

SUPERIOR COURT



This fiscal year, the Superior Court Bench in New Castle County (NCC) underwent a transition period never seen before. In December, 2012, a chain of events was triggered which did not end until June, 2013. On November 2, 2012, Judge Joseph R. Slights, Jr., completed his term and retired to private practice. Judge Peggy L. Ableman completed her term on October 31, 2012, and retired from the Superior Court bench.

The two NCC judicial vacancies were filled in December. Judge Charles E. Butler, former Chief Deputy Attorney General, took the oath of office on December 7, 2012. Judge Eric M. Davis, former Court of Common Pleas judge, took the oath of office on December 21, 2012.

Two additional NCC judges' positions were added to the Superior Court bench this fiscal year. Judge Paul R. Wallace, former Chief of Appeals for the Department of Justice, began work on January 25, 2013. Judge Vivian L. Rapposelli, who previously held the office of Cabinet Secretary for Delaware Children's Department, came on board February 5, 2013.



*President Judge
James T. Vaughn, Jr.*

Then, on May 18, 2013, Judge Jerome O. Herlihy retired from the NCC bench after 24 years. However, pursuant to a special part-time judicial appointment, Judge Herlihy continues his work with Superior Court's New Castle County Drug Court. Superior Court welcomed Judge Andrea L. Rocanelli, former judge with the Court of Common Pleas, as one of ours, on June 5, 2013.

Meanwhile, in Kent County, another kind of transition was taking place. The newly renovated Kent County Courthouse opened for business this past June. The renovation began in May of 2011. This old courthouse, which first opened in 1874, is now a show place—hardly recognizable from its pre-renovation state.

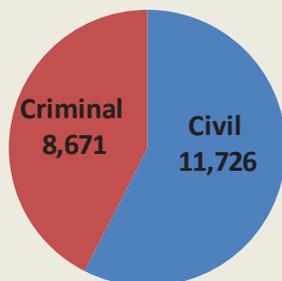
Courtroom No.1, the stately historic courtroom, is now open to the public. Tours of the courtroom are being offered by the First State Heritage Park, as part of its monthly First Saturday program.

Superior Court's workload, both civil and criminal, continues at a steady pace. Statewide, there were 11,726 civil case filings. Civil dispositions statewide were 11,619, and pending civil cases came in at 9,020. Criminal statewide case filings numbered 8,671. Dispositions came to 7,908, statewide and the pending cases were 2,038 for the state. The total of these filings added up to 20,397 new cases in Superior Court for FY13. Potential Murder First Degree trials numbered 52 this year, statewide. Our Violations of Probation (VOP) cases, statewide, numbered 5,520 filed, 4,540 disposed, and 1,254 pending.

Jurors are summoned by this Court for service in Superior Court Criminal and Civil trials in all three counties, for the Court of Common Pleas Civil Trials, and the Justice of the Peace Court for Landlord-Tenant trials. For Fiscal Year 13, there were 96,255 citizens who appeared in all three counties for jury duty, and 31,156 served in all three counties.

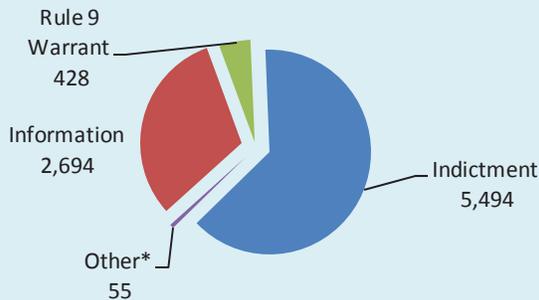
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NUMBER OF SUPERIOR COURT FILINGS BY TYPE FY 2013



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NUMBER OF SUPERIOR COURT CRIMINAL FILINGS BY TYPE FY 2013

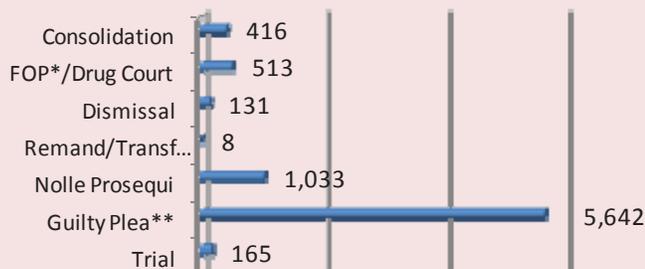


*Includes appeals, transfers, reinstatements

Those civic-minded citizens who appear at each county's courthouse for jury service help the courts dispose of cases, whether they serve on a trial or not. Many criminal trials have been disposed before trial because there were judges, jurors, and courtrooms available for jury selection. It is the same for civil trials. Trials are expensive and can consume a lot of people's time and energy. When cases settle because a jury is waiting to be selected, it's a win/win situation as the Court has disposed a case and has also saved money for the citizens of this state.

Along with the cases on our trial calendars, our **Problem Solving Courts** are helping dispose of cases in all three counties. More importantly, they are helping people in ways that were not available in the past. In 1997, Superior Court's **Drug Court** became the first statewide Drug Court in the nation. This year, the statewide Superior Court Diversion Drug Court had 461 entries, and 257 of those graduated successfully.

NUMBER OF SUPERIOR COURT CRIMINAL DISPOSITIONS BY METHOD FY 2013



*First Offender Program.

**Includes Probation Before Judgment.

New Castle County's **Reentry Court** targets repeat offenders who have been incarcerated at least one year and have a community service obligation as a condition of their release. Judge Charles H. Toliver IV presides over the New Castle Reentry Court. At the end of FY13, there were 27 successful graduates, and 10 participants were discharged from the program as Unimproved. The remaining defendants in the NCC program are currently awaiting a violation of probation hearing, are actively attending ReEntry court status conferences, and/or awaiting their probation sentence to begin in order to attend the regular status conferences.

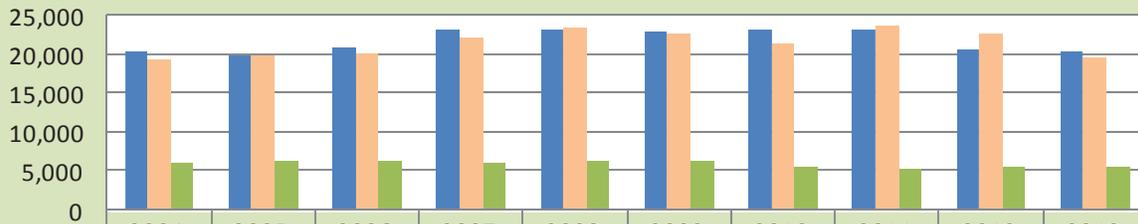
Instituted in 2008, Superior Court's **Mental Health Court** (MHC) resides in New Castle, Kent, and Sussex Counties. This collaborative mental health court project is designed to identify persons involved in the criminal justice system as a result of serious mental health issues. It provides them with intensive services and support to guide them to recovery and self sufficiency as an alternative to repeated incarceration for violations of probation or commission of new offenses. Judge Jan R. Jurden presides over the New Castle MHC, Judge Robert B. Young presides in Kent County, and Resident Judge T. Henley Graves presides in Sussex County.

The MHC recently received a grant from the Office on Violence Against Women. The funding from this grant will be used to educate Superior Court defendants who are victims of domestic violence. Also included in the grant are defendants in the Court of Common Pleas Trauma Informed Court who are victims of domestic violence. Statewide for Superior Court this year, there were 80 entries, 33 graduations, 6 terminations, 23 VOP's and 3 neutral discharges.

The **Veterans Treatment Court** (VTC) was initiated by Judge William L. Witham, Jr., as a pilot project in Kent County in February, 2011. Since that time, Resident Judge L. Witham, a former member of the armed services, has presided over this Court. Sussex County Veterans are referred to Kent County. New Castle County's VTC began on January 2, 2013. Judge Jan R. Jurden, also a former member of the armed services, presides over this Court. The program is designed to assist justice-involved veterans with mental health and substance abuse issues to obtain necessary services and reduce recidivism. Statewide VTC numbers for FY 13 are 59 entries, 15 graduates, 1 termination.

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SUPERIOR COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR



	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Filings	20,387	19,851	20,977	23,075	23,292	23,035	23,124	23,265	20,616	20,397
Dispositions	19,398	19,781	20,077	22,231	23,450	22,602	21,435	23,752	22,544	19,527
VOP Filings	6,119	6,232	6,349	6,055	6,151	6,255	5,523	5,271	5,384	5,520

Programs to assist disposition of Civil cases are also available to our constituents. This year, through our **Residential Mortgage Foreclosure Mediation** program, 1,285 mediations were conducted. The ongoing **Project Rightful Owner** held 36 hearings this year, processed 23 orders, and disbursed \$443,624.59. The total monies disbursed since the beginning of this project is \$5,709,895.38. The Court's NCC **Complex Commercial Litigation Division (CCLD)** also assists in disposing cases. Here, cases must include either a claim asserted by any party (direct or declaratory judgment) with an amount in controversy of \$1 million or more (designated in the pleadings for either jury or non-jury trials), or cases that involve an exclusive choice of court agreement, or a judgment resulting from an exclusive choice of court agreement, or is so designated by the President Judge to qualify for assignment to the CCLD. When a case qualifies, it will then be assigned to one of four CCLD judges.

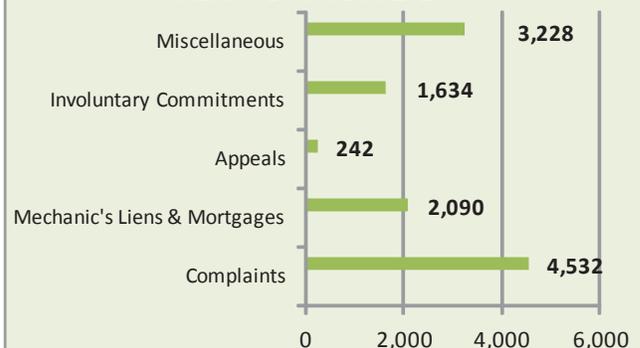
As part of a judiciary-wide initiative for **Living Disaster Recovery Planning/Continuity of Operations Planning**, the Superior Court Web Master, Margaret Derrickson, is focusing on getting the **Notifind** system ready for action when we need it. Notifind is a Web-based emergency notification system that the judiciary will use to provide timely information and instructions to all employees during emergencies or urgent situations. It will also be used to announce weather-related closings. New Castle County will be the pilot the Notifind system for Superior Court.

During FY13, **Superior Court's Website** provided 644 judicial orders and opinions to the legal community and to the public. Our **Listserv** information service added 442

new members, for a 16% increase from last year. Nineteen separate Listservs are maintained on the website, with a membership of 3,196. The **iCourt Clerk** Internet initiative is provided for those who use Internet communications as their primary communication tool, and who cannot find the information they need through online searches. This year over 825 non-iCourtClerk queries were answered-- a 21% increase from last year. These queries are in regard to jury service forms, fees, records, procedures, Alternative Dispute Resolution, orders, and opinions, as well as other requests.

Another **eFiling** first occurred in FY13 for Kent County Superior Court. On June 19, 2013, the Kent County Sheriff's Office became the first in the nation to electronically file its sheriff's returns via *File & Serve Express* batch filing. The process enables the office to quickly and efficiently load multiple returns in multiple cases. The process will save time and resources for both the office and the Kent County Superior Court. File & Serve users can now view,

NUMBER OF SUPERIOR COURT CIVIL FILINGS BY TYPE FY 2013



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print, or download their returns for Kent County Superior Court cases free of charge.

Superior Court has grown this year, not only in number, but also in technology, and in workload. Our thanks go to the Delaware Legislature, and Governor Markell, for approving our two new judgeships, and also for the fine judges appointed to fill the retirement vacancies. Our vision is to be the best Superior Court, with the best service. I think that we are trying our best to be just that. This vision may be justified as, again this year, the Delaware Judiciary was ranked number one overall in the Harris Interactive Inc.'s *State Liability Systems Ranking Study*. The Superior Court, specifically, was recognized by general counsel and senior litigators as doing the best job of "having a litigation environment perceived to be a fair and reasonable litigation environment." This honor goes to all our dedicated employees, whose pride in their work makes this Court what it is—Superior.

NUMBER OF SUPERIOR COURT CIVIL COMPLAINT DISPOSITIONS BY METHOD FY 2013



Front row (sitting left to right)

Judge Charles H. Toliver, IV
 Judge Jerome O. Herlihy (retired July 18, 2013)
 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 Mary M. Johnston
 Judge Jan R. Jurden
 Judge Richard F. Stokes
 Judge William C. Carpenter, Jr.
 Judge Fred S. Silverman
 Judge William L. Witham, Jr. (KC Resident Judge)
 Judge E. Scott Bradley
 Judge Calvin L. Scott, Jr.

Back row (standing left to right)

Judge Vivian Rapposelli
 Judge Eric M. Davis
 Judge Diane Clarke Streett
 Judge M. Jane Brady
 Judge Robert B. Young
 Judge John A. Parkins, Jr.
 Judge Charles E. Butler
 Judge Paul R. Wallace

Not Pictured: Judge Andrea L. Rocanelli



Standing (left to right)

Commissioner Michael P. Reynolds
 Commissioner Alicia B. Howard
 Commissioner Mark S. Vavala
 Commissioner Andrea Maybee Freud
 Commissioner Lynne M. Parker