Court productivity gains. The Court is also an active partner in the Judiciary's Delaware Courts Automation Project and has committed staff to the effort. In addition, the Court continues to explore other opportunities by which it can serve its customers through improved public access, such as through an Interactive Voice



Recognition Program and through expanded e-Payment opportunities.

The continued success of the civil automation implementation has significantly improved access to civil cases and civil case information. E-filing has been extremely successful, with more than 90% of the Court's caseload being e-filed. In FY 2012, the Court received 47,030 individual filings and collected $775,443.50 in fees. Additionally, the COTS implementation provides electronic access by judges and staff to court filings, reduces the Court's reliance on paper, provides access to accurate and complete reporting information, and provides the public with internet access to civil case information.

Enforcement of Court Orders

The Court of Common Pleas commitment to enforcement of its court orders continues, and the Court collected approximately $6,600,000 in outstanding fines, costs, and assessments. These collections represent money going to the State's General Fund, as well as to individual municipalities throughout the State. The Court returns more than 45.7% of its operating budget to the State's General Fund. A significant portion of the Court's collections also represents restitution and compensation payments to victims of crime.

Conclusion

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

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

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

JUSTICE OF THE PEACE COURT

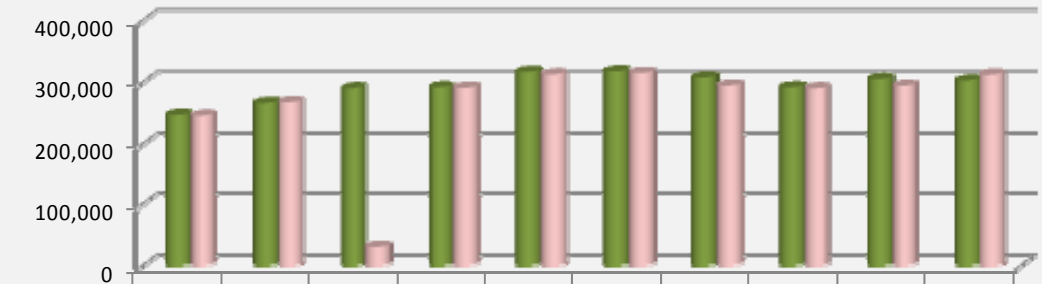
Without the Justice of the Peace Court, the criminal and civil justice systems of the State of Delaware would cease to function in any way remotely resembling the efficiency and effectiveness that the citizens of this state have come to take for granted.

Chief Magistrate
Alan G. Davis

That is a bold statement, but most assuredly a true one. It is not one intended to denigrate any other Court or other actors in the justice systems of this state. All play serious and important roles. However, few would likely be missed as quickly or as fully as the Justice of the Peace Court if it ceased to function. Here are but a few numbers that illustrate the ways the Justice of the Peace Court provides such indispensable service:

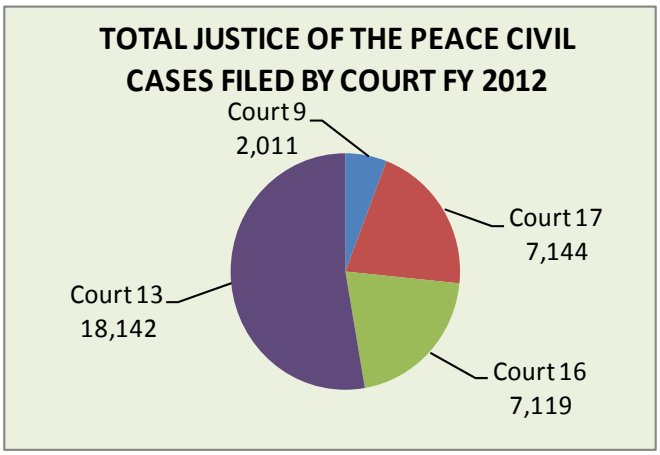
- 99% - The Justice of the Peace Court reviews in excess of 99% of all the criminal arrest warrants requested by all police agencies. Last fiscal year that amounted to 31,931 warrants reviewed by this Court that were approved; this number does not account for the warrants that were reviewed but rejected. The next closest were the combined Alderman's Courts, with a total of 199 reviewed warrants. The judges of the Justice of the Peace Court also returned 98% of all warrants once an arrest was made, making the initial bail decision on 30,832 cases statewide. Thoughtful review of probable cause before an arrest and bail decisions afterward ensures that the system works, constitutional rights are guaranteed, and appropriate decisions are made about issues that can have long lasting effects.

- 20,118 – This is the number of capiases issued by other courts returned to the Justice of the Peace Court over the course of Fiscal Year



	2003	2004	2005**	2006	2007	2008	2009	2,010	2011	2012
Filings	245,444	265,456	290,095	292,005	317,436	318,293	307,925	291,838	305,499	303,310
Dispositions	244,349	266,890	31,704	290,772	313,409	315,663	294,655	290,215	294,125	312,976

*Criminal filings & disposition information by defendant, which is similar to case information provided by other courts.



2012. In other states, defendants picked up on capiases sometimes are unnecessarily detained for hours and days until the individual can be brought before the court that issued the capias, significantly increasing detention costs and disrupting lives. Because the Justice of the Peace Court evaluates these immediately, individuals detained on such minor matters as failing to make a timely payment on a fine payment plan do not clog our detention facilities.

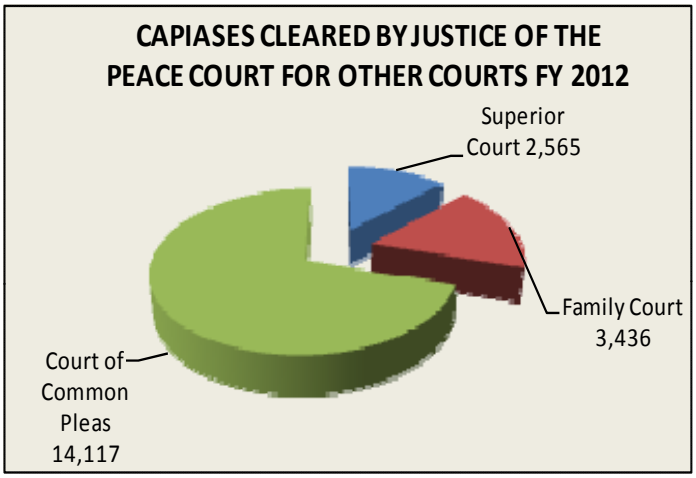
- 24/7/365 – Four locations of the Justice of the Peace Court operate on a 24-hour basis. Three of them never close and one closes only on selected holidays. Another court location operates 16 hours a day, five days a week. This operating schedule not only provides for public convenience to take care of routine matters, but also fulfills the provision of the Delaware constitution that requires "forthwith" consideration of bail for all individuals arrested in this state.

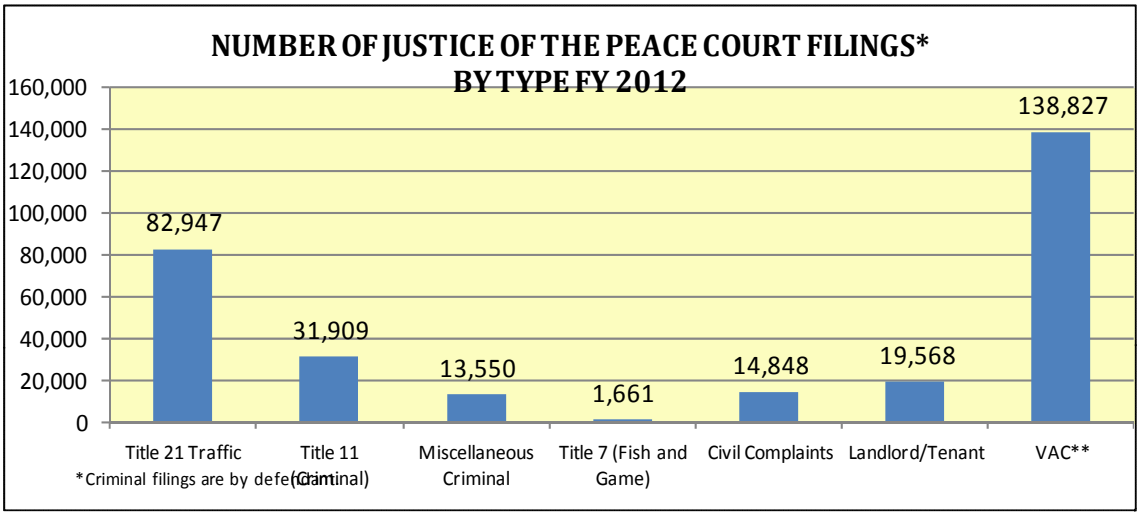
- 150,000 – When people are charged traffic violations in this state and choose to pay the assessment rather than contest the charges, those people interact with the Justice of the Peace Court in the form of the Voluntary Assessment Center. Last year, just under 150,000 charges were disposed of in the VAC. With 90% of all tickets being issued electronically rather than by physical writing by the police, and with the advent of web-based payment options, those traffic tickets are processed all that much more efficiently. Prior to the Court's implementation of a voluntary assessment process, everyone charged with a traffic offense was brought before a judge.

- 48% - That figure represents the approximate percentage of usage of the statewide criminal justice videophone system attributable to the Justice of the Peace Court. The videophone system allows for long-distance proceedings to be held between the courts, police agencies, and the Department of Corrections, eliminating the need for transports of arrestees and inmates and improving officer safety. Each year, that system accounts for about $10 million in cost avoidance associated with such transports; it also saves time and headache for individuals arrested but not detained on bail.

- 268,894 – The number of cases handled by the Justice of the Peace Court is astounding. This is the number of unique individual defendants whose cases were either heard and disposed of by this Court or initiated and transferred to another court as required by law. Contained within those defendants' cases were over 400,000 individual charges. Someone in the Justice of the Peace Court touched each one of those cases at least once last year.

- 46% - With the initiation of the Police Prosecution process in the vast majority of traffic cases, more cases are being resolved in the Justice of the Peace Court than ever before. An evaluation of the process indicated that there were 46% fewer cases being transferred to the Court of Common Pleas than before the process was used. This saves defendants time and money by reducing their number of required court appearances, improves the on-time pay-

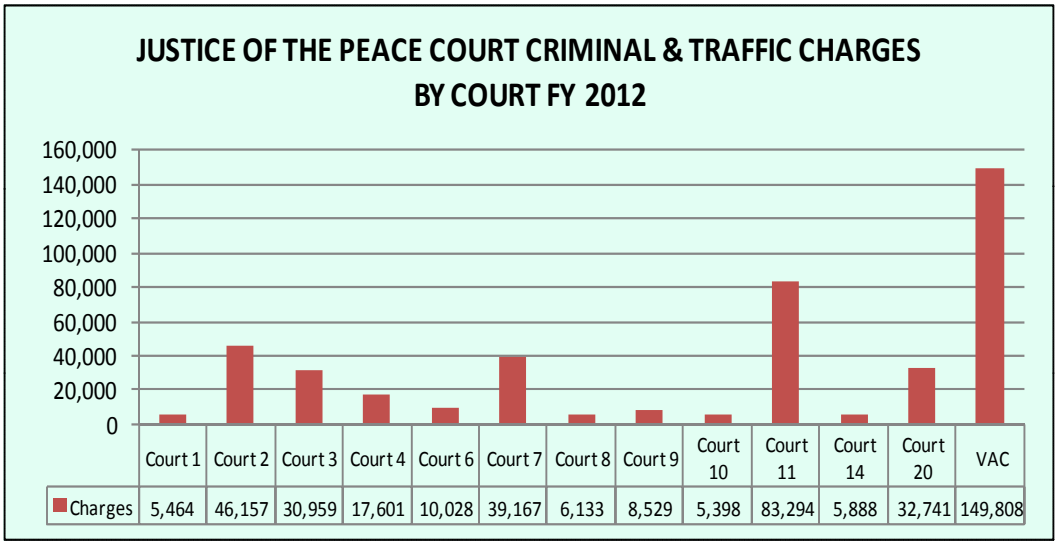




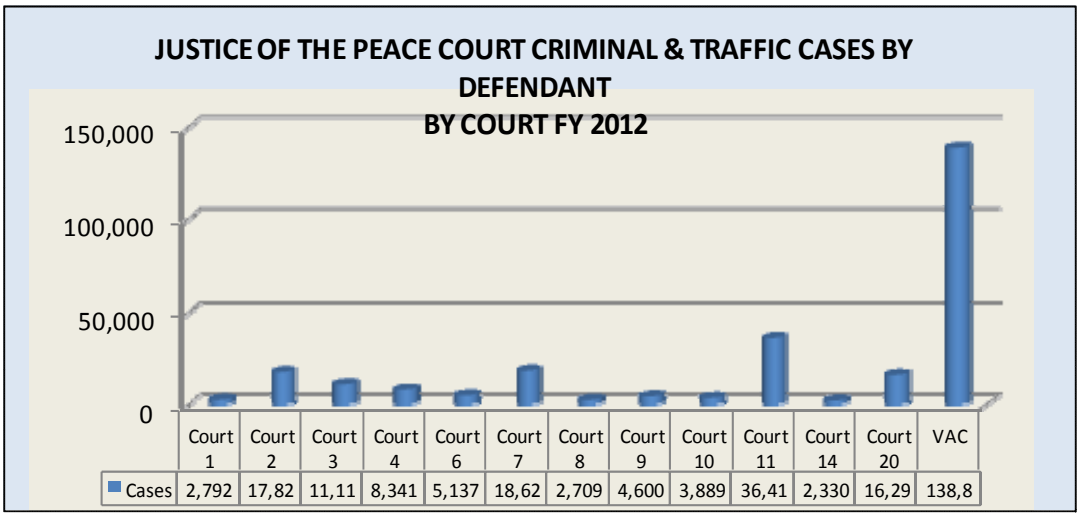
ment of fines and assessments, and reduces the in-court time required of arresting officers.

- 34,416 – Lest we forget, the Justice of the Peace Court also hears and disposes of civil cases. This is the total number of civil flings in our four civil court locations, nearly as many as the civil filings of the Court of Common Pleas, Superior Court and Court of Chancery and Supreme Court combined. In fact, one of our civil locations, Court 13 in Wilmington, received and processed 18,142 cases, more than any of those courts individually. More than half of all of the Justice of the Peace Court civil filings involve landlord-tenant claims. Our civil processes touch many lives in this state, and while the cases are not worth millions of dollars or involve control of a major corporation, that the case is carefully considered is of the utmost importance to the per son who could lose their personal property or their home as a result of the decision.

As you can see, the volume and operating schedule of this Court requires efficiency in its case processing and innovation in its approaches to management. If the Justice of the Peace Court disappeared tomorrow, the practical needs of processing the actual cases could be addressed in some fashion, but what could not be replaced is the manner in which we handle this workload and the benefit that the Court bestows upon the people of this state. More important than just getting the cases pushed through the system is the fact that this Court is interested in and passionate about ensuring that every case gets the attention it needs to come to a just result. Some things just cannot be replaced.



JUSTICE OF THE PEACE COURT



NEW CASTLE COUNTY JUDGES

Front row (seated left to right)
Marilyn Letts, Rosalind Toulson, Deputy Chief Magistrate Bonita Lee, Marie Page, Katharine Ross, Kathleen Lucas, Kathy Gravell, Cheryl Stallmann

Standing middle row (left to right)
Nina Bawa, Susan Cline, Nancy Roberts, Roberto Lopez, Vernon Taylor

Standing back row (left to right)
James Tull, James Hanby, Sr., Terry Smith, Senior Judge William Moser, Donald W. Callender, David R. Skelley, Thomas P. Brown, William Young, III, Sean McCormick, Paul Smith

Not Pictured:
Beatrice Freel, Thomas Kenney, Vincent Kowal, Deborah McNesby, Rosalie Rutkowski, Susan Ufberg

KENT COUNTY JUDGES

Seated (left to right)
Debora Foor, Tracy Warga, Pamela Darling, Cathleen Hutchison

Standing (left to right)
D. Ken Cox, James Murray,
Deputy Chief Magistrate Ernst Arndt

Not pictured: Dwight Dillard, R. Hayes Grapperhaus,
Michael Sherlock, William J. Sweet, Robert Wall, Jr.

SUSSEX COUNTY JUDGES

Seated (left to right)
Jana Mollohan, Stephani Adams, Jeni Coffelt, Deputy Chief Magistrate Sheila Blakely, Marcealeate Ruffin, Michelle Jewell

Standing middle row (left to right)
Deborah J. Keenan, James Horn

Standing back row (left to right)
Richard Comly, John McKenzie, John Hudson, Christopher Bradley, John Martin, Chief Magistrate Alan Davis, John Adams, William P. Wood, Larry Sipple

Not Pictured:
William Boddy, III, Herman Hagan, William Mulvaney, III

Many thanks to the Presiding Judges, Court Administrators and others in the Courts and the Administrative Office of the Courts for their efforts related to preparing this annual report. The Delaware Supreme Court pictures are courtesy of Richard K. Herrmann, Esquire.

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