
**ANNUAL
REPORT
OF
THE
DELAWARE
JUDICIARY**

1995

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1995 Annual Report of the Delaware Judiciary

(July 1, 1994 – June 30, 1995)

The Honorable E. Norman Veasey
Chief Justice of Delaware

Prepared by the

**Administrative Office
of the Courts**

Lowell L. Groundland
Director

Michael E. McLaughlin
Deputy Director

Emmett M. Partin, Ph.D.
Manager of Planning Services

Adam Golby
Statistician

LETTER OF TRANSMITTAL



STATE OF DELAWARE
ADMINISTRATIVE OFFICE OF THE COURTS

CARVEL DELAWARE STATE BUILDING
820 NORTH FRENCH STREET, 11TH FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801
(302) 577-2480

LOWELL L. GROUNDLAND
DIRECTOR

MICHAEL E. MCLAUGHLIN
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 1995 Annual Report of the Delaware Judiciary.

As always, the work and cooperation of the many individuals in the various courts and judicial agencies who supplied the statistical data and other information for this document are very much appreciated.

It is my hope that this record of events and activities in the judicial branch during the last fiscal year will be both interesting and informative.

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

E. NORMAN VEASEY
CHIEF JUSTICE

DELAWARE STATE OFFICE BUILDING
820 NORTH FRENCH STREET
P.O. BOX 1997
WILMINGTON, DELAWARE 19899

TELEPHONE: (302) 577-3700
TELECOPIER: (302) 577-3702

February 1, 1996

I take great pleasure in presenting the Annual Report of the Delaware Judiciary which describes the significant accomplishments of our court system for FY 1995. During the last year, our dedicated judges and staff disposed of record caseloads in a timely manner and launched new programs and practices designed to contribute to greater efficiency in the operations of the various courts and improved services to Delaware citizens using these courts. This year's publication emphasizes the notable actions which the Judiciary is taking to prepare the Delaware court system for the changes predicted for the next century in jurisprudence, economics, technology, and society-at-large. A new feature of the Annual Report is the message provided by the presiding judges on the state of their respective courts.

The numerous achievements of the Judiciary during the last year were made possible by the support and cooperation of Governor Thomas R. Carper and the members of the General Assembly.

The important advances made by the Delaware judicial system reflect the commitment of our judges and staff to the highest standards in administering justice and enhance the excellent reputation which our Delaware courts have maintained for so many years.

A handwritten signature in cursive script that reads "E. Norman Veasey".

In Memoriam

Associate Judge Jean A. Crompton

The Judiciary and the legal community were shocked and saddened at the sudden death of Family Court Judge Jean A. Crompton on June 14, 1995. She began her judicial career as a Magistrate in 1977, and in 1981 she earned her Doctor of Jurisprudence from Widener University's Delaware Law School. From 1986 to 1992, she was a partner in the Wilmington law firm of Crompton and Solomon. She was sworn in as a Family Court Judge on July 6, 1992.

Family Court Chief Judge Vincent J. Poppiti, when informed of Judge Crompton's passing, commented: "I will personally miss her dedication, friendship, bright wit, and strong work ethic". Judge Crompton was known for her understanding of the different domestic violence cases and for her ability to make all litigants feel that they had been treated fairly.

At the moving memorial service held for Judge Crompton on June 16 at the Trinity Episcopal Church in Wilmington, Superior Court Judge William T. Quillen captured her magnanimous spirit and beautiful personality with the following words:

How does one pay honor to Jean Ashe Crompton?

First, despite the shock of her sudden death, it seems to me important to focus on her actual life, and not the might-have-beens of an imaginary ideal future we might fantasize. The tragedy of Judge Crompton's premature death is dwarfed into insignificance by the glory of her life. The real cake is already rich; it needs no more icing.

Second, even with a proper focus on her actuality, it is important to recognize the impossibility of adequate ceremonial tribute. Remembrance is not an event, it is a process. Our memories of Jean will last as long as we do and, with that living remembrance, tribute will continue far beyond lives now in being and her example will indeed shine for some yet to be born.

At first blush, Jean seems hard to pigeon-hole. Her friendships knew no bounds. Her love was given without qualification.... Because she knew her roots, she was at home anywhere. This can be said with certainty. To Jean, life was an adventure, an adventure to be lived and enjoyed. She played a lead role in the greatest soap opera of all—life....

Why was Jean such a good Judge? Part of it was simply because she knew life on personal terms. Her father died when she was three; she saw her young step-father die as well; her mother, who survives her, became Jean's dependent, an obligation assumed naturally and with good humor. She knew marriage and she knew divorce. She knew motherhood and she knew the need to nurture children. She endured the death and illness and imprisonment of friends. In short, life had been a training ground for Jean's judgeship. She was tough and she was ready for her calling.

And how she loved being a Family Court Judge. She cared for colleagues with respect and affection. And she loved the court as an institution. It would have been fun to have seen Jean lobby the General Assembly for constitutional status for the Family Court. She was a believer.

Jean had one other quality that I feel should be mentioned in relation to her job. We all know that Jean was a sympathetic and an empathetic listener. What was not readily apparent was Jean's capacity for being hurt. She would well up when someone said or did an unkindness to her. Her eyes would momentarily betray her stoic demeanor and you could feel her sorrow and her rage. The moment would pass as if she had said, "I don't have time for this pettiness". But you knew that the unfair attack had taken a toll.

Strangely, I think it was the capacity to feel personal hurt that made Jean an even better Judge. She never lost her sense of outrage, particularly where children were concerned. Family obligations ranked high with her and unfairness in family obligations—to children, to spouses, to parents—was not to be tolerated. She knew the world's evil, but she understood its abundance did not make it acceptable. Hurt to her was personal.

Today is not a farewell. It is simply one day among others when we remember Jean, this kind and good woman....

The Delaware Judiciary acknowledges the notable contributions of Judge Jean A. Crompton to the Delaware court system, the Delaware Bar, and the community.

Acknowledgement: Judge William T. Quillen provided a copy of the eulogy which he prepared and delivered at Judge Crompton's funeral. This eulogy appeared in *In Re: The Journal of the State Bar Association* (July-August 1995), 15, 18. Biographical data was obtained from the June 15, 1995 issue of the News Journal in Wilmington, DE.

Introduction to the Delaware Court System

INTRODUCTION TO THE DELAWARE COURT SYSTEM

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 \$15,000. 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 from the Justice of the Peace Courts may be taken to the Court of Common Pleas. Over one-half of all cases are

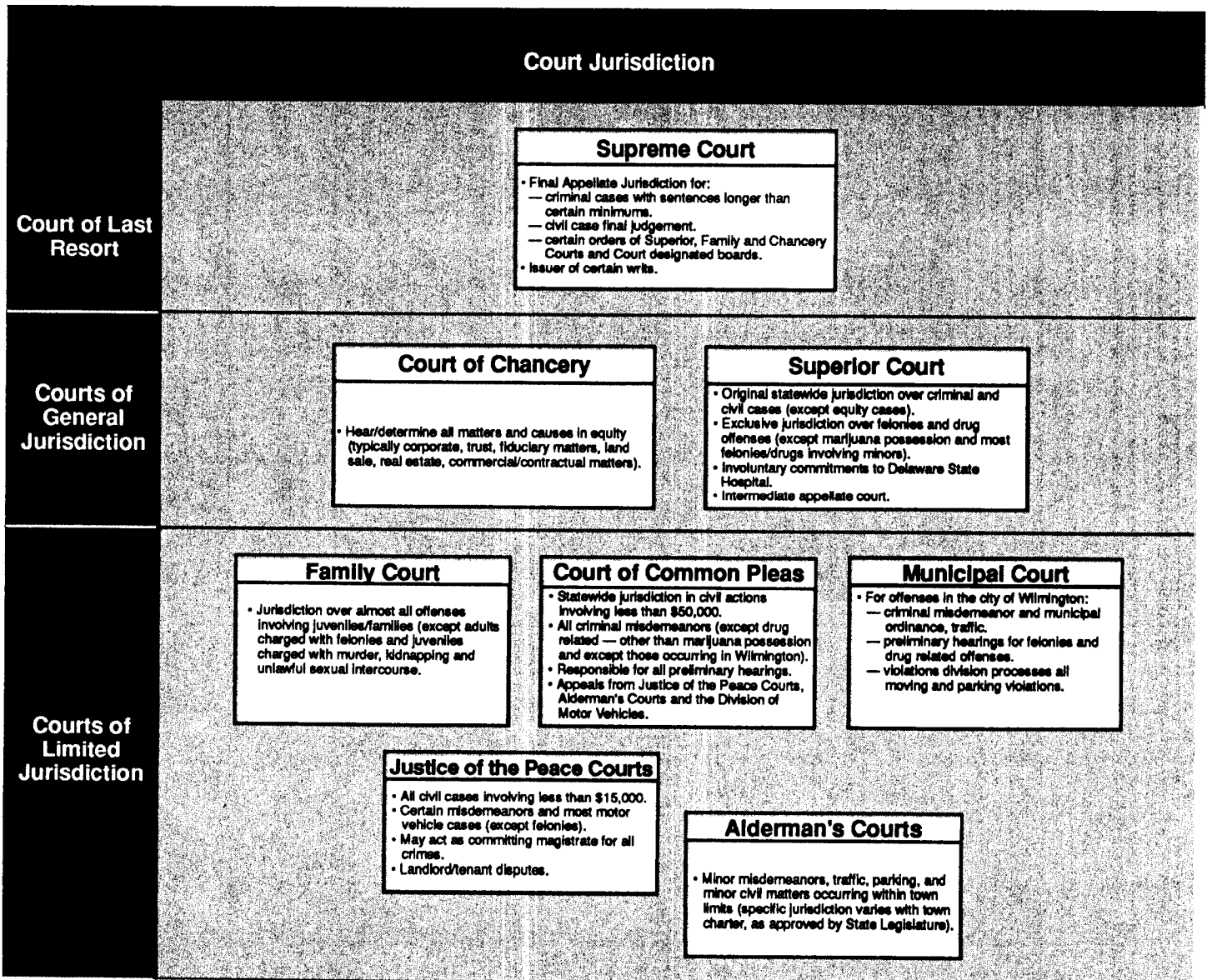


Figure 1

INTRODUCTION TO THE DELAWARE COURT SYSTEM

disposed of rapidly at the Justice of 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 \$50,000. 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 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.

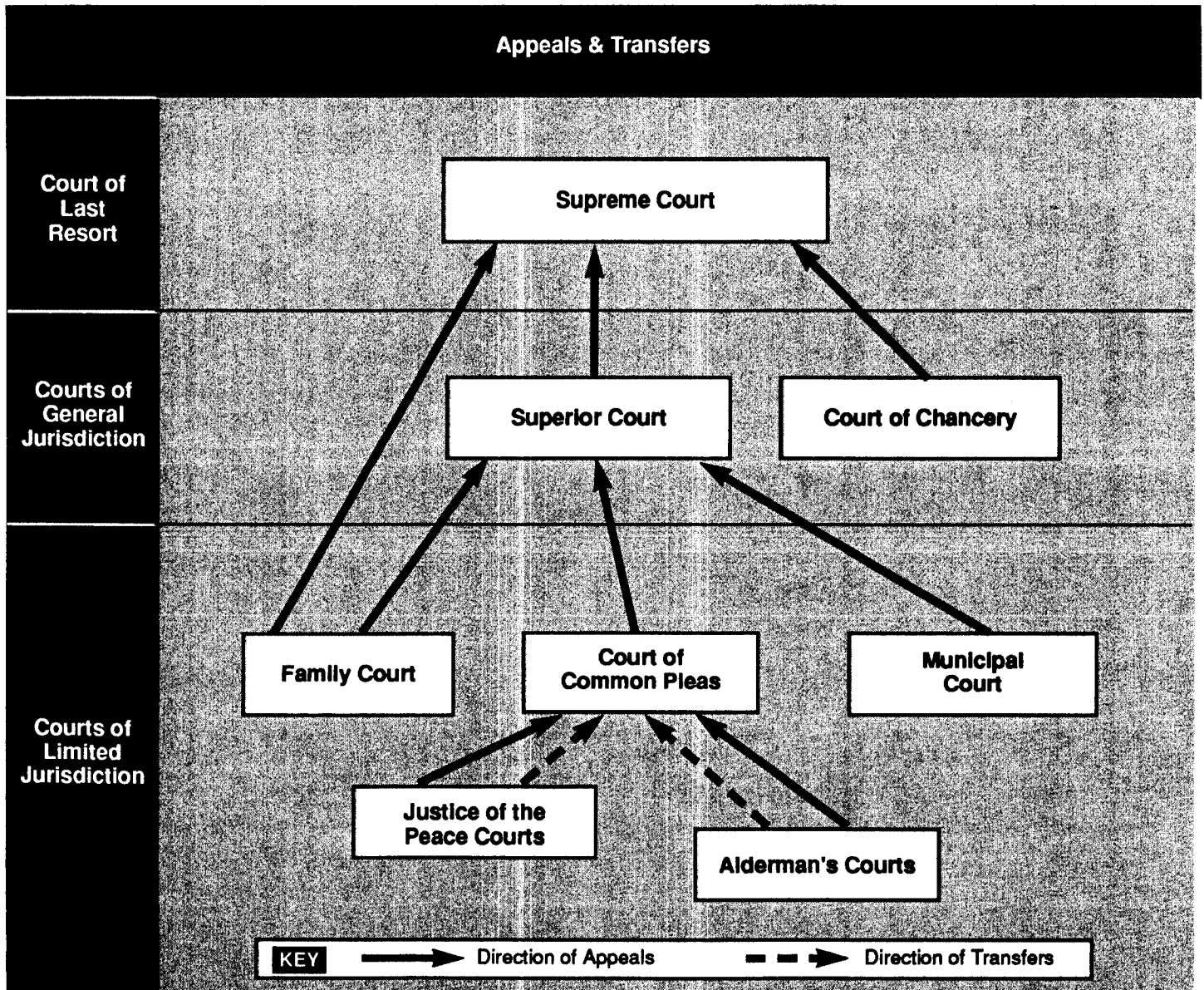


Figure 2

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 and the Central Collections Office, 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.

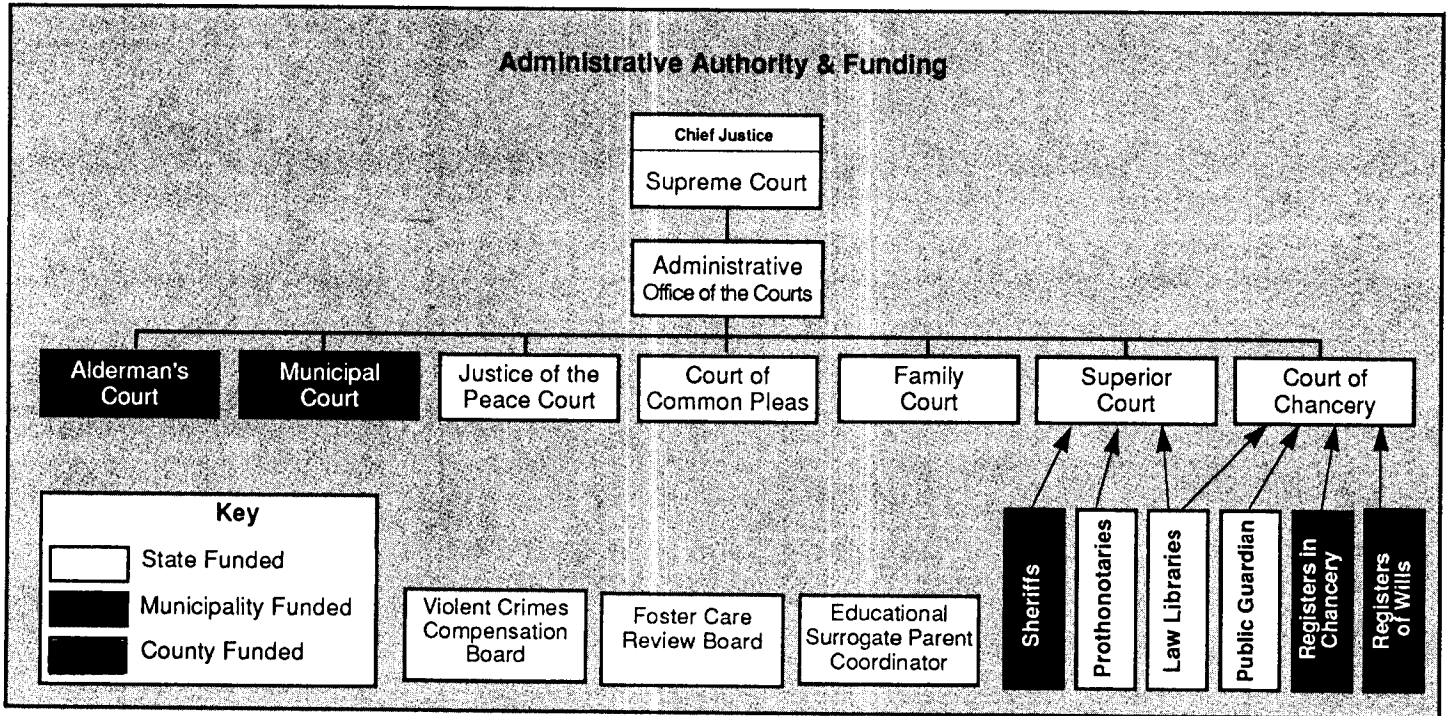


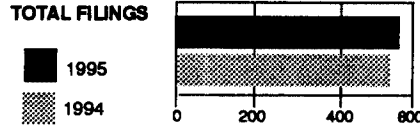
Figure 3

**Court
Caseload
Summaries
for Fiscal
Year 1995**

COURT CASELOAD SUMMARIES FOR FY 1995

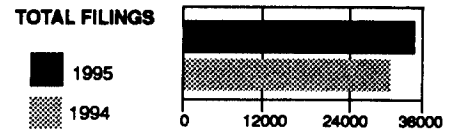
SUPREME COURT

The decrease in total filings between FY 1993 and FY 1994 was reversed with a similar increase in FY 1995. There was an increase in total dispositions as well, but it was not as great as the rise in filings.



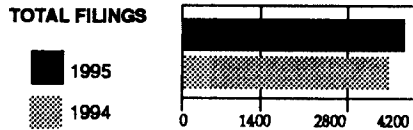
COURT OF COMMON PLEAS

There was a record level of total filings in the Court during FY 1995. This resulted from a record level of criminal filings by defendant along with an increase in civil filings after decreases during recent years.



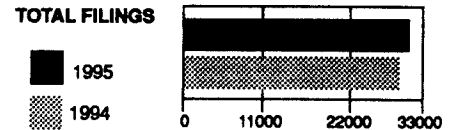
COURT OF CHANCERY

There was an increase in both civil filings and miscellaneous matters filed during FY 1995. Though there was a slight decrease in the number of estates filings, the total number of filings increased for the fiscal year.



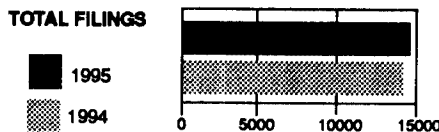
MUNICIPAL COURT

Total filings rose in FY 1995, due largely to a substantial increase in criminal filings. However, the rate of increase was not as substantial as the decreases during the previous fiscal year.



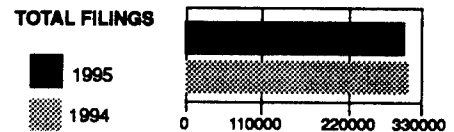
SUPERIOR COURT

A slight increase in criminal filings along with an increase in civil filings led to a rise in total filings. Total dispositions, which rose as well, were at a record level for FY 1995.



JUSTICE OF THE PEACE COURTS

The caseload for the Court fell slightly during FY 1995 with decreases in both filings and dispositions for both criminal and civil cases. This led to decreases in both total filings and total dispositions.



FAMILY COURT

The total number of filings in the Family Court rose to a record level yet again during FY 1995. The total number of dispositions rose as well to a record level for the second consecutive year.



**A Commentary On
Fiscal Year 1995
By Chief Justice
E. Norman Veasey**

A COMMENTARY ON FISCAL YEAR 1995

A COMMENTARY ON FISCAL YEAR 1995 BY CHIEF JUSTICE E. NORMAN VEASEY



The Honorable E. Norman Veasey

My message on the Judiciary for FY 1995 consists of two parts. The first will describe the major developments in the Judicial system while the second provides a view of the future directions of the Delaware court system. Both of these sections are replete with references to the recommendations of the Commission on Delaware Courts 2000 which were issued last year and described in detail in the FY 1994 Annual Report.

Major Developments in the Judiciary

INTRODUCTION

The sections below document the significant advances made by the judicial branch in using effective case processing systems, expanding the automation of specific court functions, launching a strategic plan for applying tested technologies to the court environment, standardizing and streamlining system-wide processes, and carrying out other initiatives 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.

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

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 changes in the judgeships of several of the courts in FY 1995. Former Vice Chancellor Carolyn Berger took the oath of office as a Justice of the Supreme Court to fill the vacancy left by the departure of Justice Andrew G. T. Moore, II, on July 22, 1994.

The Honorable Bernard Balick, previously a Superior Court Judge, assumed the office as Vice Chancellor on the Court of Chancery on October 13, 1994. The Honorable N. Maxson Terry, Jr., assumed the position as Resident Judge for Superior Court in Kent County on July 25, 1994. On July 13, 1994, Honorable Mark D. Buckworth, formerly a Master in Family Court, succeeded Family Court Judge Robert Wakefield who retired in June, 1994; and, on April 11, 1995 former Municipal Court Judge William L. Chapman, Jr., became a member of the Family Court bench by succeeding Judge James J. Horgan who retired on December 31, 1994. The entire Judiciary was saddened on June 14, 1995, with the sudden passing of Family Court Judge Jean A. Crompton who is honored in the "In Memoriam" in this publication.

CONTINUING JUDICIAL EDUCATION AND STAFF TRAINING

Through the Continuing Judicial Education Program administered by the Administrative Office of the Courts with appropriations from the General Assembly, our Judiciary maintained the practice of attending seminars on both a local and national level.

The Fall Judicial Education Conference, conducted on September 28-30, 1994 in Rehoboth Beach, Delaware, included the following presentations: "Advanced Evidence" by U. S. District Court Judge John P. Fullam and Professor Edward D. Ohlbaum of Temple University School of Law; "Judicial Decision Making" by New Jersey Superior Court Judge Michael Patrick King; "Fact Finding in Complex Cases" by Professor Francis E. McGovern of the University of Alabama School of Law; and "Effective Communications with Attorneys, Pro-Se Litigants, and Child Witnesses" by Dr. Anne Graffam Walker.

A COMMENTARY ON FISCAL YEAR 1995

Judges and court staff were among the more than 600 attendees at the statewide seminar on domestic violence on October 24 - 25, 1994 in Dover which was sponsored by the Judicial Education Committee of the Supreme Court. U.S. Senator Joseph R. Biden, Jr., was the luncheon speaker on October 24, and the educational program consisted of: "The Dynamics and Context of Domestic Violence" by Jann Jackson, Associate Director of the House of Ruth in Baltimore; "The Impact of Domestic Violence on Children" by Family Court Judge Dale Hutter Harris of Lynchburg, VA; and "The Causes of Battering, Batterer's Treatment, and Accountability" by Mitch Rothenberg of Common Purpose in Boston, MA.

The educational program at the December 9, 1994 Judicial Conference at the Buena Vista State Conference Center focused on the new Rules of the Court of Chancery and of the Superior Court and on judicial decision making relative to intercourt issues.

Scholarships from the State Justice Institute, the Bureau of Justice Assistance, and the Delaware Office of Highway Safety enabled 15 judges to matriculate in courses sponsored by national organizations pertinent to the concerns of state judicial systems.

Special educational programs continued to be presented for the judges of individual courts. On April 13, 1995, the Family Court Judges participated in a nationally televised satellite program, "Custody and Visitation Decision-Making When There Are Allegations of Domestic Violence", which was sponsored by the National Council of Juvenile and Family Court Judges and broadcast to 78 locations in 42 states. The Justice of the Peace Courts expanded their educational courses this year. On September 28, 1994, at Rehoboth Beach, the Judiciary of the Justice of the Peace Courts participated in a one day course featuring "Basic Trial Procedures" by Vice Chancellor Myron T. Steele and "Landlord Tenant Issues" by Christine McDermott, Esquire, Director of Volunteer Legal Services,

Widener University School of Law. At an educational program for the Judiciary of the Justice of the Peace Courts at the Buena Vista State Conference Center on December 5, 1994, Superior Court Judge Charles H. Toliver, IV, led the discussion "Trial Procedures with Superior Court" and Joseph A. Hurley, Esquire, presented the topic "Search and Seizure". The first educational retreat for the Justice of the Peace Courts on May 22-23, 1995, in Dewey Beach offered the following presentations: "Criminal Law Update" by Superior Court Judge Norman E. Barron; "Non-Attorney Judicial Systems" by Dean Kenneth A. Rohrs of the National Judicial College, Reno, Nevada; and, "DUI and Other Traffic Issues" by Joseph A. Hurley, Esquire, Gary F. Traynor, Esquire, Deputy Attorney General Paul A. Wallace, and representatives of the Delaware State Police.

The Delaware Judiciary continued its collaboration with the Delaware State Bar Association in training through the Annual Bench/Bar Conference on June 7, 1995 at the DuPont Country Club in Wilmington.

Training conducted by Wilmington College and a private consultant for court staff was offered in both New Castle and Sussex Counties during FY 1995 through a Blue Collar Jobs Act grant awarded to the Administrative Office of the Courts by the State Personnel Office. At this session, fifty court staff members expanded their skills and knowledge relating to handling high profile cases and dealing with culturally diverse clients. The Training Administrator of the Administrative Office of the Courts provided technical assistance to the staff training programs of Superior Court and the Justice of the Peace Courts. The Administrative Office of the Courts co-sponsored with the University of Delaware and New Castle County the extremely popular seminar, "Leadership Training for Women in Public Administration" on October 13, 1994 and December 2, 1994.

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. In FY 1995, the J. P. Courts were given funds for acquiring additional physical security equipment.

In the meantime, the space needs of the courts in New Castle County have become critical as their caseloads have escalated.

There is still serious concern for security in other courts. For instance, there is an urgent need in the Kent and Sussex County Courthouses to establish perimeter security, enhance exterior locking devices, and improve exterior lighting. It is also essential to provide x-ray equipment for the purpose of screening objects at the entrances of the courthouses for Family Court in the three counties.

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 that the Commission on Delaware Courts 2000 in its *Final Report* recommended that "a dedicated security service program modeled after the U. S. Marshall System and under the control of the courts . . . be established". (p. 8.) 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 confronting 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 construction of the New Courts Center (now called the Delaware Justice Center) in downtown Wilmington. At the time Delaware's revenue problems prevented the implementation of this plan.

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 building 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 in the very near future it will become necessary to rent space in outside commercial buildings for other courts unless the Delaware Justice Center becomes a reality. 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 advice of the Commission I appointed on October 6, 1994, the Delaware Justice Center Committee, co-chaired by Edmund N. Carpenter, II, Esquire, and Charles E. Welch, Esquire. Other members of the Committee are Senator James T. Vaughn, Representative Joseph DiPinto, Supreme Court Justice Joseph

A COMMENTARY ON FISCAL YEAR 1995

T. Walsh, Superior Court Judge
Vincent A. Bifferato, Ms. Carolyn S. Berger, President of Bell Atlantic Delaware, Charles M. Cawley, Chairman of MBNA America, Stacey J. Mobley, Esquire, Senior Vice President of the DuPont Corporation, Thomas J. Capano, Esquire, Daniel M. Kristol, Esquire, and Secretary of Administrative Services Vincent P. Meconi. The charge of this group is to move forward the proposal to construct a new facility 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 public, promotes efficiency in operations, and is conducive to the application of current technology.

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 into the FY 1997 capital budget of the Judiciary a funding request for the construction of new buildings for the Justice of the Peace Courts in Dover and Claymont. I have also included in the FY 1997 capital budget two other important items. Legislation authorizing the Court of Common Pleas to conduct jury trials in New Castle County requires the

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

In the Spring of 1995, the Department of Administrative Services solicited letters of interest from construction firms interested in developing a building for the courts in Wilmington. Nine proposals were presented by contractors, and in July, 1995 the Evaluation Subcommittee chaired by Secretary of Administrative Services Vincent P. Meconi held a session at which the nine developers made detailed presentations regarding all aspects of their respective proposals. Following the July session, four finalists were selected. In October, 1995, the four finalists were interviewed, after which the Delaware Justice Center Committee chose as the developer the Rubenstein Corporation of Philadelphia which proposed constructing a tower behind the Daniel L. Herrmann Courthouse at Tenth and King Streets in Wilmington. Financing for this proposal would require making lease payments to the developer out of the State funds.

The Delaware Justice Center Committee and the Delaware Judiciary are working intensely to convince the Governor and the General Assembly of the urgency of approving the Rubenstein Corporation's proposal so that the courts in Wilmington may operate in an environment that provides adequate security for judges, staff, and

renovation of a jury courtroom in the Herrmann Courthouse. Another capital budget request for FY 1997 is for continuing the renovation of the Sussex County Courthouse and Annex which is being purchased by the State from the county. The refurbishing of those

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.

quarters in Sussex County is essential for the safety and welfare of judges, staff, litigants and the general public, and for the efficient administration of these courts.

In summarizing the condition of Delaware's judicial facilities, I must stress that our courts cannot continue to handle their growing workload 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.

WORKLOAD AND RESOURCES

During the last several years, Delaware courts have experienced continually rising caseloads. From FY 1991 to FY 1995; the total caseload of Superior Court grew by 7.4%, that of Family Court by 23.3%, the Court of Common Pleas by 21.5%, and the Justice of the Peace Courts by 7.4%.

It should be pointed out that Judges in other states have remarked about the ability of the Delaware Judiciary to process and decide cases promptly, despite very heavy caseloads.

In the last two years, the Governor and the Legislature have recognized the burdens placed on Delaware courts by the escalating caseloads by providing more judges, support staff, and other resources. In 1993, two new Judges were authorized for Superior Court. In FY 1995, four commissioners were provided to Superior Court and the Court of Common Pleas, and the One Trial/One Day Jury Program was funded for Superior Court.

It should be pointed out that Judges in other states have remarked about the ability of the Delaware Judiciary to process and decide cases promptly, despite very heavy caseloads. In the Supreme Court, the average time period from the date of the submission of a case to the date of decision is substantially less than two months (24.9 days) while the record in the Court of Chancery from submission to decision is a commendable two month average. It is also noteworthy that in FY 1995 there was an improvement over the previous year in the statewide compliance rate of the Delaware courts with the time standards for the disposition of criminal cases set forth in the Speedy Trial Directive of the Supreme Court of May 16, 1990.

The Judiciary in the First State, like the executive and legislative branches, is in the process of examining its operations in order to determine how to achieve the optimal benefit from its resources through reengineering and through other sound management practices. Specific examples of these efforts can be found in the messages of the presiding judges of the trial courts in this volume.

AUTOMATION

Several significant advances were made in the field of automation in the courts. Development of the Criminal Court Management System began in Superior Court and the Court of Common Pleas in March 1995 and is scheduled for implementation in February 1996. This comprehensive case management system can be adapted to other criminal courts, requires less development time, and results in lower maintenance costs. An automated Financial Management System, installed in the Court of Common Pleas, contributes to the accuracy and speed in the accounting and collections management of fines, costs, and restitution payments. The Automated Protection from Abuse Orders project was created by the Judicial Information Center, in collaboration with DELJIS, to respond to the mandate of the legislature to facilitate police access to restraining orders in Family Court. Implemented in August 1995, this system provides police officers in the field responding to complaints of domestic violence online access to Family Court's data base when the Court is closed. Chief Judge Vincent J. Poppiti of Family Court has commented that "the importance of this data to the safety of abuse victims cannot be overstated". The Civil Automation project in the Justice of the Peace Courts, a modification of the computerized civil case processing system developed for the Court of Common Pleas, was begun in September 1995 and is scheduled for completion in the Spring of 1996.

In previous years some Judicial Information Center (JIC) staff were housed at multiple work locations because of a shortage of appropriate office space. The renovation and expansion of the JIC quarters on Parkway Circle, New Castle now permits most JIC personnel to be located at that site with a resultant improvement in the quality and efficiency of the operations of the Center. The new workplace contains a computer training facility in which 200 employees of the Judiciary have received training in personal computer operation, word processing, and an introduction to Microsoft's Windows .

A COMMENTARY ON FISCAL YEAR 1995

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 14, 1994 Administrative Directive Number 99 which created 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.

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.

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 . . .

Under the direction of the AOC and the Court Statistical Standards Committee, the courts continue to apply 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.

An important event during the year was the Supreme Court's promulgation of Administrative Directive 98 on September 27, 1994, which revised the "Personnel Rules for the Non-Judicial Personnel of the Delaware Court System" in order to make them more comprehensive and to conform more closely to the Executive Branch's Merit Rules of Personnel Administration. This directive, which became effective on November 1, 1994, sets the stage for the ultimate creation of a single personnel system for the Judicial Branch.

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 Office of State Court Collections Enforcement established in FY 1994 in the Administrative Office of the Courts has increased 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

A COMMENTARY ON FISCAL YEAR 1995

statewide are being developed and put into practice, and the automation of selected accounting functions has occurred in the Justice of the Peace Courts, Superior Court, and the Court of Common Pleas, and is scheduled to be implemented in Family Court in the near future.

. . 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.

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 1995, the AOC's Manager of Personnel Services continued to serve as a member of the Implementation Committee of the Governor's Task Force on Workforce Quality and Personnel Reform. In collaboration with the State Personnel Office, the judicial branch is and will be employing many of the initiatives 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: customized software developed to automate the job classification functions is now in use by the Delaware courts; and the statewide introduction of the Integrated Management System which will automate numerous administrative functions including those pertinent to budget and personnel. The personnel/payroll components of the last mentioned system will be phased in during the Spring of 1996.

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. Ms. Sharon Edrodean, Mediation/Arbitration Officer in the Family Court in Sussex County was the recipient of this honor in 1994 for her public service record and job performance of the highest caliber. Supreme Court Justice Joseph T. Walsh presented the award to Ms. Edrodean at a ceremony held in the Family Court in Georgetown on June 16, 1995. Ms. Edrodean was also recognized as the Judicial Branch nominee for the 1994 Delaware Award for Excellence by Governor Thomas R. Carper at a dinner held on May 2, 1995 in celebration of Public Service Recognition Week.



I want to acknowledge the dedication and hard work 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 described above.

A COMMENTARY ON FISCAL YEAR 1995

Directions of the Future

THE PROPOSALS OF THE COMMISSION ON DELAWARE COURTS 2000

The Final Report of the Commission on Delaware Courts 2000 was released on May 16, 1994. The Commission, co-chaired by O. Francis Biondi, Esquire, and Rodman Ward, Jr., Esquire, and constituted by members of all three branches of the government, is to be commended for producing in their report the most thorough evaluation of our judicial system ever produced. In my opinion, this publication ranks as one of the superior futures studies produced to date in the United States.

I would like to cite the recommendations of the Commission which have been implemented, comment on those which are in the process of being implemented, and identify those which I believe should be adopted for the benefit of the Judiciary.

Among the bills endorsed by the Commission which were signed into law in early FY 1995 were the following:

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 and the Alderman's 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 589 - authorizes Clerks of the Court to enter default judgments in the JP Courts, as they do in other courts.

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

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.

The Final Report of the Commission on Delaware Courts 2000 was released on May 16, 1994. . . . In my opinion, this publication ranks as one of the superior futures studies produced to date in the United States.

The legislation below proposed by the Commission was signed into law in late FY 1995 or early 1996.

House Bill 151 - transferred jurisdiction for the appointment of a guardian and approval of a settlement of a disabled person from the Chancery Court to the Superior Court.

Senate Bill 87 - amended House Bill 533 to include Title 11 (criminal) offenses in the revised appellate jurisdiction for the Court of Common Pleas.

Senate Bill 92 - (with Senate Amendment 1) increases the demarcation line between select Class A and Class B misdemeanors and certain Class G felonies and Class A misdemeanors from \$500 to \$1,000.

There are several legislative proposals set forth by the Commission which I strongly believe should be passed to improve our judicial system.

A COMMENTARY ON FISCAL YEAR 1995

While the first leg of the constitutional amendment granting constitutional status to Family Court and the Court of Common Pleas was passed on June 20, 1994 with the enactment of House Bill 565, the legislature failed to enact the second leg of this amendment. I urge the passage of HB 161 which will bestow on these two important trial courts constitutional status. Another constitutional amendment supported by the Commission was the creation of 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 future.

I concur with the recommendation of the Commission to transfer the jurisdiction of the Municipal Court of the City of Wilmington to the State court system. House Bill 338 with House Amendment 1 which would have transferred this jurisdiction was passed by the House but has not been acted upon by the Senate. I also support the Commission's proposal to transfer the jurisdiction of the Alderman's Courts to the Justice of the Peace Courts system. It is my sincere hope that the General Assembly will move forward with both of these proposals.

There are numerous references to cooperation among the judicial, legislative, and executive branches of government in the recommendations of the Commission. From September 29 to October 1, 1995, representatives of the three branches of government and I attended the National Interbranch Conference on Funding the State Courts in Minneapolis. This conference focused on cooperation within each state among the legislative, executive, and judicial branches to deal with issues of court funding and vexing policy questions such as crime, domestic violence, and the impact of mandatory minimum sentences. Those of us from Delaware attending this session concluded that Delaware was in better shape than many states in the important area of interbranch cooperation.

Since becoming Chief Justice, it has been my firm belief that the judicial branch should have the flexibility to allocate personnel and resources to the

most critical functions at hand. This flexibility should be within the limits of the overall expenditures of this branch established by the Legislature and approved by the Governor and accompanied by the proper exercise of accountability.

I want to emphasize that the Judiciary will continue to involve the other two branches of government in the major new initiatives which it undertakes to improve the Delaware court system.

The implementation of the Commission's recommendation regarding the increase in judicial salaries 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 STRATEGIC PLANNING PROCESS

Throughout its report, the Commission 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 available resources should be used to achieve greatest efficiency without impairing the administration of justice or existing personnel policies.

A COMMENTARY ON FISCAL YEAR 1995

To date, the labors of Mr. Schmutz and his colleague, George Cattermole of the DuPont Corporation, have resulted in the launching of a strategic planning process by the Supreme Court. This process was begun on October 14-15, 1995, at a Supreme Court retreat at which the Justices engaged in a four-step exercise involving: evaluating the current state of the Judiciary; describing the desired future state; developing means for achieving this ideal; and, developing methods for evaluating progress toward these ends. This session was a precursor to a strategic planning process which will ultimately involve the entire Judicial Conference. On November 29, 1995, Mr. Schmutz led the Executive Committee of the Judicial Conference in a practice similar to that used at the Supreme Court retreat. At the Judicial Conference on December 8, 1995, Mr. Schmutz made a presentation on strategic planning concepts. Later in 1996, the entire Judicial Conference intends to participate in a complete strategic planning process which emphasizes the judicial management process, the budgeting system, technology, and the recommendations of the Commission on Delaware Courts 2000.

To assist the Supreme Court in assessing the progress being made in implementing the recommendations of the Commission on Delaware Courts 2000 by the various courts, I appointed James T. McKinstry, Esquire, as Special Assistant to the Chief Justice for this purpose. Mr. McKinstry submitted on December 16, 1994 his comprehensive report revealing the actions which had been taken on the Commission's recommendations regarding each of the Delaware Courts. This document will be a valuable tool in the Supreme Court's strategic planning process. (Note: More detail on the strategic planning process is provided in the Chapter on the Supreme Court.)

DIVERSITY

Throughout our court system, we have taken, are taking, and will be taking steps to ensure equal treatment in the courts for all of our citizens and equal employment opportunity in the staffing of our courts. On February 23, 1993, I issued Supreme Court Administrative Directive 90 which declared: "It is the policy of the Judicial Branch of the State of Delaware that any such bias, whether

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

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 the recognition of any instance of bias and take actions to eliminate such practices. In November 1993, Richard D. Kirk, Esq., President of the Bar Association, and I appointed the Gender Fairness Task Force. Superior Court Associate Judge Susan C. Del Pesco and Stephen E. Herrmann, Esq., were co-chairpersons and the membership represented both the Bench and the Bar. The Final Report of the Task Force, issued in August 1995, contained recommendations relating to: judges; practice of law for attorneys; court employees; criminal law; and family law.

There were specific proposals regarding the training of judges and the Bar (including continuing legal education courses) and training for court staff; the development of career ladders for Court personnel; the clarification of grievance procedures concerning sexual harassment; and the inclusion of safeguards through the use of Orders of Protection to ensure the safety of family members. The Judicial Branch has reviewed the

A COMMENTARY ON FISCAL YEAR 1995

findings of the Task Force on Gender Fairness and will begin implementing the recommendations on an incremental basis.

On April 5, 1995, I issued Administrative Directive 101 which created the Delaware Task Force on Racial and Ethnic Fairness in the Courts whose charge it is to study fair and equal treatment of all persons regardless of race or ethnicity in connection with court proceedings and Judicial Branch personnel practices. This Task Force, with representatives from the Bar, Bench, and the community, is co-chaired by Justice Randy Holland and U.S. Attorney Gregory M. Sleet and the Project Director is Christine H. Sudell, Esq. A preliminary report detailing the findings



The implementation of recommendations of the Commission on Delaware Courts 2000 by the Delaware Judiciary, the institution of a strategic planning process by the Supreme Court, and efforts being taken to ensure that Delaware Courts are exempt from bias in the present and the future are important steps in the Delaware Court system's plan to collaborate with the executive and legislative branches and the public in charting the future of the First State's judicial system with the aim of dispensing justice fairly and efficiently in the climate of rapid changes in demographics, economics, technology, and jurisprudence forecast for the next century.

Throughout our court system, we have taken, are taking, and will be taking steps to ensure equal treatment in the courts for all of our citizens and equal employment opportunity in the staffing of our courts.

and recommendations of the Task Force will be submitted to the Chief Justice on or before May 1, 1996, after which the Task Force will hold public hearings in all three counties. The final report of the Task Force will be submitted to the Chief Justice on or before November 1, 1996.

The Supreme Court has actively supported the Delaware State Bar Association's Redding Fellowship Program which grants fellowships to minority and disadvantaged first year law students who have outstanding records and potential. The Program is providing job opportunities in a creative Summer program with the expectation that many of these outstanding students will become Delaware lawyers in the future.

Fiscal Overview

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS - FISCAL YEAR 1994-1995-1996-1997

	F.Y. 1994 Actual Disbursement	F.Y. 1995 Actual Disbursement	F.Y. 1996 Appropriations	F.Y. 1997 Request
STATE*				
Administrative Office of the Courts	\$ 3,270,200	\$ 2,921,500	\$ 2,533,600	\$ 2,884,200
Judicial Information Center	1,373,500	1,671,600	1,449,200	3,591,200
Central Collections	0	253,330	290,700	369,800
Supreme Court	1,627,400	1,895,700	1,954,900	2,090,300
Continuing Judicial Education**	38,000	37,600	37,300	51,300
Court of Chancery	1,592,800	1,657,200	1,722,600	1,736,500
Public Guardian	247,900	292,100	298,400	325,000
Superior Court	10,086,500	11,529,100	12,464,000	12,873,900
Law Libraries	398,000	412,200	430,100	491,500
Family Court	11,689,800	12,562,000	12,679,400	13,045,900
Court of Common Pleas	2,970,000	3,316,200	3,755,800	3,694,200
Justice of the Peace Courts	8,002,700	8,360,000	9,584,000	9,497,800
Violent Crimes Compensation Board	1,380,800	1,319,700	2,133,600	2,137,800
Foster Care Review Board	279,700	318,400	382,800	389,700
Educational Surrogate Parent Program	50,900	55,000	57,800	58,300
STATE TOTALS	\$ 43,008,200	\$ 46,601,600	\$ 49,774,200	\$ 53,237,400
NEW CASTLE COUNTY				
Register in Chancery	\$ 753,488	\$ 756,666	\$ 758,170	
Register of Wills	843,166	854,642	853,144	
Sheriff	1,426,900	1,402,003	1,384,348	
NEW CASTLE COUNTY TOTALS***	\$ 3,100,484	\$ 3,090,241	\$ 3,072,592	
KENT COUNTY				
Register in Chancery	\$ 138,938	\$ 140,495	\$ 148,000	
Register of Wills	133,795	150,751	138,674	
Sheriff	222,887	201,245	203,912	
KENT COUNTY TOTALS	\$ 495,620	\$ 492,491	\$ 490,586	
SUSSEX COUNTY				
Register in Chancery	\$ 107,450	\$ 111,515	\$ 118,295	
Register of Wills	131,035	136,134	143,362	
Sheriff	241,219	222,335	235,404	
SUSSEX COUNTY TOTALS	\$ 479,704	\$ 469,984	\$ 497,061	
MUNICIPALITIES****				
Municipal Court	\$ 1,196,047	\$ 1,174,439	\$ 1,258,129	
<hr/>				
GRAND TOTALS- JUDICIAL BRANCH	\$ 48,280,055	\$ 51,828,755	\$ 55,092,568	

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 1995

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	0.1%
Judicial Information Center	0	0	0	0	0	0.0%
Central Collections	0	0	0	0	0	0.0%
Supreme Court	54,200	0	0	0	54,200	2.9%
Continuing Judicial Education	0	0	0	0	0	0.0%
Court of Chancery	0	0	2,600	0	2,600	0.2%
Public Guardian	300	0	0	0	300	0.1%
Superior Court	1,513,900	312,800	6,000	166,100	1,998,800	17.3%
Law Libraries	0	0	0	0	0	0.0%
Family Court	242,700	26,700	0	17,600	287,000	2.3%
Court of Common Pleas	785,500	673,300	0	20,500	1,479,300	44.6%
Justice of the Peace Courts	3,374,600	2,319,600	0	28,900	5,723,100	68.5%
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	\$5,971,200	\$3,332,400	\$ 8,600	\$233,200	\$9,547,000	20.5%

COURT GENERATED REVENUE * - FISCAL YEAR 1995

RECEIVED BY VICTIMS COMPENSATION FUND

	Fines	Fees and Costs	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Superior Court	0	\$ 287,599	0	0	\$ 287,599	—
Family Court	0	10,322	0	0	10,322	—
Court of Common Pleas	0	220,741	0	0	220,741	—
Municipal Court	0	96,495	0	0	96,495	—
Justice of the Peace Courts	0	1,136,239	0	0	1,136,239	—
Alderman's Courts	0	174,327	0	0	174,327	—
Restitution	0	50,944	0	0	50,944	—
Other	0	42,832	20,570	117	63,519	—
VICTIMS COMPENSATION FUND TOTALS	0	\$2,019,499	20,570	117	\$2,040,186	154.6%

*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 1995 Revenue divided by FY 1995 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 1995

SUBMITTED TO NEW CASTLE COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 543,922	\$ 0	\$ 99,138	\$ 0	\$ 643,060	85.0%
Register of Wills	1,734,623	0	0	0	1,734,623	203.0%
Prothonotary	21,504	3,527	0	0	25,031	32.5%
Sheriff	960,045	0	3,000	2,787	965,832	69.8%
Justice of the Peace Courts	640,829	0	0	0	640,829	7.7%
NEW CASTLE COUNTY TOTALS	\$3,900,923	\$ 3,527	\$102,138	\$ 2,787	\$4,009,375	109.0%##

COURT GENERATED REVENUE * - FISCAL YEAR 1995

SUBMITTED TO KENT COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 14,976	\$ 0	\$ 0	\$ 0	\$ 14,976	10.7%
Register of Wills	323,729	0	0	5,175	328,904	218.2%
Sheriff	164,459	0	0	0	164,459	81.7%
Justice of the Peace Courts	13,890	0	0	0	13,890	0.2%
KENT COUNTY TOTALS	\$517,054	\$ 0	\$ 0	\$ 5,175	\$522,229	103.2%##

COURT GENERATED REVENUE * - FISCAL YEAR 1995

SUBMITTED TO SUSSEX COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 52,056	0	\$ 1,476	\$ 0	\$ 53,532	48.0%
Register of Wills	791,393	0	0	0	791,393	581.3%
Sheriff	185,669	0	0	0	185,669	83.5%
Justice of the Peace Courts	141	0	0	0	0	0.0%
SUSSEX COUNTY TOTALS	\$1,029,259	0	\$ 1,476	\$ 0	\$1,030,735	219.3%##

*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 1995 Revenue divided by FY 1995 Actual Disbursement.

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

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE * - FISCAL YEAR 1995

SUBMITTED TO MUNICIPALITIES

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Court of Common Pleas	\$ 0	\$ 486,488	\$ 0	\$ 0	\$ 486,488	14.7%
Municipal Court	129,721	457,699	0	0	587,420	50.0%
Justice of the Peace Courts	2,883,210	0	0	0	2,883,210	34.5%
Alderman's Courts	1,109,135	456,363	0	9,592	1,575,090	N.A.
MUNICIPALITIES TOTALS	\$4,122,066	\$1,400,550	\$ 0	\$ 9,592	\$ 5,532,208	N.A.

COURT GENERATED REVENUE * - FISCAL YEAR 1995

GRAND TOTALS - JUDICIAL BRANCH

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
TOTALS	\$17,560,001	\$4,736,477	\$132,784	\$250,871	\$22,681,733	41.2%##

RESTITUTION - FISCAL YEAR 1995

Court	Restitution Assessed	Restitution Collected	Restitution Disbursed
Supreme Court	\$ 0	\$ 0	\$ 0
Court of Chancery	0	0	0
Superior Court			
New Castle County Prothonotary	3,282,423	528,271	530,555
Kent County Prothonotary	683,682	187,896	152,217
Sussex County Prothonotary	774,689	226,377	203,055
Family Court	305,830	142,129	133,325
Court of Common Pleas	198,001	176,702	155,238
Municipal Court	N/A	57,122	44,336
Justice of the Peace Courts	106,957	84,193	68,875
TOTALS	\$5,351,582	\$1,402,690	\$1,287,601

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 1995 Revenue divided by FY 1995 Actual Disbursement, which includes State general, federal, and other funds.

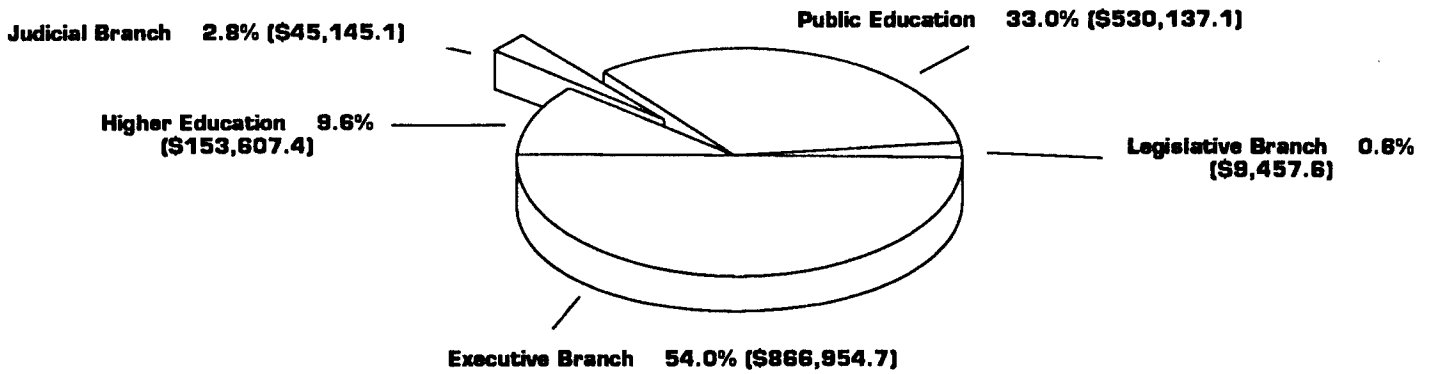
This figure is approximate as some expenditure data is not available.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

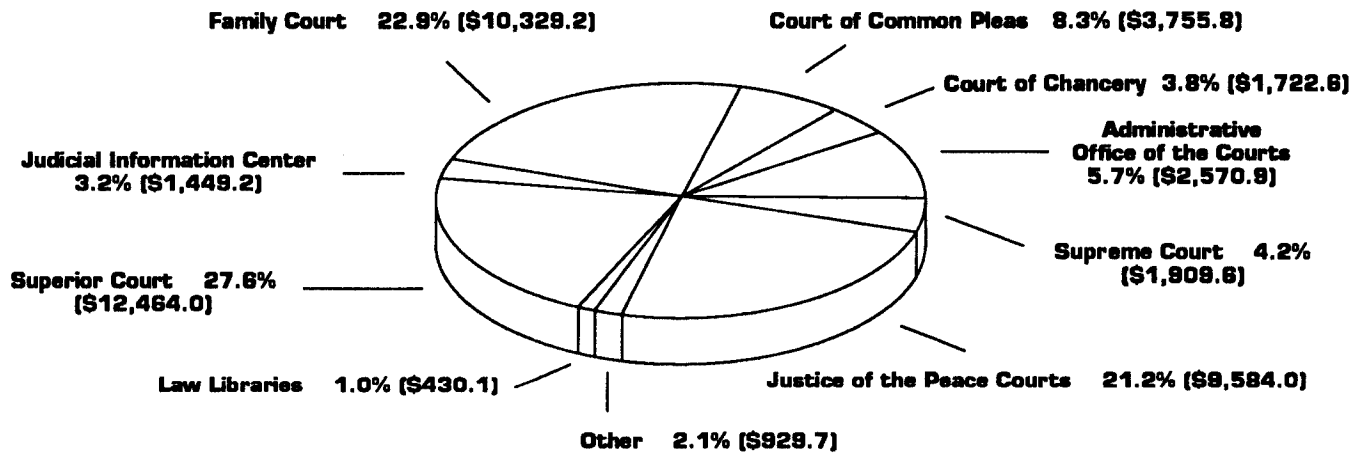
DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) - FISCAL YEAR 1996

STATE APPROPRIATIONS - TOTAL (\$1,605,301.9)



DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) - FISCAL YEAR 1996

STATE APPROPRIATIONS - JUDICIARY (\$45,145.1)



Other: Public Guardian 0.7% (\$298.4), Central Collections Office 0.7% (\$290.7), Foster Care Review Board 0.6% (\$282.8), Educational Surrogate Parent Program 0.1% (\$57.8).

*State general fund monies only.

Source: 138th General Assembly, House Bill 350.

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

MESSAGE FROM THE CHIEF JUSTICE



Chief Justice E. Norman Veasey

The Supreme Court of Delaware, along with the Court of Chancery and the Superior Court, continues to gain prominence in the management of national government issues. At the same time Delaware's highest court is meeting the challenge of handling its rising caseload in a timely manner. As the caseload data on the following pages indicate, the Supreme Court's cases rose by 8.6% in FY 1995 over the previous year. It is especially noteworthy that the Court decreased the time from the submission of a matter to the date of disposition from 40.7 days in FY 1994 to 24.9 days in FY 1995.

In FY 1995, the Supreme Court of Delaware received a grant award from the U.S. Department of Health and Human Services to assess and improve how Delaware courts handle proceedings relating to foster care, termination of parental rights, and adoption. In the "Court Improvement Program", the Supreme Court of Delaware is joining other states in streamlining court procedures in these case categories. During the last year, the project completed the following activities relating to the status of how these cases are handled.

- A Task Force composed of practicing lawyers, judicial officers, court staff, and representatives from the State child welfare system reviewed and examined the Delaware laws and Court rules and procedures relating to abused, neglected, and dependent children in court proceedings to determine their conformity with federal laws and regulations. The Task Force presented its findings and recommendations in a report on September 25, 1995.
- On September 15, 1995, the project issued a report describing Family Court forms, procedures, and the flow of petitions in cases involving children in foster care, termination of parental rights, and adoption.

- The Delaware project has conducted in-depth reviews of the records of 300 cases involving abused and neglected children filed in Family Court in 1993. In addition, the project has completed its review of records for all termination of parental rights and adoption cases filed in the State of Delaware in 1993.

This analysis is revealing a wealth of information such as: reports and service plans available to the Court; time lapse data; frequency of legal representation for all parties; frequency of change of judicial officer during the case; and findings concerning reasonable efforts, best interest, dependency/neglect, and custody.

- The project is now in the process of conducting court observations in order to assess the completeness of information received by the Court in child welfare cases and to evaluate the performance of the Delaware Court system in implementing State and federal laws, Court rules, and federal regulations in these cases.

During the next year, the Court Improvement Project will complete the assessment phase and begin the implementation of recommendations for improving the management of these important cases.

One of the most significant events in the history of the Supreme Court occurred during the last year with the initiation of a strategic planning process, described briefly in the section, "Major Developments in the Judiciary". On October 14-15, 1995, the Supreme Court formally launched this process at a retreat under the direction of Mr. John F. Schmutz, Esquire, and Mr. George Cattermole, experts in corporate management. At this session, members of the Supreme Court engaged in a four step exercise

(continued)

involving: assessing the current state of the Judiciary; describing the desired future state; developing means for achieving this ideal; and developing means for evaluating progress toward these ends. This session was merely a preparatory precursor to a strategic planning process which will ultimately involve the entire Judicial Conference. On November 29, 1995, Mr. Schmutz directed the Executive Committee of the Judicial Conference in a practice similar to that used at the Supreme Court retreat. Finally, Mr. Schmutz made a presentation on strategic planning concepts at the Judicial Conference on December 8, 1995, and led members of the Conference in exploring how to enhance the input from the trial judges to the Executive Committee of the Judicial Conference.

It is anticipated that the entire Judicial Conference will engage in a complete strategic planning process later in 1996. The by-product of these various sessions is that all Delaware courts are now involved in a strategic planning process at various levels and involving several issues. This process will permit the judiciary to set goals and objectives geared to facilitate the implementation of the principal recommendations of the Commission on Delaware Courts 2000 and to promote improvements in the judicial management process, the budgeting system, and the important area of technology.

In the end, it is hoped that the Delaware Judiciary will not only continue and enhance its national preeminence, but will stay at the cutting edge of judicial management progress.

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.

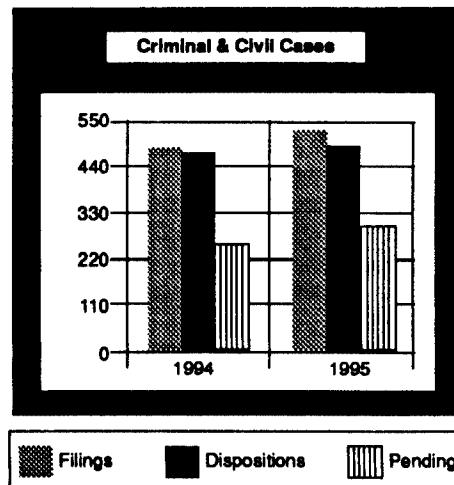
Administration

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 increased by 8.6% from 488 filings in FY 1994 to 530 filings in FY 1995. Dispositions rose by 2.6% to 495 in FY 1995 from 482 in FY 1994. The result of the greater rise in filings than dispositions was a 13.9% increase in pending from 251 at the end of FY 1994 to 286 at the end of FY 1995.

The average time from filing to disposition fell slightly from 193.5 days in FY 1994 to 188.8 days in FY 1995. The more substantial decrease was in the time from submission to disposition, which dropped from 40.7 days in FY 1994 to 24.9 days in FY 1995.



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 1995 - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
Criminal Appeals	113	194	207	100	- 13	- 11.5%
Civil Appeals	130	286	249	167	+ 37	+ 28.5%
Original Applications*	8	50	39	19	+ 11	+ 137.5%
TOTALS	251	530	495	286	+ 35	+ 13.9%

COMPARISON - FISCAL YEARS 1994-1995 - CASELOAD

FILINGS

	1994	1995	Change	% Change
Criminal Appeals	184	194	+ 10	+ 5.4%
Civil Appeals	260	286	+ 26	+ 10.0%
Certifications	6	6	0	0.0%
Original Applications	19	27	+ 8	+ 42.1%
Bd. on Prof. Resp.	13	12	- 1	- 7.7%
Bd. of Bar Exam.	6	2	- 4	- 66.7%
Advisory Opinions	0	3	+ 3	—
TOTALS	488	530	+ 42	+ 8.6%

COMPARISON - FISCAL YEARS 1994-1995 - CASELOAD

DISPOSITIONS

	1994	1995	Change	% Change
Criminal Appeals	176	207	+ 31	+ 17.6%
Civil Appeals	264	249	- 15	- 5.7%
Certifications	4	3	- 1	- 25.0%
Original Applications	22	21	- 1	- 4.5%
Bd. on Prof. Resp.	10	11	+ 1	+ 10.0%
Bd. of Bar Exam.	6	2	- 4	- 66.7%
Advisory Opinions	0	2	+ 2	—
TOTALS	482	495	+ 13	+ 2.6%

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

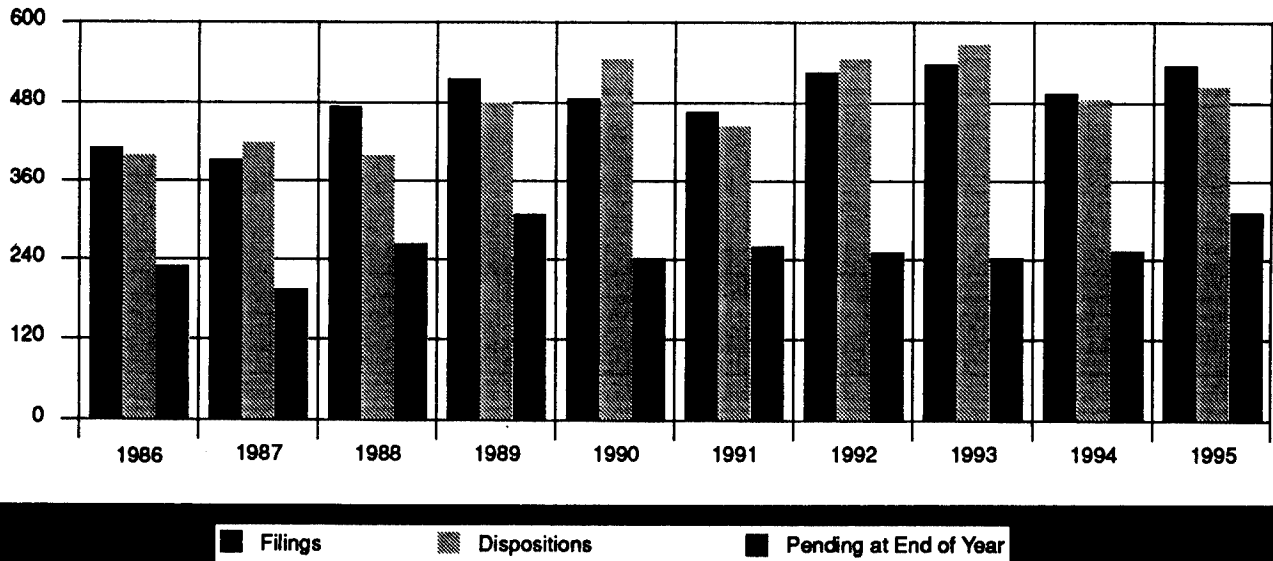
Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

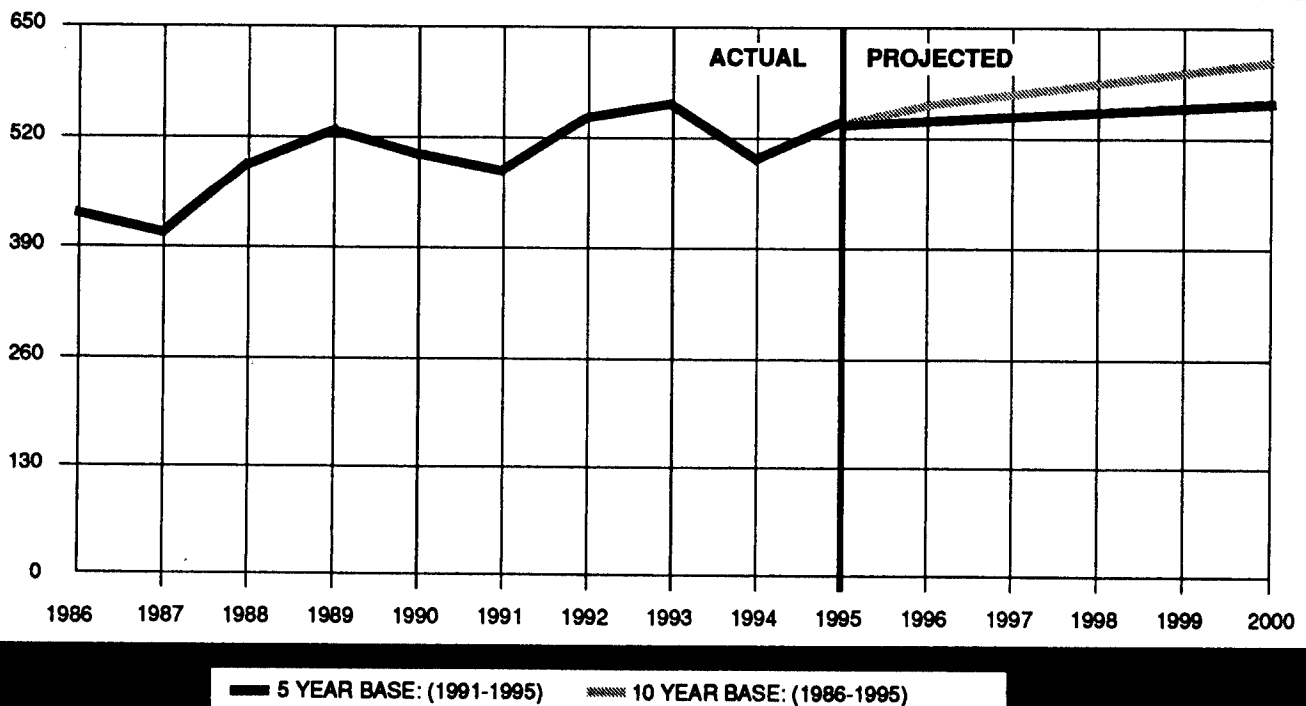
Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

SUPREME COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



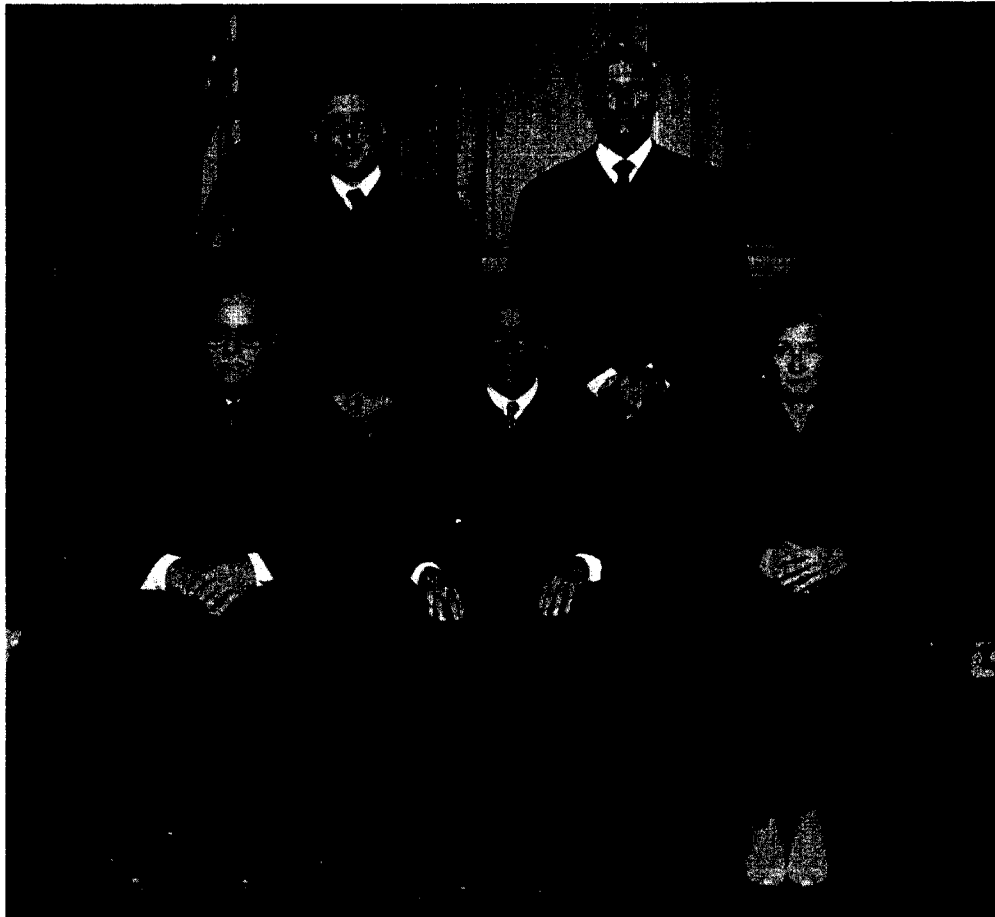
Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

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 Chancellor and Vice Chancellors are nominated by the Governor and must be confirmed by the Senate for 12-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.

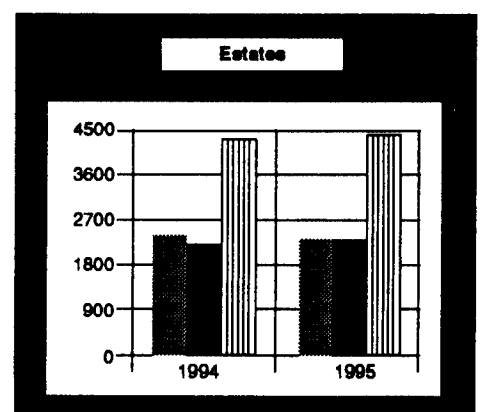
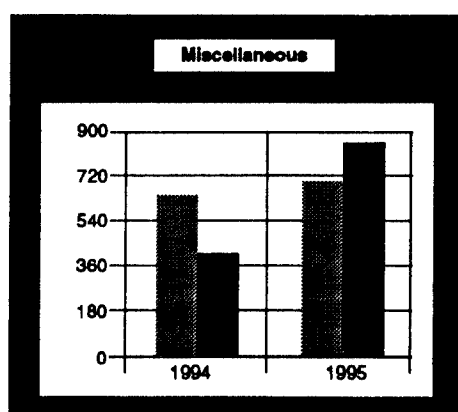
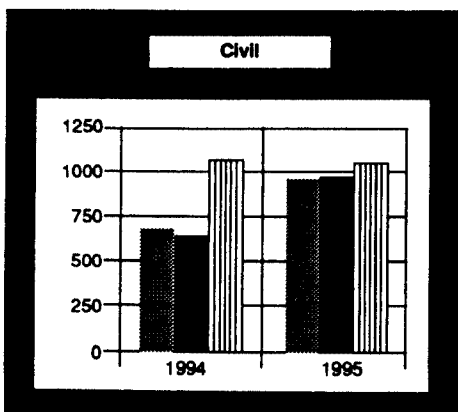
The Chancellor has the duty to appoint the Public Guardian.

Caseload Trends

There were substantial increase in both civil filings and civil dispositions during FY 1995. Civil filings rose by 30.8% from 707 during FY 1994 to 925 in FY 1995. Civil dispositions increased by 39.6% from 677 in FY 1994 to 945 in FY 1995. The greater rise in dispositions than filings resulted in the civil pending in the Court decreasing by 1.8% from 1,089 at the end of FY 1994 to 1,069 at the end of FY 1995.

Both filings and dispositions of miscellaneous matters increased during FY 1995, with a 9.2% rise in filings from 652 in FY 1994 to 712 in FY 1995. There was a dramatic increase of 112.3% in dispositions from 407 in FY 1994 to 864 in FY 1995. Pending fell by 2.2% from an amended total of 6,980 at the end of FY 1994 to 6,828 at the end of FY 1995.

Estates filed in the Court fell by 1.6% to 2,265 in FY 1995 from 2,301 in FY 1994. There was a 10.5% increase in estates closed from 2,034 during FY 1994 to 2,248 during FY 1995. There was a slight 0.4% rise in estates pending from 4,477 at the end of FY 1994 to 4,494 at the end of FY 1995.



Filings
 Dispositions
 Pending

COURT OF CHANCERY

FISCAL YEAR 1995 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	857	814	799	872	+ 15	+ 1.8%
Kent	85	43	41	87	+ 2	+ 2.4%
Sussex	147	68	105	110	- 37	- 25.2%
State	1,089	925	945	1,069	- 20	- 1.8%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

FILINGS

	1994	1995	Change	% Change
New Castle	583	814	+ 231	+ 39.6%
Kent	41	43	+ 2	+ 4.9%
Sussex	83	68	- 15	- 18.1%
State	707	925	+ 218	+ 30.8%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

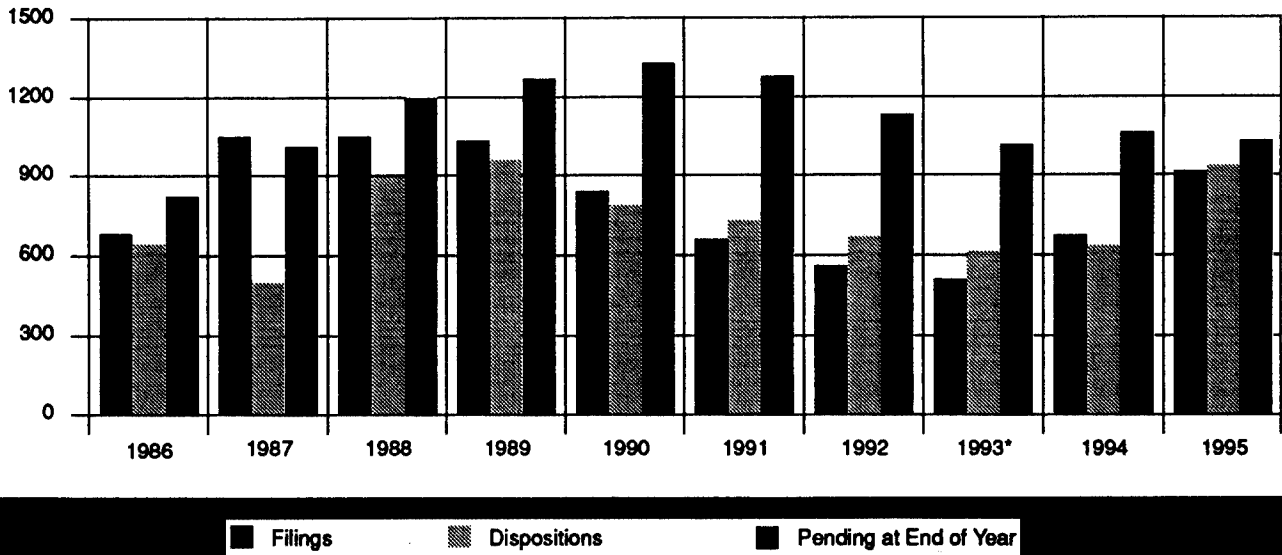
DISPOSITIONS

	1994	1995	Change	% Change
New Castle	543	799	+ 256	+ 47.1%
Kent	46	41	- 5	- 10.9%
Sussex	88	105	+ 17	+ 19.3%
State	677	945	+ 268	+ 39.6%

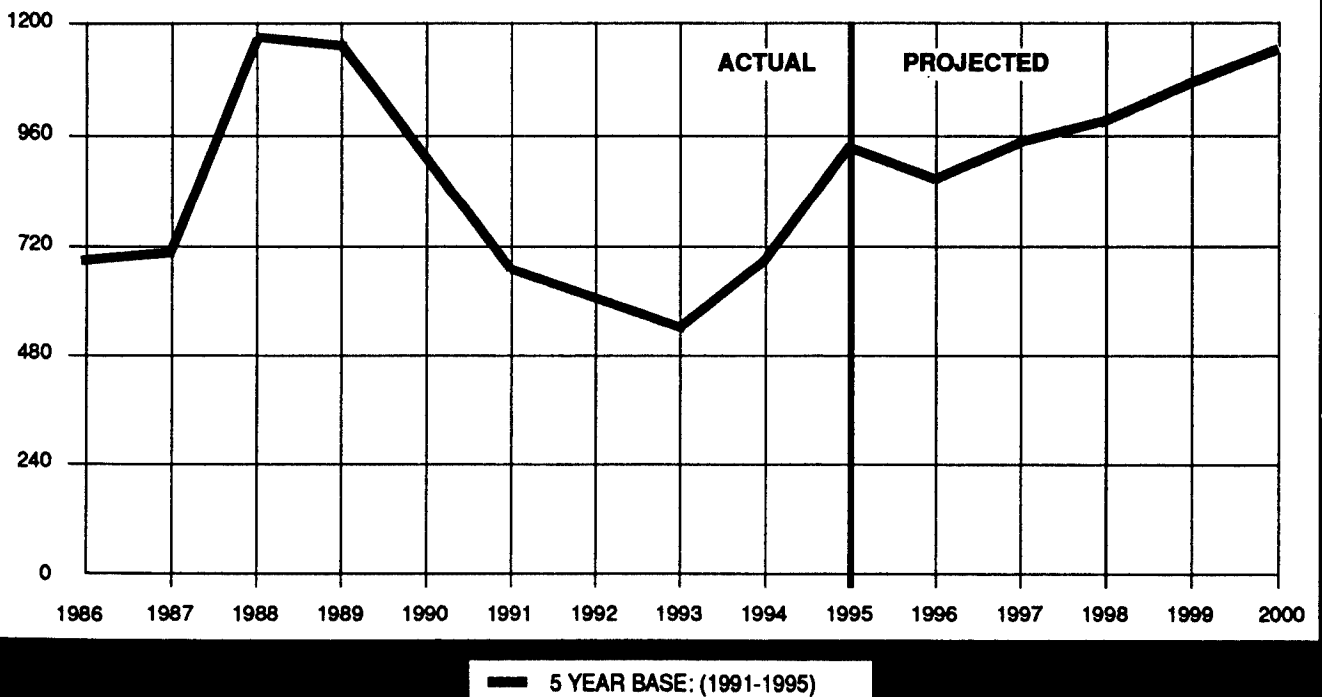
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts.

COURT OF CHANCERY — CIVIL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



NOTE: Trend lines were not used to project civil filings using a 10-year base because of the effect that the large fluctuations during these years would have.
Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts

COURT OF CHANCERY

FISCAL YEAR 1995 MISCELLANEOUS CASES - CASELOAD SUMMARY *

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change in Pending
New Castle	3,860	331	551	3,640	- 220	- 5.7%
Kent	938	113	68	983	+ 45	+ 4.8%
Sussex	<u>2,182*</u>	<u>268</u>	<u>245</u>	<u>2,205</u>	<u>+ 23</u>	<u>+ 1.1%</u>
State	6,980*	712	864	6,828	- 152	- 2.2%

COMPARISON - FISCAL YEARS 1994-1995 MISCELLANEOUS CASES - CASELOAD

FILINGS

	1994	1995	Change	% Change
New Castle	340	331	- 9	- 2.6%
Kent	87	113	+ 26	+ 29.9%
Sussex	<u>225</u>	<u>268</u>	<u>+ 43</u>	<u>+ 19.1%</u>
State	652	712	+ 60	+ 9.2%

COMPARISON - FISCAL YEARS 1994-1995 MISCELLANEOUS CASES - CASELOAD

DISPOSITIONS

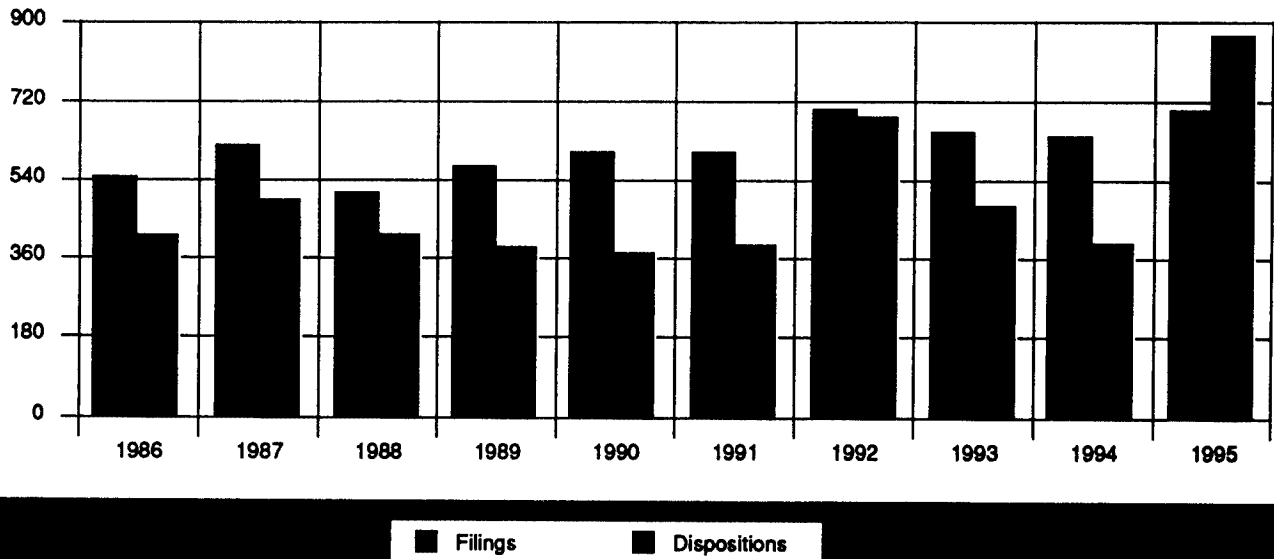
	1994	1995	Change	% Change
New Castle	208	551	+ 343	+ 164.9%
Kent	27	68	+ 31	+ 83.8%
Sussex	<u>162</u>	<u>245</u>	<u>+ 83</u>	<u>+ 51.2%</u>
State	407	864	+ 457	+ 112.3%

*Amended from 1994 Annual Report.

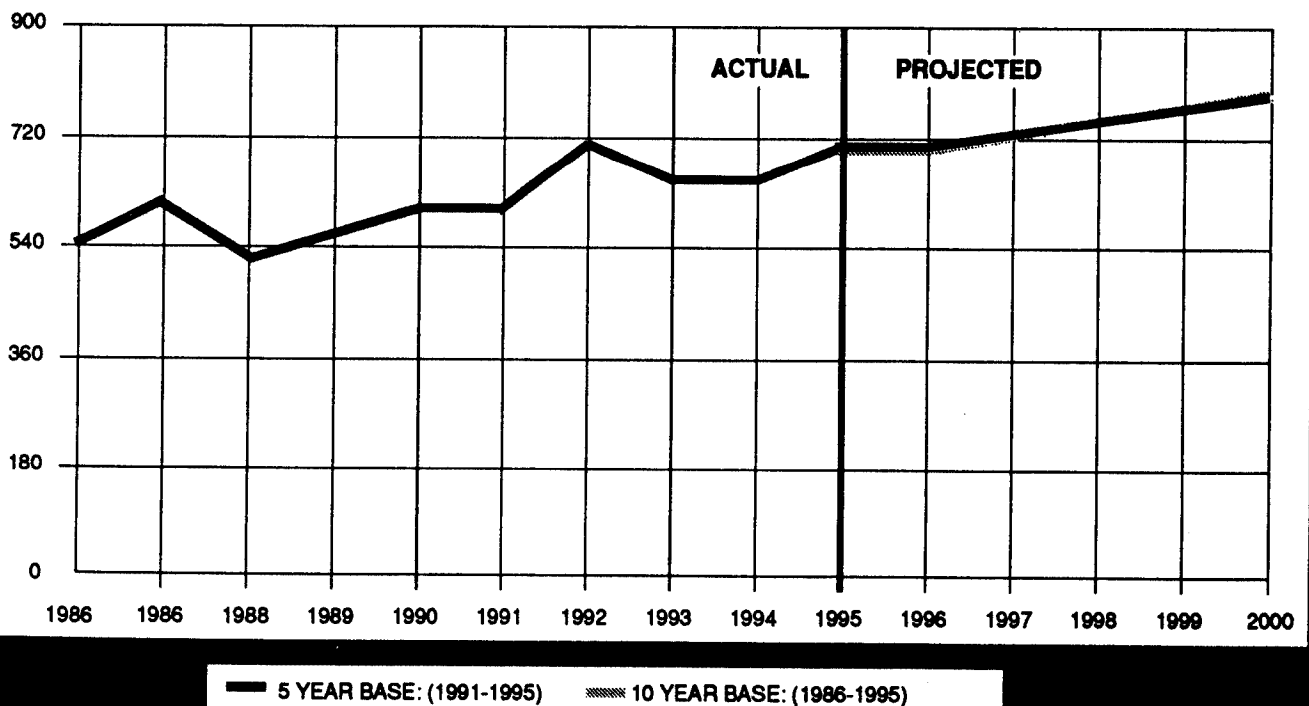
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts.

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 1995 ESTATES - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change in Pending	% Change in Pending
New Castle	2,451	1,382	1,387	2,446	- 5	- 0.2%
Kent	1,213	328	324	1,217	+ 4	+ 0.3%
Sussex	813	555	537	831	+ 18	+ 2.2%
State	4,477	2,265	2,248	4,494	+ 17	+ 0.4%

COMPARISON - FISCAL YEARS 1994-1995 ESTATES - CASELOAD

FILINGS

	1994	1995	Change	% Change
New Castle	1,434	1,382	- 52	- 3.6%
Kent	346	328	- 18	- 5.2%
Sussex	521	555	+ 34	+ 6.5%
State	2,301	2,265	- 36	- 1.6%

COMPARISON - FISCAL YEARS 1994-1995 ESTATES - CASELOAD

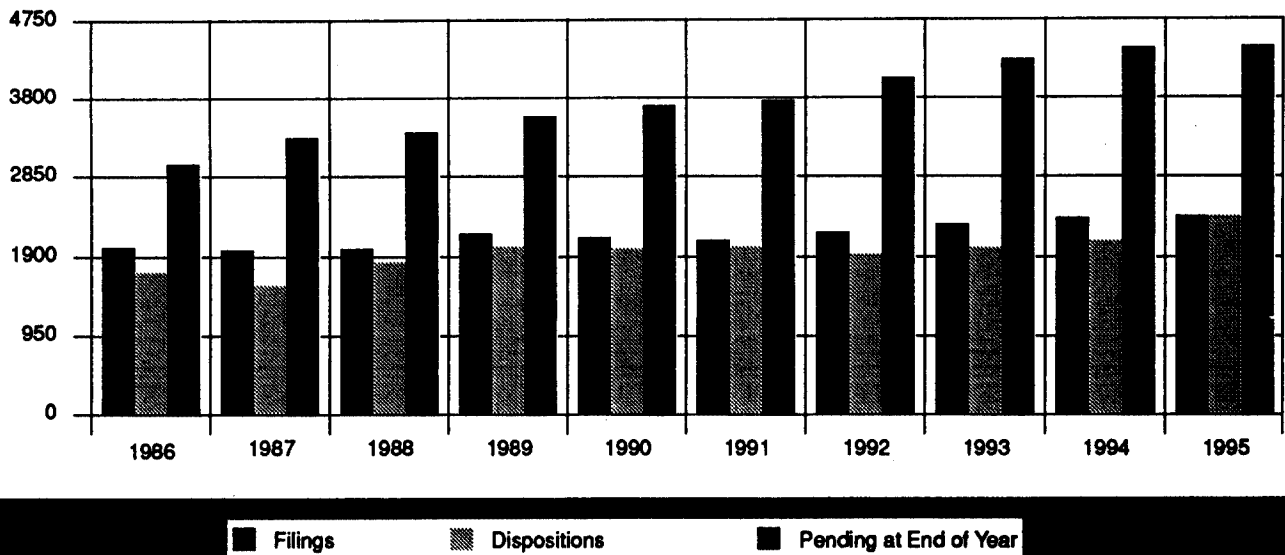
DISPOSITIONS

	1994	1995	Change	% Change
New Castle	1,251	1,387	+ 136	+ 10.9%
Kent	283	324	+ 41	+ 14.5%
Sussex	500	537	+ 37	+ 7.4%
State	2,034	2,248	+ 214	+ 10.5%

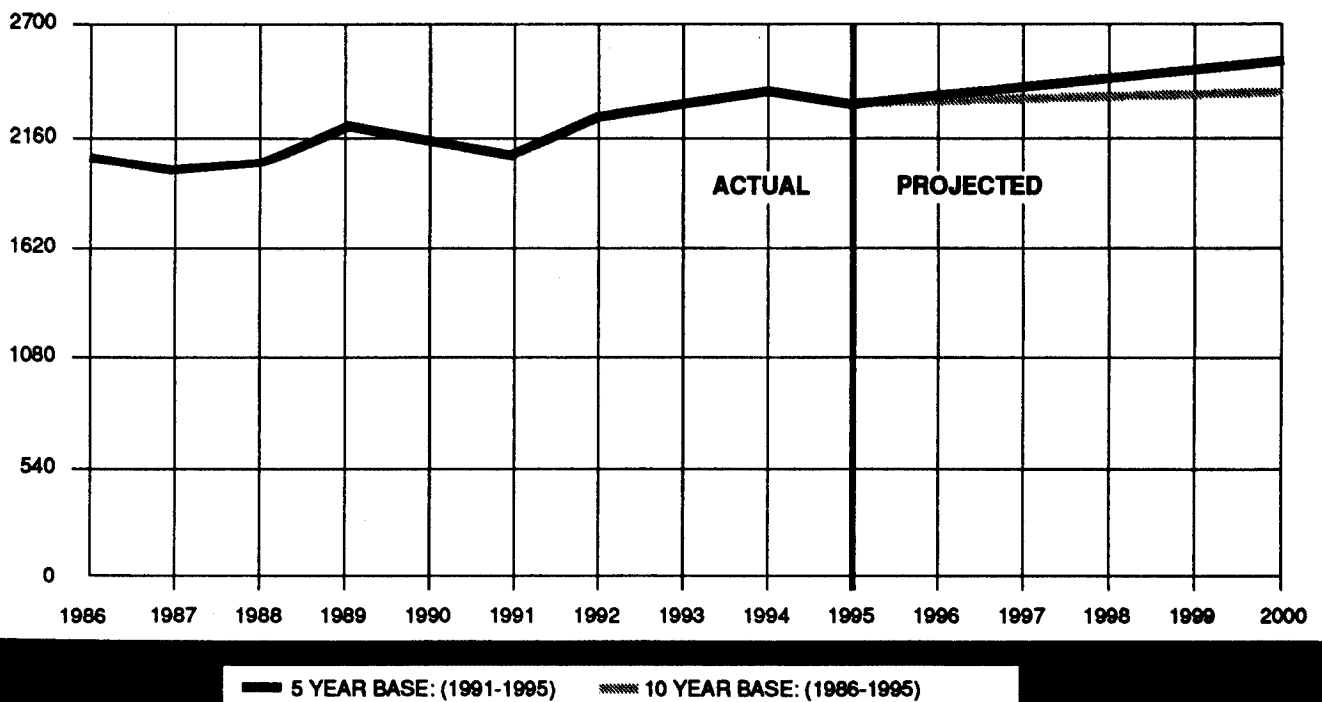
Source: New Castle County, Kent County, Sussex County Registers of Wills, Administrative Office of the Courts.

COURT OF CHANCERY — ESTATES

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

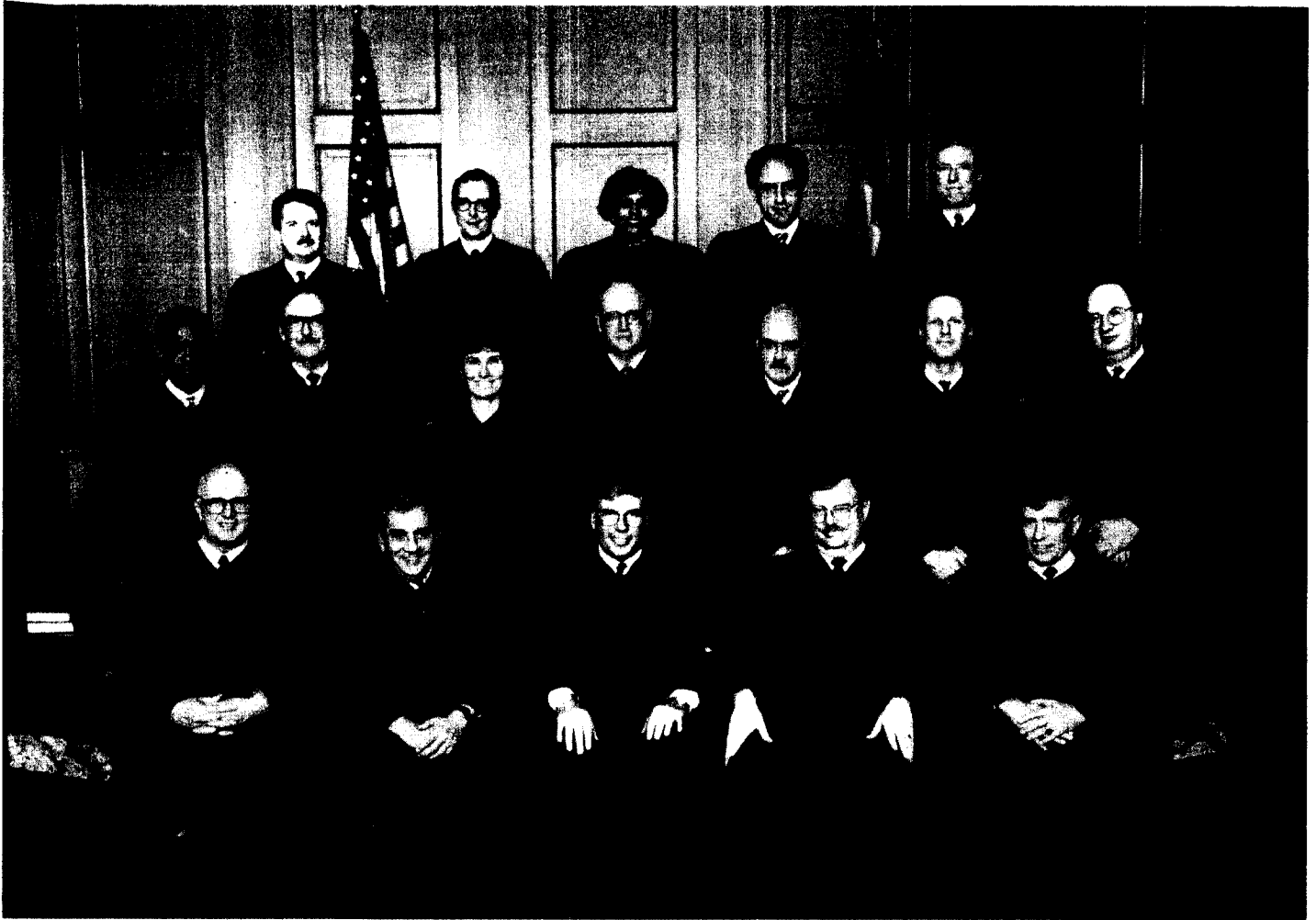


Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts

Superior Court

President Judge Henry 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.

SUPERIOR COURT



SUPERIOR COURT

Seated (Left-Right)

Associate Judge John E. Babiarz, Jr.
Resident Judge Vincent A. Bifferato
President Judge Henry duPont Ridgely
Associate Judge Richard S. Gebelein
Resident Judge William Swain Lee

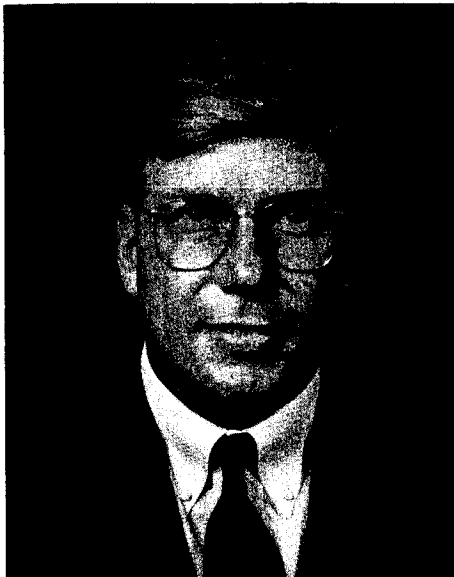
Middle (Left-Right)

Associate Judge Charles H. Toliver, IV.
Associate Judge Jerome O. Herlihy
Associate Judge Susan C. Del Pesco
Associate Judge William T. Quillen
Associate Judge Norman A. Barron
Associate Judge T. Henley Graves
Associate Judge Carl G. Goldstein

Back (Left-Right)

Associate Judge William C. Carpenter, Jr.
Associate Judge Richard R. Cooch
Associate Judge Haile L. Alford
Associate Judge Fred S. Silverman
Resident Judge N. Maxson Terry, Jr.

Message from the President Judge



**President Judge
Henry duPont Ridgely**

N. Maxson Terry, Jr. and William T. Quillen were sworn as Superior Court judges, replacing Myron T. Steele and Bernard Balick who were appointed to the Court of Chancery.

Michael Reynolds (NCC), Andrea Maybee (KC), and Alicia Howard (SC) were appointed to newly created commissioner positions.

The Court completed its first full year of operating an Expedited Drug Case Management (EDCM) program. EDCM was implemented to address the treatment needs of drug-involved defendants and reduce disposition time. The EDCM program is succeeding on both counts. The EDCM program was partially supported by a onetime grant from the State Justice Institute.

Part of the EDCM program, the Drug Court, has received national attention and recognition for its unique combination of tracks to deal with first-time drug offenders and offenders with more extensive histories of criminal activity and drug use.

Judge Richard S. Gebelein, Division Chief Judge of the Drug Court Division in New Castle County, addressed several national conferences on the subject of drug courts and testified before committees of the United States Senate and House of Representatives in behalf of drug court funding.

An administrative order establishing disposition standards for all appeals was established by the Court. The standards provide that 75% of all appeal cases shall be resolved within 290 days of filing, 95% within one year of filing and the remaining 5% as expeditiously as possible, given the length of the record, the complexity of the issues, or other circumstances. Administrative appeals arising from decisions of more than 50 boards and agencies, which are part of Superior Court's jurisdiction, are subject to this administrative order.

The Court created an individual assignment system for all civil cases and appeals. The system will be fully operational by January 1, 1996, when, for case management purposes, all pending civil cases will be assigned to a judge and all new civil cases will be assigned to a judge at the time of filing.

The Court continued to develop its capacity for alternative dispute resolution of civil cases. Another three day mediation training program was conducted for 40 attorneys. A total of 120 attorneys have now completed this program. During the Court's third Settlement Week, several hundred cases were assigned to trained attorneys for mediation. The Court also conducted arbitration seminars for members of the Bar in each county and sponsored another seminar which was attended by attorneys and members of the insurance industry.

The Court continued to refine its Complex Litigation Automated Docket (CLAD) Program. CLAD, established in 1991, provides for electronic filing of court documents and is still the most sophisticated application of electronic filing by a court in the U. S.

Judge Susan C. Del Pesco, the judge who lead CLAD's implementation, addressed 2500 judges and court managers at the Fourth National Court Technology Conference in Nashville, and she has also spoken to several other national conference about CLAD.

A one trial/one day jury reporting system was implemented in New Castle County. The term of jury service for citizens was reduced from two weeks to one day or the duration of the trial, if selected. The jury fee was increased to \$20 per day. By restructuring the payment plan so that citizens are not paid for the first day of service, the program was implemented without an increase in operating costs.

(continued)

SUPERIOR COURT

The Court continued to expand the integration of its accounting system for the receipt and posting of criminal receivables, with operations at the Probation and Parole Offices. Criminal receivables include assessments for the Victims' Compensation Fund, fines, court costs, restitution, and the Public Defender Assessment fee. The integration of accounting systems provides assistance to the Office of State Court Collections Enforcement in the Administrative Office of the Courts.

Courtroom #302 in Wilmington has become Superior Court's "Courtroom of the Future". The courtroom was redesigned to accommodate trials of multi-party, complex litigation cases and can accommodate 32 attorneys and an expanded panel of 20 jurors. The courtroom is equipped with the latest in presentation technologies and can deliver audio, video and data signals to all participants. The Court has conducted demonstrations of Courtroom 302's capabilities for many groups, including a group of judges from Texas.

A pilot study of the feasibility of using court personnel to microfilm inactive court records at the Division of Archives was begun by the Court.

An Intake Office in the Kent County Courthouse was established by the Court in coordination with Probation and Parole (P&P). The Office expedites the referral of defendants sentenced to probation and eliminates the problems which occur when a defendant fails to report to P&P. This Office has also proved to be highly effective at detaining defendants who have outstanding warrants and capiases.

Some jury boxes were modified and the capability to use hearing assist devices was installed by the Court to improve its accessibility to disabled citizens.

"Excellence in Court Service", the total quality management (TQM) program of the Court, has begun to be implemented.

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 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

SUPERIOR COURT

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.

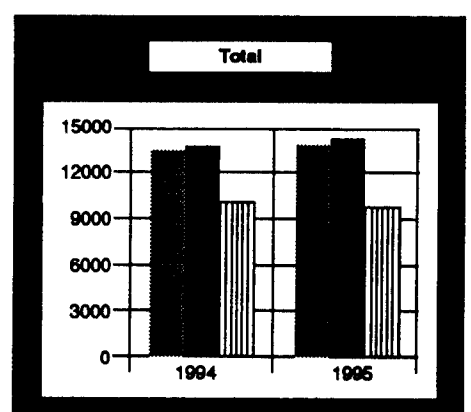
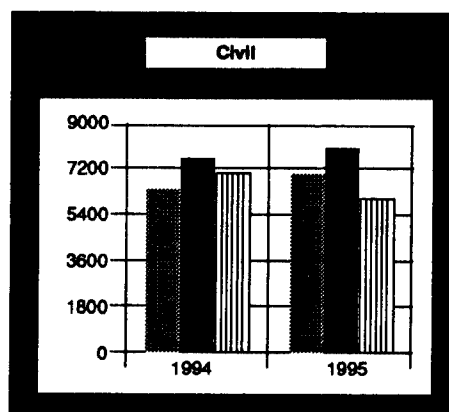
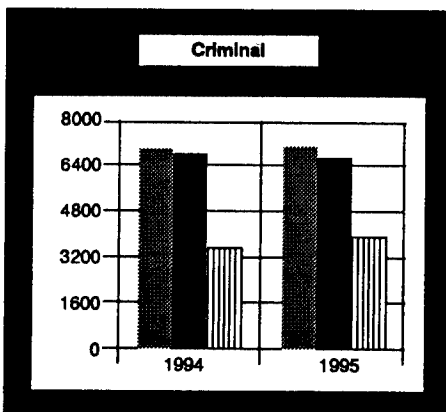
Elected Sheriffs, one per county, also serve Superior Court.

Caseload Trends

A slight increase in criminal filings and a small decrease in criminal dispositions caused a rise in criminal pending in FY 1995. Criminal filings rose by only 0.2% from 7,240 in FY 1994 to 7,253 in FY 1995. There was a 2.5% drop in criminal dispositions to 6,731 in FY 1995 from 6,907 in FY 1994. Criminal pending rose by 14.7% from 3,563 at the end of FY 1994 to 4,085 at the end of FY 1995 with increases of over 10% in all counties.

Civil filings rose by 4.1% from 6,797 during FY 1994 to 7,075 during FY 1995 because of increases of over 20% in both Kent and Sussex Counties. Civil dispositions increased by 4.8% to 7,877 in FY 1995 from 7,515 in FY 1994. The record level of dispositions led to an 11.5% decrease in civil pending from an amended total of 6,970 at the end of FY 1994 to 6,168 at the end of FY 1995.

Total filings increased by 2.1% from 14,037 during FY 1994 to 14,328 in FY 1995. Total dispositions rose by 1.3% to 14,608 in FY 1995 from 14,422 in FY 1994. There was a decrease of 2.7% in total pending from an amended total of 10,533 at the end of FY 1994 to 10,253 at the end of FY 1995.



Filings
 Dispositions
 Pending

SUPERIOR COURT

FISCAL YEAR 1995 CRIMINAL CASES - CASELOAD SUMMARY

	Number of Defendants			Pending 6/30/95	Change In Pending	% Change in Pending
	Pending 6/30/94	Filings	Dispositions			
New Castle	2,785	4,609	4,280	3,114	+ 329	+ 11.8%
Kent	394	1,224	1,111	507	+ 113	+ 28.7%
Sussex	<u>384</u>	<u>1,420</u>	<u>1,340</u>	<u>464</u>	<u>+ 80</u>	<u>+ 20.8%</u>
State	3,563	7,253	6,731	4,085	+ 522	+ 14.7%

COMPARISON - FISCAL YEARS 1994-1995 CRIMINAL CASES - CASELOAD

FILINGS

	Number of Defendants			Change	% Change
	1994	1995			
New Castle	4,731	4,609		- 122	- 2.6%
Kent	1,174	1,224		+ 50	+ 4.3%
Sussex	<u>1,335</u>	<u>1,420</u>		<u>+ 85</u>	<u>+ 6.4%</u>
State	7,240	7,253		+ 13	+ 0.2%

COMPARISON - FISCAL YEARS 1994-1995 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	Number of Defendants			Change	% Change
	1994	1995			
New Castle	4,351	4,280		- 71	- 1.6%
Kent	1,187	1,111		- 76	- 6.4%
Sussex	<u>1,369</u>	<u>1,340</u>		<u>- 29</u>	<u>- 2.1%</u>
State	6,907	6,731		- 176	- 2.5%

FISCAL YEAR 1995 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 were defendants brought before the Court of Common Pleas in New Castle County who requested jury trials before January 15, 1995. After January 15, 1995, the Court of Common Pleas began to hear jury trials.
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 1995 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 180 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 might 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., undicted 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 1995 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	4,280	192.8 days	110.3 days	141.8 days	77.4 days
Kent	1,111	89.6 days	74.2 days	59.4 days	45.1 days
Sussex	1,340	98.6 days	84.9 days	63.7 days	54.8 days
State	6,731	157.0 days	99.3 days	112.7 days	67.6 days

FISCAL YEAR 1995 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	4,280	2,318	54.2%	3,005	70.2%	3,835	89.6%
Kent	1,111	868	78.1%	1,026	92.3%	1,106	99.5%
Sussex	1,340	983	73.4%	1,224	91.3%	1,333	99.5%
State	6,731	4,169	61.9%	5,255	78.1%	6,274	93.2%

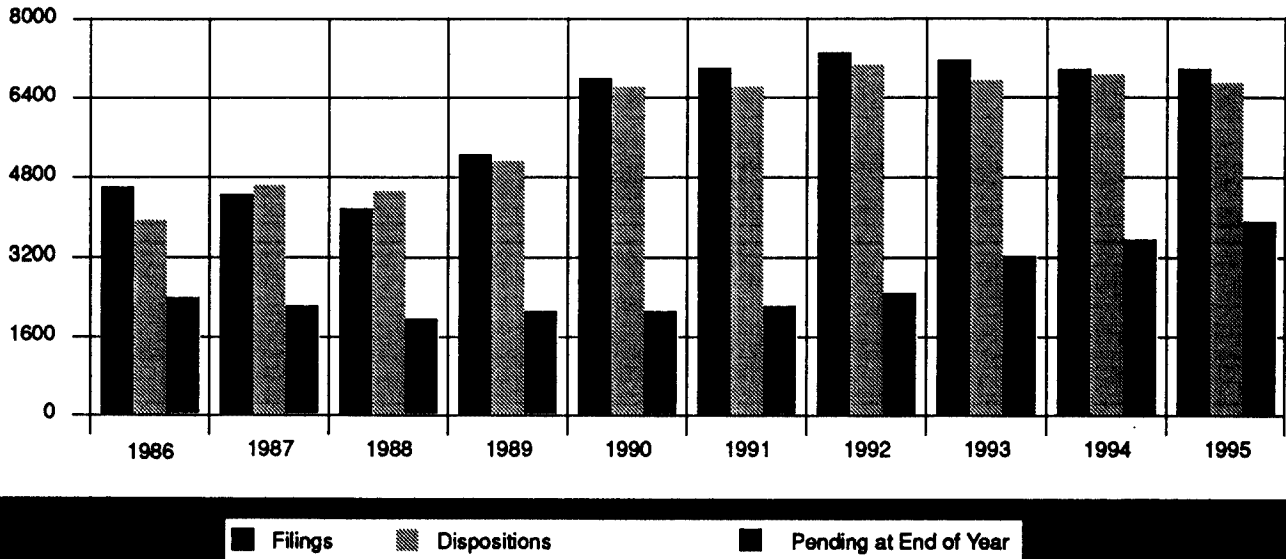
*Calculated using grouped medians method.

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

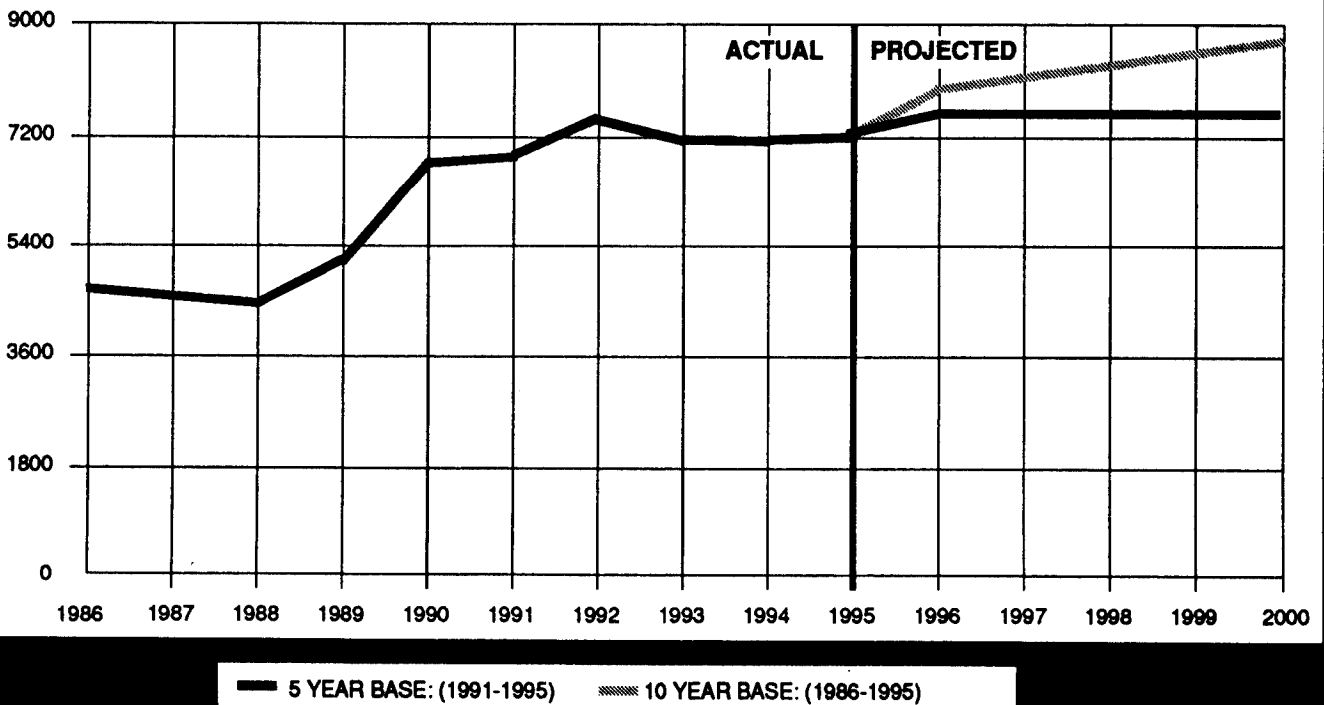
Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

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 1995 CIVIL CASES EXPLANATORY NOTES

1. Complaints are suits for damages. During FY 1995, 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 1995 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change in Pending	% Change in Pending
New Castle	5,861*	5,313	6,091	5,083	- 778	- 13.3%
Kent	633*	889	897	625	- 8	- 1.3%
Sussex	476	873	889	460	- 16	- 3.4%
State	6,970*	7,075	7,877	6,168	- 802	- 11.5%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

FILINGS

	1994	1995	Change	% Change
New Castle	5,349	5,313	- 36	- 0.7%
Kent	740	889	+ 149	+ 20.1%
Sussex	708	873	+ 165	+ 23.3%
State	6,797	7,075	+ 278	+ 4.1%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

DISPOSITIONS

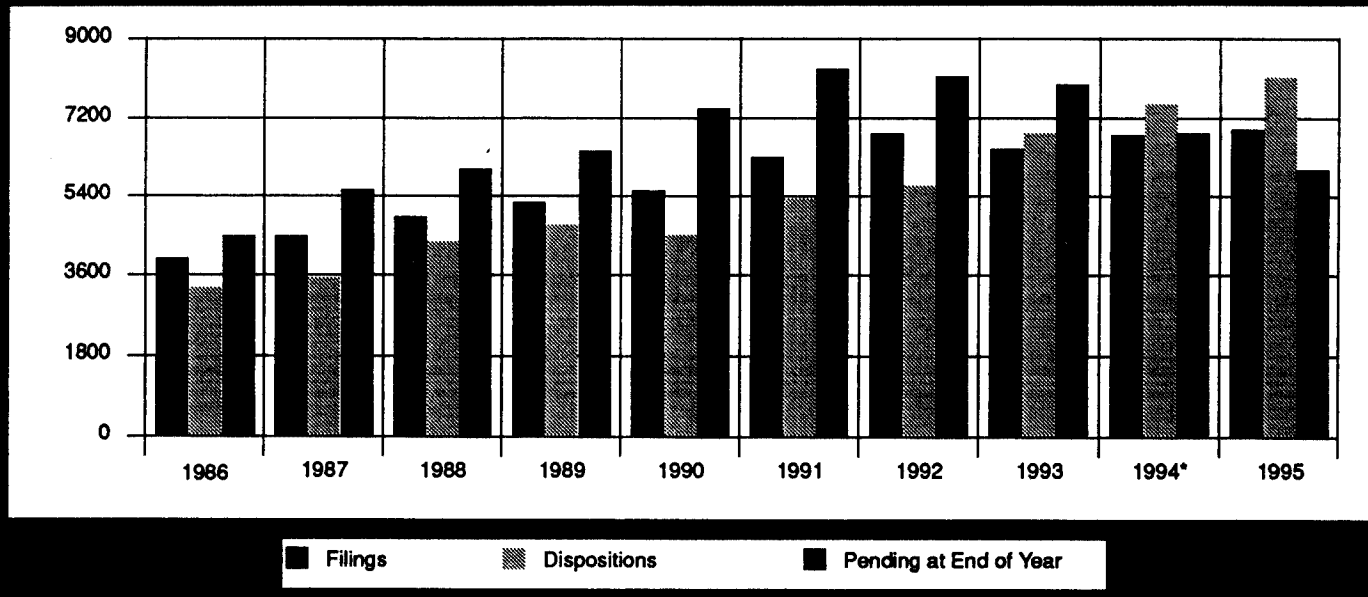
	1994	1995	Change	% Change
New Castle	5,860	6,091	+ 231	+ 3.9%
Kent	856	897	+ 41	+ 4.8%
Sussex	799	889	+ 90	+ 11.3%
State	7,515	7,877	+ 362	+ 4.8%

*Amended from 1994 Annual Report.

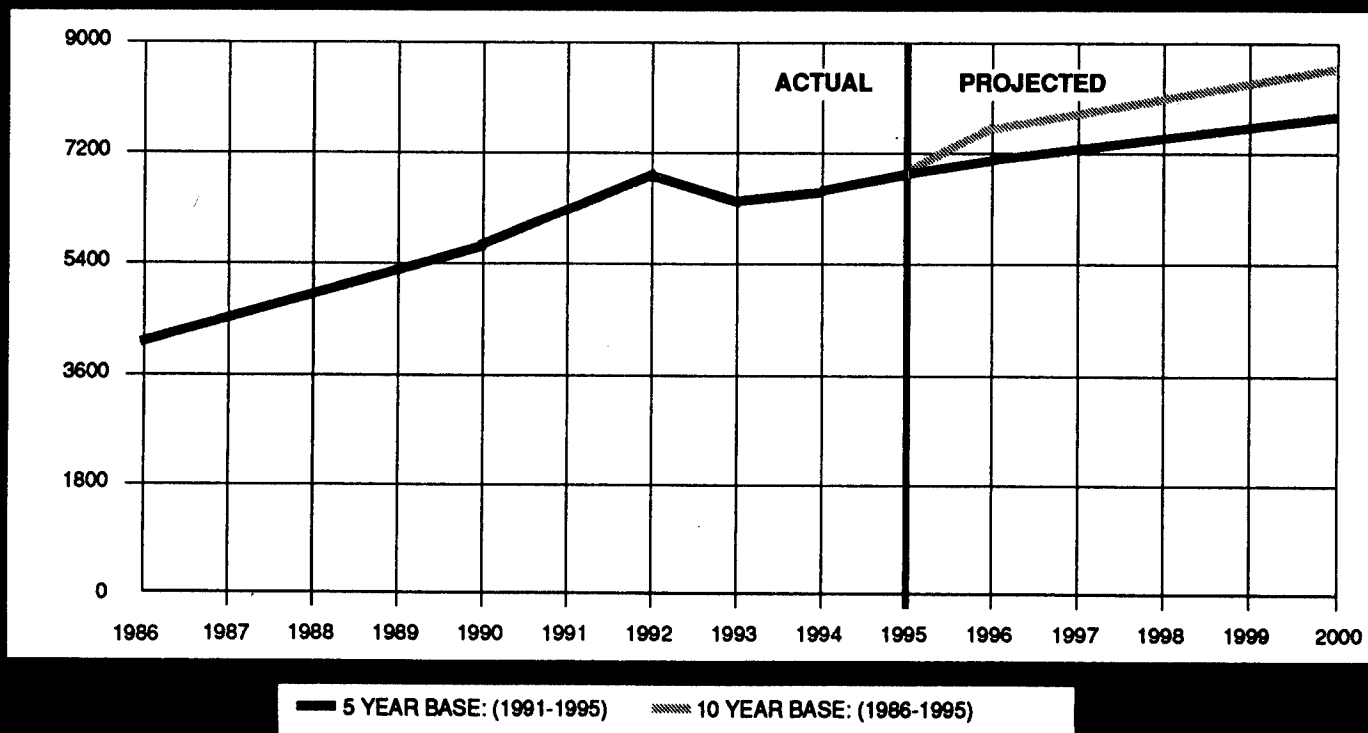
Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

SUPERIOR COURT — CIVIL

10 YEAR CASELOAD TREND



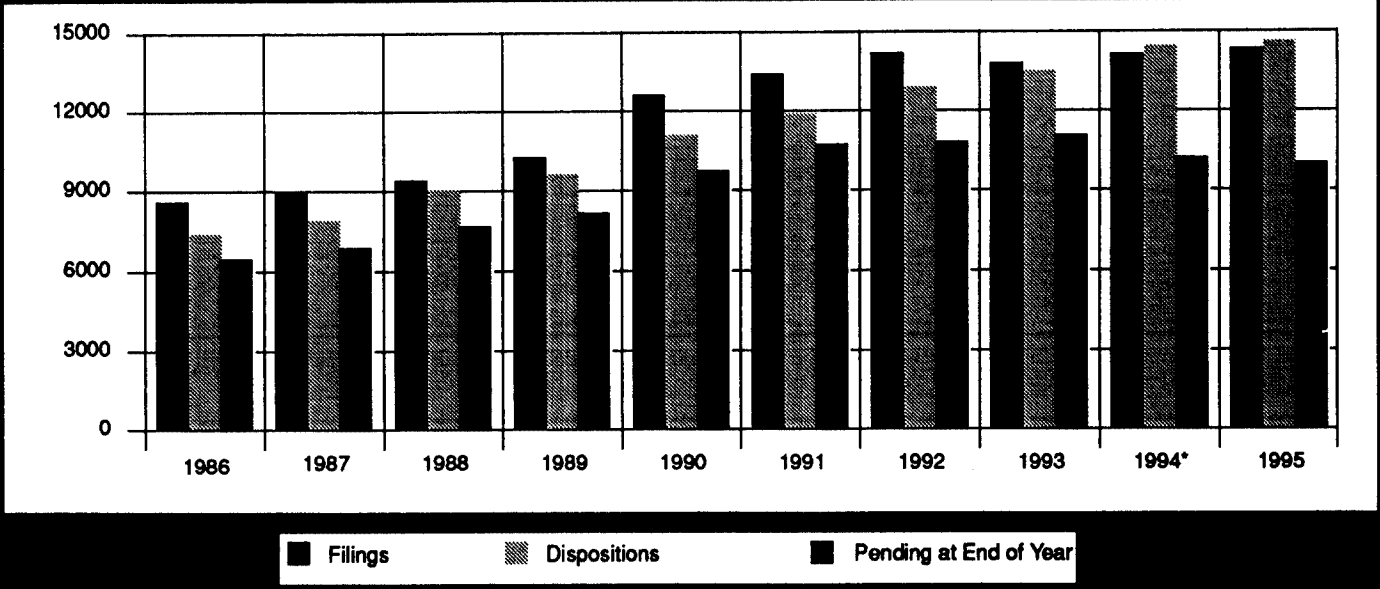
5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



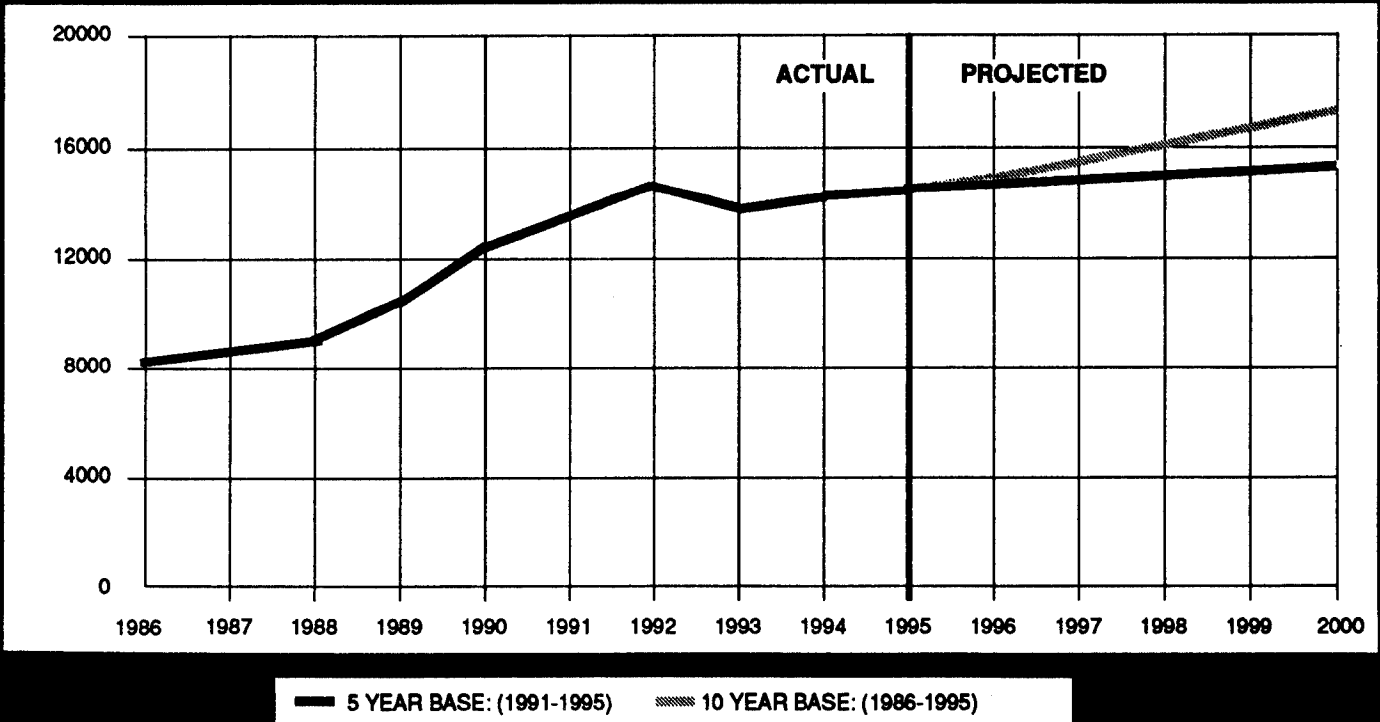
*Pending at end of FY 1994 amended from the 1994 Annual Report.
Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

SUPERIOR COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



*Pending at end of FY 1994 amended from 1994 Annual Report
 Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1995 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 1995 ARBITRATION - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	3,551	2,995	2,611	3,935	+ 384	+ 10.8%
Kent	605	550	444	711	+ 106	+ 17.5%
Sussex	356	321	265	412	+ 56	+ 15.7%
State	4,512	3,866	3,320	5,058	+ 546	+ 12.1%

COMPARISON - FISCAL YEARS 1994-1995 ARBITRATION - CASELOAD

FILINGS*

	1994	1995	Change	% Change
New Castle	2,799	2,995	+ 196	+ 7.0%
Kent	459	550	+ 91	+ 19.8%
Sussex	287	321	+ 34	+ 11.8%
State	3,545	3,866	+ 321	+ 9.1%

COMPARISON - FISCAL YEARS 1994-1995 ARBITRATION - CASELOAD

DISPOSITIONS*

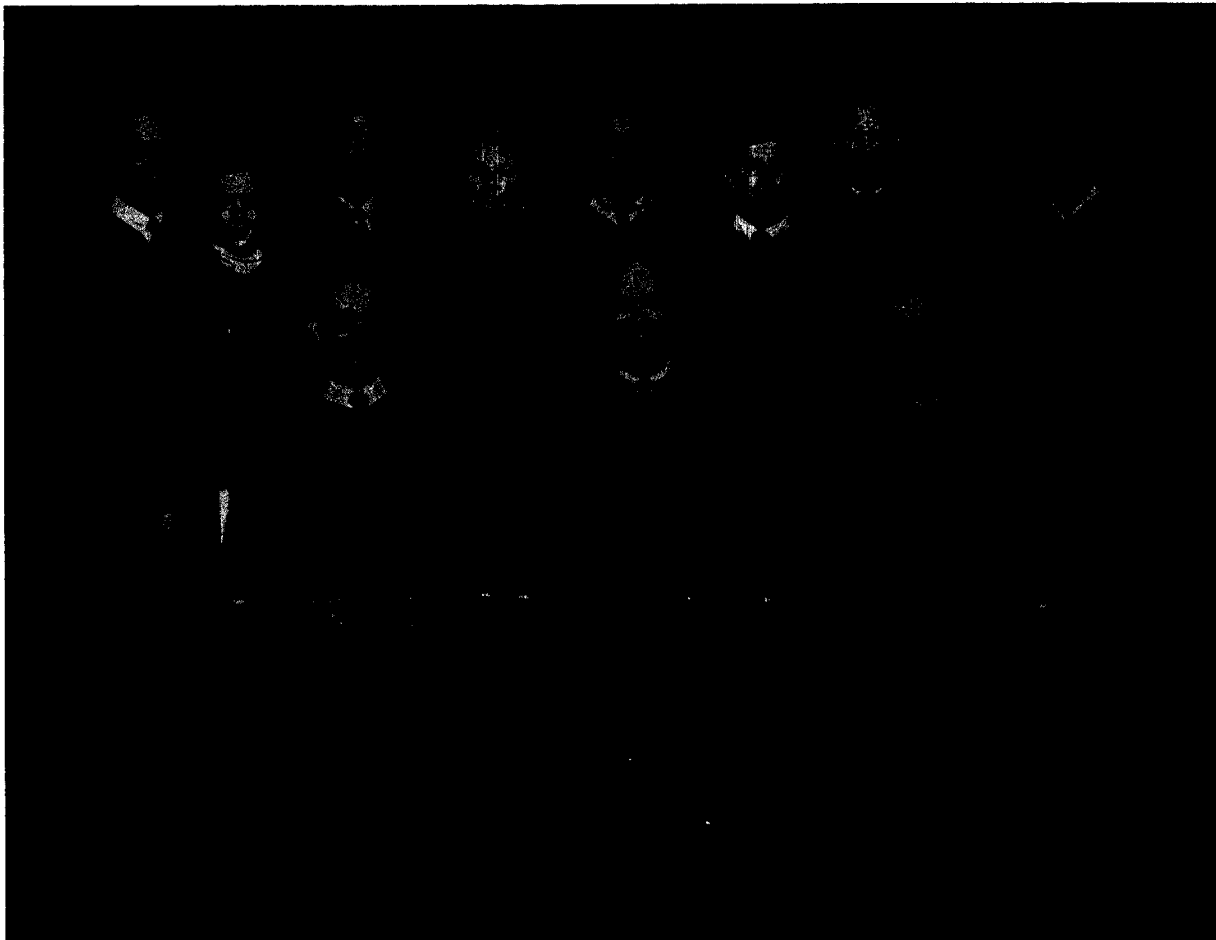
	1994	1995	Change	% Change
New Castle	2,632	2,611	- 21	- 0.8%
Kent	442	444	+ 2	+ 0.5%
Sussex	280	265	- 15	- 5.4%
State	3,354	3,320	- 34	- 1.0%

*Includes new arbitration cases and cases transferred.
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 Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman
Associate Judge William N. Nicholas
Associate Judge William J. Walls, Jr.
Associate Judge Alison Whitmer Tumas
Associate Judge Mark D. Buckworth
Associate Judge William L. Chapman, Jr.
Associate Judge Aida Wasserstein

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

* Associate Judge James J. Horgan retired on December 31, 1994.

** Associate Judge Jean A. Crompton passed away on June 14, 1995.

*** Associate Judge Charles K. Keil retired on December 31, 1995.

Note: Not shown in the above picture are Associate Judge Mark D. Buckworth, who took the oath of office on July 13, 1994; Associate Judge William L. Chapman, Jr., who took the oath of office on April 11, 1995; and Associate Judge Aida Wasserstein, who took the oath of office of October 20, 1995.

Message from the Chief Judge



Chief Judge Vincent J. Poppti

In 1992, Family Court made a commitment to focus attention on that segment of the caseload that deals with children and families at risk. Efforts since then reflect a continuation of that commitment in times of lean budget resources and a case filing increase of 6.2% in FY 95 as the Court continues to do more with the same or less.

In Fiscal Year 1995, no category of case has demanded more attention and resources than those related to domestic violence.

During the year, 15 people died in Delaware as a result of domestic violence while there were 3,014 cases of criminal domestic violence and 2,454 petitions for Protection from Abuse filed statewide. As more individuals petition the Court requesting redress for domestic violence-related incidents, more administrative and judicial resources must be dedicated to the high priority of processing and disposing of these highly volatile cases. In this regard, the Court accomplished the following:

- Forms have been changed to be more understandable and user-friendly; the Protection from Abuse consent process was established to assure uniformity of procedures; security practices were instituted to assure safety in the courthouse; and a process was initiated to make certain that the judicial officer at the time of sentencing receives all available pertinent information.
- Knowing that enforcement of Protection from Abuse is critically important, the Court created a system, with the support of the Judicial Information Center and DELJIS unequalled in the United States, which allows police officers and courts to access the details of these orders electronically.

- Although unsuccessful in convincing the Executive and Legislative branches of government to fund the staffing of the Domestic Violence Coordinating Council, the Court committed approximately \$78,000 of its operating budget to help do the critically important work of the council. Given the need in Fiscal Year 1997 to commit these resources to dispose of the burgeoning caseload, it is essential that funding be provided to prevent the loss of council staffing.

A number of the Court's short-term goals were accomplished in FY 95 with the help of individuals and agencies outside of the Court:

- With cooperation from the Delaware Bar Association, the Court developed a program to facilitate motions for visitation and to arbitrate ancillary matters in divorce proceedings. Regarding the visitation calendar, volunteer masters have been appointed in both New Castle and Kent Counties to hear special calendars. For individuals wishing to expedite the settlement of ancillary matters to divorce, an arbitration program relying on private arbitrators is being developed for implementation in 1996. A rule implementing the program is pending Supreme Court approval.
- In order to lessen the discord experienced by the parties and their children in divorce and related proceedings, a Parent Education Program will begin in 1996. Private funding is being sought in the amount of \$110,900 to defray the expenses of the one year pilot project. Steps were taken to bring FAMIS to full

(continued)

implementation by 1996. This automated civil case information system involved a major overhaul and reorganization of the Court's civil caseload. This first of several pieces of automation in the Court enables staff to process cases more efficiently and expeditiously while providing greater access to information on these cases.

Coupled with electronic interfaces with the Division of Child Support Enforcement, the Court is able to process increased filings without increased staff.

- The Court completely overhauled the process for issuing a *capias*. With the assistance of DELJIS, an automated *capias* process that transfers all information between the Court and police electronically was created. Thousands of hours of paperwork and data entry are being eliminated for police in Delaware as the prototype system is adopted by other courts.
- Volunteers are a key to Family Court's ability to serve the public, and 163 volunteers contributed their time in the Court to aid Delaware's families. CASAs (Court Appointed Special Advocates) is a special group of volunteers which represents the interests of children at risk in Court proceedings. The number of CASAs grew to 133 with the addition of two new coordinators provided by the FY95 budget.
- Managers, supervisors and/or staff were trained in the use of personal computers, prevention of violence in the workplace, applying Family Medical Leave, court security, the Americans with Disabilities Act, interviewing applicants under Equal Employment Opportunities, health issues, and Front-line Leadership. In addition, orientation was provided to new managers and judicial officers.

- Employment requirements for Mediation Officers and the procedures and policies surrounding mediation were reviewed by the Court.
- The Court worked with the Delaware Bar Association to secure added representation for Pro se litigants and special masters.
- Assistance was secured from the Paralegal Association in developing a brochure to explain the Protection From Abuse process. This brochure will be translated into Spanish with funding from the Domestic Violence Coalition.
- Policies were developed to expedite the entry of criminal and delinquency dispositions .
- The revision of the Child Support Cost Allocation Plan resulted in eliminating hundreds of hours of previously required staff time.
- Workspace conditions in New Castle County were improved, and security was increased in all counties.

The judges of the Court, the commissioners and masters, the staff of managers, supervisors and employees, will continue to dedicate their time and energy to providing speedy access to the processes of this important Court. I take this opportunity to thank them for their professional dedication to their important responsibilities .

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

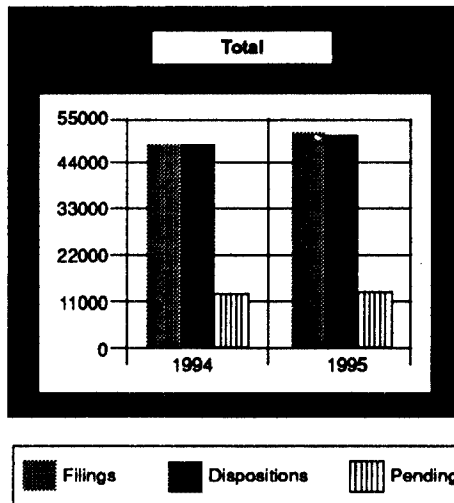
The three major administrative divisions of the Court are Court Operations, Fiscal Services and Personnel Services. Fiscal Services and Personnel Services perform staff functions, whereas Court Operations is responsible for the delivery of services to the public.

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

During FY 1995, the Family Court had a record number of filings and disposed of a record number of cases during the fiscal year. This follows the record levels in both of these areas which were experienced by the Court during FY 1994.

Filings and dispositions rose at nearly the same rate during FY 1995. Filings increased by 6.2% from 48,210 in FY 1994 to 51,862 in FY 1995 while dispositions increased by 6.1% from an amended total of 48,090 during FY 1994 to 51,031 in FY 1995. The total pending increased by 1.3% to 12,209 at the end of FY 1995 from an amended total of 12,053 at the end of FY 1994.



FAMILY COURT

FISCAL YEAR 1995 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 1995 - CASELOAD SUMMARY

Number of Filings

	Pending 6/30/94	Filed	Disposed	Pending 6/30/95	Change In Pending	% Change in Pending
New Castle	7,220*	28,809	29,427	6,602	- 618	- 8.6%
Kent	1,958	10,352	10,033	2,277	+ 319	+ 16.3%
Sussex	2,875	12,026	11,571	3,330	+ 455	+ 15.8%
State	12,053*	51,187	51,031	12,209	+ 156	+ 1.3%

COMPARISON - FISCAL YEARS 1994-1995 - CASELOAD

FILED

Number of Filings

	1994	1995	Change	% Change
New Castle	28,254	28,809	+ 555	+ 2.0%
Kent	9,024	10,352	+ 1,328	+ 14.7%
Sussex	10,932	12,026	+ 1,094	+ 10.0%
State	48,210	51,187	+ 2,977	+ 6.2%

COMPARISON - FISCAL YEARS 1994-1995 - CASELOAD

DISPOSED

Number of Filings

	1994	1995	Change	% Change
New Castle	27,025*	29,427	+ 2,402	+ 8.9%
Kent	9,653	10,033	+ 380	+ 3.9%
Sussex	11,412	11,571	+ 159	+ 1.4%
State	48,090*	51,031	+ 2,941	+ 6.1%

*Amended from 1994 Annual Report.

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

FAMILY COURT

FISCAL YEAR 1995 ADULT CRIMINAL CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/94	Filed	Disposed	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	781	2,511	2,740	552	- 226	- 29.3%
Kent	107	919	907	119	+ 12	+ 11.2%
Sussex	180	968	790	358	+ 178	+ 98.9%
State	1,068	4,398	4,437	1,029	- 39	- 3.7%

COMPARISON - FISCAL YEARS 1994-1995 ADULT CRIMINAL CASES - CASELOAD

FILED

Number of Filings	1994	1995	Change	% Change
New Castle	2,789	2,511	- 278	- 10.0%
Kent	823	919	+ 96	+ 11.7%
Sussex	667	968	+ 301	+ 45.1%
State	4,279	4,398	+ 119	+ 2.8%

COMPARISON - FISCAL YEARS 1994-1995 ADULT CRIMINAL CASES - CASELOAD

DISPOSED

Number of Filings	1994	1995	Change	% Change
New Castle	2,693	2,740	+ 47	+ 1.7%
Kent	853	907	+ 54	+ 6.3%
Sussex	680	790	+ 110	+ 16.2%
State	4,226	4,437	+ 211	+ 5.0%

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

FAMILY COURT

FISCAL YEAR 1995 JUVENILE DELINQUENCY CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/94	Filed	Disposed	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	1,784	5,307	5,406	1,685	- 99	- 5.5%
Kent	265	1,595	1,644	216	- 49	- 18.5%
Sussex	510	2,218	2,350	378	- 132	- 25.9%
State	2,559	9,120	9,400	2,279	- 280	- 10.9%

COMPARISON - FISCAL YEARS 1994-1995 JUVENILE DELINQUENCY CASES - CASELOAD

FILED

Number of Filings	1994	1995	Change	% Change
New Castle	6,195	5,307	- 888	- 14.3%
Kent	1,592	1,595	+ 3	+ 0.2%
Sussex	2,215	2,218	+ 3	+ 0.1%
State	10,002	9,120	- 882	- 8.8%

COMPARISON - FISCAL YEARS 1994-1995 JUVENILE DELINQUENCY CASES - CASELOAD

DISPOSED

Number of Filings	1994	1995	Change	% Change
New Castle	5,728	5,406	- 322	- 5.6%
Kent	1,717	1,644	- 73	- 4.3%
Sussex	2,213	2,350	+ 137	+ 6.2%
State	9,658	9,400	- 258	- 2.7%

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

FAMILY COURT

FISCAL YEAR 1995 CIVIL CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/94	Filed	Disposed	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	4,655	20,991	21,281	4,365	- 290	- 6.2%
Kent	1,586	7,838	7,482	1,942	+ 356	+ 22.4%
Sussex	2,185	8,840	8,431	2,594	+ 409	+ 18.7%
State	8,426	37,669	37,194	8,901	+ 475	+ 5.6%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

FILED

Number of Filings	1994	1995	Change	% Change
New Castle	19,270	20,991	+ 1,721	+ 8.9%
Kent	6,609	7,838	+ 1,229	+ 18.6%
Sussex	8,050	8,840	+ 790	+ 9.8%
State	33,929	37,669	+ 3,740	+ 11.0%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

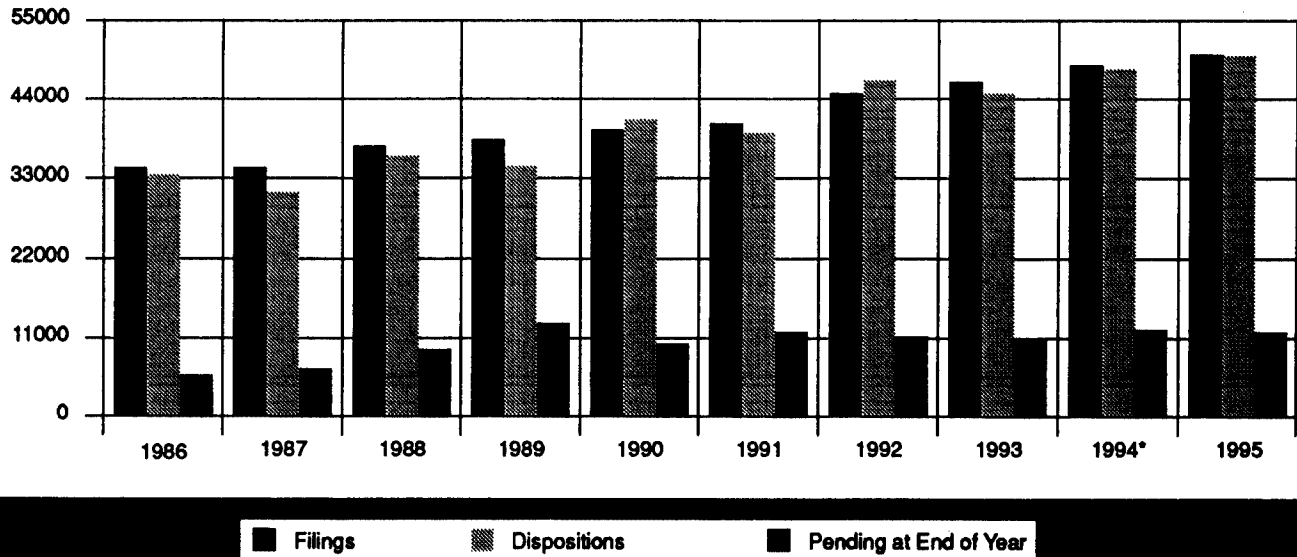
DISPOSED

Number of Filings	1994	1995	Change	% Change
New Castle	18,604	21,281	+ 2,677	+ 14.4%
Kent	7,083	7,482	+ 398	+ 5.6%
Sussex	8,519	8,431	- 88	- 1.0%
State	34,206	37,194	+ 2,988	+ 8.7%

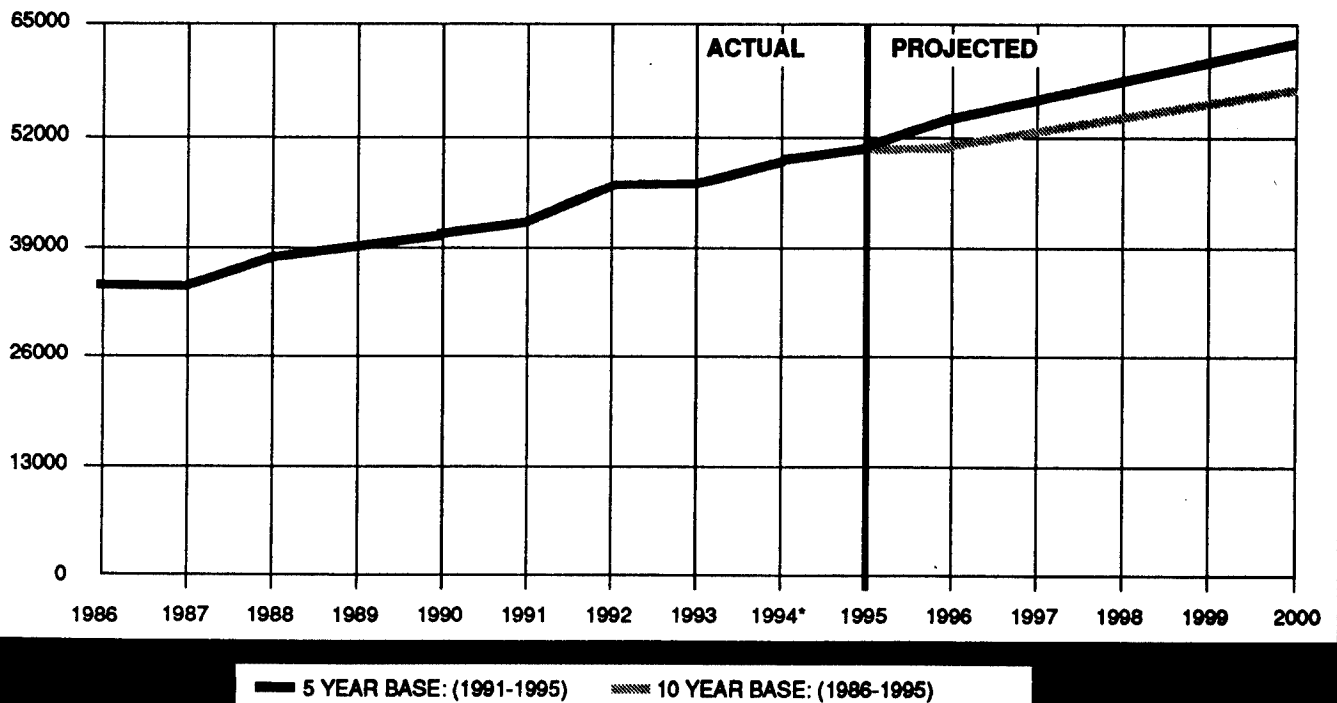
Source: Statistician, Family Court, Administrative Office of the Courts.

FAMILY COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Source: Administrative Office of the Courts. Trend lines computed by linear regression analysis.
 *Amended from 1994 Annual Report.

FAMILY COURT

FISCAL YEAR 1995 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 1995 CASELOAD SUMMARY

Number of Filings	Pending 6/30/94	Filed	Disposed*	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	76	1,181	1,098	159	+ 83	+ 109.2%
Kent	31	393	342	82	+ 51	+ 164.5%
Sussex	117	701	730	88	- 29	- 24.8%
State	224	2,275	2,170	329	+ 105	+ 46.9%

COMPARISON - FISCAL YEARS 1994-1995 ARBITRATION ACTIVITY - CASELOAD

FILED

Number of Filings	1994	1995	Change	% Change
New Castle	1,313	1,181	- 132	- 10.1%
Kent	395	393	- 2	- 0.5%
Sussex	553	701	+ 148	+ 26.8%
State	2,261	2,275	+ 14	+ 0.6%

COMPARISON - FISCAL YEARS 1994-1995 ARBITRATION ACTIVITY - CASELOAD

DISPOSED*

Number of Filings	1994	1995	Change	% Change
New Castle	1,340	1,098	- 242	- 18.1%
Kent	370	342	- 28	- 7.6%
Sussex	496	730	+ 234	+ 47.2%
State	2,206	2,170	- 36	- 1.6%

*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 1995 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 1995 MEDIATION ACTIVITY - CASELOAD SUMMARY

Number of Matters	Pending 6/30/94	Filed	Disposed	Pending 6/30/95	Change In Pending	% Change in Pending
New Castle	1,013	7,473	8,393	93	- 920	- 90.8%
Kent	316	3,035	3,075	276	- 40	- 12.7%
Sussex	276	4,085	4,071	290	+ 14	+ 5.1%
State	1,605	14,593	15,539	659	- 946	- 58.9%

COMPARISON - FISCAL YEARS 1994-1995 MEDIATION ACTIVITY - CASELOAD

FILED

Number of Matters	1994	1995	Change	% Change
New Castle	8,517	7,473	- 1,044	- 12.3%
Kent	3,335	3,035	- 300	- 9.0%
Sussex	3,366	4,085	+ 719	+ 21.4%
State	15,218	14,593	- 625	- 4.1%

COMPARISON - FISCAL YEARS 1994-1995 MEDIATION ACTIVITY - CASELOAD

DISPOSED*

Number of Matters	1994	1995	Change	% Change
New Castle	8,621	8,393	- 228	- 2.6%
Kent	3,570	3,075	- 495	- 13.9%
Sussex	3,401	4,071	+ 670	+ 19.7%
State	15,592	15,539	- 53	- 0.3%

*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

Message from the Chief Judge



Chief Judge Arthur F. DiSabatino

New Jurisdiction

Legislation implementing the recommendations of the Commission on Delaware Courts 2000 vested significant new jurisdiction in the Court of Common Pleas in January 1995. At that time, the Court assumed jurisdiction over civil and criminal appeals from the Justice of the Peace Courts and administrative appeals from the Division of Motor Vehicles. The Court's civil jurisdiction increased from \$15,000 to \$50,000, and criminal jury trial jurisdiction was extended to New Castle County.

The impact of these changes has been significant. New caseload filings have surpassed the estimates in every category, and case backlogs now exist and are increasing.

Jury trials in New Castle County are illustrative of the problem. The judges have had to commit a large portion of their time to jury trials, thereby creating a backlog throughout the Court's caseload, which cannot be overcome with existing personnel and courtrooms. The result has been a significantly longer time period between arraignment and trial for defendants electing non-jury trials, amounting to a one week per month increase in the backlog in recent months.

It is still somewhat early to fully estimate the impact of the increased civil jurisdiction. While the impact of new civil cases over \$15,000 has not yet been felt by the Court, there has been a surprising increase in civil case filings below \$15,000, where a decrease had been expected due to the enlargement of the civil jurisdiction of the Justice of the Peace Courts. Civil appeals far exceeded the 10-15 per year expected by the Court with 138 appeals filed in the first five months. This activity indicates likely increases in the Court's civil caseload in the near future because of the changes in the civil jurisdiction.

Shortage of Space

The lack of space clearly impacts on the Court's backlog, not only with respect to jury trials, but also because the Court is unable to fully utilize the three judges and a commissioner in New Castle County. The Court uses the borrowed courtrooms on the infrequent occasions when they are available. An additional courtroom is a critical need.

The Court is also handicapped by other space problems. The Clerk's Office in New Castle County is overcrowded and expected to become worse as new employees are added and new records accumulate. The Sussex County Clerk's Office continues in temporary space and extremely difficult working conditions, pending transfer of the Courthouse to the State and subsequent renovations.

Caseload Management

In spite of the impact of new jurisdiction, the Court has continued a program of managing its caseload for maximum efficiency. In New Castle County, mornings are largely devoted to trials. Afternoons are devoted to arraignments, case reviews, and pretrials. The schedule is flexible and can accommodate caseload fluctuations. It does place an unusually heavy burden on Court employees, however, who must staff as many as ten separate calendars on a given day. This has proven extremely difficult for an already overburdened Court staff.

In the coming year, the Court hopes to modify the arraignment process in New Castle County in the hope of disposing of more cases at arraignment, thereby reducing the number of cases that need to be assigned a trial date. If successful, this program would help the Court to make reductions in its presently increasing backlog and to better comply with the Speedy Trial Guidelines.

(Continued)

Automation

The Court continues to be heavily involved in the development of the Criminal Case Management System, originally scheduled for implementation in January 1996.

The Court has also actively participated in the Automated Sentencing Project, scheduled for start-up in June 1996. A Management Analyst was hired in September 1995, who will play a major role in future systems development.

An automated, statewide Financial Management System went online in September 1995. Designed to automate the Court's manual bookkeeping and collection system, the Financial Management system is expected to greatly improve the accounting workflow and increase the Court's effectiveness in collecting criminal fines and costs.

The Court has begun the process of transferring all outstanding warrants from a manual to an automated system. The new automated warrant system will simplify procedures for both the Court and the police agencies and will create warrant files with more integrity.

The Court needs to extend its Local Area Network (LAN) to Kent and Sussex Counties. This will be an increasingly important communication tool as the Court moves into a fully automated environment.

Lack of hardware is a continuing problem for the Court. Case processing staff will need 486 or better PC's in order to take full advantage of the Case Management System expected to be implemented in January 1996.

Summary

The increases in jurisdiction to a Court that was already understaffed and underfunded have presented even greater challenges in meeting the Court's responsibility to hear and dispose of cases promptly. The judges and staff are dedicated, hard-working public servants, yet the prospects for eliminating the current backlog with existing personnel and resources are not promising.

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.

In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware Court System. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995.

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 \$50,000 on the complaint. There is no limitation in amount on counter-claims and crossclaims. 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 all defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles.

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

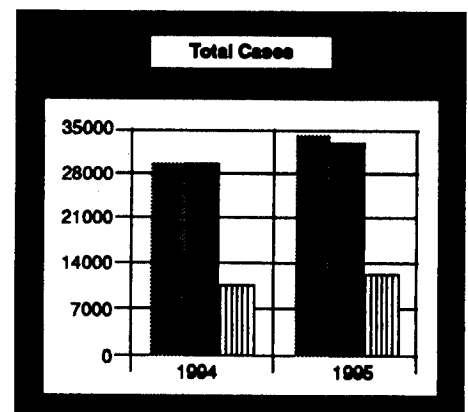
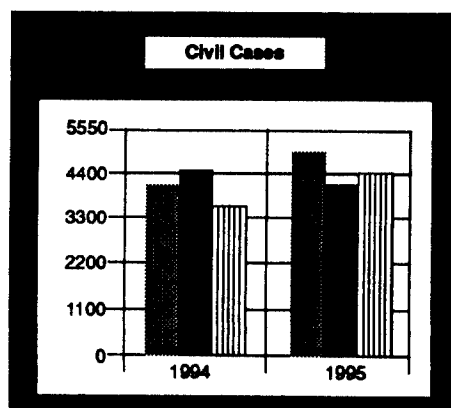
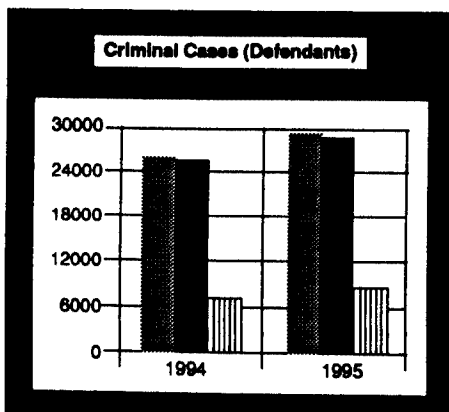
Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, presentence officers, etc.

Caseload Trends

There were similar increases in criminal filings and criminal dispositions during the fiscal year, both of which rose to record levels. The number of criminal defendants filed increased by 13.0% from 26,137 in FY 1994 to 29,537 in FY 1995. The criminal defendants disposed of increased by 12.7% to 28,947 in FY 1995 from 25,675 in FY 1994. Despite the record level of dispositions, there was an 8.0% rise in criminal defendants pending from 7,353 at the end of FY 1994 to 7,943 at the end of FY 1995.

The increase in civil jurisdiction, which did not become effective until the middle of the fiscal year, had a far greater impact on civil filings than on civil dispositions. There was a 24.1% increase in civil filings from 4,125 in FY 1994 to 5,121 in FY 1995 with increases in each county. Civil dispositions fell by 6.7% to 4,162 in FY 1995 from 4,463 in FY 1994. The large rise in filings along with the decrease in dispositions led to a 27.2% increase in civil pending from 3,526 at the end of FY 1994 to 4,485 at the end of FY 1995.

The rise in both criminal and civil filings caused a 14.5% increase in total filings from 30,262 in FY 1994 to 34,658 in FY 1995. Total dispositions increased by 9.9% to 33,109 in FY 1995 from 30,138 in FY 1994. The greater rate of increase in filings than in dispositions led to the total pending increasing by 14.2% from 10,879 at the end of FY 1994 to 12,428 at the end of FY 1995.



COURT OF COMMON PLEAS

FISCAL YEAR 1995 CRIMINAL CASES - CASELOAD SUMMARY

	Pending 6/30/94	Number of Defendants		Pending 6/30/95	Change In Pending	% Change In Pending
		Filings	Dispositions			
New Castle	5,410	15,371	15,213	5,568	+ 158	+ 2.9%
Kent	1,333	6,671	6,628	1,376	+ 43	+ 3.2%
Sussex	610	7,495	7,106	999	+ 389	+ 63.8%
State	7,353	29,537	28,947	7,943	+ 590	+ 8.0%

COMPARISON - FISCAL YEARS 1994-1995 CRIMINAL CASES - CASELOAD

FILINGS

	Number of Defendants		Change	% Change
	1994	1995		
New Castle	14,475	15,371	+ 896	+ 6.2%
Kent	6,107	6,671	+ 564	+ 9.2%
Sussex	5,555	7,495	+ 1,940	+ 34.9%
State	26,137	29,537	+ 3,400	+ 13.0%

COMPARISON - FISCAL YEARS 1994-1995 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	Number of Defendants		Change	% Change
	1994	1995		
New Castle	14,047	15,213	+ 1,166	+ 8.3%
Kent	5,987	6,628	+ 641	+ 10.7%
Sussex	5,641	7,106	+ 1,465	+ 26.0%
State	25,675	28,947	+ 3,272	+ 12.7%

COMPARISON - FISCAL YEARS 1994-1995 CRIMINAL CASES - CASELOAD

PRELIMINARY HEARINGS

	Number of Defendants		Change	% Change
	1994	1995		
New Castle	1,882	2,123	+ 241	+ 12.8%
Kent	1,289	1,397	+ 108	+ 8.4%
Sussex	1,908	1,918	+ 10	+ 0.5%
State	5,079	5,438	+ 359	+ 7.1%

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

COURT OF COMMON PLEAS

FISCAL YEAR 1995 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle	2,828	3,485	2,719	3,594	+ 766	+ 27.1%
Kent	263	797	761	299	+ 36	+ 13.7%
Sussex	435	839	682	592	+ 157	+ 36.1%
State	3,526	5,121	4,162	4,485	+ 959	+ 27.2%

COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

FILINGS

	1994	1995	Change	% Change
New Castle	2,720	3,485	+ 765	+ 28.1%
Kent	645	797	+ 152	+ 23.6%
Sussex	760	839	+ 79	+ 10.4%
State	4,125	5,121	+ 996	+ 24.1%

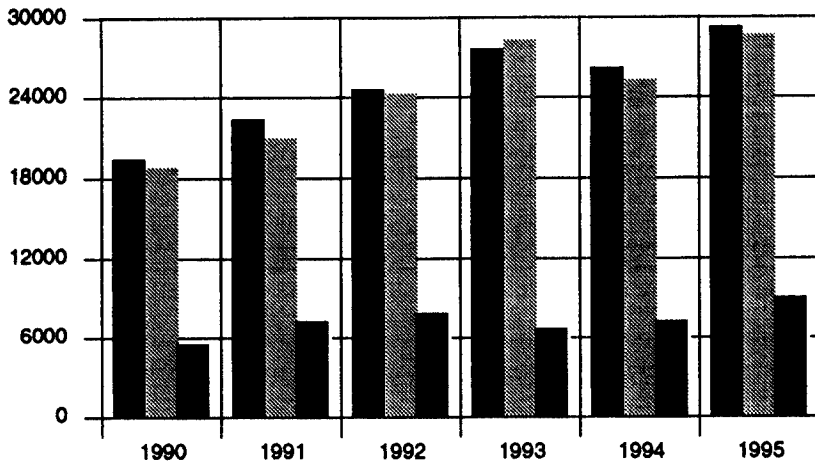
COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

DISPOSITIONS

	1994	1995	Change	% Change
New Castle	3,065	2,719	- 346	- 11.3%
Kent	694	761	+ 67	+ 9.7%
Sussex	704	682	- 22	- 3.1%
State	4,463	4,162	- 301	- 6.7%

COURT OF COMMON PLEAS — CRIMINAL *

6 YEAR CASELOAD TREND

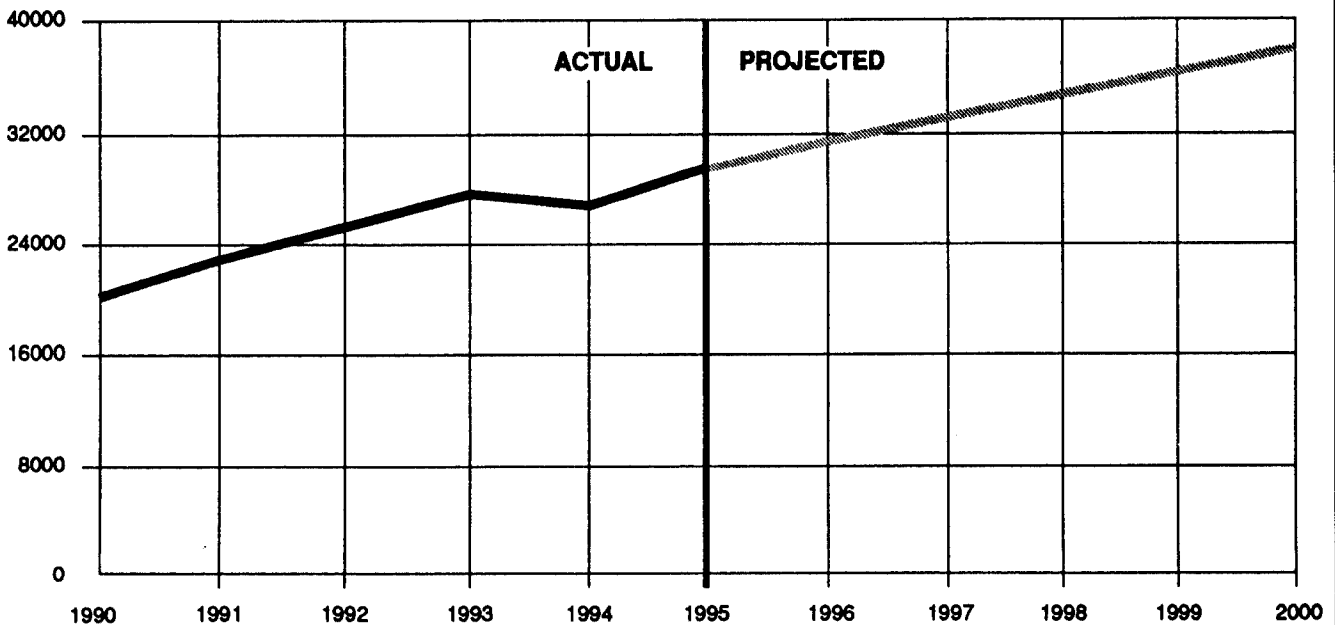


Number of Filings

	Defendants	Charges
1990	19,650	39,572
1991	22,819	45,625
1992	24,650	50,278
1993	27,471	52,091
1994	26,137	52,031
1995	29,537	55,558

Filings
 Dispositions**
 Pending at End of Year**

5 YEARS PROJECTED FILINGS BASED ON 6 YEARS ACTUAL FILINGS



6 YEAR BASE: (1990-1995)

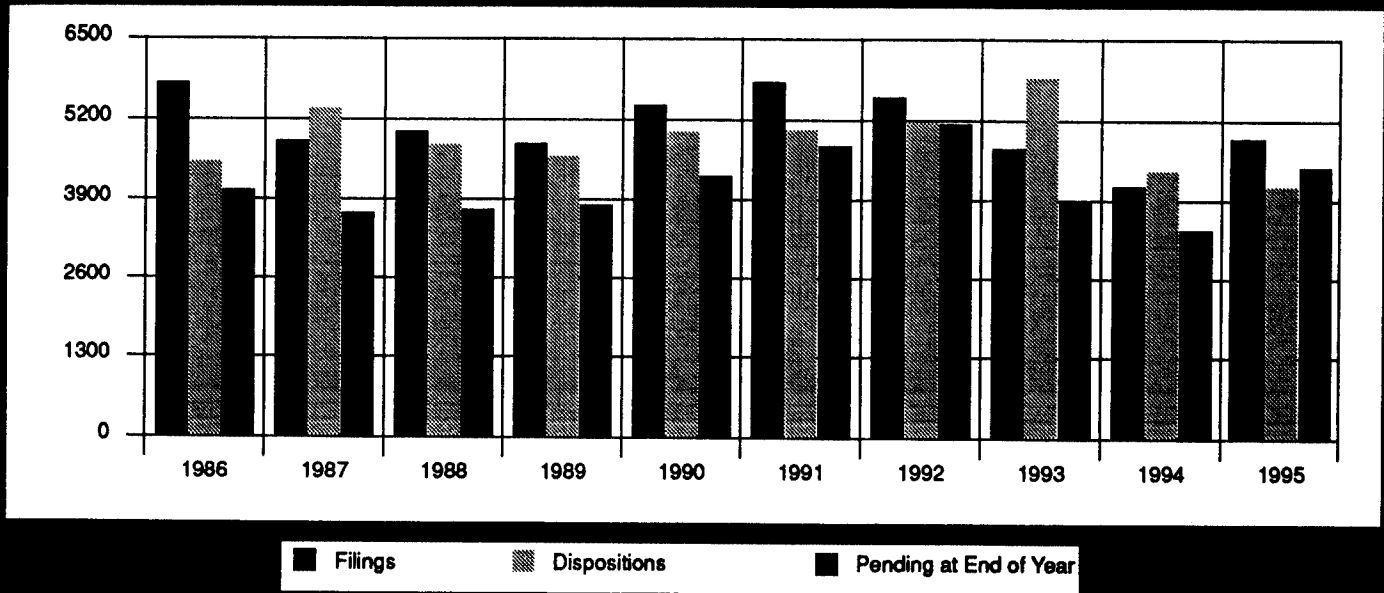
*Criminal data uses defendant-base rather than charge-base as in the past year.

**Dispositions and Pending for FY 90-92 uses prorated available filing data.

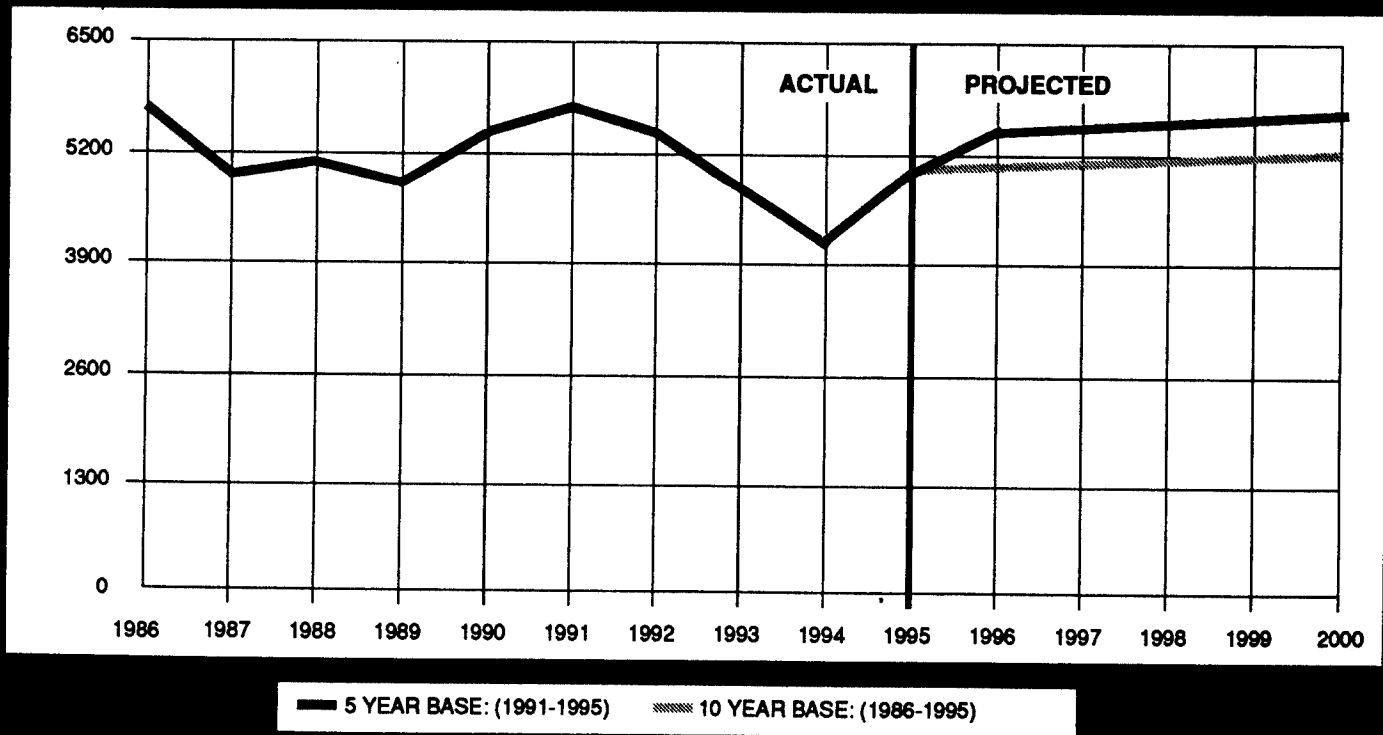
Trend lines computed by linear regression analysis. Source: Administrative Office of the Courts

COURT OF COMMON PLEAS — CIVIL

10 YEAR CASELOAD TREND



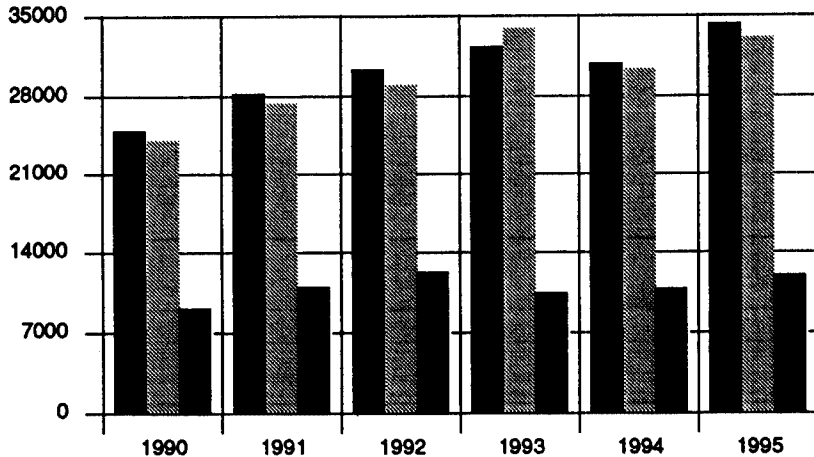
5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



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

COURT OF COMMON PLEAS — TOTAL *

6 YEAR CASELOAD TREND

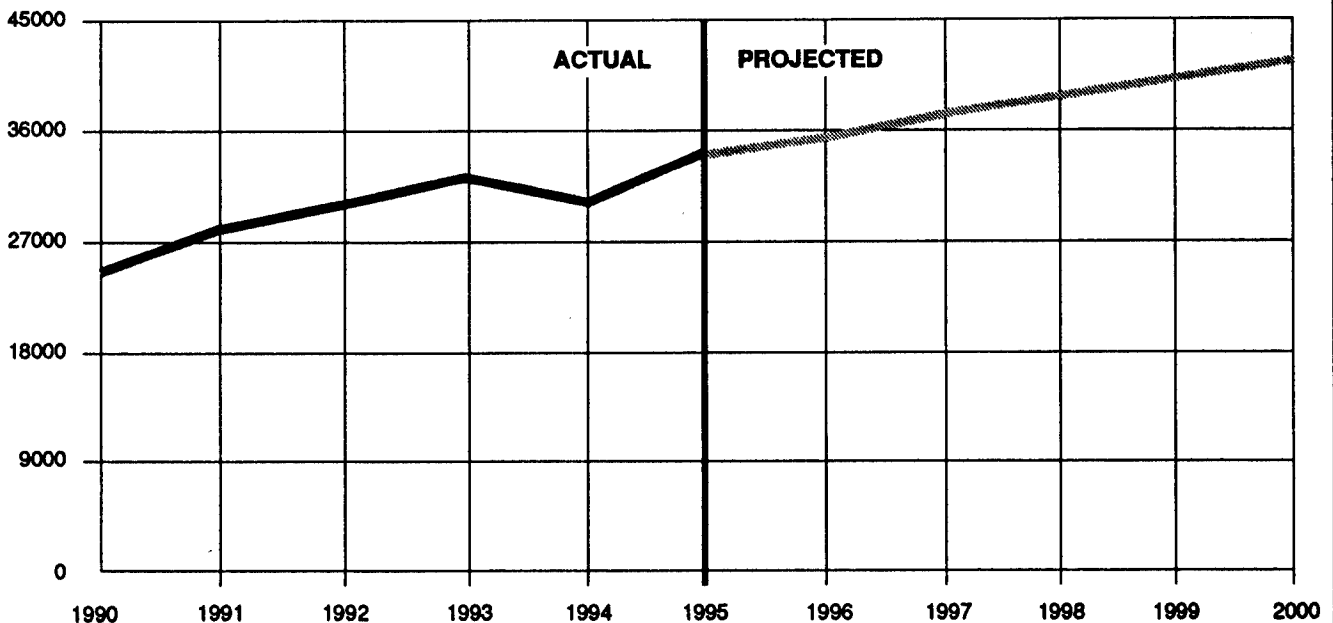


Number of Filings

	Defendants	Charges
1990	25,070	44,992
1991	28,530	51,336
1992	30,131	55,759
1993	32,206	56,826
1994	30,262	56,156
1995	34,658	60,679

■ Filings ▨ Dispositions** ■ Pending at End of Year**

5 YEARS PROJECTED FILINGS BASED ON 6 YEARS ACTUAL FILINGS



▨ 6 YEAR BASE: (1990-1995)

*Criminal data uses defendant-base rather than charge-base as in the past year.

**Dispositions and Pending for FY 90-92 uses prorated available filing data.

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

Municipal Court

**Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams**

MUNICIPAL COURT



MUNICIPAL COURT

(Left to Right)

Associate Judge Leonard L. Williams

Chief Judge Alfred Fraczkowski

Message from the Chief Judge



Chief Judge Alfred Fraczkowski

During FY 1995 Municipal Court has installed an automated system to monitor the imposition and payment of fines. The system will be enhanced to allow automated processing of unpaid fines.

The Court has installed, through State and Federal funding, a video-phone system for use in bail hearings and initial arraignments. The system has been fully integrated with the Wilmington Police Department so that the Court Commissioners and Judges can hold bail hearings and initial arraignment hearings without the need of having defendants brought to the Municipal Court. The system is being further developed so that it can be integrated with the Department of Corrections' facilities. This will allow arraignments and bail hearings to be held with those persons who may be detained by the Department of Corrections. The use of the video-phone has had a positive impact on the time required of the Court staff and of the Judges and Commissioners in completing bail hearings and arraignments.

The first step in the process to merge the Municipal Court into the State court system has been accomplished. In the first session of the 138th General Assembly, which ended June 30, 1995, the House of Representatives passed legislation which would integrate the Municipal Court into the State court system. The Bill is now pending in the State Senate.

The Court has been able to enhance previously installed data processing systems with the goal of achieving a full integration of the record system of the Municipal Court with that of the State court system. This will allow a more orderly processing of the Court records and an easy integration into the State system upon the merger of the Court.

In a procedure still in its early stages, the Court has taken steps to assist defendants at arraignment with a more detailed explanation of options which are available to them with the intention of accepting more pleas at

arraignment, thus reducing the number of cases ultimately scheduled for trial. This effort is directed basically at motor vehicle violations.

The Court has refined the scheduling of cases so that specific cases which will require more court time can be specially targeted and set for hearing on dates and times which will not conflict with the general court docket. This has helped not only in general case scheduling, but also has led to the resolution of cases prior to trial.

For the better part of FY 1995, the Municipal Court has been required to conduct its business with only one full-time judge and one part-time judge. An associate judge of the Court was appointed to the Family Court of the State of Delaware and the loss of one judge has affected adversely the case scheduling process of the Court. Although cases are being processed at a slower rate than usual, there is not a significant backlog in the Court's caseload, but this may develop if additional judicial help is not made available.

Because of the efforts to merge the Court into the State court system, the Court has been without the services of one Deputy Clerk/Court Commissioner. This has impacted adversely on the remainder of the Court Commissioners, but the staff has refined its work schedule so that the Court has been able to provide the Court Commissioner the coverage necessary both during the day and evening hours.

In cooperation with the Office of the Public Defender, the Municipal Court assigns cases immediately for representation by the Public Defender whenever necessary, and investigations and interviews into cases are now carried out in a more timely fashion. This has cut down on the number of continuances which had to be granted because of persons appearing for hearings and trials without having had the benefit of counsel assigned to them.

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 authorized for the Municipal Court of Wilmington. 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

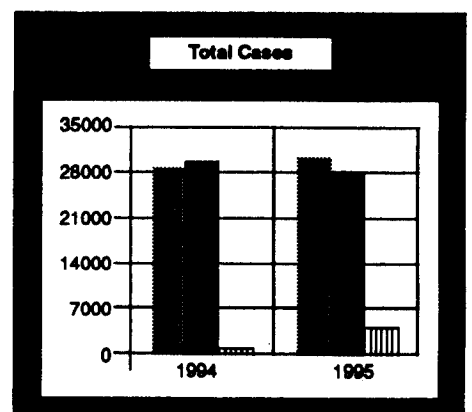
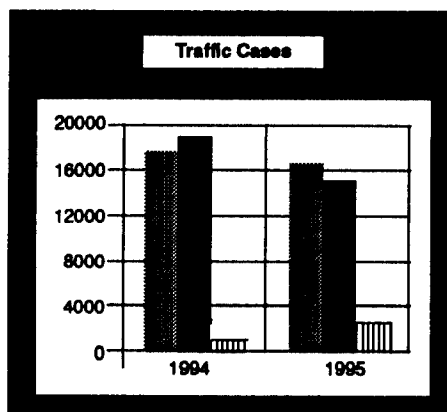
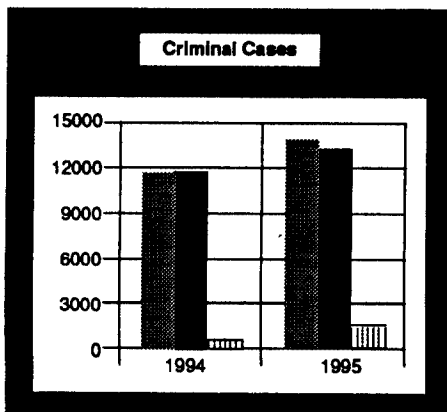
The Chief Judge of the Municipal Court appoints a Chief Clerk who may in turn appoint deputies.

Caseload Trends

The criminal filings increased by 21.1% to 14,165 in FY 1995 after having fallen sharply to 11,700 in FY 1994. There was little change in traffic filings, with 16,870 filings in FY 1995 being just 0.3% less than the 17,396 filings in FY 1994. Total filings rose by 6.7% to 31,035 in FY 1995 from 29,096 in FY 1994.

Criminal dispositions increased by 12.0% from 11,800 in FY 1994 to 13,218 in FY 1995. The 20.7% decrease in traffic dispositions from 19,134 in FY 1994 to 15,171 in FY 1995 led to a 8.2% drop in total dispositions from 30,934 in FY 1994 to 28,389 at the end of FY 1995.

The lack of an associate judge for the end of the fiscal year along with an increase in total filings led to large increases in pending. Criminal pending rose by 165.8% from 571 at the end of FY 1994 to 1,518 at the end of FY 1995. Traffic pending jumped by 215.9% to 2,486 at the end of FY 1995 from 787 at the end of FY 1994 while total pending increased by 194.8% from 1,358 at the end of FY 1994 to 4,004 at the end of FY 1995.



MUNICIPAL COURT

FISCAL YEAR 1995 - CASELOAD SUMMARY *

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
Criminal	571	14,165	13,218	1,518	+ 947	+ 165.8%
Traffic	787	16,870	15,171	2,486	+ 1,699	+ 215.9%
TOTALS	1,358	31,035	28,389	4,004	+ 2,646	+ 194.8%

COMPARISON - FISCAL YEARS 1994-1995 - CASELOAD

FILINGS

	1994	1995	Change	% Change
Criminal	11,700	14,165	+ 2,465	+ 21.1%
Traffic	17,396	16,870	- 526	- 0.3%
TOTALS	29,096	31,035	+ 1,939	+ 6.7%

COMPARISON - FISCAL YEARS 1994-1995 - CASELOAD

DISPOSITIONS

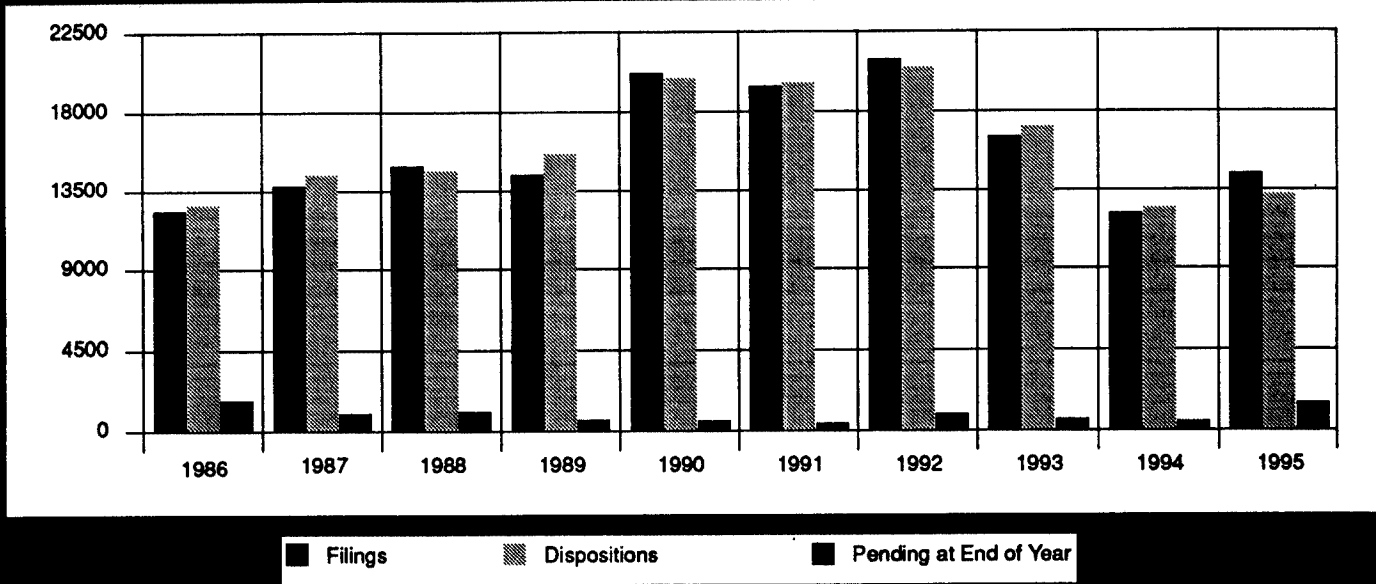
	1994	1995	Change	% Change
Criminal	11,800	13,218	+ 1,418	+ 12.0%
Traffic	19,134	15,171	- 3,963	- 20.7%
TOTALS	30,934	28,389	- 2,545	- 8.2%

*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.

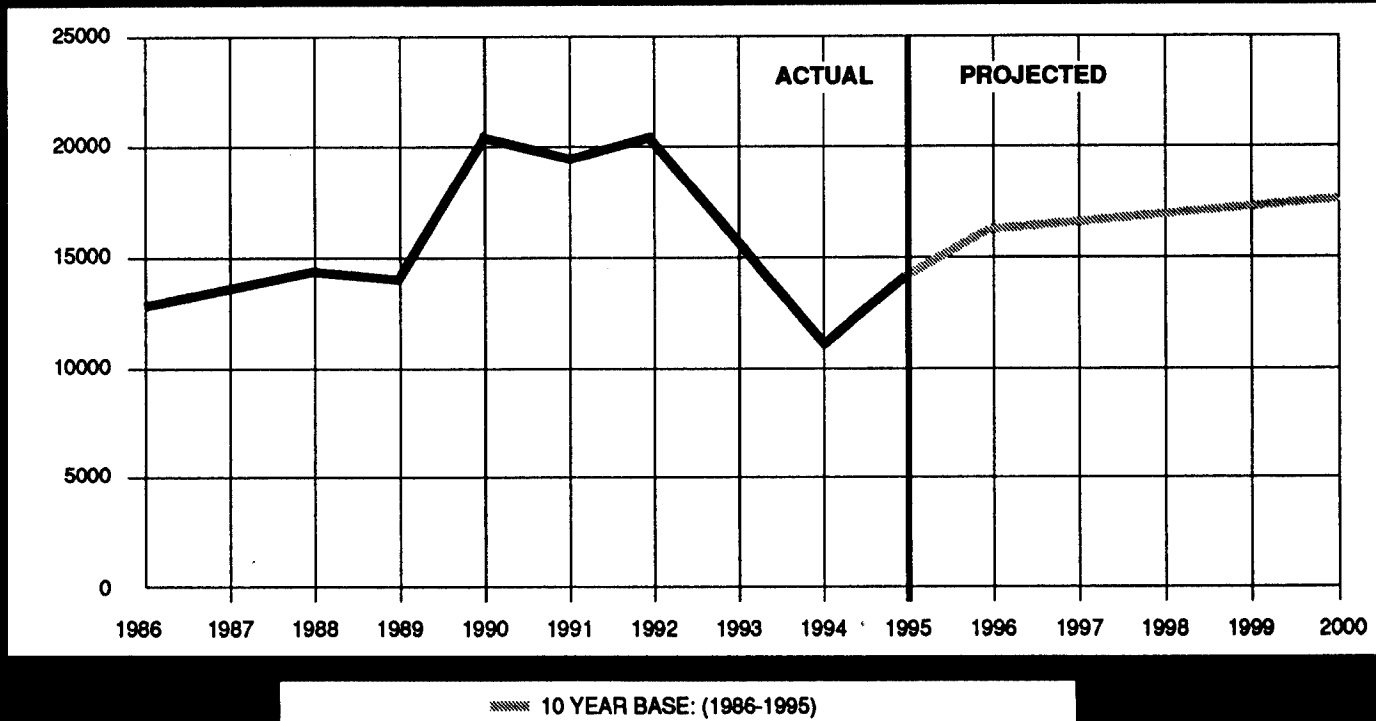
Source: Clerk of the Court, Municipal Court, Administrative Office of the Courts.

MUNICIPAL COURT — CRIMINAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

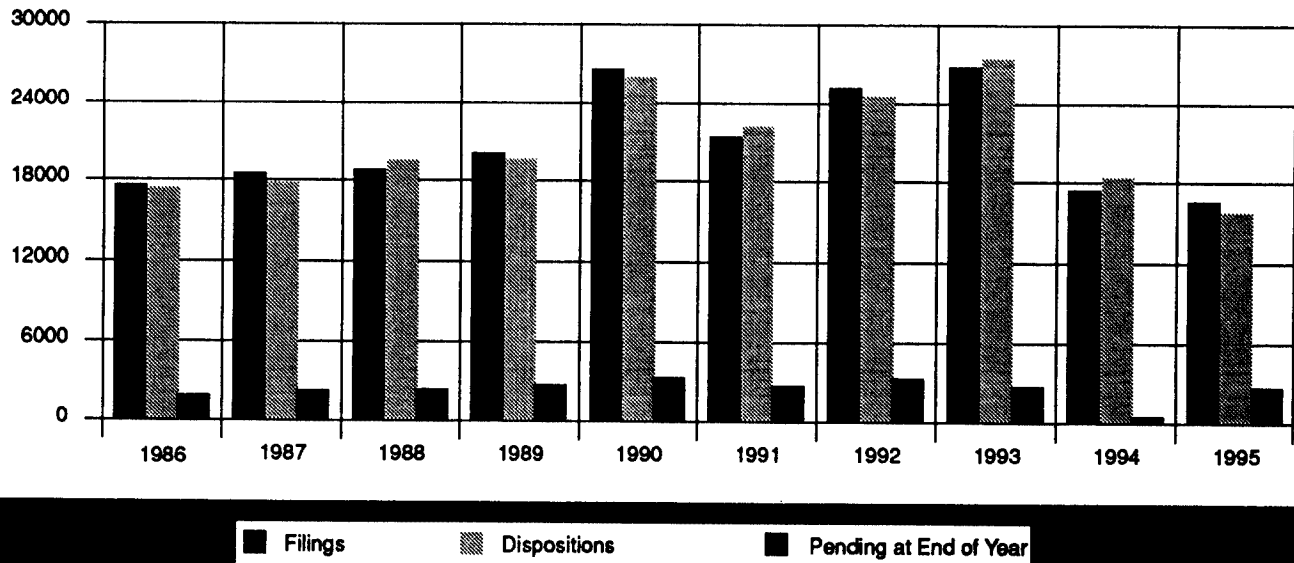


Source: Administrative Office of the Courts.

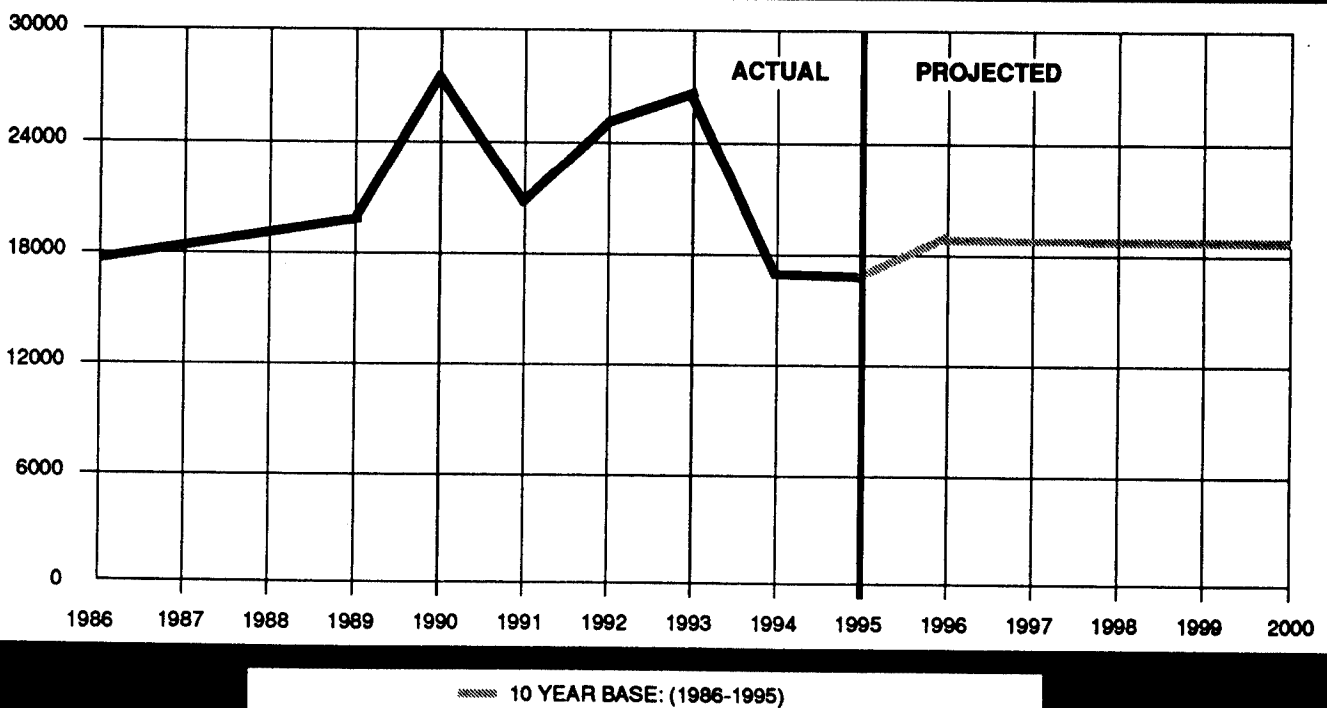
NOTE: Extreme fluctuations in caseloads for the 1990's makes it impractical to make projections using a 5-year base (1991-1995).

MUNICIPAL COURT — TRAFFIC

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

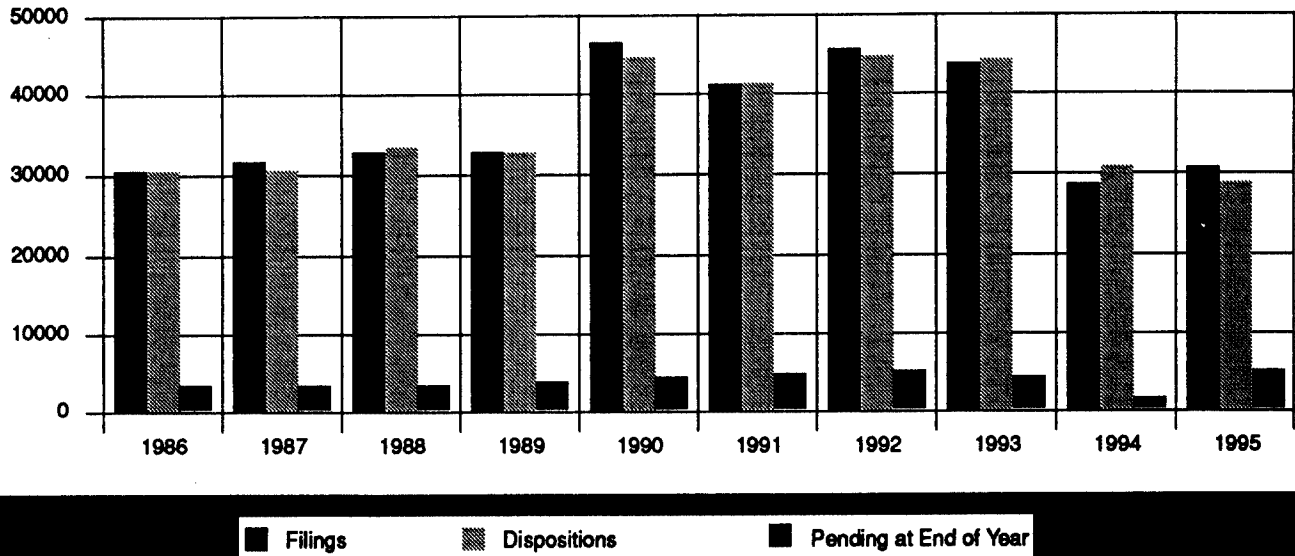


Source: Administrative Office of the Courts.

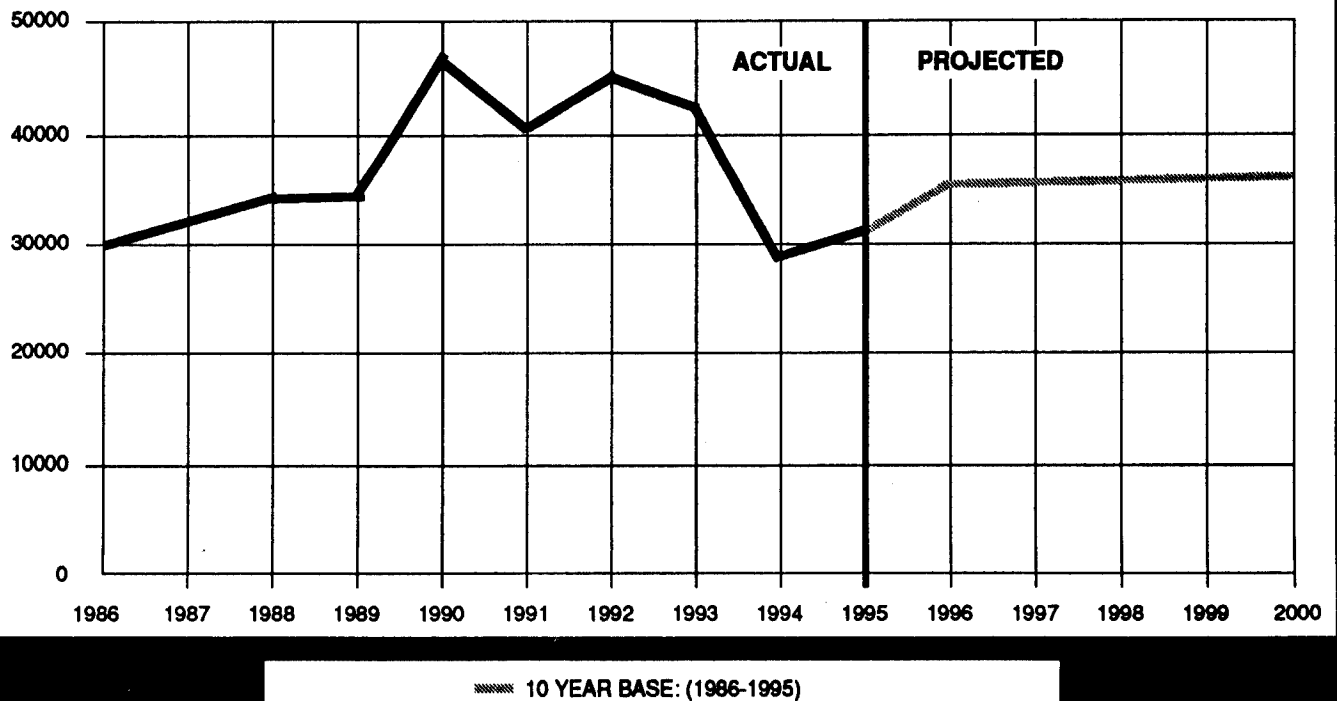
NOTE: Extreme fluctuations in caseloads for the 1990's makes it impractical to make projections using a 5-year base (1991-1995).

MUNICIPAL COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Source: Administrative Office of the Courts.

NOTE: Extreme fluctuations in caseloads for the 1990's makes it impractical to make projections using a 5-year base (1991-1995).

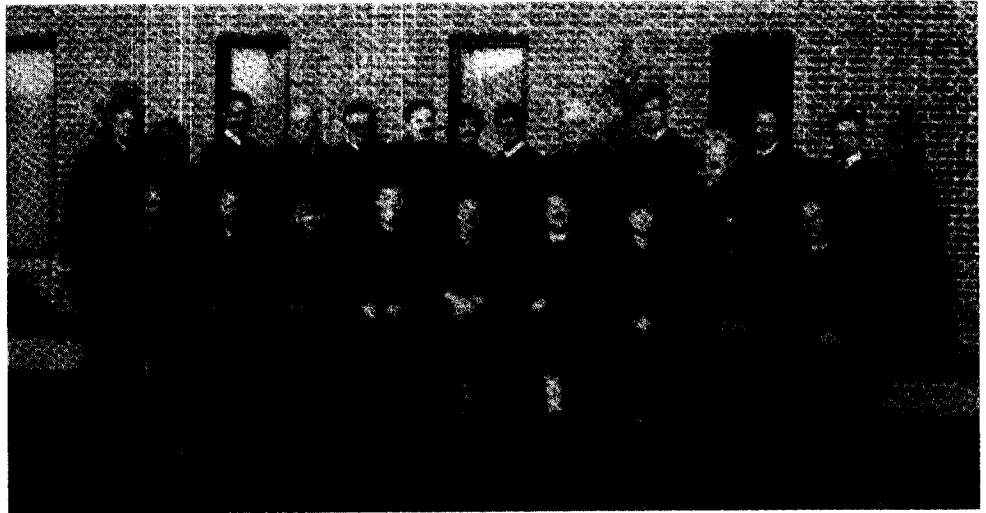
Chief Magistrate Patricia W. Griffin
Justice of the Peace David R. Anderson
Justice of the Peace Robert Armstrong
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace Clarence S. Bennett
Deputy Chief Magistrate Sheila G. Blakely
Justice of the Peace William 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 Fred C. Lord
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
Justice of the Peace Sean McCormick
Justice of the Peace John P. McLaughlin
Justice of the Peace Joseph R. Melson, Jr.
Justice of the Peace William T. Moser
Justice of the Peace H. William 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 William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace Nancy C. Roberts
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 Joseph R. Schiavi
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
Justice of the Peace James A. Tull
Justice of the Peace Robert B. Wall, Jr.

Justice of the Peace Courts

JUSTICE OF THE PEACE COURTS

NEW CASTLE COUNTY (#6)

Seated (left-right): **Clarence S. Bennett, Wayne R. Hanby, Nancy C. Roberts, Sean McCormick, Barbara C. Hughes, Stanley J. Petraschuk, Kathleen C. Lucas, Katharine B. Ross, Ronald E. Cheeseman.**
Standing: **David R. Anderson, Bonita N. Lee, James A. Tull, John P. McLaughlin, Paul J. Smith, William T. Moser, Patricia W. Griffin, Joseph R. Schiavi, Robert Armstrong, David R. Skelley, Joyce E. Nolan, Edward M. Poling, Thomas M. Kenney.** Missing: **Rosalind Toulson, Rosalie O. Rutkowski, Thomas E. Cole.**



KENT COUNTY (#2)

Standing (left-right): **Agnes E. Pennella, Fred C. Lord, Russell T. Rash, Joseph W. Maybee, Margaret L. Barrett.** Standing: **Charles M. Stump, Frederick W. Dewey, Jr., Patricia W. Griffin, Ernst M. Arndt, James C. Koehring, Robert B. Wall, Jr.** Missing: **Karen N. Bundek, Ellis B. Parrott.**

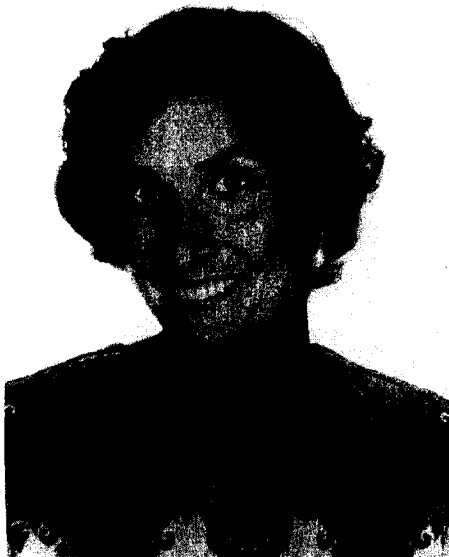
SUSSEX COUNTY (#7)

Standing (left-right): **Francis G. Charles, Jeni L. Coffelt, Sheila G. Blakely, Edward G. Davis, William W. Brittingham, Margaret L. Barrett.** Standing: **William L. Boddy, III, Joseph B. Melson, Jr., John W. O'Bier, Herman G. Hagan, Patricia W. Griffin, William J. Hopkins, Jr., H. William Mulvaney, III.** Missing: **Richard D. Comly, Walter J. Godwin, John R. Hudson, William F. Plack, Marcealeate S. Ruffin, Abigayle E. Truitt.**



JUSTICE OF THE PEACE COURTS

MESSAGE FROM THE CHIEF MAGISTRATE



**Chief Magistrate
Patricia Walther Griffin**

The Justice of the Peace Courts experienced significant changes during Fiscal Year 1995. Legislative enactments premised upon the recommendations of the Commission on Delaware Courts 2000 increased the jurisdiction of the Justice of the Peace Courts in civil cases from \$5,000 to \$15,000, and the Courts implemented the use of responsive pleadings in most civil cases. The Justice of the Peace Courts began the process of reviewing and updating its civil forms and procedures to enhance uniformity throughout the State and in anticipation of the implementation of an automated civil case processing system in Fiscal Year 1996.

The Justice of the Peace courts initiated a comprehensive security program in Fiscal Year 1994, which was enhanced in Fiscal Year 1995. Justice of the Peace Courts were outfitted with physical security measures, including closed-circuit television systems, bullet-proofing of courtrooms and clerk's offices and metal detectors. Three security officers were hired in Fiscal Year 1995, allowing for the expansion of security coverage in the courts. A procedures and policy manual was developed for Justice of the Peace Court security officers.

Judicial and staff educational programs were established in Fiscal Year 1995 and continue to expand. Pursuant to new Justice of the Peace Court Civil Miscellaneous Rule 8, there are minimum continuing legal education requirements, as well as a basic legal education requirement for new justices of the peace. In Fiscal Year 1995, seven new justices of the peace attended three separate sessions of the basic legal education program, which covered criminal law and procedures, evidence, legal research and writing, traffic laws, contracts, landlord/tenant laws, ethics, civil procedures, and other topics. The success of the basic legal education program is due to the hard work of the basic legal education committee and of the judges who attended a "train the trainer" seminar and provided instruction in the program.

In Fiscal Year 1995, all justices of the peace attended the bench-bar conference, a domestic violence seminar, the gender fairness and diversity conference, and continuing legal education programs on criminal and traffic laws, landlord/tenant issues, and ethics. Several judges attended the American Bar Association traffic seminar, as well as programs sponsored by the Delaware State Bar Association. Staff training included presentations for all employees on "Calming Upset Persons", domestic violence; and on management issues for court managers.

Other projects completed by the Justice of the Peace Courts in Fiscal Year 1995 included participation in a tax refund intercept/set-off program for delinquent court fines, use of bulk mail for non-time-sensitive court documents, completion of a standard operating procedures accounting manual detailing fiscal procedures, development of a pilot project for using credit card payments for court costs and fines, and institution of management procedures to minimize case processing times. The

Justice of the Peace Courts prepared a card providing a quick reference listing of the telephone numbers of victim service providers in each of Delaware's three counties, which was distributed internally and to other state agencies.

Finally, the adoption of Supreme Court Rule 57 resolved an on-going problem in the Justice of the Peace Courts concerning whether corporations could appear in the Justice of the Peace Courts without an attorney. The new Rule greatly enhanced procedural uniformity among Justice of the Peace Courts and authorized corporations and other artificial entities to appear in Justice of the Peace Courts without an attorney so long as they file the proper form with the Chief Magistrate and the Court, and comply with the other requirements of the Rule.

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 accessed and collected for the performance of their legal duties.

Geographic Organization

The jurisdiction of the Courts is state-wide 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 have jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000. This increased from \$5,000 in January, 1995. 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 to the Court of Common Pleas effective January, 1995. In the past, these appeals were taken to the 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

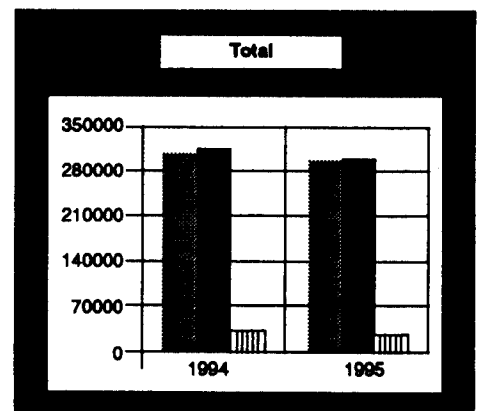
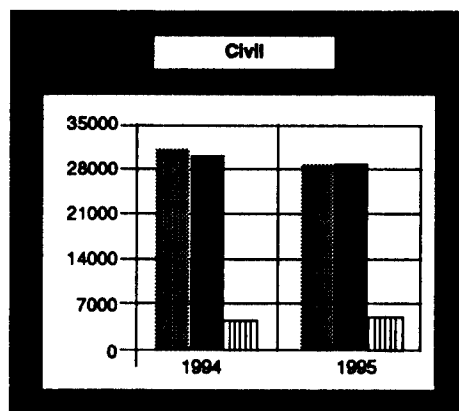
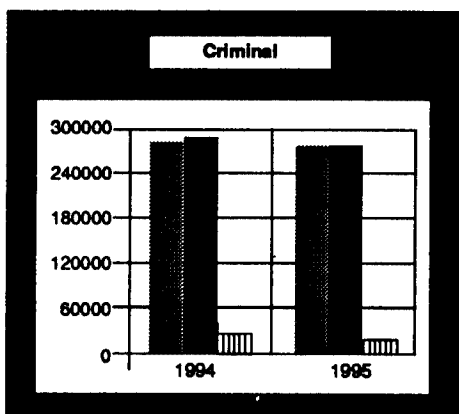
An Administrator, two Operations Managers, an administrative officer and a fiscal administrative officer help the Chief Magistrate direct the Justice of the Peace Courts on a daily basis. The State provides clerks of the court, constables and other personnel for the courts.

Caseload Trends

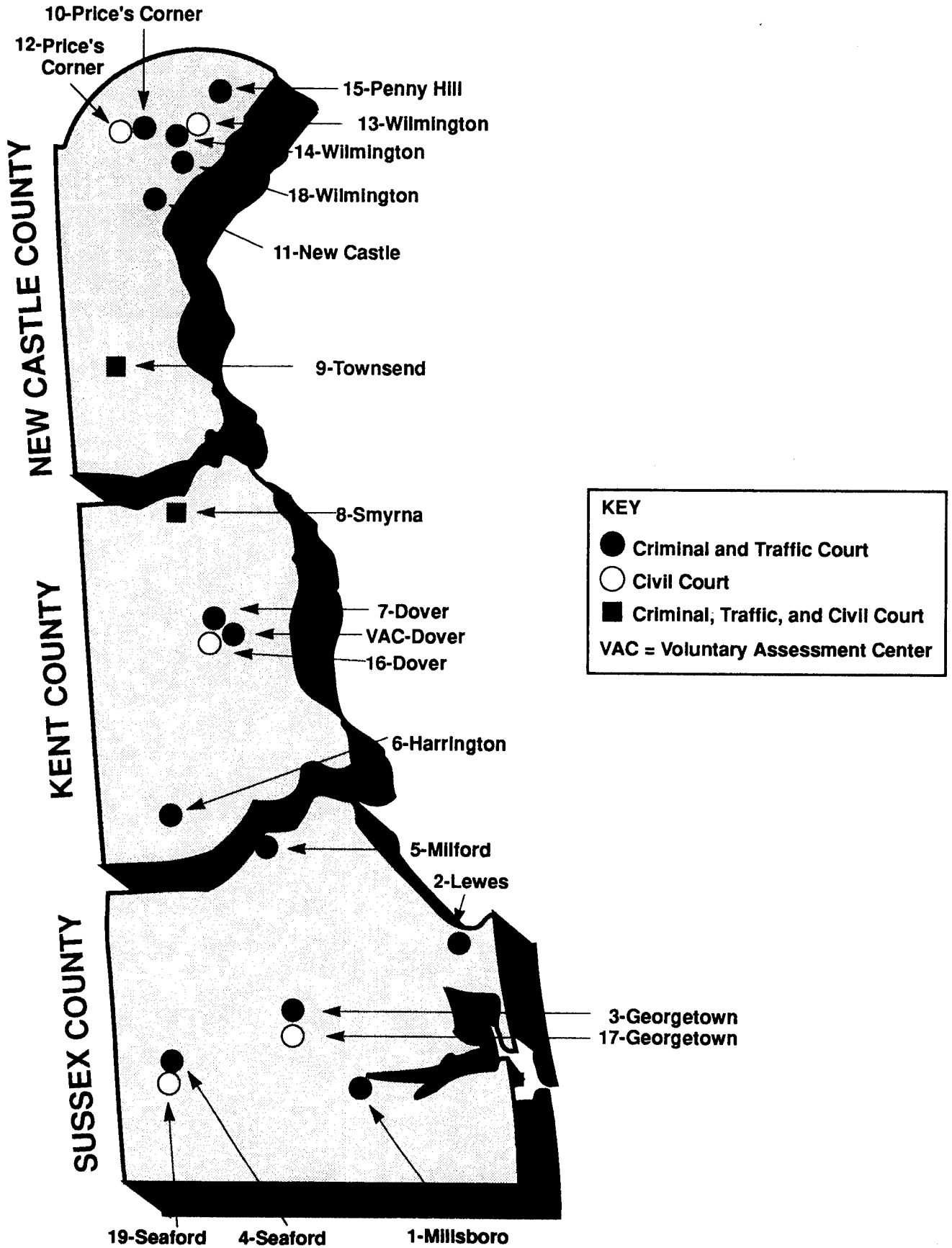
There was a 3.1% decrease in criminal filings from 285,003 in FY 1994 to 276,173 in FY 1995. The criminal dispositions fell by 6.5% to 277,961 in FY 1995 from 297,439 in FY 1994. As in the past year, when an increase in dispositions in the Voluntary Assessment Center (VAC) was a large reason for the rise in dispositions, it was the 7.3% decrease in dispositions in the VAC that was a major cause for the decrease. The criminal pending decreased by 6.6% to 25,499 at the end of FY 1995 from 27,287 at the end of FY 1994.

Both civil filings and civil dispositions fell as the increased civil jurisdiction ceiling from \$5,000 to \$15,000 did not have an immediate impact. Civil filings decreased by 3.7% from 31,088 in FY 1994 to 29,933 in FY 1995. The civil dispositions fell by 2.2% to 29,731 in FY 1995 from 30,394 in FY 1994. While both filings and dispositions fell slightly, there was an increase of 3.3% in civil pending from 6,133 at the end of FY 1994 to 6,335 at the end of FY 1995.

Decreases in both criminal and civil filings and dispositions resulted in decreases in both total filings and total dispositions. Total filings fell by 3.2% from 316,121 in FY 1994 to 306,106 in FY 1995. Total dispositions decreased by 6.1% to 307,692 in FY 1995 from 327,833 in FY 1994. There was a decrease of 4.7% in total pending from 33,420 at the end of FY 1994 to 31,834 at the end of FY 1995.



JUSTICE OF THE PEACE COURTS



JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1995 CRIMINAL AND TRAFFIC CASES* - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle County						
Court 9	1,922	3,525	3,667	1,780	- 142	- 7.4%
Court 10	2,126	15,109	15,662	1,573	- 553	- 26.0%
Court 11	6,528	33,219	32,322	7,425	+ 897	+ 13.7%
Court 14	684	1,532	1,420	796	+ 112	+ 16.4%
Court 15	1,628	7,497	7,497	1,628	0	0.0%
Court 18	195	10,173	10,276	92	- 103	- 52.8%
Kent County						
Court 6	299	3,956	3,918	337	+ 38	+ 12.7%
Court 7	1,970	27,099	27,991	1,078	- 892	- 45.3%
Court 8	247	2,539	2,532	254	+ 7	+ 2.8%
Sussex County						
Court 1	262	3,879	3,840	301	+ 39	+ 14.9%
Court 2	1,181	7,357	7,892	646	- 535	- 45.3%
Court 3	2,753	25,544	25,375	2,922	+ 169	+ 6.1%
Court 4	1,456	11,158	11,154	1,460	+ 4	+ 0.3%
Court 5	<u>534</u>	<u>3,548</u>	<u>3,530</u>	<u>552</u>	<u>+ 18</u>	<u>+ 3.4%</u>
Total	21,785	156,135	157,076	20,844	- 941	- 4.3%
VAC	<u>5,502</u>	<u>120,038</u>	<u>120,885</u>	<u>4,655</u>	<u>- 847</u>	<u>- 15.4%</u>
State	27,287	276,173	277,961	25,499	- 1,788	- 6.6%

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 1994-1995 CRIMINAL AND TRAFFIC CASES* - CASELOAD

	FILINGS			
	1994	1995	Change	% Change
New Castle County				
Court 9	5,520	3,525	- 1,995	- 36.1%
Court 10	16,519	15,109	- 1,410	- 8.5%
Court 11	38,085	33,219	- 4,866	- 12.8%
Court 14	1,757	1,532	- 225	- 12.8%
Court 15	7,184	7,497	+ 313	+ 4.4%
Court 18	11,639	10,173	- 1,466	- 12.6%
Kent County				
Court 6	4,851	3,956	- 895	- 18.4%
Court 7	27,651	27,099	- 552	- 2.0%
Court 8	3,696	2,539	- 1,157	- 31.3%
Sussex County				
Court 1	3,964	3,879	- 85	- 2.1%
Court 2	7,748	7,357	- 391	- 5.0%
Court 3	22,017	25,544	+ 3,527	+ 16.0%
Court 4	10,632	11,158	+ 526	+ 4.9%
Court 5	3,256	3,548	+ 292	+ 9.0%
Total	164,519	156,135	- 8,384	- 5.1%
VAC	120,514	120,038	- 476	- 0.4%
State	285,003	276,173	- 8,860	- 3.1%

COMPARISON - FISCAL YEARS 1994-1995 CRIMINAL AND TRAFFIC CASES* - CASELOAD

	DISPOSITIONS			
	1994	1995	Change	% Change
New Castle County				
Court 9	7,636	3,667	- 3,969	- 52.0%
Court 10	17,414	15,662	- 1,752	- 10.1%
Court 11	39,663	32,322	- 7,341	- 18.5%
Court 14	1,783	1,420	- 363	- 20.4%
Court 15	7,171	7,497	+ 326	+ 4.5%
Court 18	11,677	10,276	- 1,401	- 12.0%
Kent County				
Court 6	4,826	3,918	- 908	- 18.8%
Court 7	27,298	27,991	+ 693	+ 2.5%
Court 8	3,588	2,532	- 1,056	- 29.4%
Sussex County				
Court 1	4,036	3,840	- 196	- 4.9%
Court 2	8,091	7,892	- 199	- 2.5%
Court 3	20,747	25,375	+ 4,628	+ 22.3%
Court 4	9,716	11,154	+ 1,438	+ 14.8%
Court 5	3,367	3,530	+ 163	+ 4.8%
Total	167,013	157,076	- 9,937	- 5.9%
VAC	130,426	120,885	- 9,541	- 7.3%
State	297,439	277,961	-19,478	- 6.5%

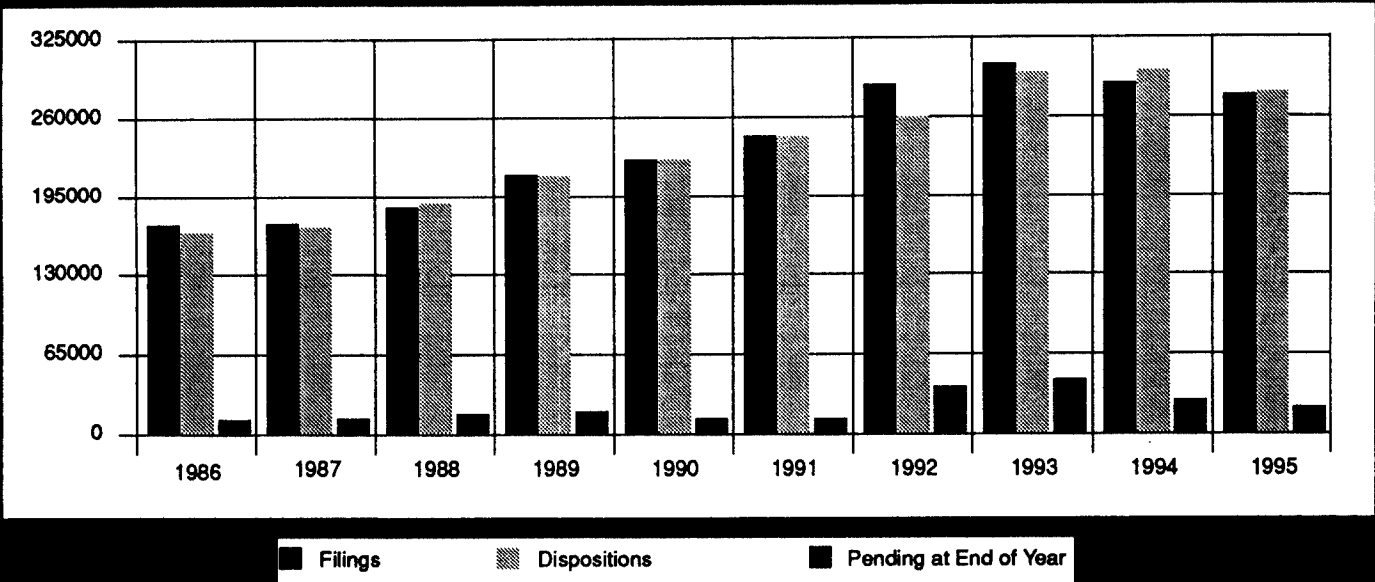
VAC = Voluntary Assessment Center

* 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.

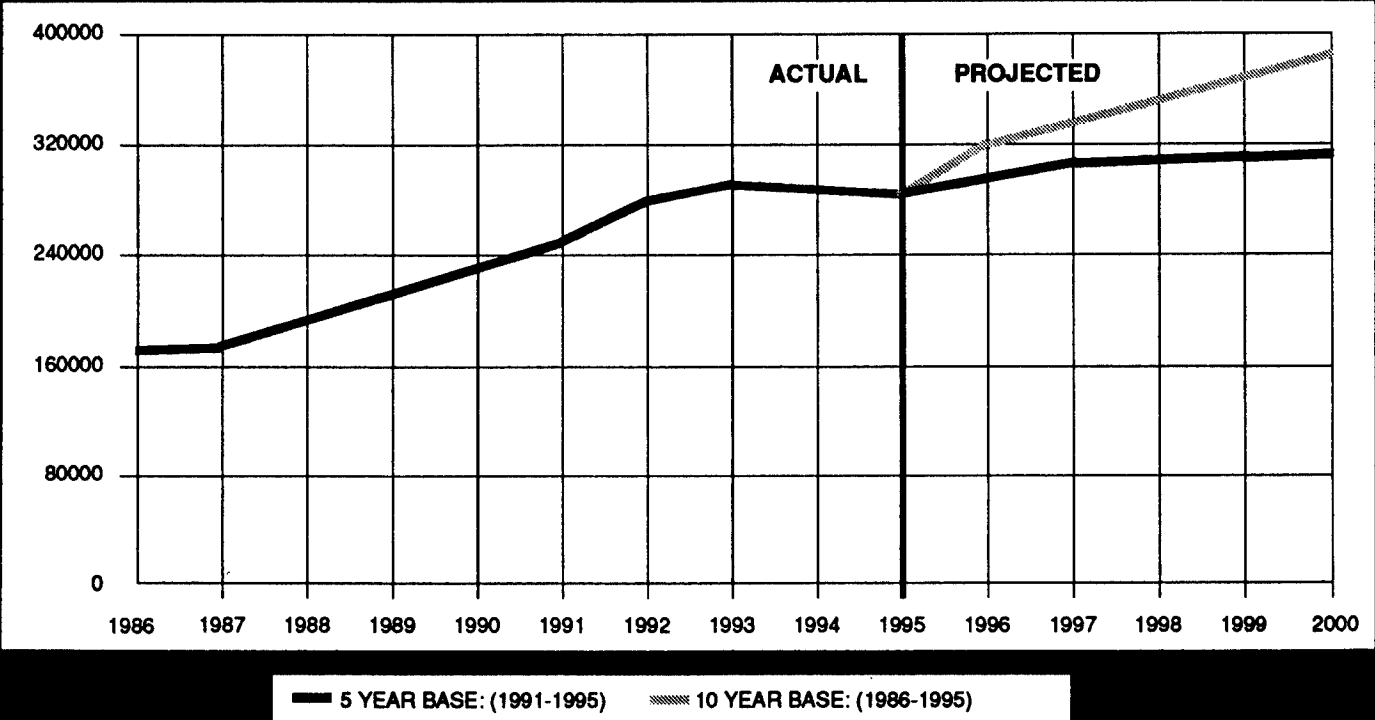
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

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 1995 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change in Pending	% Change in Pending
New Castle County						
Court 9	81	862	863	80	- 1	- 1.2%
Court 12	604	9,317	9,053	868	+ 264	+ 43.7%
Court 13	1,819	8,221	8,369	1,671	- 148	- 8.1%
Kent County						
Court 8	0	21	18	3	+ 3	-
Court 16	1,665	5,019	5,145	1,539	- 126	- 7.6%
Sussex County						
Court 2	4	0	0	4	0	0.0%
Court 17	453	3,683	3,586	550	+ 97	+ 21.4%
Court 19	1,507	2,810	2,697	1,620	+ 113	+ 7.5%
State	6,133	29,933	29,731	6,335	+ 202	+ 3.3%

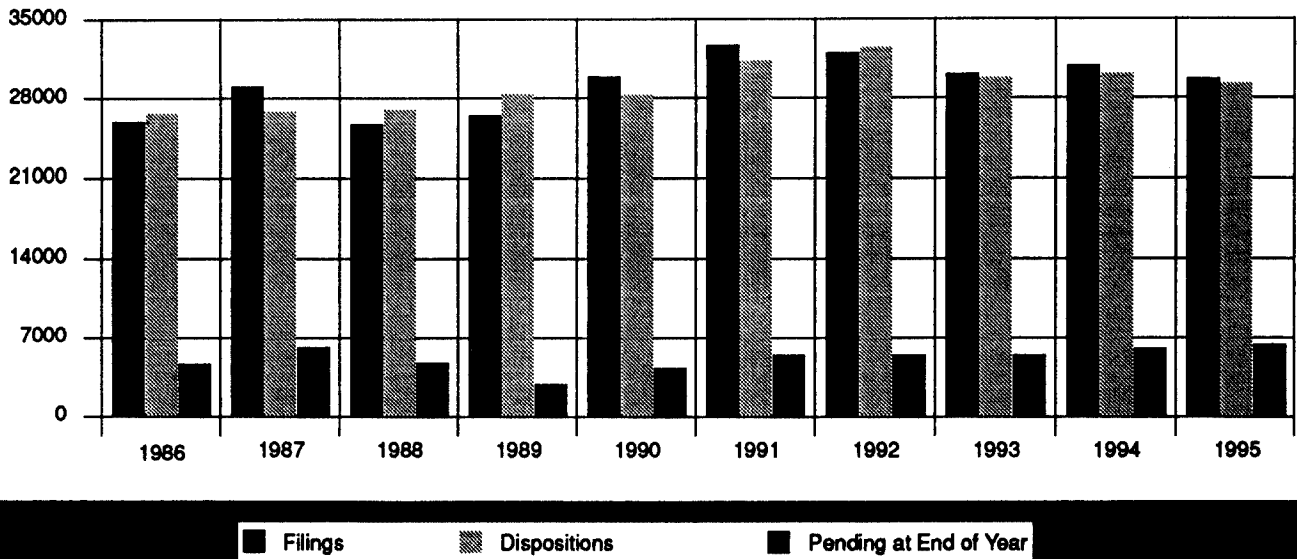
COMPARISON - FISCAL YEARS 1994-1995 CIVIL CASES - CASELOAD

	FILINGS				DISPOSITIONS			
	1994	1995	Change	% Change	1994	1995	Change	% Change
New Castle County								
Court 9	824	862	+ 38	+ 18.2%	826	863	+ 37	+ 4.5%
Court 12	8,792	9,317	+ 525	+ 3.0%	8,466	9,053	+ 587	+ 6.9%
Court 13	8,321	8,221	- 100	- 6.7%	8,075	8,369	+ 294	+ 3.6%
Kent County								
Court 16	5,736	5,019	- 717	- 12.5%	5,716	5,145	- 571	- 10.0%
Court 8	10	21	+ 11	+ 110.0%	13	18	+ 5	+ 38.5%
Sussex County								
Court 17	4,130	3,683	- 447	- 10.8%	4,277	3,586	- 691	- 16.2%
Court 19	3,275	2,810	- 465	- 14.2%	3,021	2,697	- 324	- 10.7%
State	31,088	29,933	- 1,155	- 3.7%	30,394	29,731	- 663	- 2.2%

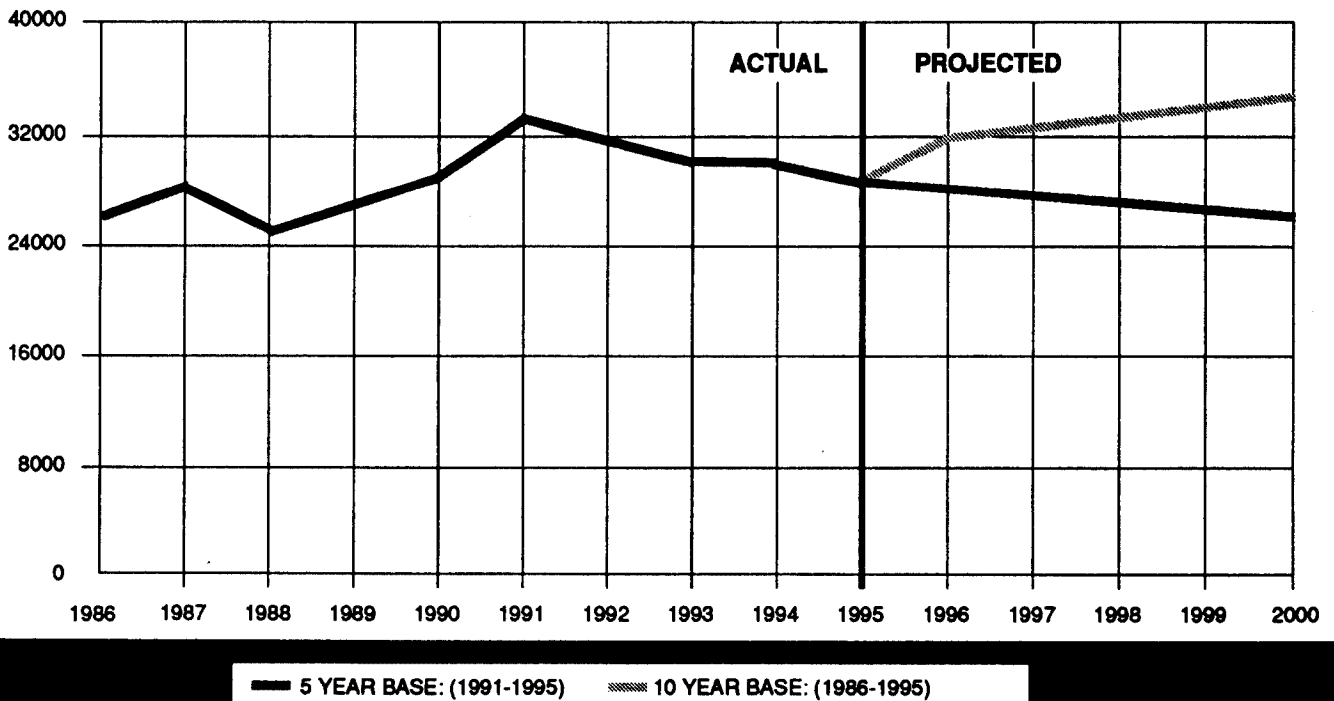
Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS — CIVIL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

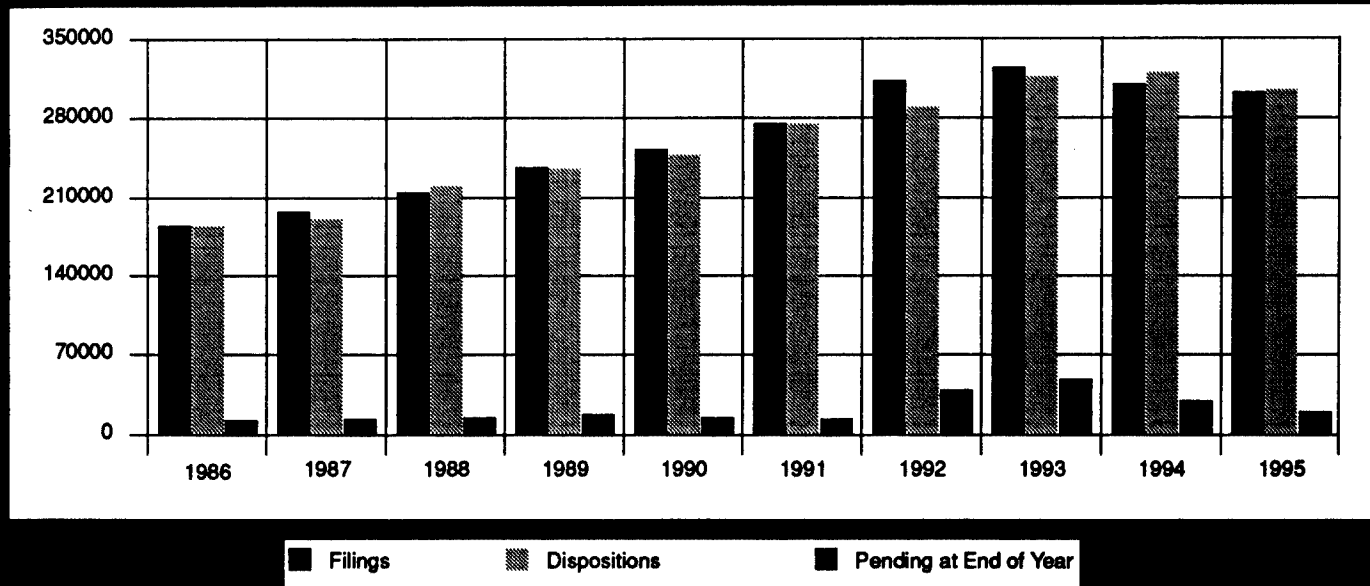


Trend lines computed by linear regression analysis.

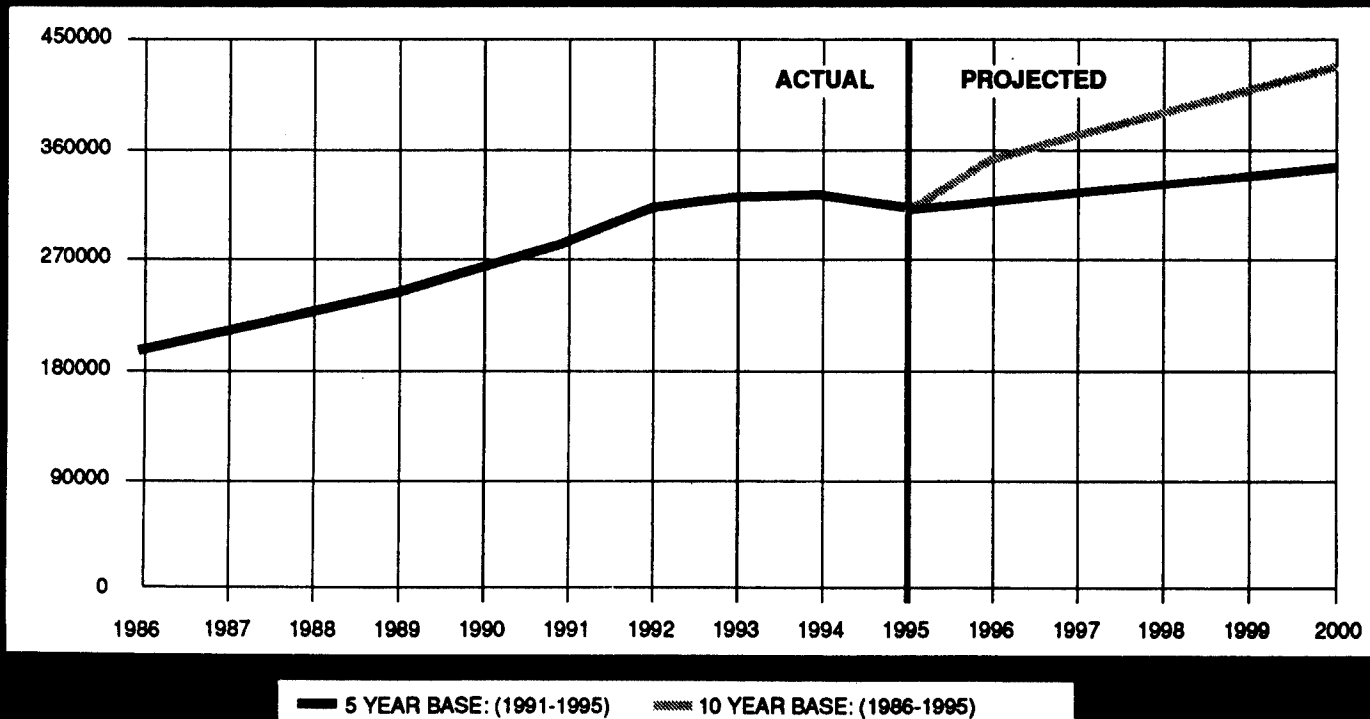
Source: Administrative Office of the Courts

JUSTICE OF THE PEACE COURTS — 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)
Alderman Willie A. Robert, Jr. (Bridgeville)
Alderman David B. Striegel (Delmar)
Alderman Paul H. Sheridan (Laurel)

ALDERMAN'S COURT

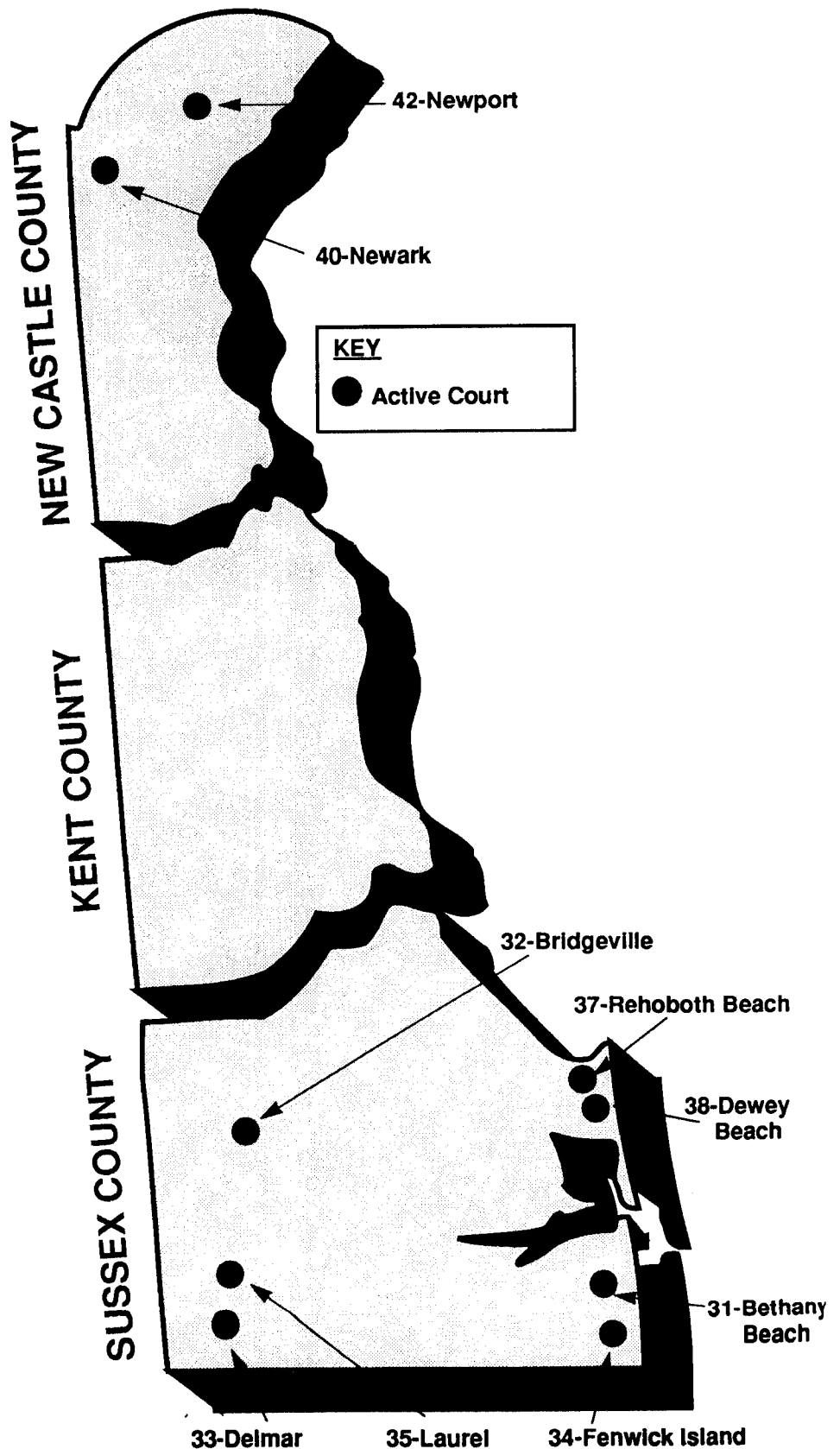
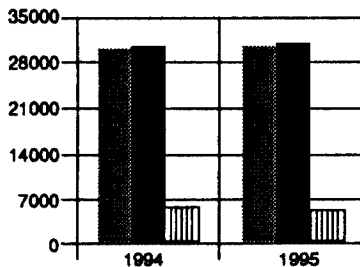
Alderman's Courts are authorized by the town charters of their respective municipalities.

Alderman's Courts have jurisdiction only within their own town limits. There were 9 active Alderman's or Mayor's Courts at the end of FY 1995, two in New Castle County and seven 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.

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 to the Court of Common Pleas effective January 15, 1995.

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.

There was very little change in either total filings or dispositions from the previous fiscal year. Total filings rose by 0.9% from 30,232 in FY 1994 to 30,501 in FY 1995. Total dispositions increased by 0.6% to 30,668 in FY 1995 from 30,470 in FY 1994. There was a 2.5% drop in total pending from 6,675 at the end of FY 1994 to 6,508 at the end of FY 1995.



ALDERMAN'S COURT

FISCAL YEAR 1995 TOTAL CASES * - CASELOAD SUMMARY

Court	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle County						
Newark	4,890	8,187	8,253	4,824	- 66	- 1.3%
New Castle	1	0	1	0	- 1	- 100.0%
Newport	198	6,700	6,561	337	+ 139	+ 70.2%
Sussex County						
Bethany Beach	672	2,495	2,738	429	- 243	- 36.2%
Bridgeville	287	3,600	3,713	174	- 113	- 39.4%
Delmar	307	1,629	1,428	508	+ 201	+ 65.5%
Dewey Beach	0	1,728	1,728	0	0	—
Fenwick Island	0	1,912	1,912	0	0	—
Laurel	0	1,659	1,490	169	+ 169	—
Rehoboth Beach	320	2,591	2,844	67	- 253	- 79.1%
TOTALS	6,675	30,501	30,668	6,508	- 167	- 2.5%

FISCAL YEAR 1995 CRIMINAL CASES * - CASELOAD SUMMARY

Court	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle County						
Newark	407	1,615	1,732	290	- 117	- 28.7%
New Castle	1	0	1	0	- 1	-100.0%
Newport	0	0	0	0	0	—
Sussex County						
Bethany Beach	0	0	0	0	0	—
Bridgeville	0	0	0	0	0	—
Delmar	76	74	47	103	+ 27	+ 35.5%
Dewey Beach	0	1,046	1,046	0	0	—
Fenwick Island	0	3	3	0	0	—
Laurel	0	217	207	10	+ 10	—
Rehoboth Beach	4	304	307	1	- 3	- 75.0%
TOTALS	488	3,259	3,343	404	- 84	- 17.2%

FISCAL YEAR 1995 TRAFFIC CASES * - CASELOAD SUMMARY

Court	Pending 6/30/94	Filings	Dispositions	Pending 6/30/95	Change In Pending	% Change In Pending
New Castle County						
Newark	4,483	6,572	6,521	4,534	+ 51	+ 1.1%
New Castle	0	0	0	0	0	—
Newport	198	6,700	6,561	337	+ 139	+ 70.2%
Sussex County						
Bethany Beach	672	2,495	2,738	429	- 243	- 36.2%
Bridgeville	287	3,600	3,713	174	- 113	- 39.4%
Delmar	231	1,555	1,381	405	+ 174	+ 75.3%
Dewey Beach	0	682	682	0	0	—
Fenwick Island	0	1,909	1,909	0	0	—
Laurel	0	1,442	1,283	159	+ 159	—
Rehoboth Beach	316	2,287	2,537	66	- 250	- 79.1%
TOTALS	6,187	27,242	27,325	6,104	- 83	- 1.3%

*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

COMPARISON - FISCAL YEARS 1994-1995 TOTAL CASES- CASELOAD

Number of Filings*

COURT	1994	1995	Change	% Change
New Castle				
Newark	9,171	8,187	- 984	- 10.7%
New Castle	1	0	- 1	- 100.0%
Newport	5,045	6,700	+ 1,655	+ 32.8%
Sussex County				
Bethany Beach	2,890	2,495	- 395	- 13.7%
Bridgeville	4,637	3,600	- 1,037	- 22.4%
Delmar	1,080	1,629	+ 549	+ 50.8%
Dewey Beach	2,478	1,728	- 750	- 30.3%
Fenwick Island	1,180	1,912	+ 732	+ 62.0%
Laurel	839	1,659	+ 820	+ 97.7%
Rehoboth Beach	2,911	2,591	- 320	- 11.0%
TOTALS	30,232	30,501	+ 269	+ 0.9%

COMPARISON - FISCAL YEARS 1994-1995 TOTAL CASES- CASELOAD (cont'd.)

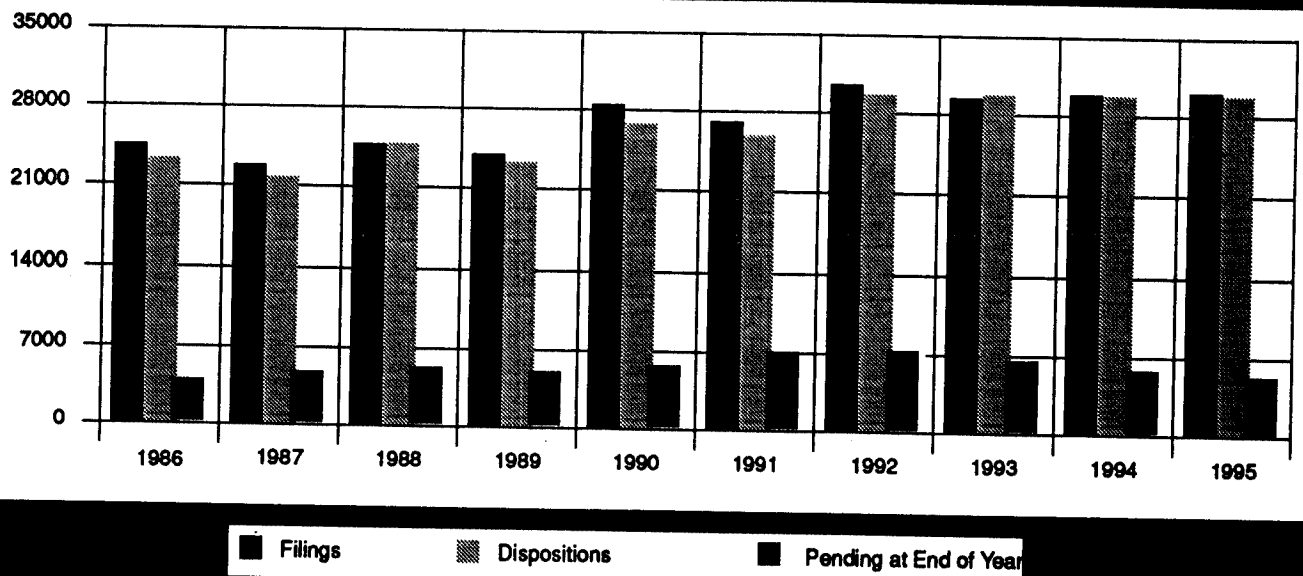
Number of Dispositions*

COURT	1994	1995	Change	% Change
New Castle				
Newark	9,256	8,253	- 1,003	- 10.8%
New Castle	2	1	- 1	- 50.0%
Newport	5,156	6,561	+ 1,405	+ 27.2%
Sussex County				
Bethany Beach	2,806	2,738	- 68	- 2.4%
Bridgeville	5,010	3,713	- 1,297	- 25.9%
Delmar	947	1,428	+ 481	+ 50.8%
Dewey Beach	2,478	1,728	- 750	- 30.3%
Fenwick Island	1,180	1,912	+ 732	+ 62.0%
Laurel	839	1,490	+ 651	+ 77.6%
Rehoboth Beach	2,796	2,844	+ 48	+ 1.7%
TOTALS	30,470	30,668	+ 198	+ 0.6%

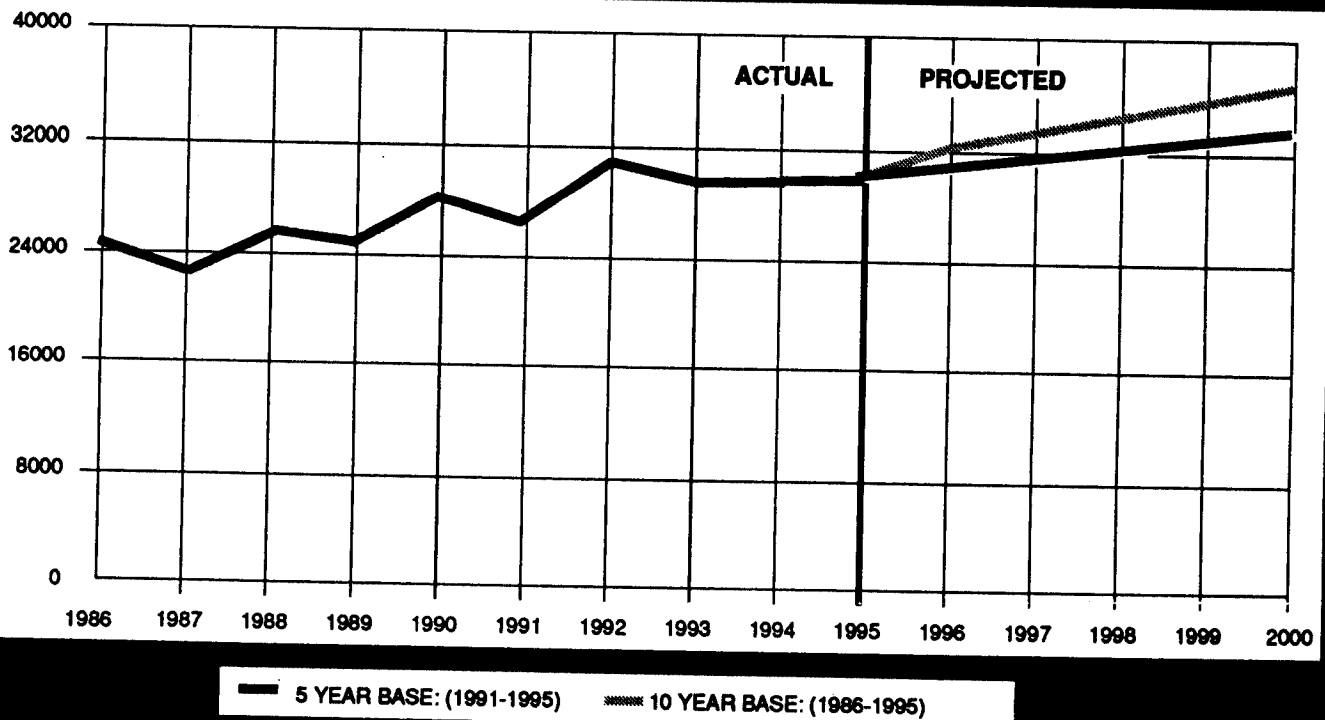
*The unit of count in traffic and criminal cases is the charge. For example, a defendant with three charges disposed of is counted as three defendants.
Source: Alderman's Courts, Administrative Office of the Courts.

ALDERMAN'S COURT — 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

Judicial Agencies and Bodies

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.

Duties

The functions of the AOC are set out in Supreme Court Rule 87. The Judicial Information Center and the Central Collections Office operate 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 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 Richard E. Poole, Esq.. The other members are: Honorable Randy J. Holland; Honorable Jack B. Jacobs; Honorable Henry duPont Ridgely; Honorable Peggy L. Ableman; Honorable Alex J. Smalls; Honorable Patricia Walther Griffin; Honorable M. Jane Brady; Honorable Lawrence M. Sullivan; Sidney Balick, Esq.; R. Franklin Balotti, Esq.; O. Francis Biondi, Esq.; Paulette Sullivan Moore, 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 25 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 in 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. Justice Carolyn Berger serves as chair of the Judicial Education Committee. Other members of the Committee are: Vice-Chancellor William C. Chandler, Jr., Judge Haile L.

Alford, 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 1995, 119 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 1995, 21 new ESPs were trained, 49 appointments were processed and 117 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

There were 148 referrals to the Public Guardian in FY 1995. Of that total, it was determined that 30 had need for the services of the Public Guardian as a guardian. The remaining referrals were found not to need a guardianship and were served through the services of other state and private agencies. Total referrals decreased by 21.3% from 188 in FY 1994 to 148 in FY 1995. Total dispositions fell by 26.9% from 197 in FY 1994 to 144 in FY 1995. There was a slight 2.8% increase in total pending to 146 at the end of FY 1995 from 142 at the end of FY 1994.

FISCAL YEAR 1995 PUBLIC GUARDIAN - CASELOAD BREAKDOWNS

	Pending 6/30/94	New Referrals	Cases Closed	Pending 6/30/95	Change In Pending	% Change In Pending
Guardianships	122	30	20	132	+ 10	+ 8.2%
Investigations	20	118	124	14	- 6	- 30.0%
TOTALS	142	148	144	146	+ 4	+ 2.8%

COMPARISON - FISCAL YEARS 1994-1995 PUBLIC GUARDIAN - CASELOAD

NEW REFERRALS

	1994	1995	Change	% Change
Guardianships	33	30	- 3	- 9.1%
Investigations	155	118	- 37	- 23.9%
TOTALS	188	148	- 40	- 21.3%

COMPARISON - FISCAL YEARS 1994-1995 PUBLIC GUARDIAN - CASELOAD

CASES CLOSED

	1994	1995	Change	% Change
Guardianships	35	20	- 15	- 42.9%
Investigations	162	124	- 38	- 23.5%
TOTALS	197	144	- 53	- 26.9%

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

JUDICIAL AGENCIES AND BODIES

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 1995. 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 1995, the Board conducted 1,581 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 \$23,250 was distributed to colleges in FY 1995 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 Director 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

During Fiscal Year 1995, the Board received 488 applications for compensation. During this period, the Board heard a total of 531 cases. A total of \$1,007,600 was disbursed to a total of 336 successful applicants. For the period from FY 1975 through FY 1995, the Board has received 4,741 claim forms and has awarded roughly \$13,299,529. Revenue receipts for FY 1995, much of which came from the 18% penalty assessment, totalled \$1,925,723.