



Summer 2008

DELAWARE HOSTS 25TH ANNUAL NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

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Forty-two teams from across the United States, as well as the Commonwealth of the Northern Mariana Islands, Guam and South Korea, arrived in Wilmington to participate in the 25th Annual High School Mock Trial Championship held this year on May 7th-11th. Each of these teams had previously won the championship in their home jurisdiction and came to Wilmington ready to take on an even greater challenge in the 25th Annual High School Mock Trial.



Georgia Team in trial

Ruth Ann Minner recognized the team members and other guests.



Students from Jonesboro High School, Georgia took First Place in the National High School Mock Trial Championship

First place winner of the National Championship again this year was Jonesboro High School from Georgia, while second place went to Kalamazoo Central High School in Michigan, and third place went to Delaware's own Charter School of Wilmington. But it is not just these teams who were winners. All students who participated in the mock trial competition, both at the national and state levels, won by developing important life-time skills, such as public speaking and logical analysis, as well as by learning more about the justice system. They also enjoyed meeting other participants at social events organized by Delaware's Host Committee, which included a dinner cruise on the Twin Capes Ferry complete with a fireworks display over the Delaware River, and a banquet for over 1,000 participants at the Riverfront at which Chief Justice Myron T. Steele and Governor

Making all of this possible was a tremendous effort which involved the generous contributions of time and money by a wide range of local groups and individuals. Overall planning for the event was spearheaded by a steering committee chaired by Judge Joseph R. Slight III of the Superior Court, Francis J. (Pete) Jones Jr., Esq. of Morris James LLP, and Franny M. Haney, of the Administrative Office of the Courts. Ms. Haney stated that "the committee wishes to offer special thanks to the many security forces which provided officers to ensure the safety and security of all participants and to the organiza-



Delaware's own Charter School of Wilmington placed third in the National High School Mock Trial Championship

tions that sponsored the mock trial through financial donations, as well as to the over 150 individuals who volunteered their time to help plan for the mock trial and to assist behind the scenes with such tasks as registration, helping with social events, and collecting and delivering scoring sheets."

Other important assistance was provided by the hundreds of judges, attorneys, and other individuals from Delaware and participating jurisdictions who volunteered to serve as and work with the judge volunteers. "In the true spirit of the First State, the members of our legal community stepped right up, generously devoting their time and talents on every level," said Cathy James, judge volunteer coordinator for the event. "From the case writers, who provided the student competitors with a unique case with a Delaware corporate law perspective, to the judges and lawyers from all three counties who scored and presided over the competition pan-

els and the attorneys, paralegals, and courthouse staff who escorted them to the courtrooms, everyone worked together to provide the students with a first rate competition." The visiting judges and attorneys, who traveled here to participate from as far away as Alaska, Hawaii, and the Northern Mariana Islands, had so many positive things to say about the experience. Said Judge Jeff Ginsberg of Ohio, "I could tell this was really three years in the making and I can't imagine how it could have been done any better. I suspect people will be talking about the Delaware mock trials for many years to come." "I cannot think of a better first visit to Wilmington, Delaware!!" said Sally Evans, an attorney from Atlanta, Georgia, the next National Championship host state.

All of these volunteers, along with the coaches and team members should be congratulated on making the 25th National High School Mock Trial a resounding success!



The Kentucky Team is all smiles showing off their pin exchanges

Dancing (Philadelphia Team) and fireworks aboard the Twin Capes Ferry



COMMENTS ON THE NATIONAL MOCK TRIAL CHAMPIONSHIP HOSTED BY DELAWARE:

Please accept a heartfelt "thank you" from the New Mexico contingent for the splendidly-administered national mock trial championship we all attended. Our team, judge and board members who went to Delaware had a wonderful time and appreciate more than we can say all of the efforts to provide this outstanding educational and fun opportunity for so many.

I was a member on the Cheyenne, Wyoming High School Mock Trial team. I would like to extend my very grateful thanks for all of your time and hard work. This year's National Mock Trial Competition was my first and it is definitely an experience I will not soon forget. Everything from the opening reception to the Twin Capes to the awards ceremony was wonderful.

This was my fourth Nationals. It was, without a question, the best run and the most welcoming. Your army of volunteers did a wonderful job.

For me, the four days in Wilmington will remain a "mountain-peak" moment in my teaching career. A huge thank you for all your time and effort; from the excellent judges and facilities to the Twin Capes cruise, you gave us a first-class experience.

THE CHIEF JUSTICE'S LAW CLERKS ORGANIZE DINNER TO HONOR HIS 20 YEARS ON THE BENCH

On May 30th at the Wilmington Club, a Surprise "Knucklehead" Dinner Party was given in honor of Chief Justice Steele's 20 years on the Bench. In

those 20 years, he has mentored 68 (and counting) clerks (full time law clerks, Widener Wolcotts, Widener Externs, and summer interns) who he fondly refers to as his "Knuckleheads." The majority of his Knuckleheads are practicing law in Delaware and surrounding states, as well as California and Washington, D.C. The surprise began with a ruse of having the Chief Justice get together after work with his law clerks from last year, who "just happened to be in town." While he was enjoying "catching up" with those law clerks, a large group was gathering in the adjoining room. The Chief Justice was not only pleasantly surprised, but actually speechless, to find that the very loud gathering next door was for him! All total, 48 clerks and Roylene Marvel, his Judicial Assistant of 30 years, were in attendance. After the "wonderful dinner" prepared by the Wilmington Club, Charlie Reed, who clerked for the Chief Justice in 2001-02 and currently practices law in Washington D.C., gave a toast to his "second" dad. The Chief Justice offered a short and sentimental thank you, and Michael McDermott



The Chief Justice outside of the Wilmington Club with 48 of his clerks

(2003-04) presented the Chief Justice with a "Chief Knucklehead" bobblehead.

Some of the former law clerks attending included the Chief Justice's clerks when he was a judge in Superior Court: John Klusman (Tybout, Redfearn & Pell) and Margaret Truluck (AAA Mid-Atlantic), both of whom clerked for him in 1988-89; Adam Singer (Cooch and Taylor) and Joan Schneikart (Department of Labor), in 1989-90; Tom Gerard (Marshall Dennehey Warner Coleman & Goggin) and Patricia Bartley Schwartz (Office of Disciplinary Counsel), in 1990-91; and Chris McLean (Bank of America, Charlottesville, VA), in 1991-92. The planning committee included Roylene Marvel, Rebecca Batson Kidner (who clerked for him in 1992-93), Christine Schiltz (Parkowski, Guerke & Swayze)

(1993-94) and Elizabeth Olsen (Homeland Security) (1992-93). Roylene said she enjoyed planning this event because it gave her an opportunity to touch base with all the clerks, but "the most enjoyable part was that evening - watching the Knuckleheads enjoying the company of each other."



The Chief Justice's law clerks from last year and this year from left to right: Allyson Britton James, Lauren Hoelzer, Pauletta Brown and John Eakins.

Standing from left to right: Margaret Truluck, Joan Schneikart, John Klusman, Christine Schlitz, Adam Singer, Tom Gerard and Rebecca Batson

Seated from left to right: Patricia Bartley Schwartz, the Chief Justice and Elizabeth Olson



DELAWARE DOCKET PROFILE: JUDGE SUSAN C. DEL PESCO

Upon her retirement after twenty years on the Superior Court, Judge Susan C. Del Pesco was recognized for her many professional achievements, including the many “firsts” that she received, including being the first woman president of the bar and the first woman on the Superior Court. But, as she looks back at her time on the bench, the projects she describes as having given her the greatest pleasure are projects, large and small, which preserved tradition, enhanced beauty, and made things better.

One of the special projects she fondly remembers was capturing the memories of the Herrmann Courthouse for future generations. After the courthouse was sold, she realized that its legacy was in danger of being lost. To prevent that, she spent hours, on nights and weekends, working with her son, Nick, a professional photographer, to take interior and exterior photos of the courthouse. At times, this meant squeezing into tight spaces and crawling over glass strewn spaces to get just the right artistic

shot of a unique architectural feature. Through all of this, she and Nick were greatly aided by Superior Court bailiff, Evette Hernandez, who devoted many hours of her own time to assist in the project. Judge Del Pesco also arranged to have several courtroom benches and a grandfather’s clock moved to the new courthouse. The benches posed a particular problem, she explains, because they were too large to move in one piece and had to be cut apart and reassembled. They, and the many photographs of the Herrmann Courthouse, now grace the waiting areas in the Superior Court chambers and serve as a daily link to the Court’s history.

Another memory that she cherishes was the planting of a flower garden in the driveway to the judges’ parking lot. Two years ago, she and her secretary, Marga-

ret Greene, along with Judges Mary Johnston and Jan Jurden, purchased plants in an effort to beautify this area. Working on their own, they began planting the area only to discover that it was mainly rock. With the assistance of Facilities Management employees, Michael Turano and Chuck Gilberto, they were able to complete the task and create a beautiful garden for all to enjoy. Since then, Mike and Chuck have taken it upon themselves to continue the new tradition.



Honorable Susan C. Del Pesco and her long-time judicial secretary, Marge Green, who came to the Superior Court with Judge Del Pesco from private practice.

Judge Del Pesco is also proud of the work of the Pattern Civil Jury Instructions Committee which she chaired and which developed and distributed the civil jury instructions currently in use. Having standard instructions has saved countless hours in getting cases to juries. With characteristic modesty, she gives the credit for its success to attorney Tom Leff who she says, did the lion’s share of the work on this project.

Most recently, she initiated the Superior Court’s Project Rightful Owner which is an effort to assist persons whose property had been sold at Sheriff’s sale to claim excess funds remaining after all mortgages and liens were paid. She appointed Daniel Kristol, Esq. as Special Master. Working as a volunteer, Kristol, a real property expert, worked with the Judge and Maggie Derrickson to create a web site so that people could find out about the excess proceeds. Sandy Autman and David Desmaris have shouldered the case processing and financial work for over a year. To the satisfaction of all involved, the project has resulted in the distribution of over \$1 million since its inception. According to Judge Del Pesco, it has been “particularly gratifying to help those in the difficult situation of having lost their homes to foreclosure to secure the ex-

cess funds to which they are entitled.” Judge Herlihy has agreed to step in and continue this worthwhile project.

As Judge Del Pesco moves on to other endeavors, she will be remembered fondly for her cheerfulness

and unassuming humanity by all of those with whom she has worked. But, while she will be greatly missed, her many efforts will remain as an enduring reminder of one who sought to make life a bit better in so many ways.

SPECIAL COMMITTEE ON SUPERIOR COURT TOXIC TORT LITIGATION ISSUES REPORT

Both plaintiffs and defendants in Delaware asbestos cases are “overwhelmingly satisfied with the way asbestos litigation is being handled in Delaware” according to a report issued on May 9, 2008. The report was prepared by a committee of members of the Delaware bar appointed by President Judge James T. Vaughn, Jr. of the Superior Court to examine the handling of asbestos litigation. The Committee was formed in response to a letter from James A. Wolfe, President of the Delaware State Chamber of Commerce expressing “concern regarding the increasingly large number of toxic-tort personal injury cases now being filed in Delaware Superior Court by out-of-state law firms on behalf of out-of-state plaintiffs.”

As a part of the review process, the Special Committee received comments from Astra Zeneca, a major Delaware corporate citizen, which stated that the **Superior Court has “effectively managed the Delaware cases”** and that **“the Delaware judiciary continues to deserve the national acclaim it routinely receives.”**

After reviewing the results of written comments, public hearings, and meetings held with defense and plaintiffs’ counsel, the Committee found that asbestos defendants did not feel burdened by litigating in Delaware and, in fact, cited several advantages to Delaware as a forum. These included Delaware’s requirement (which was not found in other jurisdictions) for disclosure of the information required to assess a claim’s real merits and the fact that “Delaware judges over the years, and Judge Slights most recently, have demonstrated their independence, diligence and willingness to improve the process of handling these cases.” In addition, comments received by the Committee from two major companies in the State, E.I. DuPont de Nemours and Astra Zeneca, emphasized their satisfaction with the Superior Court’s handling of asbestos cases with DuPont indicating that it believed the Court’s “capable management” of these cases was

crucial in helping it retain its number one ranking for “Fairness in Litigation Climate for Business in the United States.”

Noting the Court’s history of successfully addressing issues relating to the handling of asbestos cases on an ongoing basis, the Committee recommended a few

areas for further consideration by the parties and the Court to further “fine tune” the process and stated in conclusion:

“This Special Committee has listened carefully to all views on the actual workings of Delaware asbestos litigation. We were particularly concerned over the allegations of abuses in other jurisdictions that it was alleged may appear in Delaware because of the increased

filings here. After that careful review, we are satisfied that the Delaware asbestos litigation is fairly conducted for both defendants and plaintiffs and is effectively resolving claims. It works and works very well.”

Chief Justice Myron T. Steele praised President Judge James T. Vaughn, Jr. for taking the initiative to investigate the Chamber’s concerns and stated: “I am pleased that business leaders continue to find the Delaware Superior Court to be an effective forum for the resolution of these disputes.”

Attorneys on the Committee were Richard D. Kirk, Bartholomew J. Dalton, Edward M. McNally., Allen M. Terrell, Jr., and Jeffrey M. Weiner.

ROBIN JENKINS OF THE AOC NAMED JUDICIAL BRANCH EMPLOYEE OF THE YEAR

Chief Justice Myron T. Steele has announced that Robin Jenkins of the Administrative Office of the Courts is the Judicial Branch Employee of the Year for 2007. Robin started her career with the AOC in 1986 and was promoted through the ranks to the position of Manager of Support Services. She received the award for her constant willingness to pitch in and lend a hand whenever needed. Known throughout the court system as a true team player, Robin unselfishly gives of her time and talent to assist co-workers in the AOC and in the courts and other agencies. Over the years, she has always been willing

to work long hours to not only complete her own tasks, but to help others with theirs.



From left to right: Deputy State Court Administrator James Wright; Robin Jenkins, Chief Justice Myron T. Steele; and State Court Administrator Patricia W. Griffin

Robin has been particularly helpful in creating many easy to use financial forms, charts, and diagrams which have been adopted for use throughout the Judicial Branch. She does all of this without fanfare, working behind the scenes and never seeking recognition, but greeting everyone with a warm and friendly smile. Robin is definitely an employee of whom the Judicial Branch can be exceedingly proud.

Other nominees for this award were Patsy Thatcher of Superior Court, Albert Ross of the Court of Common Pleas, Catherine Moore of Family Court, and Jill Vaughn of the Justice of the Peace Court. Congratulations to all of these employees for their well deserved honors!

OFFICE OF DISCIPLINARY COUNSEL SPONSORS SEMINAR ON DEATH PENALTY ADJUDICATION

The adjudication of capital cases was the topic of a free seminar held on April 11th by the Office of Disciplinary Counsel on behalf of the Delaware Supreme Court. The full-day session was designed to promote the interests of justice by helping to ensure that the best possible defense is presented in these difficult cases and to avoid the substantial expense involved in re-trying capital cases after conviction and sentencing.

Using the phrase, "death is different" speakers emphasized the depth of the defense needed in death penalty cases and discussed critical aspects of an effective defense in such cases. Defense needs were rein-

forced by Robin M. Maher, Executive Director of the American Bar Association (ABA) Death Penalty Representation Project, who discussed the ABA Guidelines for Defense Counsel in Capital Cases. The importance of state post-conviction and federal habeas corpus considerations was also discussed by additional speakers, as were issues relating to funding and defense counsel case loads.

Members of the judiciary played an important role in the seminar with Superior Court Judge Jerome O. Herlihy providing an introduction and President Judge James T. Vaughn, Jr. and Superior Court Judges T.

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Henley Graves, Joseph R. Slight, III, and Jan R. Jurden, as well as District Court Judge Gregory M. Sleet, and Disciplinary Counsel Andrea L. Rocanelli, serving as panel moderators.

The program was videotaped and is available, free of charge, to anyone who would like to view the seminar by contacting the Office of Disciplinary Counsel at (302) 577-7042.

COSCA Mid-Atlantic Conference On Procedural Fairness

On June 10th, the Administrative Office of the Courts once again welcomed court participants from Delaware, Maryland, New Jersey, and Pennsylvania, including judges, court administrators and staff, to the New Castle County Courthouse for the Second Annual COSCA (Council of State Court Administrators) Mid-Atlantic Regional Conference. Co-sponsored by the National Center for State Courts (NCSC), the topic of this year's conference was "Procedural Fairness." Chief Justice Myron T. Steele welcomed participants and Dick Van Duizend (NCSC) introduced this year's keynote speaker, Judge Kevin S. Burke (Minnesota). Judge Burke has won a number of awards, including the William H. Rehnquist Award from the National Center for State Courts, presented annually to a state judge who exemplifies the highest level of judicial excellence, integrity, fairness and professional ethics. He is an expert on procedural fairness and has been a speaker in many states as well as in Canada, Mexico, China, India, and Ireland, regarding improvement in judicial administration. Judge Burke is the co-author of the American Judges Association "white paper" entitled "Procedural Fairness: A Key Ingredient in Public Satisfaction."

At the day-long conference, participants explored the key elements of procedural fairness and engaged in exercises designed to help them see how users view the courts and how their courts can apply procedural fairness concepts. Judge Burke highlighted that, while litigants do not have a right to win their case, they do have a right to be treated fairly and with respect. He noted that studies have shown that "most people care more about how they are treated in court than they do about winning or losing a particular case. People might not be happy if they lose their case, but they are more likely to view an outcome as fair if they feel that the decision in the case was arrived at fairly." Furthermore, he provided statistics indicating that compliance

with court judgments is enhanced with heightened attention to procedural fairness – "as litigants they are more willing to accept decisions and follow orders."

Judges and court staff play a critical role in shaping how the public views not only the outcome in an individual case but the judicial system as a whole. Procedural fairness plays a role not just in the courtroom, but throughout the entire courthouse. For most people, the courts and our judicial system are unfamiliar, and it is easy for them to feel overwhelmed. From the moment people enter the courthouse, it is important that they feel that they have a voice, that legal principles are consistently applied, that they are treated with respect, and that authorities are trustworthy.

Procedural fairness can be especially critical to how self-represented litigants view our courts. As part of the Delaware Judiciary's ongoing commitment to promoting access and fairness, the Delaware Supreme Court has issued Administrative Directive 168, establishing a task force to study perceptions of fairness and the needs of self-represented civil litigants in the Delaware courts. The task force will focus on limited jurisdiction courts which have the highest proportion of self-represented litigants and will be co-chaired by the Honorable Alan G. Davis, Chief Magistrate of the Justice of the Peace Court, and Patricia W. Griffin, State Court Administrator. The task force's work will complement an existing initiative that is already underway to study and promote racial and ethnic fairness in the Delaware courts.

If you would like to learn more about procedural fairness, the American Judges Association white paper, *Procedural Fairness: A Key Ingredient in Public Satisfaction* is available online at: <http://aja.ncsc.dni.us/htdocs/AJAWWhitePaper9-26-07.pdf>

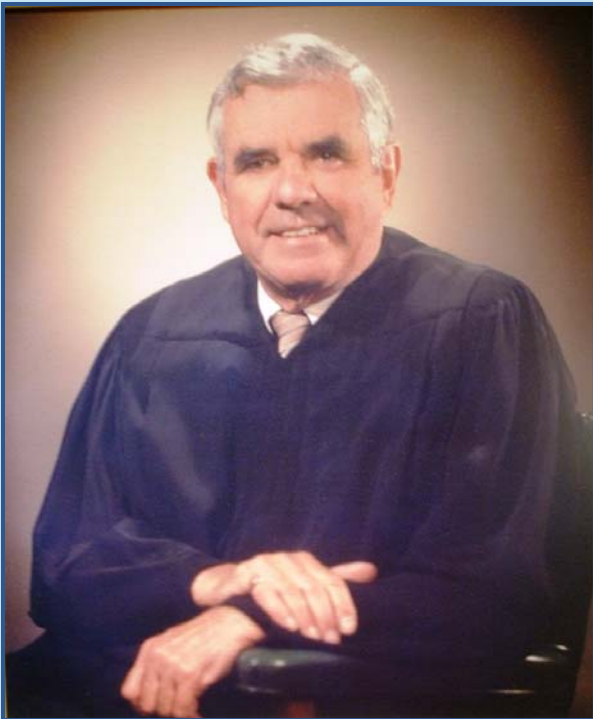
DELAWARE JUDICIARY RECOGNIZED

Chief Justice Myron T. Steele of the Supreme Court spoke at the Colloquium on Contemporary Issues in Law & Business at the Yale Law School in February 2008 and at the Third Circuit Judicial Conference in Cambridge, Maryland in April 2008. He was also interviewed on WHY? on June 19, 2008 about the Delaware Courts', particularly the Superior Court's, #1 ranking for "Fairness in Litigation Climate for Business in the United States" for 7 consecutive years.

Vice Chancellor Donald F. Parsons, Jr. of the Court of Chancery and **Judge Joseph R. Slights, III** of the Superior Court co-wrote an article published in the March/April 2008 issue of Business Law Today entitled: *The History of Delaware's Business Courts; Their Rise to Preeminence.*

Judge James A. Tull of the Justice of the Peace Court was named Justice of the Peace Court Judicial Officer of the Year for his work on *pro se* projects. Other nominees were **Judge Debora Foor** and **Judge James A. Murray.**

IN MEMORIAM



HONORABLE ROBERT D. THOMPSON, JR.

It is with much sadness that the Judicial Branch notes the passing of former Chief Judge of the Family Court Robert D. Thompson, Jr. on April 5, 2008. Chief Judge Thompson served as the head of the Family Court from November 1, 1974 until he retired on January 31, 1992. His time as chief judge marked a period of growth and innovation for the Family Court. Early in his tenure, the court's jurisdiction was enhanced with the addition of ancillary, annulment and divorce matters, which had previously been heard by the Superior Court. In 1977, Masters (who have since been replaced by the current position of Commissioner) were authorized to hear misdemeanors and conduct bond hearings and arraignments. In addition, under his leadership, new courthouses for the Family Court were designed and constructed in each county. He also led the development of the first set of comprehensive court rules for the Family Court and directed the initiation of the current statewide CASA (Court Appointed Special Advocate) program as a pilot project in New Castle County. In 1986, he received the Franklin N. Flaschner Award for the most outstanding judge of a court of special jurisdiction from the American Bar Association National Conference of Special Court Judges.

Chief Judge Thompson was a native of Sussex County and a graduate of the University of Maryland and the University of Maryland Law School. Prior to becoming chief judge, he worked in private practice in Georgetown and served as a judge on the Family Court.

Legislation has been passed to honor Chief Judge Robert D. Thompson, Jr. by naming the Sussex County Family Courthouse after him.

NEW SUPERIOR COURT RULE MANDATES ALTERNATIVE DISPUTE RESOLUTION

The Superior Court recently made sweeping changes to its alternative dispute resolution (ADR) requirements. The changes, which were made by amending Civil Rule 16 and rescinding prior Civil Rule 16.1, are designed to reduce the backlog of civil cases by lowering the number of cases which proceed to trial and to streamline the ADR process. While mandatory ADR was not previously required for cases in which the plaintiff's attorney certified a case value of \$100,000 or more, under the revised rule, cases are subject to compulsory ADR regardless of the value. Only certain case types – replevin, foreign and domestic attachment, statutory penalties, mortgage foreclosures, and cases with fee waivers - are exempted from this requirement. ADR may consist of arbitration (either binding or non-binding), mediation, or neutral case assessment. The choice of type of ADR is left to the parties, but if they cannot agree, mediation serves as the default unless otherwise ordered by the Court.

Changes were also made in the procedures for ADR. Under the new rule, the judge establishes a scheduling order which includes a time limit for an ADR hearing within the process. (Previously, the scheduling

order was not set until after ADR so the new procedure should help to streamline the process.) Another change made by the new rule is that the "ADR practitioner" no longer needs to be an attorney. Thus, a specialist in the matter under dispute, such as a doctor in a medical malpractice case, can function as the arbitrator, mediator or neutral assessor, as agreed to by the parties. In addition, court staff time is saved under the new rules, since the parties select the ADR practitioner, who sets his or her own fee, and is paid directly by the parties rather than by the prothonotary. The new procedures are effective for cases filed starting March 1, 2008.

Similar changes, which are also effective as of March 1, 2008, were made by the Court of Common Pleas. Under the Court of Common Pleas new Rule 16, the compulsory ADR provisions do not apply to cases in which one or more party is not represented by counsel, appeals de novo from the Justice of the Peace Court, confirmation of arbitration awards, consumer debt cases, statutory penalty cases, fee waiver cases, or any other civil cases which the Court deems exempt.

COURT EMPLOYEES MOBILIZE FOR HEALTH AND FITNESS

From aerobic kickboxing to Weight Watchers and beyond, court employees throughout the state have been enthusiastically participating in programs to promote health and fitness. In Sussex County, after-work aerobic kickboxing classes have been a huge success. Meeting several days a week after work, employees have been working together to improve their health and fitness while having fun in the process. Building on the success of the kickboxing classes, a new class in yoga has recently begun and employees report that they are equally enjoying this new offering. Both classes were developed and are taught by Albert Ross, a court security supervisor with the Court of Common Pleas.

Meanwhile, employees in the New Castle County Courthouse are feeling better as the result of their participation in the lunch hour Weight Watcher's program that is sponsored by the State of Delaware's DelaWELL program and coordinated in the Court-

house by the Administrative Office of the Courts (AOC). The program, which is filled to capacity, began April 3rd and will continue for 13 weeks. Participating employees receive a discounted rate and, if they have health insurance through the State and attend at least eighty percent of the meetings, will receive a full refund. According to Kirsten Morris, staff trainer for the AOC, there were more employees interested in participating than available spots so additional sessions will be scheduled in the future. Kirsten has also worked with DelaWELL to bring other health-related lunch hour programs through DelaWell to the New Castle County Courthouse and has plans to extend these types of programs to Kent and Sussex Counties.

In addition, Kirsten, who is a Red Cross instructor, has been working with court security personnel to train them for Red Cross certification in CPR, AED (automatic external defibrillator) use, and first aid.

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This will prepare them to handle emergencies involving other court staff or the public until medical assistance arrives. Those who have undergone the training find it to be both fun and reassuring to know that they can help to save someone's life in an emergency situation. An annual refresher course will be offered

as certifications expire so that security staff can retain their Red Cross certification. In addition, once initial certification of court security staff is completed, training in CPR and AED will be offered to other court staff who may be interested.

COTS IMPLEMENTATION ACHIEVES ANOTHER MILESTONE IN JUNE 2008

The Delaware Courts new case management system (COTS) implementation reached a new stage on June 2, 2008 when the first of a two part civil implementation process for the Superior Court and Court of Common Pleas began with the introduction of the new system in Sussex County. Implementation in these courts in the other two counties will take place in early November 2008. The phased in implementation in these courts is providing a chance to work out any "bugs" in the system while the system is operating only in one county. This has proven to be particularly beneficial in resolving some technical issues regarding title searches which arose during initial implementation.

The new system provides important benefits to these courts by placing them on the same system as the Justice of the Peace Court. In the Court of Common

Pleas, the system has also introduced e-filing for the first time. Court staff who are working with it report that e-filing is already making case processing simpler by reducing the need to enter data into the system. According to Wanda Smith, Clerk of Court for the Sussex County Court of Common Pleas, "the new system will improve efficiency and productivity for the Court."

In the Superior Court, the new system is providing an automated accounting system which replaces the previous manual one, thus, providing substantial savings of staff time. Karen Taylor, Deputy Court Administrator for the Sussex County Superior Court, says "the transition to the new accounting system has gone remarkably well and Court staff find it to be very user-friendly."



Members of the Core Team get ready on Sunday, June 1, 2008 at JJC for the Superior Court and Court of Common Pleas "Go Live"

Shelley Swafford, Court of Common Pleas Civil Clerk hard at work using Contexte, the new case management system



PROTECTING DELAWARE'S CHILDREN CONFERENCE

In early May, judges, attorneys, advocates, service providers, law enforcement officials, medical and other professionals from throughout the state came together for the Protecting Delaware's Children Conference. The conference, presented by the Child Death, Near Death, and Stillbirth Commission (CDNDSC) and the Child Protection Accountability Commission (CPAC), brought 400 people to Dover Downs to learn, share and find new ways to work together as they strive toward a common goal – ending child abuse and neglect in Delaware. Conference participants were encouraged to collaborate, share information and think in a transformational way. C. Malcolm Cochran, IV, Esq., Chair of CPAC, challenged participants to ask themselves: "How can we, together, do things better?"

This first joint conference featured 25 workshops focusing on a broad spectrum of topics designed to enhance, support and inform the work of child abuse and associated professionals. From techniques on prosecuting child abuse perpetrators to the developmental effects of child maltreatment, to engaging the medical community as child advocates, to domestic violence prevention and its impact on children, the conference featured a wide array of learning opportunities for professionals from many different areas. In addition to presentations from both national and local experts in their fields, participants were addressed by Governor Ruth Ann Minner, Attorney General Beau Biden, and Secretary of the Department of Services for Children, Youth and their Families, Cari DeSantis.

The Protecting Delaware's Children Conference was part of a much larger effort to strengthen families, communities, and Delaware. Delaware's Judiciary and the agencies they are associated with have long been a part of these efforts.

- The Child Death, Near Death, and Stillbirth Commission (CDNDSC) was established in 1995 to safeguard Delaware's children by examining the deaths of children. Reviews are designed to provide meaningful, prompt, system-wide recommendations in order to prevent future deaths and improve services to children.
- The Child Protection Accountability Commission (CPAC) was created as part of the Child Abuse Prevention Act of 1997 to improve Delaware's child protection system. CPAC's mission is to monitor Delaware's child protection system to ensure the health, safety, and well-being of Delaware's abused, neglected and dependent children. By statute, the Child Advocate serves as the Executive Director of the CPAC.

- Since 2000, the Office of the Child Advocate (OCA) has safeguarded the welfare of Delaware's children through educational advocacy, system reform, public awareness, training, and legal representation of children.



Regina Tyler, workshop speaker

- The Delaware Family Court CASA Program began in 1981. Administered by Family Court, the goal of the CASA Program is to provide representation for all abused or neglected children who come before the Court.



From left to right: Carlyse Giddens, DFS Director; Dr. Angelo Giardino, Plenary Speaker, and C. Malcolm Cochran, IV, CPAC Chair

Healing in Family Court : Promoting Healthy Development for Maltreated Infants

On any given day, nearly 1,000 children in Delaware are living in foster care – a third of them are younger than 5 years of age. Infants and young children in foster care have suffered abuse and/or neglect, and the removal from their families further traumatizes them, leaving them vulnerable to health, behavioral and emotional challenges for the rest of their lives. A conference sponsored by the Family Court of Delaware on June 13, 2008 at the Dover Sheraton gave more than 200 judges, lawyers, therapists and social workers the opportunity to learn from national and local experts about ways to address those challenges when children are young.

“During the first five years of life, children develop the foundation and capabilities on which all subsequent development builds. These abilities include both remarkable linguistic and cognitive gains and progress in their emotional, social, regulatory, and moral capacities. Virtually every aspect of human development, from the brain’s evolving circuitry to the child’s capac-

ity for empathy, is affected by the environments and experiences that are encountered in a cumulative fashion during the early childhood years,” according to Judge Cindy S. Lederman and Joy D. Osofsky, PhD.

Judge Lederman and Dr. Osofsky have advanced three initiatives in Miami-Dade County Juvenile Court to assess the needs of young children in dependency cases, help caregivers recognize and support their children’s needs for healthy development, and provide intervention services to young children exposed to violence in their homes or communities.

Mary Dozier, PhD. provided an overview of the progress made locally through the Infant Caregivers Program at the University of Delaware. The program works with infants in dependency cases and their caregivers, and helps shape the training program for foster parents and others who will care for these young victims of dependency, neglect and sometimes violence.

We are pleased to present the Summer 2008 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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