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NEW COURT OFFERS HOPE FOR VETERANS WITH MENTAL HEALTH OR SUBSTANCE ABUSE ISSUES

The stressful experiences of combat duty in the wars in Iraq and Afghanistan do not necessarily end for veterans returning home. Many return with post-traumatic stress syndrome or other mental health concerns, or with drug or alcohol abuse issues, which have been caused or exacerbated by their military service. Once home, they may have difficulty in readjusting to civilian life and, eventually, become involved in some type of criminal activity. The United States Department of Justice estimates that approximately 10% of adults arrested have served in the military.

Now Delaware veterans in this situation have the opportunity to participate in a new court that can help them address the mental health and addiction issues that led to their involvement in the criminal justice system. The new veteran's court, which was developed by the Superior Court in conjunction with the Attorney General, the Public Defender, and the Treatment Access Center, started on a trial basis in February 2011 and offers veterans the opportunity to have their charges dismissed if they suc-

cessfully complete a treatment plan. The court, which is presided over by Superior Court Judge William L. Witham, Jr., will serve veterans throughout the state, including both those charged with new offenses and those charged with violation of probation. It is the first statewide veteran's court in the nation.

Based on the drug and mental health court models, the court will work with veterans referred to it by the Attorney General's Office or the Office of the Public Defender. Once a referral is made, the veteran is offered the opportunity to participate in the Court on a voluntary basis. If the veteran chooses to participate, the veteran will have his or her charges deferred pending successful completion of a treatment plan, at which time the charges will be dismissed. To reach this point, veterans must comply with court ordered treatment and appear in court for progress assessments on a regular basis. Failure to comply will result in sanctions which can range from an admonishment all the way to termination from the program.



Judge William L. Witham, Jr., court staff, attorneys, and others who support the Veteran's Court operations.

To support veterans through this process, volunteer mentors, who are also veterans, will help the court participants get to appointments and undertake other necessary steps. According to Judge Witham, who is himself a veteran, "The volunteer mentors are a crucial part of the process because they understand the stresses of military life and can offer necessary understanding, assistance and support through the difficult process of recovery." Assistance will also be provided by the Veterans Administration which is providing a coordinator who will determine eligibility for veteran's benefits and will help them enroll in programs and services needed to comply with court orders and to otherwise get their lives back in order. For those who are determined not to be eligible for Veterans Administration benefits, the Treatment Access Center (TASC) will provide similar treatment services.

Although the court has just begun operations, all of those involved in its development anticipate that it will be a tremendous benefit to both participating veterans and the state as a whole.

"We anticipate that the court process, along with the treatment options offered by the VA and TASC and the support of the volunteer mentors will provide veterans involved in the criminal justice system with the means to address their problems and to move on to constructive lives in our community."

Judge William L. Witham, Jr.

For further information contact Judge William Witham by e-mail at William.Witham-Jr@state.de.us

VICE PRESIDENT BIDEN JOINS OTHER CITIZENS IN RECOGNIZING THE IMPORTANCE OF JURY SERVICE

Monday, January 24, 2011 was much like any other busy day in the jury assembly room in the New Castle County Courthouse, except for one detail – the Vice President of the United States, Joseph R. Biden, was one of the prospective jurors. Dressed in a suit and seated in the center of the room, Vice President Biden was largely indistinguishable from the many other citizens who daily pour into jury services. It was only during the break when staffers needed to speak with him, that many realized that the Vice President was in their midst.

Although perhaps the most prominent Delawarean to have appeared for jury duty, the Vice President is one of many well known individuals, including judges, who have appeared to fulfill their jury duty. How is the Vice President of the United States, or anyone for that matter, selected for jury duty? The selection of jurors is the responsibility of the Superior Court, which supplies jurors not only for that court, but for the Court of Common Pleas, and for Justice of the Peace Court landlord tenant trials, as well. Jurors called to serve in the Superior Court may be called to serve on either a petit jury, which is a jury which hears the evidence and determines questions of fact in a trial, or on a grand jury. Grand juries determine whether the evidence presented by the State in a serious criminal case establishes probable cause to conclude that a crime was committed and that the person charged

should be indicted and put to trial to determine guilt or innocence. Last year, approximately 33,881 individuals appeared for jury duty in Delaware and 4,088 served as jurors.

The process begins with a list created from the names of registered voters maintained by the Department of Elections supplemented with the current list of licensed drivers and identification card holders maintained by the Division of Motor Vehicles. This list is required to be as representative in terms of gender, age and race as the United States Census. Using this list, names are randomly selected for jury duty during a particular time period. When a person's name has been selected, the individual is sent a juror qualification form and summons about one month before they are scheduled to appear for jury duty.

Delaware citizens are required, by law, to appear for jury duty, unless excused. Persons who have served on a jury within the past two years may be excused from jury service. Persons over 70 years of age, full-time police officers or fire fighters, those in the full-time armed services, including the reserve forces and the National Guard, active full-time clergy, those who are self-employed or paid primarily on commission, those primarily responsible for the care of persons who are unable to care for themselves, essential health care providers, and those whose jury service

would violate deeply-held religious beliefs may request to be excused from jury service for these reasons. Due to an agreement between the Federal District Court and the Superior Court, persons who have served jury duty in the Federal District Court within the last two years may be excused from jury duty in the Superior Court and vice versa. Also, in some situations, such as when a person will be out of the state at the time they are due for jury service, the service may be deferred and rescheduled at the Court's direction. Once a person appears for petit jury duty in New Castle County, they will serve for only one trial, or if they are not picked for a trial, for one day. Thereafter, their service is complete and they do not need to return until summoned again. However, in Kent and Sussex Counties, jurors are expected to serve for a two week period, whether or not they are picked for a trial.

Those who appear for jury duty are given a thorough explanation of the process by Superior Court staff and are personally greeted by a judge of the Superior Court who thanks them for their efforts. Making the jury process work requires tremendous dedication on the part of the Superior Court, as well as the effort of the numerous Delaware citizens who give of their time to serve as jurors. The importance of jurors in the

court process cannot be overstated. Vice President Biden recognized this in referring to his jury service as "an honor" and Superior Court President Judge James T. Vaughn, Jr., stated: "Delaware judges continue to advise our juries today in every criminal or civil case of their essential role. We charge that they, not the judges, are the sole and exclusive judges of the facts of the case, of the credibility of the witnesses, and of the weight and value of their testimony. While the judge determines the law to be applied, the jury's role is that of an equal partner in the administration of justice...."

Speaking of jury services, Superior Court President Judge James T. Vaughn, Jr. stated:

"Each of us should do all we can to promote this vital service of citizenship which anchors our government to the Constitution and secures our liberties....our dedication helps ensure, as Abraham Lincoln predicted, "that government of the people, by the people, for the people, shall not perish from the earth."

COURT OF CHANCERY ISSUES GUIDELINES FOR PRESERVATION OF ELECTRONICALLY STORED INFORMATION

In Guidelines issued on January 19, 2011, the Court of Chancery emphasized the duty of counsel to work with their clients to preserve information, including electronically stored information (ESI), that is potentially relevant to litigation. This duty is triggered when litigation is commenced or when litigation is "reasonably anticipated". While the Guidelines indicate that the development and implementation of a preservation process may not be sufficient by itself to avoid the imposition of sanctions by the Court if relevant ESI is lost or destroyed, they do state that the Court will consider the good-faith preservation efforts of a party and its counsel.

According to the Guidelines, in most cases, reasonable steps to be taken by a party and its counsel should include: 1) a collaborative approach to the identification, location and preservation of potentially

relevant ESI by including in the discussion an appropriate representative from the party's information technology function (if applicable); 2) development of written instructions for the preservation of ESI and distribution of those instructions (and any changes) in the form of a litigation hold notice to the custodians of potentially relevant ESI; and 3) documentation of the steps taken to prevent the destruction of potentially relevant ESI. The Guidelines further note that common problem areas include preservation of ESI on business laptop computers, home computers, external portable storage devices such as USB flash drives, and personal email accounts.

The broader topic of discovery of ESI is currently being monitored by the Court of Chancery Rules Committee which has not yet proposed specific rules or guidelines as to electronic discovery in general.

MARY ELLEN GREENLY OF THE COURT OF CHANCERY NAMED JUDICIAL BRANCH EMPLOYEE OF THE YEAR

Chief Justice Myron T. Steele has announced that **Mary Ellen Greenly**, from the Court of Chancery has been named Judicial Branch Employee of the Year for 2010. Mary Ellen, who serves as the judicial secretary to Chancellor William B. Chandler II, has served in the Judicial Branch since 1973 when she was first hired as a judicial secretary. Mary Ellen was selected for her consistent dedication, extraordinary energy, efficiency and initiative. She has always demonstrated a willingness to take on additional responsibilities without being asked and has a wealth of knowledge about the Judicial Branch and how it operates, which she has used to constantly improve operations and save Judicial Branch resources.



Other employees who were nominated for this award and who will be honored as the Employee of the Year for their respective courts or the Administrative Office of the Courts were:

Alice M. Slaughter, Judicial Case Processor III, Superior Court; **Family Court's Fiscal Services Unit**, consisting of **Bernadette Y. Moore**, Senior Accountant; **Dawn S. Whye**, Accounting Specialist; **Carol Willon**, Senior Accountant; and **Sheila M. Wright**, Accounting Specialist; **Vincent F. Monsen**, Judicial Case Processor III, Court of Common Pleas; **Ronald M. Fortin**, Court Security Officer II, Justice of the Peace Court; and **Sandra C. Rossi**, Human Resource Specialist II, Administrative Office of the Courts.

RESPONDING TO VICTIMS OF CRIME AND DOMESTIC VIOLENCE

Helping victims of domestic violence and other crimes is a key role of the criminal justice system, but one that is sometimes misunderstood. To help those in the criminal justice community better address the needs of victims, a conference entitled "Responding to Victims of Crime and Domestic Violence", was held on November 8 and 9, 2010 at the Sheraton Hotel in Dover. The conference was sponsored by the Delaware Courts, the Department of Correction/Office of Probation and Parole, the Department of Justice, the Office of the Public Defender, and the Domestic Violence Coordinating Council, with funding from the Criminal Justice Council, and was designed to bring new insights on assisting victims to those who work in the

domestic violence area. Among the many speakers at the two-day conference were Norm Early, a former District Attorney from Denver who developed that City's victim's assistance program, Jennifer Long, Director of AEQUITAS, the prosecutor's resource on violence against women, and Debbie Puglisi Sharp, a victim's advocate who has lived through violence in her own life. Over 225 judges, court staff, attorneys from the Department of Justice and the Office of Public Defender, probation and parole officers and victim advocates attended the conference. One attendee remarked on their evaluation: "*This conference is one of the best educational programs that I have attended in years.*"

On April 4, 2011, **Patricia W. Griffin**, Delaware State Court Administrator, received the "Mission" Award from the Consortium for Language Access in the Courts for her contributions towards advancing equal access to justice for linguistic minorities. Ms. Griffin currently serves as the Conference of State Court Administrators representative to the Consortium and previously served as Chair of the Consortium from 1999 – 2001. The Consortium for Language Access in the Courts is a national organization of 41 member states whose mission is to promote equal access to justice in the courts and tribunals by eliminating language barriers for persons with limited English proficiency.

SUPERIOR COURT MENTAL HEALTH COURT WINS GOVERNOR'S TEAM EXCELLENCE AWARD

The New Castle County Superior Court Mental Health Court was selected as the 2010 winner of the Governor's Team Excellence Award. The 18-member team which won the award is headed by Superior Court Judge Jan Jurden and, in addition to Superior Court employees, includes employees from the Department of Health and Social Services/Treatment Access Center (TASC), the Department of Correction/Office of Probation and Parole, the Office of the Public Defender and the Delaware Department of Justice.

The award is given to encourage teamwork by recognizing groups of state employees for their efforts to use continuous quality improvement tools to excel in leadership, team dynamics and communication to produce superior customer service and tangible results. The Mental Health Court team was selected from among 17 applicants nominated for the award. Among the team's achievements were the development of the first felony mental health court in Delaware and use of an innovative and comprehensive collaborative cross-agency approach to improve outcomes for justice-involved individuals with mental health issues, while creating cost savings for the State.

The New Castle County Superior Court Mental Health Court was launched in 2008 to address the many probationers who were trapped in a cycle of repeatedly violating probation and being jailed as the result of untreated mental illnesses. Working with the Treatment Access Center and Probation and Parole, the Superior Court went on to develop a pilot post-adjudication Mental Health Court which works with probationers to access treatment and services, and assist them in addressing their mental illnesses and successfully meeting the requirements of their probation.

The Court process begins with an intake proceeding during which the goals and requirements of the program are explained and the judge ascertains whether the defendant is committed to succeeding on probation and addressing his or her mental health (and, as is often the case, addiction issues). Status conferences with TASC workers and Probation and Parole officers provide reports on the defendant's progress, note areas where he or she needs improvement, and suggest different treatment methods to meet the individual needs of the probationer. Depending on what the TASC workers and Probation and Parole officers tell the judge, the defendant may be admonished for missing doctor's appointments, congratulated on taking his or her medications on a regular schedule for two weeks straight, or provided with additional assistance, such as help in obtaining housing. According to President Judge James T. Vaughn, Jr. "the Mental Health Court is a critical first step in finding ways to assist mentally-ill offenders and to change the ways that the criminal justice system handles such individuals."

According to Governor Jack Markell:

"We encourage employees to work across state agencies. This team has shown exemplary efforts in finding efficiencies and extending better services to Delawareans in need. The Mental Health Court team proved that collaboration can produce tangible results, and in this case, a team found ways to save money and provide self-sufficiency for a special population of people that needed help."



Pictured (from left to right) at the Award Presentation Ceremony, Commissioner Carl Danberg (Corrections), Secretary Rita Landgraf (Department of Health & Social Services), Governor Jack Markell, Judge Jan Jurden, President Judge James T. Vaughn, Jr., and Secretary Vivian Rapposelli (Department of Services for Children, Youth and Their Families)

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DELAWARE RECEIVES ABA RACIAL JUSTICE GRANT

A \$24,000 grant from the American Bar Association, through its Racial Justice Improvement Project, will assist the State of Delaware in implementing its ongoing racial and justice fairness initiatives, with a focus on the Declaration of Leading Practices. According to Justice Henry duPont Ridgely, "This grant recognizes Delaware's ground-breaking work to protect civil rights and promote racial and ethnic fairness in our criminal justice system. It will allow us to move forward with achieving and maintaining throughout Delaware the important leading practices which the Delaware Criminal Justice Council has endorsed."

The Declaration was adopted in April 2010 by the Delaware Criminal Justice Council upon the recommendation of its Racial and Ethnic Fairness Committee, co-chaired by Supreme Court Justice Henry duPont Ridgely and Court of Common Pleas Chief Judge Alex J. Smalls. Known formally as the "Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System in Delaware," the document outlines steps which should be taken by courts and agencies, in a variety of areas, to ensure civil rights along with racial and ethnic fairness. The



Members of the Racial Justice Improvement Project Task Force, along with ABA project representatives, are pictured during a recent Task Force meeting.

Declaration may be viewed at <http://cjc.delaware.gov>. Applicants for grants administered by the Criminal Justice Council that certify compliance with the Declaration are given preference over other applicants who do not certify. All of the Delaware trial courts handling criminal cases have certified compliance with the Declaration.

The Declaration is an outgrowth of the two-day racial and ethnic fairness summit which was sponsored by the Delaware Supreme Court and the Criminal Justice Council in 2007. The summit brought together more than seventy key stakeholders from state government and the community, representing every element of the justice system from arrest to prisoner re-entry.

The ABA grant will assist the Criminal Justice Council and its members in providing training and developing data collection techniques, as well as other technical assistance needed to achieve and maintain compliance with the Declaration.

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SPEED Docket to Expedite Civil Cases in the Court of Common Pleas

"How long will it take to get to trial?" ... a question asked in courts across the country where, in some cases, litigants wait in excess of a year for a resolution to simple legal disputes. The Court of Common Pleas for the State of Delaware, recognizing a very real need to shorten the time it takes for citizens of Delaware to bring their cases to trial, has instituted a new Special Election and Expedited Docket known as the SPEED Docket. According to Court of Common Pleas Judge Anne Hartnett Reigle, "It has been recognized since the English enacted the Magna Carta in 1225 that an injured citizen should have a right to a speedy trial for redress of harm. We took a look at how to improve justice for the litigants in our court and decided we would improve upon this ancient right."

Beginning February 1, 2011, the Court's SPEED Docket was made available for all civil cases filed in the Court of Common Pleas and all appeals de novo from the Justice of the Peace Court to the Court of Common Pleas where the amount in controversy is \$10,000 to \$50,000, excluding consumer debt cases and appeals on the record, which are exempt. Parties involved in a qualifying civil action may complete and file a SPEED Civil Action Election Sheet and have their case designated as a SPEED case.

What is special about the Court's SPEED Docket? There are many special scheduling rules applied to SPEED cases that ensure a more timely resolution than that which are available through traditional scheduling practices. The first important dis-

inction in SPEED cases is an assigned Judge who will remain with the case for all purposes through final disposition. Judicial assignment of the cases will be done on a rotating basis within the county in which the case is filed. Strictly enforced scheduling deadlines will be imposed on SPEED cases beginning with a scheduling conference which will held within thirty days of filing of the answer or a motion by any party. Firm pretrial and prompt trial dates will be established at the onset of the case which will not be continued by the court absent extraordinary circumstances.

A SPEED Docket Scheduling Conference will be conducted and a scheduling order will be entered establishing requirements that other parties be joined or pleadings be amended within one month of the SPEED Docket Scheduling Conference; discovery motions must be filed allowing them to be heard within two months of the Scheduling Conference; dispositive motions should be filed and heard within four months of the Scheduling Conference; and the trial will be scheduled to take place within five months of the Scheduling Conference.

The Court of Common Pleas is the perfect court to institute the expedited docket. The Court of Common Pleas' SPEED Docket is a cutting edge advance that will improve efficiency and provide timely resolution without sacrificing quality or fairness of adjudication for our litigants.

You can find more information on the SPEED Docket at <http://courts.delaware.gov/CommonPleas>.

"The Court of Common Pleas is ideally situated for speedy disposition of the types of cases and controversies that can come before the Court – non-jury trials before qualified judges supported by experienced staffing. The SPEED Docket is formulated in a way that allows civil litigants to take advantage of the Court's special qualities in an efficient, cost-effective and orderly process."

Court of Common Pleas Judge Eric M. Davis

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JUDICIAL BRANCH COMPLETES CONTINUITY OF OPERATIONS PLANNING PROCESS

With the successful conclusion of a tabletop exercise, the Judicial Branch recently completed its continuity of operations plan (COOP) project. According to Sandra Alexander, Disaster Recovery Coordinator, Department of Technology and Information (DTI), this makes the Judicial Branch one of three "tier one" state entities to have completed this process. (Tier one entities are those state entities, including the Judicial Branch, considered most important for returning to functionality after an emergency.)

Given the complexities involved, the planning process for the Judicial Branch has been a multi-year project. COOP planning consists of four phases, starting with a business impact analysis (BIA). To complete the BIA, subject matter experts in each court gathered information on their business functions and ranked them according to the State of Delaware's Critical Ranking Scale (to ensure that ranking is done consistently throughout the State). Phase two consisted of putting the data gathered during phase one into the Living Disaster Recovery Planning System that is used to build the statewide COOP. During phase three, the

emergency notification system, called Notifind, was tested.

The final planning step was the recently completed COOP drill, which was a tabletop exercise led by staff from DTI and the Department of Emergency Management Assistance (DEMA). During the drill, a sample situation, which was the need to close the New Castle County Courthouse due to a sinkhole, was chosen as the subject of the test. Once the situation was described, all courts were required to indicate who they would contact, operations they would start first, and sites to which they would relocate. Having successfully completed the four planning stages, the Judicial Branch has now entered the final phase of the process, which is the maintenance stage. According to James Wright, COOP Coordinator for the Judicial Branch: "This stage is critical to the success with continuity of operations because keeping information current is necessary for an effective plan to manage an emergency event which may occur in the future."

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DELAWARE JUDICIARY RECOGNIZED

Chief Justice Myron T. Steele, Justice Randy J. Holland, Justice Carolyn Berger, Justice Jack B. Jacobs and Justice Henry duPont Ridgely of the Delaware Supreme Court were recently named as thirteenth on Ethisphere magazine's list of the 100 most influential persons in business ethics for 2011. The list was compiled to honor leaders in business ethics throughout the world and was compiled by an advisory panel composed of experts from major universities and institutions. The members of the Delaware Supreme Court were named for their impact in U.S. corporate law during 2010.

The Delaware Supreme Court and Delaware Court of Chancery were recognized by Directorship Magazine as being in the top 100 in corporate governance matters. The magazine referred to the Court of Chancery as "the most important business court in the land, by far."

Chief Justice Myron T. Steele was reappointed to the Federal Judicial Conference Committee on Federal-State Jurisdiction for a second two year term effective October 1, 2010. The Committee, which has fifteen members, including eleven federal judges and four state Supreme Court justices, has responsibility for reviewing legislation and other proposals that could affect federal court jurisdiction. It may also initiate action and recommend statutory changes concerning federal jurisdiction to the Federal Judicial Conference. The Committee also serves as a conduit for communication on matters of mutual concern between the federal judiciary and the state courts.

Supreme Court Justice Randy J. Holland received the Seventh Annual Dwight D. Opperman Award for Judicial Excellence from the American Judicature Society in January 2011. The Opperman Award was created by the AJS to honor state trial and appellate judges for distinguished judicial service. Indiana Chief Justice Randall T. Shepard, chair of the selection panel said "Randy Holland is an icon among American lawyers and judges, and the nation is a more decent place because of his commitment to the cause of justice. Justice Holland's career has been a special gift to those of us in the legal profession for whom he has been a genuine inspiration."



Justice Randy J. Holland receiving the award from Dwight D. Opperman, former chairman and CEO of West Publishing Company, who currently serves on the American Judicature Society Board of Directors



On March 27, 2011, Justice Randy J. Holland was sworn in for an unprecedented third term on the Delaware Supreme Court. The oath of office on that historic occasion was administered by all of the other members of the Supreme Court: Chief Justice Myron T. Steele, Justice Carolyn Berger; Justice Jack B. Jacobs; and Justice Henry duPont Ridgely. The family Bible was held by Justice Holland's wife, Dr. Ilona E. Holland.

Supreme Court Justice Carolyn Berger was selected as one of 24 accomplished women lawyers and judges to participate in the 2011 DirectWomen Board Institute, a program designed to identify and promote qualified women lawyers for future service on corporate boards of public companies.

Supreme Court Justice Jack Jacobs recently co-authored an article with Professors John Armour and Curtis Milhaupt (of Oxford and Columbia Law School, respectively). The article, entitled "The Evolution of Hostile Take-over Regimes in Developed and Emerging Markets: An Analytical Framework," was published in the Harvard Journal of International Law.



World Legal Forum's Roundtable participants included (from left to right) Justice Henry duPont Ridgely; Chairman Jan Eljshouts of the World Legal Forum Board; Lord Harry Woolfe, former Chief Justice of England and Wales; and Jeffrey Golden, visiting professor of law at the London School of Economics and Political Science and Past Chair of the American Bar Association's Section of International Law.

Supreme Court Justice Henry duPont Ridgely participated in a roundtable sponsored by the World Legal Forum to discuss the establishment of an international dispute resolution facility for the financial markets. As a result of the roundtable, there was a consensus that a private tribunal for the voluntary mediation or arbitration of complex international financial disputes, particularly those resulting from complex financial products such as derivatives, should be established in The Hague in 2011.

Superior Court Judge William C. Carpenter Jr. was elected Vice-Chair of the National Conference of State Trial Judges. The Conference is part of the American Bar Association Judicial Division and is the oldest and largest organization of trial judges in the country. It is expected that Judge Carpenter will become Chair of the National Conference in August 2012. In addition, Judge Carpenter will serve as co-chair of the Judicial Division Membership Committee which serves nearly 4000 judicial members. In addition, Judge Carpenter serves on the Executive Committee of the Section Officers Conference of the ABA and as Chair of the Judicial Division Membership Committee.

Superior Court Judge Joseph R. Slight III has been appointed to two American Judicature Society Committees: Carpenter Jury Center Advisory and Editorial. The American Judicature Society is an independent, national, nonpartisan organization of judges, lawyers, and other members of the public who seek to improve the justice system. Its mission is to secure and promote an independent and qualified judiciary and fair system of justice. Judge Slight was also elected as an American Law Institute member. The American Law Institute has been the leading independent organization in the U.S. for 85 years producing scholarly work to clarify, modernize, and otherwise improve the law. Judge Slight also served on two panels at the 7th Annual Advanced e-Discovery Institute in Arlington, Virginia.

Superior Court Judge William L. Witham, Jr. received the Silver Good Citizenship Award from the Caesar Rodney Chapter of the Delaware Society, Sons of the American Revolution at the Annual Constitution Day. Judge Witham was also the featured speaker at the event and discussed the importance of the Declaration of Independence in the shaping of the United States Constitution.

Judge William L. Witham, Jr. receiving his Silver Good Citizenship Award on September 18, 2010.



Justice of the Peace Ernst M. Arndt was named Honorary Wing Commander for the 436th JAG Corp.

CHILD PLACEMENT REVIEW BOARD - ADVOCATE FOR CHILDREN IN OUT-OF-HOME PLACEMENTS

A unique part of the child welfare system, the Child Placement Review Board is both an agency housed within the Judicial Branch and an independent, citizen-based agency which handles the critical challenge of safe-guarding children and youth by conducting reviews of the placement of all children who have been placed by the state in out-of-home living arrangements for ten months or more. According to Julia Pearce, who is Executive Director of the Child Placement Review Board, "The purpose of these case reviews is to evaluate the well-being of children, assess what is in their best interests and generate recommendations that are submitted to the Division of Family Services and the Family Court regarding the appropriateness of the efforts to achieve permanency for the children. Because the Board is not part of the Division of Family Services, its reviews provide an independent assessment of the success of the placements and a fresh perspective on whether changes are needed."

The Board reviews the placement of children in three situations:

- 1) Foster children placed by the Division of Family Services. This situation, which represents the majority of the Board's cases, requires the Board to evaluate plans for each child to find a permanent, safe and healthy solution to the child's needs, whether involving reunification with the child's family, living with another relative, adoption, or a long-term stable foster-care arrangement;
- 2) Adjudicated youth in court-ordered treatment programs. In these cases, the Board determines whether the services provided will allow the youth to return to their communities without danger to themselves or others; and
- 3) Non-adjudicated youth who are placed in settings that mix adjudicated and non-adjudicated youth in the same residential facility or foster home. Here, the Board's review focuses on ensuring that non-adjudicated youth are not put at risk by their placement with adjudicated youth.

"Through both the individual child's review and our community advocacy, the Board remains focused on the efforts to achieve permanency for that child. Founded on the belief that foster care is supposed to be temporary, the Board challenges the belief that long-term foster care is the best that can be done for a child. Our statute limits our authority to recommendations and advocacy, but generally once there is awareness of a concern we have brought to the attention of a Department of Services to Children, Youth and their Families administrators or Family Court, action to resolve the concern takes place."

Julia Pearce, Executive Director of Child Placement Review Board

One student who aged out of foster care graduated Magna Cum Laude from Temple University. In her thank you note to the Scholarship Committee she wrote:

"Words cannot express my gratitude towards all of the support you have given me. You have truly helped make this accomplishment possible."

To conduct these reviews, the Board relies on 75 highly qualified volunteers as well as professional staff. Reviews are conducted by county-specific teams of volunteers and staff who meet on a twice monthly basis. In 2010, the Board conducted more than 800 reviews. Julia Pearce's note emphasizes that "The Board could not function without the expertise and assistance of its many volunteers who are willing to devote their time and energy to making a better life for these children and youth."

In addition to reviewing placement of children and youth, the Board operates two scholarship programs for post-secondary education for children who have been in foster care in Delaware: the Ivyane D.F. Davis Memorial Scholarship program which is a competitive, State-funded program and, in conjunction with the Division of Family Services, the federally funded Education and Training Vouchers program. Those programs recognize the challenges and obstacles faced by former foster care youth and strive to support the students in whatever way necessary to keep them working towards their educational goal.

DELAWARE COURTS LEAD STATES' PARTICIPATION IN iCIVICS

Under the leadership of Justice Randy J. Holland, who serves as State Chair, the iCivics program in Delaware is making great strides. iCivics is a national web-based education project designed to teach middle school students. The program was initiated by former United States Supreme Court Justice Sandra Day O'Connor to ensure that students are getting the information and tools they need for effective civic participation, and that civics teachers are provided better materials and support.

The iCivics program, which is based at Georgetown University Law School, provides internet based games for students and materials for teachers on its web site at www.icivics.org. Games include such choices as "Do I Have A Right" in which the player runs a firm specializing in constitutional law, "Executive Command", which lets students play president and "LawCraft", which provides the player with the experience of being a member of Congress.

In order to get the word out in local schools, each state has a chair who is a high level member of the judiciary, as well as a state coordinator, to ensure that information about the project reaches local schools. Franny Haney, of the Administrative Office of the Courts, serves as Delaware's coordinator and has been working with local schools to promote the project. She says, "Delaware's schools are making increasing use of the iCivics Program," and adds that "the Program ties together well with our 'From the Classroom to the Courtroom' Project that we hold every summer to provide middle school teachers with information about the courts."



Screen print from iCivics internet based games.

"We are pleased that Delaware is a leader in leveraging online civics resources to benefit Delaware's youth. Justice O'Connor's iCivics initiative provides an innovative approach to promoting civics education in Delaware."

Supreme Court Justice Randy J. Holland

Topics

Check out games and activities on the topic of your choice!

Learn More About Being An Active Citizen VOTE Citizenship and Participation	Separation of Powers	The Constitution and Bill of Rights
The Judicial Branch	The Executive Branch	The Legislative Branch

Another screen print from the iCivics internet-based games.

AOC RED CROSS TRAINING PREPARES COURT STAFF TO RESPOND TO HEALTH EMERGENCIES

Court security officers and other court employees are equipped to respond to many health emergencies arising in the courthouse (or elsewhere) thanks to the Administrative Office of the Courts' Red Cross training program. The program offers classes on an ongoing basis in each county that lead to Red Cross certification in CPR (cardiopulmonary resuscitation), AED (automated external defibrillation) and First Aid. Participants learn to recognize and care for breathing and cardiac emergencies in victims ages 12 to adult and practice Adult CPR, basic precautions for preventing disease transmission and emergency care for choking, bleeding, splinting and other first aid emergencies. Classes also cover the basics of AED and include information about precautions to take when using an AED, what defibrillation is, how it works and troubleshooting for special situations. (Defibrillators are located in courthouses throughout the state.)

According to AOC trainer Kirsten Morris, the classes have been modified in 2011 to comply with revised Red Cross Guidelines. These changes emphasize compressions or "hands-only" CPR, which is now considered to be easier for people to use and just as effective for victims as traditional mouth-to-mouth plus compression CPR. Another change in the program for 2011 is the two-year certification in CPR as well as in First Aid. Previously, Red Cross certification in CPR was valid for only one year, as opposed to the two year certification in First Aid.

In the last 3 years over 225 employees have been certified and/or re-certified in CPR, AED and First Aid through the program. While the training has targeted security personnel, particularly bailiffs, judicial assistants, court security officers and constables, all who are employed by the Delaware Judiciary are welcome to participate in the Red Cross program. As Ms. Morris emphasizes, "We want to encourage our security personnel and other employees to participate because this is training that can enable you to save a life."

To sign up for a class, Judicial Branch employees should register online at <http://judicial.state.de.us.aoc/training.stm>



Participants in Red Cross training held on March 18, 2011.

For further information contact Kirsten Morris by e-mail at Kirsten.Morris@state.de.us

We are pleased to present the Spring 2011 issue of the *Delaware Docket*, the Newsletter of the Delaware Judiciary, which is published semi-annually to provide updates on activities and events in the Judicial community. All are welcome to suggest topics, contribute articles for future editions, and provide suggestions on the newsletter. This, and previous versions of the Delaware Docket, are available on line at <http://courts.delaware.gov/AOC/?publications.htm>.

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