
Annual Report of the Delaware Judiciary 1994

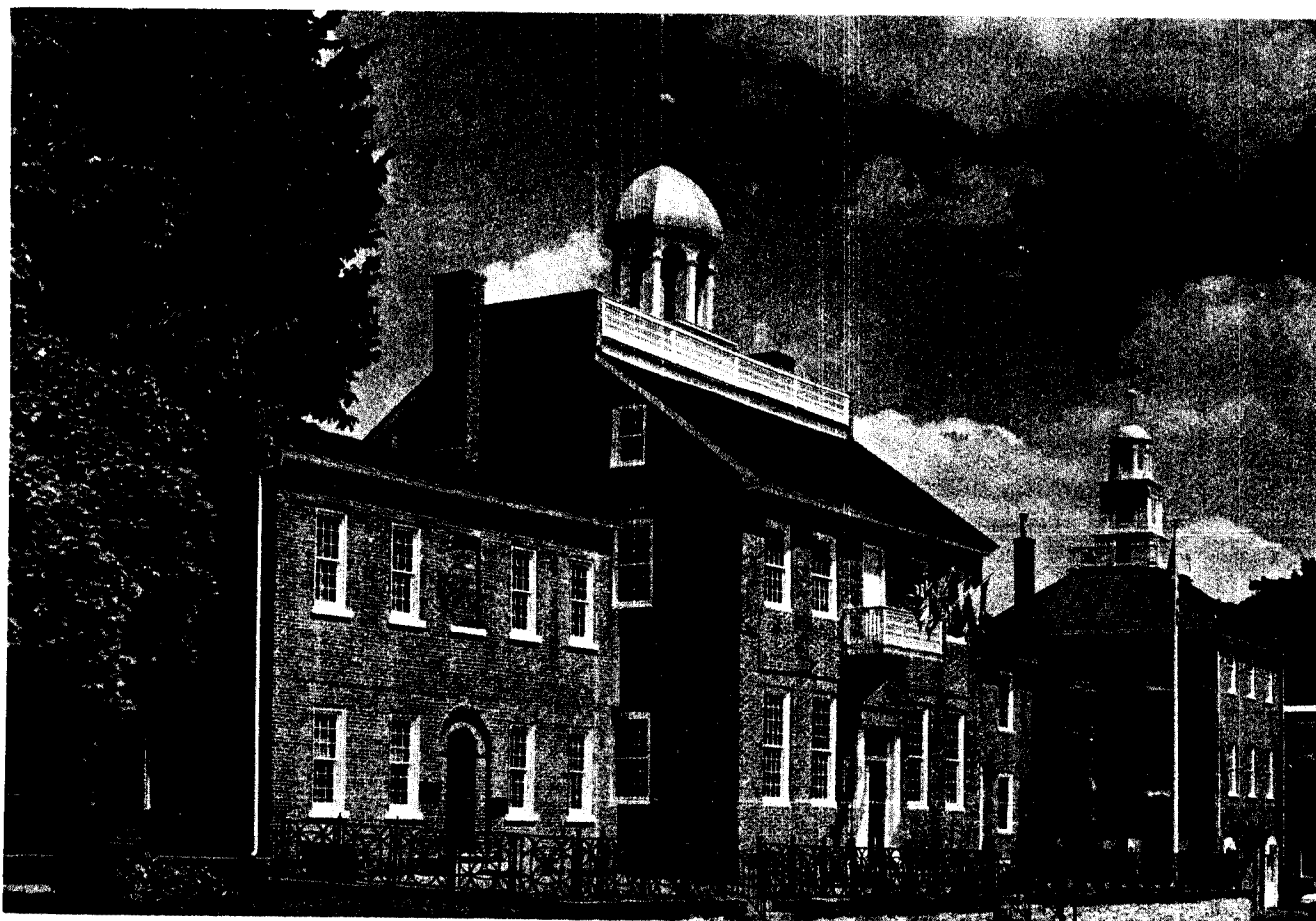


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ABOUT THE COVER:

The New Castle Courthouse was the meeting place of the Colonial Assembly and the Courts of the Three Lower Counties of New Castle, Kent, and Sussex (now the State of Delaware). It was in this building that the Declaration of Independence was approved and the first Constitution of Delaware was drafted.

1994 Annual Report of the Delaware Judiciary

(July 1, 1993 – June 30, 1994)

The Honorable E. Norman Veasey
Chief Justice of Delaware

Prepared by the

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LETTER OF TRANSMITTAL



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LOWELL L. GROUNDLAND
DIRECTOR

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DEPUTY DIRECTOR

The Honorable Chief Justice and Justices of the Supreme Court of the State of Delaware:

Pursuant to Supreme Court Rule 87, I am pleased to submit on behalf of the Administrative Office of the Courts the 1994 Annual Report of the Delaware Judiciary.

I acknowledge with gratitude the work and cooperation of many individuals in the various courts and judicial agencies who supplied the statistical data and other information for this document.

I hope that this record of events and activities in the judicial branch during the last fiscal year will be both useful and interesting.

Respectfully,

A handwritten signature in cursive script, reading 'Lowell L. Groundland'.

Lowell L. Groundland
Director
Administrative Office of the Courts

LETTER FROM THE CHIEF JUSTICE



SUPREME COURT OF DELAWARE

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February 1, 1995

It is an honor for me to present the Annual Report of the Delaware Judiciary which records the numerous and significant achievements of our court system for FY 1994. During the last year, our dedicated judges and staff succeeded in disposing of voluminous caseloads in a timely manner and in initiating new practices and programs which contribute to greater efficiency in the operations of the various courts and improved services to the citizens of Delaware using these courts. This year's publication is especially important in that it contains an account of the seminal contributions of the Commission on Delaware Courts 2000 which, in its Final Report dated May 16, 1994, provides the Delaware Judiciary with a comprehensive and viable plan for meeting present challenges as well as those forecast for the next century.

The many advances made by the Judiciary during the past year were made possible by the support and cooperation of Governor Thomas R. Carper and the members of the General Assembly.

The accomplishments of the Delaware judicial system during FY 1994 represent the commitment of our judges and staff to the highest standards in administering justice and serve to enhance the excellent reputation which our Delaware courts have enjoyed for so many years.

E. Norman Veasey

In Memoriam

IN MEMORIAM

DEPUTY CHIEF MAGISTRATE THOMAS J. ORR

Deputy Chief Magistrate Thomas J. Orr of the Justice of the Peace Courts in Sussex County passed away on July 27, 1994 at the age of 74.

Born and raised in Paterson, New Jersey, Thomas J. Orr enlisted in the Army during World War II, served as a corporal in the infantry in Europe, and was among the troops that arrived at Omaha Beach on D-Day. After the war, he moved to Lewes, Delaware, where he owned and operated Orr Hosiery Company for over two decades. In the 1950's, he was elected as a Republican to the Lewes Town Council, a post which he held until 1974 when he resigned to accept the office of magistrate to which he was appointed by Governor Sherman W. Tribbitt. He later became Deputy Chief Magistrate for Sussex County, a position which he occupied at the time of his retirement in 1991.

As part of the corps of magistrates assuming office in the newly created statewide Justice of the Peace Court system, Judge Orr was instrumental in providing training to the new members of this bench. For the many magistrates and staff who worked with him in the Justice of the Peace Courts, he epitomized the ideal of what a magistrate should represent since his performance reflected his knowledge of the law, his common sense, his sensitivity to the average citizen, and his interest in his fellow magistrates and the other employees of the JP Courts.

Judge Orr was active in community, civic, and religious activities. He was an elder in the Lewes Presbyterian Church, president of the Lewes Lion Club, a thirty-second degree Mason, and a member of the Jefferson Lodge in Lewes; Scottish Rite; and Nur Temple.

Judge Orr and his wife Carol were the proud parents of Clifford (Skip) and were devoted to him and his wife Donna and their children.

Judge Orr will be remembered for his important contributions to the Justice of the Peace Courts, the judicial system, and the community.

Introduction to the Delaware Court System

INTRODUCTION TO THE DELAWARE COURT SYSTEM

Court Organization and Jurisdiction

The Delaware Judiciary is composed of the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas, the Justice of the Peace Courts, the Municipal Court of Wilmington, the Alderman's Courts, and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court System is similar to a pyramid. The Justice of the Peace Courts and the Alderman's Courts represent the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the Court

System pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the Court system generally result in cost savings to the judiciary in resources used to handle the matters and in a speedier resolution of the issues at hand for the litigants. The jurisdiction and routes of appeals and transfers of the various courts are described in the paragraphs below and are depicted graphically in Figures 1 and 2.

The Justice of the Peace Courts, the initial entry level into the Court

System for most citizens, have jurisdiction over civil cases in which the disputed amount is less than \$5,000. In criminal cases, the Justice of the Peace Courts hear certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. In criminal cases with the possibility of incarceration or a fine of \$15 or more or both, the accused may elect to transfer the case to the Court of Common Pleas. Appeals may be taken de novo to the Superior Court. Over one-half of all cases are disposed of rapidly at the Justice of

Court Jurisdiction

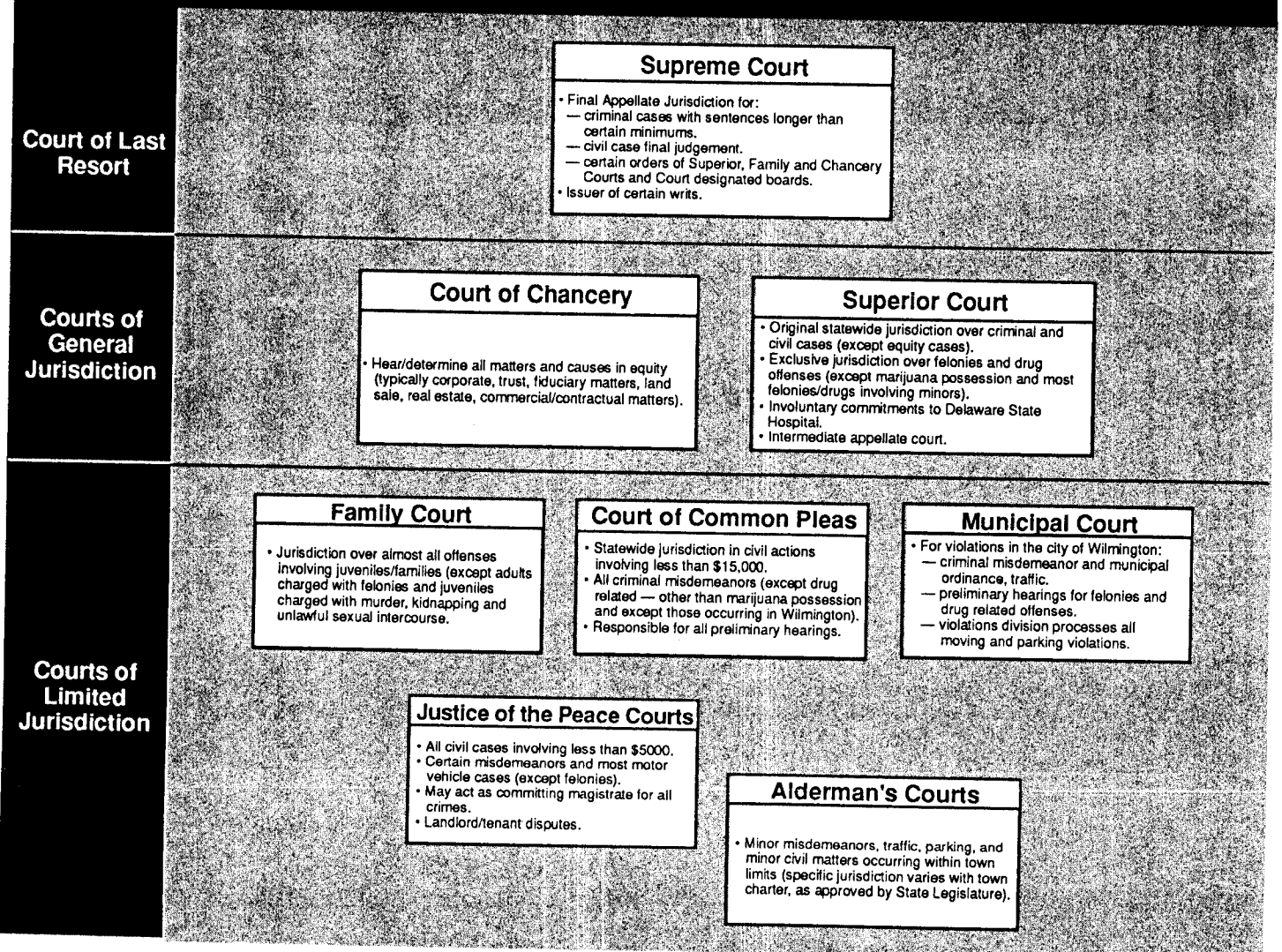


Figure 1

INTRODUCTION TO THE DELAWARE COURT SYSTEM

the Peace Courts level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount involved, exclusive of interest, does not exceed \$15,000. In criminal cases, the Court of Common Pleas handles all misdemeanors occurring in the State except drug-related cases (other than possession of marijuana), and those cases occurring in Wilmington. The Court is also responsible for all preliminary hearings in felony cases except those occurring in Wilmington.

Appeals may be taken to the Superior Court.

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

The Superior Court, the State's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses.

In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Alderman's Courts, the Justice of the Peace Courts, and the Municipal Court are heard as trials de novo (second trials) in the Superior Court. Appeals from the Superior Court may be taken on the record to the Supreme Court.

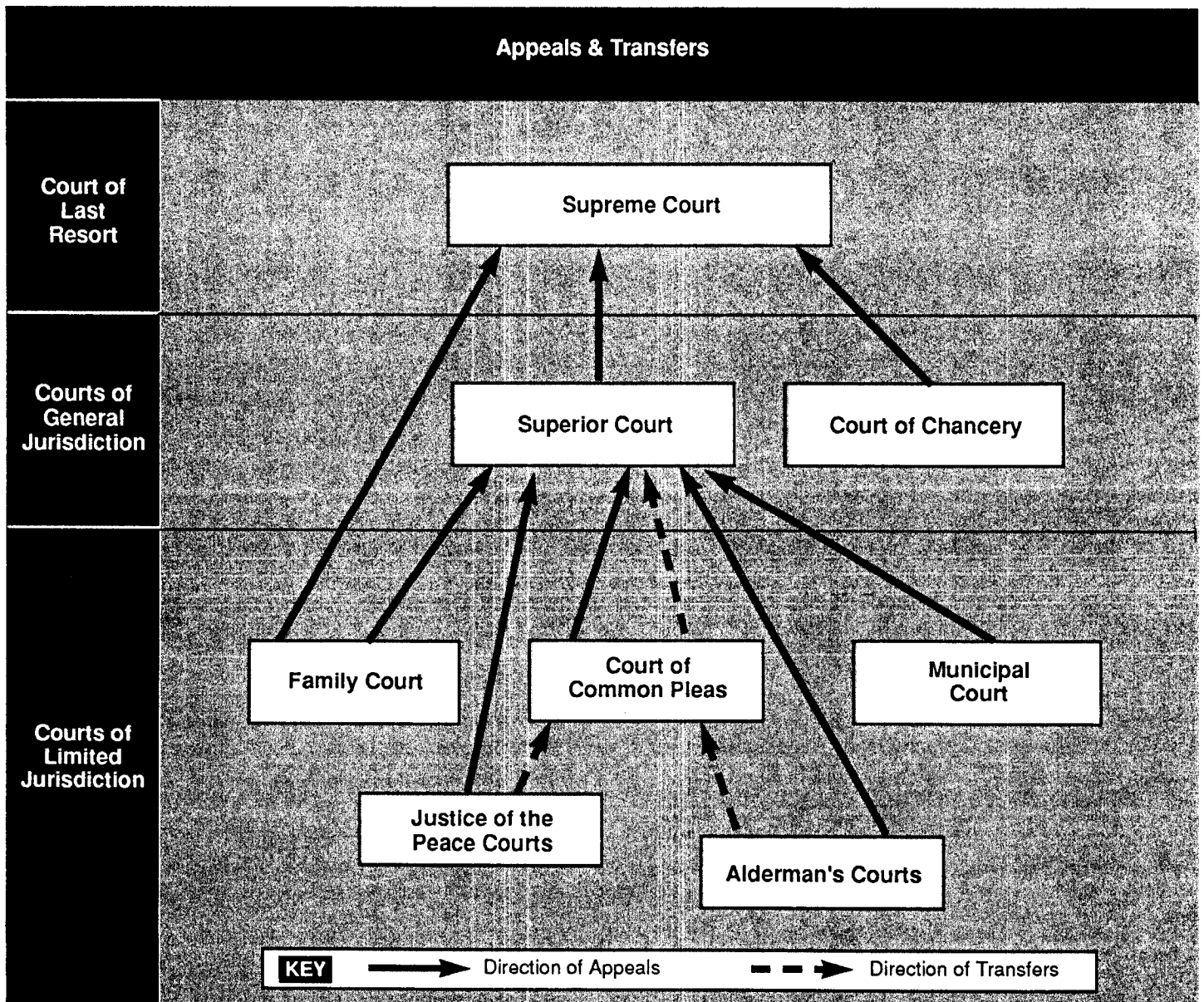


Figure 2

INTRODUCTION TO THE DELAWARE COURT SYSTEM

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

The Supreme Court is the State's appellate court which receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court.

As administrative head of the Courts, the Chief Justice of the Supreme Court, in consultation with the other Justices, sets administrative policy for the Court System.

The Administrative Office of the Courts, including the Judicial Information Center, provides those centralized services to the Delaware Judiciary which are consistent with the statewide policies and goals for

judicial administration and support operations as established by the Chief Justice of the Supreme Court.

Other components of the Delaware Judiciary as seen on the figure below are for funding purposes only.

As seen on Figure 3, the majority of the parts of the Delaware judicial system are funded by the State. Exceptions to this are the Municipal Court of the City of Wilmington, the Alderman's Courts, the Registers in Chancery and the Registers of Wills for the Court of Chancery, and the Sheriffs for the Superior Court.

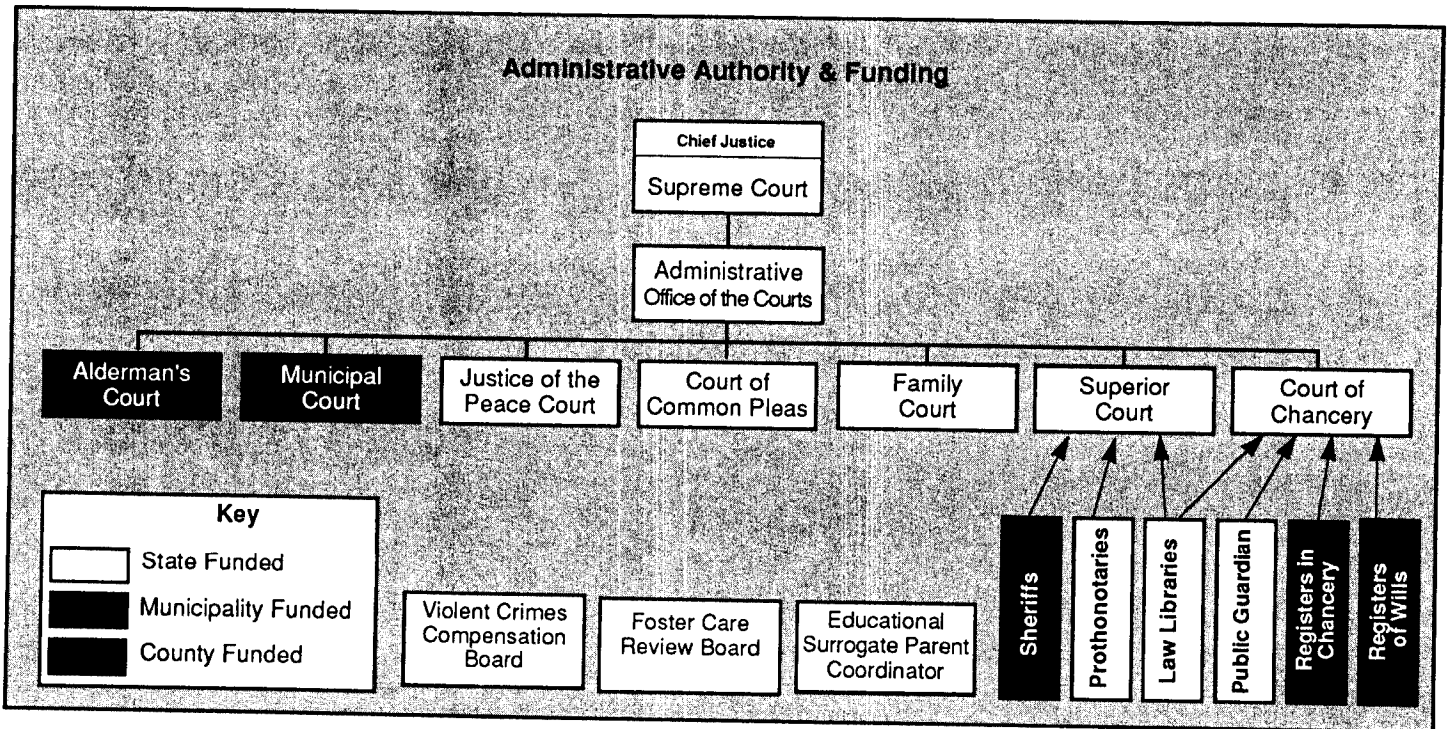


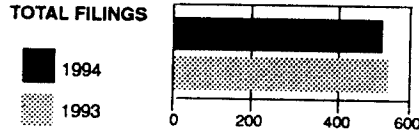
Figure 3

Court Caseload Summaries for Fiscal Year 1994

COURT CASELOAD SUMMARIES FOR FY 1994

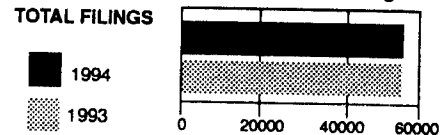
SUPREME COURT

There were decreases in both filings and dispositions during FY 1994. These decreases follow a record level of dispositions in FY 1993 and a near-record level of filings during the same fiscal year in the Court.



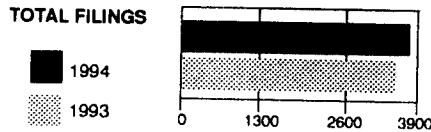
COURT OF COMMON PLEAS

The minute 0.1% decrease in criminal filings in FY 1994 was noteworthy in that it was the first time in over a decade that there was a decrease in criminal filings from the previous year. The small 1.4% drop in total filings was noteworthy for the same reason as the criminal filings.



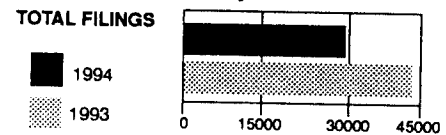
COURT OF CHANCERY

The number of civil filings rose during FY 1994 after having decreased for each of the five (5) previous fiscal years. There was an increase in estates filed in FY 1994 while the number of miscellaneous matters was almost the same as it had been in FY 1993.



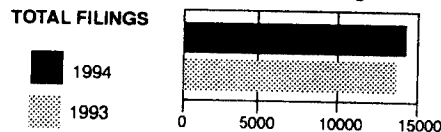
MUNICIPAL COURT

Substantial decreases in both criminal and traffic filings in the Court led to a 33.1% fall in total filings in FY 1994. There was a comparable decrease in dispositions, which fell by a total of 29.6% for the fiscal year.



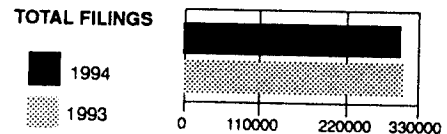
SUPERIOR COURT

While criminal filings actually fell in FY 1994 and criminal dispositions rose by only 2.0%, there were rises in both civil filings and dispositions that led to increases in both total filings and total dispositions for the Court during FY 1994.



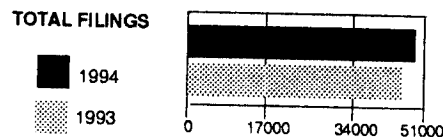
JUSTICE OF THE PEACE COURTS

The decrease in criminal filings during FY 1994 was the cause of a 4.0% drop in total filings despite a rise in the civil filings. There were slight increases in both criminal and civil dispositions, which resulted in a 1.3% rise in total dispositions during FY 1994.



FAMILY COURT

There was a record level of filings in the Court during FY 1994 and the Court disposed of a record number of cases during the fiscal year. This was due to increases in both juvenile delinquency and civil matters.



**A Commentary On
Fiscal Year 1994
By Chief Justice
E. Norman Veasey**

A COMMENTARY ON FISCAL YEAR 1994

A COMMENTARY ON FISCAL YEAR 1994 BY CHIEF JUSTICE E. NORMAN VEASEY



The Honorable E. Norman Veasey

My message on the Judiciary for FY 1994 will consist of two parts. The first will relate the major developments in the judicial system while the second will note the contributions of the Commission on Delaware Courts 2000.

Major Developments in the Judiciary

INTRODUCTION

The sections below document the significant advances made by the judicial branch in using effective case processing systems, continuing to automate specific court functions, launching a strategic plan for applying tested technologies to the court environment, employing alternative dispute resolution techniques, standardizing and streamlining system-wide processes, and launching other programs designed to promote quality and efficiency in the administration of justice. The pressing resource needs required by the Delaware courts to carry out their constitutional and statutory responsibilities are also noted. Prominent in the highlights of last year's activities are efforts of the entire judicial system and the individual courts in developing strategies to implement the proposals of the Commission on Delaware Courts 2000.

Prominent in the highlights of last year's activities are efforts of the entire judicial system and the individual courts in developing strategies to implement the proposals of the Commission on Delaware Courts 2000.

The noteworthy events presented below serve to substantiate our court system's long-standing reputation as one of the finest in the nation.

JUDGESHIPS

There were several changes in the Judiciary in FY 1994. Supreme Court Justice Henry R. Horsey completed his distinguished career as a jurist when he retired on February 28, 1994, and former Vice Chancellor Maurice A. Hartnett, III, of the Court of Chancery, was sworn in on April 12, 1994 to fill the vacancy on the Supreme Court bench created by Justice Horsey's departure. On May 12, 1994, the Honorable Myron T. Steele, formerly serving as Kent County's Resident Judge in the Superior Court, became Vice Chancellor in the Court of Chancery. The Honorable Fred S. Silverman and the Honorable William C. Carpenter, Jr., took the oath of office respectively on October 12, 1993 and October 18, 1993 for the new judgeships authorized for Superior Court. On October 8, 1993, the Honorable Alex J. Smalls left his post as judge in Municipal Court to begin his career as a judge in the Court of Common Pleas. The Honorable William L. Chapman, Jr., took his oath of office as the new judge in the Municipal Court on April 22, 1994. The Honorable Patricia W. Griffin succeeded the Honorable William F. Richardson as Chief Magistrate of the Justice of the Peace Courts on October 15, 1993.

CONTINUING JUDICIAL EDUCATION AND STAFF TRAINING

Through the Continuing Judicial Education Program administered by the Supreme Court with appropriations from the General Assembly, our Judiciary continued the practice of attending seminars on both local and national levels. The Delaware Judiciary and the Delaware State Bar Association jointly conducted a two-day educational program, on August 20-21, 1993 in Hershey, Pennsylvania, which included the sessions: "Stress-Free Case Management," led by Dr. Isaiah Zimmerman, and "Complex Litigation - The Trial," presided over by Harvey B. Rubenstein, Esquire, Sam Glasscock, III, Esquire, Richard L. Horwitz, Esquire, and Judith N. Renzulli, Esquire. The December 10, 1993 Judicial Conference of the Delaware Judiciary featured a special presentation, "Use and Limitations of DNA Evidence," by a panel of experts from the Federal

A COMMENTARY ON FISCAL YEAR 1994

Bureau of Investigation and the Public Defender's Office of Washington, DC.

The Judicial Education Committee of the Supreme Court, the Delaware Office of Highway Safety, the Delaware Attorney General's Office, the National Highway Traffic Safety Administration, and the National Traffic Law Center on November 18-19, 1993, co-sponsored a two-day conference on "Driving Under the Influence" with sessions by Judge William Payne of New Hampshire District Court; Judge Linda Chezem of the Indiana Court of Appeals; and Dr. Marcelline Burns of the Southern California Research Institute.

Scholarships provided by the State Justice Institute and the Bureau of Justice Assistance enabled six Delaware judges to matriculate in courses at the National Judicial College in Reno, Nevada. An award from the National Judicial College enabled four Delaware judges and the judicial educator to join with their counterparts from New Jersey, New York, and Pennsylvania in participating in the College's "Children in the Courts Program" in Princeton, New Jersey, May 23-25, 1994.

The following conferences were presented for the judges of the individual courts with assistance from the Supreme Court's Judicial Education Committee: "Advanced Evidence Program" in Superior Court; "Adoption Training" in Family Court; and the "Civil and Criminal Education Conference" in the Justice of the Peace Courts. With funding from the Judicial Education Committee, the Justice of the Peace Courts launched a formal orientation program for new magistrates currently directed by the Legal Education Committee chaired by Judge David R. Skelley. The ten week basic legal education orientation program includes courses on ethics, legal research and writing, criminal law and procedure, contract and landlord/tenant issues, and mock trial hearings. In addition, the Justice of the Peace Courts held monthly legal education seminars for the members of the bench.

With technical assistance from the Administrative Office of the Courts, Superior Court and the Justice of the Peace Courts inaugurated training

programs for staff which included topics relating to computers, ethics, and management skills. Personnel from the individual courts also attended the highly successful "Power and Leadership for Women in Public Administration" seminar, October 19 and 20, 1993, co-sponsored by the Administrative Office of the Courts, the City of Wilmington, New Castle County, and the University of Delaware.

The problem of security continues to permeate our entire court system. . . . All of our courts in Delaware are vulnerable to incidents of violence.

PHYSICAL FACILITIES AND SECURITY

The problem of security continues to permeate our entire court system. It is recognized that violence tends to be sporadic, unpredictable, and deadly. Tragic happenings in Delaware outside of court buildings, but related to court matters, and newsworthy events in courtrooms of other states indicate the potential for violence. All of our courts in Delaware are vulnerable to incidents of violence. Obviously, some are more at risk than others. In FY 1994, the Justice of the Peace Courts, in which there was previously no regular police/security presence, were given a budgetary allotment for three chief of security positions (one for each county) and for beginning the upgrading of their equipment for security purposes. There remains concern about security provisions in other courts. For instance, there is an urgent need in the Kent County and Sussex County Courthouses to establish perimeter security and to install screening devices at the public entrances. It is also imperative to enhance security in Family Court by installing panic alarms and closed-circuit television in the public area, x-ray equipment at the entrances, and by bulletproofing the cashier's office. Since becoming Chief Justice, I have contended that a viable solution to the security problems in the Judicial Branch is the adoption of a

plan similar to the United States Marshal System which would be controlled by the Judiciary. I was pleased to note that the Commission on Delaware Courts 2000 endorsed this concept in its *Final Report*. It is important to emphasize that the implementation of this goal is long-range and will require extensive planning and sizeable funding.

Another critical issue facing the Judiciary is inadequate housing for our courts. The most serious space shortage facing our judicial system is in Wilmington. In a comprehensive analysis of this situation, the 1990 report, released by the Wilmington Space Planning Committee under the auspices of the Department of Administrative Services, recommended the erection of the New Courts Center (now called the Delaware Justice Center) in downtown Wilmington. At the time the 1990 document was released, Delaware's revenue problems prevented the implementation of this plan.

Another critical issue facing the Judiciary is inadequate housing for our courts. . . . [T]he space needs of the courts in New Castle County have become critical as their caseloads have escalated.

In May 1992 I appointed the Wilmington Justice Center Committee to review and update the status of space problems in New Castle County, and this group stressed in its findings the urgency of moving forward with the construction of a new court structure in Wilmington as proposed in the 1990 report. To date, the State has not been able to fund this project. In the meantime, the space needs of the courts in New Castle County have become critical as their caseloads have escalated. In 1993 office space in a downtown building had to be leased for the two new Superior Court judges, and during the next fiscal year it will likely be necessary to rent space in an outside commercial building for the staff of the Common Pleas Court. It is evident that the steady growth of the Delaware court system will continue to exacerbate the overcrowding of the present facilities in Wilmington and

result in attendant operating inefficiencies. The Commission on Delaware Courts 2000 recognized this fact and suggested that the Chief Justice form a blue ribbon committee with representatives from the executive and legislative branches, whose charge it would be to secure funding, select a building site, and oversee the construction of the Delaware Justice Center on a cost-efficient basis. Following the counsel of the Commission, I have appointed the Delaware Justice Center Committee, co-chaired by Edmund N. Carpenter, II, Esquire, and Charles E. Welch, Esquire, to move forward the proposal to construct a new structure for the Wilmington-based courts, and in the process, to consider alternative methods of financing in order not to place an undue burden on the State's bonded indebtedness.

The State's fiscal problems of previous years also resulted in the interruption of the Justice of the Peace Courts' comprehensive building project. Therefore, I have inserted in the FY 1996 capital budget of the Judiciary a funding request for the construction of three new buildings for the Justice of the Peace Courts in Harrington, Lewes, and Dover. I have also included in this capital budget a request to continue the renovation of the Sussex County Courthouse and Annex which is being purchased by the State from the County. This refurbishing of the quarters for our courts in the southernmost county is essential for the safety and health of judges, staff, litigants and the general public, and for the efficient operations of these courts.

In summarizing the condition of Delaware's judicial facilities, I must stress that our courts cannot continue to handle their growing workloads in crowded and unsafe quarters. Consequently, the Judiciary must accelerate its campaign to acquire funds both from public and private sources to carry out the building projects which I have mentioned.

A COMMENTARY ON FISCAL YEAR 1994

WORKLOAD AND RESOURCES

During the last several years, Delaware courts have experienced continually rising caseloads. From FY 1989 through FY 1994, the total caseload of Superior Court grew by 34.1%, that of Family Court by 24.1%, the Court of Common Pleas by 48.3%, and the Justice of the Peace Courts by 33.4%.

In the last two years, the Governor and the Legislature have recognized the burdens placed on Delaware courts by these escalating caseloads by providing more personnel and other resources, and during the last fiscal

ALTERNATIVE DISPUTE RESOLUTION PROCESSES

Our Delaware courts are joining their counterparts in other states in using alternative dispute resolution methods in lieu of full judicial trials to resolve selected judicial disputes. Both Superior Court and Family Court have demonstrated considerable success in employing these processes as is evidenced by the national publicity which these programs have attracted.

In Superior Court civil cases involving monetary damages up to \$100,000 are subject to compulsory pre-trial arbitration. The arbitrator, selected from a list of experienced

. . . I must stress that our courts cannot continue to handle their growing workloads in crowded and unsafe quarters.

year, the courts were provided additional resources to carry out some of the important recommendations of the Commission on Delaware Courts 2000.

The Judiciary, like the executive and legislative branches, is in the process of examining its operations in order to determine how to achieve the optimal benefits of its resources through re-engineering and through other sound management practices. Throughout its report, the Commission on Delaware Courts 2000 issued numerous recommendations geared to promote the judicious deployment of its judges, staff, physical facilities, and material equipment. To promote the goal of maximum efficiency in the administration of the courts stressed by the Commission on Delaware Courts 2000 and supported strongly by the Judiciary, on August 19, 1994, I solicited the assistance of John F. Schmutz, Esquire, an expert in corporate management and former member of the Delaware Courts Planning Committee, to examine the judicial branch of government and to make recommendations regarding how all types of available resources should be used to achieve greatest efficiency without impairing the administration of justice or existing personnel policies.

attorneys or appointed by agreement of the parties, presides over the hearing and issues a written order which becomes a judgement of the Court if there is no request for a trial de novo by one of the parties. In FY 1994, there were 3,545 arbitration

Our Delaware courts are joining their counterparts in other states in using alternative dispute resolution methods in lieu of full judicial trials to resolve selected judicial disputes.

filings in Superior Court.

In Superior Court any civil case may be referred to the mediation program by election of the parties or by the Court according to established guidelines. Attorneys selected as mediators by agreement of the litigants or appointed by the Court, must receive training in conflict resolution techniques. During the proceeding, the mediator assists the participants in reaching a mutually acceptable resolution of the dispute. If the parties agree to a settlement, the terms are included in a written agreement signed by the disputants and the mediator. Once it is filed by the mediator, the agreement becomes a part of the Court record.

A COMMENTARY ON FISCAL YEAR 1994

The Superior Court Mediation Program provides for the use of settlement weeks. During this period, any mediator meeting the eligibility requirements may be required to serve in the program to reduce the Court's civil case backlog. During FY 1994, 47 attorneys received training provided by Superior Court with the result that to date a total of 87 attorneys have

The results of the arbitration and mediation processes in Superior Court and Family Court are impressive. It is my strong belief that Delaware courts should expand the use of alternative dispute resolution mechanisms and should become a leader in creating a "multi-door courthouse."

completed this instructional program. In this last year, 404 cases were assigned to the trained attorneys in the Mediation Program. Mediation is proving to be effective in expediting the management of civil cases in Superior Court.

In Family Court arbitration is the informal, non-adversarial proceeding in which a specially trained hearing officer attempts to resolve juvenile delinquency cases involving minor charges. The hearing officer reviews the charges, listens to the explanations, and selects the appropriate dispositional options. An important feature of the arbitration process is that parties who fulfill the dispositional conditions will not have a formal court record. During FY 1994, Family Court handled 2,261 arbitration cases.

Mediation in Family Court is employed in resolving conflicts in custody, visitation, support, and imperiling the family relationship cases. In the session the mediator guides the parties in drafting a mutually acceptable solution to the case. If approved and signed by both parties, the written agreement is forwarded to a judicial officer for review. Once the document is approved and signed by the judicial officer, it becomes an order of the Court. During last year, mediation handled 15,218 cases.

The results of the arbitration and mediation processes in Superior Court and Family Court are impressive. It is my strong belief that Delaware courts should expand the use of alternative dispute resolution mechanisms and should become a leader in creating a "multi-door courthouse." Under this concept, parties would attend a mandatory pre-trial conference at which they would identify the areas of controversy and have the opportunity to resolve their claims through a number of alternative dispute procedures, such as neutral evaluation, arbitration, mediation, mini-trial, and summary jury trial.

EXPEDITED CASE PROCESSING INITIATIVES

During the last year, Delaware courts have initiated programs to expedite the handling of important cases within their respective jurisdictions. Family Court is attempting to resolve all cases under the School Crime Bill (House Bill 85) within 30 days after the filing of the petition by the Attorney General. Superior Court has begun the Expedited Drug Case Management Program containing four separate processing tracks for different kinds of drug cases and geared to address the treatment needs of the defendant and to accelerate the disposition of these cases. (This process is described in greater detail in the chapter on Superior Court.)

The most publicized project for expediting cases is the Commercial Litigation Program in Superior Court. On May 20, 1993, Governor Thomas R. Carper established a Commission on Major Commercial Litigation for the purpose of formulating a procedure for resolving business disputes which would address the concerns over high costs and delays incurred in this type of

A COMMENTARY ON FISCAL YEAR 1994

litigation. The Commission recommended the concept of limited discovery and summary proceedings as a method by which consenting parties practicably and efficiently could resolve business disputes. On January 26, 1994, the Delaware General Assembly endorsed this proposal as a significant public policy initiative by adopting Senate Joint Resolution No. 28, and, in support of the Governor's initiative and the Senate Joint Resolution, the Supreme Court on February 28, 1994, issued Administrative Directive 96 implementing SJR No. 28 and adopting Guidelines for Rules and Practice Regarding Summary Procedures for Commercial Disputes in Superior Court for cases in which the amount in controversy exceeds one million dollars. The "Summary Procedure" principle of this program has been lauded by the *Delaware Business Review*, the *Wall Street Journal*, the *Corporate Legal Times*, and other national business publications as well as by the business community, and this flexible pilot project holds the promise of becoming a national model.

AUTOMATION OF THE COURTS

Several significant advances were made in the field of automation in the courts. The Administrative Office of the Courts (AOC) oversaw the upgrading of the judicial mainframe with State funding. This expansion will accommodate the information requirements of the judicial branch until the next decade. The AOC and the Delaware Justice Information System completed the project to integrate the data bases of the Criminal Justice Information System and the Judicial Information System with the results that courts and criminal justice agencies can now exchange criminal data, and that information entered into one of the systems is automatically updated in the other.

The case management system, which became operational last year in the Justice of the Peace Courts, is under development in the Court of Common Pleas. When completed, this system will provide the Court of Common Pleas with the capability to automate fully its criminal and civil case processing as well as its financial operations.

The Complex Litigation Automated Docket System (CLAD) in Superior Court, the computerized filing system for handling complex cases, especially disputes involving multiple parties and numerous court documents, continues to receive favorable national publicity.

The most publicized project for expediting cases is the Commercial Litigation Program in Superior Court. . . . [T]his flexible pilot project holds the promise of becoming a national model.

The development of the Family Court Automated Child Support System (FAMIS), begun in 1991, was completed and is currently being tested. When it becomes operational, this system will enable Delaware to expedite the handling of child support cases and thereby conform to the standards for the disposition of these cases set by the Family Support Act of 1988 in order to receive funds in this jurisdictional area. The project also can serve as a prototype for constructing a comprehensive automated civil case processing system for Family Court and other courts in the State.

One of the topics researched most thoroughly by the Commission on Delaware Courts 2000 was technology. The Commission, after reviewing current automated technological practices in court systems throughout the country, made a set of recommendations for the judicial system and for individual courts. When implemented, these proposals will place Delaware as a leader in the use of technology to manage its case processing systems and to carry out numerous administrative functions such as the production of management reports and the execution of financial and personnel functions. The most important proposal on technology put forth by the Commission was the creation by the Chief Justice of a top-level steering group to help the courts in developing and implementing a strategic plan on technology which would include the twenty-two specific suggestions of the Commission in this field. To carry out this suggestion, I

promulgated on November 15, 1994 Administrative Directive Number 99 which creates the Delaware Technology Coordinating Committee, chaired by Supreme Court Justice Carolyn Berger with representatives from all of the courts, the Delaware Bar, the Attorney General's Office, and the Public Defender's Office. This panel is assisting the courts in determining their short- and long-term technology goals, developing a strategy to implement these goals, and monitoring the progress being made in attaining these goals.

The Commission [on Delaware Courts 2000], after reviewing current automated technological practices in court systems throughout the country, made a set of recommendations for the judicial system and for individual courts. When implemented, these proposals will place Delaware as a leader in the use of technology. . . .

STANDARDIZATION AND UNIFORMITY

The endeavors below represent efforts to promote standardization and uniformity in functions common to all of the courts with the purpose of increasing efficiency and optimally using the available resources within the judicial branch.

- The current implementation of the uniform docket standards with which all courts are to comply according to Supreme Court Administrative Directive 92 of December 21, 1993 will promote uniformity and efficiency in the management of the judicial caseload.
- The courts are continuing to focus on the need to implement the comprehensive Judicial Preparedness and Recovery Plan initiated in FY 1990 by the AOC with the goal of ensuring the administration of justice in light of any disasters which may occur.
- Under the direction of the AOC and the Court Statistical Standards Committee, the courts are now applying the uniform statistical definitions in counting and reporting

caseload data as required by Supreme Court Administrative Directive 89 of February 4, 1993. This will improve the Judiciary's capability to measure and project workloads.

- The Judicial Branch Personnel Rules, promulgated by Supreme Court Directive Number 98 on September 27, 1994, now govern all non-judicial and non-merit employees in all of the courts and judicial agencies. The Rules, which were modeled substantially after the Executive Branch Merit Rules and became effective November 1, 1994, prepare the stage for the Judiciary to include ultimately all non-judicial employees under a comprehensive judicial personnel system, as endorsed by the Commission on Delaware Courts 2000.
- The promotion of standardized accounting functions and the centralization of collections functions within the judicial branch, supported by the Commission on Delaware Courts 2000, are being realized incrementally. The Centralized Collections Office established last year in the Administrative Office of the Courts has been authorized to increase its staff size from one to six and is in the process of establishing a comprehensive automated collection system for all courts. Procedures and policies in fiscal matters applicable to all courts are being developed and put into practice, and the automation of selected accounting functions has occurred in the Justice of the Peace Courts and Superior Court and is currently being introduced in the Court of Common Pleas.

PERSONNEL ISSUES

The Judiciary considers its employees among its most valuable resources and is using some of the most progressive personnel practices to recognize and reward the valuable services performed by these staff members. During FY 1994, the AOC's Manager of Personnel Services served as a member of the Governor's Task Force on Workforce Quality and Personnel Reform, and she currently is a member of the Task Force's Implementation Committee. In collaboration with the State Personnel Office, the judicial branch will be employing many of the initiatives

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advocated by the Task Force relating to hiring, promotional, and training practices and the application of the total quality management concept.

The AOC is also cooperating with the State Personnel Office in two initiatives which will contribute to greater efficiency and uniformity in personnel practices: the development of customized software to automate the job classification functions and the statewide introduction of the Integrated Management System which will automate numerous administrative functions including those pertinent to budget and personnel.

Since FY 1991, the Judicial Branch Employee of the Year Award has been presented annually to one staff member selected for his or her outstanding public service. The calendar year 1993 recipient was Margaret E. Kenney who has been an employee in the Justice of the Peace Courts for 27 years and for many years served as the only clerk in JP Court 14 in Wilmington. On May 5, 1994, Chief Justice E. Norman Veasey presented the award to Ms. Kenney at a recognition ceremony held for JP Court staff. Ms. Kenney was also recognized as the judicial branch nominee for the 1993 Delaware Award for Excellence by Governor Thomas R. Carper at a dinner held on May 3, 1994 in celebration of Public Service Recognition Week. The Delaware court system laments the death of Ms. Kenney on October 30, 1994 while still in the service of the judicial branch and acknowledges her valuable contributions during her long tenure in the Justice of the Peace Courts.

Throughout the nation, judicial systems are studying the existence of bias and proposing recommendations to eliminate the occurrence of actions which may result in bias. On January 28, 1993, the Conference of Chief Justices adopted a resolution urging "each Chief Justice in every state to further the efforts of equal justice ... in the court system by establishing task forces to remedy any discrimination and to implement the recommendations of the task force studies."

In response to this resolution, I issued Supreme Court Administrative Directive 90 of February 23, 1993, which declared: "It is the policy of the Judicial Branch of the State of Delaware that any such bias, whether explicit, subtle, intentional or unintentional, is inimical to the proper functioning of the judicial system and is unacceptable." The Directive further asserted that judges, lawyers, and court personnel should be sensitive to recognition of any instance of bias and take actions to eliminate such practices and mandated the presiding judges of each court to submit a comprehensive report to the Chief Justice on or before July 1, 1993, which was to include: the identification of areas where bias exists and steps taken to correct such actions; and recommendations regarding the need for and feasibility of a task force or task forces to study bias within each court.

After reviewing the reports of the presiding judges of each court on bias as well as the measures being taken in other states to eliminate bias, I decided that there was a need to initiate a gender fairness study. . . .

After reviewing the reports of the presiding judges of each court on bias as well as the measures being taken in other states to eliminate bias, I decided that there was a need to initiate a gender fairness study and that this initiative should be conducted cooperatively by the Judiciary and the Delaware State Bar Association. Therefore, in November 1993, Richard D. Kirk, Esquire, President of the Bar Association, and I, appointed the Gender Fairness Task Force with Superior Court Associate Judge Susan C. Del Pesco and Stephen E. Herrmann, Esquire, as Co-Chairpersons. Other members of the Task Force are: Vice Chancellor William B. Chandler, III of the Court of Chancery; Commissioner Ellen Marie Cooper of Family Court; Barbara D. Crowell, Esquire; I. Barry Guerke, Esquire; Patricia C. Hannigan, Esquire; Kathleen Jennings, Esquire; Associate Judge William N. Nicholas

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of Family Court; Elizabeth K. Rodriguez, Esquire; and Loretta Young-Lloyd, Esquire.

The Commission on Delaware Courts 2000. . . worked diligently on its charge of charting an ideal Delaware court system for the future from August 1993 through May 16, 1994, when the Final Report of this group was issued.

To date, the Task Force has administered surveys to the Judiciary, members of the Delaware State Bar Association, and court employees, and has reviewed the research findings on gender bias in both the courts and business arena nationally. The report of the Task Force, to be released in 1995, will document existing incidents of gender bias and issue recommendations to eliminate any evidence of gender bias in the Judiciary and the legal profession in the present and in the future.

I strongly believe that the entire legislative agenda of the Commission, if passed, will do much toward helping the Judiciary achieve its goal of a more just, economical, efficient, and accessible court system.

In the coming year, the Delaware Judiciary will examine racial and ethnic bias. In preparation for this task, State Senator Margaret Henry, Judge Alex J. Smalls of the Court of Common Pleas, Franny M. Maguire, Training Administrator of the AOC, and I will attend the National Center for State Court's First National Conference on Eliminating Racial and Ethnic Bias in the Courts on March 2-5, 1995 in Albuquerque, New Mexico.

The Speedy Trial Directive of the Supreme Court, issued on May 16, 1990, sets time standards for the disposition of criminal cases and requires the submission of compliance reports on adhering to these standards by the trial courts. During the last three years, there has been a steady improvement in the statewide compliance rate of the courts with the speedy trial standards. This achievement is especially noteworthy when viewed in light of the rapidly growing caseloads of these courts.



I want to acknowledge the dedication and labor of our judges and employees as well as the support and cooperation of the Governor and the General Assembly in making possible the important achievements of the Delaware judicial system during the last year which are mentioned above.

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The Work of the Commission on Delaware Courts 2000

The Commission on Delaware Courts 2000 was created on July 17, 1993 when Governor Thomas R. Carper signed into law Senate Joint Resolution 14 which authorized this body to study the future of the Delaware court system for the next decade and beyond. I had proposed the concept of this commission in my State of the Judiciary message to a joint session of the 137th General Assembly on May 4, 1993. I was aware that the legislators, along with many citizens, would question why there was a need for another study committee on the Delaware courts. Delaware formerly had the benefit of several excellent reports on the court system, such as those of the Court Consolidation Commission in 1986, the Superior Court Study Committee in 1991, and the Court of Common Pleas Study Committee in 1992. The Delaware Judiciary also previously had available the notable work of the Delaware Courts Planning Committee, a permanent group appointed by the Chief Justice which serves very effectively as a short-, medium-, and long-term study and advisory committee for the judicial branch. My rationale for recommending the Commission on Delaware Courts 2000 was that it would represent an action-oriented, broad-based task force involving all three branches of government which would devise a plan for streamlining our courts with the aim of creating for Delaware a model, state-of-the-art judicial system appropriate for the twenty-first century.

The Commission on Delaware Courts 2000, co-chaired by O. Francis Biondi, Esquire, and Rodman Ward, Jr., Esquire, worked diligently on its charge of charting an ideal Delaware court system for the future from August 1993 through May 16, 1994, when the *Final Report* of this group was issued. The membership and organization of the Commission, the methodologies employed by the group, and the findings and recommendations of the *Final Report*

are described and evaluated in the chapter of this document entitled "The Commission on Delaware Courts 2000." In the previous section, "Major Developments in the Judiciary," I have commented on some of the Commission's proposals. At this point, I would like to convey my views on some other specific recommendations of the Commission and on the significance of the contributions of the Commission to the future of the Judiciary of Delaware.

I enthusiastically endorse the Commission's recommendation for a separation of powers conference to be convened by the Governor, leadership in the Senate and House of Representatives, and the Chief Justice with the aim of identifying issues and concerns relating to the separation of powers and coming to a common understanding that will strengthen and preserve Delaware's constitutional form of government.

First, I would like to commend Co-Chairs Biondi and Ward and all of the Commission members who, through their diligent work, succeeded in meeting the May 16, 1994 deadline indicated in Senate Joint Resolution 14. I believe that it is a real testimony to the quality of the Commission's work that a significant number of the legislative proposals drafted by the group have already been enacted into law. I strongly believe that the entire legislative agenda of the Commission, if passed, will do much toward helping the Judiciary achieve its goal of a more just, economical, efficient, and accessible court system. For this reason, I have encouraged and will continue to urge the Governor and the General Assembly to enact into law those constitutional and statutory provisions recommended by the Commission.

I would like to comment on two of the constitutional amendments endorsed by the Commission. The Commission strongly supported the concept that Family Court and the Court of Common Pleas should be

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granted constitutional status. The first leg of this constitutional amendment was passed on June 30, 1994 with the enactment of House Bill 565. It is now important to enact the second leg of this amendment which will bestow on these two trial courts constitutional rank and provide the Chief Justice broader flexibility in assigning judges from one constitutional court to another as the workloads require. Another constitutional amendment supported by the Commission was creating a senior judge program. The first leg of this amendment, House Bill 65, was passed by the legislature on August 3, 1992. Unfortunately, the second leg of this amendment was not enacted by the 137th General Assembly. I am hopeful that a senior judge program will be authorized in the near future.

The Judicial Branch should have the flexibility, within the limits on the overall expenditures of this branch established by the Legislature and approved by the Governor, to allocate personnel and resources to the most critical functions at hand and to set compensation levels of staff members with the aim of promoting the most efficient management of the Judicial Branch.

I also endorse the Commission's recommendations to transfer the jurisdiction of the Alderman's Courts to the Justice of the Peace system and to transfer the jurisdiction of the Municipal Court of the City of Wilmington to the State court system, and I urge the General Assembly to enact statutes which would make these proposals a reality. In the long run, these moves would do much to promote cost savings, fairness, and consistency in the administration of justice in Delaware.

I heartily support the Commission's argument that the Judiciary should receive the same annual percentage increase in wages granted to State employees in addition to the salary raises recommended every four years by the Judicial Compensation Commission. In 1990, Delaware judges received only a small wage increase and in 1991 and 1992 they were

granted no raise. The implementation of the Commission's recommendation will contribute to ensuring that the remuneration of Delaware judges is sufficiently competitive to continue to attract to our bench the most talented legal minds and to maintain the preeminent reputation which our Judiciary has enjoyed throughout the nation for several decades.

The Commission issued several important recommendations which can be accomplished administratively by the Judiciary. For example, many of the proposals of the Commission fall under the constitutional responsibility of the Judicial Branch under Article IV, §13 of the *Delaware Constitution*. To direct the implementation of these recommendations, I appointed James T. McKinstry, Esquire, as Special Assistant to the Chief Justice on Implementation of the Recommendations of the Commission on Delaware Courts 2000. In carrying out his duties, Mr. McKinstry has been working with Commission Co-Chairs Biondi and Ward, Justices of the Supreme Court, presiding judges and administrators of the various courts, and the Administrative Office of the Courts.

I enthusiastically endorse the Commission's recommendation for a separation of powers conference to be convened by the Governor, leadership in the Senate and House of Representatives, and the Chief Justice with the aim of identifying issues and concerns relating to the separation of powers and coming to a common understanding that will strengthen and preserve Delaware's constitutional form of government. Since becoming Chief Justice, I have voiced my concerns about separation of powers issues relating to personnel and budget issues in my appearances before the General Assembly and in my correspondence with the legislators and the Governor. In addressing this topic, my basic thesis has been that the fundamental principles of separation of powers should lead to a governmental policy which allows the judicial branch to be managed by that branch and not by other branches of government. Under the present system, the Budget Act's provisions prescribing detailed and inflexible allocations of personnel, personnel classifications, salaries, and other resources of the Judiciary are

antithetical to the fundamental principle of separation of powers in the *Delaware Constitution* (Article IV, §13) which characterizes the Judiciary as a separate and independent branch of government equal to the Executive Branch and Legislative Branch. The Judicial Branch should have the flexibility, within the limits on the overall expenditures of this branch established by the Legislature and approved by the Governor, to allocate personnel and resources to the most critical functions at hand and to set compensation levels of staff members with the aim of promoting the most efficient management of the Judicial Branch. This policy, in the end, would likely require an expenditure of fewer total dollars and improve the operations of the courts. I sincerely believe that this separation of powers conference should be held at the earliest practical time and that the issues relating to budget and personnel which I have mentioned above should be debated vigorously and openly with the purpose of granting to the Chief Justice, and through him the other judges, the authority and tools to carry out their constitutionally mandated responsibility for administering and supervising the judicial branch of government. The agenda of this conference should include deliberations of the Commission's specific proposals relating to: giving the Judiciary the responsibility for classification decisions of court personnel concerning paygrades, position slotting, and job qualifications; streamlining the steps in the budgetary process for the Judiciary in order to save the expenditure of judicial manhours required in the present process and to permit access to more current data required to prepare the Judiciary's budgetary submission; and the establishment of a comprehensive judicial personnel system to replace

the present bifurcated system whereby some court employees are covered by the Executive Branch's "Merit System" and part of the other court staff fall under the "Supreme Court of Delaware Judicial Branch Personnel Rules."



The *Final Report of the Commission on Delaware Courts 2000* is the most thorough evaluation of our judicial system ever produced and, in

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my opinion, ranks as one of the superior futures publications produced to date in the United States. Unquestionably, this seminal document will serve as the blueprint of the Judiciary in charting its course for the next decade and beyond.

In Delaware, we have a long history of cooperation among the three branches of government in supporting and improving our court system. I am convinced that the experience of the Commission on Delaware Courts 2000 represents the beginning of a new era in which the Judiciary, the General Assembly, and the Governor, in concert with the public, will be formalizing methods for collaborating on an ongoing basis in developing and maintaining a model court system whose national reputation for excellence will parallel that enjoyed by our Judiciary for many years.

The Commission On Delaware Courts 2000

THE ORIGINS OF THE COMMISSION

The Commission on Delaware Courts 2000, which had been first proposed by Chief Justice E. Norman Veasey in his State of the Judiciary Message to a joint session of the 137th General Assembly on May 4, 1993, became a reality when Senate Joint Resolution 14 was signed into law on July 17, 1993. The General Assembly authorized \$100,000 to support the work of the Commission.

SJR No. 14 provided that the Commission would consist of 16 members - four appointed by the Governor, four by the Chief Justice, two by the President Pro Tempore of the Senate, two by the Speaker of the House of Representatives, the Attorney General or his designee, and the Public Defender or his designee. At the Chief Justice's recommendation, the legislation named O. Francis Biondi, Esquire, and Rodman Ward, Jr., Esquire as Co-Chairs. The 14 other individuals who were named to the Commission were: Representative

The challenge to this Commission is to make recommendations that, when adopted, secure the continuance of our best judicial traditions and eliminate existing weaknesses to enable our judiciary to meet its historic obligations in face of the growing caseloads, social changes, and legal developments that will inevitably confront our state and nation in the 21st century.

Steven H. Amick; Senator Myrna L. Bair; R. Franklin Balotti, Esquire; Mr. Philip J. Corrozi; Representative Richard A. DiLiberto; Mr. Bernard H. Fisher; Attorney General Charles M. Oberly, III; Judge Battle R. Robinson of Family Court; Judge Myron T. Steele of Superior Court; Tempe B. Steen, Esquire; Leo E. Strine, Jr., Esquire, Counsel to the Governor; Public Defender Lawrence M. Sullivan; Senator James T. Vaughn; and Justice Joseph T. Walsh of the Supreme Court.

The Commission on Delaware Courts 2000 held its first meeting on August 16, 1993. Christine H. Sudell, Esquire, was named the Executive Director and William K. Slate, II, Esquire, then President of the Justice Research Institute, was selected as Consultant. Throughout its work, additional assistance to the Commission was provided by staff of the Administrative Office of the Courts, and of the judicial, legislative, and executive branch agencies. At its first session, members of the Commission and staff were divided into four Task Forces, one each on court structure and organization, the judiciary, citizens' needs, and support systems. In order to tap an even broader range of expertise in the Delaware community, consultants/advisers were invited to participate in specific meetings of the Task Forces. The substantive work of the Commission was carried out by the Task Forces while the Commission as a whole coordinated the labors of the Task Forces and deliberated and voted on their findings and recommendations.

METHODOLOGIES EMPLOYED BY THE COMMISSION

The Commission and the Task Forces employed both the traditional methodologies associated with court reorganization studies as well as the newer techniques used in the futures studies recently completed by a number of judicial systems in the country. In September 1993, the Commission developed an Opening Vision Statement to guide its efforts in designing a model court system designed for the next century which read as follows:

Opening Vision Statement of the Commission on Delaware Courts 2000

The administration of justice by wise, diligent, and competent judges operating within a rationally organized and administered and adequately funded judicial system strengthens our democracy by fostering respect for the rule of law. The challenge to this Commission is to make recommendations that, when adopted, secure the continuance of our best judicial traditions and eliminate existing weaknesses to enable our judiciary to meet its historic obligations in face of the growing caseloads, social changes, and legal developments that will inevitably confront our state and nation in the 21st century.

1. The public will have effective access to a judicial system which will provide a means to resolve appropriate disputes promptly, fairly, efficiently and economically.
2. Delaware courts will be administered according to sound management practices which promote the efficient use of resources to serve the public. Courts will use strategic- and long-range planning to chart and monitor their progress. Courts will cooperate with each other and the other branches of government and with the public to improve the quality of justice and enhance the effective fulfillment of their responsibilities to the public.
3. Delaware courts will be provided with sufficient resources to fulfill their responsibilities effectively.
4. Delaware courts will be adequately staffed by competent judicial and non-judicial personnel.
5. The Delaware court system will value human dignity, operate on a non-discriminatory basis, and inspire public confidence and respect for the high quality of justice which it will deliver.

6. The public safety requires the prompt and fair trial of the accused and the imposition of an appropriate sentence.

In October 1993, the Commission held public hearings in all three counties at which citizens could voice their concerns about the courts and make recommendations for improving specific tribunals and the judicial system as a whole.

After developing the Opening Vision Statement, the Commission proceeded to obtain from individual judges, court staff, the legal community, legislators, and the general public their respective views on what the court system should look like in the next decade. The Commission requested of each individual court an institutional response reflecting its vision for that court.

In October 1993, the Commission held public hearings in all three counties at which citizens could voice their concerns about the courts and make recommendations for improving specific tribunals and the judicial system as a whole. These sessions were publicized through special notices sent to the media and through invitations to a wide variety of advocacy groups as well as the state and county bar associations.

The Commission and its four Task Forces assembled the most voluminous and diverse set of statistical data on the workloads of the individual courts and the entire judicial system ever collected in the history of the Delaware Judiciary. Information relating to demographic, socioeconomic, and criminal arrest trends was obtained from the Center for Applied Demography at the University of Delaware and the State's Statistical Analysis Center. Throughout its existence, the Commission obtained from the individual courts pertinent information on their policies, procedures, and general operations.

The four Task Forces began their work in October 1993 and continued their research until early February 1994 when they submitted their reports of their findings and recommendations to the Commission. The full Commission, after convening on February 3, and February 16, 1994 to review and vote on the recommendations of the Task Forces, issued its Interim Report to the Governor, the

The Commission and its four Task Forces assembled the most voluminous and diverse set of statistical data on the workloads of the individual courts and the entire judicial system ever collected in the history of the Delaware Judiciary.

Chief Justice, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives on February 21, 1994 as mandated by the Senate Joint Resolution No. 14. On March 30, 1994, the Commission issued as an addendum to the *Interim Report* a "Report on Technology" in order to include the findings and recommendations of Mr. Larry Polansky, a nationally known consultant on court automation hired by the Task Force on Support Systems to provide it with the most current information on court computer systems and technology. Following the issuance of the *Interim Report* and the "Report on Technology," the Commission invited written responses to these two documents, and on April 29, 1994 the Commission met to issue its final recommendations which appeared on May 16, 1994 in the *Final Report of the Commission on Delaware Courts 2000*.

MAJOR RECOMMENDATIONS

The categories below describe the major recommendations issued by the Commission in its *Interim Report* and *Final Report* which require attention and support from the executive, judicial, and legislative branches and the citizens of Delaware.

Legislation

After the Commission formulated its recommendations, it proceeded to draft, as necessary, proposed legislation to amend the *Delaware Constitution* or statutes. Assisting the Commission in this endeavor were the following legislative drafters: Adam Balick, Esquire; Mary Catherine Biondi, Esquire; Lisa Borin, Esquire; Kevin R. Shannon, Esquire; Lawrence S. Drexler, Esquire; Veronica O. Faust, Esquire; The Honorable Patricia Walther Griffin; Michael Houghton, Esquire; Jonathan I. Lessner, Esquire; John S. McDaniel, Esquire; Richard E. Poole, Esquire; Mark L. Reardon, Esquire; Harvey B. Rubenstein, Esquire; Dennis L. Schrader, Esquire; Kevin R. Shannon, Esquire; and Thomas A. Shiels, Esquire. The effectiveness of this process is attested by the fact that the Commission was able to include in its *Final Report* the legislative drafts for the recommendations which it had listed as priority items for the 137th General Assembly, and a significant number of these proposals were signed into law soon after the start of Fiscal Year 1995. In a ceremony in the Daniel L. Herrmann Courthouse on July 14, 1994, Governor Thomas R. Carper signed into law the following bills relating to the recommendations of the Commission on Delaware Courts 2000:

House Bill 477 - provides for appointment of Commissioners of the Superior Court who will assist that Court in handling its growing caseloads.

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House Bill 526 - provides for trial by jury for criminal cases in the Court of Common Pleas in New Castle County, a practice which was previously allowed by law only in Kent and Sussex Counties.

House Bill 527 - raises the amount for civil jurisdiction in the Court of Common Pleas from \$15,000 to \$50,000.

House Bill 533 (with House Amendment 1) - provides for the current appeal jurisdiction from the Justice of the Peace Courts to be vested in the Court of Common Pleas.

House Bill 543 (with House Amendment 1) - gives Superior Court authority to handle matters arising from grievance decisions involving non-merit employees of Delaware's court system, providing the same review benefit currently afforded to merit employees.

House Bill 544 - raises the amount for civil jurisdiction in the JP Courts from \$5,000 to \$15,000.

House Bill 554 (with House Amendment 1) - provides for appointment of Commissioners of the Court of Common Pleas.

House Bill 579 (with House Amendment 1) - makes technical correction related to providing current appeal jurisdiction from the Justice of the Peace Courts to be vested in the Court of Common Pleas.

House Bill 587 - clarifies the Superior Court's computer capability to combine the qualification and summoning of jurors into one step, thus increasing efficiency and saving administrative costs.

House Bill 589 - frees up Justice of the Peace Court Magistrates to handle contested matters by enabling Clerks of the Court to enter default judgments in the JP Courts, as they do in other courts.

House Bill 565 - is the first leg of a constitutional amendment which recognizes the importance of the citizen-oriented Court of Common Pleas and Family Court by giving them constitutional status.

On July 15, 1994, the day after the ceremony in which Governor Carper signed the above-mentioned Commission-sponsored legislation, the following bills endorsed by the Commission were enacted into law.

Senate Bill 427 - transferred appeals following the revocation of a driver's license from Superior Court to the Court of Common Pleas.

Senate Bill 400 - gave Family Court the authority to expunge certain adult criminal records where the original charge fell in the jurisdiction of the Family Court.

House Bill 551 - increases the per diem rate for jurors to \$20 in Superior Court in preparation for phasing-in the "one-day or one-trial" jury service program.

In its *Final Report*, the Commission stated the intention of publishing prior to the 138th General Assembly the other constitutional amendments and statutes proposed by the Commission which are in need of passage.

To promote clear and effective communication in a language that is understandable to litigants, notices and subpoenas issued by the courts should include a statement that these forms are available in other languages, and other court forms should be written in plain English without the use of Latin or other technical terms whenever possible.

Recommendations on the Judiciary

- The Judicial Compensation Commission serves a critical role and should continue to operate as it has in the past. It is urged that the judiciary receive the same annual percentage increase in wages as state employees (including the year in which the Commission issues its recommendations) in addition to the wage increment suggested every four years by the Compensation Commission.

Courts should promote public awareness of the grievance mechanisms available for expressing concerns about experiences in the judicial process.

- Judges in the Family Court and the Court of Common Pleas should receive the same compensation as judges in the Superior Court and the Court of Chancery.
- The basis for computing judicial pensions should be changed from the highest five years to the highest three years.
- Additional state funding should be granted for the Judicial Education Program to ensure that all judges meet the requirements of Supreme Court Rule 70 on Mandatory Continuing Legal Education.
- The second leg of the constitutional amendment to create a senior judge program should be approved. (Note: The 137th General Assembly failed to enact the second leg of this amendment.)

System-wide Recommendations

- The budget process should be altered to provide the judicial branch greater flexibility in the allocation of personnel, personnel classification, salaries, and other resources in the judicial budget, within the limits on the overall budget of the judiciary established by the legislature and approved by the Governor.
- One of the most forward looking recommendations set forth by the Commission - and one that is likely to spark considerable debate - is the proposal to enhance the concept of restorative justice. This philosophy emphasizes the growing recognition that: prison sentences are not appropriate for all offenders; community based alternatives to the formal court process can reduce court costs, result in improved services to victims, accelerate the speed of disposition and restitution, and facilitate the appropriate referrals for treatment when required; and the employment of these community-based, informal processes will be in greater demand as Delaware becomes more diverse in its population and more densely inhabited.

To promote restorative justice, the Commission recommended: the establishment of a Delaware coalition of conflict resolution/victim mediation agencies and professionals to exchange information and provide technical assistance and training in the fields related to restorative justice. The coalition would promote the expansion of mediation, including victim mediation; explore the use of additional alternative dispute resolution processes through the evaluation of existing projects of this type; create more community justice centers capable of serving the various cultural and ethnic groups inhabiting the area in which they are located; and improve the State's ability to provide and manage community service by offenders.

Proposals Relating to Citizen's Needs

- The public's frustration over delays in the case scheduling in the judicial system which result in repeated court appearances and loss of time from work should be addressed by: revising the Superior Court case management system to generate more realistic case calendars; and through a study of Family Court's structure, procedures, and forms with the goal of streamlining divorce, child custody, and support proceedings.
- Changes should be adopted in the jury system to ensure that jurors do not incur economic hardship during their jury service, and a one-day/one-trial jury service program should be instituted in Superior Court in New Castle County. (Note: As indicated on page 25, House Bill 551 which became law on July 15, 1994, authorized Superior Court to prepare for the phasing-in of the "one-day/one-trial" program by increasing the per diem rate for jurors to \$20.)
- The Centralized Collections Unit in the Administrative Office of the Courts should be funded in order to make the collection of restitution more efficient and to increase the amount of restitution payments made to victims. (Note: In FY 1994, one position was authorized to plan this Unit and in FY 1995, five positions were transferred from the Department of Correction to begin staffing this Unit.)
- Funding should be provided to the Department of Justice to implement the provisions of the Victims' Bill of Rights Act in all courts having criminal jurisdiction. (Note: This funding was authorized in FY 1995.)
- To promote clear and effective communication in a language that is understandable to litigants, notices and subpoenas issued by the courts should include a statement that these forms are available in other languages, and other court forms should be written in plain English without the use of Latin or other technical terms whenever possible.
- For pro se litigants, the various courts should make available manuals and pamphlets in clear and concise language that describe their jurisdiction and basic procedures.

Training should be provided to judges, attorneys, and court staff members to make them aware of the special needs of individuals with impairments and of appropriate ways of interacting with the disabled.

- The feasibility of implementing evening and weekend access to the courts should be examined.
- Twenty-four hour access to all criminal and civil court orders and bail commissions should be initiated.
- Courts should promote public awareness of the grievance mechanisms available for expressing concerns about experiences in the judicial process.
- Courts should provide more security personnel to protect jurors, witnesses, and victims.
- Training should be provided to judges, attorneys, and court staff members to make them aware of the special needs of individuals with impairments and of appropriate ways of interacting with the disabled.

Initiatives for Improving the Support Systems of the Courts

- The present bifurcated system in which part of the court employees fall under the executive branch's merit system and part under the judicial branch should be replaced by a comprehensive judicial personnel system which ensures that such issues as service credit, benefits, and pay schedules are maintained equitably.
- Classification decisions regarding judicial branch employees should be made by the staff of this branch who are experts on court functions.
- All courts and judicial agencies should have the management flexibility to allocate appropriated resources to the functions and operating needs that they consider important so long as these decisions conform to the goals and objectives of the entire judicial system.

In view of the importance of automation and technology to the court system, the Chief Justice should constitute an ongoing top-level technology steering group

- It is essential that funding be provided to update the plans for a Justice Center for the Wilmington-based courts, to locate and acquire a suitable site for this building, and to initiate construction of the facility without delay. If possible, the Justice Center should be situated in the City of Wilmington, the hub of legal and business community.

- A security service program similar to the U.S. Marshal Service under the control of the judiciary should be established immediately to address the comprehensive security needs of the courts. Funding for court security could be obtained either from the State's general fund or from a special fund obtained from filing fees.
- The courts' disaster preparedness plan should be expanded to take into account disasters resulting in damage to or destruction of computer hardware and software; the loss of the use of key buildings; and the loss or unavailability of judges.
- The Commission, after finding that issues and concerns about the separation of powers among the three branches of government arise in every major area relating to support systems studied by the Commission, urged that the Governor, the legislative leadership, and the Chief Justice should convene as quickly as possible a conference involving key parties of the three governmental branches for the purpose of identifying topics relating to the separation of powers and attaining a common understanding that would strengthen and preserve the constitutional form of government.

The principal recommendations on technology, relying heavily on the report of consultant Mr. Larry Polansky, were the following:

- In view of the importance of automation and technology to the court system, the Chief Justice should constitute an ongoing top-level technology steering group which would be composed of personnel from all of the courts and representatives from the private sector. This committee would determine the judiciary's technology goals, direction, standards, and priorities; develop a strategic plan for implementing

THE COMMISSION ON DELAWARE COURTS 2000

these goals; monitor progress being made in achieving these goals; ensure that statutes and rules conform to current technological advances; and perform a cost/benefit analysis for each proposed technology.

- Short and long-range planning in technology and hardware life-cycle planning to replace obsolete equipment must be instituted.
- The present multiple court information systems should be integrated and made fully compatible if they remain in a mainframe computer. Should they be transferred to distributed client/server processing platforms, they should be compatibly redesigned.
- Additional staff including a technology trainer should be provided to the Judicial Information Center (JIC) and technical capabilities of JIC staff should be expanded.
- All information system data bases should be capable of producing user defined case processing information as well as management reports, and financial management systems must be integrated with case tracking systems.
- The courts should conduct a study on their telecommunications needs.
- The courts should explore the use of lap top computers in the courtroom, voice recognition technology, imaging, bar coding, and interactive TV.
- More extensive and imaginative use should be made of the existing video technology.
- The courts should establish policies and regulations to encourage computer access by the public, bar association, and news media which take into account the protection of the integrity and performance of the information system for effective

case processing. In addition, the courts should explore the use of automation for providing second language systems for non-English speaking persons.

The far-reaching implications of the work of the Commission on Delaware Courts 2000, touching virtually every aspect of the court system, sets the stage for the judicial branch to embark upon a formalized, long-range planning process



The far-reaching implications of the work of the Commission on Delaware Courts 2000, touching virtually every aspect of the court system, sets the stage for the judicial branch to embark upon a formalized, long-range planning process which will enable it to collaborate with the executive and legislative branches and the public in charting the future of the First State's courts with the aim of dispensing justice fairly and efficiently in the climate of rapid changes in demographics, economics, technology, and jurisprudence which are forecast for the next century.

Fiscal Overview

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS - FISCAL YEAR 1993-1994-1995-1996

	F.Y. 1993 Actual Disbursement	F.Y. 1994 Actual Disbursement	F.Y. 1995 Appropriations	F.Y. 1996 Request
STATE *				
Administrative Office of the Courts	\$ 3,520,400	\$ 3,270,200	\$ 3,360,300	\$ 2,956,700
Judicial Information Center	1,271,700	1,373,500	1,306,100	4,775,000
Central Collections	0	0	253,200	418,300
Supreme Court	1,622,300	1,627,400	1,900,300	1,968,500
Continuing Judicial Education**	37,900	38,000	37,300	54,100
Court of Chancery	1,525,900	1,592,800	1,689,600	1,713,100
Public Guardian	252,200	247,900	293,100	315,700
Superior Court	9,308,600	10,086,500	11,031,000	12,544,600
Law Libraries	413,400	398,000	406,800	464,100
Family Court	11,209,600	11,689,800	12,116,100	13,359,900
Court of Common Pleas	2,801,800	2,970,000	3,261,100	3,657,300
Justice of the Peace Courts	7,642,300	8,002,700	8,856,100	9,360,600
Violent Crimes Compensation Board	1,505,800	1,380,800	2,123,100	2,124,100
Foster Care Review Board	265,000	279,700	248,700	383,000
Educational Surrogate Parent Program	50,400	50,900	55,000	59,500
STATE TOTALS	\$ 41,427,300	\$ 43,008,200	\$ 46,937,800	\$ 54,154,500
NEW CASTLE COUNTY				
Register in Chancery	\$ 728,548	\$ 753,488	\$ 745,166	
Register of Wills	840,759	843,166	861,472	
Sheriff	1,348,637	1,426,900	1,402,003	
NEW CASTLE COUNTY TOTALS***	\$ 2,993,744	3,100,484	\$ 3,085,571	
KENT COUNTY				
Register in Chancery	\$ 100,726	\$ 138,938	\$ 140,495	
Register of Wills	73,580	133,795	149,501	
Sheriff	207,325	222,887	169,855	
KENT COUNTY TOTALS	\$ 381,631	495,620	\$ 459,851	
SUSSEX COUNTY				
Register in Chancery	\$ 100,487	107,450	\$ 112,095	
Register of Wills	119,011	131,035	138,297	
Sheriff	192,936	241,219	170,546	
SUSSEX COUNTY TOTALS	\$ 412,434	479,704	\$ 420,938	
MUNICIPALITIES****				
Municipal Court	\$ 1,143,131	\$ 1,196,047	\$ 1,174,439	
GRAND TOTALS- JUDICIAL BRANCH	\$ 46,358,240	\$ 48,280,055	\$ 52,078,599	

N.A. = Not Available

*Figures include State governed funds, federal funds, City of Wilmington funds, and other funds.

**Continuing judicial education is funded as part of the Administrative Office of the Courts' budget, but is shown separately for informational purposes.

***Includes monies disbursed for the Office of the Prothonotary.

****Alderman's Courts not available.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE * - FISCAL YEAR 1994

SUBMITTED TO STATE GENERAL FUND

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Administrative Office of the Courts	\$ 0	\$ 0	\$ 0	\$ 100	\$ 100	0.0%
Judicial Information Center	0	0	0	0	0	0.0%
Central Collections	0	0	0	0	0	—
Supreme Court	57,600	0	0	0	57,600	3.5%
Continuing Judicial Education	0	0	0	0	0	0.0%
Court of Chancery	0	0	98,400	0	98,400	6.2%
Public Guardian	0	0	0	1,000	1,000	0.4%
Superior Court	1,331,400	340,500	1,200	66,800	1,739,900	17.2%
Law Libraries	0	0	0	0	0	0.0%
Family Court	269,200	22,100	0	38,900	330,200	2.8%
Court of Common Pleas	597,900	636,500	0	37,400	1,271,800	42.8%
Justice of the Peace Courts	3,152,2200	2,268,800	0	25,100	5,447,100	68.1%
Foster Care Review Board	0	0	0	0	0	0.0%
Educ. Surr. Parent Program	0	0	0	0	0	0.0%
STATE GENERAL FUND TOTALS	\$5,408,300	\$3,268,900	\$ 99,600	\$169,300	\$8,946,100	20.8%

COURT GENERATED REVENUE * - FISCAL YEAR 1994

RECEIVED BY VICTIMS COMPENSATION FUND

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Superior Court	0	\$ 290,637	0	0	\$ 290,637	—
Family Court	0	8,116	0	0	8,116	—
Court of Common Pleas	0	216,412	0	0	216,412	—
Municipal Court	0	100,776	0	0	100,776	—
Justice of the Peace Courts	0	1,024,781	0	0	1,024,781	—
Alderman's Courts	0	180,448	0	0	180,448	—
Restitution	0	43,703	0	0	43,703	—
Other	0	24,447	6,648	545	31,640	—
VICTIMS COMPENSATION FUND TOTALS	0	\$1,889,320	6,648	545	\$1,896,513	112.3%

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money.

#FY 1994 Revenue divided by FY 1994 Actual Disbursement, which includes State general, federal, and other funds.

Educ. Surr. Parent Program = Educational Surrogate Parent Program.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE * - FISCAL YEAR 1994

SUBMITTED TO NEW CASTLE COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 496,294	\$ 0	\$ 94,653	\$ 0	\$ 590,947	78.4%
Register of Wills	1,671,831	0	0	0	1,671,831	198.3%
Prothonotary	36,965	5,347	0	0	42,312	55.0%
Sheriff	854,523	0	17,900	2,861	875,284	61.3%
Justice of the Peace Courts	590,278	0	0	0	590,278	7.4%
NEW CASTLE COUNTY TOTALS	\$3,649,891	\$ 5,347	\$112,553	\$ 2,861	\$3,770,652	121.6%##

COURT GENERATED REVENUE * - FISCAL YEAR 1994

SUBMITTED TO KENT COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 16,708	\$ 0	\$ 0	\$ 0	\$ 16,708	12.0%
Register of Wills	387,699	0	0	5,573	393,272	293.9%
Sheriff	139,622	0	0	0	139,622	62.6%
Justice of the Peace Courts	14,725	0	0	0	14,725	0.2%
KENT COUNTY TOTALS	\$558,754	\$ 0	\$ 0	\$ 5,573	\$564,327	113.9%##

COURT GENERATED REVENUE * - FISCAL YEAR 1994

SUBMITTED TO SUSSEX COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 44,991	\$ 0	\$ 1,061	\$ 0	\$ 46,052	42.9%
Register of Wills	456,726	0	0	0	456,726	348.6%
Prothonotary	30,106	3,973	0	0	34,079	—
Sheriff	176,023	0	0	0	176,023	73.0%
Justice of the Peace Courts	0	0	0	0	0	0.0%
SUSSEX COUNTY TOTALS	\$707,846	\$ 3,973	\$ 1,061	\$ 0	\$712,880	148.6%##

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money.

#FY 1994 Revenue divided by FY 1994 Actual Disbursement.

##Revenue as a % of disbursement for county offices.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE * - FISCAL YEAR 1994

SUBMITTED TO MUNICIPALITIES

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Court of Common Pleas	\$ 0	\$ 408,740	\$ 0	\$ 0	\$ 408,740	13.8%
Municipal Court	84,432	576,344	0	0	660,776	55.2%
Justice of the Peace Courts	0	2,273,926	0	0	2,273,926	28.4%
Alderman's Courts	379,342	1,034,761	0	4,846	1,418,949	N.A.
MUNICIPALITIES TOTALS	\$463,774	\$4,293,771	\$ 0	\$ 4,846	\$ 4,762,391	N.A.

COURT GENERATED REVENUE * - FISCAL YEAR 1994

GRAND TOTALS - JUDICIAL BRANCH

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
TOTALS	\$10,788,565	\$9,468,504	\$213,214	\$182,580	\$20,652,863	42.8%##

RESTITUTION - FISCAL YEAR 1994

Court	Restitution Assessed	Restitution Collected	Restitution Disbursed
Supreme Court	\$ 0	\$ 0	\$ 0
Court of Chancery	0	0	0
Superior Court			
New Castle County Prothonotary	1,766,756	423,716	447,537
Kent County Prothonotary	732,921	173,759	145,146
Sussex County Prothonotary	418,410	189,979	168,665
Family Court	207,877	143,268	151,343
Court of Common Pleas	197,782	192,205	151,386
Municipal Court	N/A	40,977	35,492
Justice of the Peace Courts	104,132	75,068	75,068
TOTALS	\$3,427,878	\$1,238,972	\$1,174,637

N.A. = Not Available

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money.

FY 1994 Revenue divided by FY 1994 Actual Disbursement, which includes State general, federal, and other funds.

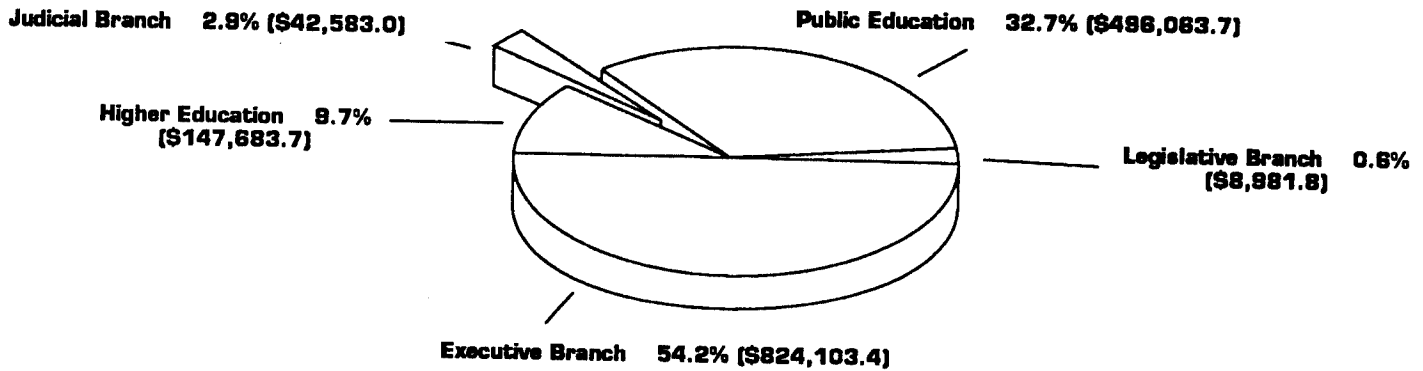
This figure is approximate as some expenditure data is not available.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

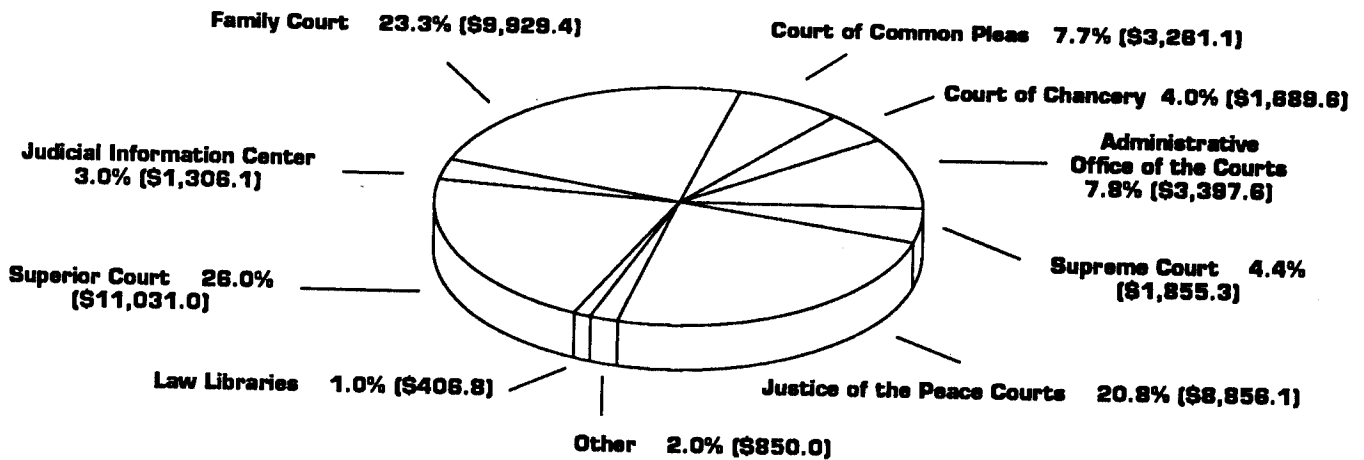
DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) - FISCAL YEAR 1995

STATE APPROPRIATIONS - TOTAL (\$1,519,415.6)



DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) - FISCAL YEAR 1995

STATE APPROPRIATIONS - JUDICIARY (\$42,583.0)



Other: Public Guardian 0.7% (\$293.1), Central Collections Office 0.6% (\$253.2), Foster Care Review Board 0.6% (\$248.7), Educational Surrogate Parent Program 0.1% (\$55.0).

*State general fund monies only.

Source: 137th General Assembly, Senate Bill 420.

Supreme Court

Chief Justice E. Norman Veasey
Justice Joseph T. Walsh
Justice Randy J. Holland
Justice Maurice A. Hartnett, III
Justice Carolyn Berger

SUPREME COURT



SUPREME COURT

Seated (Left to Right)

Justice Joseph T. Walsh

Chief Justice E. Norman Veasey

Justice Randy J. Holland

Standing (Left to Right)

Justice Maurice A. Hartnett, III

Justice Carolyn Berger

SUPREME COURT

Legal Authorization

The Supreme Court is created by the *Constitution of Delaware*, Article IV, Section 1. The Supreme Court sits in Dover but the Justices maintain their chambers in the counties where they reside.

Court History

The modern day Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three Justices and was enlarged to the current five Justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

Jurisdiction

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court and the Family Court. Appeals are heard on the record. Under some circumstances the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari and mandamus.

Justices

The Supreme Court consists of a Chief Justice and four Justices who are nominated by the Governor and confirmed by the Senate. The Justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the Justices must be of one of the major political parties while the other two Justices must be of the other major political party.

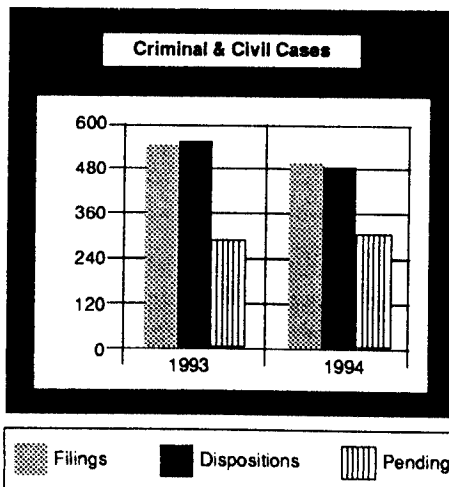
Administration

The Chief Justice is responsible for the administration of all courts in the State and appoints a Director of the Administrative Office of the Courts to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a Court Administrator, a Clerk of the Court/Staff Attorney, an assistant clerk, law clerks, secretaries, two senior clerks and a court clerk.

Caseload Trends

Filings fell by almost 10% from 542 in FY 1993 to 488 in FY 1994. Dispositions fell as well, decreasing by 12.7% to 482 in FY 1994 from 552 in FY 1993. The result of these decreases was a slight rise in pending, which increased by 2.4% from 245 at the end FY 1993 to 251 at the end of FY 1994.

The average time from filing to disposition as well as the average time from submission to disposition rose from the levels of FY 1993. The average time from filing to disposition increased by 14.6% from 168.9 days during FY 1993 to 193.5 days for FY 1994. The average time from submission to disposition increased from 22.8 days in FY 1993 to 40.7 days in FY 1994.



ARMS OF THE SUPREME COURT

Board on Professional Responsibility and Office of Disciplinary Counsel

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rule 62 and Board on Professional Responsibility Rule 1 (c) (3) respectively. The Board on Professional Responsibility consists of 13 persons, nine of whom shall be members of the Bar and four of whom shall be public non-lawyer members. Members of the Board are appointed for three-year terms. Under Supreme Court Rule 62(c), the Court appoints a Preliminary Review Committee consisting of nine persons, six of whom shall be members of the Bar and three of whom shall be public non-lawyer members. Additionally, under Supreme Court Rule 62(d), the Court appoints members of the Bar to serve as Assistant Disciplinary Counsel as needed. The Board, Disciplinary Counsel, the Preliminary Review Committee and Assistant Disciplinary Counsel are responsible for regulation of the conduct of the members of the Delaware Bar. Matters heard by the Board on Professional Responsibility are subject to review by the Delaware Supreme Court.

Lawyer's Fund for Client Protection

The Lawyer's Fund for Client Protection is authorized by Supreme Court Rule 66. There are nine trustees appointed by the Court, consisting of seven persons who shall be members of the Bar and two persons who shall be non-lawyer members. Trustees are appointed for four-year terms. The purpose of the trust fund is to establish, as far as practicable, the collective responsibility of the legal profession in respect to losses caused to the public by defalcations of members of the Bar.

Board of Bar Examiners

The Board of Bar Examiners is authorized by Supreme Court Rule 51. The Board consists of 12 members of the Bar who are appointed by the Court for four-year terms. The Court may appoint associate members of the Board to assist each member of the Board. Associate members are

appointed for one-year terms. Currently, there are 12 associate members. It is the duty of the Board to administer Supreme Court Rules 51 through 56 which govern the testing and procedures for admission to the Bar.

Commission on Continuing Legal Education

The Commission on Continuing Legal Education is authorized by Supreme Court Rule 70 and Mandatory Continuing Legal Education Rule 3. The Commission consists of five members who are appointed by the Court for three-year terms. One member shall be a member of the Judiciary. No more than one member may be a person who is not an attorney. The purpose of the Commission is to ensure that minimum requirements for continuing legal education are met by attorneys in order to maintain their professional competence throughout their active practice of law.

Advisory Committee on Interest on Lawyer Trust Accounts

The six member Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The Committee members are appointed by the Court for three-year terms. The function of the Committee is to oversee and monitor the operation of the Delaware IOLTA Program as established pursuant to Rule 1.15 and Interpretive Guideline number 2 of the Delaware Lawyers' Rules of Professional Conduct. The Committee reports annually to the Supreme Court on the status of the program and work of the Committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the Court, to hold and disburse all funds generated by the IOLTA program.

Board on the Unauthorized Practice of Law

The Board on the Unauthorized Practice of Law is authorized by Supreme Court Rule 86. The Board consists of six members appointed by

the Court for four-year terms. Five members of the Board must be lawyers, and one person must be a public non-lawyer member. The Court may appoint associate members of the Board to assist each member of the Board. It is the duty of the Board to administer Supreme Court Rule 86, to investigate matters sua sponte, and to deal with matters referred from any source regarding issues on the unauthorized practice of law.

Permanent Advisory Committee on Supreme Court Rules

The Permanent Advisory Committee on Supreme Court Rules is authorized by Supreme Court Rule 94. The Committee consists of nine or more members of the Bar who shall be appointed by the Court for three-year terms. It is the Committee's responsibility to monitor Supreme Court Rules, consider and draft changes and receive and consider comments from members of the Bar and Bench and from others. The Committee also has the power to make recommendations to the Supreme Court concerning the rules and practices of lower courts.

Committee on Publication of Opinions

The Committee on Publication of Opinions is authorized by Supreme Court Rule 93. The Committee consists of one member each from the Supreme Court, the Court of Chancery, the Superior Court and the Family Court. The members are appointed by the Chief Justice and serve at his pleasure. It is the responsibility of the Committee to determine by majority vote which opinions (or parts thereof) of the Court of Chancery, the Superior Court and the Family Court, respectively, shall be approved for official publication by West Publishing Company in both the Atlantic Reporter and the Delaware Reporter. In discharging such responsibility, the Committee shall consider public interest in the litigation, the novelty of the issues presented, the importance of the case as a legal precedent and/or whether the form of the opinion is appropriate for publication.

SUPREME COURT

FISCAL YEAR 1994 - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
Criminal Appeals	105	184	176	113	+ 8	+ 7.6%
Civil Appeals	134	260	264	130	- 4	- 3.0%
Original Applications*	6	44	42	8	+ 2	+ 33.3%
TOTALS	245	488	482	251	+ 6	+ 2.4%

COMPARISON - FISCAL YEARS 1993-1994 - CASELOAD

FILINGS

	1993	1994	Change	% Change
Criminal Appeals	201	184	- 17	- 8.5%
Civil Appeals	301	260	- 41	- 13.6%
Certifications	5	6	+ 1	+ 20.0%
Original Applications	25	19	- 6	- 24.0%
Bd. on Prof. Resp.	7	13	+ 6	+ 85.7%
Bd. of Bar Exam.	2	6	+ 4	+ 200.0%
Bd. on Un. Prac. of Law	1	0	- 1	- 100.0%
TOTALS	542	488	- 54	- 10.0%

COMPARISON - FISCAL YEARS 1993-1994 - CASELOAD

DISPOSITIONS

	1993	1994	Change	% Change
Criminal Appeals	234	176	- 58	- 24.8%
Civil Appeals	281	264	- 17	- 6.0%
Certifications	4	4	0	0.0%
Original Applications	22	22	0	0.0%
Bd. on Prof. Resp.	8	10	+ 2	+ 25.0%
Bd. of Bar Exam.	2	6	+ 4	+ 200.0%
Bd. on Un. Prac. of Law	1	0	- 1	- 100.0%
TOTALS	522	482	- 70	- 12.7%

*Board of Bar Examiners, and Board on Professional Responsibility and Board on the Unauthorized Practice of Law are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

Bd. on Un. Prac. of Law = Board on the Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

SUPREME COURT

FISCAL YEAR 1994 - CASELOAD BREAKDOWNS

FILINGS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	184	100.0%	0	0.0%	0	0.0%	184	100.0%
Civil Appeals	35	13.5%	167	64.2%	58	22.3%	0	0.0%	260	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	25	100.0%	25	100.0%
Bd. on Prof. Resp	0	0.0%	0	0.0%	0	0.0%	13	100.0%	13	100.0%
Bd. of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	6	100.0%	6	100.0%
TOTALS	35	7.2%	351	71.9%	58	11.9%	44	9.0%	488	100.0%

FISCAL YEAR 1994 - CASELOAD BREAKDOWNS

DISPOSITIONS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	176	100.0%	0	0.0%	0	0.0%	176	100.0%
Civil Appeals	47	17.8%	167	63.3%	50	18.9%	0	0.0%	264	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	26	100.0%	26	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	10	100.0%	10	100.0%
Bd. of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	6	100.0%	6	100.0%
TOTALS	47	9.8%	343	71.2%	50	10.4%	42	8.7%	482	100.0%

FISCAL YEAR 1994 - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Court of Chancery	Superior Court	Family Court	Non-Court Originated	TOTALS
Criminal Appeals	0	+ 8	0	0	+ 8
Civil Appeals	- 12	0	+ 8	0	- 4
Original Applications	0	0	0	- 1	- 1
Bd. on Prof. Resp.	0	0	0	+ 3	+ 3
Bd. of Bar Exam.	0	0	0	0	0
TOTALS	- 12	+ 8	+ 8	+ 2	+ 6

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Board Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

SUPREME COURT

TYPES OF DISPOSITIONS - FISCAL YEAR 1994 - CASELOAD

APPEALS DISPOSITIONS

	Affirmed	Aff. Pt./ Rev. Pt.	Reversed	Remanded	Voluntary Dismissal	Court Dismissal	Leave to Appeal Denied	Other	Totals
Criminal Appeals	132 75.0%	2 1.1%	7 4.0%	1 0.6%	5 2.8%	29 16.5%	0 0.0%	0 0.0%	176 100.0%
Civil Appeals	139 45.4%	4 1.3%	17 5.6%	6 2.0%	50 16.3%	48 15.7%	22 7.2%	20 6.5%	306 100.0%
Totals	271 56.2%	6 1.2%	24 5.0%	7 1.5%	55 11.4%	77 16.0%	22 4.6%	20 4.1%	482 100.0%

TYPES OF DISPOSITIONS - FISCAL YEARS 1994 - CASELOAD

MISCELLANEOUS DISPOSITIONS

	Action Taken*	Approved	Answered	Granted	Remanded	Denied/ Stricken	Court Dismissal	Totals
Original Applications	0 0.0%	0 0.0%	1 3.8%	0 0.0%	0 0.0%	7 26.9%	18 69.2%	26 100.0%
Bd. on Prof. Resp.	5 50.0%	5 50.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	10 100.0%
Bd. of Bar Exam.	0 0.0%	0 0.0%	0 0.0%	1 16.7%	1 16.7%	4 66.7%	0 0.0%	6 100.0%
Totals	5 11.9%	5 11.9%	1 2.4%	1 2.4%	1 2.4%	11 26.2%	18 42.9%	42 100.0%

TYPES OF DISPOSITIONS - FISCAL YEARS 1994 - CASELOAD

METHODS OF DISPOSITIONS

	Assigned Opinion	Per Curiam Opinion	Written Order	Voluntary Dismissal	Totals
Criminal Appeals	25 14.2%	1 0.6%	145 82.4%	5 2.8%	176 100.0%
Civil Appeals	38 14.4%	0 0.0%	176 66.7%	50 18.9%	264 100.0%
Original Applications	2 7.7%	0 0.0%	24 92.3%	0 0.0%	26 100.0%
Bd. on Prof. Resp.	0 0.0%	2 20.0%	8 80.0%	0 0.0%	10 100.0%
Bd. of Bar Exam.	1 16.7%	0 0.0%	5 83.3%	0 0.0%	6 100.0%
Totals	66 13.7%	3 0.6%	358 74.3%	55 11.4%	482 100.0%

*Action Taken includes reprimands, suspensions, and disbarments.

Aff. Pt./Rev. Pt. = Affirmed in Part/Reversed in Part

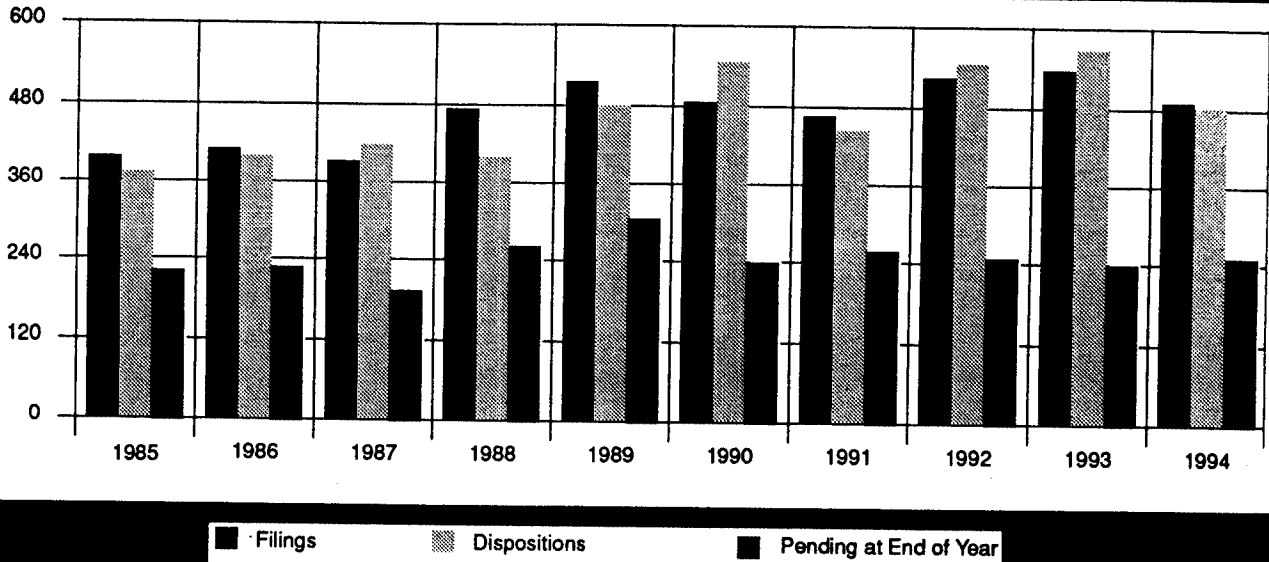
Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

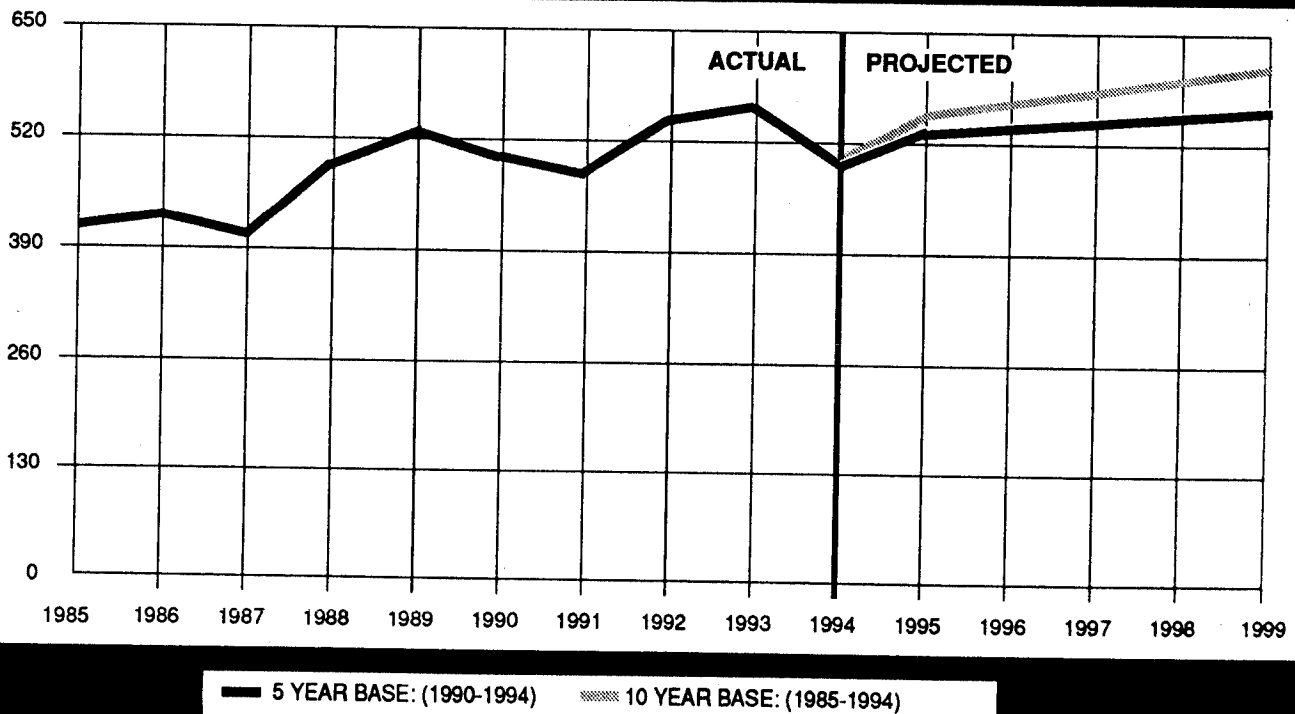
Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

SUPREME COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

SUPREME COURT

FISCAL YEAR 1994 - PERFORMANCE SUMMARY

AVERAGE ELAPSED TIME TO DISPOSITION

	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Criminal Appeals	176	239.7 days	37.0 days
Civil Appeals	264	185.8 days	46.1 days
Original Applications	22	26.6 days	19.1 days
Certifications	4	99.0 days	28.0 days
Bd. on Prof. Resp.	10	77.4 days	18.4 days
Bd. of Bar Exam.	6	39.3 days	20.3 days
TOTALS	482	193.5 days	40.7 days

COMPARISON - FISCAL YEARS 1993-1994 - PERFORMANCE SUMMARY

AVERAGE TIME FROM FILING TO DISPOSITION

	1993	1994	Change	% Change
Criminal Appeals	217.5 days	239.7 days	+ 22.2 days	+ 10.2%
Civil Appeals	145.2 days	185.8 days	+ 40.6 days	+ 28.0%
Original Applications	23.6 days	26.6 days	+ 3.0 days	+ 12.7%
Certifications	75.5 days	99.0 days	+ 23.5 days	+ 31.1%
Bd on Prof. Resp.	82.8 days	77.4 days	- 5.4 days	- 6.5%
Bd. of Bar Exam.	14.5 days	39.3 days	+ 24.8 days	+171.0%
Bd. on Un. Prac. of Law	24.0 days	—	—	—
TOTALS	168.9 days	193.5 days	+ 24.6 days	+ 14.6%

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Bar Examiners.

Bd. on Un. Prac. of Law = Board on Unauthorized Practice of Law

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts

SUPREME COURT

FISCAL YEAR 1994 - PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION TYPE

Type of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition
Affirmed	271	242.4 days	39.8 days
Affirmed Part/Reversed Part	6	442.7 days	120.3 days
Reversed	24	356.0 days	84.8 days
Remanded	7	371.6 days	211.4 days
Voluntary Dismissal	55	124.3 days	—
Court Dismissal	77	58.2 days	18.8 days
Leave to Appeal Denied	22	26.3 days	18.3 days
Other	20	93.2 days	24.4 days
TOTALS	482	193.5 days	40.7 days

FISCAL YEAR 1994 - PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION METHOD

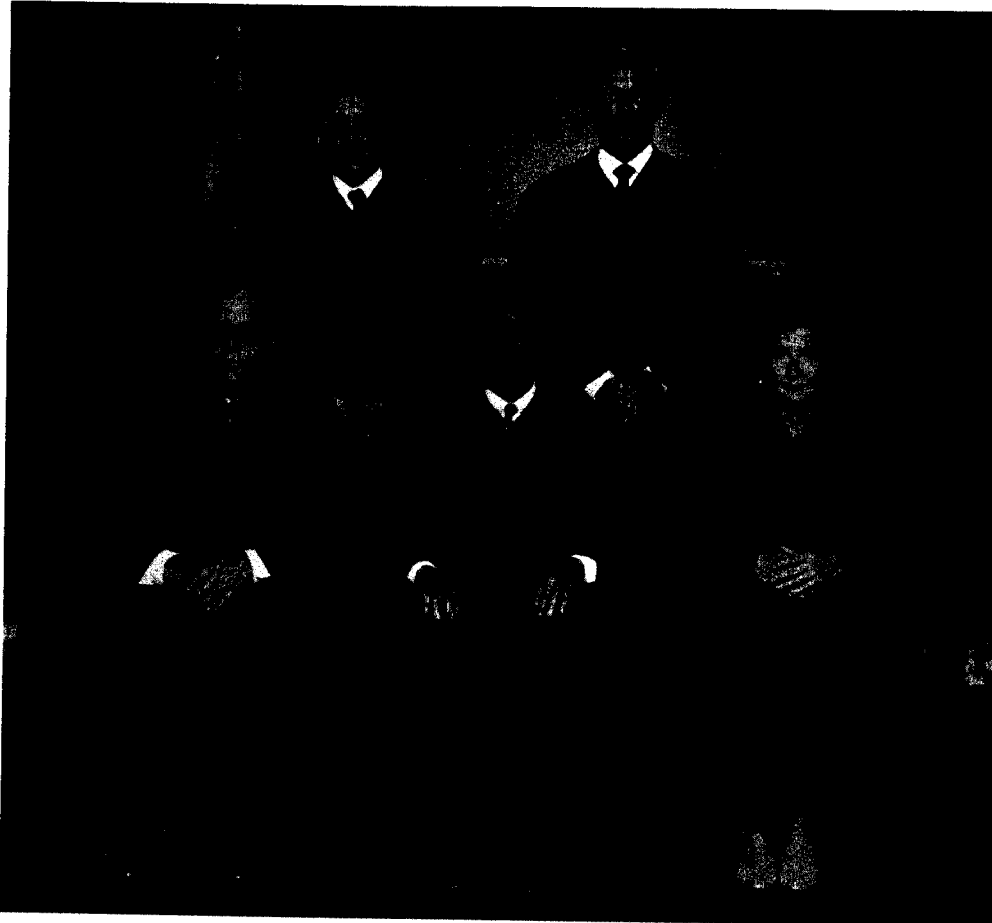
Method of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Assigned Opinion	66	408.2 days	121.0 days
Per Curium Opinion	3	268.7 days	12.0 days
Written Order	358	163.9 days	26.1 days
Voluntary Dismissal	55	124.3 days	—
TOTALS	482	193.5 days	40.7 days

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.
Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts

Court of Chancery

Chancellor William T. Allen
Vice Chancellor Jack B. Jacobs
Vice Chancellor William B. Chandler, III
Vice Chancellor Myron T. Steele
Vice Chancellor Bernard Balick

COURT OF CHANCERY



COURT OF CHANCERY

Seated (Left to Right)

Vice Chancellor Maurice A. Hartnett, III *

Chancellor William T. Allen

Vice Chancellor Carolyn Berger **

Standing (Left to Right)

Vice Chancellor Jack B. Jacobs

Vice Chancellor William B. Chandler, III

*The Honorable Maurice A. Hartnett, III left the Court on 4/12/94.

**The Honorable Carolyn Berger left the Court on 7/22/94.

Note: Not shown in the above picture are Vice Chancellor Myron T. Steele who took the oath of office on 5/12/94 and Vice Chancellor Bernard Balick who took the oath of office on 10/13/94.

COURT OF CHANCERY

Legal Authorization

The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

Court History

The Court of Chancery came into existence as a separate court under the Constitution of 1792. It was modeled on the High Court of Chancery in England and is in direct line of succession from that Court. The Court consisted solely of the Chancellor until 1939 when the position of Vice Chancellor was added. The increase on the Court's workload since then has led to further expansions to its present complement of a Chancellor and four Vice Chancellors, with the addition of the fourth Vice Chancellor being made in 1989.

Geographic Organization

The Court of Chancery holds court in Wilmington, Dover and Georgetown.

Legal Jurisdiction

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. In today's practice, the litigation in the Court of Chancery consists largely of

corporate matters, trusts, estates and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 Del. C., §369).

Judges

The Court of Chancery consists of one Chancellor and four Vice Chancellors. The fourth Vice Chancellor position is authorized by House Bill 60 which became law in January, 1989. The Chancellor and Vice Chancellors are nominated by the Governor and must be confirmed by the Senate for 1 2-year terms. The Chancellor and Vice Chancellors must be learned in the law and must be Delaware citizens.

Support Personnel

The Chancellor may appoint court reporters, bailiffs, criers or pages, and law clerks. The Register in Chancery is the Clerk of the Court for all actions except those within the jurisdiction of the Register of Wills. A Register in Chancery is elected for each county. The Chancellor or Vice Chancellor resident in the county is to appoint one Chief Deputy Register in Chancery in each county. The Register in Chancery in New Castle County appoints a Chief Deputy Register in Chancery as well.

Public Guardian

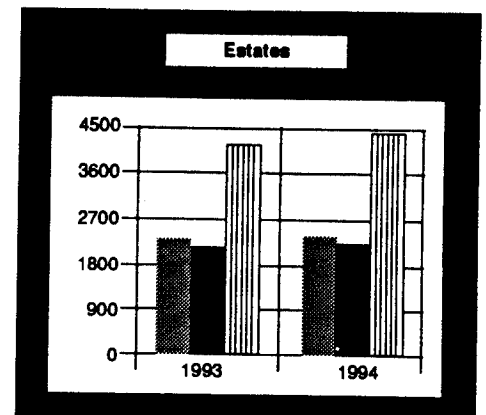
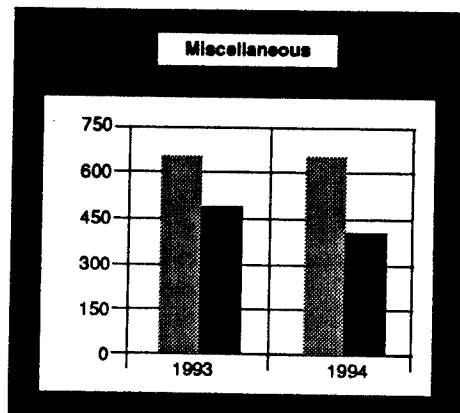
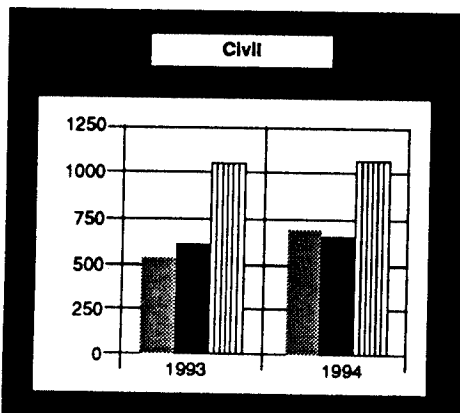
The Chancellor has the duty to appoint the Public Guardian.

Caseload Trends

Civil filings in the Court of Chancery increased by 34.7% during FY 1994 to 707 from 525 filings in FY 1993 with large increases in all counties. There was a 6.6% increase in dispositions from an amended total of 635 in FY 1993 to 677 in FY 1994. The rise in filings led to a 2.8% jump in pending at the end of the year from an amended total of 1,059 at the end of FY 1993 to 1,089 at the end of FY 1994.

The number of miscellaneous matters filed in the Court was almost unchanged, with 652 filings in FY 1994 and 651 in FY 1993. There was a 15.9% decrease in the number of dispositions from 484 in FY 1993 to 407 in FY 1994. The decrease in dispositions led to a 4.0% increase in pending from 6,187 at the end of FY 1993 to 6,432 at the end of FY 1994.

There was a 2.6% rise in estates filed from 2,242 during FY 1993 to 2,301 in FY 1994. The number of dispositions rose by 1.6% to 2,034 in FY 1994 from 2,002 in FY 1993. The pending at the end of the year increased by 6.3% from 4,210 at the end of FY 1993 to 4,477 at the end of FY 1994.



■ Filings ■ Dispositions ▨ Pending

COURT OF CHANCERY

FISCAL YEAR 1994 CIVIL CASES - CASELOAD SUMMARY *

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change in Pending	% Change in Pending
New Castle	817	583	543	857	+ 40	+ 4.9%
Kent	90	41	46	85	- 5	- 5.5%
Sussex	152*	83	88	147	- 5	- 3.3%
State	1,059*	707	677	1,089	+ 30	+ 2.8%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

FILINGS

	1993	1994	Change	% Change
New Castle	447	583	+ 136	+ 30.4%
Kent	30	41	+ 11	+ 36.7%
Sussex	48	83	+ 35	+ 72.9%
State	525	707	+ 182	+ 34.7%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

DISPOSITIONS

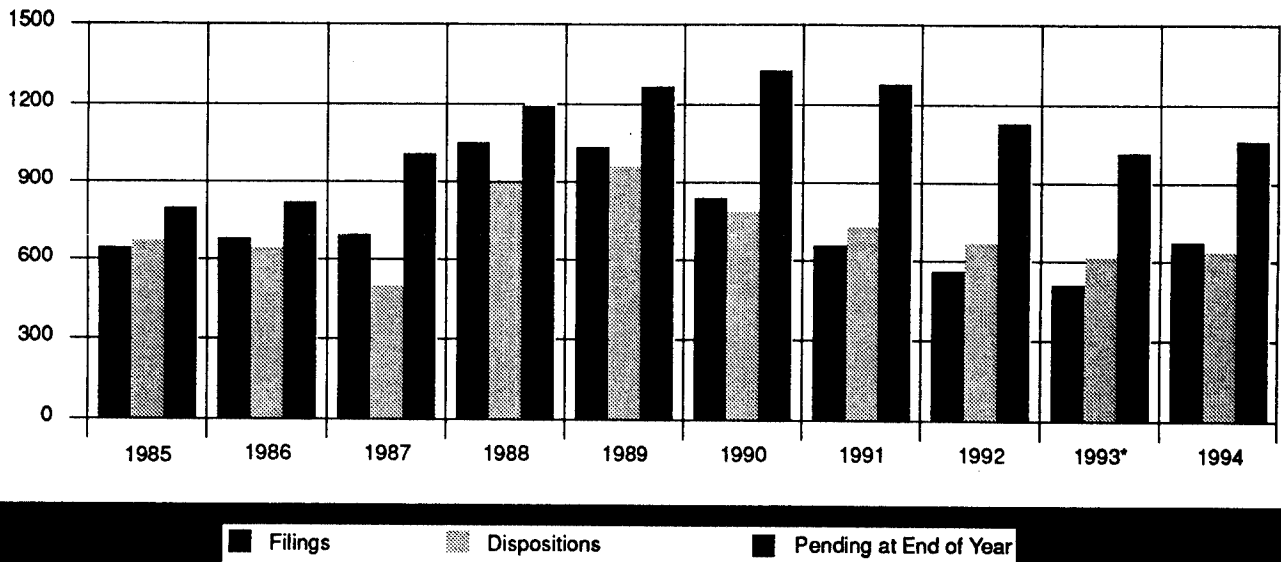
	1993	1994	Change	% Change
New Castle	555	543	- 12	- 2.2%
Kent	35	46	+ 11	+ 31.4%
Sussex	45*	88	+ 43	+ 95.6%
State	635*	677	+ 42	+ 6.6%

*Amended from 1993 Annual Report.

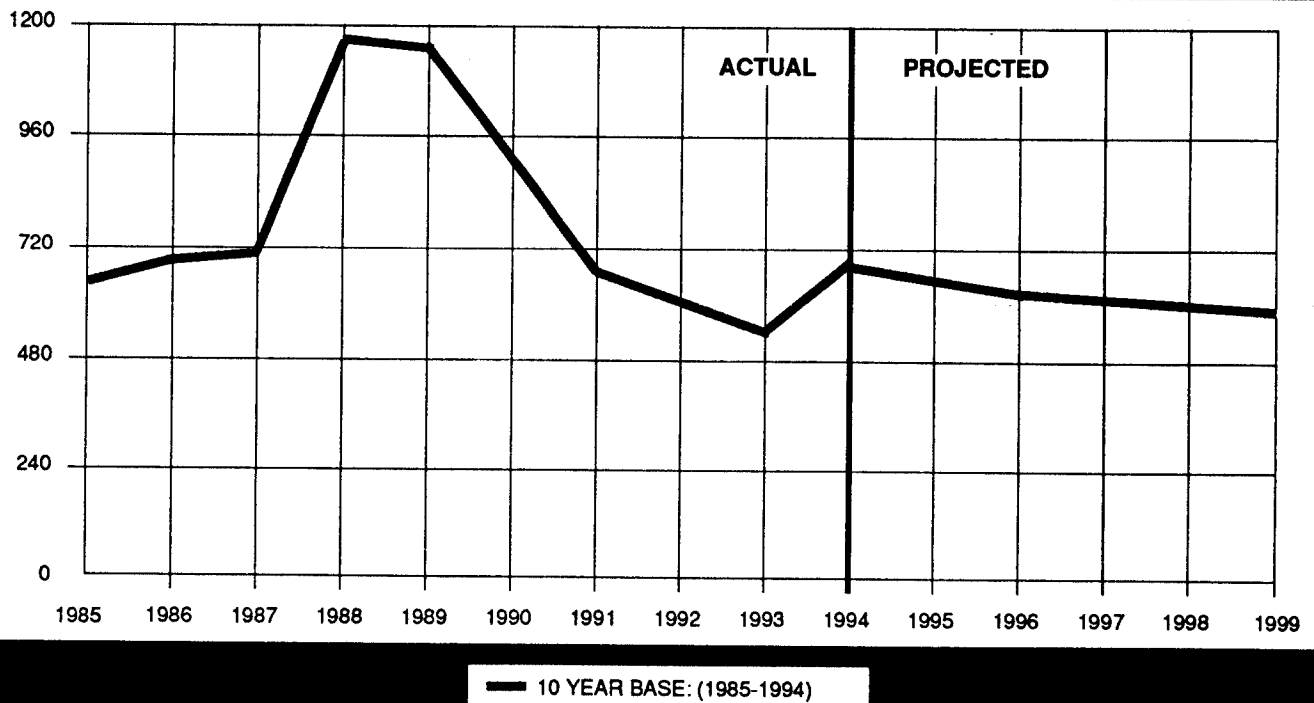
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts.

COURT OF CHANCERY — CIVIL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



*Amended from 1993 Annual Report.

NOTE: Trend lines were not used to project civil filings because of the effect that the large fluctuations during recent years would have.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

COURT OF CHANCERY

FISCAL YEAR 1994 MISCELLANEOUS CASES - CASELOAD SUMMARY *

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	3,728	340	208	3,860	+ 132	+ 3.5%
Kent	888	87	37	938	+ 50	+ 5.6%
Sussex	<u>1,571</u>	<u>225</u>	<u>162</u>	<u>1,634</u>	+ 63	+ 4.0%
State	6,187	652	407	6,432	+ 245	+ 4.0%

COMPARISON - FISCAL YEARS 1993-1994 MISCELLANEOUS CASES - CASELOAD

FILINGS

	1993	1994	Change	% Change
New Castle	327	340	+ 13	+ 4.0%
Kent	87	87	0	0.0%
Sussex	<u>237</u>	<u>225</u>	- 12	- 5.1%
State	651	652	+ 1	+ 0.2%

COMPARISON - FISCAL YEARS 1993-1994 MISCELLANEOUS CASES - CASELOAD

DISPOSITIONS

	1993	1994	Change	% Change
New Castle	245	208	- 37	- 15.1%
Kent	54	27	- 17	- 31.5%
Sussex	<u>185</u>	<u>162</u>	- 23	- 12.4%
State	484	407	- 77	- 15.9%

Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts.

COURT OF CHANCERY

FISCAL YEAR 1994 MISCELLANEOUS MATTERS - CASELOAD BREAKDOWNS

FILINGS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	158	46.5%	133	39.1%	0	0.0%	34	10.0%	15	4.4%	340	100.0%
Kent	38	43.7%	25	28.7%	0	0.0%	14	16.1%	10	11.5%	87	100.0%
Sussex	40	17.8%	54	24.0%	0	0.0%	10	4.4%	121	53.8%	225	100.0%
State	236	36.2%	212	32.5%	0	0.0%	58	8.9%	146	22.4%	652	100.0%

FISCAL YEAR 1994 MISCELLANEOUS MATTERS - CASELOAD BREAKDOWNS

DISPOSITIONS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	99	47.6%	82	39.4%	1	0.5%	7	3.4%	19	9.1%	208	100.0%
Kent	12	32.4%	12	32.4%	0	0.0%	10	27.0%	3	8.1%	37	100.0%
Sussex	41	25.3%	53	32.7%	0	0.0%	1	0.6%	67	41.4%	162	100.0%
State	152	37.3%	147	36.1%	1	0.2%	18	4.4%	89	21.9%	407	100.0%

FISCAL YEAR 1994 MISCELLANEOUS MATTERS - CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	1,007	26.1%	1,314	34.0%	181	4.7%	1,030	26.7%	328	8.5%	3,860	100.0%
Kent	383	40.8%	294	31.3%	15	1.6%	196	20.9%	50	5.3%	938	100.0%
Sussex	306	18.7%	113	6.9%	16	1.0%	1,092	66.8%	107	6.5%	1,634	100.0%
State	1,696	26.4%	1,721	26.8%	212	3.3%	2,318	36.0%	485	7.5%	6,432	100.0%

FISCAL YEAR 1994 MISCELLANEOUS MATTERS - CASELOAD BREAKDOWNS

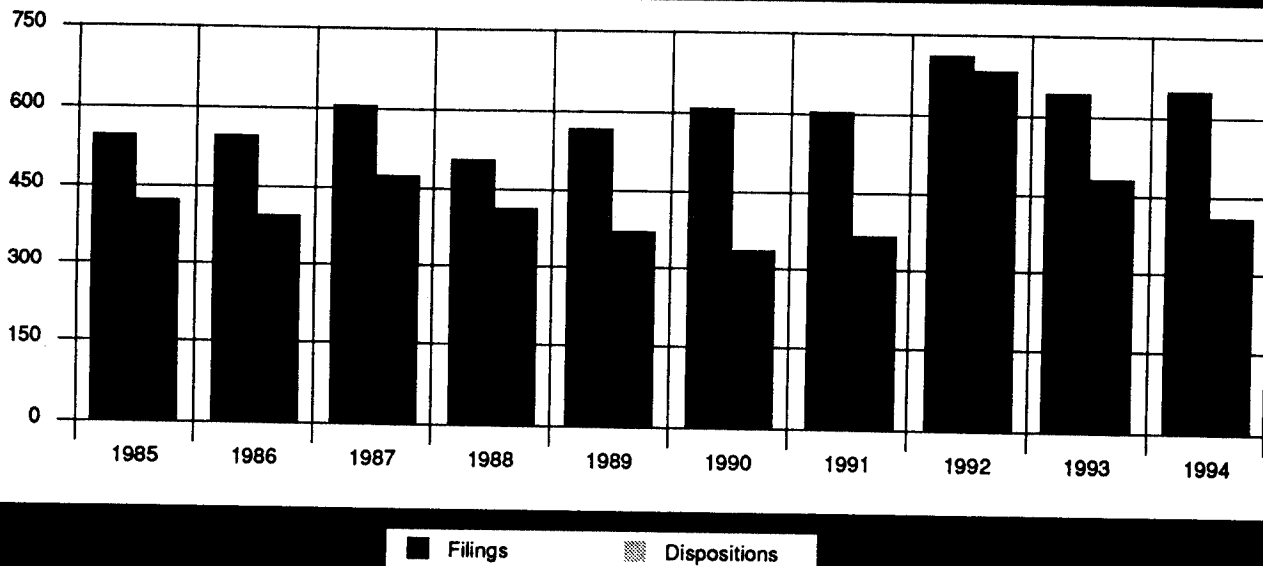
CHANGE IN PENDING

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	+	59	+	51	-	1	+	27	-	4	+	132
Kent	+	26	+	13		0	+	4	+	7	+	50
Sussex	-	1	+	1		0	+	9	+	54	+	63
State	+	84	+	65	-	1	+	40	+	57	+	245

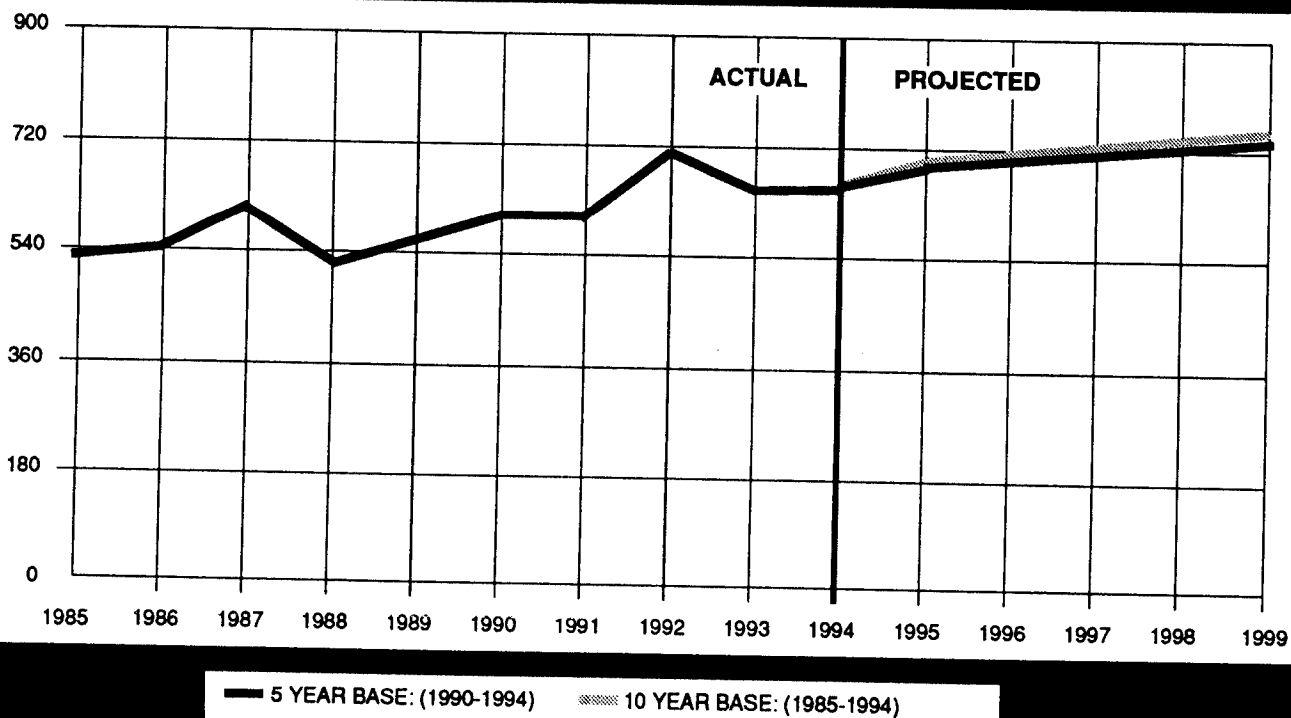
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts.

COURT OF CHANCERY — MISCELLANEOUS

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts

COURT OF CHANCERY

FISCAL YEAR 1994 ESTATES - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change in Pending	% Change In Pending
New Castle	2,268	1,434	1,251	2,451	+ 183	+ 8.1%
Kent	1,150	346	283	1,213	+ 63	+ 5.5%
Sussex	792	521	500	813	+ 21	+ 2.7%
State	4,210	2,301	2,034	4,477	+ 267	+ 6.3%

COMPARISON - FISCAL YEARS 1993-1994 ESTATES - CASELOAD

FILINGS

OPENED

	1993	1994	Change	% Change
New Castle	1,453	1,434	- 19	- 1.3%
Kent	318	346	+ 28	+ 8.8%
Sussex	471	521	+ 50	+10.6%
State	2,242	2,301	+ 59	+ 2.6%

COMPARISON - FISCAL YEARS 1993-1994 ESTATES - CASELOAD

FILINGS

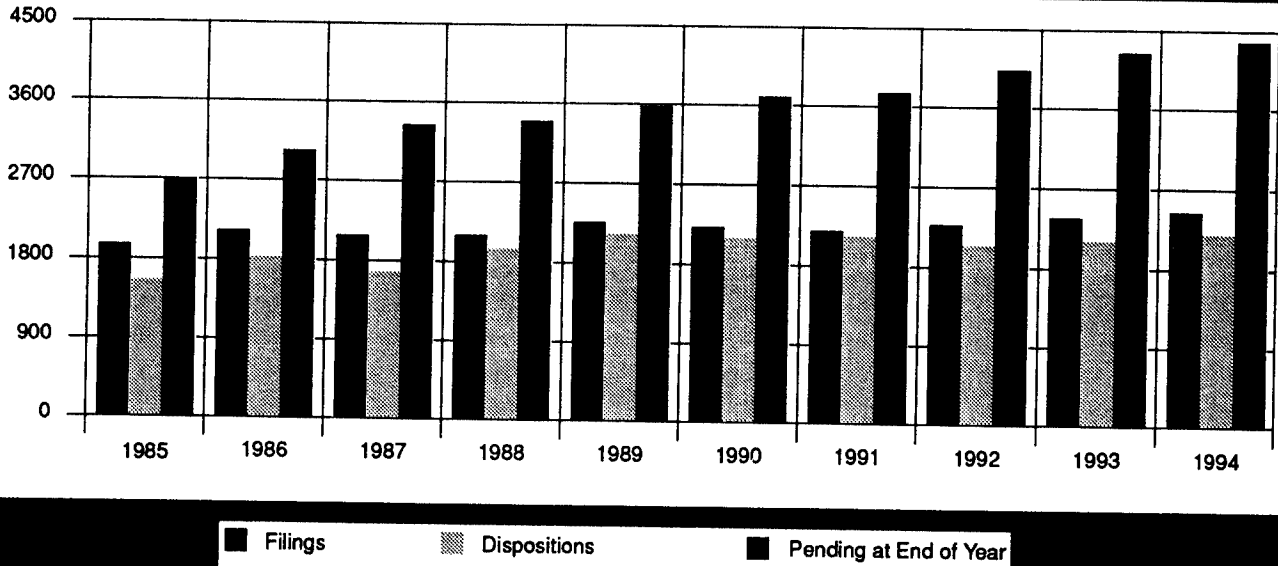
CLOSED

	1993	1994	Change	% Change
New Castle	1,239	1,251	+ 12	+ 1.0%
Kent	278	283	+ 5	+ 1.8%
Sussex	485	500	+ 15	+ 3.1%
State	2,002	2,034	+ 32	+ 1.6%

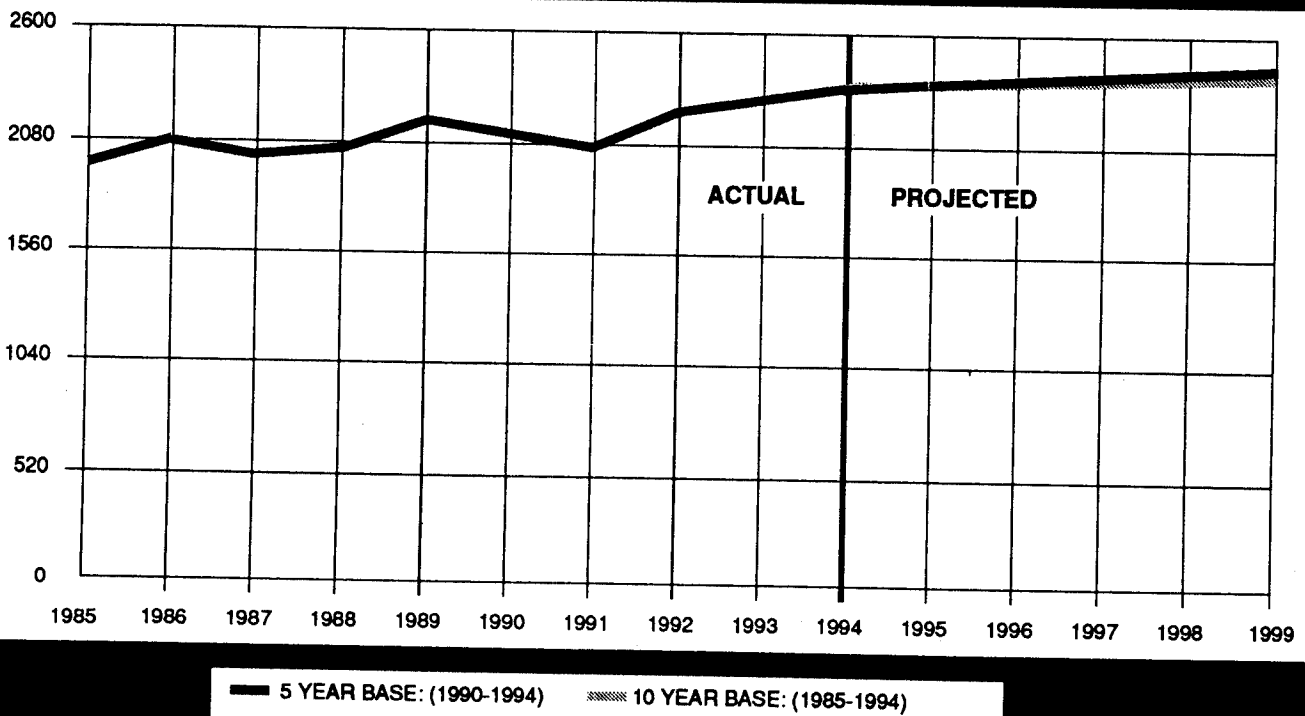
Source: New Castle County, Kent County, Sussex County Registers of Wills, Administrative Office of the Courts.

COURT OF CHANCERY — ESTATES

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Superior Court

President Judge Henry du Pont Ridgely
Resident Judge Vincent A. Bifferato
Associate Judge Richard S. Gebelein
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge William T. Quillen
Associate Judge Susan C. Del Pesco
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves
Associate Judge Charles H. Toliver, IV
Associate Judge Carl G. Goldstein
Associate Judge Haile L. Alford
Associate Judge Richard R. Cooch
Associate Judge Fred S. Silverman
Associate Judge William C. Carpenter, Jr.
Resident Judge N. Maxson Terry, Jr.

SUPERIOR COURT



SUPERIOR COURT

Seated (Left-Right)

Associate Judge Richard S. Gebelein

Resident Judge Vincent A. Bifferato

President Judge Henry du Pont Ridgely

Associate Judge Bernard Balick *

Associate Judge John E. Babiarz, Jr.

Middle (Left-Right)

Associate Judge T. Henley Graves

Associate Judge Norman A. Barron

Associate Judge Susan C. Del Pesco

Resident Judge William Swain Lee

Resident Judge Myron T. Steele **

Associate Judge Jerome O. Herlihy

Associate Judge Charles H. Toliver, IV.

Back (Left-Right)

Associate Judge Fred S. Silverman

Associate Judge Haile L. Alford

Associate Judge Carl G. Goldstein

Associate Judge Richard R. Cooch

Associate Judge William C. Carpenter, Jr.

*Judge Balick became a Vice Chancellor on the Court of Chancery on 10/13/94.

**Judge Steele became a Vice Chancellor on the Court of Chancery on 5/12/94.

Note: Not shown in the above picture are Resident Judge N. Maxson Terry, Jr. who took the oath of office on 7/26/94 and Associate Judge William T. Quillen who took the oath of office on 11/23/94.

SUPERIOR COURT

Legal Authorization

The *Constitution of Delaware*, Article IV, Section I, created the Superior Court.

Court History

Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

The law courts which represent today's Superior Court jurisdiction go back as far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two Courts.

In 1951 the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed President Judge. There were five Superior Court judges in 1951; there are fifteen today.

Geographic Organization

Sessions of Superior Court are held in each of the three counties at the county seat.

Legal Jurisdiction

Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction, and domestic relations matters, which jurisdiction is vested with the Family Court. The Court's authority to award damages is not subject to a monetary maximum. The Court hears cases of personal injury, libel and slander and contract claims. The Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics liens, condemnations, and appeals related to landlord-tenant disputes and appeals from the Automobile Arbitration Board. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and except possession of marijuana cases).

Superior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware State Hospital. The Court serves as an intermediate appellate court, hearing appeals on the record from the Court of Common Pleas, Family Court (adult criminal), and more than 50 administrative agencies including the Industrial Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Alderman's Courts, Justice of the Peace Courts, and Municipal Court are heard on trials de novo (second trials) in Superior Court. Appeals from Superior Court are argued on the record before the Supreme Court.

Judges

Number: There may be seventeen judges appointed to the Superior Court bench. One of the seventeen Judges is appointed President Judge with administrative responsibility for the Court, and three are appointed as Resident Judges and must reside in the county in which they are appointed. No more than a bare majority of the Judges may be of one political party; the rest must be of the other major political party.

Appointment: Superior Court Judges are nominated by the Governor and confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: The Judges must be learned in the law.

Support Personnel

Superior Court may appoint court reporters, law clerks, bailiffs, pre-sentence officers, a secretary for each judge and other personnel.

An appointed Prothonotary for each county serves as Clerk of the Superior Court for that county. The Prothonotary is the record keeper for the Superior Court and is directly involved with the daily operations of the Court. The Office handles the jury list, property liens, registration of law students and attorneys, and is the custodian of costs and fees for the Court and for the Attorney General. It issues permits to carry deadly weapons, receives bail, deals with the release of incarcerated prisoners, issues certificates of notary public where applicable, issues

certificates of election to elected officials, issues commitments to the State Hospital and collects and distributes restitution monies as ordered by the Court in addition to numerous other duties. It is also charged with the security, care and custody of Court's exhibits.

Elected Sheriffs, one per county, also serve Superior Court.

Caseload Trends

Criminal filings and dispositions changed only slightly during FY 1994 from FY 1993 while criminal pending rose during FY 1994. The number of criminal filings decreased by 0.8% from 7,295 during FY 1993 to 7,240 in FY 1994. There was an increase of 1.4% in dispositions from 6,771 in FY 1993 to 6,865 in FY 1994. The criminal pending at the end of the year rose by 11.6% to 3,605 at the end of FY 1994 from 3,230 at the end of FY 1993.

There were increases in both the number of civil filings and the number of civil dispositions during FY 1994 while the number of civil pending decreased. Civil filings rose by 4.4% from 6,513 during FY 1993 to 6,797 in FY 1994. The number of civil dispositions increased by 11.0% to a record level of 7,515 in FY 1994 from an amended total of 6,769 civil dispositions during FY 1993. The number of civil dispositions has risen by over 34% from FY 1992, where there were 5,585 civil dispositions, to FY 1994. The increasing number of civil dispositions led to a 9.1% decrease in civil pending, with all counties having pending drops, from an amended total of 7,916 at the end of FY 1993 to 7,198 at the end of FY 1994.

The total number of filings rose by 1.7% during FY 1994 from 13,808 during FY 1993 to 14,037 in FY 1994. The rise in civil dispositions led to a total of 14,422 dispositions in FY 1994, an increase of 6.5% from the amended total of 13,540 dispositions during FY 1993. The total pending decreased by 3.5% from an amended total of 11,146 at the end of FY 1993 to a total of 10,761 at the end of FY 1994.

FY 1994 Developments

During FY 1994, Superior Court reduced its total pending caseload (criminal and civil) by 1200 cases and disposed of 308 asbestos cases, more than were resolved during the three previous years.

The Court engaged the National Center for State Courts to conduct a study of its jury operations in preparation for launching the one-day/one-trial jury service program in January 1995.

The Expedited Drug Case Management Program (EDCM) was initiated with federal funds to address both the treatment needs of drug-involved defendants and to reduce the time required to dispose of these cases. This project has four separate processing tracks with Tracks 1 and 2 constituting the Drug Court. In Track 1, which is for cases involving probationers arrested on new drug charges, the new charges and the violation hearing are scheduled for resolution approximately two to three weeks after the new arrest. Track 2 handles cases in which the defendants are arrested for relatively minor offenses and have minimal or no prior convictions. These defendants are referred for intensive screening and treatment, and are subjected to a monitoring process including a periodic status hearing before the Drug Court judge. For defendants who successfully complete the program, the charges are dropped. Track 3 is reserved for defendants facing mandatory penalties, and Track 4 manages all other cases involving drug charges as well as cases not resolved in Tracks 1 and 2.

The most important feature of EDCM is the treatment component. It is estimated that 600 defendants yearly will be referred to several levels of treatment based on screening results by the Drug Court.

Another important component of EDCM is the final plea offer which sets a deadline after which no plea offer less than all of the original charges will be accepted. This serves to reduce the number of cases scheduled for trial and to increase the chances that cases are tried the first time that they appear on the trial calendar.

The early results of the EDCM are encouraging. Most cases are being resolved within 120 days of arrest. In light of the program's success, Superior Court in FY 1995 will adapt principal features of EDCM to its non-drug caseload. For example, a diversion program for minor property offenses is under development.

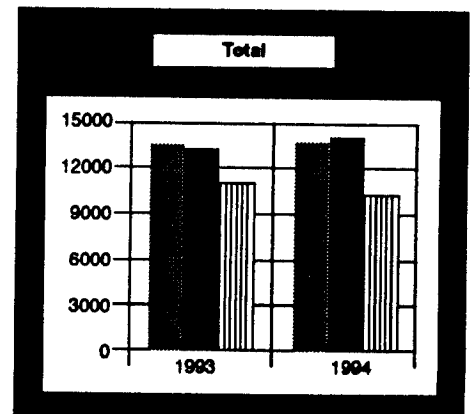
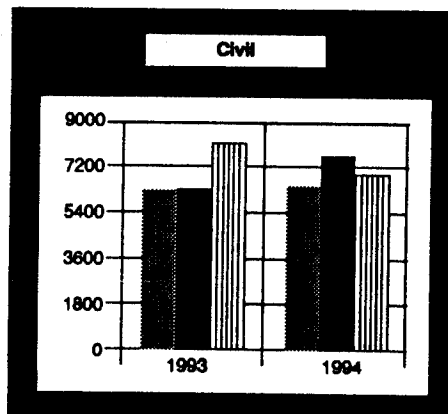
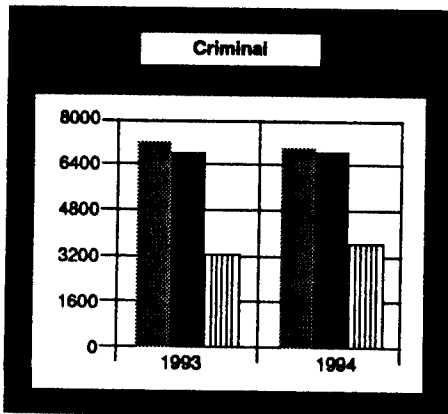
In conformity with Senate Joint Resolution No. 28 signed by Governor Thomas R. Carper, on February 7, 1994, and Supreme Court Administrative Directive 96 of February 28, 1994, Superior Court launched the Commercial Litigation Program to utilize limited discovery and summary proceedings as a means through which consenting parties can resolve major disputes involving multi-million dollar claims efficiently and in a timely manner. The Court has developed rules which set forth the procedures and timelines applicable to cases in this program. While no claims were filed in the program in FY 1994, corporations are beginning to stipulate in

contracts that any dispute arising from these contracts will be subject to resolution through the Commercial Litigation Program.

Superior Court expanded the Complex Litigation Automated Docket (CLAD), which permits the electronic filing of court documents in cases involving multiple parties and voluminous court documents, to include all of the asbestos cases (approximately 600). CLAD is publicized as the most sophisticated application of electronic filing in the United States, is frequently an agenda topic at national conferences, and courts from throughout the country continue to request information about the project.

The Court has improved the accuracy and efficiency of registering and tracking fictitious names (trade names) of new businesses by automating this process.

The Court began integrating its accounting system for the receipt and posting of criminal receivables (e.g., assessments for the Victims' Compensation Fund, fines, court costs, restitution, and the Public Defender assessment fee) with operations at the Probation and Parole Offices. This initiative facilitates the effort of the AOC Centralized Collections Office to implement a uniform automated collection process for the judicial branch.



SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change in Pending	% Change in Pending
New Castle	2,405	4,731	4,351	2,785	+ 380	+ 15.8%
Kent	407	1,174	1,187	394	- 13	- 3.2%
Sussex	418	1,335	1,369	384	- 34	- 8.1%
State	3,230	7,240	6,907	3,563	+ 333	+ 10.3%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL CASES - CASELOAD

FILINGS

	Number of Defendants			
	1993	1994	Change	% Change
New Castle	4,791	4,731	- 60	- 1.3%
Kent	1,202	1,174	- 28	- 2.3%
Sussex	1,302	1,335	+ 33	+ 2.5%
State	7,295	7,240	- 55	- 0.8%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	Number of Defendants			
	1993	1994	Change	% Change
New Castle	4,410	4,351	- 59	- 1.3%
Kent	1,167	1,187	+ 20	+ 1.7%
Sussex	1,194	1,369	+ 175	+ 14.7%
State	6,771	6,907	+ 136	+ 2.0%

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD EXPLANATORY NOTES

1. The unit of count in Superior Court criminal cases is the defendant. A defendant is defined as an individual named in an indictment, so that an individual named in 3 indictments is counted as 3 defendants. An individual with a consecutively-numbered series of informations, appeals, or transfers filed on the same day is counted as one defendant.
2. Informations are filed if defendants waive indictment.
3. Transfers are defendants brought before the Court of Common Pleas in New Castle County who request jury trials. Since the Court of Common Pleas in Kent and Sussex Counties itself holds jury trials, there are no transfers in either of those counties.
4. Reinstatements represent defendants who have had their cases disposed of who are brought back before Superior Court for one of the following reasons:
 - Mistrial
 - Hung jury
 - Motion for new trial granted
 - Guilty plea withdrawn
 - Lower court appeal reinstated after being dismissed
 - Conviction overturned by Supreme Court; remanded to Superior Court for new trial.
5. Severances are defendants indicted on multiple charges whose charges are severed to be tried separately.
6. Trial dispositions refer to the number of defendants whose charges were disposed of at a trial rather than the number of trials. The date of disposition is the trial date. Should the decision be reserved, it will be the date when the opinion is handed down.
7. A defendant is counted as being disposed of by nolle prosequi only if all charges in an indictment or information or all charges transferred or appealed simultaneously are dropped. For example, if a defendant pleads guilty to one charge in an indictment, and other charges in the same indictment are then nol-prossed, that defendant is considered to have been disposed of by guilty plea on the date of the plea.
8. Defendants are not counted as disposed of by nolle prosequi if the nolle prosequi was filed to an original charge because the defendant entered a guilty plea to a new information. The new information is a further action in an existing case and is not counted as a separate filing, so the nolle prosequi is not the primary disposition.
9. Only nolle prosequis filed for defendants who were actually brought before Superior Court by indictment, information, appeal, transfer, reinstatement, or severance are counted in the total number of Superior Court dispositions. Nolle prosequis of unindicted defendants are listed separately because such defendants were never formally before the Superior Court.
10. Unindicted nolle prosequis are felony or drug defendants who were arrested and were bound over to Superior Court by a lower court either because probable cause was found or because the defendant waived preliminary hearing. The Attorney General then decided not to seek indictment or the grand jury ignored the indictment and a nolle prosequi was filed.
11. Remands are defendants who appealed or transferred their cases to Superior Court and had them remanded back to the lower court. ADRR's are cases in which an appeal to Superior Court has been dismissed with the record being remanded to the court from which it came. ADRR's and remands do not constitute the dispositions of all appeals that are filed; some are disposed of by trial de novo, plea, or nolle prosequi.
12. Participation in the First Offender Program is limited to defendants who are charged with driving under the influence or select drug possession charges and are first-time offenders. The defendants choose to enroll in a rehabilitation program and waive their right to a speedy trial in the process. The charge is dropped once the defendant satisfactorily completes the program and pays all fees.
13. A consolidation represents a single individual who is indicted separately on different charges but whose charges are consolidated to be tried together. Thus an individual indicted in January and again in February, and who is counted as two filings, will receive one trial disposition and one consolidation disposition if the charges are tried together.
14. A triable criminal case is one in which there has been an indictment, information, or notice of appeal de novo filed with the Court. Defendants who have capiases or Rule 9 Warrants or Summonses outstanding or who have been judged to be incompetent to stand trial are not triable and are not included in the triable pending cases.

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD BREAKDOWNS

FILINGS

Number of Defendants Brought to Superior Court By:

	Indictment		Information		Appeal		Transfer		Reinstatement		Severance		TOTALS	
New Castle	3,627	76.7%	180	3.8%	68	1.4%	852	18.0%	4	0.1%	0	0.0%	4,731	100.0%
Kent	609	51.9%	549	46.8%	6	0.5%	1	0.1%	6	0.5%	3	0.3%	1,174	100.0%
Sussex	292	21.9%	1,026	76.9%	6	0.4%	0	0.0%	5	0.4%	6	0.4%	1,335	100.0%
State	4,528	62.5%	1,755	24.2%	80	1.1%	853	11.8%	15	0.2%	9	0.1%	7,240	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD BREAKDOWNS

DISPOSITIONS

Number of Defendants Disposed of By:

	Trial		Guilty Plea		Nolle Prosequi		Remand or Transfer		ADRR	Dismissal	First Offender		Cons.	TOTALS				
New Castle	151	3.5%	3,170	72.9%	900	20.7%	5	0.1%	6	0.1%	34	0.8%	70	1.6%	15	0.3%	4,351	100.0%
Kent	32	2.7%	936	78.9%	206	17.4%	6	0.5%	0	0.0%	5	0.4%	2	0.2%	0	0.0%	1,187	100.0%
Sussex	64	4.7%	986	72.0%	259	18.9%	4	0.3%	2	0.1%	9	0.7%	42	3.1%	3	0.2%	1,369	100.0%
State	247	3.6%	5,092	73.7%	1,365	19.8%	15	0.2%	8	0.1%	48	0.7%	114	1.7%	18	0.3%	6,907	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Defendants

	Triable		Non-Triable		TOTALS	
New Castle	1,345	48.3%	1,440	51.7%	2,785	100.0%
Kent	162	41.1%	232	58.9%	394	100.0%
Sussex	171	44.5%	213	55.5%	384	100.0%
State	1,678	47.1%	1,885	52.9%	3,563	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Defendants

	Triable		Non-Triable		TOTALS
New Castle	-	221	+	601	+ 380
Kent	+	38	-	51	- 13
Sussex	-	93	+	59	- 34
State	-	276	+	609	+ 333

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS - PART ONE

Number of Defendents Disposed of by:

	Jury Trial		Non-Jury Trial		Totals		Guilty		Not Guilty*		No Final Disposition**		Totals	
New Castle	145	96.0%	6	4.0%	151	100.0%	106	70.2%	40	26.5%	5	3.3%	151	100.0%
Kent	31	96.9%	1	3.1%	32	100.0%	21	65.6%	7	21.9%	4	12.5%	32	100.0%
Sussex	53	82.8%	11	17.2%	64	100.0%	48	75.0%	13	20.3%	3	4.7%	64	100.0%
State	229	92.7%	18	7.3%	247	100.0%	175	70.9%	60	24.3%	12	4.9%	247	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS - PART TWO

Number of Defendents Disposed of by:

	Jury Trial							Non Jury Trial							TOTALS
	Guilty	Guilty LIO	Not Guilty	Pled Guilty At Trial	NoI Pros/ Dismissed At Trial	Mistrial	Hung Jury	Guilty	Guilty LIO	Not Guilty	Pled Guilty At Trial	NoI Pros/ Dismissed At Trial	Mistrial		
New Castle	98	0	28	8	6	5	0	0	0	6	0	0	0	0	151
Kent	12	2	7	6	0	2	2	0	1	0	0	0	0	0	32
Sussex	34	4	9	2	1	1	2	7	1	3	0	0	0	0	64
State	144	6	44	16	7	8	4	7	2	9	0	0	0	0	247

LIO = Lesser Included Offense

NoI Pros = Nolle Prosequi

*Includes Dismissals at Trial and Nolle Prosequis at Trial

**Hung Juries and Mistrials

Source=Superior Court Case Scheduling Office, Administrative Office of the Court.

SUPERIOR COURT

Explanatory Notes

1. Guilty plea dispositions do not include pleas made during trials. They are included in the trial disposition totals.
2. "PG-Original" includes defendants who pled guilty to all charges or to the major charge of a multi-count indictment, appeal, transfer or reinstatement.
3. "PG-Lesser" includes defendants who pled guilty to a lesser included offense of the most serious charge, a less serious charge of a multi-count indictment or other filings, or a lesser included offense of a less serious charge of a multi-count indictment or other filing."
4. A plea of nolo contendere is considered to be the equivalent of a guilty plea; e.g., a plea of nolo contendere to a lesser included offense is counted with PG-Lesser.

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS - FELONY

	PG-Original		PG-Lesser		Totals	
New Castle	1271	55.5%	1,018	44.5%	2,289	100.0%
Kent	467	83.4%	93	16.6%	560	100.0%
Sussex	491	65.6%	258	34.4%	749	100.0%
State	2,229	61.9%	1,369	38.0%	3,598	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS - MISDEMEANOR

	PG-Original		PG-Lesser		Totals	
New Castle	838	95.1%	43	4.9%	881	100.0%
Kent	166	44.1%	210	55.9%	376	100.0%
Sussex	233	98.3%	4	1.7%	237	100.0%
State	1,237	82.8%	257	17.2%	1,494	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS - TOTALS

	PG-Original		PG-Lesser		Totals	
New Castle	2,109	66.5%	1,061	33.5%	3,170	100.0%
Kent	633	67.6%	303	32.4%	936	100.0%
Sussex	724	73.4%	262	26.6%	986	100.0%
State	3,466	68.1%	1,626	31.9%	5,092	100.0%

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS - PART ONE *

	Number of Defendants With Nolle Prosequis By Special Condition		Number of Defendants With Nolle Prosequis By Merit		Total Number of Defendants Disposed Of By Nolle Prosequi	
New Castle	506	56.2%	394	43.8%	900	100.0%
Kent	116	56.3%	90	43.7%	206	100.0%
Sussex	<u>121</u>	<u>46.7%</u>	<u>138</u>	<u>53.3%</u>	<u>259</u>	<u>100.0%</u>
State	743	54.4%	622	45.6%	1,365	100.0%

FISCAL YEAR 1994 CRIMINAL CASES - TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS - PART TWO *

	New Castle County	Kent County	Sussex County	State
Number of Defendants with Nolle Prosequis by Special Condition				
Guilty of Other Charges, Different Indictment	202	31	96	329
Disposed of in Other Court	42	3	5	50
Reindicted	46	1	1	48
Placed on AG's Probation	51	21	6	78
Made Restitution	14	0	2	16
Placed in Custody of Other Jurisdiction	2	0	1	3
Indicted on Other Charges	5	0	0	6
Without Prejudice	5	47	0	52
Miscellaneous	138	13	10	161
Number of Defendants with Nolle Prosequis by Merit				
Codefendant Guilty	10	3	5	18
Police Problems	6	0	2	8
Defense Valid	2	0	2	4
Prosecutive Merit	159	11	28	198
Victim or Witness Availability/Deceased	39	3	18	60
Victim or Witness Attitude/Credibility	35	17	14	66
Related to Indictment	15	7	15	37
Insufficient Evidence	103	4	47	154
Due Process	5	0	0	5
Miscellaneous	<u>20</u>	<u>45</u>	<u>7</u>	<u>72</u>
TOTAL	900	206	259	1,365

*Nolle Prosequis for indicted defendants only.

AG = Attorney General

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - DISPOSITIONS BY OFFENSE TYPE NEW CASTLE COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	2 - 1 - 0	4	6	0	0	0	0	0	13
Murder 2nd	1 - 0 - 0	3	1	0	0	0	0	0	5
Manslaughter	1 - 0 - 0	1	0	0	0	0	0	0	2
Attempted Murder 1st	7 - 1 - 0	5	2	0	0	0	0	0	15
Assault 1st	1 - 1 - 1	39	10	0	0	0	0	0	52
Assault 2nd	11 - 0 - 0	131	22	2	0	0	0	0	166
Sexual Intercourse 1st/2nd	3 - 0 - 0	9	4	1	0	2	0	0	19
Sexual Intercourse 3rd; Sex. Pen.	0 - 0 - 0	12	8	0	0	0	0	0	20
Sexual Contact	1 - 0 - 0	30	7	0	0	0	0	0	38
Kidnapping 1st/2nd	2 - 0 - 0	5	5	0	0	0	0	1	13
Robbery 1st	7 - 3 - 0	102	22	0	0	0	0	0	134
Robbery 2nd	1 - 0 - 0	37	4	1	0	0	0	0	43
Drug Offenses									
Trafficking	5 - 8 - 1	145	38	1	0	0	0	0	198
Delivery	3 - 2 - 0	140	35	0	0	0	7	0	187
Possession w/Intent to Deliver	8 - 0 - 0	160	34	1	0	0	0	0	203
Possession of Drugs	1 - 1 - 0	203	42	1	0	0	45	0	293
Other Drug 1	1 - 1 - 0	202	29	0	0	0	4	1	238
Remaining Indicted Offenses									
All Forgery	4 - 0 - 0	136	34	0	0	0	0	0	174
Theft/RSP/Burglary	8 - 4 - 2	694	111	9	0	0	0	2	830
Weapons Offenses	4 - 5 - 0	98	47	0	0	0	0	0	154
Other	11 - 3 - 1	478	104	0	0	0	1	3	601
Appeals and Transfers									
DUI/CUI	9 - 2 - 0	48	14	2	1	0	8	0	84
Other Traffic Offenses	11 - 4 - 0	249	52	7	3	1	3	3	333
Non-Traffic Offenses	4 - 4 - 0	239	269	9	2	2	2	5	536
TOTALS	106 - 40 - 5	3,170	900	34	6	5	70	15	4,351

Sex. Pen. = Sexual Penetration
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence.
G = Guilty (includes Pled Guilty at Trial)
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequi at Trial).
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - DISPOSITIONS BY OFFENSE TYPE KENT COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	0 - 0 - 0	0	2	0	0	0	0	0	2
Murder 2nd	0 - 0 - 0	0	0	0	0	0	0	0	0
Manslaughter	0 - 0 - 0	2	0	0	0	0	0	0	2
Attempted Murder 1st	0 - 1 - 0	0	0	1	0	0	0	0	2
Assault 1st	0 - 0 - 0	4	5	0	0	0	0	0	9
Assault 2nd	0 - 1 - 0	25	14	1	0	0	0	0	41
Sexual Intercourse 1st/2nd	0 - 2 - 0	0	6	0	0	3	0	0	11
Sexual Intercourse 3rd; Sex. Pen.	1 - 1 - 0	18	2	0	0	0	0	0	22
Sexual Contact	1 - 0 - 1	23	8	0	0	0	0	0	33
Kidnapping 1st/2nd	1 - 0 - 0	2	0	0	0	0	0	0	3
Robbery 1st	0 - 0 - 1	3	2	1	0	0	0	0	7
Robbery 2nd	0 - 0 - 0	30	5	0	0	0	0	0	35
Drug Offenses									
Trafficking	1 - 0 - 0	8	5	0	0	0	0	0	14
Delivery	3 - 0 - 1	95	11	0	0	0	0	0	110
Possession w/Intent to Deliver	2 - 0 - 0	25	2	1	0	0	0	0	30
Possession of Drugs	0 - 0 - 0	67	5	0	0	0	2	0	74
Other Drug Offenses	0 - 0 - 0	47	10	0	0	0	0	0	57
Remaining Indicted Offenses									
All Forgery	0 - 0 - 0	71	12	0	0	0	0	0	83
Theft/RSP/Burglary	1 - 1 - 0	248	60	1	0	0	0	0	311
Weapons Offenses	0 - 0 - 0	46	12	0	0	0	0	0	58
Other	5 - 1 - 0	80	29	0	0	3	0	0	118
Appeals and Transfers									
DUI/CUI	0 - 0 - 0	3	0	0	0	0	0	0	3
Other Traffic Offenses	0 - 0 - 1	42	13	0	0	0	0	0	56
Non-Traffic Offenses	6 - 0 - 0	97	3	0	0	0	0	0	106
TOTALS	21 - 7 - 4	936	206	5	0	6	2	0	1,187

Sex. Pen. = Sexual Penetration
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence.
G = Guilty (includes Pled Guilty at Trial)
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - DISPOSITIONS BY OFFENSE TYPE

SUSSEX COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	2 - 1 - 0	1	0	0	0	0	0	0	4
Murder 2nd	1 - 0 - 0	1	0	0	0	0	0	0	2
Manslaughter	0 - 0 - 0	0	0	0	0	0	0	0	0
Attempted Murder 1st	1 - 0 - 0	1	0	0	0	0	0	0	2
Assault 1st	0 - 0 - 0	16	3	0	0	0	0	0	19
Assault 2nd	1 - 1 - 0	55	5	2	0	0	0	0	64
Sexual Intercourse 1st/2nd	4 - 2 - 1	27	0	0	0	0	0	0	34
Sexual Intercourse 3rd; Sex. Pen.	1 - 0 - 0	8	6	1	0	0	0	0	16
Sexual Contact	3 - 1 - 0	18	4	0	0	0	0	0	26
Kidnapping 1st/2nd	0 - 0 - 0	3	1	0	0	0	0	0	4
Robbery 1st	6 - 0 - 0	23	6	0	0	0	0	1	36
Robbery 2nd	1 - 0 - 0	7	2	0	0	0	0	0	10
Drug Offenses									
Trafficking	1 - 0 - 0	13	9	0	0	0	0	0	23
Delivery	1 - 0 - 0	46	14	1	0	0	0	0	62
Possession w/Intent to Deliver	0 - 0 - 0	38	7	0	0	0	0	0	45
Possession of Drugs	5 - 1 - 0	39	17	1	0	1	31	0	95
Other Drug Offenses	0 - 0 - 0	54	6	0	0	0	0	0	60
Remaining Indicted Offenses									
All Forgery	0 - 0 - 0	48	8	0	0	1	0	0	57
Theft/RSP/Burglary	10 - 3 - 1	288	81	3	0	0	0	0	386
Weapons Offenses	2 - 0 - 0	29	11	0	0	1	0	0	43
Other	4 - 1 - 0	131	44	1	0	1	0	0	182
Appeals and Transfers									
DUI/CUI	4 - 0 - 1	20	1	0	0	0	9	1	36
Other Traffic Offenses	0 - 2 - 0	42	8	0	0	0	0	0	52
Non-Traffic Offenses	1 - 1 - 0	78	26	0	2	0	2	1	111
TOTALS	48 - 13 - 3	986	259	9	2	4	42	3	1,369

Sex. Pen. = Sexual Penetration

RSP = Receiving Stolen Property

DUI/CUI = Driving Under the Influence/Control Under the Influence.

G = Guilty (includes Pled Guilty at Trial)

NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).

NFD = No Final Disposition (Hung Juries and Mistrials)

NP = Nolle Prosequi

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - DISPOSITIONS BY OFFENSE TYPE

STATE

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	4 - 2 - 0	5	8	0	0	0	0	0	19
Murder 2nd	2 - 0 - 0	4	1	0	0	0	0	0	7
Manslaughter	1 - 0 - 0	3	0	0	0	0	0	0	4
Attempted Murder 1st	8 - 2 - 0	6	2	1	0	0	0	0	19
Assault 1st	1 - 1 - 1	59	18	0	0	0	0	0	80
Assault 2nd	12 - 2 - 0	211	41	5	0	0	0	0	271
Sexual Intercourse 1st/2nd	7 - 4 - 1	36	10	1	0	5	0	0	64
Sexual Intercourse 3rd; Sex. Pen.	2 - 1 - 0	38	16	1	0	0	0	0	58
Sexual Contact	5 - 1 - 1	71	19	0	0	0	0	0	97
Kidnapping 1st/2nd	3 - 0 - 0	10	6	0	0	0	0	1	20
Robbery 1st	13 - 3 - 1	128	30	1	0	0	0	1	177
Robbery 2nd	2 - 0 - 0	74	11	1	0	0	0	0	88
Drug Offenses									
Trafficking	7 - 8 - 1	166	52	1	0	0	0	0	235
Delivery	7 - 2 - 1	281	60	1	0	0	7	0	359
Possession w/Intent to Deliver	10 - 0 - 0	223	43	2	0	0	0	0	278
Possession of Drugs	6 - 2 - 0	309	64	2	0	1	78	0	462
Other Drug Offenses	1 - 1 - 0	303	45	0	0	0	4	1	355
Remaining Indicted Offenses									
All Forgery	4 - 0 - 0	255	54	0	0	1	0	0	314
Theft/RSP/Burglary	19 - 8 - 3	1,230	252	13	0	0	0	2	1,527
Weapons Offenses	6 - 5 - 0	173	70	0	0	1	0	0	255
Other	20 - 5 - 1	689	177	1	0	4	1	3	901
Appeals and Transfers									
DUI/CUI	13 - 2 - 1	71	15	2	1	0	17	1	123
Other Traffic Offenses	11 - 6 - 1	333	73	7	3	1	3	3	441
Non-Traffic Offenses	11 - 5 - 0	414	298	9	4	2	4	6	753
TOTALS	175 -60 -12	5,092	1,365	48	8	15	114	18	6,907

Sex. Pen. = Sexual Penetration

RSP = Receiving Stolen Property

DUI/CUI = Driving Under the Influence/Control Under the Influence.

G = Guilty (includes Pled Guilty at Trial).

NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).

NFD = No Final Disposition (Hung Juries and Mistrials)

NP = Nolle Prosequi

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CRIMINAL CASES - TRIAL CALENDAR ACTIVITY

	Total Number of Defendants Scheduled	Number of Defendants Rescheduled	Percentage of Defendants Rescheduled	Rescheduled at Defense Request		Rescheduled at Prosecution Request		Rescheduled at Mutual Request		Rescheduled at Court Request	
New Castle	3,925	2,287	58.3%	1,305	57.1%	619	27.1%	64	2.8%	299	13.1%
Kent	743	199	26.8%	111	55.8%	26	13.1%	17	8.5%	45	22.6%
Sussex	1,154	336	29.1%	200	59.5%	80	23.8%	12	3.6%	44	13.1%
State	5,822	2,822	48.5%	1,616	57.3%	725	25.7%	93	3.3%	388	13.7%

COMPARISON - FISCAL YEARS 1993-1994 - CALENDAR ACTIVITY

SCHEDULED

Number of Defendants	1993		1994		Change	% Change
	1993	1994	1993	1994		
New Castle	4,134	3,925	4,134	3,925	- 209	- 5.1%
Kent	728	743	728	743	+ 15	+ 2.1%
Sussex	958	1,154	958	1,154	+ 196	+ 20.5%
State	5,820	5,822	5,820	5,822	+ 2	+ 0.0%

COMPARISON - FISCAL YEARS 1993-1994 - CALENDAR ACTIVITY

RESCHEDULED

Number of Defendants	1993		1994		Change	% Change
	1993	1994	1993	1994		
New Castle	2,585	2,287	2,585	2,287	- 298	- 11.5%
Kent	242	199	242	199	- 43	- 17.8%
Sussex	369	336	369	336	- 33	- 8.9%
State	3,196	2,822	3,196	2,822	- 374	- 11.7%

FISCAL YEAR 1994 CRIMINAL CASES PERFORMANCE EXPLANATORY NOTES

1. The Speedy Trial Directive of Chief Justice Andrew D. Christie, effective May 16, 1990, states that 90% of all criminal defendants brought before Superior Court (except murder in the first degree cases) should be disposed of within 120 days of arrest, 98% within 160 days of arrest, and 100% within 365 days of arrest.
2. The charts measure the average and median time intervals between arrest and disposition, and the average and median time intervals between indictment/information and disposition. Subtracting the figures for indictment/information to disposition from the figures for arrest to disposition would not determine the time from arrest to indictment/information exactly. This is because there may be a different number of cases being counted in the different categories (i.e., unindicted nolle prosequis).
3. In measuring the elapsed time of defendants for the purposes of computing compliance with speedy trial directives or average elapsed time, Superior Court excludes the following time intervals:
 - a. For all capiases, the time between the date the capias is issued and the date the capias is executed.
 - b. For all Rule 9 Summonses and Rule 9 Warrants, the time between arrest and indictment/information, if any.
 - c. For all nolle prosequis, the time between the scheduled trial date and the actual filing date of the nolle prosequi.
 - d. For all mental examinations, the time between the date the examination is ordered and the receipt date for the results.
 - e. For all defendants deemed incompetent to stand trial, the period in which the defendants remain incompetent.

FISCAL YEAR 1994 CRIMINAL CASES - PERFORMANCE SUMMARY

	Total Number of Defendants Disposed of	Average Time from Arrest to Disposition	Median Time from Arrest to Disposition*	Average Time from Indictment/Information to Disposition#	Median Time from Indictment/Information to Disposition*#
New Castle	4,351	192.1 days	117.9 days	160.4 days	87.1 days
Kent	1,187	77.2 days	69.7 days	42.4 days	31.1 days
Sussex	1,369	99.0 days	84.9 days	66.2 days	56.8 days
State	6,907	153.9 days	103.1 days	121.5 days	71.5 days

FISCAL YEAR 1994 CRIMINAL CASES - PERFORMANCE SUMMARY

COMPLIANCE WITH 120-DAY SPEEDY TRIAL MANDATE

	Total Number Disposed of	No. Disposed of Within 120 Days of Arrest (90%)		No. Disposed of Within 180 Days of Arrest (98%)		No. Disposed of Within 365 Days of Arrest (100%)	
New Castle	4,351	2,009	46.2%	2,891	66.4%	3,878	89.1%
Kent	1,187	1,016	85.6%	1,145	96.5%	1,187	100.0%
Sussex	1,369	996	72.8%	1,233	90.1%	1,365	99.7%
State	6,907	4,021	58.2%	5,269	76.3%	6,430	93.1%

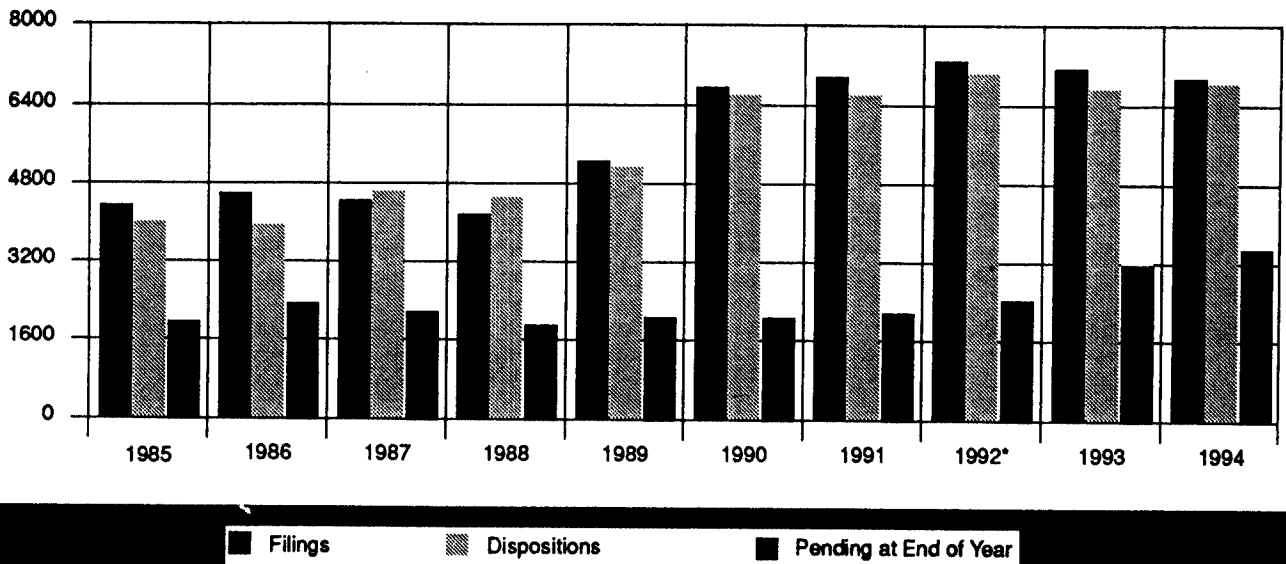
*Calculated using grouped medians method.

#Includes only defendants brought to Superior Court by indictment or information.

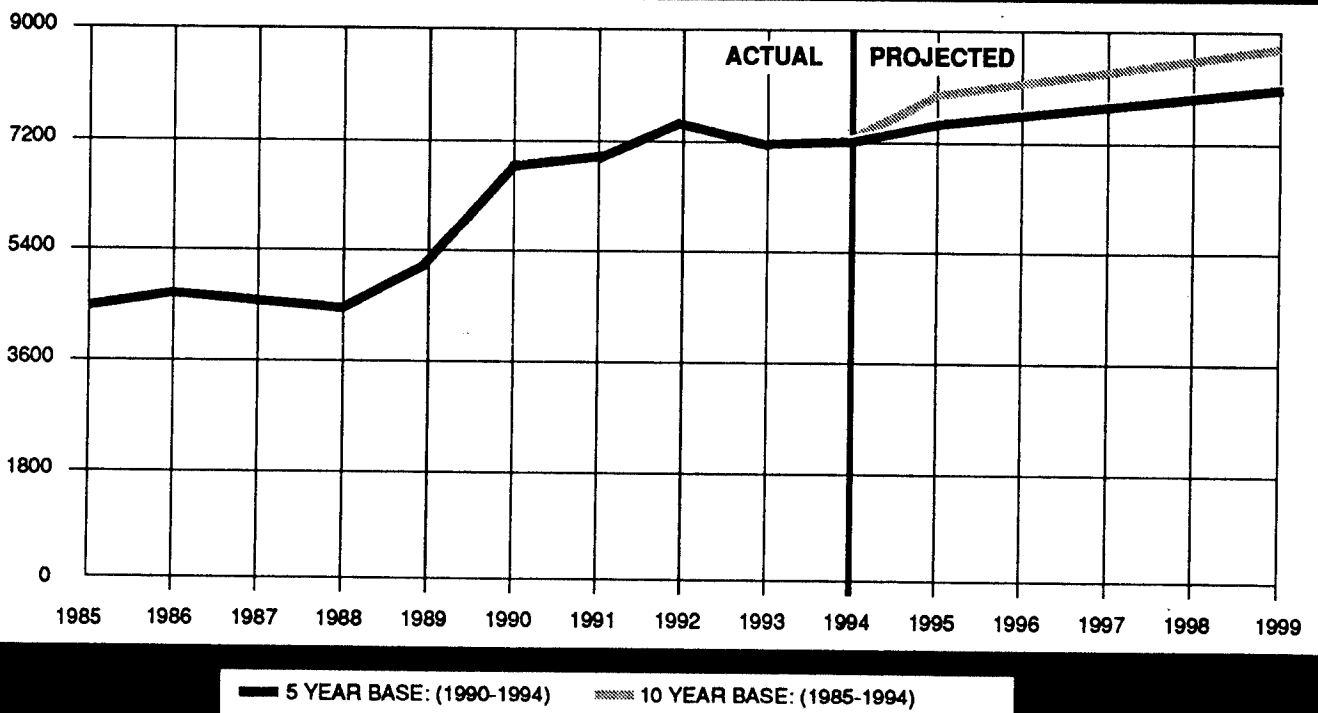
Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

SUPERIOR COURT — CRIMINAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CIVIL CASES EXPLANATORY NOTES

1. Complaints are suits for damages. During FY 1994, activity in the Complaints category included Complaints for Damages, Condemnations, Ejectments, Appeals from Justice of the Peace Court and from arbitration panels, Declaratory Judgments, Foreign Judgments, Replevins, Foreign Attachments, Domestic Attachments, Interpleaders, Amicable Actions, Breach of Contract, Transfers and Removals from the Court of Chancery, Transfers and Removals from the Court of Common Pleas and Debt Actions.
2. Mechanic's Liens and Mortgages are property suits.
3. Involuntary Commitments are proceedings held to determine whether individuals shall be involuntarily committed as mentally ill. Because Delaware State Hospital, the State's facility for mentally ill patients, is located in New Castle County, almost all Involuntary Commitment hearings are held in New Castle County.
4. Appeals are appeals on the record. This category includes appeals from administrative agencies, appeals from Family Court, appeals from the Court of Common Pleas and certioraris.
5. Miscellaneous includes all other cases.

FISCAL YEAR 1994 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	6,603*	5,349	5,860	6,092	- 511	- 7.7%
Kent	746*	740	856	630	- 116	- 15.5%
Sussex	567	708	799	476	- 91	- 16.0%
State	7,916*	6,797	7,515	7,198	- 718	- 9.1%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

FILINGS

	1993	1994	Change	% Change
New Castle	5,073	5,349	+ 276	+ 5.4%
Kent	731	740	+ 9	+ 1.2%
Sussex	709	708	- 1	- 0.1%
State	6,513	6,797	+ 284	+ 4.4%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

DISPOSITIONS

	1993	1994	Change	% Change
New Castle	4,966*	5,860	+ 894	+ 18.0%
Kent	781*	856	+ 75	+ 9.6%
Sussex	1,022	799	- 223	- 21.8%
State	6,769*	7,515	+ 746	+ 11.0%

*Amended from 1993 Annual Report.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

FILINGS

	Complaints		Mechanics's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	3,297	61.6%	645	12.1%	232	4.3%	567	10.6%	608	11.4%	5,349	100.0%
Kent	431	58.2%	146	19.7%	61	8.2%	0	0.0%	102	13.8%	740	100.0%
Sussex	366	51.7%	148	20.9%	63	8.9%	0	0.0%	131	18.5%	708	100.0%
State	4,094	60.2%	939	13.8%	356	5.2%	567	8.3%	841	12.4%	6,797	100.0%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

DISPOSITIONS

	Complaints		Mechanics's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	3,666	62.6%	864	14.7%	262	4.5%	522	8.9%	546	9.3%	5,860	100.0%
Kent	495	57.8%	175	20.4%	71	8.3%	0	0.0%	115	13.4%	856	100.0%
Sussex	426	53.3%	164	20.5%	78	9.8%	0	0.0%	131	16.4%	799	100.0%
State	4,587	61.0%	1,203	16.0%	411	5.5%	522	6.9%	792	10.5%	7,515	100.0%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Complaints		Mechanics's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	4,962	82.6%	458	7.6%	216	3.6%	211	3.5%	162	2.7%	6,009	100.0%
Kent	501	79.5%	83	13.2%	41	6.5%	0	0.0%	5	0.8%	630	100.0%
Sussex	355	74.6%	69	14.5%	39	8.2%	0	0.0%	13	2.7%	476	100.0%
State	5,818	81.8%	610	8.6%	296	4.2%	211	3.0%	180	2.5%	7,115	100.0%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints		Mechanics's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	-	369	-	219	-	30	+	45	+	62	-	511
Kent	-	64	-	29	-	10		0	-	13	-	116
Sussex	-	60	-	16	-	15		0		0	-	91
State	-	493	-	264	-	55	+	45	+	49	-	718

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

SUPERIOR COURT

FISCAL YEAR 1994 CIVIL CASES - TYPES OF DISPOSITIONS

COMPLAINTS DISPOSITIONS*

	Trial Dispositions		Non-Trial Dispositions*						TOTALS
	Judgment for Plaintiff	Judgment for Defendant	Default Judgment for Plaintiff	Other Judgment for Plaintiff	Judgment for Defendant	Voluntary Dismissal	Court Dismissal	Other	
New Castle	74 2.0%	51 1.4%	276 7.5%	127 3.5%	29 0.8%	2,113 57.6%	873 23.8%	123 3.4%	3,666 100.0%
Kent	15 3.0%	12 2.4%	33 6.7%	36 7.3%	8 1.7%	320 64.6%	63 12.7%	8 1.6%	495 100.0%
Sussex	15 3.5%	14 3.2%	30 7.0%	65 15.3%	6 1.9%	222 52.1%	26 6.1%	46 10.8%	426 100.0%
State	104 2.3%	77 1.7%	339 7.4%	228 5.0%	45 1.0%	2,655 57.9%	962 21.0%	177 3.9%	4,587 100.0%

FISCAL YEAR 1994 CIVIL CASES - TYPES OF DISPOSITIONS

MECHANIC'S LIENS AND MORTGAGES DISPOSITIONS*

	Trial Dispositions		Non-Trial Dispositions*						TOTALS
	Judgment for Plaintiff	Judgment for Defendant	Default Judgment for Plaintiff	Other Judgment for Plaintiff	Judgment for Defendant	Voluntary Dismissal	Court Dismissal	Other	
New Castle	0 0.0%	2 0.2%	288 33.3%	2 0.2%	0 0.0%	238 27.5%	247 28.6%	87 10.1%	864 100.0%
Kent	1 0.6%	0 0.0%	100 57.1%	5 2.9%	0 0.0%	58 33.1%	6 3.4%	5 2.9%	175 100.0%
Sussex	10 6.1%	0 0.0%	65 39.6%	15 9.1%	1 0.6%	48 29.3%	8 4.9%	17 10.4%	164 100.0%
State	11 0.9%	2 0.2%	453 37.7%	22 1.8%	1 0.1%	344 28.6%	261 21.7%	109 9.1%	1,203 100.0%

FISCAL YEAR 1994 CIVIL CASES - TYPES OF DISPOSITIONS

APPEALS DISPOSITIONS

	Affirmed		Reversed	Affirmed Part/ Reversed Part	Voluntary Dismissal	Court Dismissal	Remanded	TOTALS
	Count	Percentage	Count	Count	Count	Count	Count	
New Castle	110 42.0%	33 12.6%	1 0.4%	37 14.1%	74 28.2%	7 2.7%	262 100.0%	
Kent	15 21.1%	3 4.2%	1 1.4%	14 19.7%	33 46.5%	5 7.0%	71 100.0%	
Sussex	36 46.2%	14 17.9%	0 0.0%	22 28.2%	4 5.1%	2 2.6%	78 100.0%	
State	161 39.2%	50 12.2%	2 0.5%	73 17.8%	111 27.0%	14 3.4%	411 100.0%	

FISCAL YEAR 1994 CIVIL CASES - TYPES OF DISPOSITIONS

MISCELLANEOUS DISPOSITIONS

INVOLUNTARY COMMITMENTS

	Miscellaneous Dispositions			Involuntary Commitments			TOTALS
	Signed/Granted	Denied/Dismissed	Disposition Simultaneous With Filing	Dismissed-Voluntary Commitment	Dismissed-Released by Hospital	Dismissed-Other Reason	
New Castle	368 67.4%	125 22.9%	14 2.6%	39 7.1%	300 57.5%	1 0.2%	546 100.0%
Kent	45 39.1%	21 18.3%	1 0.9%	48 41.7%	0 0.0%	0 0.0%	115 100.0%
Sussex	60 45.8%	1 0.8%	6 4.6%	64 48.9%	0 0.0%	0 0.0%	131 100.0%
State	473 59.7%	147 18.6%	21 2.7%	151 19.1%	300 57.5%	1 0.2%	792 100.0%

*Includes cases assigned for arbitration that are disposed of for Superior Court.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1994 CIVIL CASES - TRIALS

	Number of Jury Trials		Number of Non-Jury Trials		Total Number Of Trials	
	Number	Percentage	Number	Percentage	Number	Percentage
New Castle	119	72.1%	46	27.9%	165	100.0%
Kent	25	78.1%	7	21.9%	32	100.0%
Sussex	<u>20</u>	<u>55.6%</u>	<u>16</u>	<u>44.4%</u>	<u>36</u>	<u>100.0%</u>
State	164	70.4%	69	29.6%	233	100.0%

FISCAL YEAR 1994 CIVIL CASES - CALENDAR ACTIVITY

	Cases Tried		Cases Settled or Dismissed		Cases Continued for Settlement		Cases Continued Due to Lack of Judge		Cases Continued at Request of Attorney		Total Cases Scheduled	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
New Castle	164	9.8%	788	46.8%	120	7.1%	27	1.6%	583	34.7%	1,682	100.0%
Kent	32	34.8%	15	16.3%	5	5.4%	7	7.6%	33	35.9%	92	100.0%
Sussex	<u>36</u>	<u>13.5%</u>	<u>95</u>	<u>5.7%</u>	<u>40</u>	<u>15.0%</u>	<u>7</u>	<u>2.6%</u>	<u>88</u>	<u>33.1%</u>	<u>266</u>	<u>100.0%</u>
State	232	11.4%	898	44.0%	165	8.1%	41	2.0%	704	34.5%	2,040	100.0%

FISCAL YEAR 1994 CIVIL CASES - PERFORMANCE SUMMARY

	COMPLAINTS		MECHANIC'S LIENS AND MORTGAGES	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	3,666	654.1 days	864	575.8 days
Kent	495	445.9 days	175	312.3 days
Sussex	<u>426</u>	<u>474.7 days</u>	<u>164</u>	<u>309.0 days</u>
State	4,587	615.0 days	1,203	501.1 days

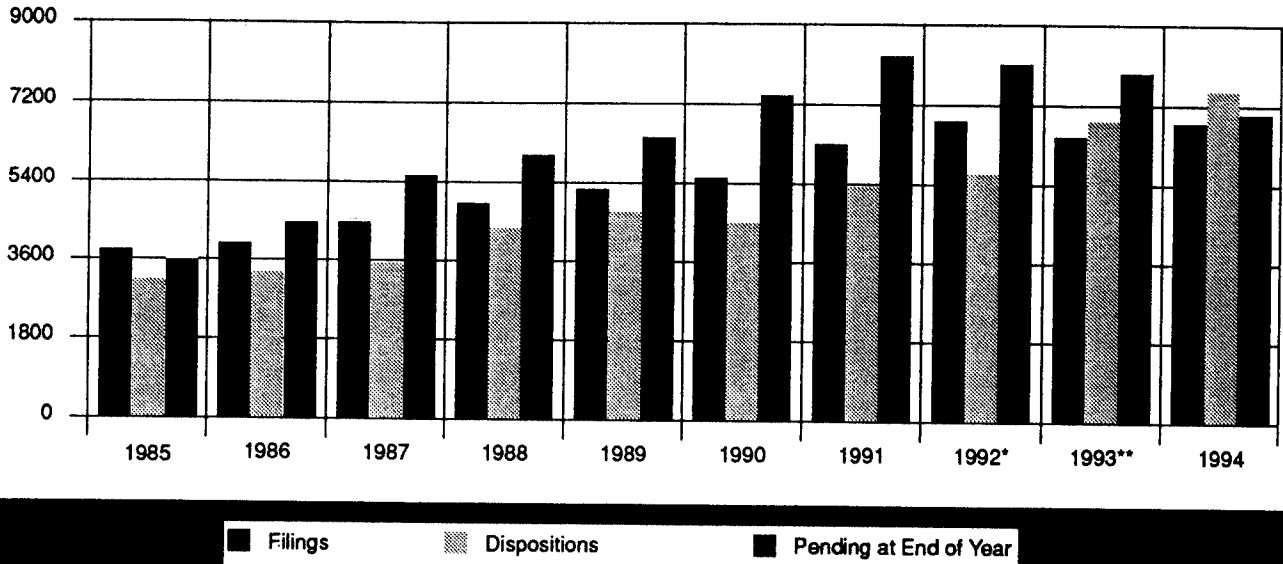
FISCAL YEAR 1994 CIVIL CASES - PERFORMANCE SUMMARY (Continued)

	APPEALS		INVOLUNTARY COMMITMENTS		MISCELLANEOUS	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	262	335.6 days	522	45.9 days	546	85.0 days
Kent	71	432.4 days	0	—	115	91.9 days
Sussex	<u>78</u>	<u>267.9 days</u>	<u>0</u>	<u>—</u>	<u>131</u>	<u>40.9 days</u>
State	411	339.5 days	522	45.9 days	792	78.7 days

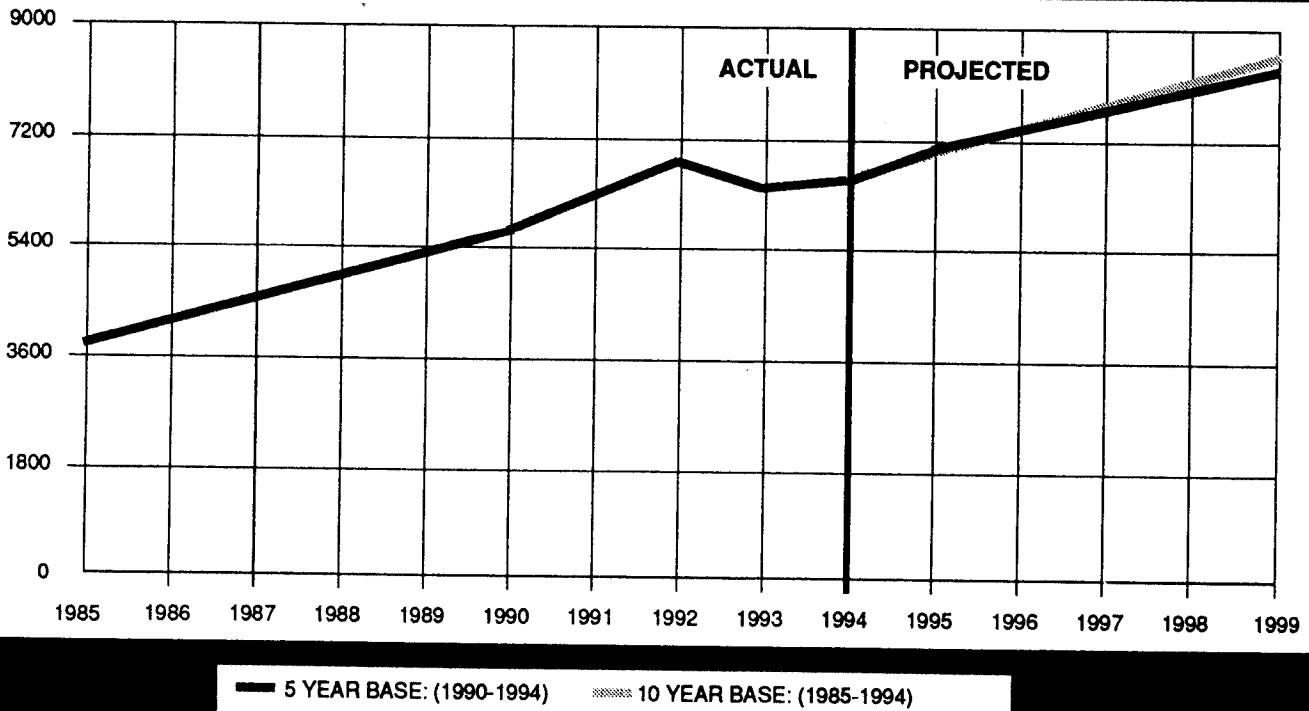
Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

SUPERIOR COURT — CIVIL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



*Pending at end of FY 1992 amended.

**Pending and Dispositions at end of FY 1993 amended from 1993 Annual Report.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1994 CIVIL CASES - PERFORMANCE BREAKDOWNS

COMPLAINTS - METHOD

METHOD OF DISPOSITION

Number of Cases Disposed of by:

	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL	
New Castle	126	3.4%	154	5.2%	276	7.5%	2,113	57.6%	998	27.2%	3,666	100.0%
Kent	27	5.5%	32	6.5%	33	6.7%	320	64.6%	83	16.8%	495	100.0%
Sussex	29	6.8%	51	12.0%	30	7.0%	222	52.1%	94	22.1%	426	100.0%
State	181	3.9%	237	5.2%	339	7.4%	2,655	57.9%	1,175	25.6%	4,587	100.0%

FISCAL YEAR 1994 CIVIL CASES - PERFORMANCE BREAKDOWNS

COMPLAINTS - ELAPSED TIME

AVERAGE TIME FROM FILING TO DISPOSITION

Number of Cases Disposed of by:

	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	934.1 days	323.8 days	265.8 days	576.4 days	941.8 days	654.1 days
Kent	814.6 days	264.4 days	175.8 days	461.4 days	443.5 days	445.9 days
Sussex	521.4 days	296.8 days	126.7 days	497.2 days	614.9 days	474.7 days
State	850.2 days	310.0 days	243.6 days	555.9 days	880.4 days	615.0 days

FISCAL YEAR 1994 CIVIL CASES - PERFORMANCE BREAKDOWNS

MECHANIC'S LIENS AND MORTGAGES - METHOD

METHOD OF DISPOSITION

Number of Cases Disposed of by:

	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL	
New Castle	2	2.3%	2	2.3%	288	33.3%	238	27.5%	334	38.7%	864	100.0%
Kent	1	0.6%	0	0.0%	100	57.1%	58	33.1%	16	9.1%	175	100.0%
Sussex	10	6.1%	1	0.6%	65	39.6%	48	29.3%	40	24.4%	164	100.0%
State	13	1.1%	3	0.2%	453	37.7%	344	28.6%	390	32.4%	1,203	100.0%

FISCAL YEAR 1994 CIVIL CASES - PERFORMANCE BREAKDOWNS

MECHANICS LIENS AND MORTGAGES - ELAPSED TIME

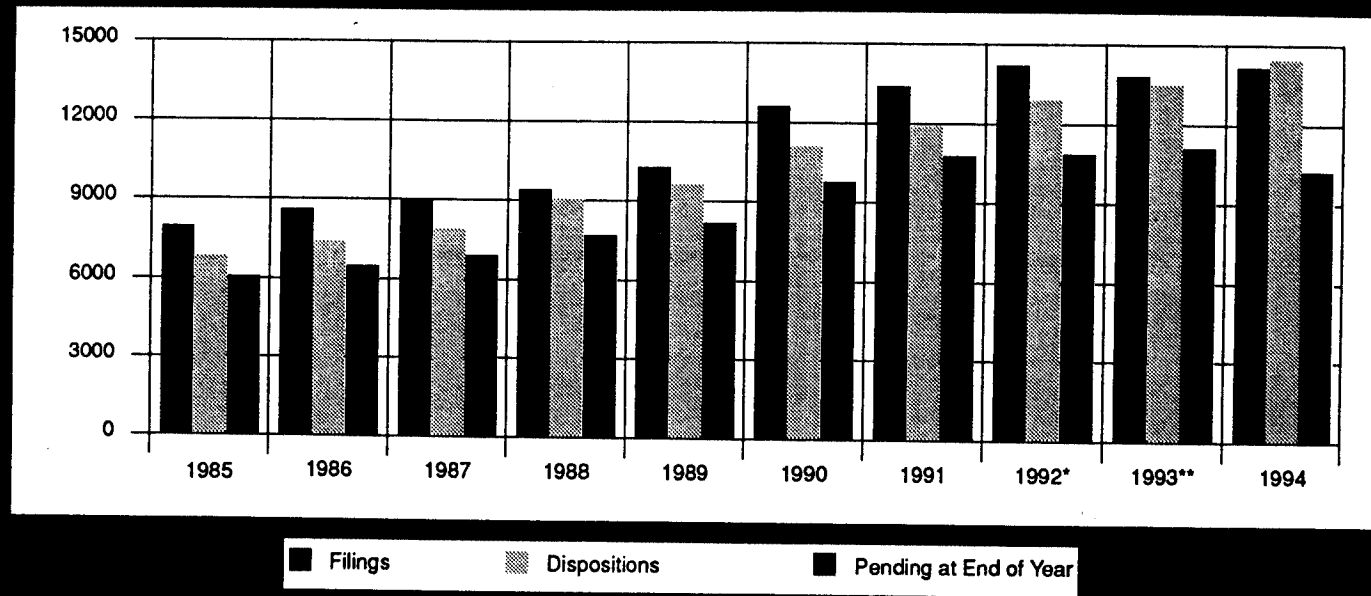
AVERAGE TIME FROM FILING TO DISPOSITION

Number of Cases Disposed of by:

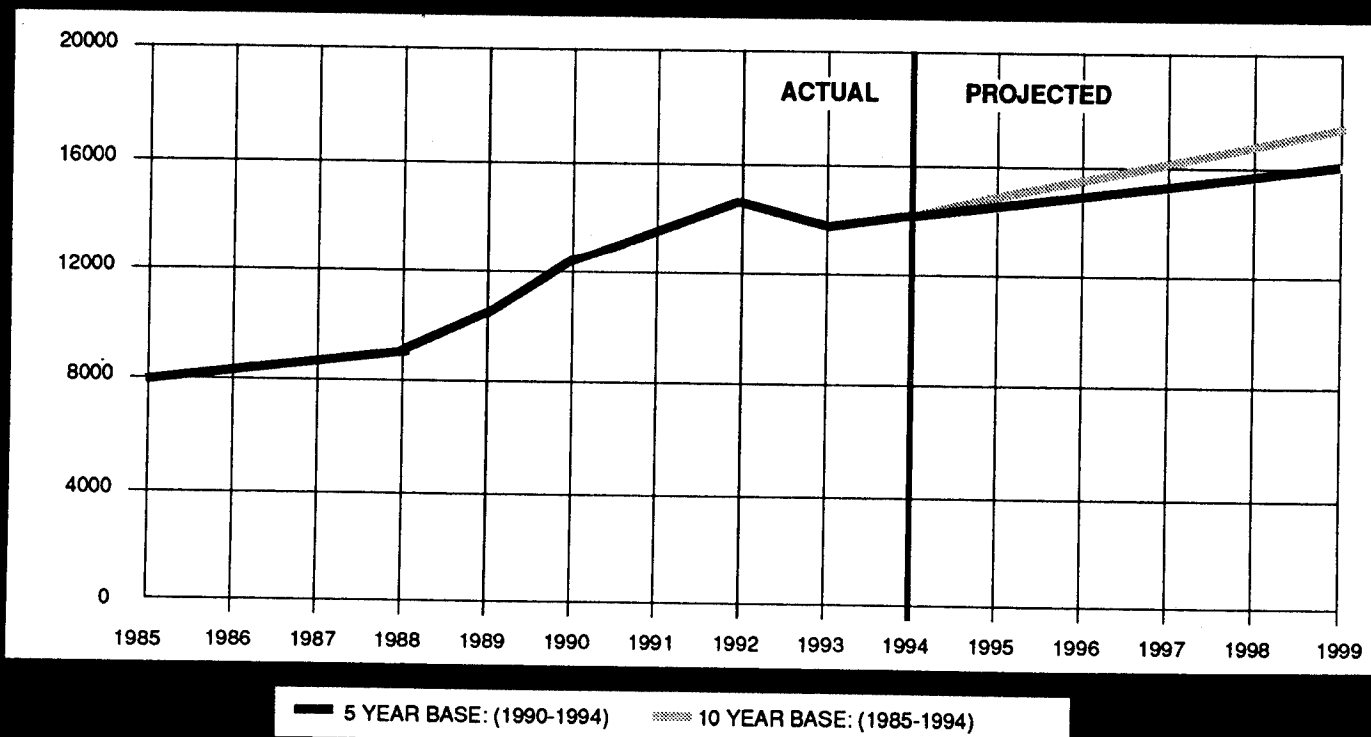
	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	1,461.0 days	242.0 days	149.9 days	637.4 days	895.9 days	575.8 days
Kent	603.0 days	— days	279.0 days	384.7 days	239.6 days	312.3 days
Sussex	661.0 days	220.0 days	105.2 days	349.7 days	505.4 days	309.0 days
State	779.6 days	234.7 days	172.0 days	554.7 days	828.9 days	501.1 days

SUPERIOR COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



*Pending at end of FY 1992 amended.
 **Dispositions and pending at end of FY 1993 amended from 1993 Annual Report
 Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1994 ARBITRATION EXPLANATORY NOTES

1. Arbitration is compulsory for civil cases in which:
 - a) Trial is available, and
 - b) Monetary damages are sought, and
 - c) Non-monetary damages are substantial, and
 - d) Damages do not exceed \$100,000
2. The President Judge of Superior Court or his designee assigns each arbitration case to an arbitrator who is appointed pursuant to the following guidelines:
 - a) The parties may request a specific arbitrator by joint agreement, or
 - b) If the parties fail to mutually agree upon an arbitrator of their choice, the Court provides a list of three (3) alternative arbitrators for review by the parties. The plaintiff(s) and the defendant(s) may each strike one alternative arbitrator, and the Court appoints the arbitrator from the remaining alternative arbitrators.
3. The arbitrator's decision is to be in the form of a written order. The order is to become a judgment of the Court unless a trial de novo is requested. Any party may request a trial de novo before Superior Court within 20 days following the arbitrator's order.

FISCAL YEAR 1994 ARBITRATION - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	3,384	2,799	2,632	3,551	+ 167	+ 4.9%
Kent	588	459	442	605	+ 17	+ 2.9%
Sussex	349	287	280	356	+ 7	+ 2.0%
State	4,321	3,545	3,354	4,512	+ 191	+ 4.4%

COMPARISON - FISCAL YEARS 1993-1994 ARBITRATION - CASELOAD

	FILINGS*			
	1993	1994	Change	% Change
New Castle	2,843	2,799	- 44	- 1.5%
Kent	470	459	- 11	- 2.3%
Sussex	334	287	- 47	- 14.1%
State	3,647	3,545	- 102	- 2.8%

COMPARISON - FISCAL YEARS 1993-1994 ARBITRATION - CASELOAD

	DISPOSITIONS*			
	1993	1994	Change	% Change
New Castle	2,334	2,632	+ 298	+ 12.8%
Kent	410	442	+ 32	+ 7.8%
Sussex	463	280	- 183	- 39.5%
State	3,207	3,354	+ 147	+ 4.6%

*Includes new arbitration cases and cases transferred.
Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1994 ARBITRATION - CASELOAD

FILINGS

Cases Eligible for Arbitration*

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,799	71.0%	1,143	29.0%	3,942	100.0%
Kent	459	79.5%	118	20.5%	577	100.0%
Sussex	287	55.8%	227	44.2%	514	100.0%
State	3,545	70.4%	1,488	29.6%	5,033	100.0%

All Civil Cases

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,799	52.3%	2,550	47.7%	5,349	100.0%
Kent	459	62.0%	281	38.0%	740	100.0%
Sussex	287	40.5%	421	59.5%	708	100.0%
State	3,545	52.2%	3,252	47.8%	6,797	100.0%

FISCAL YEAR 1994 ARBITRATION - CASELOAD

PENDING AT END OF YEAR

	Awaiting Responsive Pleading		Arbitrator Appointed		Total Pending	
New Castle	2,318	65.3%	1,233	34.7%	3,551	100.0%
Kent	450	74.4%	155	25.6%	605	100.0%
Sussex	265	74.4%	91	25.6%	356	100.0%
State	3,033	67.2%	1,479	32.8%	4,512	100.0%

*Includes complaints and mechanic's liens and mortgages.

**Includes new filings and transfers.

***Includes cases removed before hearing, final dispositions at hearing, and de novo appeals.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1994 ARBITRATION - METHOD OF DISPOSITION

Number of Dispositions	Removed Before Hearing*		Final Disposition Arbitrator's Order**		De Novo Appeal***		Total	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	1,866	70.9%	326	12.4%	440	16.7%	2,632	100.0%
Kent	323	73.1%	25	5.7%	94	21.3%	442	100.0%
Sussex	167	59.6%	45	16.1%	68	24.3%	280	100.0%
State	2,356	70.2%	396	11.8%	602	17.9%	3,354	100.0%

FISCAL YEAR 1994 ARBITRATION - METHOD OF DISPOSITION

DISPOSED BEFORE HEARING*

Number of Dispositions	Default Judgment		Dismissed/Settled		Other		Total	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	459	24.6%	1,282	68.7%	125	6.7%	1,866	100.0%
Kent	104	32.2%	200	61.9%	19	5.9%	323	100.0%
Sussex	31	18.6%	108	64.7%	28	16.8%	167	100.0%
State	594	25.2%	1,590	67.5%	172	7.3%	2,356	100.0%

FISCAL YEAR 1994 ARBITRATION - METHOD OF DISPOSITION

ARBITRATOR'S ORDERS

Number of Dispositions	Final Disposition**		De Novo Appeal***		Total	
	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	326	42.6%	440	57.4%	766	100.0%
Kent	25	21.0%	94	79.0%	119	100.0%
Sussex	45	39.8%	68	60.2%	113	100.0%
State	396	39.7%	602	60.3%	998	100.0%

*Includes dispositions before hearing and removals (certificate of value, stay orders, etc.)

**Cases in which the arbitrator's decision is not appealed de novo.

***Cases in which the arbitrator's decision is appealed de novo.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Family Court

Chief Judge Vincent J. Poppiti
Associate Judge Jay Paul James
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman
Associate Judge William N. Nicholas
Associate Judge Jean A. Crompton
Associate Judge William J. Walls, Jr.
Associate Judge Alison Whitmer Tumas
Associate Judge Mark D. Buckworth

FAMILY COURT



FAMILY COURT

Seated (Left to Right)

Associate Judge Kenneth M. Millman

Chief Judge Vincent J. Poppiti

Associate Judge James J. Horgan

Standing (Left to Right)

Associate Judge Jay H. Conner

Associate Judge Alison Whitmer Tumas

Associate Judge Jay Paul James

Associate Judge Jean A. Crompton

Associate Judge William N. Nicholas

Associate Judge William J. Walls, Jr.

Associate Judge Charles K. Keil

Associate Judge Peggy L. Ableman

Associate Judge Battle R. Robinson

Note: Not shown in the above picture is Associate Judge Mark D. Buckworth who took the oath of office on 7/13/94.

Legal Authorization

The Family Court Act, rule 10, Chapter 9, Delaware Code, authorizes the Family Court.

Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created.

From the early 1930's there was a campaign to establish a Family Court in the northernmost county, and this ideal was achieved in 1945 when the Legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962 the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950's the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971

Geographic Organization

The Family Court is a unified statewide Court with branches in New Castle County at Wilmington, Kent County at Dover, and Sussex County at Georgetown.

Legal Jurisdiction

The Family Court has had conferred upon it by the General Assembly jurisdiction over juvenile delinquency, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spouse support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, orders of protection from abuse and intra-family misdemeanor crimes.

The Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first and second degree murder, rape, or kidnapping.

Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

Judges

Number: The Court is allowed 13 Judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the Judges must be of one major political party with the remainder of the other major political party.

Appointment: The Governor nominates the Judges, who must be confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least 5 years prior to appointment and must have a knowledge of the law and interest in and understanding of family and child problems. They shall not practice law during their tenure and may be reappointed.

Other Judicial Personnel

Family Court uses masters and commissioners to hear specific types of cases. Masters are appointed by the Chief Judge and serve at his pleasure while commissioners are appointed for four-year terms by the Governor with the consent of a majority of the Senate.

FAMILY COURT

Support Personnel

The three major administrative divisions of the Court are Court Operations, Fiscal Services and Personnel Services. Fiscal Services and Personnel Services perform staff functions, whereas Court Operations is responsible for the delivery of services to the public.

The Family Court has a staff of more than 270 persons in addition to the judiciary. The Court has a Court Administrator and a Director of Operations in each County as well as Clerks of the Court, secretaries, typists, accountants, clerks, data entry operators, judicial assistants, mediation/arbitration officers, child support officers, and volunteers working in all areas of the Court.

Caseload Trends

There were record levels of both filing and disposition caseload activity in the Family Court during FY 1994. There was an increase of 6.8% in total filings from an amended total of 45,156 in FY 1993 to 48,210 in FY 1994. This was due in large part to an increase of over 2,000 filings in New Castle County and of 900 filings in Sussex County in FY 1994. The number of dispositions rose by 9.5% to a total of 48,894 in FY 1994 from an amended total of 44,668 in FY 1993. The number of dispositions rose in all counties, with increases of over 17% in both Kent and Sussex Counties.

The total pending decreased by 5.7% from 11,933 at the end of FY 1993 to 11,249 at the end of FY 1994. This was

due to pending drops of 24.3% in Kent County and 14.3% in Sussex County as a result of the increase in dispositions in both counties, which more than offset the 7.1% rise in pending in New Castle County.

FY 1994 Developments

The Criminal, Delinquency, and Children and Families at Risk Division, created in New Castle County in FY 1993 to handle all related actions in priority cases which impact the health, welfare, and safety of children, was expanded this year and is now staffed by two judges, three commissioners, and support staff. The National Center for State Courts conducted an evaluation of this Division, and its principal recommendations regarding improving services for abused, neglected, and dependent children and methods for expediting the disposition of criminal and delinquency cases will be implemented in FY 1995.

At the request of Chief Justice E. Norman Veasey, the staff conducted an analysis of the Court's operations and issued recommendations for improving the disposition of the Court's caseload, the management of mediation and divorce cases, and the production of statistical data.

The development of FAMIS, the Family Court's Automated Civil Case Management System, was completed and is currently being tested. In developing the system, the Court re-engineered the processing of child support cases by creating case management units responsible for all actions taken in a case from the point of intake to its final disposition and by introducing scheduling standards in these cases for commissioners, masters, and mediators. During FY 1995, the Court will expand FAMIS to include all civil cases.

In January 1994, the Court began implementing provisions of Senate Bill 184, the Protection from Abuse Act which grants protective relief to the victims of domestic violence. During the first half of 1994, 694 petitions for relief were filed in Family Court.

In cooperation with the offices of the Attorney General and Public Defender, the Court initiated a process for

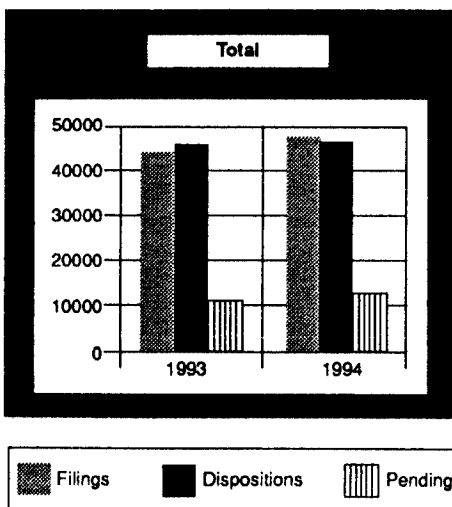
resolving, within 30 days of the Attorney General's petition, all cases relating to offenses falling under House Bill 85, the School Crime Bill.

Two projects involving the use of pro bono attorneys were developed. Members of the Delaware Bar will serve as special masters to hear temporary visitation motions, and pro bono attorneys will represent juveniles charged with offenses under the School Crime Bill. Both programs are scheduled to be implemented in FY 1995.

The fact that child support cases represented 37.5 percent of the Court's total caseload indicates the importance of this jurisdictional area.

The Task Force on Child Support, chaired by William C. Gordon, first Chief Judge of the Family Court of the State of Delaware and consisting of representatives of the Family Court, the Division of Child Support Enforcement, the Division of Social Services, and the Office of the Attorney General as well as experts in the field of child support, released its "Report" in March 1994. From its initial meeting on March 15, 1993, the Task Force examined all aspects of the Delaware Child Support Enforcement Program, and in the "Report" set forth recommendations in the three critical areas of: paternity establishment; review and modification; and enforcement. A fourth set of recommendations focused on the entire child support system. It should be pointed out that the proposals regarding enforcement stressed the use of non-judicial means to ensure the timely payment of child support orders.

To date, one important law, House Bill No. 435, was passed to translate into action the Task Force's recommendations regarding voluntary acknowledgment of paternity. Many of the group's proposals are being or will be implemented through administrative actions. The "Delaware Task Force Report on Child Support," while documenting the soundness of the basic enforcement program in Delaware, contains important proposals for modifying the system which will make the process more effective and efficient in ensuring that families receive the child support payments due them.



FAMILY COURT

FISCAL YEAR 1994 TOTAL CASES WORKLOAD

EXPLANATORY NOTES

1. The unit of count in the Family Court adult criminal, juvenile delinquency, and civil cases is the filing.
2. A criminal or delinquency filing is defined as one incident filed against one individual. Each incident is counted separately, so that three incidents brought before the court on a single individual are counted as three criminal or delinquency filings.
 - a. A single criminal or delinquency filing may be comprised of a single or multiple charges relating to a single incident.
 - b. A criminal filing received by the Court in the form of an information or a complaint, and a delinquency filing is received by the Court in the form of a petition or a complaint.
3. A civil filing is defined as a single civil incident filed with Family Court. A civil incident is initiated by a petition. In the instance of a divorce, although the petition may contain multiple matters ancillary to the divorce, each petition is counted as one filing.

FISCAL YEAR 1994 - CASELOAD SUMMARY

Number of Filings	Pending 6/30/93	Filed	Disposed	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	5,991	28,254	27,829	6,416	+ 425	+ 7.1%
Kent	2,587	9,024	9,653	1,958	- 629	- 24.3%
Sussex	3,355	10,932	11,412	2,875	- 480	- 14.3%
State	11,933	48,210	48,894	11,249	- 684	- 5.7%

COMPARISON - FISCAL YEARS 1993-1994 - CASELOAD

FILED

Number of Filings	1993	1994	Change	% Change
New Castle	26,175*	28,254	+ 2,079	+ 7.9%
Kent	8,949	9,024	+ 75	+ 0.8%
Sussex	10,032	10,932	+ 900	+ 9.0%
State	45,156*	48,210	+ 3,054	+ 6.8%

COMPARISON - FISCAL YEARS 1993-1994 - CASELOAD

DISPOSED

Number of Filings	1993	1994	Change	% Change
New Castle	26,744*	27,829	+ 1,085	+ 4.1%
Kent	8,229	9,653	+ 1,424	+ 17.3%
Sussex	9,695	11,412	+ 1,717	+ 17.7%
State	44,668*	48,894	+ 4,226	+ 9.5%

*Amended from 1993 Annual Report.

Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 ADULT CRIMINAL CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/93	Filed	Disposed	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	685	2,789	2,693	781	+ 96	+ 14.0%
Kent	137	823	853	107	- 30	- 21.9%
Sussex	193	667	680	180	- 13	- 6.7%
State	1,015	4,279	4,226	1,068	+ 53	+ 5.2%

COMPARISON - FISCAL YEARS 1993-1994 ADULT CRIMINAL CASES - CASELOAD

FILED

Number of Filings	1993	1994	Change	% Change
New Castle	3,049	2,789	- 260	- 8.5%
Kent	878	823	- 55	- 6.3%
Sussex	698	667	- 31	- 4.4%
State	4,625	4,279	- 346	- 7.5%

COMPARISON - FISCAL YEARS 1993-1994 ADULT CRIMINAL CASES - CASELOAD

DISPOSED

Number of Filings	1993	1994	Change	% Change
New Castle	3,118	2,693	- 425	- 13.6%
Kent	857	853	- 4	- 0.5%
Sussex	689	680	- 9	- 1.3%
State	4,664	4,226	- 438	- 9.4%

Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 JUVENILE DELINQUENCY CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/93	Filed	Disposed	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	1,317	6,195	5,728	1,784	+ 467	+ 35.5%
Kent	390	1,592	1,717	265	- 125	- 32.1%
Sussex	508	2,215	2,213	510	+ 2	+ 0.4%
State	2,215	10,002	9,658	2,559	+ 344	+ 15.5%

COMPARISON - FISCAL YEARS 1993-1994 JUVENILE DELINQUENCY CASES - CASELOAD

FILED

Number of Filings	1993	1994	Change	% Change
New Castle	5,718	6,195	+ 477	+ 8.3%
Kent	1,659	1,592	- 67	- 4.0%
Sussex	1,925	2,215	+ 290	+ 15.1%
State	9,302	10,002	+ 700	+ 7.5%

COMPARISON - FISCAL YEARS 1993-1994 JUVENILE DELINQUENCY CASES - CASELOAD

DISPOSED

Number of Filings	1993	1994	Change	% Change
New Castle	6,134	5,728	- 406	- 6.6%
Kent	1,469	1,717	+ 248	+ 16.9%
Sussex	1,807	2,213	+ 406	+ 22.5%
State	9,410	9,658	+ 248	+ 2.6%

Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 JUVENILE DELINQUENCY CASES - CASELOAD BREAKDOWNS

FILED

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	1,772	28.6%	4,228	68.2%	195	3.1%	6,195	100.0%
Kent	443	27.8%	1,080	67.8%	69	4.3%	1,592	100.0%
Sussex	<u>431</u>	<u>19.5%</u>	<u>1,668</u>	<u>75.3%</u>	<u>116</u>	<u>5.2%</u>	<u>2,215</u>	<u>100.0%</u>
State	2,646	26.5%	6,976	69.7%	380	3.8%	10,002	100.0%

FISCAL YEAR 1994 JUVENILE DELINQUENCY CASES - CASELOAD BREAKDOWNS

DISPOSED

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	1,804	31.5%	3,749	65.5%	175	3.1%	5,728	100.0%
Kent	361	21.0%	1,222	71.2%	134	7.8%	1,717	100.0%
Sussex	<u>398</u>	<u>18.0%</u>	<u>1,723</u>	<u>77.9%</u>	<u>92</u>	<u>4.2%</u>	<u>2,213</u>	<u>100.0%</u>
State	2,563	26.5%	6,694	69.3%	401	4.2%	9,658	100.0%

FISCAL YEAR 1994 JUVENILE DELINQUENCY CASES - CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	682	38.2%	1,042	58.4%	60	3.4%	1,784	100.0%
Kent	88	33.2%	165	62.3%	12	4.5%	265	100.0%
Sussex	<u>55</u>	<u>10.8%</u>	<u>403</u>	<u>79.0%</u>	<u>52</u>	<u>10.2%</u>	<u>510</u>	<u>100.0%</u>
State	825	32.2%	1,610	62.9%	124	4.8%	2,559	100.0%

FISCAL YEAR 1994 JUVENILE DELINQUENCY CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	-	32	+	479	+	20	+	467
Kent	+	82	-	142	-	65	-	125
Sussex	+	<u>33</u>	-	<u>55</u>	+	<u>24</u>	+	<u>2</u>
State	+	83	+	282	-	21	+	344

Source: Court Administrator, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 CIVIL CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/93	Filed	Disposed	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	3,989	19,270	18,604	4,655	+ 666	+ 16.7%
Kent	2,060	6,609	7,083	1,586	- 474	- 23.0%
Sussex	2,654	8,050	8,519	2,185	- 469	- 17.7%
State	8,703	33,929	34,206	8,426	- 277	- 3.2%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

FILED

Number of Filings	1993	1994	Change	% Change
New Castle	17,408*	19,270	+ 1,862	+ 10.7%
Kent	6,412	6,609	+ 197	+ 3.1%
Sussex	7,409	8,050	+ 641	+ 8.7%
State	31,229*	33,929	+ 2,700	+ 8.6%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

DISPOSED

Number of Filings	1993	1994	Change	% Change
New Castle	17,492*	18,604	+ 1,112	+ 6.4%
Kent	5,903	7,083	+ 1,180	+ 20.0%
Sussex	7,199	8,519	+ 1,320	+ 18.3%
State	30,594*	34,206	+ 3,612	+ 11.8%

*Amended from 1993 Annual Report.

Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

FILED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	2,404	12.5%	1,197	6.2%	4,212	21.9%	2,896	15.0%	2,298	11.9%	1,982	10.3%
Kent	715	10.8%	320	4.8%	1,316	19.9%	964	14.6%	879	13.3%	650	9.8%
Sussex	746	9.3%	297	3.7%	1,612	20.0%	1,966	24.4%	1,105	13.7%	807	10.0%
State	3,865	11.4%	1,814	5.3%	7,140	21.0%	5,826	17.2%	4,282	12.6%	3,439	10.1%

	Visitation		Protection From Abuse		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	686	3.6%	511	2.7%	108	0.6%	66	0.3%	2,910	15.1%	19,270	100.0%
Kent	283	4.3%	112	1.7%	34	0.5%	8	0.1%	1,328	20.1%	6,609	100.0%
Sussex	248	3.1%	71	0.9%	51	0.6%	13	0.2%	1,134	14.1%	8,050	100.0%
State	1,217	3.6%	694	2.0%	193	0.6%	87	0.3%	5,372	15.8%	33,929	100.0%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

DISPOSED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	2,356	12.1%	1,124	5.8%	4,495	23.2%	2,904	15.0%	2,400	12.4%	1,981	10.2%
Kent	688	9.7%	360	5.1%	1,686	23.9%	1,062	15.0%	893	12.6%	668	9.4%
Sussex	746	8.8%	286	3.4%	1,851	21.8%	2,037	24.4%	1,119	13.2%	887	10.4%
State	3,790	10.8%	1,770	5.1%	8,032	23.0%	6,003	17.2%	4,412	12.6%	3,536	10.1%

	Visitation		Protection From Abuse		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	685	3.5%	423	2.2%	109	0.6%	64	0.3%	2,853	14.7%	19,394	100.0%
Kent	286	4.0%	100	1.4%	15	0.2%	7	0.1%	1,304	18.4%	7,069	100.0%
Sussex	284	3.3%	60	0.7%	64	0.8%	19	0.2%	1,147	13.5%	8,500	100.0%
State	1,255	3.6%	583	1.7%	188	0.5%	90	0.3%	5,304	15.2%	34,963	100.0%

RTSC = Rule to Show Cause

Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS (cont'd)

PENDING AT END OF YEAR

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	813	21.1%	221	5.7%	870	22.6%	414	10.8%	344	8.9%	523	13.6%
Kent	270	17.0%	86	5.4%	274	17.3%	127	8.0%	118	7.4%	332	20.9%
Sussex	295	13.5%	112	5.1%	537	24.6%	487	22.3%	201	9.2%	239	10.9%
State	1,378	18.1%	419	5.5%	1,681	22.1%	1,028	13.5%	663	8.7%	1,094	14.4%

	Visitation		Protection From Abuse		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	193	5.0%	88	2.3%	35	0.9%	38	1.0%	312	8.1%	3,851	100.0%
Kent	113	7.1%	12	0.8%	29	1.8%	13	0.8%	212	13.4%	1,586	100.0%
Sussex	80	3.7%	11	0.5%	8	0.4%	12	0.5%	203	9.3%	2,185	100.0%
State	386	5.1%	111	1.5%	72	0.9%	63	0.8%	727	9.5%	7,622	100.0%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	+ 48		+ 73		- 283		- 8		- 102		+ 1	
Kent	+ 27		- 40		- 370		- 98		- 14		- 18	
Sussex	+ 0		+ 11		- 239		- 71		- 14		- 80	
State	+ 75		+ 44		- 892		- 177		- 130		- 97	

	Visitation		Protection From Abuse		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	+ 1		N/A		- 1		+ 2		+ 131		- 138	
Kent	- 3		N/A		+ 19		+ 1		+ 22		- 474	
Sussex	- 36		N/A		- 13		- 6		- 21		- 469	
State	- 38		N/A		+ 5		- 3		+ 132		- 1,081	

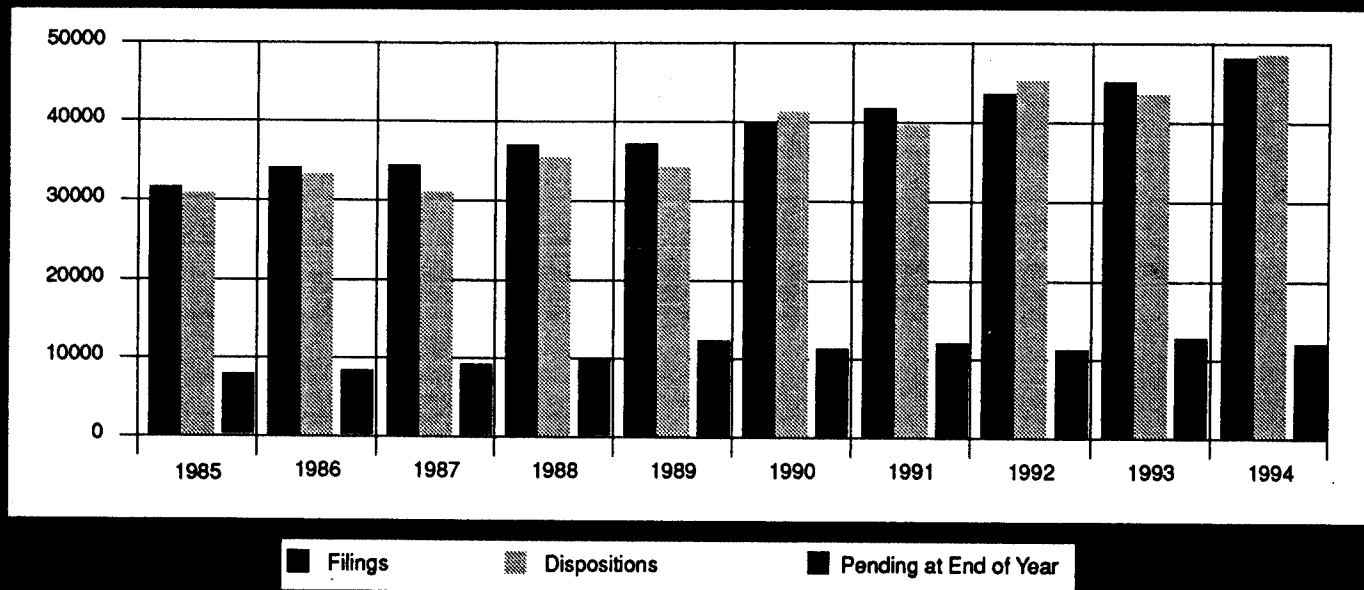
N/A = Not Available.

RTSC = Rule to Show Cause

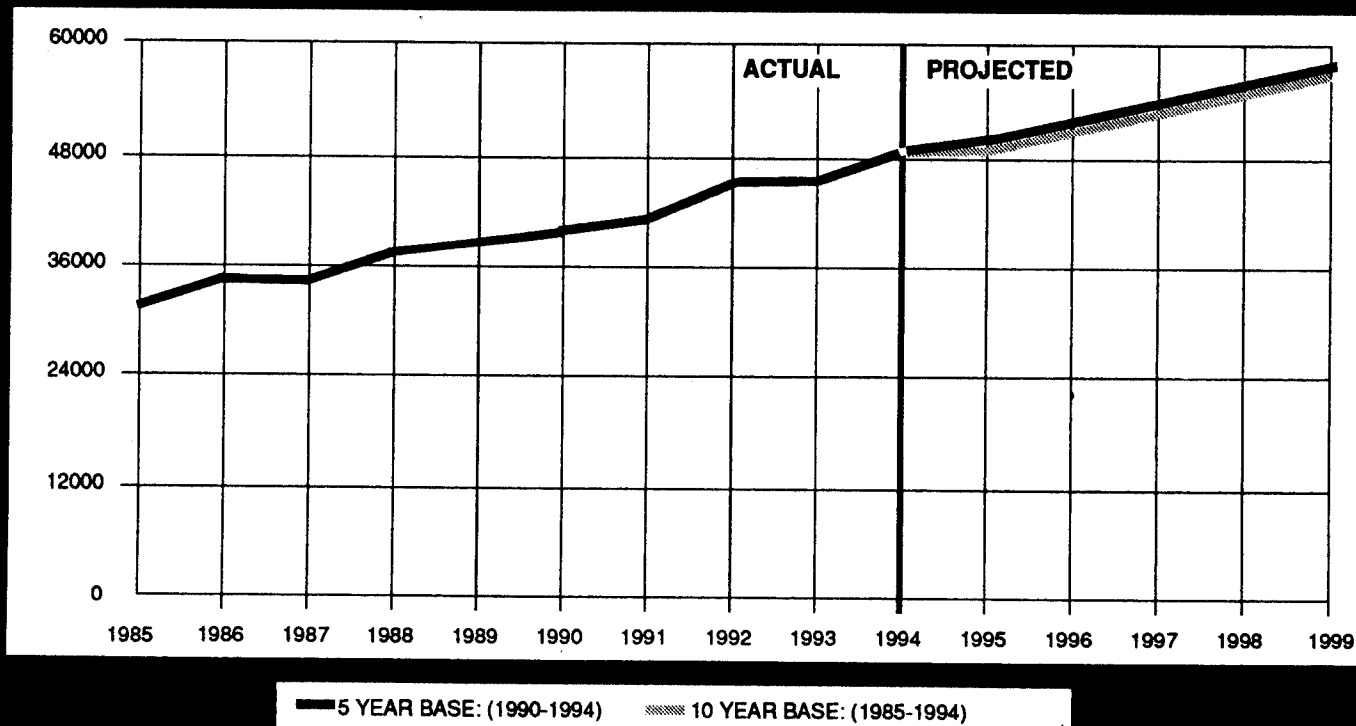
Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

FAMILY COURT

FISCAL YEAR 1994 ARBITRATION EXPLANATORY NOTES

1. Arbitration is an informal proceeding in which a specially trained arbitration officer attempts to resolve juvenile delinquency cases involving minor charges and adult criminal cases involving selected misdemeanors.
2. Family Court decides according to established criteria if a case should be prosecuted at a formal hearing or if it should be referred to the Arbitration Unit.
3. An Arbitration Officer determines if the case should be dismissed, sent to a formal hearing, or kept open. A case is kept open if a defendant is required to fulfill conditions set by the officer and agreed to by the defendant.
4. The complainant, victim, defendant, or parent has ten (10) days to request a review of the disposition. The review is done by a Deputy Attorney General, who either upholds the disposition or decides that the manner should go to a formal hearing.

FISCAL YEAR 1994 CASELOAD SUMMARY

Number of Filings	Pending 6/30/93	Filed	Disposed*	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	103	1,313	1,340	76	- 27	- 26.2%
Kent	6	395	370	31	+ 25	+ 416.7%
Sussex	60	553	496	117	+ 57	+ 95.0%
State	169	2,261	2,206	224	+ 55	+ 32.5%

COMPARISON - FISCAL YEARS 1993-1994 ARBITRATION ACTIVITY - CASELOAD

FILED

Number of Filings	1993	1994	Change	% Change
New Castle	2,206	1,313	- 893	- 40.5%
Kent	501	395	- 106	- 21.2%
Sussex	376	553	+ 177	+ 47.1%
State	3,083	2,261	- 822	- 26.7%

COMPARISON - FISCAL YEARS 1993-1994 ARBITRATION ACTIVITY - CASELOAD

DISPOSED*

Number of Filings	1993	1994	Change	% Change
New Castle	2,863	1,340	- 1,523	- 53.2%
Kent	557	370	- 187	- 33.6%
Sussex	345	496	+ 151	+ 43.8%
State	3,765	2,206	- 1,559	- 41.4%

*Cases processed by Family Court Arbitration Unit which may reflect final Court disposition.
Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1994 MEDIATION EXPLANATORY NOTES

1. Mediation is a pre-adjudicatory proceeding where a trained mediator attempts to assist the parties in reaching an agreement in disputes involving child custody, support, visitation, guardianships, imperilling family relations, and rules to show cause. Mediation is mandatory in child custody, visitation and support matters.
2. If the parties are unable to reach an agreement, the matter is scheduled for a hearing before a master or a judge.

FISCAL YEAR 1994 MEDIATION ACTIVITY - CASELOAD SUMMARY

Number of Matters	Pending 6/30/93	Filed	Disposed*	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	1,117	8,517	8,621	1,013	- 104	- 9.3%
Kent	551	3,335	3,570	316	- 235	- 42.6%
Sussex	311	3,366	3,401	276	- 35	- 11.3%
State	1,979	15,218	15,592	1,605	- 374	- 18.9%

COMPARISON - FISCAL YEARS 1993-1994 MEDIATION ACTIVITY - CASELOAD

FILED

Number of Matters	1993	1994	Change	% Change
New Castle	8,583	8,517	- 66	- 0.8%
Kent	3,453	3,335	- 118	- 3.4%
Sussex	3,254	3,366	+ 112	+ 3.4%
State	15,290	15,218	- 72	- 0.5%

COMPARISON - FISCAL YEARS 1993-1994 MEDIATION ACTIVITY - CASELOAD

DISPOSED*

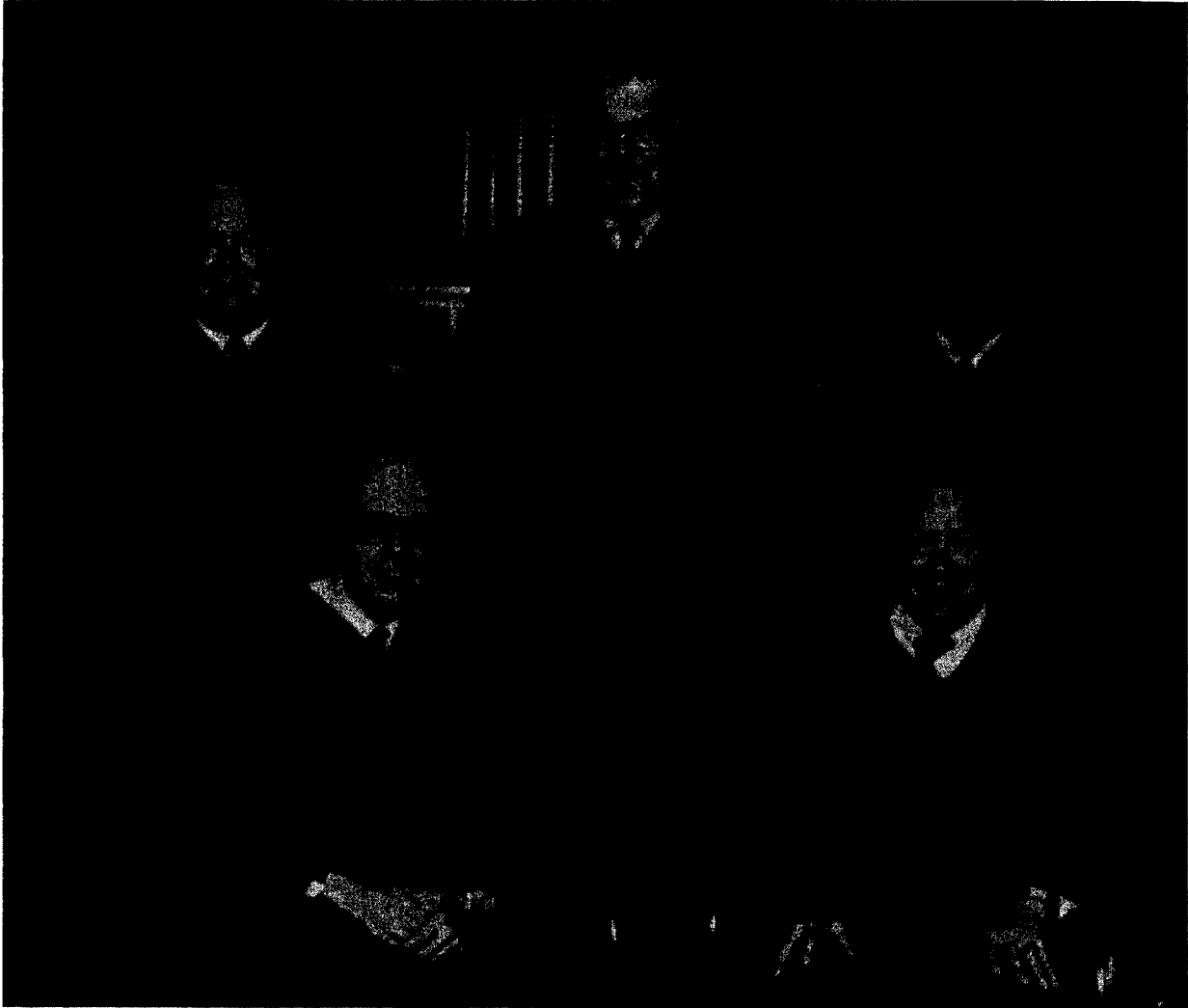
Number of Matters	1993	1994	Change	% Change
New Castle	8,244	8,621	+ 377	+ 4.6%
Kent	3,333	3,570	+ 237	+ 7.1%
Sussex	3,489	3,401	- 88	- 2.5%
State	15,066	15,592	+ 526	+ 3.5%

*Matters processed by Family Court Mediation Unit which may reflect final Court disposition.
Source: Statistician, Family Court, Administrative Office of the Courts.

Court of Common Pleas

Chief Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.
Judge Alex J. Smalls

COURT OF COMMON PLEAS



COURT OF COMMON PLEAS

Seated (Left to Right)

Judge Merrill C. Trader

Chief Judge Arthur F. DiSabatino

Standing (Left to Right)

Judge Paul E. Ellis

Judge William C. Bradley, Jr.

Judge Alex J. Smalls

COURT OF COMMON PLEAS

Legal Authorization

The statewide Court of Common Pleas was created by 10 Delaware Code, Chapter 13, effective July 5, 1973.

Court History

Initially established under William Penn in the 17th Century, the Court of Common Pleas served as the supreme judicial authority in the State. During the latter part of the 18th Century and through most of the 19th Century, however, the Court was abolished during an era of Court reorganization.

The modern day Court of Common Pleas was established in 1917 when a Court with limited civil and criminal jurisdiction was established in New Castle County. Courts of Common Pleas were later established in Kent County in 1931 and Sussex County in 1953.

In 1969, the three County Courts of Common Pleas became State Courts. In 1973, the Statewide Court of Common Pleas was established.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction which includes concurrent jurisdiction with Superior Court in civil actions where the amount involved, exclusive of interest, does not exceed \$15,000 on the complaint. There is no limitation in amount on counterclaim. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except drug-related cases, and those occurring within the limits of the City of Wilmington. It is also responsible for all preliminary hearings. Jury trial is available to defendants; however, in New Castle County jury trials are transferred to Superior Court for disposition.

Judges

There are five Judges of the Court of Common Pleas, of which three are to be residents of New Castle County, one of Kent County, and one of Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one Judge may be from the same political party. The Judge who has seniority in service is to serve as Chief Judge.

Support Personnel

Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, presentence officers, etc.

COURT OF COMMON PLEAS

Caseload Trends

There were small decreases in all measures of criminal activity measured by charges during FY 1994. The number of filings was almost unchanged with 52,031 filings in FY 1994 after 52,091 filings in FY 1993. There was a 1.4% decrease in dispositions from 53,034 in FY 1993 to 52,303 in FY 1994. The criminal pending fell by 2.7% to 9,705 at the end of FY 1994 from 9,977 at the end of FY 1993. The decreases in criminal filings and dispositions by defendant were both somewhat greater, with filings decreasing by 4.9% while dispositions fell by 8.7%. The number of criminal pending by defendant rose by 6.7% during FY 1994.

The Court's civil caseload activity had greater falls in all areas than in criminal caseload. Civil filings decreased by 12.9% to 4,125 in FY 1994 from 4,735 in FY 1993. There was a decrease of 26.3% in civil dispositions from the record level of 6,056 dispositions in FY 1993 to 4,463 in FY 1994. The civil pending fell by 8.7% in FY 1994 to 3,526 at the end of FY 1994 from 3,864 at the end of FY 1993.

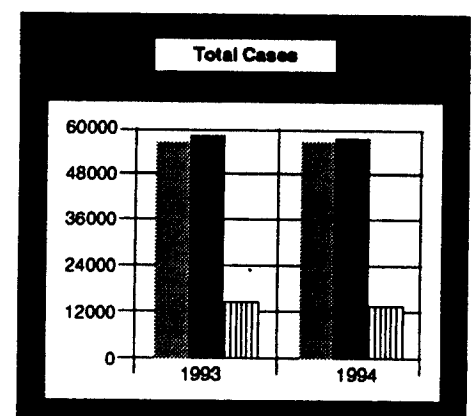
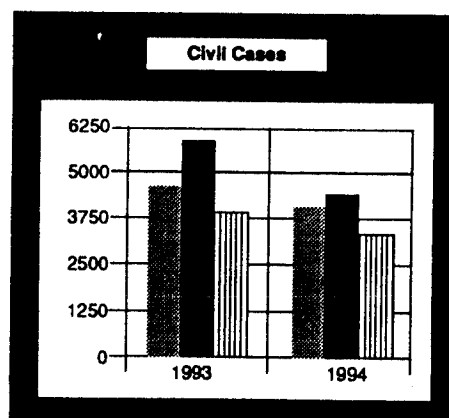
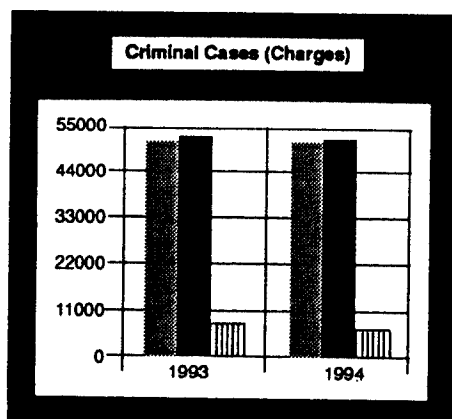
The decreases in both criminal and civil caseload led to decreases in total caseload activity. The total number of filings fell by 1.2% from 56,826 during FY 1993 to 56,156 in FY 1994. There was a 3.9% decline in the total number of dispositions from 59,090 during FY 1993 to 56,766 in FY 1994. The total pending fell by 4.4% from 13,841 at the end of FY 1993 to 13,231 at the end of FY 1994.

FY 1994 Developments

The addition of a Court Commissioner has assisted the Judiciary in handling the Court's growing caseload. However, the need for more staff and other resources, documented in the report of the Court of Common Pleas Study Committee (1992) and in the report of the Commission on Delaware Courts 2000 (1994), remains urgent, especially in light of the expanded jurisdiction to be granted to the Court of Common Pleas in January 1995.

Several important advances were made in automating court functions during the last year. In FY 1994, the development of the case management system, which ultimately will result in a comprehensive automated method for criminal and civil case processing and for carrying out financial operations, was begun, and this project is scheduled for completion in 1995. A local area network in New Castle County enhances the capability to communicate both within the Court and with external organizations. During FY 1995, the network will be expanded in New Castle County and extended to Kent and Sussex Counties. An electronic criminal docket, established in all three counties in January 1994, eliminates the labor intensive processes required in the former manual docket system, and enables the Court to conform to the uniform docket standards set forth by the Supreme Court on December 21, 1993.

An automated calendaring project, completed in March 1994, provides the statewide Court of Common Pleas more flexibility in creating and modifying calendars and notices. The fully automated system for processing motor vehicle dispositions reduces the time required by staff to carry out this function and enables the Court to enter information in the data bases of both the Criminal Justice Information System and the Department of Motor Vehicles.



Filings
 Dispositions
 Pending

COURT OF COMMON PLEAS

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD SUMMARY — By Charge *

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	7,124	26,341	26,420	7,045	- 79	- 1.1%
Kent	1,773	13,445	13,393	1,825	+ 52	+ 2.9%
Sussex	1,080	12,245	12,490	835	- 245	- 22.7%
State	9,977	52,031	52,303	9,705	- 272	- 2.7%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL CASES - CASELOAD

FILINGS

	1993	1994	Change	% Change
New Castle	26,670	26,341	- 329	- 1.2%
Kent	13,151	13,445	+ 294	+ 2.2%
Sussex	12,270	12,245	- 25	- 0.2%
State	52,091	52,031	- 60	- 0.1%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	1993	1994	Change	% Change
New Castle	27,783	26,420	-1,363	- 4.9%
Kent	12,812	13,393	+ 581	+ 4.5%
Sussex	12,439	12,490	+ 51	+ 0.4%
State	53,034	52,303	- 731	- 1.4%

*The unit of count for criminal cases is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

COURT OF COMMON PLEAS

FISCAL YEAR 1994 CRIMINAL CASES - CASELOAD SUMMARY — By Defendant *

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change in Pending
New Castle	4,982	14,475	14,047	5,410	+ 428	+ 8.6%
Kent	1,213	6,107	5,987	1,333	+ 120	+ 9.9%
Sussex	696	5,555	5,641	610	- 86	- 12.4%
State	6,891	26,137	25,675	7,353	+ 462	+ 6.7%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL CASES - CASELOAD

FILINGS

	1993	1994	Change	% Change
New Castle	15,232	14,475	- 757	- 5.0%
Kent	5,598	6,107	+ 509	+ 9.1%
Sussex	6,641	5,555	- 1,086	- 16.4%
State	27,471	26,137	- 1,334	- 4.9%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	1993	1994	Change	% Change
New Castle	16,047	14,047	- 2,000	- 12.5%
Kent	5,374	5,987	+ 613	+ 11.4%
Sussex	6,711	5,641	- 1,070	- 15.9%
State	28,132	25,675	- 2,457	- 8.7%

*The unit of count for criminal cases is the defendant. For example, a defendant brought before the Court on three charges would be counted as one case.

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

COURT OF COMMON PLEAS

FISCAL YEAR 1994 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle	3,173	2,720	3,065	2,828	- 345	- 10.9%
Kent	312	645	694	263	- 49	- 15.7%
Sussex	379	760	704	435	+ 56	+ 14.8%
State	3,864	4,125	4,463	3,526	- 338	- 8.7%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

FILINGS

	1993	1994	Change	% Change
New Castle	3,279	2,720	- 559	- 17.0%
Kent	594	645	+ 51	+ 8.6%
Sussex	862	760	- 102	- 11.8%
State	4,735	4,125	- 610	- 12.9%

COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

DISPOSITIONS

	1993	1994	Change	% Change
New Castle	4,476	3,065	- 1,411	- 31.5%
Kent	626	694	+ 68	+ 10.9%
Sussex	954	704	- 250	- 26.2%
State	6,056	4,463	- 1,593	- 26.3%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

FILINGS

	Complaints		Civil Judgments, Name Changes		Totals	
	Count	%	Count	%	Count	%
New Castle	2,467	90.7%	253	9.3%	2,720	100.0%
Kent	571	88.5%	74	11.5%	645	100.0%
Sussex	665	87.5%	95	12.5%	760	100.0%
State	3,703	89.8%	422	10.2%	4,125	100.0%

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

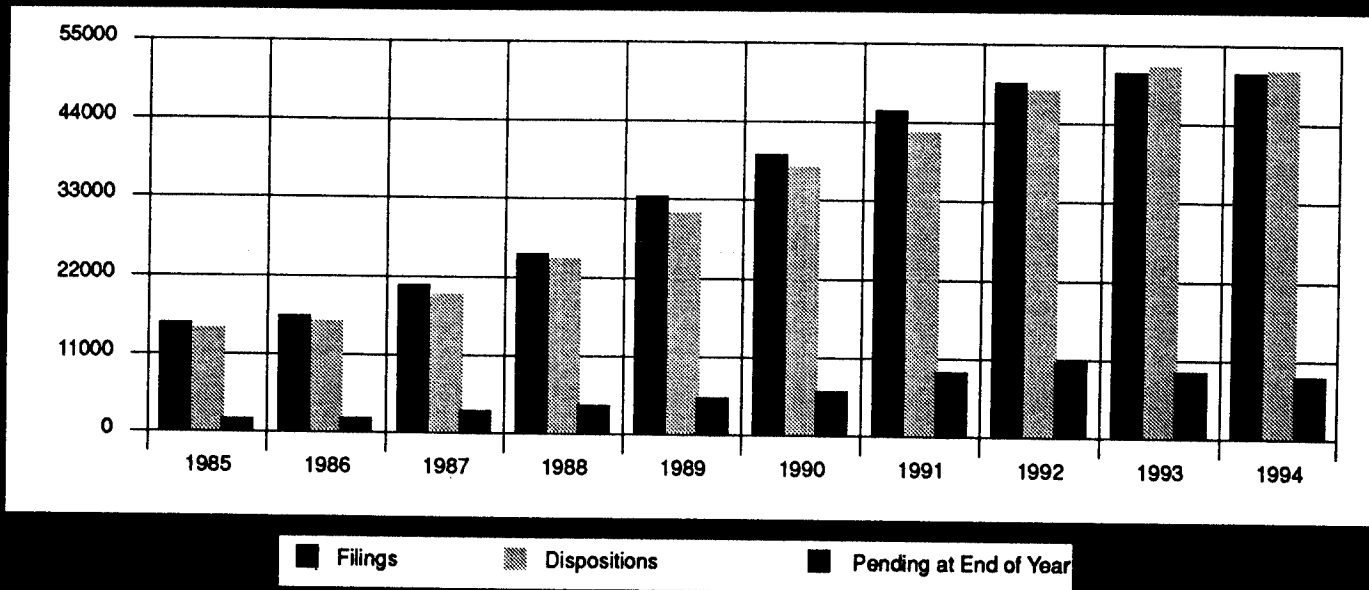
DISPOSITIONS

	By Court		By Counsel		Totals	
	Count	%	Count	%	Count	%
New Castle	997	32.5%	2,068	67.5%	3,065	100.0%
Kent	243	35.0%	451	65.0%	694	100.0%
Sussex	195	27.7%	509	72.3%	704	100.0%
State	1,435	32.2%	3,028	67.8%	4,463	100.0%

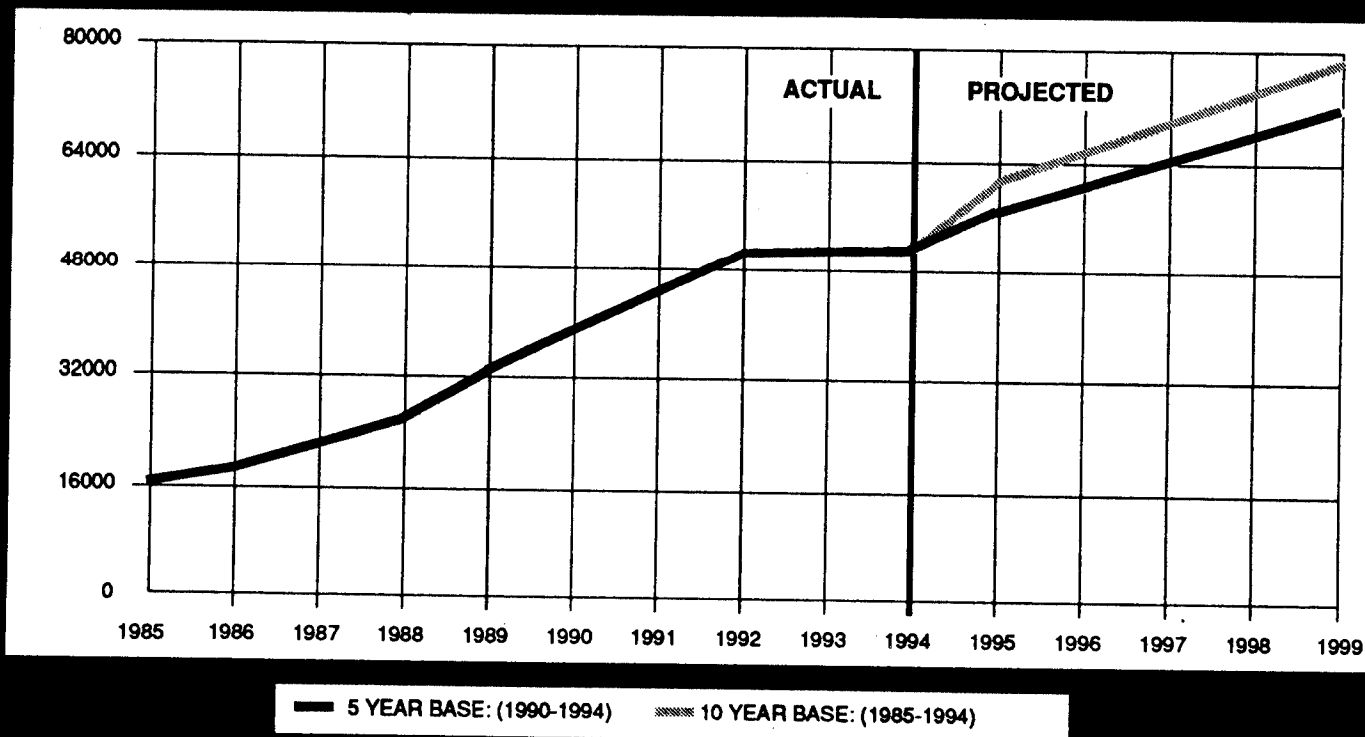
Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

COURT OF COMMON PLEAS — CRIMINAL

10 YEAR CASELOAD TREND



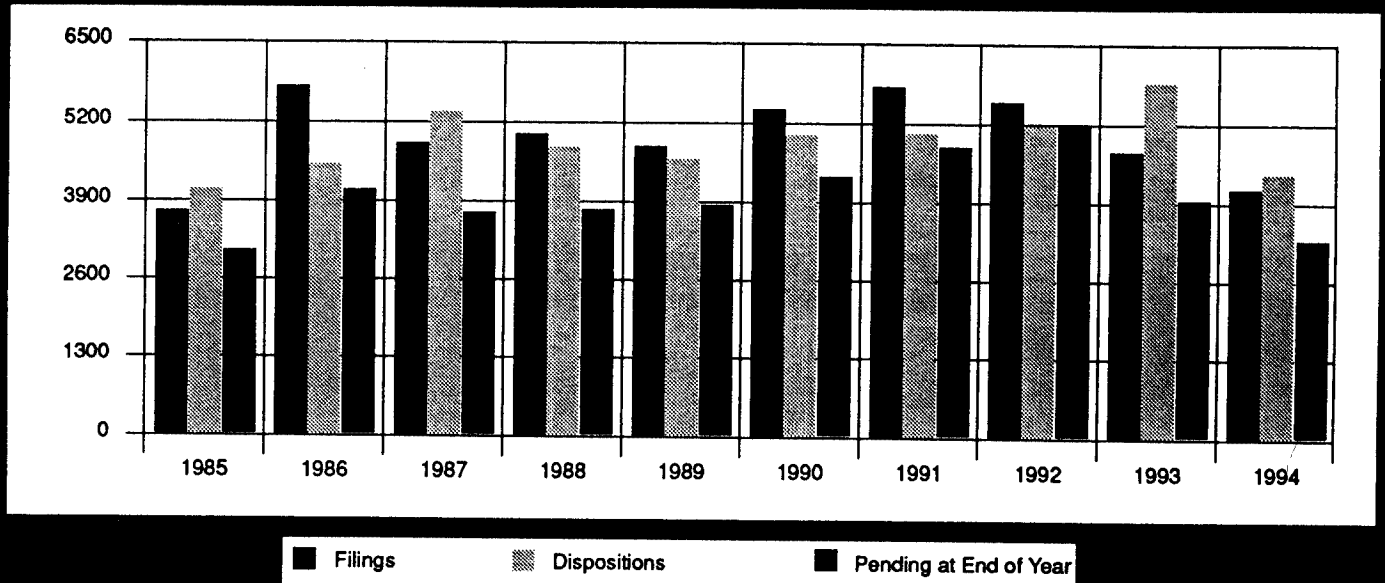
5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



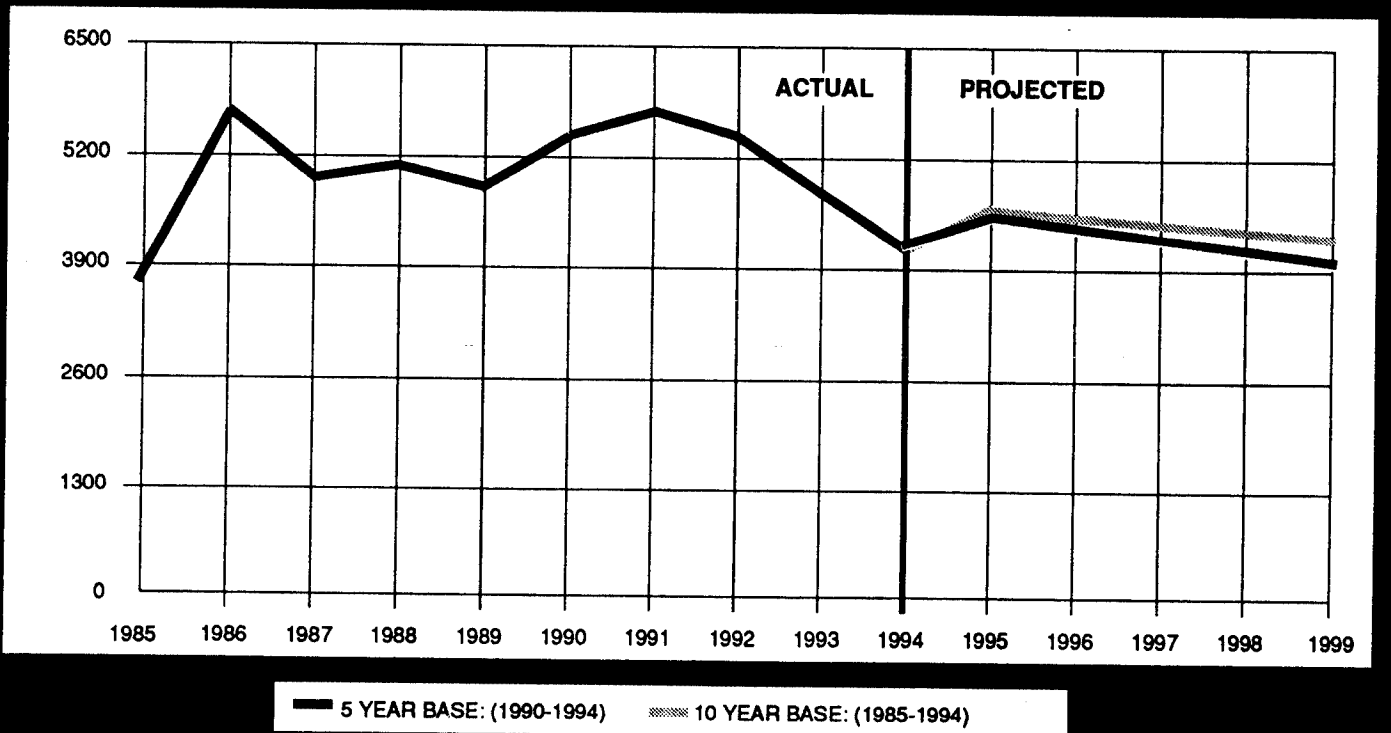
Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

COURT OF COMMON PLEAS — CIVIL

10 YEAR CASELOAD TREND



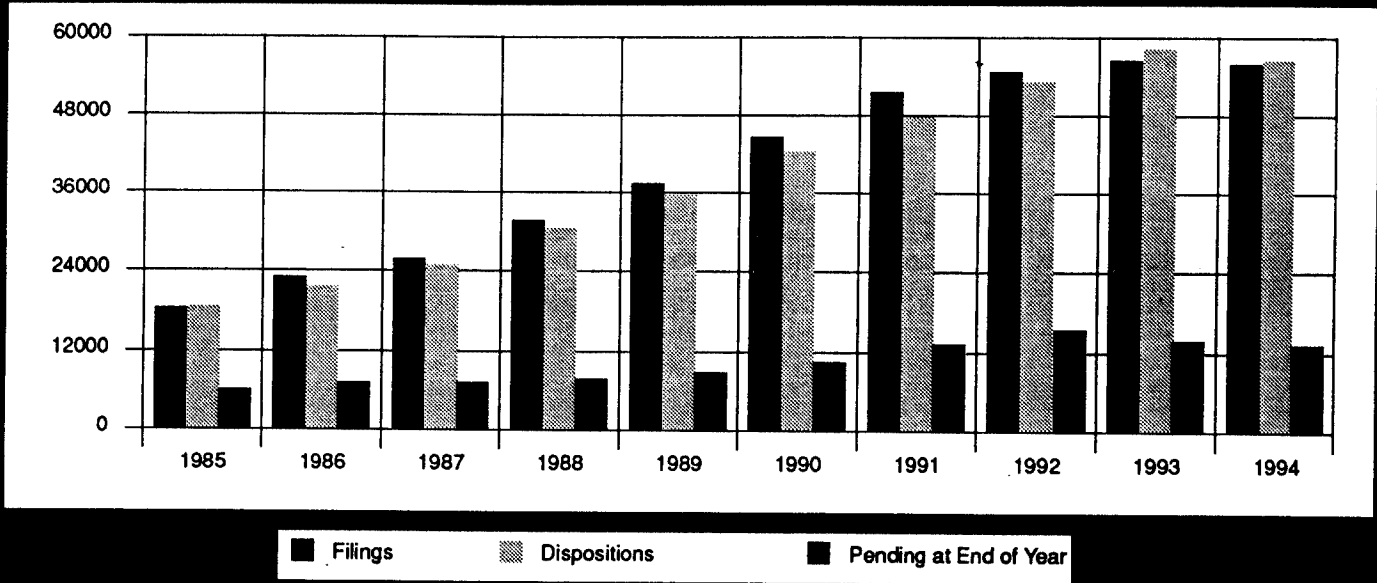
5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



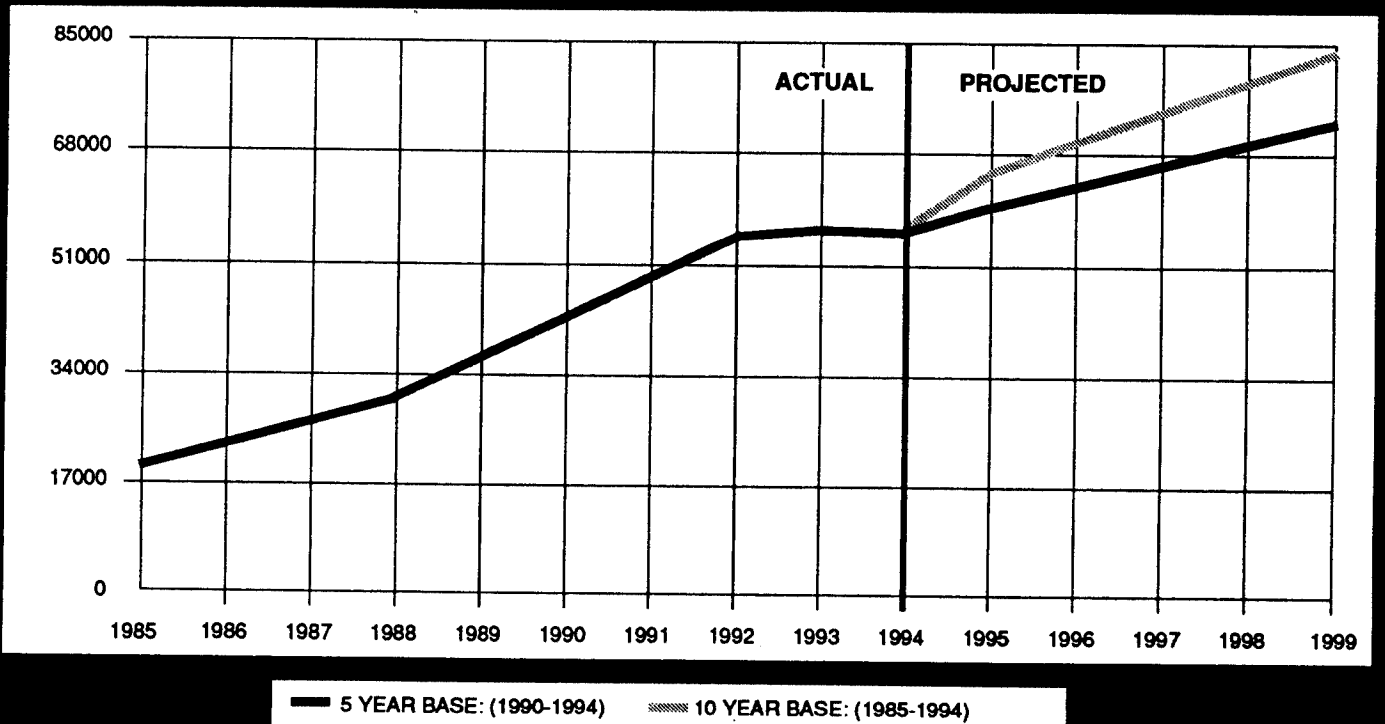
Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

COURT OF COMMON PLEAS — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

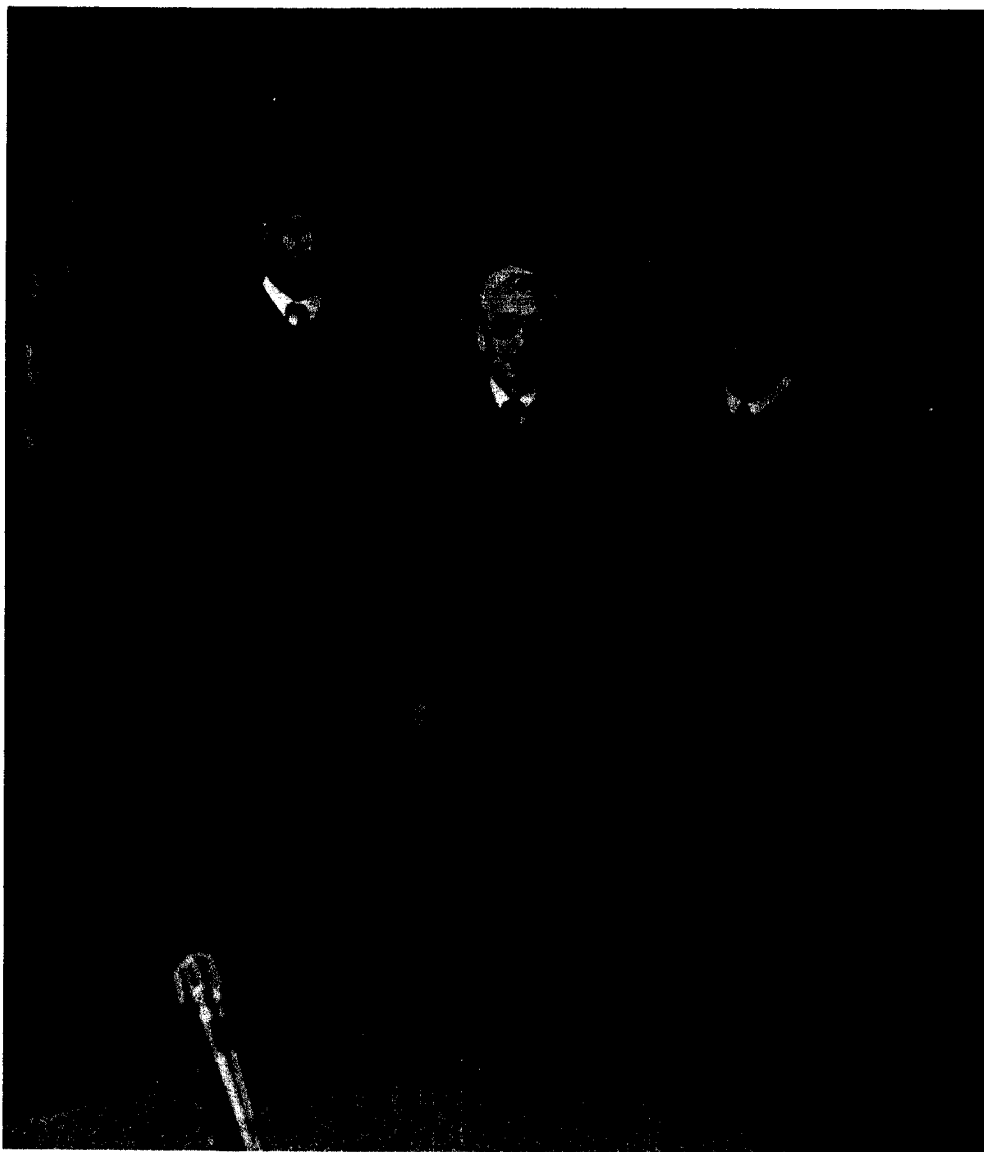


Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Municipal Court

**Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams
Associate Judge William L. Chapman, Jr.**

MUNICIPAL COURT



MUNICIPAL COURT

(Left to Right)

Associate Judge William L. Chapman, Jr.

Chief Judge Alfred Fraczkowski

Associate Judge Leonard L. Williams

MUNICIPAL COURT

Legal Authorization

The Municipal Court of the City of Wilmington is authorized by 10 *Delaware Code*, Chapter 17.

Geographic Organization

The Court has jurisdiction within the geographic boundaries of Wilmington.

Legal Jurisdiction

The Municipal Court has criminal jurisdiction over traffic, misdemeanor, and municipal ordinances concurrent with the Justice of the Peace Courts and the Court of Common Pleas. The Court conducts preliminary hearings for both felonies and drug-related misdemeanors. Jury trials are not available. The Court has a Violations Division which processes all moving and parking citations.

Judges

Number: There are 3 Judges of the Municipal Court of Wilmington; at present two are full time and one is part time. Not more than 2 of the Judges may be members of the same political party.

Appointment: The Judges are nominated by the Governor, with confirmation by the Senate.

Tenure: Judges are appointed for 12-year terms.

Qualifications: The Judges must be licensed to practice law in the State of Delaware for 5 years preceding appointment.

Support Personnel

The Chief Judge of the Municipal Court appoints a Chief Clerk who may in turn appoint deputies.

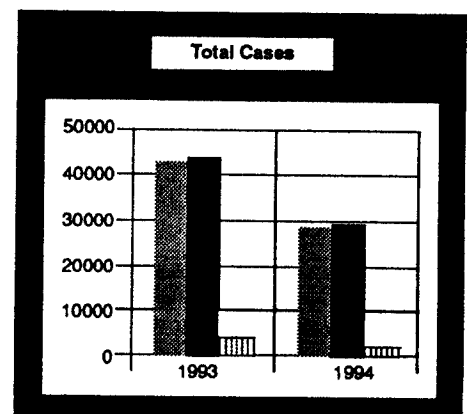
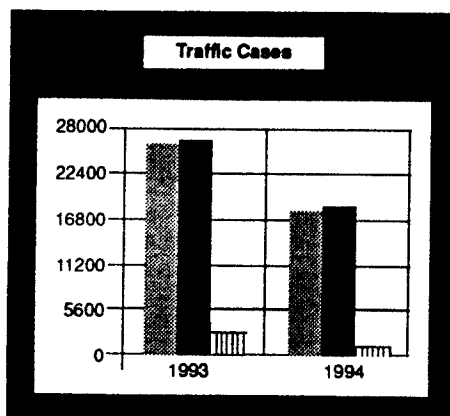
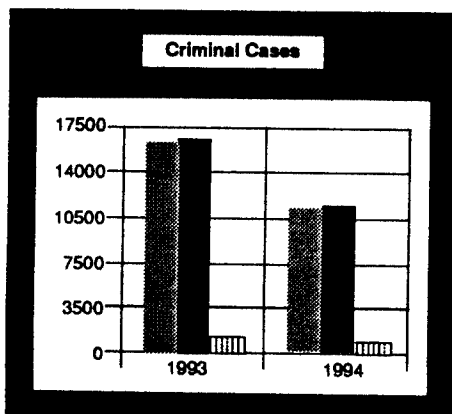
Caseload Trends

There were substantial decreases in all measures of caseload activity for the Municipal Court during FY 1994, including filings, dispositions and pending at the end of the year for both criminal and traffic cases.

There was a 29.8% decrease in criminal filings during FY 1994 from 16,655 in FY 1993 to 11,700 in FY 1994. There was a similar drop in dispositions, which fell by 29.6% to 11,800 in FY 1994 from 16,766 in FY 1993. The pending at the end of the year fell by 14.9% from 671 at the end of FY 1993 to 571 at the end of FY 1994.

Traffic filings decreased by 35.1% from 26,818 in FY 1993 to 17,396 in FY 1994. The number of dispositions fell also, decreasing by 29.6% from 27,162 in FY 1993 to 19,134 during FY 1994. The pending at the end of the year dropped by 68.8% from 2,525 at the end of FY 1993 to 787 at the end of FY 1994.

The decrease in both criminal and traffic activity led to decreases in total caseload. The number of filings fell by 33.1% to 29,096 in FY 1994 from 43,473 in FY 1993. There was a 29.6% fall in dispositions from 43,928 in FY 1993 to 30,934 in FY 1994. The pending at the end of the year decreased by 57.5% to 1,358 at the end of FY 1994 from 3,196 at the end of FY 1993.



MUNICIPAL COURT

FISCAL YEAR 1994 - CASELOAD SUMMARY *

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
Criminal	671	11,700	11,800	571	- 100	- 14.9%
Traffic	<u>2,525</u>	<u>17,396</u>	<u>19,134</u>	<u>787</u>	- <u>1,738</u>	- <u>68.8%</u>
TOTALS	3,196	29,096	30,934	1,358	- 1,838	- 57.5%

COMPARISON - FISCAL YEARS 1993-1994 - CASELOAD

FILINGS

	1993	1994	Change	% Change
Criminal	16,655	11,700	- 4,955	- 29.8%
Traffic	<u>26,818</u>	<u>17,396</u>	- <u>9,422</u>	- <u>35.1%</u>
TOTALS	43,473	29,096	- 14,377	- 33.1%

COMPARISON - FISCAL YEARS 1993-1994 - CASELOAD

DISPOSITIONS

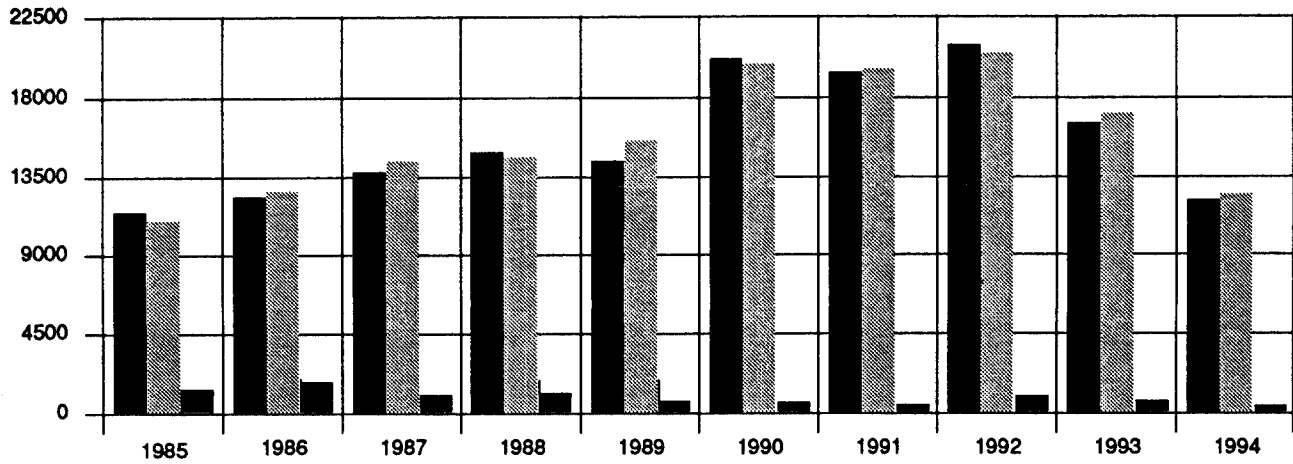
	1993	1994	Change	% Change
Criminal	16,766	11,800	- 4,966	- 29.6%
Traffic	<u>27,162</u>	<u>19,134</u>	- <u>8,028</u>	- <u>29.6%</u>
TOTALS	43,928	30,934	- 12,994	- 29.6%

*The unit of count in Municipal Court is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

Source: Clerk of the Court, Municipal Court, Administrative Office of the Courts.

MUNICIPAL COURT — CRIMINAL

10 YEAR CASELOAD TREND

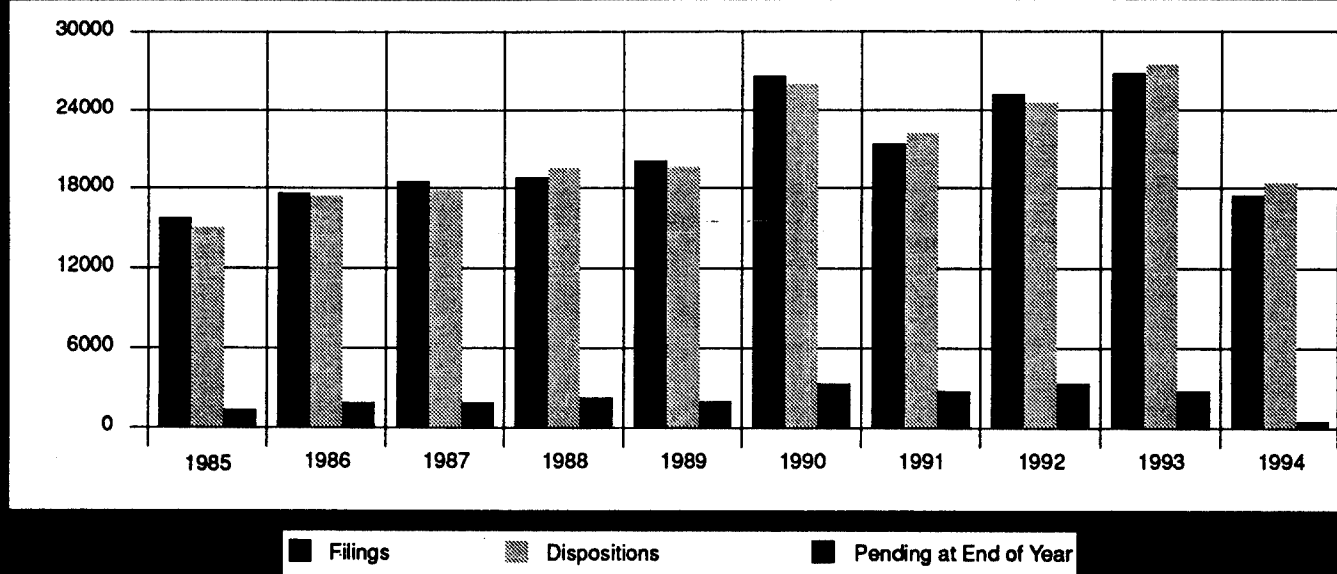


■ Filings ▨ Dispositions ■ Pending at End of Year

Source: Administrative Office of the Courts

MUNICIPAL COURT — TRAFFIC

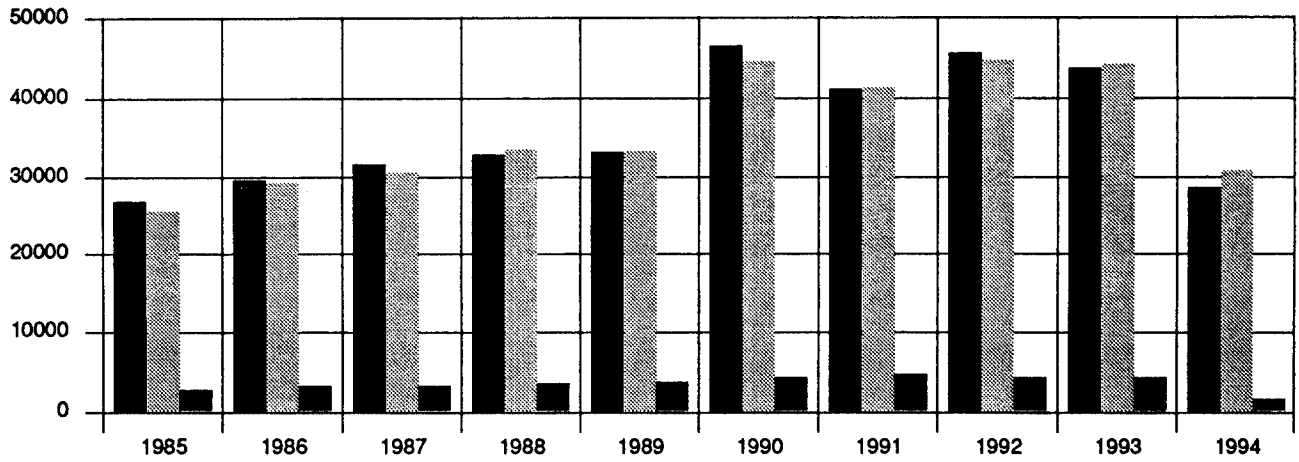
10 YEAR CASELOAD TREND



Source: Administrative Office of the Courts

MUNICIPAL COURT — TOTAL

10 YEAR CASELOAD TREND



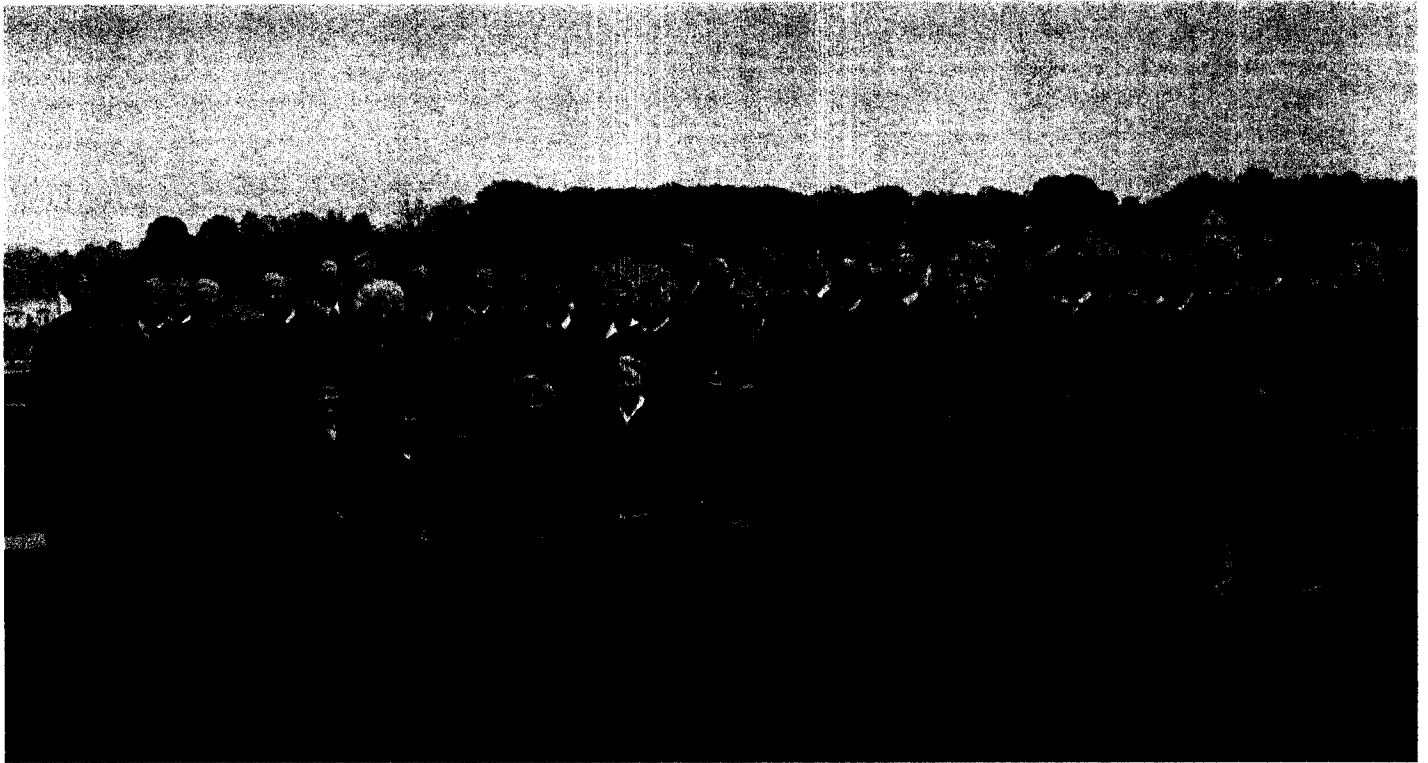
■ Filings ■ Dispositions ■ Pending at End of Year

Source: Administrative Office of the Courts

Chief Magistrate Patricia Walther Griffin
Justice of the Peace David R. Anderson
Justice of the Peace Robert A. Armstrong
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace Clarence S. Bennett
Justice of the Peace William L. Boddy, III
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Deputy Chief Magistrate Ronald E. Cheeseman
Justice of the Peace Jeni L. Coffelt
Justice of the Peace Thomas E. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Herman G. Hagan
Justice of the Peace Wayne R. Hanby
Justice of the Peace William J. Hopkins, Jr.
Justice of the Peace John R. Hudson
Justice of the Peace Barbara C. Hughes
Justice of the Peace Thomas M. Kenney
Justice of the Peace James C. Koehring
Justice of the Peace Bonita N. Lee
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
Justice of the Peace John P. McLaughlin
Justice of the Peace Joseph R. Melson, Jr.
Justice of the Peace Howard W. Mulvaney, III
Justice of the Peace Barry B. Newstadt
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Bier
Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace Katharine B. Ross
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Toulson
Justice of the Peace Abigayle E. Truitt
Deputy Chief Magistrate Sheila G. Blakely
Justice of the Peace William C. Wright

Justice of the Peace Courts

JUSTICE OF THE PEACE COURTS



From left to right:

Patricia Walther Griffin, Charles M. Stump, Russell T. Rash, William C. Wright, Ellis B. Parrott, Agnes E. Pennella, William W. Henning, Jr. (no longer a Justice of the Peace), Thomas E. Cole, Joyce E. Nolan, Margaret L. Barrett, John R. Hudson, Sheila G. Blakely, Ernst M. Arndt, William J. Hopkins, Jr., Rosalie O. Rutkowski, Edward G. Davis, David R. Anderson, Alice W. Stark, Mable M. Pitt, John W. O'Bier, Joseph B. Melson, Jr., Kathleen C. Lucas, William L. Boddy, III, Abigayle E. Truitt, David R. Skelley, Richard D. Comly, Marcealeate S. Ruffin, James C. Koehring, H. William Mulvaney, III, Barbara C. Hughes, Paul J. Smith, Bonita N. Lee, Wayne R. Hanby, Thomas M. Kenney, Frederick W. Dewey, Jr., Ronald E. Cheeseman, Robert Armstrong, and William W. Brittingham. Not pictured: Clarence S. Bennett, John P. McLaughlin, Barry B. Newstadt, Stanley J. Petraschuk, Edward M. Poling, Katherine B. Ross, William S. Rowe, Jr., Rosalind Toulson, Karen N. Bundeck, Joseph W. Maybee, Francis G. Charles, Jeni L. Coffelt, Walter J. Godwin, Herman G. Hagan, William F. Plack, Jr.

JUSTICE OF THE PEACE COURTS

Legal Authorization

The Justice of the Peace Courts are authorized by the *Constitution of Delaware*, Article IV, Section 1.

Court History

As early as the 1600's, Justices of the Peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th Centuries on behalf of the English Crown was a primary duty of the Justices of the Peace. With the adoption of the State Constitution of 1792, the Justices of the Peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the Justices of the Peace were compensated entirely by the costs and fees assessed and collected for the performance of their legal duties.

Geographic Organization

The jurisdiction of the Courts is statewide and sessions are held throughout the State. Of the 19 Courts currently operating, 8 are in New Castle County, 4 are in Kent County and 7 are in Sussex County. The Voluntary Center, which handles mail-in fines, is located in Dover.

Legal Jurisdiction

The Justice of the Peace Courts had jurisdiction over civil cases during FY 1994 in which the amount in controversy did not exceed \$5,000. Justice of the Peace Courts are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals may be taken de novo to Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Court of Common Pleas.

Justice of the Peace

The Delaware Code authorizes a maximum of 53 Justices of the Peace. The maximum number of Justices of the Peace permitted in each county is 24 in New Castle County, 12 in Kent County and 17 in Sussex County. Justices of the Peace are nominated by the Governor and confirmed by the Senate for terms of four years. A Justice of the Peace must be at least 21 years of age and a resident of the State of Delaware and the county in which he serves. In addition to the 53 Justices of the Peace, the Governor nominates a Chief Magistrate, subject to Senate confirmation.

Support Personnel

An Administrator, two Operations Managers, an administrative officer and a fiscal administrative officer help the Chief Magistrate direct the Justice of the Peace Courts on a daily basis. The State provides clerks of the court, constables and other personnel for the courts.

Caseload Trends

The number of criminal filings fell by 4.7% statewide from 299,168 in FY 1993 to 285,033 in FY 1994. The decrease was reflected both in the Voluntary Assessment Center, where filings fell by 4.9%, and in the courts where there was a 4.6% decrease in filings. The number of dispositions rose, however, by 1.4% to 297,439 in FY 1994 from 293,370 in FY 1993. This was due to a 6.5% rise in dispositions in the Voluntary Assessment Center in FY 1994. The result of the rise in the number of dispositions along with the decrease in the number of filings during FY 1994 was a 37.3% drop in the pending at the end of the year from 39,693 at the end of FY 1993 to 27,287 at the end of FY 1994.

There were slight gains in civil caseload activity in both filings and dispositions during FY 1994. The number of filings increased by 2.6% from 30,293 during FY 1993 to 31,088 during FY 1994. Civil dispositions rose by 0.8% to 30,394 during FY 1994 from 30,142 in FY 1993. The result of the greater increase in filings than in dispositions was an increase of 12.8% in civil pending from 5,439 at the end of FY 1993 to 6,133 at the end of FY 1994.

The total number of filings during FY 1994 decreased by 4.0% from 329,461 in FY 1993 to 316,121 in FY 1994 as a result of the drop in criminal filings. Slight increases in both criminal and civil dispositions led to a 1.3% rise in total dispositions in FY 1994 to 327,833 from 323,512 in FY 1993. The decrease in the number of total filings along with the rise in the number of total dispositions resulted in a 26.0% decrease in total pending from 45,132 at the end of FY 1993 to 33,420 at the end of FY 1994.

JUSTICE OF THE PEACE COURTS

FY 1994 Developments

Four of the five judicial vacancies existing at the end of FY 1993 were filled during this year.

A policy of rotating the Justices of the Peace among courts within each county was initiated in order to ensure the equitable and timely disposition of both civil and criminal cases.

A civil procedures committee consisting of Justices of the Peace and case managers was established to recommend changes required to prepare for the implementation of the automated civil case processing system and the proposals of the Commission of the Delaware Courts 2000 relating to the expansion of the JP Courts' civil jurisdiction and the provision for responsive pleadings. From October 1993 to the end of this fiscal year, the JP Courts have decreased significantly the case filing-to-trial time frame in criminal and civil matters.

Updates on recent court decisions and new legislation are disseminated regularly to the Justices of the Peace. In FY 1995, Justices of the Peace in 24-hour JP Courts can access the DIGILAW computer-based legal research system which provides information on published and unpublished Delaware cases and the

Chief Magistrate's legal memoranda and policy directives.

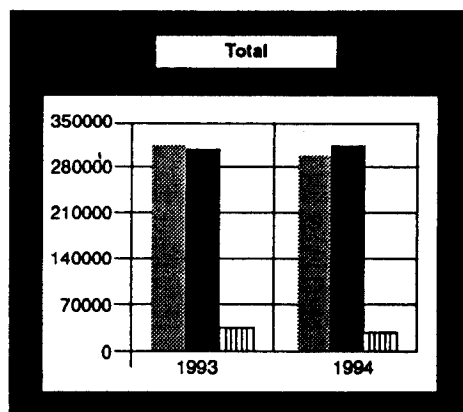
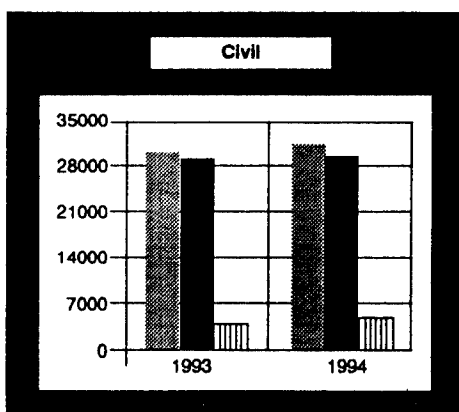
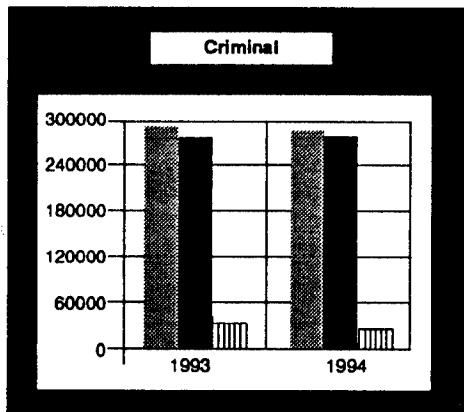
The new ten week orientation program for new Justices of the Peace includes classroom instruction, courtroom observation and participation, mock trials, and a monitoring program. The JP Courts also launched a continuing judicial education program for its judges which has provided seminars on courtroom techniques, domestic violence and other topics relevant to Family Court, the Judicial Code of Conduct, the Uniform Commercial Code, criminal law updates, landlord/tenant issues, sentencing, and other subjects. In addition, Justices of the Peace attend educational courses sponsored by local and national organizations.

A staff education committee was established to implement a training program for staff and a subcommittee developed training opportunities for constables on security.

The JP Courts expanded its employee recognition program by issuing periodic awards to staff and sponsoring employee recognition lunches in each county.

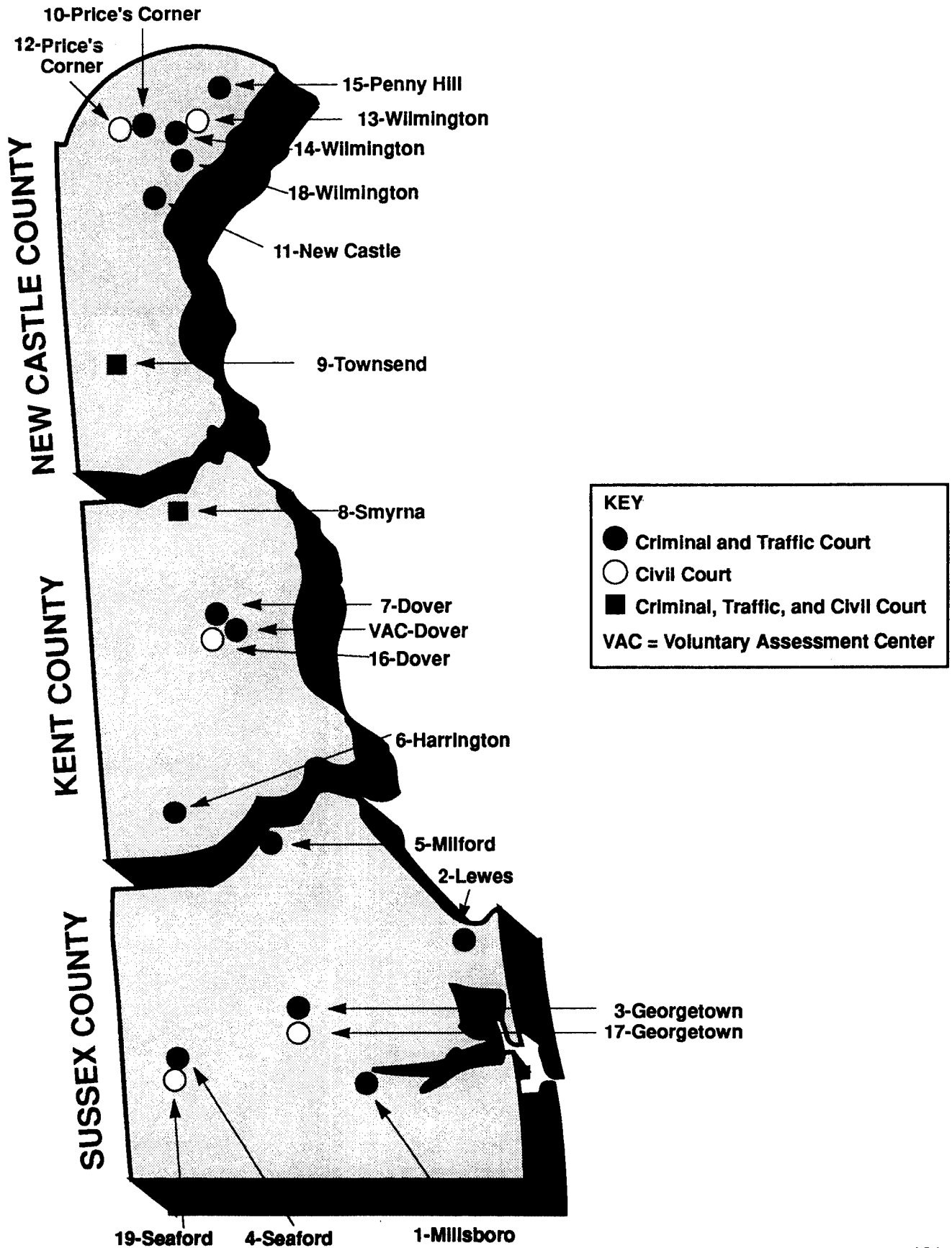
Several system-wide initiatives were introduced to improve the efficiency and effectiveness of its operations and to improve services to citizens

impacted by the JP Courts' jurisdiction. In FY 1994, the JP Courts' program for victims services was implemented prior to the transfer of these services to the Office of the Attorney General. In addition, policy directives dealing with the handling of Family Court protection from abuse orders and the screening criteria for domestic violence cases were issued. Through the efforts of the new Chiefs of Court Security, the JP Courts have conducted an assessment of the Courts' security needs, developed a comprehensive court security plan, and implemented security measures in the 24-hour courts, such as increased exterior lighting, bullet-resistant "teller" windows, and effective locking and monitoring systems. A pilot program to provide night-time security coverage by contractual personnel was begun. During the next year, security systems will be completed in the remaining JP Courts. Other actions taken by the JP Courts to improve its operations include: the implementation of the videophone system for warrants and arraignments in New Castle County; the use of the tax refund intercept/set-off program to facilitate the collection of unpaid fines and costs, and the employment of bulk mail for Voluntary Assessment Center correspondence in order to reduce postage costs.



Filings
 Dispositions
 Pending

JUSTICE OF THE PEACE COURTS



JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1994 CRIMINAL AND TRAFFIC CASES * - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle County						
Court 9	4,038	5,520	7,636	1,922	- 2,116	- 52.4%
Court 10	3,021	16,519	17,414	2,126	- 895	- 29.6%
Court 11	8,106	38,085	39,663	6,528	- 1,578	- 19.5%
Court 14	710	1,757	1,783	684	- 26	- 3.7%
Court 15	1,615	7,184	7,171	1,628	+ 13	+ 0.8%
Court 18	233	11,639	11,677	195	- 38	- 16.3%
Kent County						
Court 6	274	4,851	4,826	299	+ 25	+ 9.1%
Court 7	1,617	27,651	27,298	1,970	+ 353	+ 21.8%
Court 8	139	3,696	3,588	247	+ 108	+ 77.7%
Sussex County						
Court 1	334	3,964	4,036	262	- 72	- 21.6%
Court 2	1,524	7,748	8,091	1,181	- 343	- 22.5%
Court 3	1,483	22,017	20,747	2,753	+ 1,270	+ 85.6%
Court 4	540	10,632	9,716	1,456	+ 916	+ 169.6%
Court 5	645	3,256	3,367	534	- 111	- 17.2%
Total	24,279	164,519	167,013	21,785	- 2,494	- 10.3%
VAC	15,414	120,514	130,426	5,502	- 9,912	- 64.3%
State	39,693	285,033	297,439	27,287	- 12,406	- 37.3%

VAC = Voluntary Assessment Center

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1994 CRIMINAL AND TRAFFIC CASES * - CASELOAD BREAKDOWNS

FILINGS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	189	3.4%	363	6.6%	4,812	87.2%	156	2.8%	5,520	100.0%
Court 10	291	1.8%	2,582	15.6%	10,844	65.6%	2,802	17.0%	16,519	100.0%
Court 11	707	1.9%	13,967	36.7%	18,471	48.5%	4,940	13.0%	38,085	100.0%
Court 14	1	0.1%	86	4.9%	1,658	94.4%	12	0.7%	1,757	100.0%
Court 15	33	0.5%	1,126	15.7%	5,737	79.9%	288	4.0%	7,184	100.0%
Court 18	5	0.0%	7,495	64.4%	1,684	14.5%	2,455	21.1%	11,639	100.0%
Kent County										
Court 6	40	0.8%	1,850	38.1%	2,662	54.9%	299	6.2%	4,851	100.0%
Court 7	562	2.0%	9,821	35.5%	14,857	53.7%	2,411	8.7%	27,651	100.0%
Court 8	11	0.3%	1,287	34.8%	2,091	56.6%	307	8.3%	3,696	100.0%
Sussex										
Court 1	763	19.2%	290	7.3%	2,492	62.9%	419	10.6%	3,964	100.0%
Court 2	1,052	13.6%	1,093	14.1%	5,068	65.4%	535	6.9%	7,748	100.0%
Court 3	302	1.4%	10,714	48.7%	8,859	40.2%	2,142	9.7%	22,017	100.0%
Court 4	284	2.7%	2,272	21.4%	7,576	71.3%	500	4.7%	10,632	100.0%
Court 5	41	1.3%	1,120	34.4%	1,876	57.6%	219	6.7%	3,256	100.0%
Total	4,281	2.6%	54,066	32.9%	88,687	53.9%	17,485	10.6%	164,519	100.0%
VAC	0	0.0%	0	0.0%	120,508	100.0%	6	0.0%	120,514	100.0%
State	4,281	1.5%	54,066	19.0%	209,195	73.4%	17,491	6.1%	285,033	100.0%

FISCAL YEAR 1994 CRIMINAL AND TRAFFIC CASES * - CASELOAD BREAKDOWNS

DISPOSITIONS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	283	3.7%	535	7.0%	6,597	86.4%	221	2.9%	7,636	100.0%
Court 10	261	1.5%	2,804	16.1%	11,145	64.0%	3,204	18.4%	17,414	100.0%
Court 11	721	1.8%	10,120	25.5%	25,408	64.1%	3,414	8.6%	39,663	100.0%
Court 14	2	0.1%	89	5.0%	1,676	94.0%	16	0.9%	1,783	100.0%
Court 15	57	0.8%	1,054	14.7%	5,522	77.0%	538	7.5%	7,171	100.0%
Court 18	0	0.0%	7,356	63.0%	1,752	15.0%	2,569	22.0%	11,677	100.0%
Kent County										
Court 6	34	0.7%	1,882	39.0%	2,659	55.1%	251	5.2%	4,826	100.0%
Court 7	682	2.5%	9,144	33.5%	13,951	51.1%	3,521	12.9%	27,298	100.0%
Court 8	18	0.5%	1,295	36.1%	1,938	54.0%	337	9.4%	3,588	100.0%
Sussex County										
Court 1	811	20.1%	303	7.5%	2,563	63.5%	359	8.9%	4,036	100.0%
Court 2	1,141	14.1%	1,270	15.7%	5,308	65.6%	372	4.6%	8,091	100.0%
Court 3	353	1.7%	10,332	49.8%	8,174	39.4%	1,888	9.1%	20,747	100.0%
Court 4	253	2.6%	2,206	22.7%	6,791	69.9%	466	4.8%	9,716	100.0%
Court 5	94	2.8%	1,088	32.3%	1,727	51.3%	458	13.6%	3,367	100.0%
Total	4,710	2.8%	49,478	29.6%	95,211	57.0%	17,614	10.5%	167,013	100.0%
VAC	0	0.0%	0	0.0%	130,426	100.0%	0	0.0%	130,426	100.0%
State	4,710	1.6%	49,478	16.6%	225,637	75.9%	17,614	5.9%	297,439	100.0%

VAC = Voluntary Assessment Center

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL AND TRAFFIC CASES* - CASELOAD

FILINGS				
	1993	1994	Change	% Change
New Castle County				
Court 9	9,655	5,520	- 4,135	- 42.8%
Court 10	15,159	16,519	+ 1,360	+ 9.0%
Court 11	38,811	38,085	- 726	- 1.9%
Court 14	2,540	1,757	- 783	- 30.8%
Court 15	8,770	7,184	- 1,586	- 18.1%
Court 18	11,634	11,639	+ 5	+ 0.0%
Kent County				
Court 6	5,059	4,851	- 208	- 4.1%
Court 7	27,145	27,651	+ 506	+ 1.9%
Court 8	4,200	3,696	- 504	- 12.0%
Sussex County				
Court 1	4,116	3,964	- 152	- 3.7%
Court 2	8,078	7,748	- 330	- 4.1%
Court 3	21,157	22,017	+ 860	+ 4.1%
Court 4	12,479	10,632	- 1,847	- 14.8%
Court 5	3,659	3,256	- 403	- 11.0%
Total	172,462	164,519	- 7,943	- 4.6%
VAC	126,706	120,514	- 6,192	- 4.9%
State	299,168	285,003	- 14,135	- 4.7%

COMPARISON - FISCAL YEARS 1993-1994 CRIMINAL AND TRAFFIC CASES* - CASELOAD

DISPOSITIONS				
	1993	1994	Change	% Change
New Castle County				
Court 9	8,994	7,636	- 1,358	- 15.1%
Court 10	15,118	17,414	+ 2,296	+ 15.2%
Court 11	39,101	39,663	+ 562	+ 1.4%
Court 14	1,830	1,783	- 47	- 2.6%
Court 15	8,386	7,171	- 1,215	- 14.5%
Court 18	11,628	11,677	+ 49	+ 0.4%
Kent County				
Court 6	4,919	4,826	- 93	- 1.9%
Court 7	26,961	27,298	+ 337	+ 1.2%
Court 8	4,091	3,588	- 503	- 12.3%
Sussex County				
Court 1	4,064	4,036	- 28	- 0.7%
Court 2	7,598	8,091	+ 493	+ 6.5%
Court 3	22,038	20,747	- 1,291	- 5.9%
Court 4	12,493	9,716	- 2,777	- 22.2%
Court 5	3,658	3,367	- 291	- 8.0%
Total	170,879	167,013	- 3,866	- 2.3%
VAC	122,491	130,426	+ 7,935	+ 6.5%
State	293,370	297,439	+ 4,069	+ 1.4%

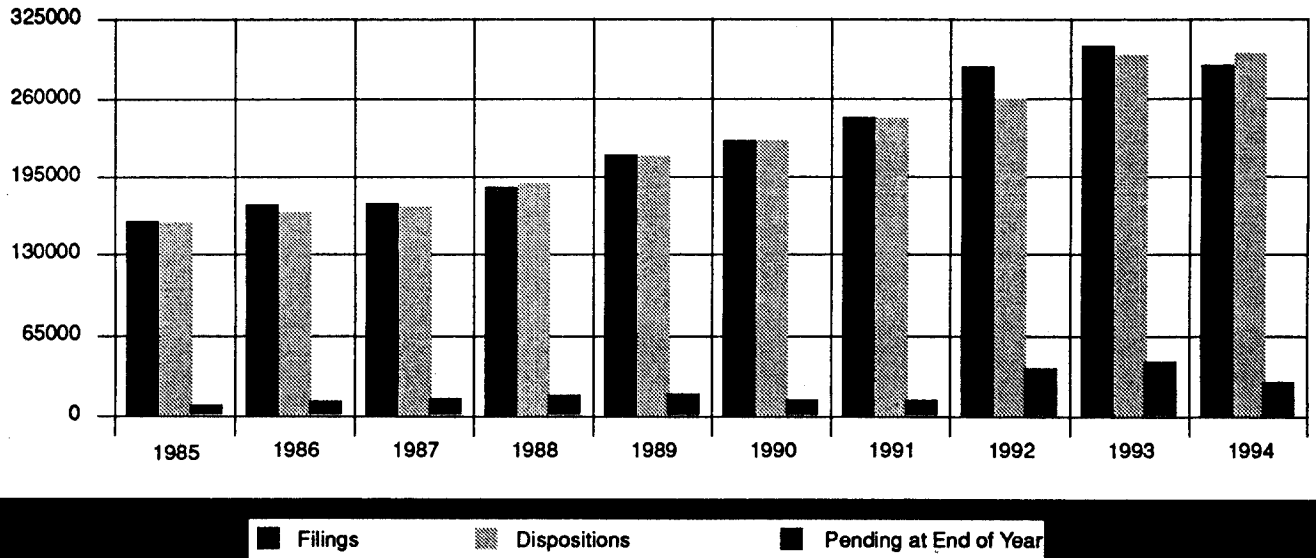
VAC = Voluntary Assessment Center

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

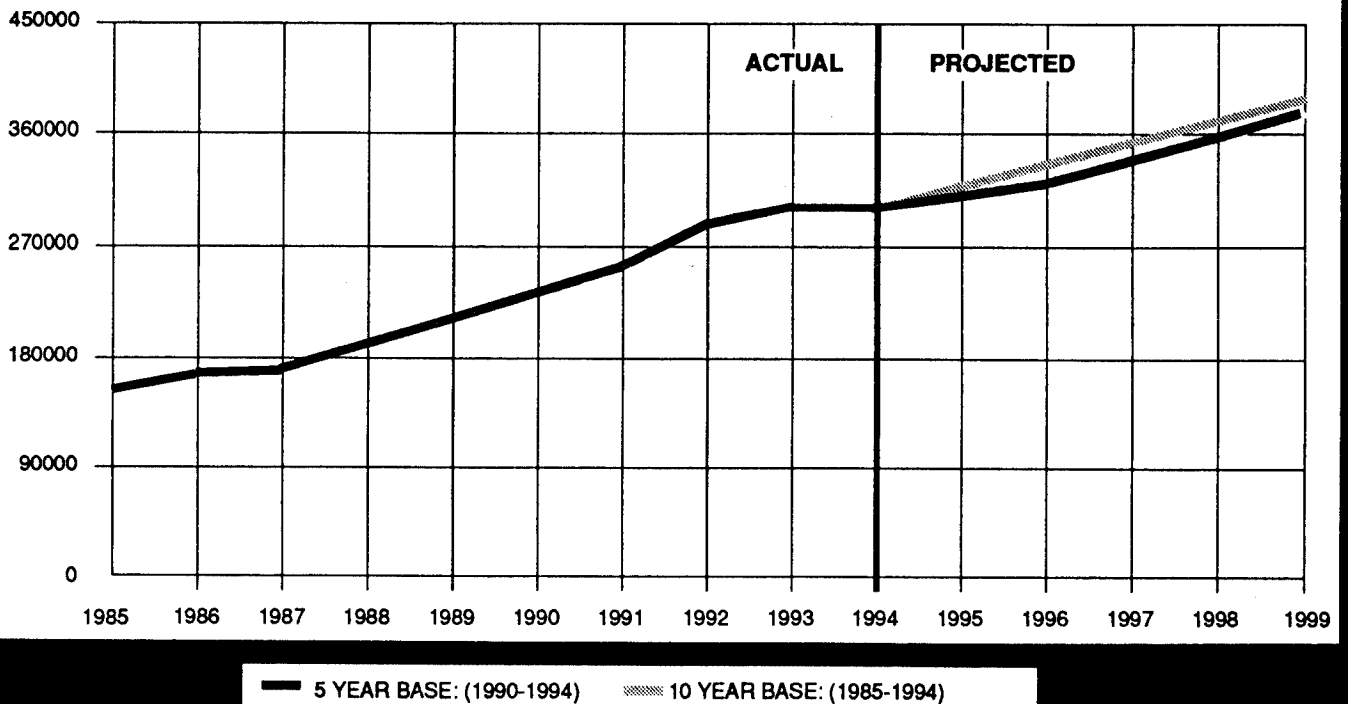
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS — CRIMINAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1994 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle County						
Court 9	83	824	826	81	- 2	- 2.4%
Court 12	278	8,792	8,466	604	+ 326	+ 117.3%
Court 13	1,573	8,321	8,075	1,819	+ 246	+ 15.6%
Kent County						
Court 16	1,645	5,736	5,716	1,665	+ 20	+ 1.2%
Court 8	3	10	13	0	- 3	- 100.0%
Sussex County						
Court 2	4	0	0	4	0	0.0%
Court 17	600	4,130	4,277	453	- 147	- 24.5%
Court 19	1,253	3,275	3,021	1,507	+ 254	+ 20.3%
State	<u>5,439</u>	<u>31,088</u>	<u>30,394</u>	<u>6,133</u>	<u>+ 694</u>	<u>+ 12.8%</u>

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

	FILINGS						DISPOSITIONS					
	Complaints		Landlord/Tenant		TOTALS		Complaints		Landlord/Tenant		TOTALS	
New Castle County												
Court 9	754	91.5%	70	8.5%	824	100.0%	759	91.9%	67	8.1%	826	100.0%
Court 12	5,217	59.3%	3,575	40.7%	8,792	100.0%	4,918	58.1%	3,548	41.9%	8,466	100.0%
Court 13	4,864	58.5%	3,457	41.5%	8,321	100.0%	4,737	58.7%	3,338	41.3%	8,075	100.0%
Kent County												
Court 16	4,626	80.6%	1,110	19.4%	5,736	100.0%	4,666	81.6%	1,050	18.4%	5,716	100.0%
Court 8	10	100.0%	0	0.0%	10	100.0%	13	100.0%	0	0.0%	13	100.0%
Sussex County												
Court 17	3,618	87.6%	512	12.4%	4,130	100.0%	3,793	88.7%	484	11.3%	4,277	100.0%
Court 19	2,945	89.9%	330	10.1%	3,275	100.0%	2,687	88.9%	334	11.1%	3,021	100.0%
State	<u>22,034</u>	<u>70.9%</u>	<u>9,054</u>	<u>29.1%</u>	<u>31,088</u>	<u>100.0%</u>	<u>21,573</u>	<u>71.0%</u>	<u>8,821</u>	<u>29.0%</u>	<u>30,394</u>	<u>100.0%</u>

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1994 CIVIL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints	Landlord/Tenant	TOTALS
New Castle County			
Court 9	- 5	+ 3	- 2
Court 12	+ 299	+ 27	+ 326
Court 13	+ 127	+ 119	+ 246
Kent 40			
Court 16	- 40	+ 60	+ 20
Court 8	- 3	0	- 3
Sussex County			
Court 2	0	0	0
Court 17	- 175	+ 28	- 147
Court 19	+ 258	- 4	+ 254
State	+ 461	+ 233	+ 694

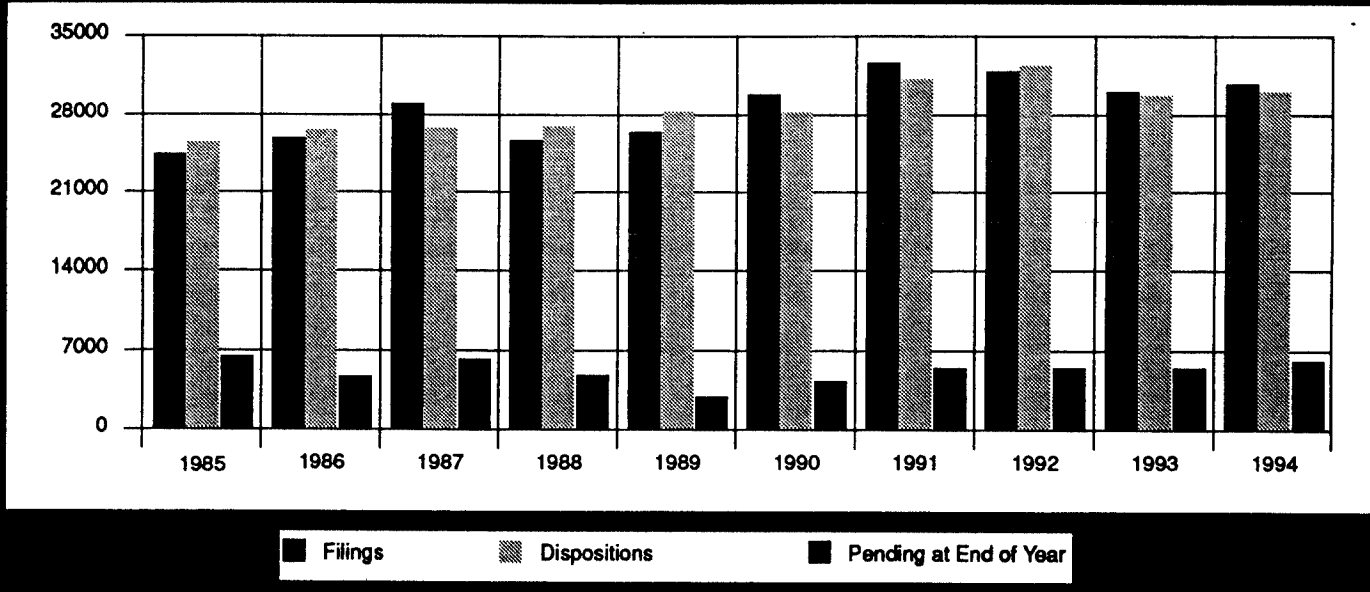
COMPARISON - FISCAL YEARS 1993-1994 CIVIL CASES - CASELOAD

	FILINGS				DISPOSITIONS			
	1993	1994	Change	% Change	1993	1994	Change	% Change
New Castle County								
Court 9	697	824	+ 127	+ 18.2%	701	826	+ 125	+ 17.8%
Court 12	8,540	8,792	+ 252	+ 3.0%	8,568	8,466	- 102	- 1.2%
Court 13	8,917	8,321	- 596	- 6.7%	9,163	8,075	- 1,088	- 11.9%
Kent County								
Court 16	5,564	5,736	+ 172	+ 3.1%	5,138	5,716	+ 578	+ 11.2%
Court 8	19	10	- 9	- 47.4%	20	13	- 7	- 35.0%
Sussex County								
Court 1	0	0	0	—	2	0	- 2	- 100.0%
Court 2	0	0	0	—	1	0	- 1	- 100.0%
Court 17	3,960	4,130	+ 170	+ 4.3%	3,927	4,277	+ 350	+ 8.9%
Court 19	2,596	3,275	+ 679	+ 26.2%	2,622	3,021	+ 399	+ 15.2%
State	30,293	31,088	+ 795	+ 2.6%	30,142	30,394	+ 252	+ 0.8%

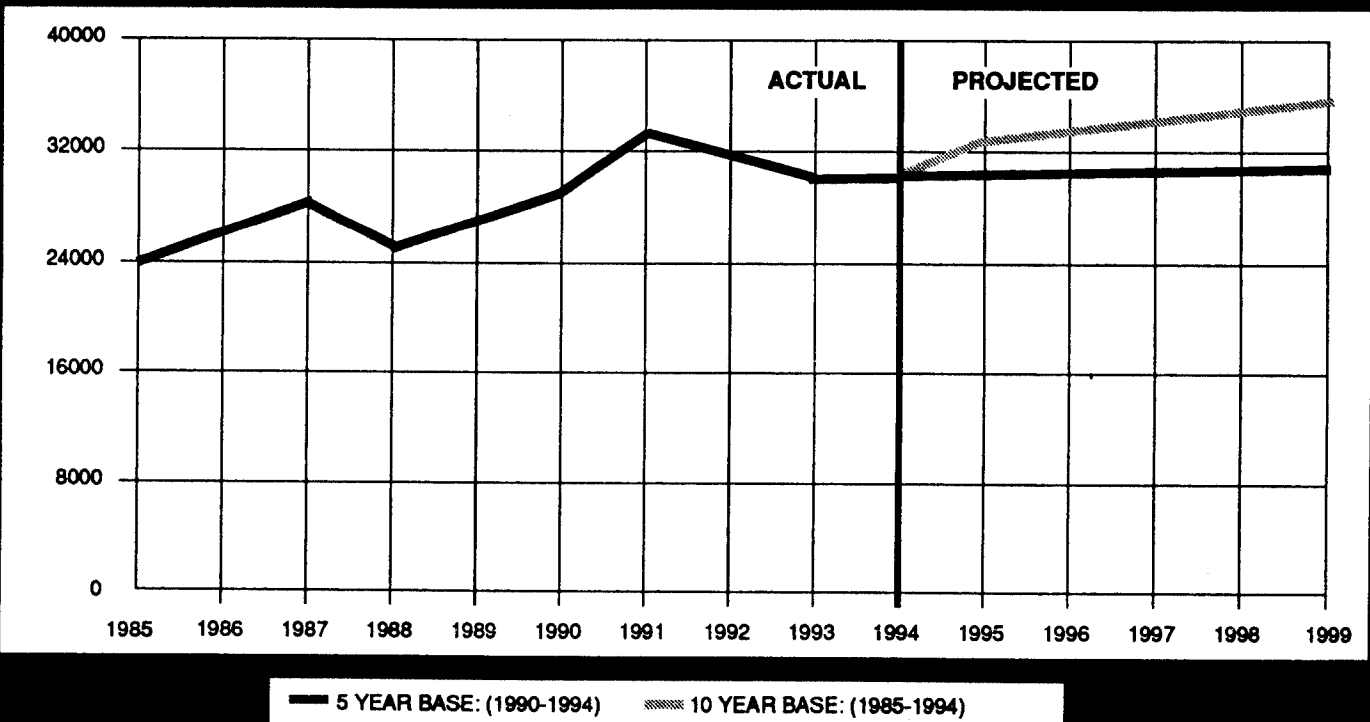
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS — CIVIL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

JUSTICE OF THE PEACE COURTS

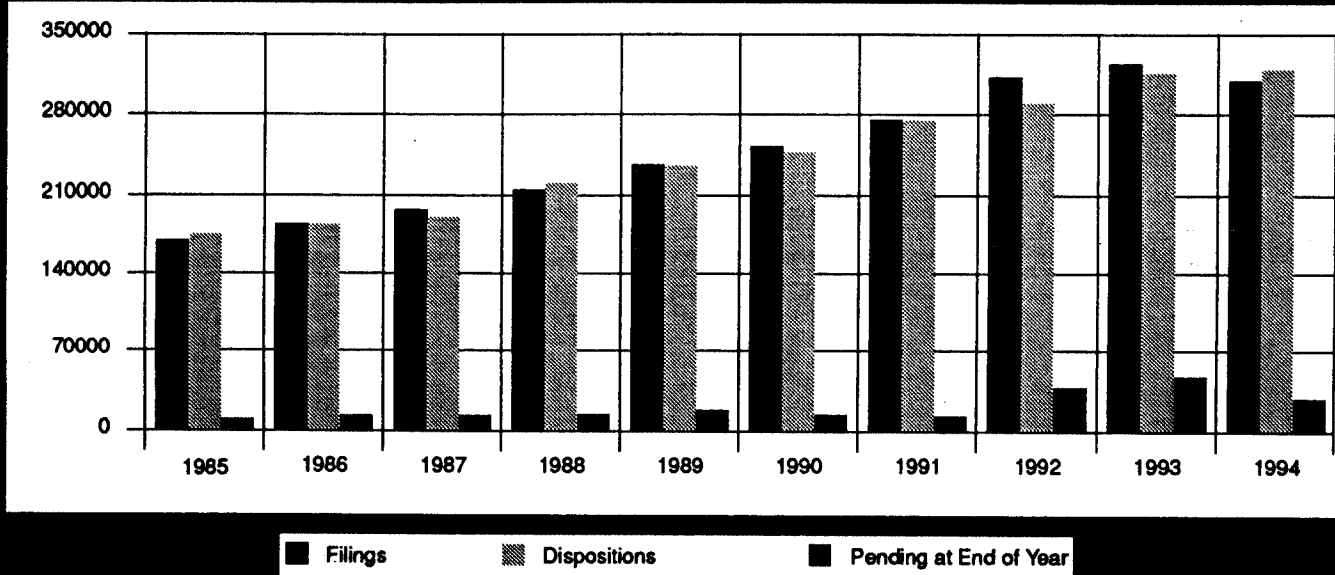
FISCAL YEAR 1994 RANKINGS IN ORDER OF TOTAL CASES FILED

1994 Rank (w/o VAC)	Court Number	Total Filings*	% w/o VAC	1993 Rank (w/o VAC)
1	Court 11	38,085	19.5%	1
2	Court 7	27,651	14.1%	2
3	Court 3	22,017	11.3%	3
4	Court 10	16,519	8.4%	4
5	Court 18	11,639	6.0%	6
6	Court 4	10,632	5.4%	5
7	Court 12	8,792	4.5%	10
8	Court 13	8,321	4.3%	8
9	Court 2	7,748	4.0%	11
10	Court 15	7,184	3.7%	9
11	Court 9	6,344	3.2%	7
12	Court 16	5,736	2.9%	12
13	Court 6	4,851	2.5%	13
14	Court 17	4,130	2.1%	16
15	Court 1	3,964	2.0%	15
16	Court 8	3,706	1.9%	14
17	Court 19	3,275	1.7%	18
18	Court 5	3,256	1.7%	17
19	Court 14	1,757	0.9%	19
	State w/o VAC	195,607	100.0%	
	VAC	120,514		
	State w/ VAC	316,121		

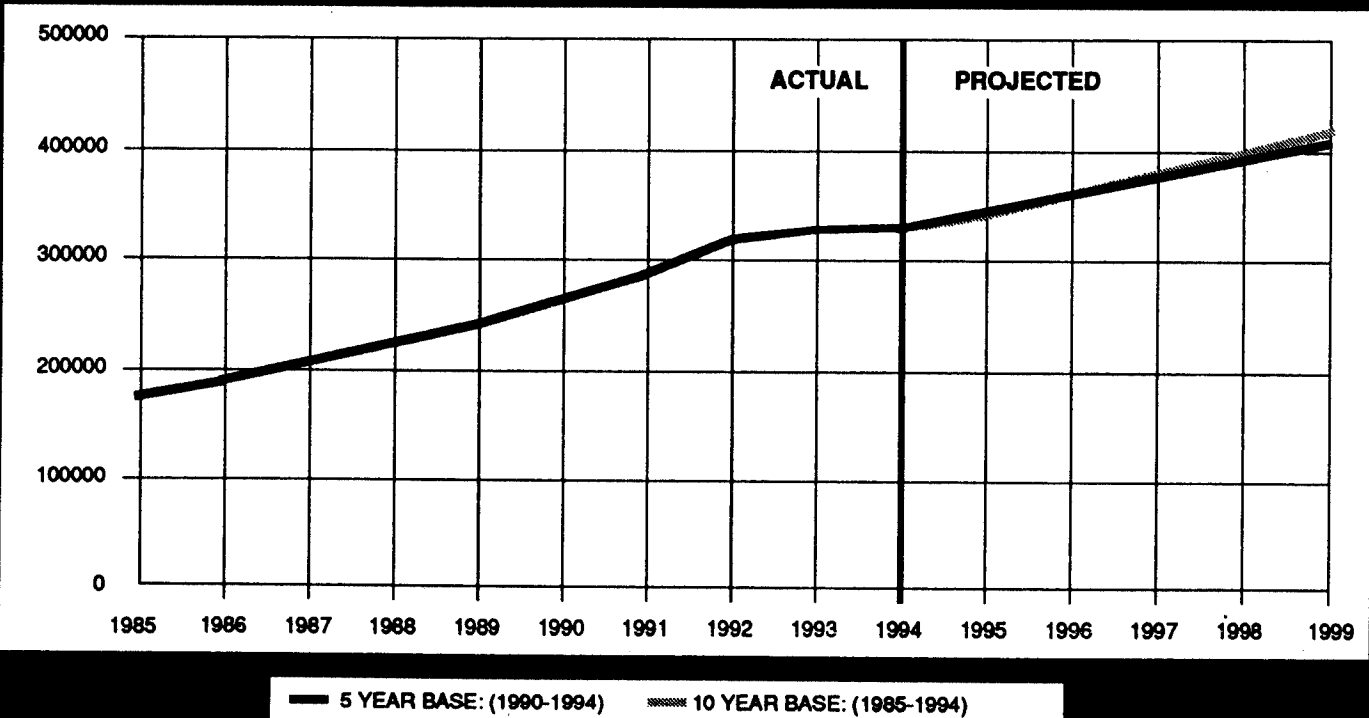
* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Alderman's Courts

Chief Alderman Thomas B. Ferry (Newark)
Alderman Harold Britton Barber (Bethany Beach)
Deputy Chief Alderman Richard A. Barton (Fenwick Island)
Alderman Melanie M. Buchanan (Ocean View)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Marvin Guberman (Dewey Beach)
Mayor John F. Klingmeyer (New Castle)
Alderman James R. Folsom (Newport)
Alderman Willie A. Robert, Jr. (Bridgeville)
Alderman David B. Striegel (Delmar)
Alderman Paul H. Sheridan (Laurel)

ALDERMAN'S COURT

Legal Authorization

Alderman's Courts are authorized by the town charters of their respective municipalities.

Geographic Organization

Alderman's Courts have jurisdiction only within their own town limits. There were 11 active Alderman's or Mayor's Courts at the start of FY 1994 three in New Castle County and eight in Sussex County. When a town is without a Court or an Alderman for any period of time, its cases are transferred to the nearest Justice of the Peace Court.

Legal Jurisdiction

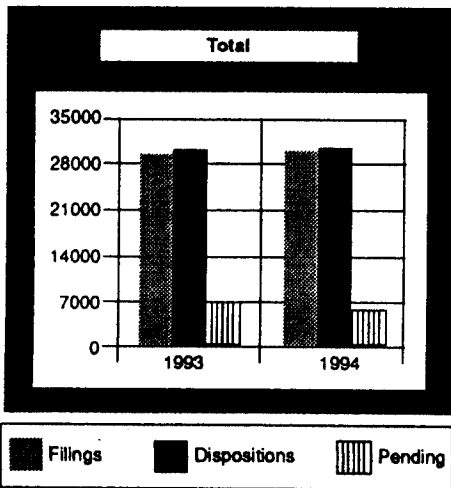
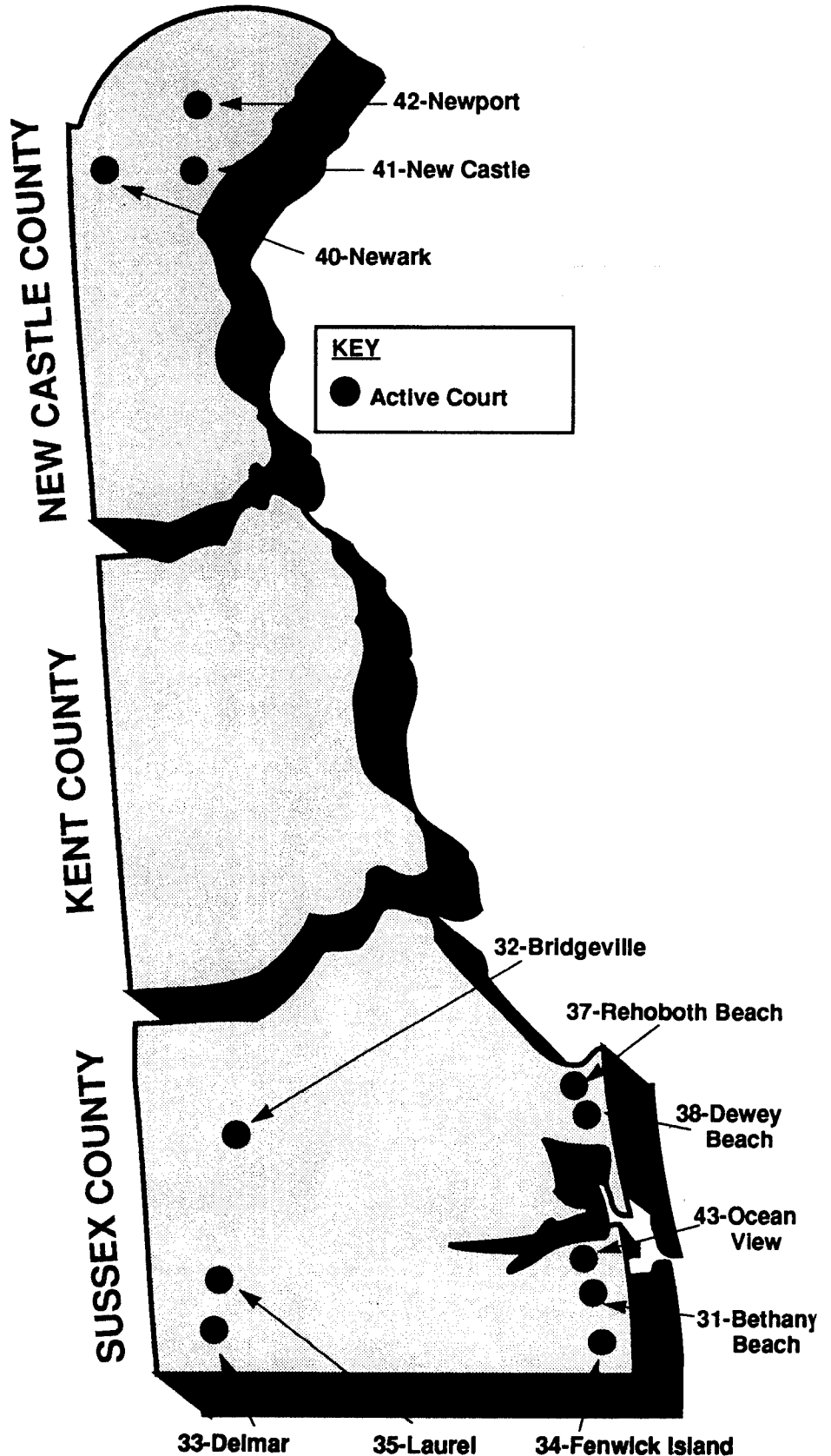
The jurisdiction of an Alderman's Court is limited to misdemeanors, traffic offenses, parking violations and minor civil matters. The specific jurisdiction of each court varies with the town charter (which is approved by the State Legislature). Appeals are taken de novo to Superior Court within 15 days of the trial.

Aldermen

The selection, number, tenure and qualifications of Aldermen are determined by the towns themselves. Some require lawyers while others choose ordinary citizens. A few Aldermen serve full-time, while some are part-time judges. In New Castle, the Mayor serves as Judge of the Court.

Caseload Trends

There were minor changes in all measures of caseload activity in the Alderman's Courts during FY 1994. The total number of filings rose by 1.9% from 29,668 during FY 1993 to 30,232 in FY 1994. The number of dispositions increased as well, rising by 1.7% to 30,470 in FY 1994 from 29,967 in FY 1993. The pending at the end of the year fell by 3.4% from 6,913 at the end of FY 1993 to 6,675 at the end of FY 1994.



ALDERMAN'S COURT

FISCAL YEAR 1994 TOTAL CASES * - CASELOAD SUMMARY

Court	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle County						
Newark	4,975	9,171	9,256	4,890	- 85	- 1.7%
New Castle	2	1	2	1	- 1	- 50.0%
Newport	309	5,045	5,156	198	- 111	- 35.9%
Sussex County						
Bethany Beach	588	2,890	2,806	672	+ 84	+ 14.3%
Bridgeville	660	4,637	5,010	287	- 373	- 56.5%
Delmar	174	1,080	947	307	+ 133	+ 76.4%
Dewey Beach	0	2,478	2,478	0	0	—
Fenwick Island	0	1,180	1,180	0	0	—
Laurel	0	839	839	0	0	—
Ocean View	0	0	0	0	0	—
Rehoboth Beach	205	2,911	2,796	320	+ 115	+ 56.1%
TOTALS	6,913	30,232	30,470	6,675	- 238	- 3.4%

FISCAL YEAR 1994 CRIMINAL CASES * - CASELOAD SUMMARY

Court	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle County						
Newark	652	2478	2723	407	- 245	- 37.6%
New Castle	2	1	2	1	- 1	- 50.0%
Newport	0	0	0	0	0	—
Sussex County						
Bethany Beach	0	0	0	0	0	—
Bridgeville	0	0	0	0	0	—
Delmar	74	55	53	76	+ 2	+ 2.7%
Dewey Beach	0	1,487	1,487	0	0	—
Fenwick Island	0	16	16	0	0	—
Laurel	0	153	153	0	0	—
Ocean View	0	0	0	0	0	—
Rehoboth Beach	4	402	406	4	- 4	- 50.0%
TOTALS	736	4,592	4,840	488	- 248	- 33.7%

*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as 3 dispositions.

Source: Alderman's Courts, Administrative Office of the Courts.

ALDERMAN'S COURT

FISCAL YEAR 1994 TRAFFIC CASES * - CASELOAD SUMMARY

Court	Pending 6/30/93	Filings	Dispositions	Pending 6/30/94	Change In Pending	% Change In Pending
New Castle County						
Newark	4,323	6,693	6,533	4,483	+ 160	+ 3.7%
New Castle	0	0	0	0	0	—
Newport	309	5,045	5,156	198	- 111	- 35.9%
Sussex County						
Bethany Beach	588	2,890	2,806	672	+ 84	+ 14.3%
Bridgeville	660	4,637	5,010	287	- 373	- 56.5%
Delmar	100	1,025	894	231	+ 131	+ 131.0%
Dewey Beach	0	991	991	0	0	—
Fenwick Island	0	1,164	1,164	0	0	—
Laurel	0	686	686	0	0	—
Ocean View	0	0	0	0	0	—
Rehoboth Beach	197	2,509	2,390	316	+ 119	+ 60.4%
TOTALS	<u>6,177</u>	<u>25,640</u>	<u>25,630</u>	<u>6,187</u>	<u>+ 10</u>	<u>+ 0.2%</u>

COMPARISON - FISCAL YEARS 1993-1994 TOTAL CASES- CASELOAD

Number of Filings*

COURT	1993	1994	Change	% Change
New Castle				
Newark	8,877	9,171	+ 294	+ 3.3%
New Castle	61	1	- 60	- 98.4%
Newport	6,138	5,045	- 1,093	- 17.8%
Sussex County				
Bethany Beach	2,760	2,890	+ 130	+ 4.7%
Bridgeville	4,823	4,637	- 186	- 3.9%
Delmar	324	1,080	+ 756	+ 233.3%
Dewey Beach	2,678	2,478	- 200	- 7.8%
Fenwick Island	1,202	1,180	- 22	- 1.8%
Laurel	1,069	839	- 230	- 21.5%
Ocean View	0	0	0	—
Rehoboth Beach	1,736	2,911	+ 1,175	+ 67.7%
TOTALS	<u>29,668</u>	<u>30,232</u>	<u>+ 564</u>	<u>+ 1.9%</u>

*The unit of count in traffic and criminal cases is the charge. For example, a defendant with three charges disposed of is counted as three defendants.
Source: Alderman's Courts, Administrative Office of the Courts.

ALDERMAN'S COURT

COMPARISON - FISCAL YEARS 1993-1994 TOTAL CASES- CASELOAD (cont'd.)

Number of Dispositions*

COURT	1993	1994	Change	% Change
New Castle				
Newark	9,159	9,256	+ 97	+ 1.1%
New Castle	62	2	- 60	- 96.8%
Newport	6,113	5,156	- 957	- 15.7%
Sussex County				
Bethany Beach	2,779	2,806	+ 27	+ 1.0%
Bridgeville	4,943	5,010	+ 67	+ 1.4%
Delmar	349	947	+ 598	+ 171.3%
Dewey Beach	2,678	2,478	- 200	- 7.5%
Fenwick Island	1,202	1,180	- 22	- 1.8%
Laurel	1,069	839	- 230	- 21.5%
Ocean View	0	0	0	—
Rehoboth Beach	1,613	2,796	+ 1,183	+ 73.3%
TOTALS	29,967	30,470	+ 503	+ 1.7%

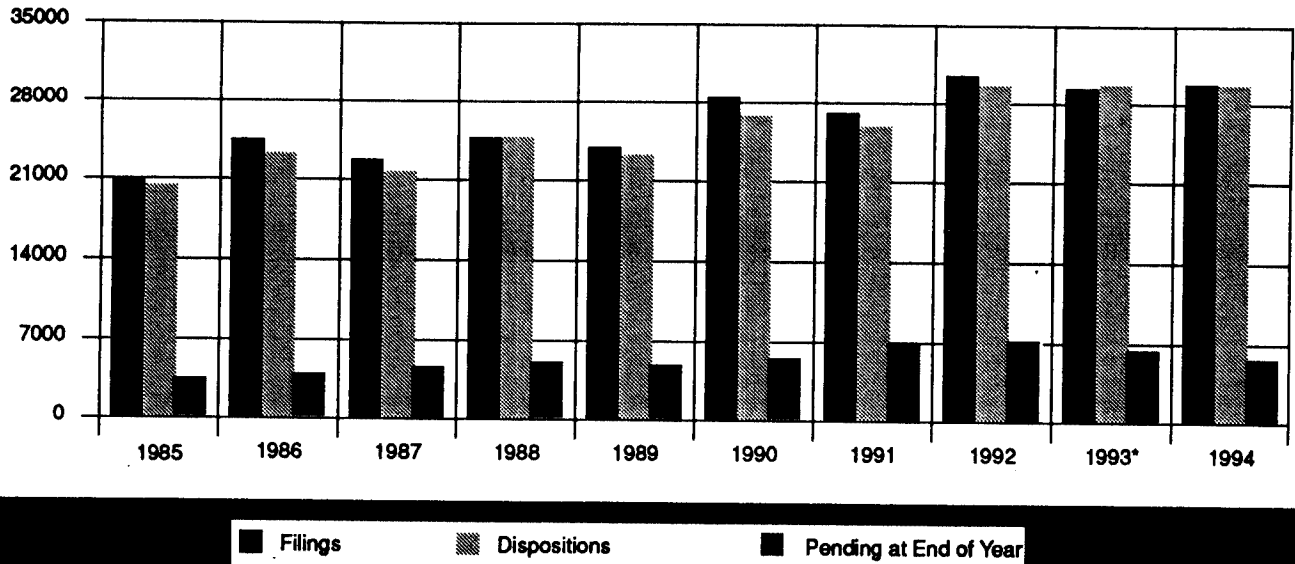
FISCAL YEAR 1994 — RANKING IN ORDER OF TOTAL CASES FILED

	Total Number of Filings*	Percentage of Total	FY 1993 Rank	FY 1994 Rank
Newark	9,171	30.3%	1	1
Newport	5,045	16.7%	2	2
Bridgeville	4,637	15.3%	3	3
Rehoboth Beach	2,911	9.6%	6	4
Bethany Beach	2,890	9.6%	4	5
Dewey Beach	2,478	8.2%	5	6
Fenwick Island	1,180	3.9%	7	7
Delmar	1,080	3.6%	9	8
Laurel	839	2.8%	8	9
New Castle	1	0.0%	10	10
Ocean View	0	0.0%	11	11
TOTALS	30,232	100.0%		

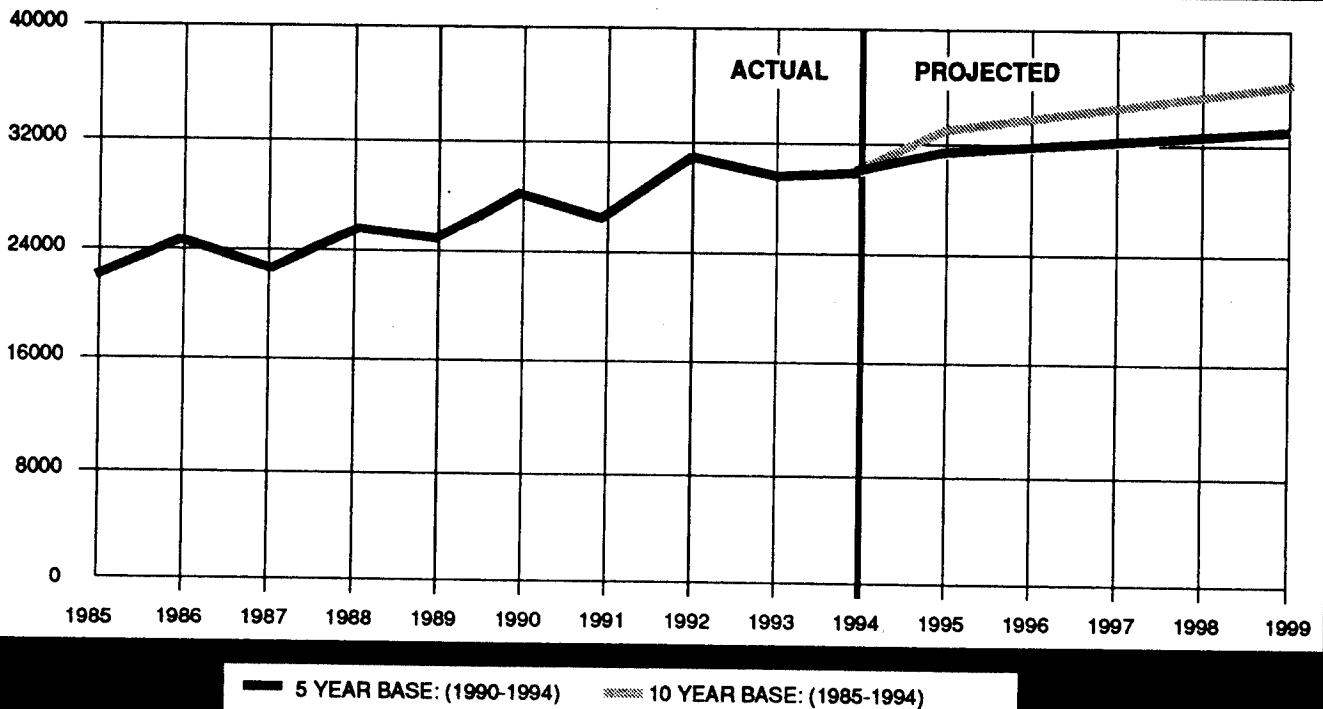
*The unit of count in criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.
Source: Alderman's Courts, Administrative Office of the Courts.

ALDERMAN'S COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



*Adjusted from 1993 Annual Report,
Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts

Judicial Agencies and Bodies

ADMINISTRATIVE OFFICE OF THE COURTS

Legal Authorization

The Administrative Office of the Courts was established by 10 *Delaware Code*, §128.

Personnel

The Director of the Administrative Office of the Courts is appointed by

and serves at the pleasure of the Chief Justice of the Supreme Court of the State of Delaware.

The Director may, with the approval of the Chief Justice, appoint such assistants and support personnel as required.

The functions of the AOC are set out in Supreme Court Rule 87. The Judicial Information Center operates as a part of the AOC and is under the authority of the AOC.

DELAWARE COURTS PLANNING COMMITTEE

History

The Delaware Courts Planning Committee, formerly known as The Long Range Courts Planning Committee, was created by Chief Justice Daniel F. Wolcott on December 15, 1970. At that time, Chief Justice Wolcott appointed nine members to the Committee which was composed of seven judges from the various courts and two members of the Bar. The initial charge of the Committee was to consider "long range planning for the needs of the Courts."

Under the leadership of Chief Justice Daniel L. Herrmann, the Committee was reorganized with a broader charge in May, 1977. A formal "Statement of Purpose" was then adopted:

"The Long Range Courts Planning Committee shall be composed of judges, attorneys and court administrators. The purpose of the Committee is to provide an opportunity for the thoughtful formulation and active support of plans and programs for the improvement of the Delaware Court System which will enable it to better perform its task of administering justice in this State, and to undertake such other tasks as may be assigned to it by the Chief Justice. It is expected that this group will initiate new plans and programs, where appropriate, and will support plans and programs initiated by others, or initiated by this group in the past, which to this group appear worthy of such support. The group is intended not only to provide input from the standpoint of thoughtful ideas, but also to provide active and, where necessary, aggressive impetus at all levels of state government where support for the court system is needed and appropriate."

Membership

The Chief Justice appoints individuals to serve as members on the Committee

The current twenty-one member Committee contains representation from all of the courts as well as lawyers statewide. The present co-chairs of the Committee are Justice Joseph T. Walsh and Victor F. Battaglia, Esq.. The other members are: Honorable Andrew G. T. Moore, II; Honorable Maurice A. Hartnett, III; Honorable Henry duPont Ridgely; Honorable Peggy L. Ableman; Honorable Alex J. Smalls; Honorable Patricia Walther Griffin; Honorable Charles M. Oberly, III; Honorable Lawrence M. Sullivan; Sidney Balick, Esq.; O. Francis Biondi, Esq.; Richard D. Kirk, Esq.; James Jay Lazzari, Esq.; Richard E. Poole, Esq.; Harvey B. Rubenstein, Esq.; Carolyn R. Schlecker, Esq.; John J. Schmittinger, Esq.; Dennis L. Schrader, Esq.; Bruce M. Stargatt, Esq.; and Leo M. Strine, Jr., Esq.. Lowell L. Groundland, Director of the Administrative Office of the Courts, serves as Secretary for the Committee.

Accomplishments

Working with the cooperation of the executive and legislative branches of government for the betterment of our court system, the accomplishments of the Committee to date have been significant. These include the enlargement of the Supreme Court, additional judges for the Court of Chancery and Superior Court, the provision of adequate court facilities and making the Prothonotaries appointed rather than elected officials. The Committee is engaged in a continuing study of the jurisdiction of the component courts of the Delaware judicial system in order to promote efficiency and eliminate congestion. Courthouse security, adequate court facilities and court consolidation remain areas of continuing special concern.

At the present time, the Committee is focusing its attention on implementing legislation recommended by the Commission on Delaware Courts 2000 and endorsed by the Chief Justice and Justices of the Supreme Court, to prepare the court system for the twenty-first century.

In recognition of the Committee's outstanding contribution to the administration of justice for 24 years, Chief Justice E. Norman Veasey views its role as essential to dealing with all important issues confronting the courts. The Chief Justice desires to keep the Committee actively engaged in its pursuit of measures which will be advantageous for the court system and to the administration of justice in Delaware.

JUDICIAL AGENCIES AND BODIES

JUDICIAL CONFERENCE

Legal Authorization

The Judicial Conference is authorized by Supreme Court Rule 81.

Duties

The Judicial Conference studies the judicial business of the courts with a view towards improving the administration of justice in the State. The Conference also considers improvements in procedure, considers and recommends legislation, considers and implements the

Canons of Judicial Ethics, holds symposia of Bench and Bar and reviews continuing judicial education programs.

Membership

The membership of the Conference includes the judges of the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and the Municipal Court of Wilmington as well as the Chief Magistrate of the Justice of the Peace

Courts. The Chief Justice is presiding officer of the Conference. The Director of the Administrative Office of the Courts serves as secretary for the Conference. Scheduled meetings of the Conference are held on the first Wednesdays of December and June. Additional meetings may be called by the Chief Justice or by the senior Justice if he is absent.

JUDICIAL EDUCATION COMMITTEE

The Delaware Supreme Court adopted the Mandatory Continuing Legal Education Rule for members of the Bar, including judges, effective January 1, 1987. The Chief Justice appoints judges from each of the State courts and the Chief Magistrate to serve on the Judicial Education Committee with the charge to design and direct the implementation of educational programs which will permit members of the Judiciary to meet the requirements of the Rule.

In administering the funds provided by the General Assembly, the Committee plans in-state continuing judicial education programs at an annual seminar and also enables judges to travel out of state to pursue educational programs at the National Judicial College or to attend seminars offered by other prominent judicial education organizations. In September 1994, Justice Carolyn Berger succeeded Justice Joseph T. Walsh as chair of the Judicial Education Committee. Other members of the Committee are: Vice-

Chancellor William C. Chandler, Jr., Judge Jerome O. Herlihy, Judge William C. Bradley, Jr., Judge Jay Paul James, and Chief Magistrate Patricia Walther Griffin. The Training Administrator of the Administrative Office of the Courts is the coordinator of the judicial education programs. Guest lecturers and speakers at each seminar have included distinguished jurists, legal scholars and others having expert knowledge in matters of importance to the judicial function.

COURT ON THE JUDICIARY

Article IV, Section 37 of the *Constitution of the State of Delaware* created this Court, consisting of the Chief Justice and the Justices of the Supreme Court, the Chancellor of the Court of Chancery, and the President Judge of Superior Court.

Any judicial officer appointed by the Governor may be censured, removed or retired by the Court on the Judiciary for willful misconduct in office, willful and persistent failure to perform

duties, commission of an offense involving moral turpitude after appointment or other misconduct in violation of the Canons of Judicial Ethics. A judicial officer may be retired because of permanent mental or physical disability interfering with the proper performance of his duties.

No censure, removal or retirement can be effective until the judicial officer has been served with written charges and has had the opportunity to be

heard in accordance with due process of law.

The Court on the Judiciary has the power to:

- (a) summon witnesses to appear and testify under oath and to compel production of other evidence, and
- (b) adopt rules establishing procedures for the investigation and trial of a judicial officer.

JUDICIAL AGENCIES AND BODIES

LAW LIBRARIES

The standards for the control and supervision of the three Law Libraries are set in 10 *Del. C.* §1941.

There are three Law Libraries located in the State of Delaware, staffed and maintained by state funds and each presided over by a law librarian. The Libraries are named after the counties in which they are situated.

The primary function of the Law Libraries is to provide a legal information center for the Judiciary, Public Defender's Office, legal representatives of counties and municipalities, city solicitors and members of the Delaware Bar. They are also the official depositories for state laws, administrative regulations and court rules. The libraries are made available to registered law students to assist them in preparation for state bar examinations and in their legal education. Assistance is given to persons using the facilities whenever possible.

The New Castle County Law Library, located in the Public Building, Wilmington, Delaware, is the busiest of the three Libraries. It houses about 25,000 books and there is presently seated working space for about 32 persons at one time. The facility is maintained and administered by a Law Librarian and a library assistant. The Kent County Law Library is designated as the official law library of Delaware (10 *Del. C.*, §1942). It has over 25,000 volumes and is staffed by the Law Librarian and a Law Library Assistant. The Sussex County Law Library is staffed by one Law Librarian and houses about 14,000 volumes.

The Law Libraries are responsible for administrative library work as well as maintaining the bookkeeping records required by the State. These duties and responsibilities include but are not limited to the following: insertion of pocket parts, maintenance of loose leaf service bookkeeping for the

agency's accounts, preparing invoices for library expenditures, filing and indexing reported and unreported opinions from the several courts, obtaining and filing copies of rules and regulations promulgated by the governmental agencies, maintaining of books and their monetary values, obtaining and filing statutes from the Legislative Council and other states, handling requests from various persons for information contained in the Library, handling special requests for research work from the judges, planning and recommending development and improvement of services, writing reports and performing other duties associated with library work.

EDUCATIONAL SURROGATE PARENT PROGRAM

Legal Authorization

The Educational Surrogate Parent (ESP) Program is authorized by 14 *Del.C.* §3132.

Purpose

Federal special education law requires that each state have a system for providing trained volunteers to represent the interests of special education children in State custody whose parents are not available. The ESP has authority to act on the child's behalf in all decision-making processes concerning the child's educational placement and services. Enough volunteers must be recruited, trained, and supported to ensure that every eligible child has an ESP. The program also provides ESPs for eligible children receiving Part H services.

Geographic Organization

The program is statewide. ESPs are available in all school districts. Each eligible child is matched with an appropriate volunteer in his/her geographical area.

The Coordinator's office is located in Wilmington.

Personnel

In FY 1994, 115 ESPs were appointed or available. ESPs are certified by the Department of Public Instruction and serve as long as they are willing and continue to meet the certification requirements. The program is administered by a Coordinator.

Caseload

During FY 1994, 10 new ESPs were trained, 41 appointments were processed and 100 children were represented by an ESP.

JUDICIAL AGENCIES AND BODIES

PUBLIC GUARDIAN

Legal Authorization

The authority for the Office of the Public Guardian is derived from Title 12, §3991, of the *Delaware Code*, which states that:

"There is established the Office of the Public Guardian. The Chancellor shall appoint the Public Guardian, who shall serve at his pleasure."

Geographic Organization

The Office of the Public Guardian has responsibility for the entire State and presents its petitions for guardianships in the Court of Chancery in all three counties.

Legal Jurisdiction

The powers and duties of the Public Guardian are stated in Title 12, §3992, of the *Delaware Code*;

"The Public Guardian, when appointed as guardian by Court order, shall:

1. Serve as a guardian for the property of aged, mentally infirm or physically incapacitated persons, pursuant to §3914 of this title;

2. Serve as a guardian for the person of aged, mentally or physically incapacitated persons where such persons are in danger of substantially endangering their health, or of becoming subject to abuse by other persons or of becoming the victim of designing persons; or
3. Serve as both guardian of the person and of property of such person."

The legislation creating the Office of the Public Guardian creates a guardianship capability for a person needing a guardian but who does not have a relative, friend, or other person interested in and capable of serving as a guardian, whose estate is insufficient to purchase the services of a private guardian or who would best be served by a neutral guardian. This has resulted in the Office of the Public Guardian serving as consultant to agencies, attorneys or families about guardianship matters.

Personnel

The Public Guardian is aided by a Deputy Public Guardian; an administrative officer, one full-time and two part-time caseworkers, and an accounting clerk in providing guardianship services.

Caseload

The Office of the Public Guardian received 188 referrals during FY 1994, of which 33 were deemed to need the services of the Public Guardian as a guardian. It was determined that the remaining 155 referrals during FY 1994 were not in need of guardianship to resolve their problems and were served by utilizing the resources of other state and private agencies.

There was a 11.9% increase in total referrals from 168 in FY 1993 to 188 in FY 1994. Total dispositions rose by 38.7% to 197 in FY 1994 from 142 in FY 1993. The total pending fell by 6.0% to 142 at the end of FY 1994 from 151 at the end of FY 1993.

FISCAL YEAR 1994 PUBLIC GUARDIAN - CASELOAD BREAKDOWNS

	Pending 6/30/93	New Referrals	Cases Closed	Pending 6/30/94	Change In Pending	% Change In Pending
Guardianships	124	33	35	122	- 2	- 1.6%
Investigations	<u>27</u>	<u>155</u>	<u>162</u>	<u>20</u>	<u>- 7</u>	<u>- 25.9%</u>
TOTALS	151	188	197	142	- 9	- 6.0%

COMPARISON - FISCAL YEARS 1993-1994 PUBLIC GUARDIAN - CASELOAD

NEW REFERRALS

	1993	1994	Change	% Change
Guardianships	48	33	- 15	- 31.3%
Investigations	<u>120</u>	<u>155</u>	<u>+ 35</u>	<u>+ 29.2%</u>
TOTALS	168	188	+ 20	+ 11.9%

COMPARISON - FISCAL YEARS 1993-1994 PUBLIC GUARDIAN - CASELOAD

CASES CLOSED

	1993	1994	Change	% Change
Guardianships	28	35	+ 7	+ 25.0%
Investigations	<u>114</u>	<u>162</u>	<u>+ 48</u>	<u>+ 42.1%</u>
TOTALS	142	197	+ 55	+ 38.7%

Source: Office of the Public Guardian, Administrative Office of the Courts

FOSTER CARE REVIEW BOARD

Legal Authorization

The Foster Care Review Board is authorized by 31 *Del. C.*, C. 38.

Purpose

The mission of the Foster Care Review Board is to provide and administer a volunteer-based citizen Review Board, which acts as an independent monitoring system charged with identification and periodic review of all children in placement throughout the State of Delaware. Periodic reviews of children in out-of-home placement are conducted to ensure that continuing efforts are being made to obtain permanent homes for children; to provide stability in the lives of children who must be removed from their homes; to make the needs of a child for physical, mental, and emotional growth the determining factors in permanency planning; and to ensure that foster care remains a temporary status consistent with a child's sense of time.

The Board's committees conduct reviews of foster children every six months. The review consists of interviewing the Agency social worker, the foster parents, the child and the interested parties in order to determine if the case plan for the child is appropriate. The Board issues recommendations and has the power to petition Family Court for a judicial hearing on behalf of the child.

Periodic reviews for children in out-of-home placement conducted by independent citizen review committees are assisting the State to comply with federal review requirements. The purpose of the Board's child review program is to monitor the case plans made for children and families involved in the State's out of home programs.

Geographic Organization

The Board is organized into 12 review committees, in order to conduct reviews of children. These 12 review committees meet twice a month at various locations — Wilmington, Dover, Milford and Georgetown.

Personnel

Approximately 85 citizen volunteers comprised the Foster Care Review Board in Fiscal Year 1994. Board members are appointed by the Governor and serve terms of not more than three years. Not more than a simple majority of the Board may be members of either major political party. The Governor designates one member who serves at his pleasure as Chairman of the Board. The Board has an Executive Director who employs additional support personnel.

Performance

During FY 1994, the Board conducted 1494 reviews of children in foster care. The Board's volunteer citizens generate about 10,000 volunteer hours annually.

The Board also administers the Ivyane Davis D.F. Memorial Scholarship. Approximately \$24,000 was distributed to colleges in FY 1994 on behalf of 13 deserving Delaware residents who have been in foster care.

VIOLENT CRIMES COMPENSATION BOARD

Legal Authorization

The Violent Crimes Compensation Board is authorized by 11 *Delaware Code*, Chapter 90.

Purpose

It is the purpose of the Violent Crimes Compensation Board to "promote the public welfare by establishing a means of meeting the additional hardships imposed upon the innocent victims of certain violent crimes and the family and dependents of those victims". The Board may offer up to \$25,000 in compensation to those who are (1) victimized in the State of Delaware or (2) are residents of the State of Delaware and are victimized in a state that does not operate a crime compensation program. The Board receives a 18% penalty assessment which, by law, is added onto every fine, penalty and forfeiture assessed by the courts. The Fund is also replenished through court ordered restitution and through federal assistance.

Geographic Organization

The Board is responsible for handling requests for compensation throughout the State of Delaware.

Hearings on these requests may be held anywhere in the State at the convenience of the victim, with the Administrative Office of the Board located in Wilmington.

Personnel

The Violent Crimes Compensation Board consists of five members: a chairman, a vice-chairman and three additional Board members. Each member is appointed by the Governor and must be approved by the Senate before serving on the Board. The term of each Board member is three years. The Board must be composed of not more than three members of any single political party. The Board may appoint an Executive Secretary and other employees as needed up to a maximum

of eight at one time. The Board currently employs one executive director, one support services administrator, three claim investigators, one administrative secretary, and one secretary.

Caseload Trend

In Fiscal Year 1994, the Board received 412 applications for compensation. During this operational period a total of 485 claims were processed. The Board disbursed \$1,014,142 to a total of 352 successful applicants. From FY 1975 through FY 1994, the Board has received 4,253 personal injuries/death benefits claim forms and has awarded approximately \$12,291,929. Revenue receipts for FY 1994 totalled \$1,896,513.

Directory

SUPREME COURT

General Information: 736-4155

Judiciary

Chief Justice E. Norman Veasey
Justice Joseph T. Walsh
Justice Randy J. Holland
Justice Maurice A. Hartnett, III
Justice Carolyn Berger

Court Administrator

Stephen D. Taylor

Clerk of the Court/Staff Attorney

Margaret L. Naylor, Esquire

COURT OF CHANCERY

General Information: 571-2440

Judiciary

Chancellor William T. Allen
Vice Chancellor Jack B. Jacobs
Vice Chancellor William B. Chandler, III
Vice Chancellor Myron T. Steele
Vice Chancellor Bernard Balick

Master in Chancery

Richard C. Kiger, Esquire

Registers in Chancery

New Castle County
Priscilla B. Rakestraw
Kent County
Loretta L. Wooten
Sussex County
David L. Wilson, Sr

Registers of Wills

New Castle County
Joseph F. Flickinger, III
Kent County
Ross W. Trader
Sussex County
Howard Clendaniel

SUPERIOR COURT

General Information: 571-2380

Judiciary

President Judge Henry duPont Ridgely
Resident Judge Vincent A. Bifferato
Associate Judge Richard S. Gebelein
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge William T. Quillen
Associate Judge Susan C. Del Pesco
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves
Associate Judge Charles H. Toliver, IV
Associate Judge Carl G. Goldstein
Associate Judge Haile L. Alford
Associate Judge Richard R. Cooch
Associate Judge Fred S. Silverman
Associate Judge William C. Carpenter, Jr.
Resident Judge N. Maxson Terry, Jr.

Commissioners

Alicia Howard, Esq.
Andrea Maybee, Esq.
Michael Reynolds, Esq.

Master

Bernard Conaway

Court Administrator

Thomas J. Ralston

Deputy Court Administrator

Felicia C. Cannon - New Castle County
Jesse L. Williams - Kent/Sussex Counties

Prothonotaries

New Castle County
Sharon D. Agnew
Kent County
Mary Jane Smith
Sussex County
Jeffrey L. Howell

FAMILY COURT

General Information: 571-2200

Judiciary

Chief Judge Vincent J. Poppiti
Associate Judge Jay Paul James
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman
Associate Judge William N. Nicholas
Associate Judge Jean A. Crompton
Associate Judge William J. Walls, Jr.
Associate Judge Alison Whitmer Tumas
Associate Judge Mark D. Buckworth

Court Commissioners

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Carolee M. Grillo, Esq.
Gary E. Grubb, Esq.
Pamela Deeds Holloway, Esq.
James G. McGiffin, Jr., Esq.

Masters

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John R. Carrow, Esq.
Mary Ann Herlihy, Esq.
Andrew T. Horsey
Mary Susan Much, Esq.
Martha Sackovich, Esq.
Andrew K. Southmayd, Esq.
Patricia Tate Stewart, Esq.

Court Administrator

Edward G. Pollard, Jr.

Directors of Operations

Randall K. Williams
Harry H. Hill, III

COURT OF COMMON PLEAS

General Information: 571-2430

Judiciary

Chief Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.
Judge Alex J. Smalls

Commissioner

Arlene Coppadge, Esq.

Court Administrator

Carole B. Kirshner

Clerks of the Court

New Castle County
Frederick Kirch
Kent County
Teresa Lindale
Sussex County
Doris Wilkins

MUNICIPAL COURT

General Information: 571-4530

Judiciary

Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams
Associate Judge William L. Chapman, Jr.

Clerk of the Court

T. Roger Barton

JUSTICE OF THE PEACE COURTS

General Information: 323-4530

JUDICIARY

Chief Magistrate Patricia Walther Griffin
Justice of the Peace David R. Anderson
Justice of the Peace Robert A. Armstrong
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace Clarence S. Bennett
Justice of the Peace William L. Boddy, III
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundeck
Justice of the Peace Francis G. Charles
Deputy Chief Magistrate Ronald E. Cheeseman
Justice of the Peace Jeni L. Coffelt
Justice of the Peace Thomas E. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Herman G. Hagan
Justice of the Peace Wayne R. Hanby
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Justice of the Peace Barbara C. Hughes
Justice of the Peace Thomas M. Kenney
Justice of the Peace James C. Koehring
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Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
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Justice of the Peace Joseph R. Melson, Jr.
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Justice of the Peace Barry B. Newstadt
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Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace Katharine B. Ross
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Toulson
Justice of the Peace Abigayle E. Truitt
Deputy Chief Magistrate Sheila G. Blakely
Justice of the Peace William C. Wright

Court Administrator

Thomas W. Nagle

Operations Manager

New Castle County
Anna A. Lewis
Kent/Sussex County
Harry J. Betts

Clerks of the Court

Wanda Abbott (Court 19)
Barbara Adams (Court 3)
Joanne Ash (Court 2)
Marilyn Burbage (Court 6)
Linda Chapman (Court 18)
Mildred Dorris (Court 10)
Ann Marie Ellingsworth (Court 12)
Sheila Fox (Court 16)
Ethel Iacono (Court 13, Court 14))
Gaile Kerrigan (Court 11)
Debbie Long (Court 17)
Mary Lee Lowe (Court 4)
Jill Magee (Court 5)
Marjorie Nolette (Court 7)
Linda Parton (Court 8)
Teresa Reed (Court 1)
Betty Thompson (Court 9)
Cindy Veal (Court 15)

ALDERMAN'S COURTS

Chief Alderman Thomas B. Ferry (Newark)
Alderman Harold Britton Barber
(Bethany Beach)
Deputy Chief Alderman Richard A. Barton
(Fenwick Island)
Alderman Melanie M. Buchanan (Ocean View)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Marvin Guberman (Dewey Beach)
Mayor John F. Klingmeyer (New Castle)
Alderman James P. Folsom (Newport)
Alderman Willie A. Robert, Jr. (Bridgeville)
Alderman David P. Striegel (Delmar)
Alderman Paul H. Sheridan (Laurel)

ADMINISTRATIVE OFFICE OF THE COURTS

Director

Lowell L. Groundland

Deputy Director

Michael E. McLaughlin

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New Castle County

Rene Yucht

Kent County

Aurora Gardner

Sussex County

Mary Tylecki Dickson

OFFICE OF THE PUBLIC GUARDIAN

Public Guardian

Robin Williams-Bruner

FOSTER CARE REVIEW BOARD

Executive Director

Barbara A. Brown

VIOLENT CRIMES COMPENSATION BOARD

Executive Director

Ann L. Del Negro

EDUCATIONAL SURROGATE PARENT PROGRAM

Coordinator

Janice K. Baly