



**The Annual
Report of the
Delaware Judiciary**

1996

1996 Annual Report of the Delaware Judiciary

(July 1, 1995– June 30, 1996)

The Honorable E. Norman Veasey
Chief Justice of Delaware

Prepared by the

**Administrative Office
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LETTER OF TRANSMITTAL



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DEPUTY DIRECTOR

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

Pursuant to Supreme Court Rule 87, I am pleased to submit on behalf of the Administrative Office of the Courts the 1996 Annual Report of the Delaware Judiciary.

I would like to express my thanks and appreciation to the many individuals in the various courts and judicial agencies whose assistance and cooperation contributed substantially to this publication.

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

Respectfully,

A handwritten signature in cursive script that reads "Lowell L. Groundland".

Lowell L. Groundland
Director
Administrative Office of the Courts

LETTER FROM THE CHIEF JUSTICE



SUPREME COURT OF DELAWARE

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February 1, 1997

It is with pride that I present the Annual Report of the Delaware Judiciary which describes the significant achievements of our court system for FY 1996. During the last year, our dedicated judges and staff disposed of the continually rising caseloads of the various courts in a timely manner and initiated new programs and practices geared to promote greater efficiency in the courts' operations and improved services to Delaware citizens using these courts. This year's volume highlights the steps which the Judiciary is taking to prepare the Delaware court system for the next century.

The numerous accomplishments recorded in this publication were made possible by the support and cooperation of Governor Thomas R. Carper and the members of the General Assembly.

The important advances by the Delaware judicial system exemplify the commitment of our judges and staff to adhering to the highest standards in administering justice and to enhancing the excellent reputation which our Delaware courts have maintained for decades.

E. Norman Veasey

Introduction to the Delaware Court System

INTRODUCTION TO THE DELAWARE COURT SYSTEM

Court Organization and Jurisdiction

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

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

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

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

System for most citizens, have jurisdiction over civil cases in which the disputed amount is less than \$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

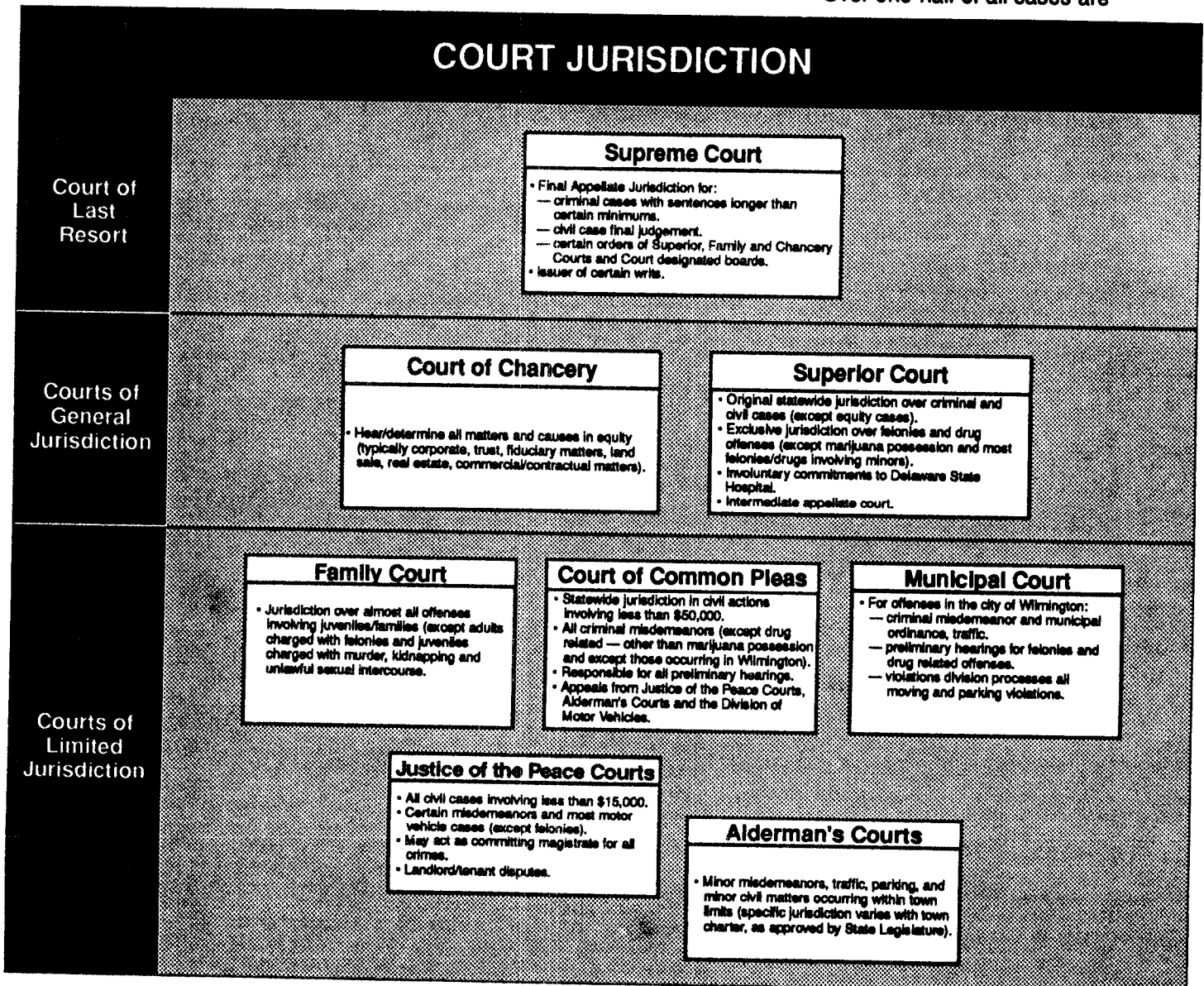


Figure 1

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.

APPEALS & TRANSFERS

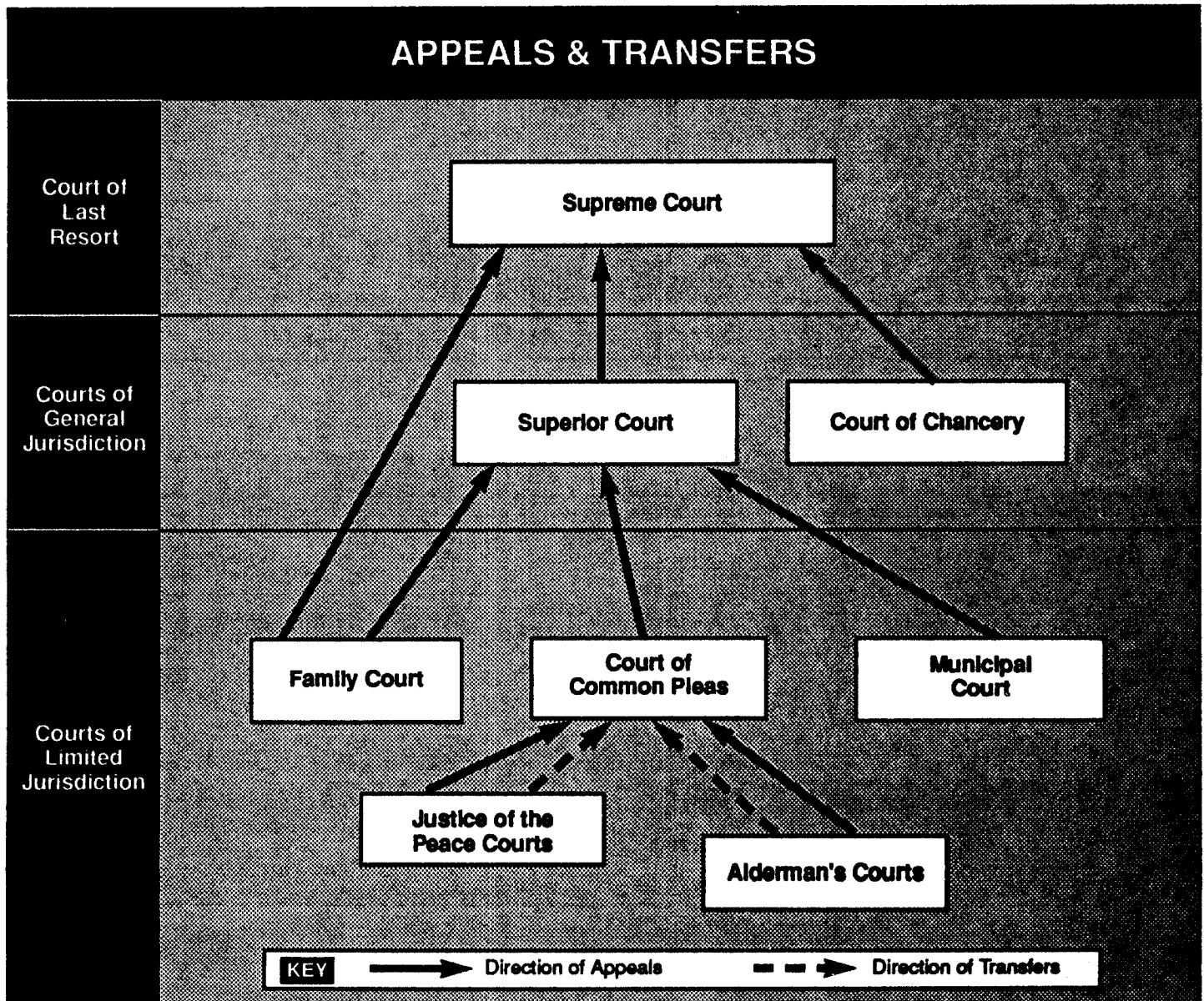


Figure 2

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.

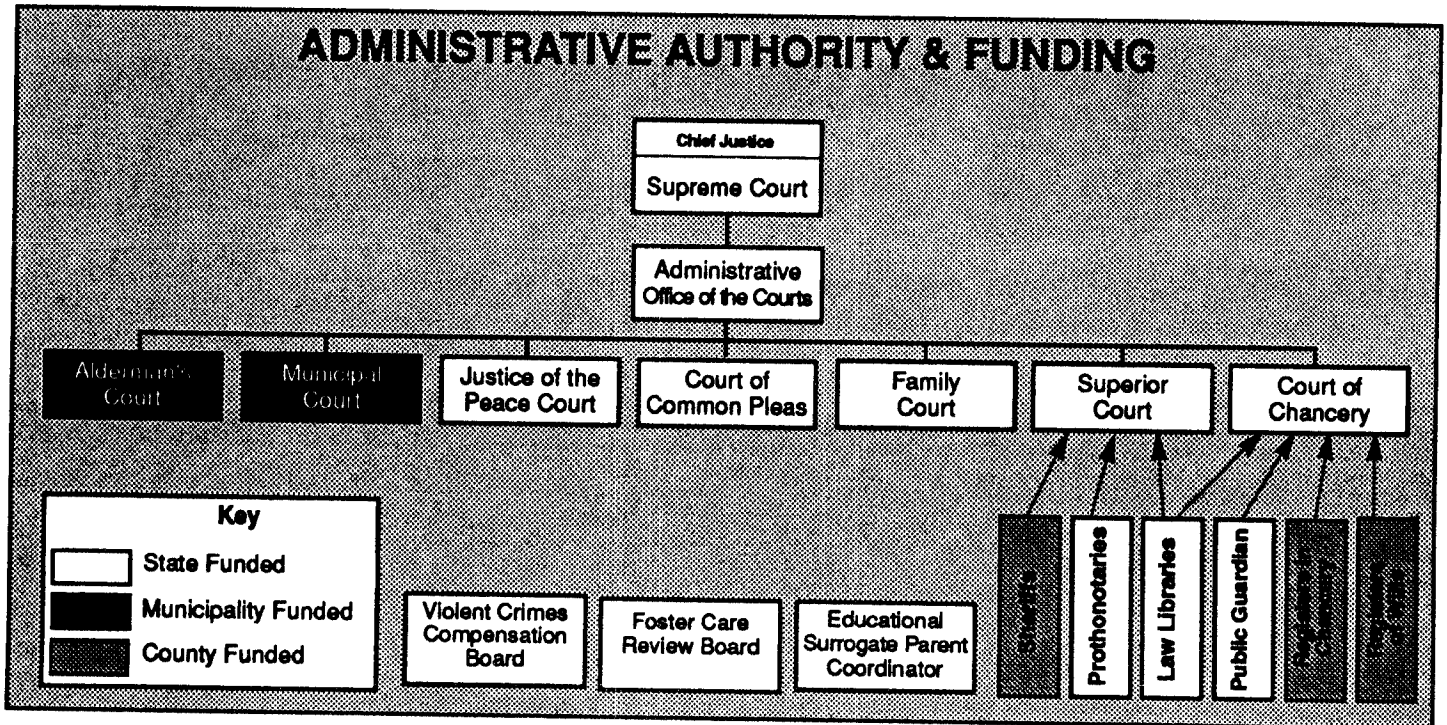


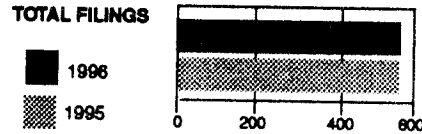
Figure 3

Court Caseload Summaries for Fiscal Year 1996

COURT CASELOAD SUMMARIES FOR FY 1996

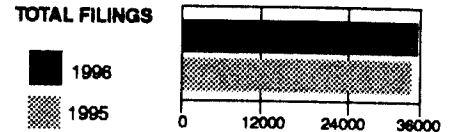
SUPREME COURT

There was a slight increase in total filings between FY 1995 and FY 1996. There was an increase in total dispositions as well which was larger than the rise in filings.



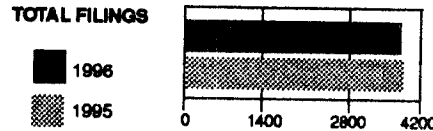
COURT OF COMMON PLEAS

There was a record level of total filings in the Court yet again during FY 1996. This resulted from another record level of criminal filings by defendant along with an increase in civil filings during FY 1996.



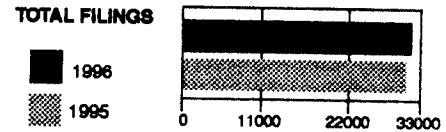
COURT OF CHANCERY

There was a decrease in civil filings during FY 1996. There was a slight change in the number of estates filings as well as the number of miscellaneous matters filed and the total number of filings during FY 1996.



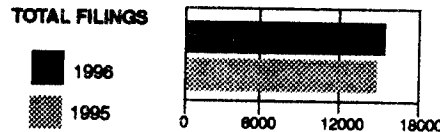
MUNICIPAL COURT

Total filings rose in FY 1996 as did total dispositions, due largely to a substantial increase in criminal filings. This follows increases during the previous fiscal year.



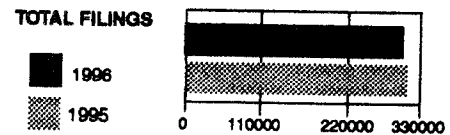
SUPERIOR COURT

There were increases of over 5% in both criminal and in civil filings which led to a similar rise in total filings during FY 1996.



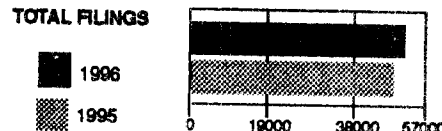
JUSTICE OF THE PEACE COURTS

The total filings for the Court fell during FY 1996 due to decreases in activity in the Voluntary Assessment Center from the previous year.



FAMILY COURT

The total number of both filings and dispositions rose by over 7% in the Family Court during FY 1996. The total number of filings as well as the total number of dispositions rose to a record level for the third consecutive year.



**A Commentary
On Fiscal Year
1996 By
Chief Justice E.
Norman Veasey**

A COMMENTARY ON FISCAL YEAR 1996

A COMMENTARY ON FISCAL YEAR 1996 BY CHIEF JUSTICE E. NORMAN VEASEY



The Honorable E. Norman Veasey

THE CURRENT STATE OF THE DELAWARE JUDICIAL SYSTEM

The stature of the Delaware Judiciary continues to grow locally, nationally, and abroad. The First State's long standing reputation for excellence in corporate law is exemplified in the work of the Supreme Court and the Court of Chancery. Superior Court's outstanding management of huge and complex international insurance coverage cases, its provisions of summary proceedings for major commercial disputes, and its nationally recognized Drug Court have been appropriately commended. Family Court's leadership in the child support and domestic violence areas continues to receive favorable publicity in Delaware and throughout the country. The Court of Common Pleas, the Municipal Court, and the Justice of the Peace Courts, all understaffed, have succeeded in handling their caseloads very efficiently.

Delaware courts share with the tribunals of other states continually rising caseloads. In the last six years, the majority of Delaware courts with initial jurisdiction for both criminal and civil matters experienced at least a twenty percent increase in their caseloads. In Delaware, it is not merely the raw number increases but the increasing time-consuming complexity of the cases which intensifies the burden on our courts.

In the last six years, the majority of Delaware courts with initial jurisdiction for both criminal and civil matters experienced at least a twenty percent increase in their caseloads.

The comprehensive nature of Delaware's Continuing Judicial Education Program and the course offerings for nonjudicial personnel are documented in this volume for the past fiscal year. The Judicial Branch is committed to providing court personnel a training program that will enable them to provide improved services to the court users and the general public. The complexities of our judicial system in both criminal and civil matters often make it difficult, confusing, and at times

frightening to many segments of our population coming to the courts seeking information or assistance regarding their problems. A top priority in the FY 1998

The stature of the Delaware Judiciary continues to grow locally, nationally, and abroad.

Judicial Budget Request is the need to implement a staff development program for all of the courts.

The necessity of addressing the lack of adequate physical facilities for the Delaware courts has reached urgent proportions. The severity of the need for the construction of a new courthouse in Wilmington is so great that it should be the top capital budget priority for new construction for the Judicial Branch in FY 1998. It is also imperative that we go forward with the renovation of the Sussex County Courthouse, the planning for the space needs of the Kent County courts, and the continuation of the comprehensive building program of the Justice of the Peace Courts.

The section on automation in this Annual Report indicates that the Delaware judicial system's technology initiatives should be at the cutting edge of this field. We are making efforts to pave the way toward significant increases in efficiency and cost effectiveness in managing our workload through these initiatives. We are now making progress toward the development of a sound scheme for enabling Delaware's court system to make the transition from a paper-based environment to a technology-driven environment to manage its voluminous and complex caseloads. In order to achieve this goal, we must obtain state funding to update the courts' computing-related infrastructure and acquire modern computer equipment for more than 400 court employees.

A COMMENTARY ON FISCAL YEAR 1996

SELF-STUDY AND IMPROVEMENT

Like the courts in many other states, Delaware courts during the last several years have been involved in assessing their performance and improving their operations. The most thorough evaluation of this State's judicial branch was the Final Report of the Delaware Commission on Delaware Courts 2000 released on May 16, 1994 and described in last year's Annual Report. A significant number of the proposals of this Commission have been implemented through legislation and others have been or are being implemented administratively. There are, however, several important recommendations of the Commission which have not been enacted. For example, the granting of constitutional status for Family Court and the Court of Common Pleas, and the merger of the Wilmington Municipal Court and the Court of Common Pleas are steps which would strengthen and streamline the Delaware judicial system.

The Delaware Judiciary has also joined the growing number of states which have conducted studies to identify and eliminate instances of bias in their systems. In the FY 1995

recommendations of this Task Force regarding personnel matters, language and communications issues, the jury system, courtroom interaction, perception of the courts, and civil, criminal, and juvenile justice are being studied by the Judicial Branch with the aim of devising a plan to implement the priority proposals on an incremental basis.

We are now making progress toward the development of a sound scheme for enabling Delaware's court system to make the transition from a paper-based environment to a technology-driven environment to manage its voluminous and complex caseloads.

The influx of large numbers of foreign language speaking individuals into our courts, and the growing awareness that court interpreters of foreign languages and the deaf must possess specialized skills and knowledge, resulted in Administrative Directive No. 107 on April 14, 1996. This Directive requires that all interpreters in the Delaware courts must complete an orientation training

The necessity of addressing the lack of adequate physical facilities for the Delaware courts has reached urgent proportions.

Annual Report, the Final Report of the Gender Fairness Task Force issued in August 1995 was described. The court system is in the process of implementing major proposals of this Task Force relating to judicial and staff training, personnel policies, and operational procedures in the various courts;

The FY 1995 Annual Report also mentioned the work of the Delaware Task Force on Racial and Ethnic Fairness created by Administrative Directive No. 101 on April 5, 1995. This Task Force issued its report on October 1, 1996, after more than a year of intensive study. The

sponsored by the Administrative Office of the Courts, and must swear, under oath, that they will comply with the provisions set forth in the Delaware Code of Professional Responsibility. In addition, the interpreters of most commonly used foreign languages must undergo certification testing. The first series of the orientation classes for court interpreters on topics such as ethical standards, modes of interpreting, criminal procedures, and education resources has already been held. In the spring of 1997, court interpreters of Spanish will be tested by linguistic experts under the direction of the National Center for State Courts.

A COMMENTARY ON FISCAL YEAR 1996

Throughout the United States, courts are revising their administrative operations to ensure the efficient use of public resources and to enhance the effective delivery of services to the public. In Delaware, the Administrative Enhancement Committee created by Administrative Directive No. 105, dated January 5, 1996, was asked to review

tering justice effectively and efficiently unless it has the trust and confidence of the public. Recently, the Delaware Judiciary successfully completed a court visitation program for legislators, the Governor's cabinet, and elected state officials.

With the recognition that our court system must reach out to the public at large to educate them about the judicial system and how it operates, Administrative Directive No. 106 was issued on July 26, 1996. That directive created the Delaware Task Force on Citizen Involvement in the Delaware Judicial System.

Important charges of this Task Force are the following: the establishment of a public outreach program; the preparation of materials for public distribution identifying the programs and services available to individuals coming into contact with the judicial system; the identification of existing and needed resources required for the judicial system to serve effectively the needs of the public and the interests of Delaware; and the obtaining of citizen input on appropriate methods for improving the quality of services provide by the courts. The preliminary report of this Task Force is to be submitted to me by April 1, 1997, and after the public has had an opportunity to comment on the document, the Final Report of the Task Force will be presented by July 1, 1997. The labors of this Task Force will provide a formal structure for educating the public about the mission, goals, and operations of the Delaware court system, and for obtaining ongoing feedback from our Delaware citizens about the functioning and services of our courts.

* * * * *

The important activities described in this commentary and in the remaining chapters of this FY 1996 Annual Report represent the Delaware Judiciary's continuing effort 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 environment of rapid changes in demographics, economics, technology, and jurisprudence projected for the next century.

. . . Many Delaware citizens do not understand either how the judicial system functions or the role which the judicial system plays in our society and in our government. It is a well known fact that a court system will not succeed in carrying out its mission of administering justice effectively and efficiently unless it has the trust and confidence of the public.

the administrative structure and functions of the Judicial Branch. The Committee conducted an in-depth study of the structure and operations of the Administrative Office of the Courts and the functions of court administrators. The Administrative Enhancement Committee issued its Final Report in late December 1996. The recommendations of the Final Report include a wide array of administrative strategies and techniques from which the Judicial Branch will select those most appropriate to ensure that the Delaware courts may serve more efficiently and effectively the people of this State coming before the various courts.

A NEW ERA FOR THE COURTS

The work of the Commission on Delaware Courts 2000, the Gender Fairness Task Force, and the Task Force on Racial and Ethnic Fairness made an intensive effort to tap the views of Delaware citizens through public hearings, the use of focus groups, and the appointment of public members to various subcommittees. These three reports also revealed that many Delaware citizens do not understand either how the judicial system functions or the role which the judicial system plays in our society and in our government. It is a well known fact that a court system will not succeed in carrying out its mission of adminis-

Fiscal Year 1996 Highlights and Developments

FISCAL YEAR 1996 HIGHLIGHTS AND DEVELOPMENTS

INTRODUCTION

The sections below describe the accomplishments of the Judicial Branch in introducing new programs, expanding the automation of specific court functions, standardizing systemwide processes, and carrying out other initiatives designed to promote quality and efficiency in the administration of justice.

JUDGESHIPS

There were changes in judgeships in several courts in FY 1996. Judge Charles K. Keil, who became a Family Court Judge on October 28, 1983, retired on December 31, 1995. The Honorable Aida Waserstein was sworn in as a Family Court Judge on October 20, 1995, and the Honorable Barbara D. Crowell began her service on the Family Court's bench on March 1, 1996. Judge Paul E. Ellis, who became a Court of Common Pleas Judge on April 18, 1973, retired on May 16, 1996. The Honorable John K. Welch began his career as a Municipal Court Judge on June 10, 1996.

CONTINUING JUDICIAL EDUCATION

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

Members of the Delaware Judiciary joined with members of the Delaware State Bar Association at a summer retreat held in the Inner Harbor, Baltimore, MD, August 18-20, 1995. Speakers for the program included Maryland Court of Special Appeals Judge Charles E. Moylan who discussed recent U.S. Supreme Court decisions, and U.S. Senator Joseph R. Biden, Jr., who made a presentation on the crime bill.

The Judicial Conference met December 8, 1995, at Buena Vista State Conference Center, New Castle, for an educational program on the Americans with Disabilities Act including court interpreter issues. The featured speaker was Judge Richard S. Brown of the Wisconsin Court of Appeals.

At an education program held for the Judges of Family Court and the Judges of the Justice of the Peace Courts on October 2, 1995 at the Holiday Inn in Newark, the following topics were presented: "Communicating with Pro-Se Litigants" by Dr. Anne Graffam Walker of Washington, DC; and "Assessing Risks in Domestic Violence Cases" by Professor Mary Anne Dutton of the George Washington University Medical School and Connecticut Superior Court Judge Lawrence L. Hauser.

The Administrative Office of the Courts with funding from the Delaware Office of Highway Safety sponsored a DUI Issues in Delaware conference on April 18 and 19, 1996, at the Sheraton Hotel, Dover, for 500 participants from the Judiciary, legislature, Office of the Attorney General, Office of the Public Defender, police departments, the Department of Correction's Probation and Parole, and the treatment community. Dr. Mario Pazzaglini dealt with "The Pharmacology of Alcohol/Drug Abuse", and Janice Frost, Esquire, of the National Traffic Center discussed "Double Jeopardy Issues".

Scholarships from the State Justice Institute, the Bureau of Justice Assistance, and the Delaware Office of Highway Safety enabled 20 Delaware Judges to matriculate in courses sponsored by the National Judicial College, the National Council of Juvenile and Family Court Judges, and the American Bar Association's Traffic Court Seminar.

PHYSICAL FACILITIES

One of the most critical issues facing the Judiciary is inadequate housing for the various courts. The most serious space shortage in the court system - that in Wilmington - was documented first in the 1990 report released by the Wilmington Space Planning Committee under the auspices of the Department of Administrative Services. This report showed that the courtrooms in existence at that time would need to be doubled by 2000 in order to accommodate the projected growth in the criminal caseload, and it contained a proposal for constructing a new court

FISCAL YEAR 1996 HIGHLIGHTS AND DEVELOPMENTS

center in downtown Wilmington. At that time Delaware's revenue problems prevented the implementation of this plan.

In conformity with a recommendation of the Commission on Delaware Courts 2000, Chief Justice E. Norman Veasey formed a blue ribbon committee on October 6, 1994 with representatives from the executive and legislative branches whose charge was to secure funding, select a site, and oversee the construction of the Delaware Justice Center for the Wilmington-based courts. The Delaware Justice Center Committee, co-chaired by Edmund N. Carpenter, II, Esquire, and Charles E. Welch, Esquire, after reviewing nine proposals by developers, selected as the finalist in October 1995 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 be through making lease payments to the developer out of State funds. The Delaware Justice Center Committee, the Delaware Courts Planning Committee, and the entire Judiciary have labored intensively to convince the Governor and the General Assembly of the need to move forward with the Rubenstein proposal. While no funds were appropriated for this project in FY 1997, the Judiciary, in conjunction with the Department of Administrative Services, has requested in the FY 1998 budget one million dollars to begin in earnest the construction of the Delaware Justice Center.

Because of the delay in the planning and erection of the Delaware Justice Center, it has become necessary to request funds in the FY 1998 budget for leasing space for the crowded Wilmington-based courts until 2000, the earliest projected operational date for the Delaware Justice Center. The Judiciary has also requested funds for FY 1998 to construct a much needed jury courtroom for the Court of Common Pleas in the Daniel L. Herrmann Courthouse.

The State, having completed the purchase of the Sussex County Courthouse from the County, appropriated in FY 1996 \$250,000 to begin the planning and design of the

renovation of the building to suit court functions. A space planning committee has selected from several bidders the architectural firm to design the remodeling of this structure which will begin in FY 1997 through funds appropriated by the State.

The Kent County Courthouse Committee consisting of Resident Judge N. Maxson Terry, Jr., Vice Chancellor Myron T. Steele, Judge Merrill C. Trader, Harold Schmittinger, Esquire, Secretary of Administrative Services Vincent P. Meconi, Terry Pepper, and C. Terry Jackson, II, has identified the space needs of the courts in Kent County. Taking into account these requirements, the Judiciary has included a request for \$50,000 in the FY 1998 Capital Budget to hire an architectural firm to design a structure to accommodate the trial courts for Kent County.

The comprehensive building program of the Justice of the Peace Courts had been halted due to the State's fiscal problems in previous years. In FY 1996, the Bond Bill Committee appropriated \$230,000 to complete the architectural and engineering studies for a new Justice of the Peace Court facility in Dover and this Committee provided \$2,634,500 to start construction on this new building in FY 1997. For FY 1998, the Judiciary's Capital Budget request includes \$1,100,000 to construct a new Justice of the Peace Court building in Claymont as well as funds for continuing the improvement of state-owned Justice of the Peace facilities in New Castle, Lewes and Millsboro.

The Judiciary was granted funds for fiscal years 1996 and 1997 to upgrade the security of the Kent County Courthouse and the Family Court facilities in all three counties. In FY 1998, the Judiciary will request additional funds to strengthen security in the three Family Court buildings.

AUTOMATION

One of the greatest challenges facing the Delaware courts is the transition from a paper-based environment to one that manages information through technology. The only way the courts in this State can manage their caseloads, which are increasing in both numbers and complexity, is to provide the judges,

FISCAL YEAR 1996 HIGHLIGHTS AND DEVELOPMENTS

the court staff, the Attorney General's Office, the Public Defender's Office, the Department of Correction, the attorneys, and the public with easier access to court information through automation.

During FY 1996, three important projects in the area of technology were implemented: the criminal case management system for the Superior Court and the Court of Common Pleas; a financial management system for the Court of Common Pleas; and the expansion of Family Court's civil system to cover all civil cases, including Protection From Abuse cases.

The Judicial Information Center and the various courts are currently working on the following initiatives: a civil case management system for the Justice of the Peace Courts; an automated system to capture and distribute sentencing information to criminal justice agencies; a criminal case and financial management system for Family Court; and several projects designed to install personal computers and expand networks.

The courts employ technology for the purpose of exchanging information with individuals and organizations in the other branches of government. At present, approximately one third of the Judicial Information Center's programming resources are focused on developing and maintaining system links to the DELJIS (Delaware Justice Information System) community and, to a lesser extent, the Division of Child Support Enforcement. Projected for the future are interfaces with the Department of Services for Children, Youth, and Their Families, private treatment organizations, the private bar, and the public.

It should be pointed out that even when the present activities in automation have been completed, a large number of court processes will still be performed manually and over 400 court employees will not have access to modern computer equipment.

The Judiciary has included as priorities in its budget requests for FY 1997 and FY 1998 projects designed to achieve significant progress toward the goal of fully automating court operations.

STANDARDIZATION AND UNIFORMITY

The systemwide use of accounting functions and the centralization of collections functions within the judicial branch continues to be expanded. The Office of State Court Collections Enforcement, established in FY 1994 in the Administrative Office of the Courts, is in the process of establishing a comprehensive automated collection system for all courts. Procedures and policies in fiscal matters applicable 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.

EMPLOYEE OF THE YEAR AWARD

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. Debra L. Cahall, a Court Clerk in the Justice of the Peace Court No. 3 in Georgetown, was the recipient of this honor in 1995 for her public service record and job performance of the highest caliber. At a ceremony held on May 10, 1996 in Georgetown, Chief Justice E. Norman Veasey presented the award to Ms. Cahall.

DIVERSITY

The Gender Fairness Task Force created in November 1993 jointly by the Delaware Supreme Court and the Delaware State Bar Association and chaired by Superior Court Judge Susan C. Del Pesco and Stephen E. Herrmann, Esquire, issued its Final Report in August 1995. The report contained recommendations relating to: judges; attorneys; court employees; criminal law; and family law which are being implemented incrementally.

The Delaware Supreme Court Task Force on Racial and Ethnic Fairness was formed by Chief Justice E. Norman Veasey through

FISCAL YEAR 1996 HIGHLIGHTS AND DEVELOPMENTS

Administrative Directive No. 101 on April 5, 1995. This group was co-chaired by Supreme Court Justice Randy J. Holland and the Honorable Gregory M. Sleet of the U. S. Attorney's Office, and its members reflected the various racial and ethnic groups in the State and a variety of perspectives on the court system. The Task Force whose charge was to study racial and ethnic fairness issues in connection with court proceedings and Judicial Branch personnel practices completed most of its research during Fiscal Year 1996 and was scheduled to issue its Final Report in the Fall of 1996.

COURT INTERPRETERS

That court interpretation for foreign language speaking and deaf or hearing impaired individuals is a highly specialized form of interpreting that should be performed by persons having specialized training and skills was recognized by Chief Justice E. Norman Veasey's Administrative Directive No. 107 of April 4, 1996. The Directive requires that all court interpreters must attend an orientation session conducted by the Administrative Office of the Courts which will include: presentations on the role of the interpreter in the court process; ethical issues related to court interpretation; the structure of the Delaware court and justice system; social and cultural diversity issues; and basic legal terminology. All interpreters are required to swear, under oath, that they will comply with the provisions set forth in the Delaware Court Interpreters' Code of Professional Responsibility. Interpreters providing interpretative services in the most commonly used foreign languages will be undergoing certification testing by the National Center for State Courts.

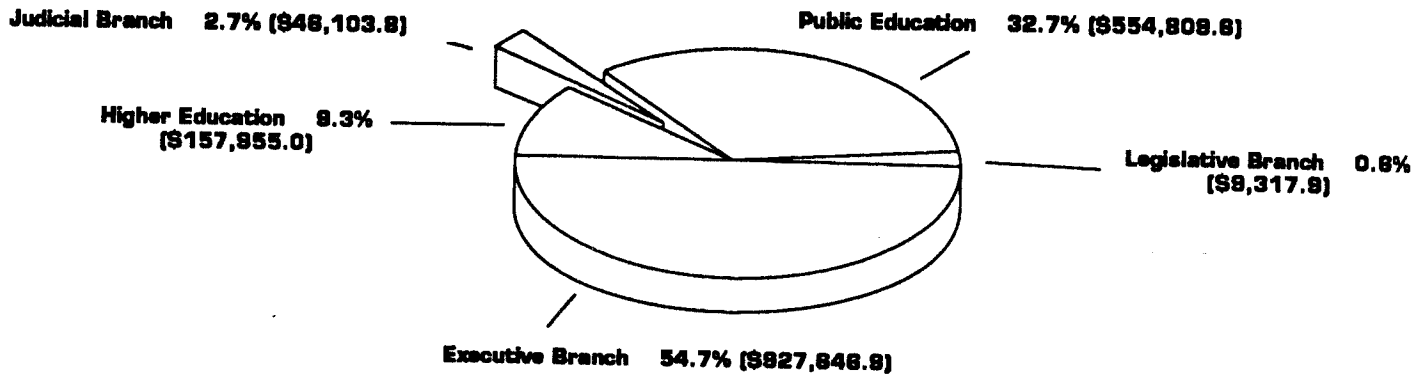
THE ADMINISTRATIVE ENHANCEMENT COMMITTEE

Chief Justice E. Norman Veasey issued Administrative Directive No. 105 on January 5, 1996 which created the Administrative Enhancement Committee to assess and make recommendations for improving the administration of the Judicial Branch. The Committee consisted of: Chief Magistrate Patricia W. Griffin, Chair; retired Supreme Court Justice William Duffy; James H. Gilliam, Jr., Esquire; James T. McKinstry, Esquire; and John F. Schmutz, Esquire. The group was instructed to assess the effectiveness of the assistance and support provided by the Administrative Office of the Courts, the administrative staff of the various courts, and members of the Judiciary to the Chief Justice in his role as administrative head of all of the courts of the State. During 1996, the Committee obtained input from representatives of each of the State courts, and the Administrative Office of the Courts; solicited advice from State court administrators in other jurisdictions, the National Center for State Courts, and the Administrative Office of the United States Courts; and reviewed numerous standards and publications relating to the management of state and federal courts. The Final Report of the Committee was to be released in December 1996.

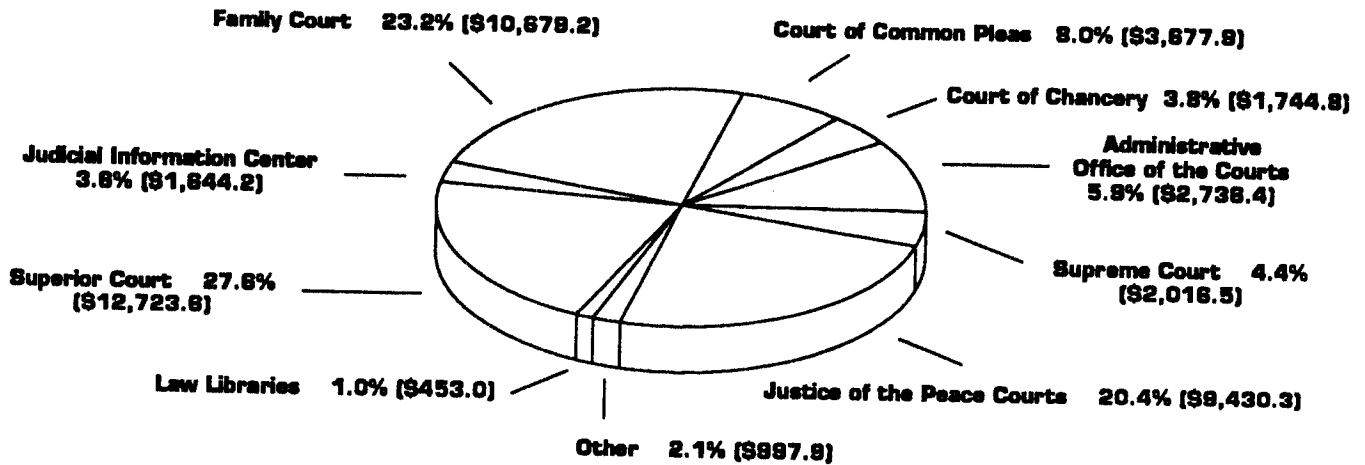
Fiscal Overview

FISCAL OVERVIEW

DELAWARE GOVERNMENT APPROPRIATIONS * (IN THOUSANDS) - FISCAL YEAR 1997 STATE APPROPRIATIONS - TOTAL (\$1,895,833.2)



DELAWARE GOVERNMENT APPROPRIATIONS * (IN THOUSANDS) - FISCAL YEAR 1997 STATE APPROPRIATIONS - JUDICIARY (\$46,103.8)



Other: Public Guardian 0.7% (\$343.8), Office of State Courts Collections Enforcement 0.7% (\$300.4), Foster Care Review Board 0.6% (\$292.5), Educational Surrogate Parent Program 0.1% (\$61.2).

*State general fund monies only.

Source: 138th General Assembly, Senate Bill 460.

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 nationally in the management of corporate issues. At the same time, Delaware's highest court is meeting the challenge of handling its growing caseload in a timely manner. During the last two fiscal years, the Supreme Court's filings have risen by nine percent. In FY 1996, the Court increased its disposition of cases by 8.1% and thereby contributed to a slight decrease in the pending category by the end of the fiscal year.

In FY 1995, the Supreme Court launched the Court Improvement Project through a grant award received from the U.S. Department of Health and Human Services. The purpose of this program is to assess how Delaware courts handle proceedings relating to foster care, termination of parental rights, and adoption, and to recommend methods for improving the managements of these cases. The activities below relating to the assessment phase of the project have been completed.

- 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.

- Interviews and focus groups have been conducted with all judicial officers in Family Court, key court staff, and representatives from the Bar Association, private adoption agencies, the public child welfare agency, and the Foster Care Review Board.
- The project has conducted 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.

The Final Report on the assessment aspect of how these important cases are handled is expected to be released in early 1997 after which a plan for improving the management of these proceedings in Delaware courts will be developed.

During the coming year, the Supreme Court will take a lead role in selecting from the recommendations of the Final Report of the Administrative Enhancement Committee of December 12, 1996, those strategies and techniques most appropriate for improving the administrative structure and functions of the Delaware court system.

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.

SUPREME COURT

FISCAL YEAR 1996 - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change in Pending	% Change in Pending
Criminal Appeals	100	217	188	129	+ 29	+ 29.0%
Civil Appeals	167	271	297	141	- 26	- 15.6%
Original Applications*	19	44	50	13	- 6	- 31.6%
TOTALS	286	532	535	283	- 3	- 1.0%

COMPARISON - FISCAL YEARS 1995-1996 - CASELOAD

FILINGS

	1995	1996	Change	% Change
Criminal Appeals	194	217	+ 23	+ 11.9%
Civil Appeals	286	271	- 15	- 5.2%
Certifications	6	5	- 1	- 16.7%
Original Applications	27	23	- 4	- 14.8%
Bd. on Prof. Resp.	12	15	+ 3	+ 25.0%
Bd. of Bar Exam.	2	1	- 1	- 50.0%
Advisory Opinions	3	0	- 3	- 100.0%
TOTALS	530	532	+ 2	+ 0.4%

COMPARISON - FISCAL YEARS 1995-1996 - CASELOAD

DISPOSITIONS

	1995	1996	Change	% Change
Criminal Appeals	207	188	- 19	- 9.2%
Civil Appeals	249	297	+ 48	+ 19.3%
Certifications	3	7	+ 4	+ 133.3%
Original Applications	21	27	+ 6	+ 28.6%
Bd. on Prof. Resp.	11	14	+ 3	+ 27.3%
Bd. of Bar Exam.	2	1	- 1	- 50.0%
Advisory Opinions	2	1	- 1	- 50.0%
TOTALS	495	535	+ 40	+ 8.1%

*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.

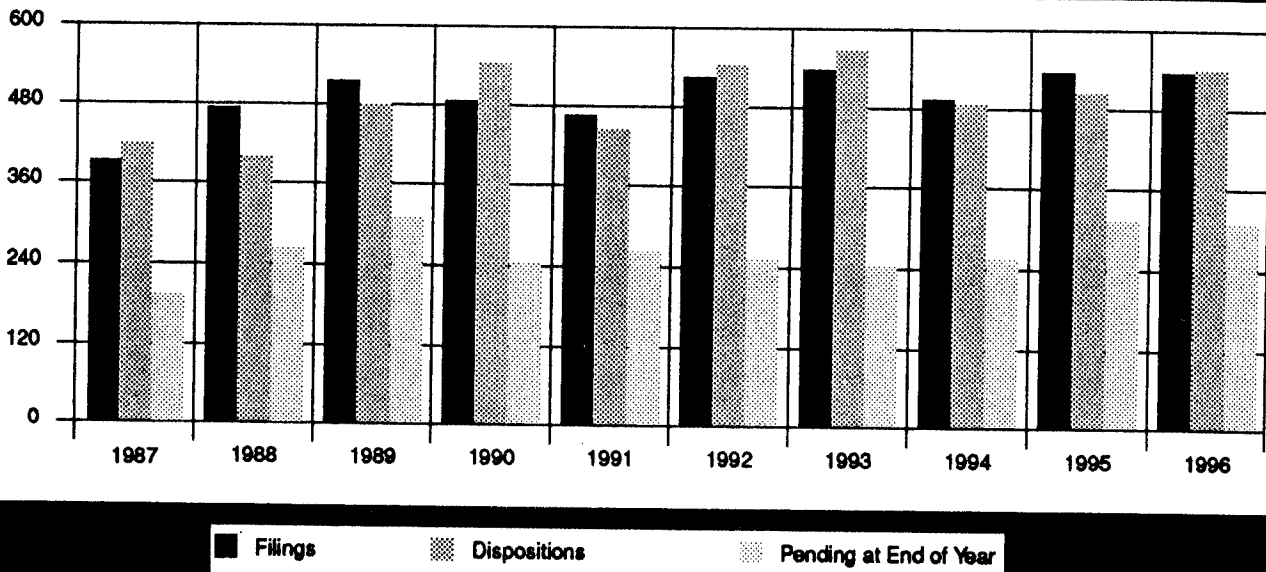
Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

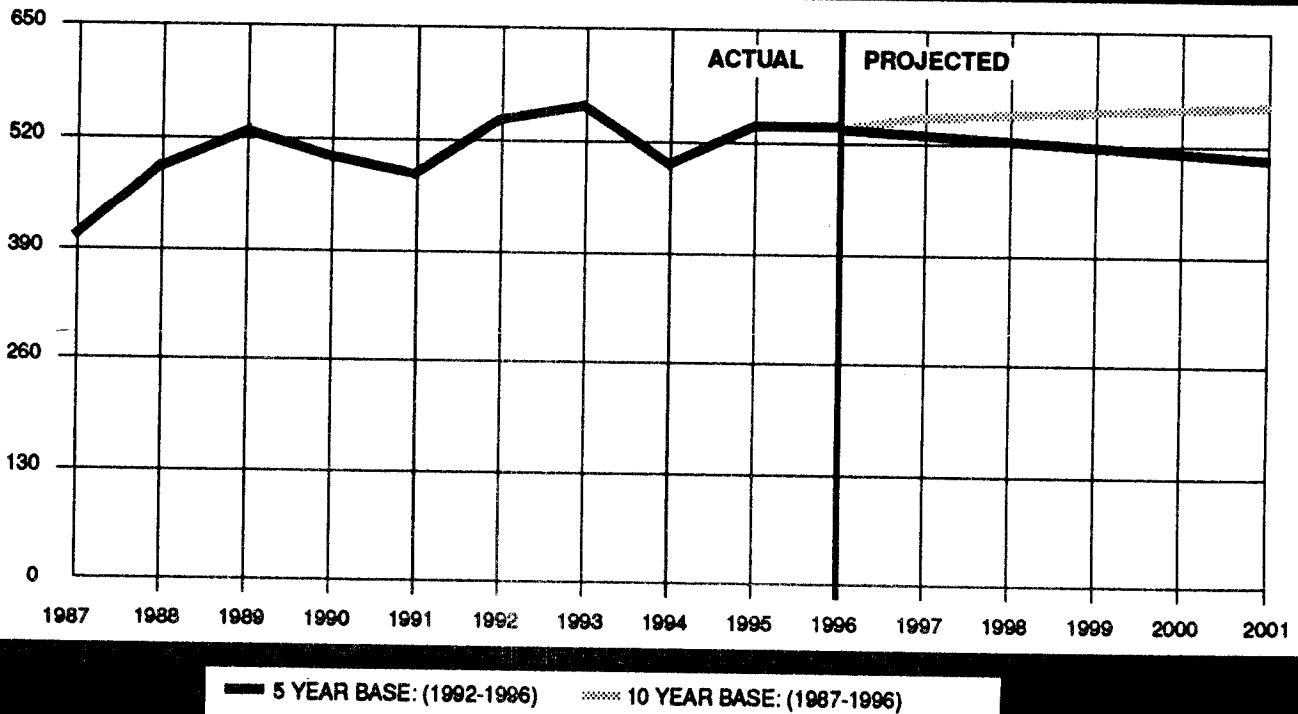
Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

SUPREME COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



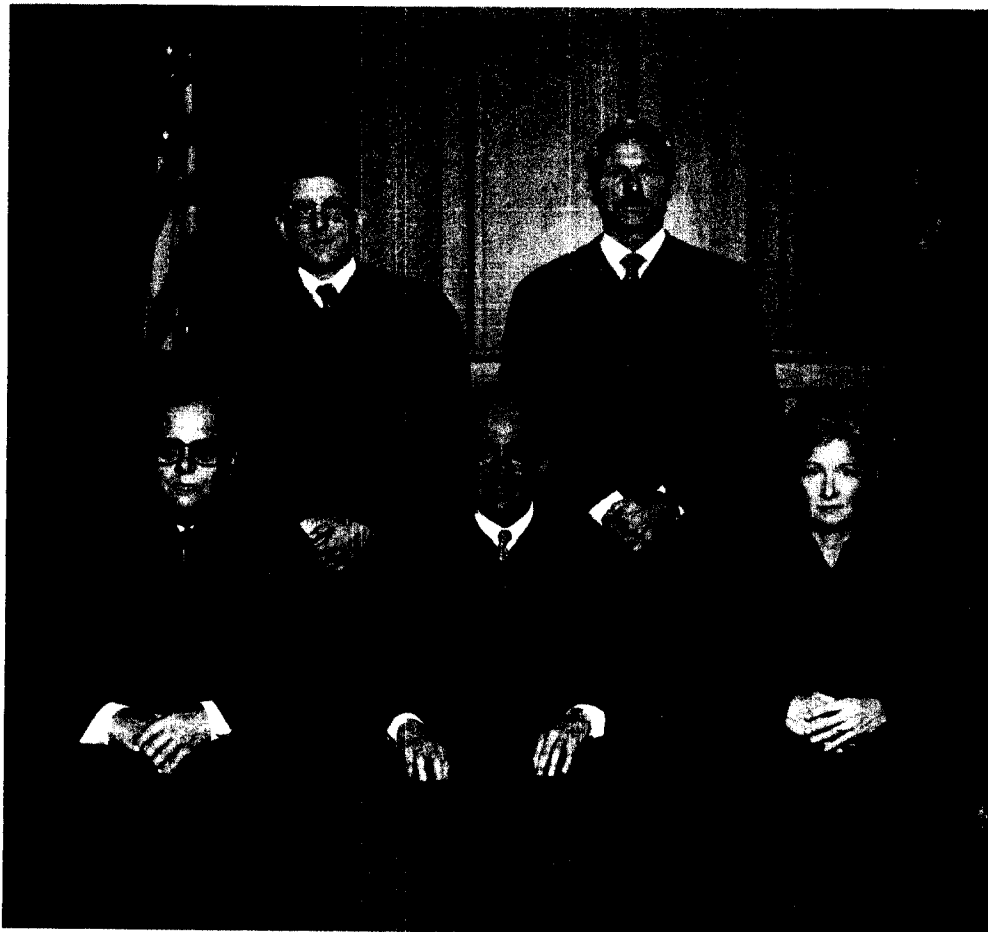
Trend lines computed by linear regression analysis.

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.

Public Guardian

The Chancellor has the duty to appoint the Public Guardian.

COURT OF CHANCERY

FISCAL YEAR 1996 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle	872	775	767	880	+ 8	+ 0.9%
Kent	87	42	42	87	0	0.0%
Sussex	<u>119*</u>	<u>63</u>	<u>81</u>	<u>101</u>	- 18	- 15.1%
State	1,078*	880	890	1,068	- 10	- 0.5%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

FILINGS

	1995	1996	Change	% Change
New Castle	814	775	- 39	- 4.8%
Kent	43	42	- 1	- 2.3%
Sussex	<u>68</u>	<u>63</u>	- 5	- 7.4%
State	925	880	- 45	- 4.9%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

DISPOSITIONS

	1995	1996	Change	% Change
New Castle	799	767	- 32	- 4.0%
Kent	41	42	+ 1	+ 2.4%
Sussex	<u>89*</u>	<u>81</u>	- 8	- 9.0%
State	929*	890	- 39	- 4.2%

*Amended from 1995 Annual Report.

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

COURT OF CHANCERY

FISCAL YEAR 1996 MISCELLANEOUS CASES - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle	3,640	348	763	3,225	- 415	- 11.4%
Kent	983	85	53	1,015	+ 32	+ 3.3%
Sussex	<u>2,205</u>	<u>287</u>	<u>269</u>	<u>2,223</u>	<u>+ 18</u>	<u>+ 0.8%</u>
State	6,828	720	1,085	6,463	- 365	- 5.3%

COMPARISON - FISCAL YEARS 1995-1996 MISCELLANEOUS CASES - CASELOAD

FILINGS

	1995	1996	Change	% Change
New Castle	331	348	+ 17	+ 5.1%
Kent	113	85	- 28	- 24.8%
Sussex	<u>268</u>	<u>287</u>	<u>+ 19</u>	<u>+ 7.1%</u>
State	712	720	+ 8	+ 1.1%

COMPARISON - FISCAL YEARS 1995-1996 MISCELLANEOUS CASES - CASELOAD

DISPOSITIONS

	1995	1996	Change	% Change
New Castle	551	773	+ 222	+ 40.3%
Kent	68	53	- 15	- 22.1%
Sussex	<u>245</u>	<u>269</u>	<u>+ 24</u>	<u>+ 9.8%</u>
State	864	1,095	+ 231	+ 26.7%

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

COURT OF CHANCERY

FISCAL YEAR 1996 ESTATES - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle	2,446	1,400	1,287	2,559	+ 113	+ 4.6%
Kent	1,217	313	268	1,262	+ 45	+ 3.7%
Sussex	831	540	567	804	- 27	- 3.2%
State	4,494	2,253	2,122	4,625	+ 131	+ 2.9%

COMPARISON - FISCAL YEARS 1995-1996 ESTATES - CASELOAD

FILINGS

	1995	1996	Change	% Change
New Castle	1,382	1,400	+ 18	+ 1.3%
Kent	328	313	- 15	- 4.6%
Sussex	555	540	- 15	- 2.7%
State	2,265	2,253	- 12	- 0.5%

COMPARISON - FISCAL YEARS 1995-1996 ESTATES - CASELOAD

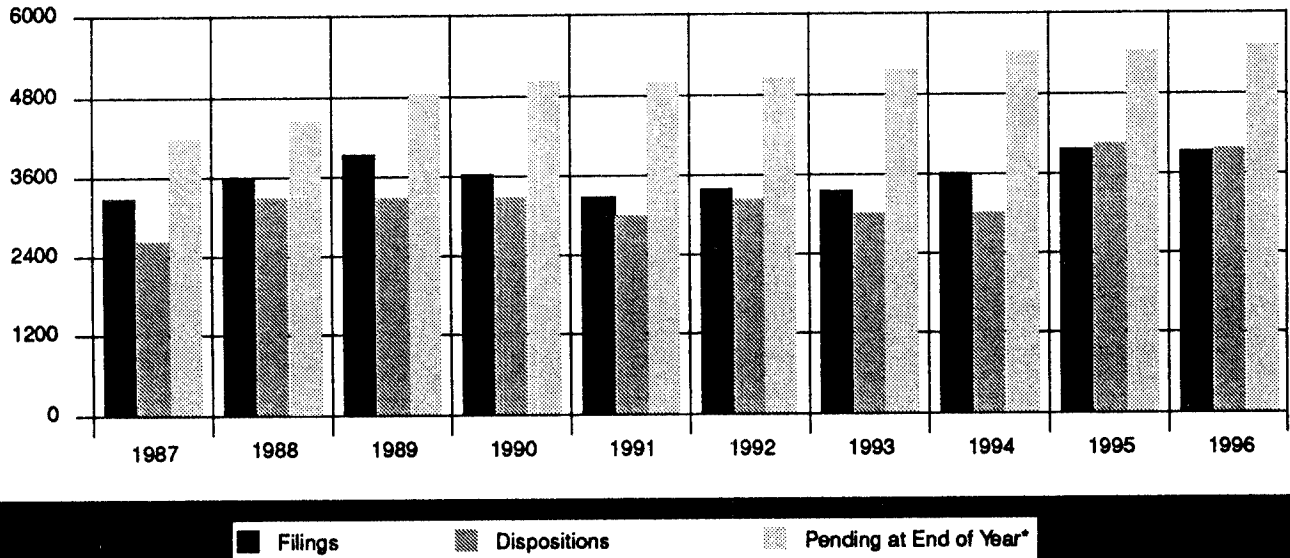
DISPOSITIONS

	1995	1996	Change	% Change
New Castle	1,387	1,287	- 100	- 7.2%
Kent	324	268	- 56	- 17.3%
Sussex	537	567	+ 30	+ 5.6%
State	2,248	2,122	- 126	- 5.6%

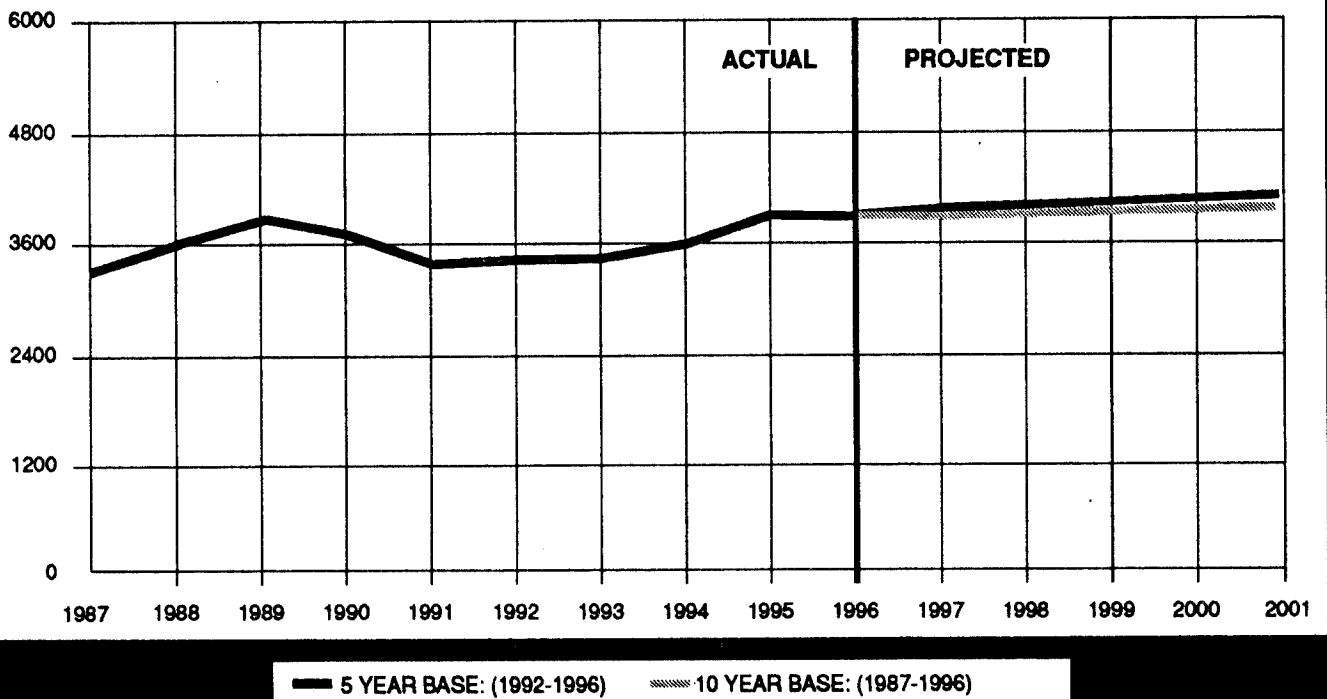
Source: New Castle County, Kent County, Sussex County Registers of Wills, Administrative Office of the Courts.

COURT OF CHANCERY — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

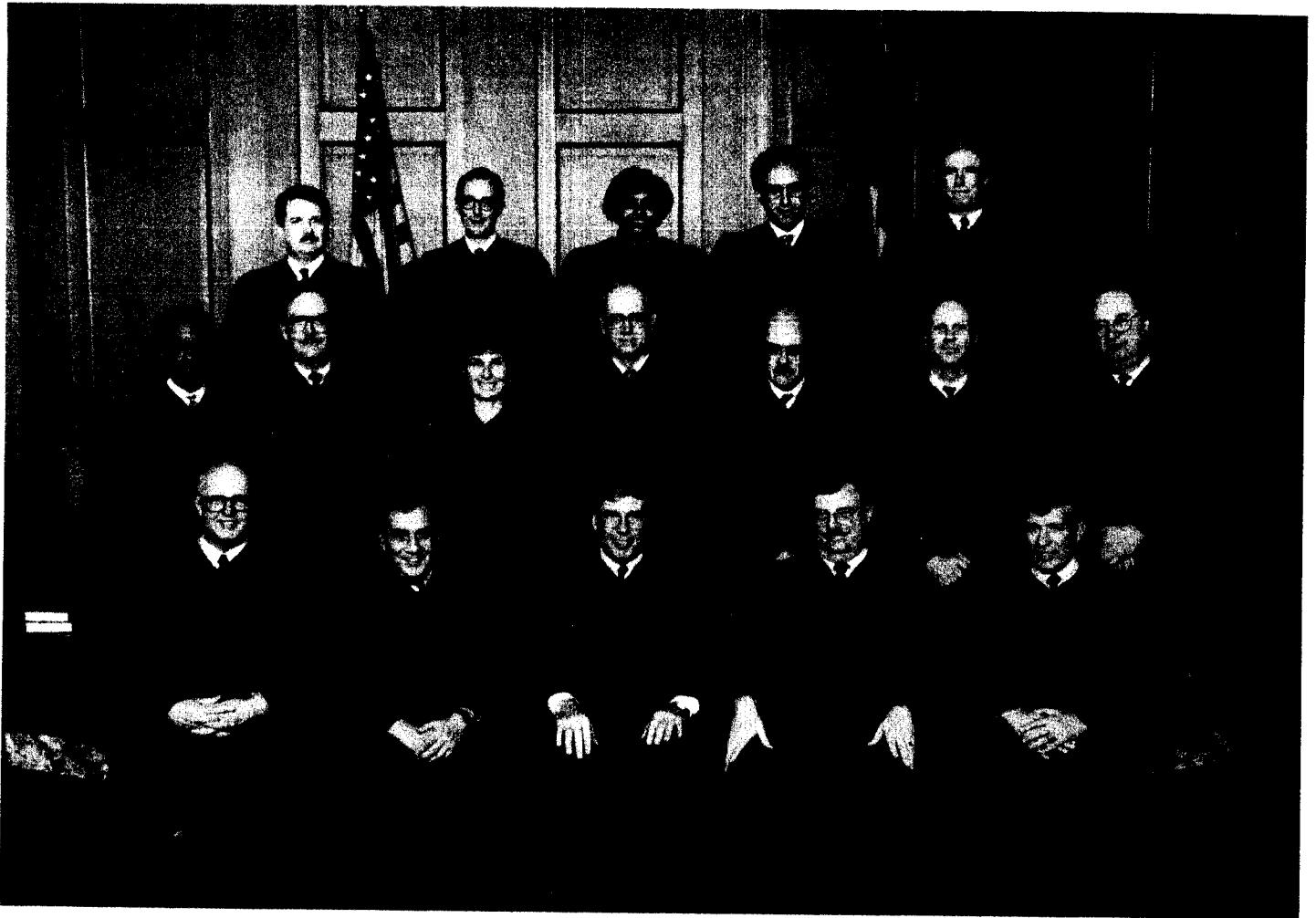


*Includes civil cases and estates.
Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts

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**

The Court converted its case management process from a master calendar system to an individual calendar assignment system for all civil cases. All civil cases, including appeals, are assigned to a specific judge on the day they are filed. The assigned judge is responsible thereafter for conducting all proceedings and for resolving all case management issues up to the time of disposition. The individual assignment system will ensure continuity within cases, whereas previously several judges may have been involved, at different times, in the same case. This change is supported by members of the Bar and was a recommendation of the Commission on Delaware Courts 2000. The long-term expectation is that individual assignment will result in increased compliance with disposition standards for civil cases.

Delaware became the first state with a statewide Drug Court operation. With support from a federal grant, the Drug Court program established in New Castle County in 1994 was expanded to Kent and Sussex Counties. U.S. Attorney General Janet Reno visited Delaware in September 1995 to announce the grant and to showcase Superior Court's innovative Drug Court program. The downstate Drug Court program will increase compliance with the Chief Justice's Speedy Trial standard.

Final plea offers, another feature of the Drug Court program in New Castle County, were incorporated into the management of criminal cases in Kent and Sussex Counties. Deadlines for plea agreements are set prior to the trial date in all cases to reduce the cost to the public, to keep police officers on the street and to minimize inconvenience to jurors and witnesses.

The Court began to apply some of the case management techniques developed in the Drug Court to non-drug cases with the formation of a property offenders diversion program. This program, also supported by federal funds, promotes victim-offender reconciliation and focuses on the repayment of restitution to the victim.

The Court initiated Excellence in Court Service, a Total Quality Management (TQM) program. A TQM Advisory Team representing all departments and counties was formed, and training sessions were conducted for all Court employees. From these training sessions, a list of more than 120 ideas for improvements to court operations was developed. Several projects have already been completed. They include: promoting increased communication among departments by providing E-mail access to all employees; issuing a dress code to stress the importance of presenting a professional appearance to our customers; and developing a directory of court employees with a description of each employee's job duties to help all employees direct inquiries and telephone calls to the appropriate person without unnecessary confusion and delay. The Team also facilitated the selection of a new mission statement for the Court.

The Court now conducts involuntary commitment hearings on the grounds of the Delaware State Hospital. Previously, they were held in the Herrmann Courthouse. The benefits include elimination of expenses related to transporting patients to the courthouse, increased security and convenience and the ability to have hearings conducted in a familiar, non-threatening environment. Also, follow-up status hearings related to involuntary commitments are now conducted in all counties. Formerly, Kent and Sussex County patients and medical personnel were required to travel to New Castle County for these hearings.

The Court reduced the term of service for jury duty in Kent and Sussex counties from one month to two weeks. A shorter term reduces the burden of jury duty on Delaware citizens and increases the number of citizens who participate in the judicial process.

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 seventeen 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 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.

SUPERIOR COURT

FISCAL YEAR 1996 CRIMINAL CASES - CASELOAD SUMMARY

	Number of Defendants					
	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	3,114	4,713	4,241	3,586	+ 472	+ 15.2%
Kent	507	1,337	1,235	609	+ 102	+ 20.1%
Sussex	464	1,570	1,426	608	+ 144	+ 31.0%
State	<u>4,085</u>	<u>7,620</u>	<u>6,902</u>	<u>4,803</u>	<u>+ 718</u>	<u>+ 17.6%</u>

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL CASES - CASELOAD

FILINGS

	Number of Defendants			
	1995	1996	Change	% Change
New Castle	4,609	4,713	+ 104	+ 2.3%
Kent	1,224	1,337	+ 113	+ 9.2%
Sussex	<u>1,420</u>	<u>1,570</u>	<u>+ 150</u>	<u>+ 10.6%</u>
State	7,253	7,620	+ 367	+ 5.1%

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	Number of Defendants			
	1995	1996	Change	% Change
New Castle	4,280	4,241	- 39	- 0.9%
Kent	1,111	1,235	+ 124	+ 11.2%
Sussex	<u>1,340</u>	<u>1,426</u>	<u>+ 86</u>	<u>+ 6.4%</u>
State	6,731	6,902	+ 171	+ 2.5%

SUPERIOR COURT

Fiscal Year 1996 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 1996 CIVIL CASES EXPLANATORY NOTES

1. Complaints are suits for damages. During FY 1996, 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, most 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 1996 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle	4,919*	5,677	5,024	5,572	+ 653	+ 13.3%
Kent	662*	957	864	755	+ 93	+ 14.0%
Sussex	679*	851	805	725	+ 46	+ 6.8%
State	6,260*	7,485	6,693	7,052	+ 792	+ 12.7%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

FILINGS

	1995	1996	Change	% Change
New Castle	5,313	5,677	+ 364	+ 6.9%
Kent	889	957	+ 68	+ 7.6%
Sussex	873	851	- 22	- 2.5%
State	7,075	7,485	+ 410	+ 5.8%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

DISPOSITIONS

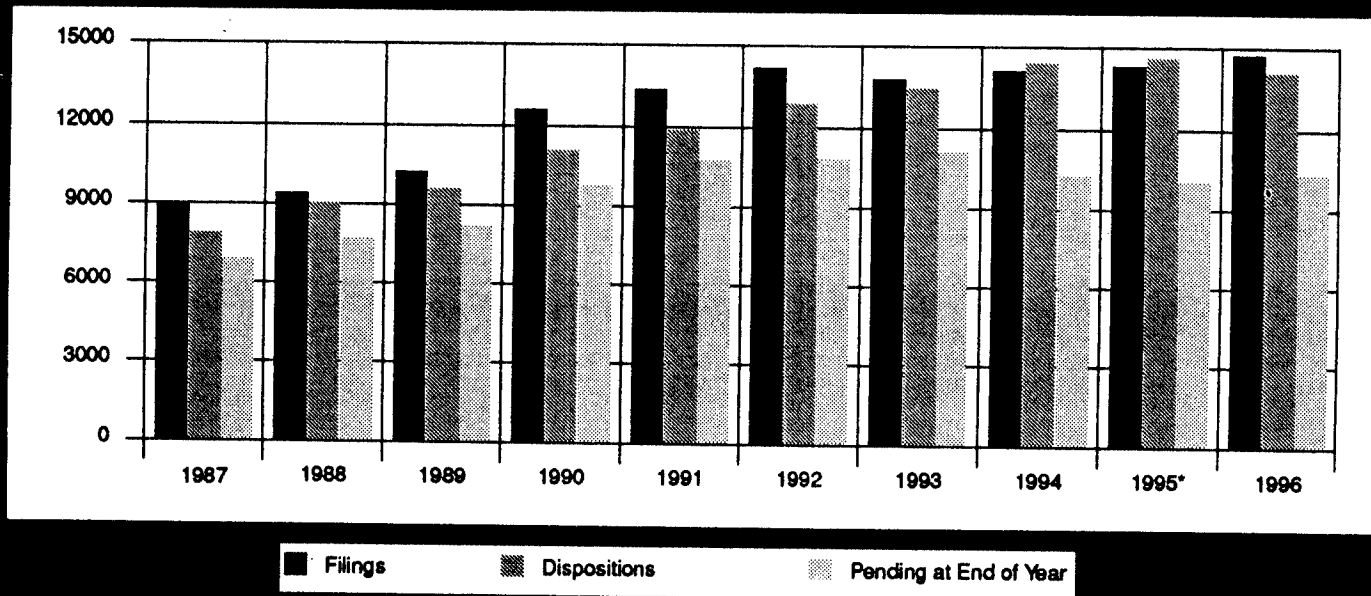
	1995	1996	Change	% Change
New Castle	6,091	5,024	- 1,067	- 17.5%
Kent	897	864	- 33	- 3.7%
Sussex	889	805	- 84	- 9.4%
State	7,877	6,693	- 1,184	- 15.0%

*Amended from 1995 Annual Report.

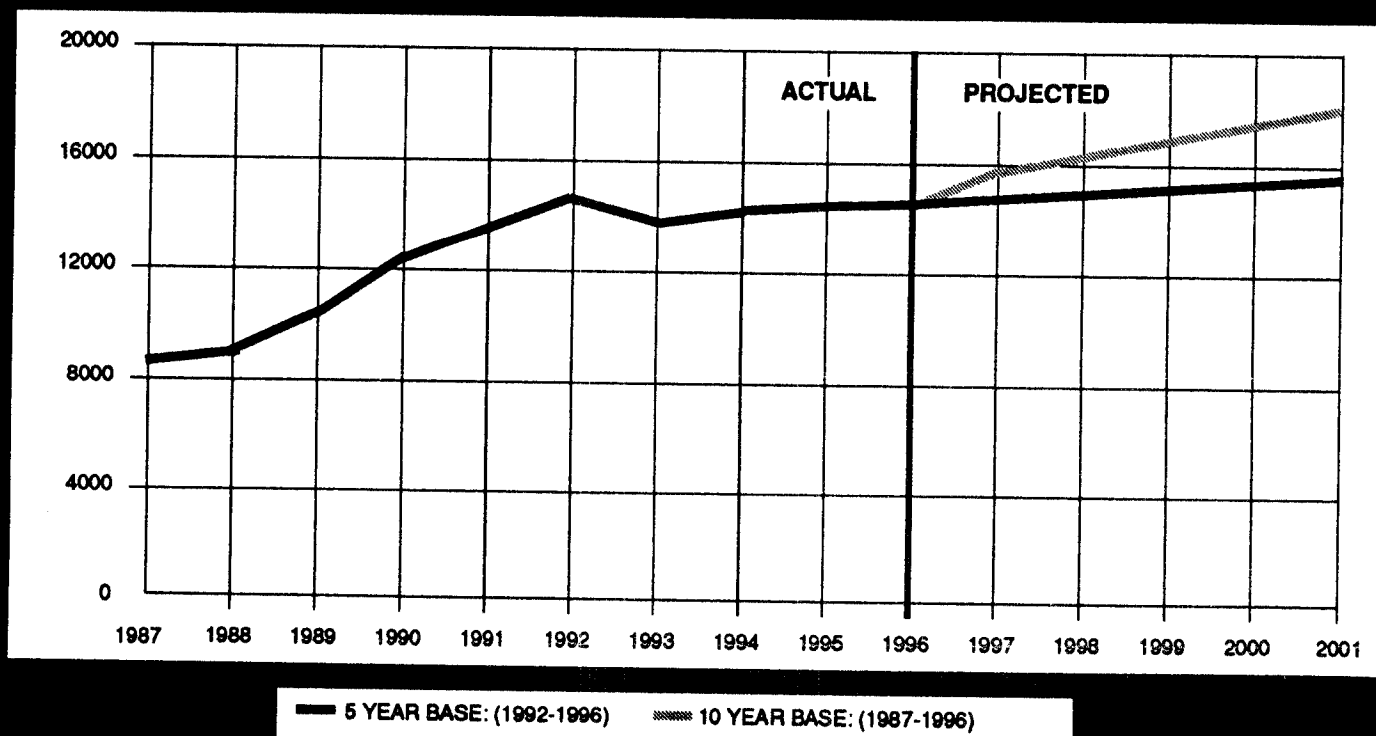
Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

SUPERIOR COURT — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



*Pending at end of FY 1995 amended from 1995 Annual Report
 Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts.

SUPERIOR COURT

FISCAL YEAR 1996 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 1996 ARBITRATION - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	3,935	3,271	4,107	3,099	- 836	- 21.2%
Kent	711	552	764	499	- 212	- 29.8%
Sussex	412	313	418	307	- 105	- 25.5%
State	5,058	4,136	5,289	3,905	- 1,153	- 22.8%

COMPARISON - FISCAL YEARS 1995-1996 ARBITRATION - CASELOAD

	FILINGS*			
	1995	1996	Change	% Change
New Castle	2,995	3,271	+ 276	+ 9.2%
Kent	550	552	+ 2	+ 0.4%
Sussex	321	313	- 8	- 2.5%
State	3,866	4,136	+ 270	+ 7.0%

COMPARISON - FISCAL YEARS 1995-1996 ARBITRATION - CASELOAD

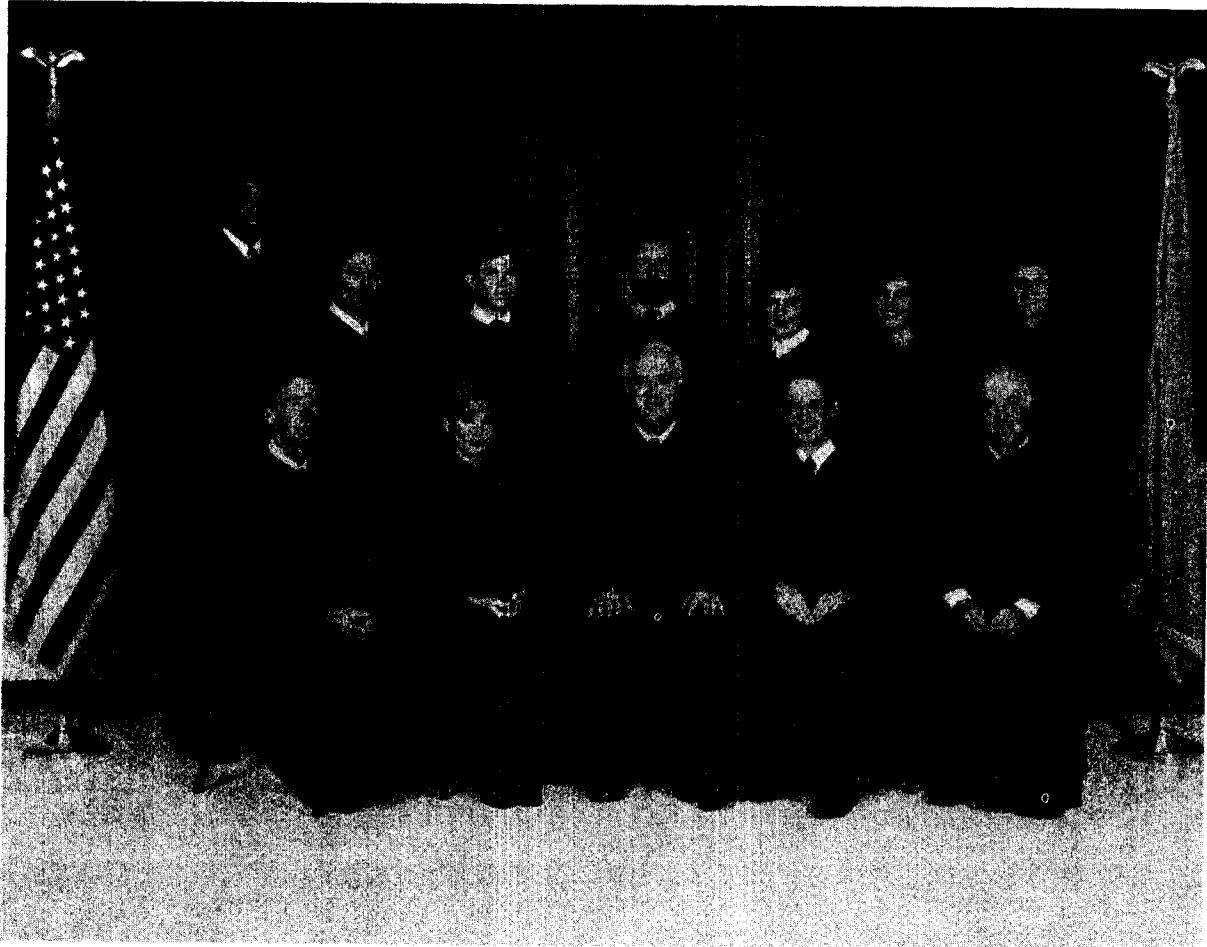
	DISPOSITIONS*			
	1995	1996	Change	% Change
New Castle	2,611	4,107	+ 1,496	+ 57.3%
Kent	444	764	+ 320	+ 72.1%
Sussex	265	418	+ 153	+ 57.7%
State	3,320	5,289	+ 1,969	+ 59.3%

*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
Associate Judge Barbara D. Crowell

FAMILY COURT



FAMILY COURT

Seated (Left to Right)

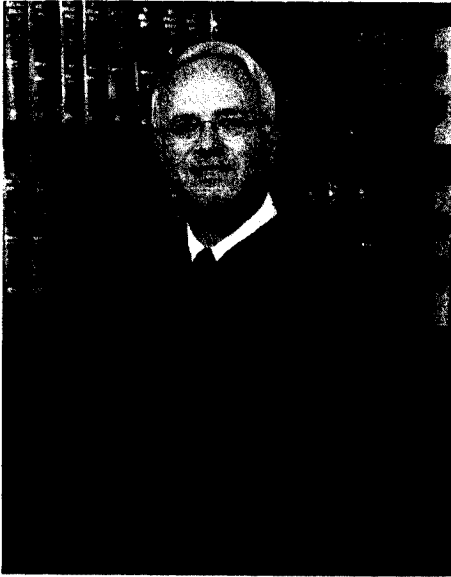
Associate Judge Jay Paul James
Associate Judge Peggy L. Ableman
Chief Judge Vincent J. Poppti
Associate Judge Kenneth M. Millman
Associate Judge Jay H. Conner

Standing (Left to Right)

Associate Judge Mark D. Buckworth
Associate Judge William L. Chapman, Jr.
Associate Judge William J. Wallis, Jr.
Associate Judge William N. Nicholas
Associate Judge Alison Whitmer Tumas
Associate Judge Aida Wasserstein
Associate Judge Barbara D. Crowell

Note: Associate Judge Battle R. Robinson is not shown in the above picture.

Message from the Chief Judge



Chief Judge Vincent J. Poppiti

Since 1992, the Family Court has been attempting to deal with a rapidly increasing caseload and a shrinking pool of state funded resources, while at the same time focusing on its mission to provide Delaware's families with a legal forum that is responsive to their need for speedy and fair resolution of the most sensitive and emotional issues they may ever face. In that time period, the Court has handled more cases in a shorter period with no increase in staff as evidenced by these statistics.

- The caseload has increased by 23.96% from 44,500 to 55,163 filings;
- The pending cases at year end decreased from 25.7% to 22.2%;
- The total personnel of the Court during that period went from 302 employees in 1992 to 301.6 in 1996.

In short, the Court is doing much more with actually less. However, the increased efficiency of the Court's performance cannot be ascertained fully from statistics alone. Rather, it is the direct result of the combined efforts of the individual judges, commissioners, masters, managers, supervisors, and staff who have strived continuously to improve the manner in which business is conducted in the Court.

Throughout FY96, as in the previous years, the Family Court has been developing systems and procedures which tie together every piece of information contained in the over 55,000 new filings to make certain that judicial officers and staff have all of the details necessary to make speedy and just decisions in every matter. The inter-relationship of civil and criminal processes, domestic violence, and the at-risk status of all family members requires that each segment of the Court has immediate access to available information. In FY96, we took a number of critically important steps designed to achieve this result:

- The implementation of the Family Court Automated Information System (FAMIS) II adding to the base established by FAMIS I and extending the civil case management system to non-child support filings;
- The completion and implementation of the on-line Protection from Abuse information system providing all DELJIS users with around the clock access to restraining orders;
- The purchase of the essential hardware necessary to bring network capabilities to every employee of the Court in all three counties;
- The development of a personal computer-based juvenile sentencing program that will begin in late 1996 and will permit in-courtroom creation of sentencing orders and the electronic delivery of that information to the Division of Youth Rehabilitation Services;
- The analysis of criminal case processing begun as the first step in the development of Criminal Case Management for FY97;

In FY96 the Court devoted resources to help reduce delays in providing access to criminal and delinquency dispositions. Although delay is inherent in a manual system, the timely entry of dispositional information has improved in general over the past four years despite a 23.96% increase in total caseload. In FY96 some points worth noting included:

- The implementation of mediation teleconferences in Sussex County between the Court and Sussex Correctional Institute eliminating the need to transport over 50 defendants in its first six months;
- Reductions in the time from arrest to trial for adults and juveniles charged with misdemeanors;

(Continued)

- A cooperative effort with Superior Court monitoring delays in those cases over which jurisdiction or final disposition rests in the Superior Court;
- Established procedures to provide timely entry of dispositions into computer data bases offering speedy access to conviction data for all criminal justice agencies.

For years many people both within the Court, as well as participants in its processes, have been troubled by the impact divorce and separation has on children. Over the past several years the Court has researched a number of programs designed to educate parents about the impact of divorce and separation on children. In the past two years, the Court has focused its attention on developing a Delaware program based on a model used in Jefferson County, Kentucky. With the approval of the Supreme Court in 1996, the Family Court enacted Civil Rule 16.2 requiring all parents seeking, and children between the ages of 8 and 16 involved in, custody and visitation proceedings to participate in an approved education program. It is designed in part to:

- Educate parents on the impact of divorce and separation on children;
- Reduce the guilt and anxiety frequently experienced by children in these families;
- Reduce conflicts between parents and teach coping skills;
- Reduce the frequency of filings by these parties in the Court.

A further attempt to expedite civil cases came with the creation of a civil arbitration process through the enactment of Civil Rule 16.1. Litigants may now elect binding arbitration by a private arbitrator to resolve ancillary matters. This procedure provides an alternative to a court hearing for those seeking speedy resolution of issues such as property division. The resultant time saved by judicial officers can be redirected to those segments of the caseload involving greater risk to families.

The violence and terrorism aimed at government facilities and personnel around the country have made us all cognizant of the potential dangers faced by judicial officers, employees, and members of the public who enter our facilities each day. To lessen this risk, the Court has added to its security measures the following:

- An X-Ray machine in the Wilmington courthouse to enhance perimeter security;
- The plan to purchase seating for the Wilmington courthouse to increase the capacity in all waiting areas through funding received;
- Contracts to provide panic alarms to those employees who face the highest levels of risk;
- Bulletproofing critical areas in the Sussex courthouse and plans for both Kent and New Castle Counties;
- Cooperation with the Capitol Police to provide a new presence in each courthouse. By late 1996, Capitol police officers will be placed in each courthouse on a routine basis.

In order to identify and respond to the needs and proper expectations of litigants, the Court ended FY96 by piloting a new program in Kent County called "Courting Quality". The program focuses on optimizing levels of service to litigants utilizing the principles of quality management programming. Courting Quality is the beginning of an ongoing statewide effort to improve the quality of services provided by the Court.

The work of this Court involves the most personal issues affecting the lives of thousands of Delawareans. The Court is often asked to repair, restore or revive families that have been unable to resolve their own personal and highly emotional problems. When all else fails, those individuals reluctantly are forced into a legal process that must find solutions based upon law. The Court, its judicial officers, management and staff will continue to make every effort to provide those litigants with access to a "Court with a social conscience."

FAMILY COURT

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.

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.

FAMILY COURT

FISCAL YEAR 1996 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 1996 - CASELOAD SUMMARY

Number of Filings	Pending	Filed	Disposed	Pending	Change In Pending	% Change In Pending
	6/30/95			6/30/96		
New Castle	6,602	31,889	31,709	6,782	+ 180	+ 2.7%
Kent	2,277	11,041	11,035	2,283	+ 6	+ 0.3%
Sussex	3,330	12,017	12,162	3,185	- 145	- 4.4%
State	12,209	54,947	54,906	12,250	+ 41	+ 0.3%

COMPARISON - FISCAL YEARS 1995-1996 - CASELOAD

FILED

Number of Filings	1995	1996	Change	% Change
	New Castle	28,809		
Kent	10,352	11,041	+ 689	+ 6.7%
Sussex	12,026	12,017	- 9	- 0.9%
State	51,187	54,947	+ 3,760	+ 7.3%

COMPARISON - FISCAL YEARS 1995-1996 - CASELOAD

DISPOSED

Number of Filings	1995	1996	Change	% Change
	New Castle	29,427		
Kent	10,033	11,035	+ 1,002	+ 10.0%
Sussex	11,571	12,162	+ 591	+ 5.1%
State	51,031	54,906	+ 3,875	+ 7.6%

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

FAMILY COURT

FISCAL YEAR 1996 ADULT CRIMINAL CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/95	Filed	Disposed	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	552	2,975	2,963	564	+ 12	+ 2.2%
Kent	119	902	892	129	+ 10	+ 8.4%
Sussex	358	922	931	349	- 9	- 2.5%
State	1,029	4,799	4,786	1,042	+ 13	+ 1.3%

COMPARISON - FISCAL YEARS 1995-1996 ADULT CRIMINAL CASES - CASELOAD

FILED

Number of Filings	1995	1996	Change	% Change
New Castle	2,511	2,975	+ 464	+ 18.5%
Kent	919	902	- 17	- 1.8%
Sussex	968	922	- 46	- 4.8%
State	4,398	4,799	+ 401	+ 9.1%

COMPARISON - FISCAL YEARS 1995-1996 ADULT CRIMINAL CASES - CASELOAD

DISPOSED

Number of Filings	1995	1996	Change	% Change
New Castle	2,740	2,963	+ 223	+ 8.1%
Kent	907	892	- 15	- 1.7%
Sussex	790	931	+ 141	+ 17.8%
State	4,437	4,786	+ 349	+ 7.9%

FAMILY COURT

FISCAL YEAR 1996 JUVENILE DELINQUENCY CASES - CASELOAD SUMMARY

Number of Filings						
	Pending 6/30/95	Filed	Disposed	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	1,685	6,464	6,629	1,520	- 165	- 9.8%
Kent	216	1,682	1,468	430	+ 214	+ 99.1%
Sussex	378	2,430	2,071	737	+ 359	+ 95.0%
State	2,279	10,576	10,168	2,687	+ 408	+ 17.9%

COMPARISON - FISCAL YEARS 1995-1996 JUVENILE DELINQUENCY CASES - CASELOAD

FILED

Number of Filings	1995	1996	Change	% Change
New Castle	5,307	6,464	+ 1,157	+ 21.8%
Kent	1,595	1,682	+ 87	+ 5.5%
Sussex	2,218	2,430	+ 212	+ 9.6%
State	9,120	10,576	+ 1,456	+ 16.0%

COMPARISON - FISCAL YEARS 1995-1996 JUVENILE DELINQUENCY CASES - CASELOAD

DISPOSED

Number of Filings	1995	1996	Change	% Change
New Castle	5,406	6,629	+ 1,223	+ 22.6%
Kent	1,644	1,468	- 176	- 10.7%
Sussex	2,350	2,071	- 279	- 11.9%
State	9,400	10,168	+ 768	+ 8.2%

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

FAMILY COURT

FISCAL YEAR 1996 CIVIL CASES - CASELOAD SUMMARY

Number of Filings	Pending 6/30/95	Filed	Disposed	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	4,365	22,450	22,117	4,698	+ 333	+ 7.6%
Kent	1,942	8,457	8,675	1,724	- 218	- 11.2%
Sussex	2,594	8,665	9,160	2,099	- 495	- 19.1%
State	8,901	39,572	39,952	8,521	- 380	- 4.3%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

FILED

Number of Filings	1995	1996	Change	% Change
New Castle	20,991	22,450	+ 1,459	+ 7.0%
Kent	7,838	8,457	+ 619	+ 7.9%
Sussex	8,840	8,665	- 175	- 2.0%
State	37,669	39,572	+ 1,903	+ 5.1%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

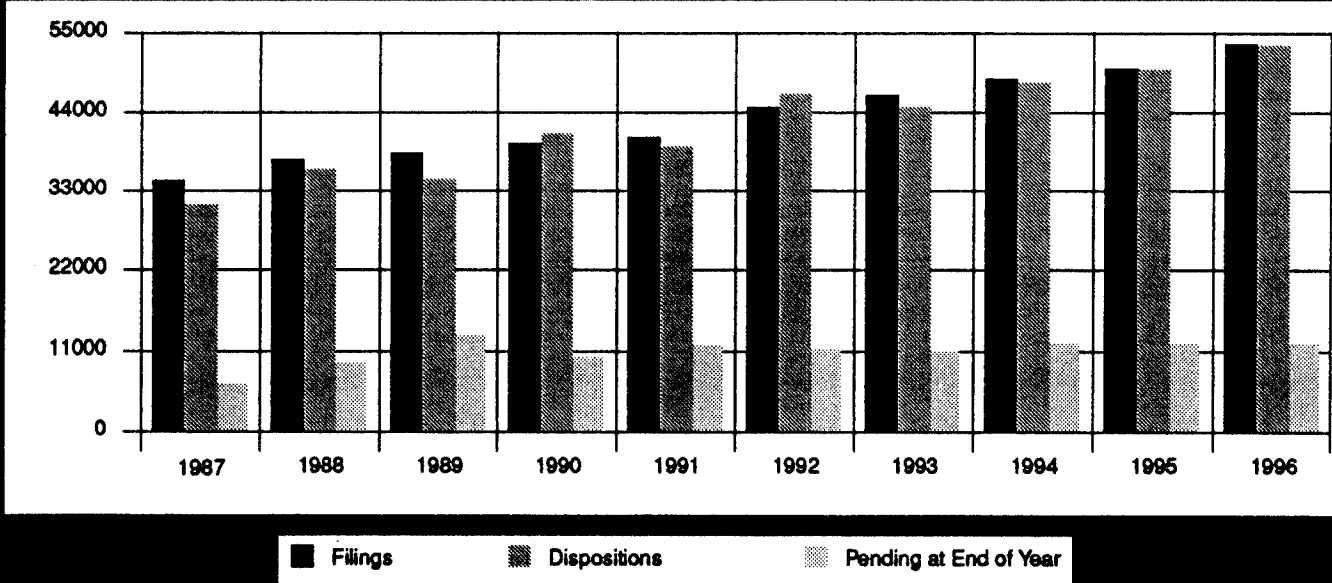
DISPOSED

Number of Filings	1995	1996	Change	% Change
New Castle	21,281	22,117	+ 836	+ 3.9%
Kent	7,482	8,675	+ 1,193	+ 15.9%
Sussex	8,431	9,160	+ 729	+ 8.6%
State	37,194	39,952	+ 2,758	+ 7.4%

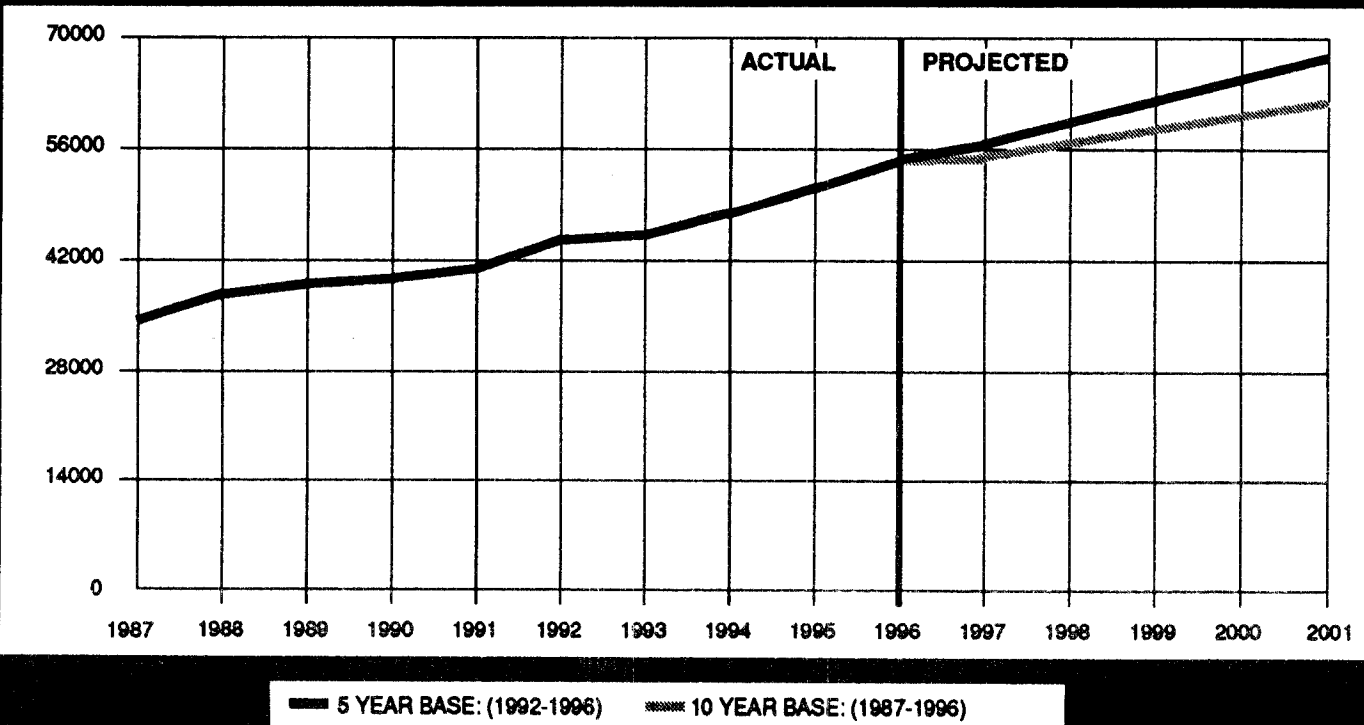
Source: Court Administrator, Family Court, Administrative Office of the Courts.

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.

FAMILY COURT

FISCAL YEAR 1996 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 1996 CASELOAD SUMMARY

Number of Filings	Pending 6/30/95	Filed	Disposed	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	159	731	690	200	+ 41	+ 25.8%
Kent	82	411	380	113	+ 31	+ 37.8%
Sussex	88	377	345	120	+ 32	+ 36.4%
State	329	1,519	1,415	433	+ 104	+ 31.6%

COMPARISON - FISCAL YEARS 1995-1996 ARBITRATION ACTIVITY - CASELOAD

FILED

Number of Filings	1995	1996	Change	% Change
New Castle	1,181	731	- 450	- 38.1%
Kent	393	411	+ 18	+ 4.6%
Sussex	701	377	- 324	- 46.2%
State	2,275	1,519	- 756	- 33.2%

COMPARISON - FISCAL YEARS 1995-1996 ARBITRATION ACTIVITY - CASELOAD

DISPOSED

Number of Filings	1995	1996	Change	% Change
New Castle	1,098	690	- 408	- 37.2%
Kent	342	380	+ 38	+ 11.1%
Sussex	730	345	- 385	- 52.7%
State	2,170	1,415	- 755	- 34.8%

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

FAMILY COURT

FISCAL YEAR 1996 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 1996 MEDIATION ACTIVITY - CASELOAD SUMMARY

Number of Matters	Pending 6/30/95	Filed	Disposed	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	93	7,689	7,724	58	- 35	- 37.6%
Kent	276	3,030	3,062	344	- 32	- 11.6%
Sussex	290	3,414	3,466	238	- 52	- 17.9%
State	659	14,133	14,252	540	- 119	- 18.1%

COMPARISON - FISCAL YEARS 1995-1996 MEDIATION ACTIVITY - CASELOAD

FILED

Number of Matters	1995	1996	Change	% Change
New Castle	7,473	7,689	+ 216	+ 2.9%
Kent	3,035	3,030	- 5	- 0.2%
Sussex	4,085	3,414	- 671	- 16.4%
State	14,593	14,133	- 460	- 3.2%

COMPARISON - FISCAL YEARS 1995-1996 MEDIATION ACTIVITY - CASELOAD

DISPOSED

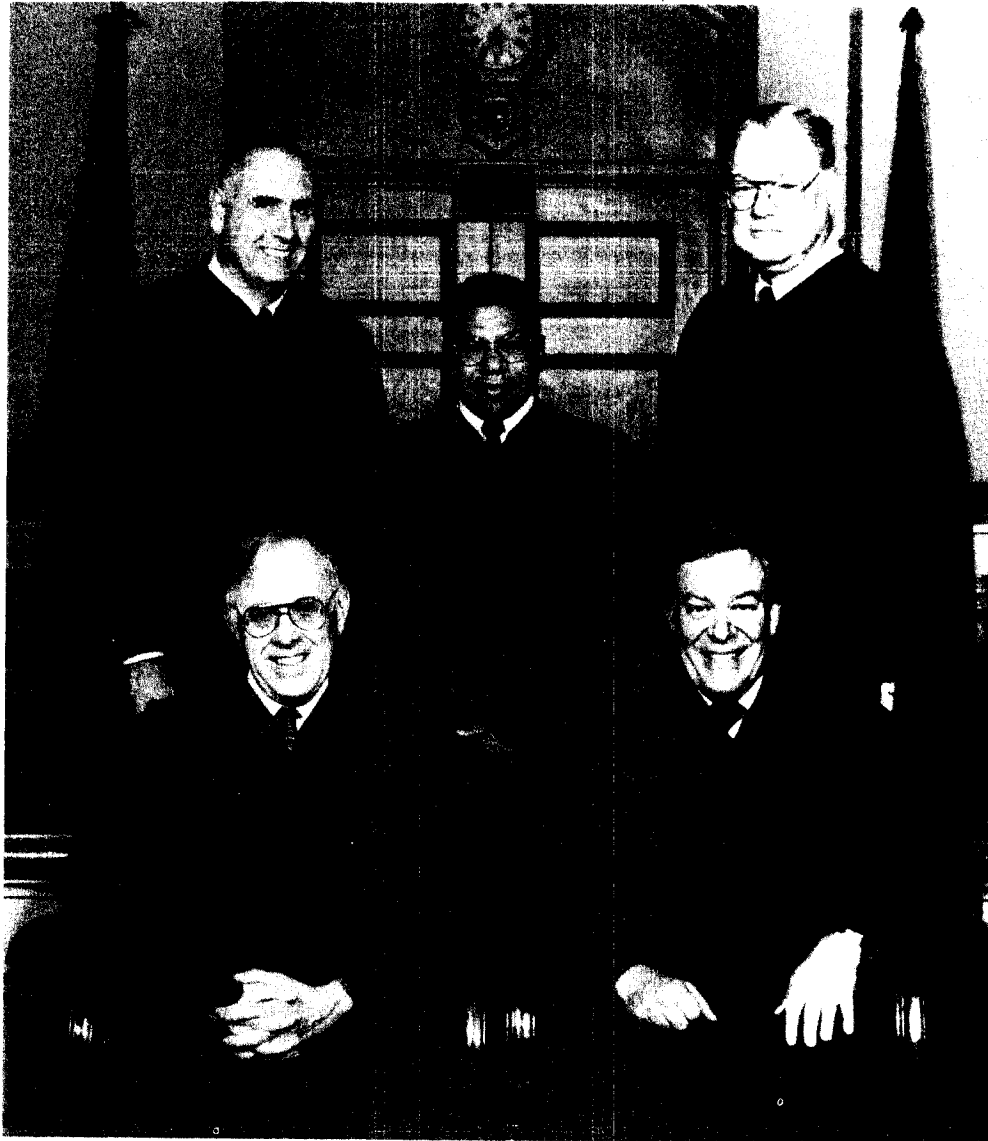
Number of Matters	1995	1996	Change	% Change
New Castle	8,393	7,724	- 669	- 8.0%
Kent	3,075	3,062	- 13	- 0.4%
Sussex	4,071	3,466	- 605	- 14.9%
State	15,539	14,252	- 1,287	- 8.3%

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

Court of Common Pleas

Chief Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge William C. Bradley, Jr.
Judge Alex J. Smalls
Judge Richard F. Stokes

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)

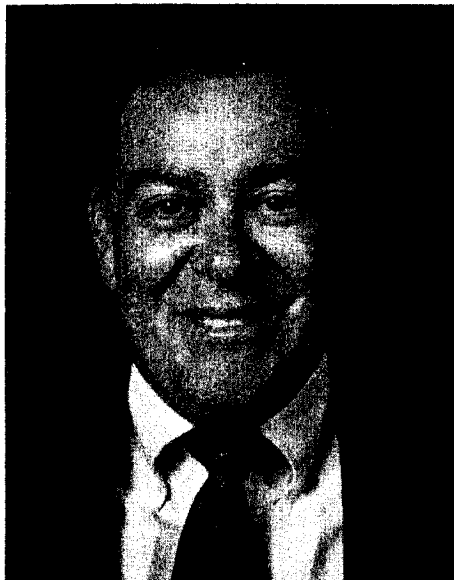
Judge Richard F. Stokes

Judge Alex J. Smalls

Judge William C. Bradley, Jr.

COURT OF COMMON PLEAS

Message from the Chief Judge



Chief Judge Arthur F. DiSabatino

The Court completed its first full fiscal year since its jurisdiction was substantially enlarged in January 1995 to include jurisdiction over appeals from the Justice of the Peace Courts, appeals from the Division of Motor Vehicles in license suspensions, habitual offender petitions, an increase in civil jurisdiction from \$15,000 to \$50,000, and the extension of jury trials to New Castle County.

The impact of the new jurisdiction has been much more significant than the Court anticipated. The number of cases in every category far surpassed the number that the Court was told to expect. However, it should be pointed out that caseload numbers are not the only indicator of Court workload as is seen by the following:

- The public's perception of the Court of Common Pleas as user-friendly has resulted in large numbers of new civil cases being brought to the Court by pro se litigants. These cases are especially labor intensive for staff.
- In the criminal area, jury trial jurisdiction in New Castle County has had the greatest impact on the Court. The number of jury trial

demands is up significantly from previous years and, although only a small percentage of those cases go to trial, an inordinate amount of time must be dedicated to this caseload, including judicial time spent in such activities as case review and jury selection, and staff time involved in case processing, case management, and handling of jurors.

The lack of a jury courtroom has affected the Court most significantly. Because the Court does not have a jury courtroom in New Castle County, it must use Superior Court courtrooms for both jury selection and trials. The Superior Court provides the Court of Common Pleas with one courtroom on Thursday afternoon for jury selection and up to three courtrooms on Friday for trials.

The Court desperately needs a jury courtroom committed to it every day of the week. Without one, the Court has to devote one full day to jury trials when it can conduct no other business. No more than three or four of these cases are disposed of by trial, with perhaps a few more at jury selection. This very inefficient process, which significantly impacts on the attention the Court can give to the rest of the caseload, has resulted in the Court now facing a growing backlog.

In spite of the heavy burden that the new jurisdiction placed on the Court's resources, the Court is proud of the innovative caseload management techniques established and the hard work that Judges and staff at every level have exhibited in handling the caseload.

The Court aggressively tackled the new jurisdiction. It made effective use of the Court Commissioners and retired Judges, although the lack of a fourth courtroom in New Castle County also restricted the Court's ability to use them fully. In spite of Judge Paul E. Ellis' long illness, the Court also maintained reasonable caseload currency in Sussex County, particularly by utilizing a retired Judge. It should also be noted that the Court of Common Pleas provided

assistance to the Municipal Court during a crisis resulting from a judicial vacancy.

Even though overburdened by the number of new cases and the increased number of pro se litigants, the Court staff did an exceptional job of managing the rising workload. The added burdens of working in cramped office space and having to learn and adapt to new automated financial and criminal case management systems has further burdened an already understaffed Court. Space to accommodate clerical staff is a high priority in all three counties, as is the acquisition of additional clerical staff in New Castle County.

The transition to the new Criminal Case Management System was a difficult one for the Court and continues to present many challenges. The Court remains hopeful that the new system, along with implementation of the Automated Sentencing Project next year, will eventually provide some relief to its overburdened staff. The Court continues to need such basic resources as computers and networking capability in order to take full advantage of automation developments.

The Court began to modify its arraignment procedures in New Castle County in the hope of disposing of more cases at that stage and has made some progress in that effort.

Judge Ellis retired after twenty-three years of service to the Court in Sussex County, and his hard work and dedication will be missed by the Court. The Court welcomed Judge Richard F. Stokes to the Bench in July. Judge Stokes is a fine choice to fill Judge Ellis' shoes, and the Court is looking forward to working with him in the coming years.

The Court of Common Pleas held its first judicial retreat in the spring. Focusing on goal setting, strategic planning, Trial Court Performance Standards, and Total Quality Management, the Court began a process of exploration and discussion that it hopes to take into the 21st Century.

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 counterclaims 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.

COURT OF COMMON PLEAS

FISCAL YEAR 1996 CRIMINAL CASES - CASELOAD SUMMARY

	Pending 6/30/95	Number of Defendants		Pending 6/30/96	Change in Pending	% Change in Pending
		Filings	Dispositions			
New Castle	5,568	15,350	11,367	9,551	+ 3,983	+ 71.5%
Kent	1,376	7,190	4,793	3,773	+ 2,397	+ 174.2%
Sussex	999	7,466	5,600	2,865	+ 1,866	+ 186.8%
State	7,943	30,006	21,760	16,189	+ 8,246	+ 103.8%

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL CASES - CASELOAD

FILINGS

	Number of Defendants		Change	% Change
	1995	1996		
New Castle	15,371	15,350	- 21	- 0.1%
Kent	6,671	7,190	+ 519	+ 7.8%
Sussex	7,495	7,466	- 29	- 0.4%
State	29,537	30,006	+ 469	+ 1.6%

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL CASES - CASELOAD

DISPOSITIONS

	Number of Defendants		Change	% Change
	1995	1996		
New Castle	15,213	11,367	- 3,846	- 25.3%
Kent	6,628	4,793	- 1,835	- 27.7%
Sussex	7,106	5,600	- 1,506	- 21.2%
State	28,947	21,760	- 7,187	- 24.8%

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL CASES - CASELOAD

PRELIMINARY HEARINGS

	Number of Defendants		Change	% Change
	1995	1996		
New Castle	2,123	2,372	+ 249	+ 11.7%
Kent	1,397	1,514	+ 117	+ 8.4%
Sussex	1,918	2,100	+ 182	+ 9.5%
State	5,138	5,986	+ 548	+ 10.1%

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

COURT OF COMMON PLEAS

FISCAL YEAR 1996 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle	3,594	3,652	2,610	4,636	+ 1,042	+ 29.0%
Kent	299	1,021	766	554	+ 255	+ 85.3%
Sussex	592	918	731	779	+ 187	+ 31.6%
State	4,485	5,591	4,107	5,969	+ 1,484	+ 33.1%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

FILINGS

	1995	1996	Change	% Change
New Castle	3,485	3,652	+ 167	+ 4.8%
Kent	797	1,021	+ 224	+ 28.1%
Sussex	839	918	+ 79	+ 9.4%
State	5,121	5,591	+ 470	+ 9.2%

COMPARISON - FISCAL YEARS 1995-1996 CIVIL CASES - CASELOAD

DISPOSITIONS

	1995	1996	Change	% Change
New Castle	2,719	2,610	- 109	- 4.0%
Kent	761	766	+ 5	+ 0.7%
Sussex	682	731	+ 49	+ 7.2%
State	4,162	4,107	- 55	- 1.3%

FISCAL YEAR 1996 CIVIL CASES - CASELOAD BREAKDOWNS

FILINGS

	Complaints		Civil Judgments, Name Changes		Totals	
	Count	%	Count	%	Count	%
New Castle	3,383	92.6%	269	7.4%	3,652	100.0%
Kent	925	90.6%	96	9.4%	1,021	100.0%
Sussex	821	89.4%	97	10.6%	918	100.0%
State	5,129	91.7%	462	8.3%	5,591	100.0%

FISCAL YEAR 1996 CIVIL CASES - CASELOAD BREAKDOWNS

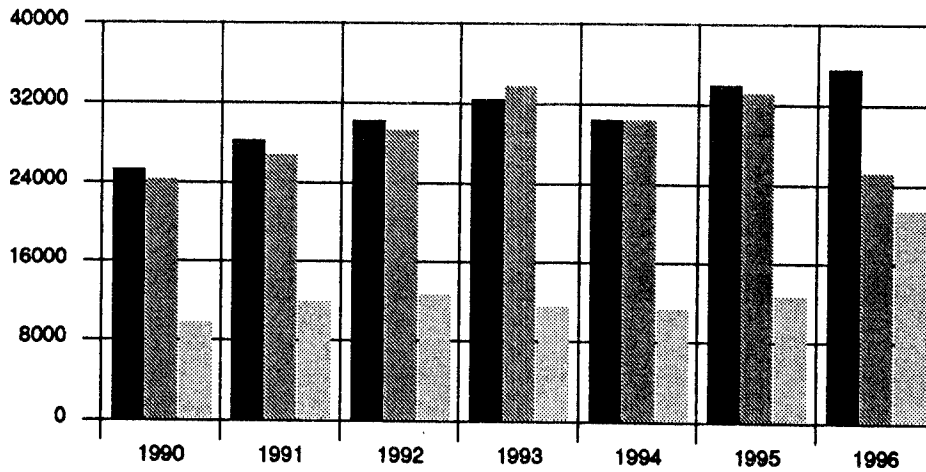
DISPOSITIONS

	By Court		By Counsel		Totals	
	Count	%	Count	%	Count	%
New Castle	920	35.2%	1,690	64.8%	2,710	100.0%
Kent	311	40.6%	455	59.4%	766	100.0%
Sussex	368	50.3%	363	49.7%	731	100.0%
State	1,599	38.9%	2,508	61.1%	4,107	100.0%

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

COURT OF COMMON PLEAS — TOTAL *

6 YEAR CASELOAD TREND

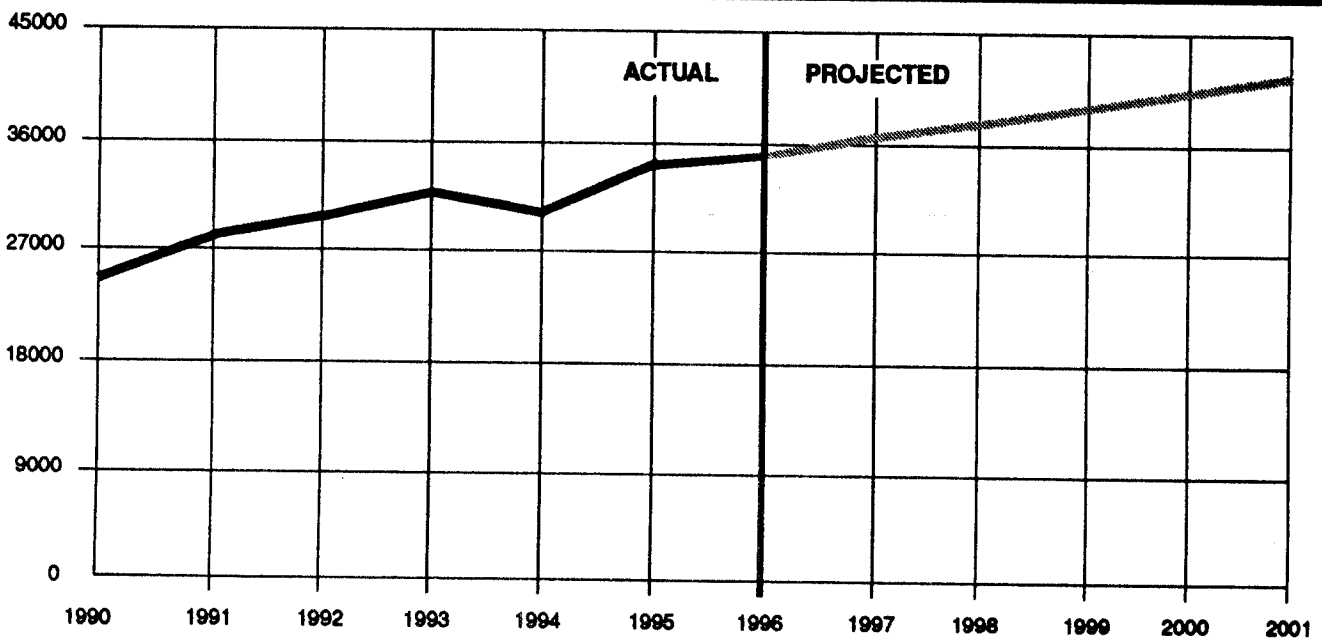


Number of Filings

1990 — 25,070
 1991 — 28,530
 1992 — 30,131
 1993 — 32,206
 1994 — 30,262
 1995 — 34,658
 1996 — 35,597

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

5 YEARS PROJECTED FILINGS BASED ON 7 YEARS ACTUAL FILINGS



----- 7 YEAR BASE: (1990-1996)

*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
Associate Judge John K. Welch**

MUNICIPAL COURT



MUNICIPAL COURT

(Left to Right)

Associate Judge John K. Welch

Chief Judge Alfred Fraczkowski

Associate Judge Leonard L. Williams

MUNICIPAL COURT

Message from the Chief Judge



Chief Judge Alfred Fraczkowski

For 11 months of the year the Municipal Court was without one full time judge. This vacancy which carried over from the previous year impaired the Court's ability to hear cases in a timely manner. This led to a decrease in the number of dispositions and an increase in the number of pending cases.

This position was filled on June 11, 1996 when the Honorable John K. Welch took the oath of office as an Associate Judge for Municipal Court. Immediately a concerted effort was made to increase the Court calendar to allow for the processing of cases for which hearings were overdue. Continued timely processing of these cases will be a priority for the coming year. The Court is now able to manage cases in a reasonable time and can examine, formulate, and assess future goals.

The Court has been plagued by staff shortages and personnel problems. The Court has been without the services of a Deputy Clerk/Court Commissioner for the entire year. The absence of this person has severely impacted the remaining Clerks/Court Commissioners. Even with the refinement of work schedules, the Court Commissioners have been under severe strain to supply the coverage necessary for the Court during evening and weekend hours.

The Court has become more active in the Criminal Case Management System and in the Automated Sentencing Project for the State of Delaware. When developed, these systems will streamline the Court's processing of cases and will permit the more timely processing of data with related agencies in the criminal justice system. The use of these computerized systems allows the Court to prepare all trial and arraignment sheets and the traffic court trial sheets which were prepared manually up to this point.

The automated system for monitoring the imposition, payments, and disposition of fines, costs, restitution and other charges which was put in place during the previous year is now working well and has allowed the more timely and more accurate processing of these payments. This system is integrated into

the finance system of the City of Wilmington, and the next step will be to integrate it into the State criminal justice system.

The Court and the Wilmington Police Department have continued to use videophone bail hearings in the initial arraignment stage. Arraignments and initial appearances before the Judges and Court Commissioners and the setting of bail are now done almost exclusively through the use of the videophone system for any persons who are processed at the Wilmington Police Department. This procedure cuts down on the time required of the Court staff to process and complete bail hearings and arraignments, and also has reduced the number of hours that the Wilmington Police must use in transporting persons in custody.

For the past year, the Court has utilized the services of two bailiffs who are competent bilingual interpreters. In addition, the Court has other staff who can serve as interpreters.

The Court is adversely affected by lack of adequate working space, particularly for the Court Clerks' office. The placement of new computer equipment within the Clerks' office has taken up much of the floor space which was minimal to begin with. Also, storage space is almost nonexistent. The resultant crowding of personnel adversely affects work product and morale. Unfortunately, the Court is facing a space shortage.

The Court has continued to use the services of the Alternative Dispute Resolution Program which is under the aegis of the Wilmington City Law Department. While the number of cases diverted through this process is not extraordinarily large, the positive reaction of persons involved in the program dictates that the program should continue and will be used in appropriate cases.

The backlog of cases which accumulated in Municipal Court due to the judicial vacancy last year should be resolved. The Judges and staff of the Court are dedicated to their work and their diligent and selfless efforts in very trying circumstances have enabled the Court to reach its present plateau of performance.

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.

MUNICIPAL COURT

FISCAL YEAR 1996 - CASELOAD SUMMARY *

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change in Pending	% Change in Pending
Criminal	1,518	14,722	13,818	2,422	+ 904	+ 59.6%
Traffic	2,486	16,848	15,866	3,468	+ 982	+ 39.5%
TOTALS	4,004	31,570	29,684	5,890	+ 1,886	+ 47.1%

COMPARISON - FISCAL YEARS 1995-1996 - CASELOAD

FILINGS

	1995	1996	Change	% Change
Criminal	14,165	14,722	+ 557	+ 3.9%
Traffic	16,870	16,848	- 22	- 0.1%
TOTALS	31,035	31,570	+ 535	+ 1.7%

COMPARISON - FISCAL YEARS 1995-1996 - CASELOAD

DISPOSITIONS

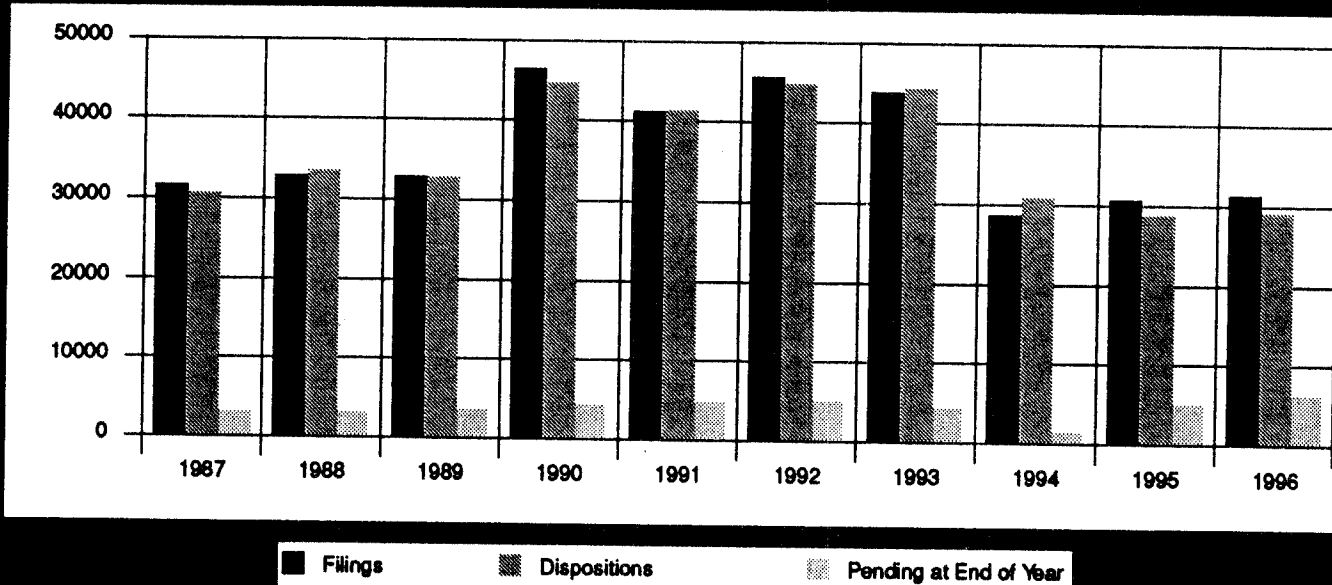
	1995	1996	Change	% Change
Criminal	13,218	13,818	+ 600	+ 4.5%
Traffic	15,171	15,866	+ 695	+ 4.6%
TOTALS	28,389	29,684	+ 1,295	+ 4.6%

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

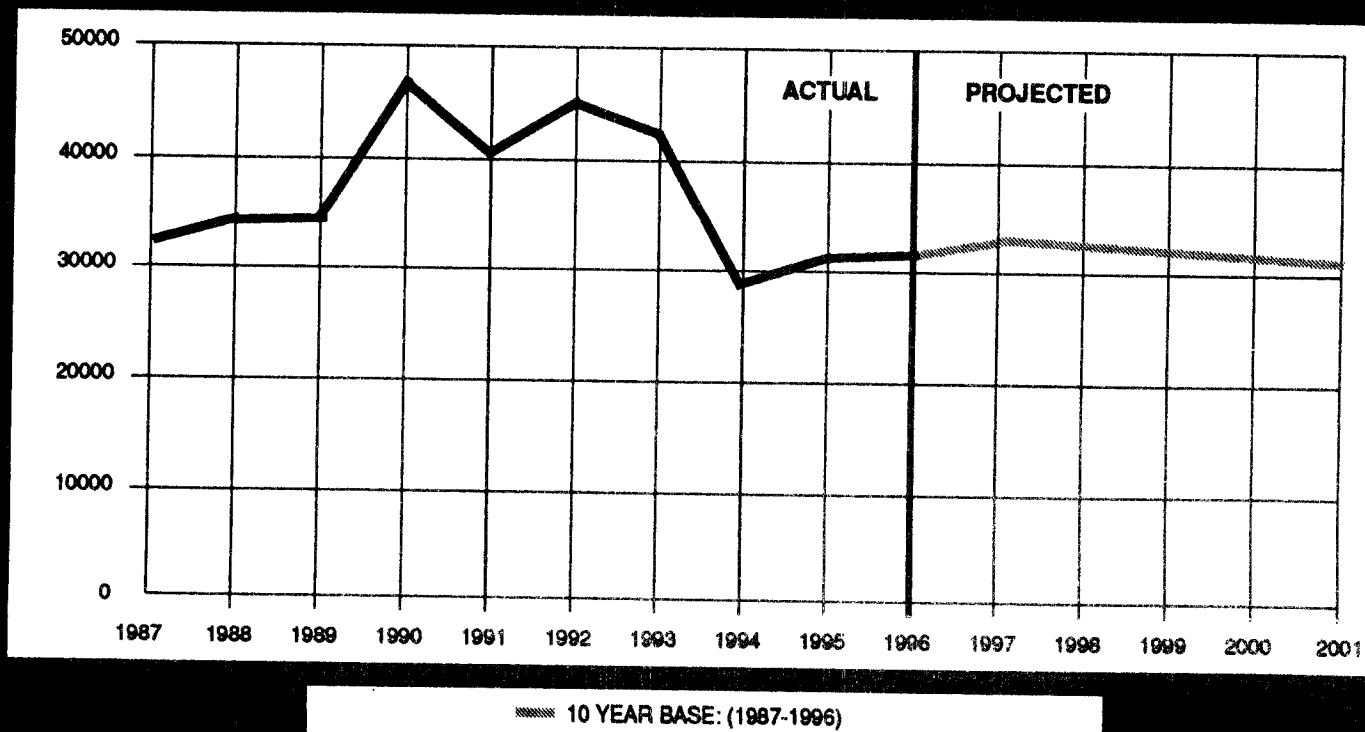
Source: Clerk of the Court, Municipal Court, Administrative Office of the Courts.

MUNICIPAL COURT — 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 (1992-1996).

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 Shella 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 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. Nelson, Jr.
Justice of the Peace William T. Moser
Justice of the Peace H. William Mulvaney, III
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Blar
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 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 Marcealeata 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 Vernon A. Taylor
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 William P. Wood

Justice of the Peace Courts

JUSTICE OF THE PEACE COURTS

NEW CASTLE COUNTY

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



KENT COUNTY

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

SUSSEX COUNTY

(Left-Right): Edward G. Davis, Herman G. Hagan, Marcealeate S. Ruffin, Richard D. Comly, Jeni L. Coffelt, Sheila G. Blakely, Joseph B. Melson, Jr., John W. O'Bier, William P. Wood, William J. Hopkins, Jr., John R. Hudson, William L. Boddy, III, Patricia W. Griffin. Missing: William W. Brittingham, Walter J. Godwin, H. William Mulvaney, III, Abigayle E. Truitt.



JUSTICE OF THE PEACE COURTS

Message from the Chief Magistrate



**Chief Magistrate
Patricia Walther Griffin**

Fiscal year 1996 was an exceptional year for the Justice of The Peace Courts. After twenty years of working in "temporary" quarters in the old Dover train station, funds were appropriated to purchase property and construct a new court facility for J.P. Court 7/16/Voluntary Assessment Center in Dover. The new courthouse will provide a secure working environment for Justice of the Peace court staff and judges, a comfortable waiting area, and sufficient courtrooms to ensure good and speedy access by the public. In June 1996, the Legislature passed the first leg of a constitutional amendment that would provide for a six-year term for justices of the peace who have been appointed and confirmed to second and subsequent terms. The second leg of this amendment should be considered by the Legislature in early 1997.

The Basic Legal Education civil and criminal programs were presented to seven new Justices of the Peace in fiscal year 1995 in several different sessions; two new judges participated in the BLE criminal program in the summer 1996. Judges attended a number of Continuing Legal Education seminars during FY 1996, including a two-day program with presentations on bail guidelines, criminal

law, ethical issues, contracts, videophone technology, handling difficult court customers and civil remedies and damages. In addition, clerks and judges attended a presentation on "Providing Good Service Without Giving Legal Advice." This seminar was the first step in recognizing what court staff and judges do regularly -- providing good service -- as an important element of court administration. Constables and security officers completed a week-long training program, designed in cooperation with the Delaware State Police, which encompassed basic first aid, CPR, officer survival, and confrontation management. Court personnel participated in programs on management and leadership, domestic violence, handling difficult persons, a basic Spanish language program and personnel issues.

Beginning in the spring of 1996, all truancy cases in New Castle County were scheduled for arraignment and trial at J.P. Court No. 14 in Wilmington. The "Truancy Court" follows an approach similar to that of the Superior Court's "Drug Court" -- the same judge hears all truancy cases and holds case review. Additionally, the Attorney General has designated a deputy to prosecute these cases on behalf of Delaware schools. These combined factors ensure consistency in prosecution and the availability of historical knowledge of individual cases, thus providing the judge with the ability to create sentences tailored to the needs of each truancy defendant's situation. Preliminary results for this pilot project indicate the new process is effective in dealing with truancy offenses. The Justice of The Peace Courts will look to expand this project into Kent and Sussex Counties in the future.

Another pilot project is the placement of a Family Court domestic violence specialist during evening hours in Justice of the Peace Court No. 11 (the 24-hour court in New Castle County). The domestic violence specialist will give support to victims, accept Protection for Abuse Act filings, provide victim-arrestee information to Court No. 11 judges to use for bail and condition setting on charges

involving violent acts, and enable Family Court to have earlier contact with the victim and the arrestee. This joint Family Court/Justice of the Peace Court project should benefit both courts, the victims and the public in general by ensuring that better information is available to the judicial officers involved in domestic violence cases.

Justice of the Peace Courts also established procedures to allow litigants to use special process servers to serve Justice of the Peace Court documents and implemented uniform policy and procedures on public access to Justice of the Peace court records. For a second year, the Court participated in the Delaware tax refund and lottery intercept-set off program for the collection of unpaid fines and court costs (resulting in additional collections of \$15,883 in FY 1996).

Other recent initiatives include the establishment of a pilot project to centralize constables in New Castle County to ensure efficiency and expedite service in civil cases, implementation of a pilot program allowing payment of fines in certain Justice of the Peace Courts (Court Nos. 7,3 and 2) and the Voluntary Assessment Center by credit card, and the publication of information documents to assist persons using the Justice of the Peace Courts. For example, litigants now have a brochure available to them entitled "How to File and Defend a Civil Claim in the Justice of the Peace Court".

The Justice of the Peace Courts have also been involved with the establishment of an interpreters program, which includes the implementation of a Code of Professional Responsibility for court interpreters and a certification program for foreign language interpreters, as implemented by the Chief Justice's Administrative Directive 107. Funding was received in FY 1996 for telecommunication devices for the deaf (TDD) for all Justice of the Peace Courts. Each court is equipped with TDD equipment for the pay phone in the lobby and by early FY 1997 a TDD unit will be set up in each clerical area so that incoming calls from deaf or hard of hearing individuals can be addressed.

JUSTICE OF THE PEACE COURTS

Legal Authorization

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

Court History

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

Geographic Organization

The jurisdiction of the Courts is 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.

JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1996 CRIMINAL AND TRAFFIC CASES* - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle County						
Court 9	1,780	3,514	3,531	1,763	- 17	- 1.0%
Court 10	1,573	16,278	15,816	2,035	+ 462	+ 29.4%
Court 11	7,425	32,946	32,753	7,618	+ 193	+ 2.6%
Court 14	796	1,487	1,472	811	+ 15	+ 1.9%
Court 15	1,628	7,697	7,426	1,899	+ 271	+ 16.6%
Court 18	92	11,288	11,230	150	+ 58	+ 63.0%
Kent County						
Court 6	337	4,500	4,138	699	+ 362	+107.4%
Court 7	1,078	27,134	26,842	1,370	+ 292	+ 27.1%
Court 8	254	2,169	2,108	315	+ 61	+ 24.0%
Sussex County						
Court 1	301	4,094	3,855	540	+ 239	+ 79.4%
Court 2	646	7,756	7,885	517	- 129	- 20.0%
Court 3	2,922	23,531	23,851	2,602	- 320	- 11.0%
Court 4	1,460	10,720	11,413	767	- 693	- 47.5%
Court 5	552	3,699	3,600	651	+ 99	+ 17.9%
Total	20,844	156,813	155,920	21,737	+ 893	+ 4.3%
VAC	4,655	110,082	109,077	5,660	+ 1,005	+ 21.6%
State	25,499	266,895	264,997	27,397	+ 1,898	+ 7.4%

VAC = Voluntary Assessment Center

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

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

JUSTICE OF THE PEACE COURTS

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL AND TRAFFIC CASES* - CASELOAD

FILINGS				
	1995	1996	Change	% Change
New Castle County				
Court 9	3,525	3,514	- 11	- 0.3%
Court 10	15,109	16,278	+ 1,169	+ 7.7%
Court 11	33,219	32,946	- 273	- 0.8%
Court 14	1,532	1,487	- 45	- 2.9%
Court 15	7,497	7,697	+ 200	+ 2.7%
Court 18	10,173	11,288	+ 1,115	+ 11.0%
Kent County				
Court 6	3,956	4,500	+ 544	+ 13.8%
Court 7	27,099	27,134	+ 35	+ 0.1%
Court 8	2,539	2,169	- 370	- 14.6%
Sussex County				
Court 1	3,879	4,094	+ 215	+ 5.5%
Court 2	7,357	7,756	+ 399	+ 5.4%
Court 3	25,544	23,531	- 2,013	- 7.9%
Court 4	11,158	10,720	- 438	- 3.9%
Court 5	3,548	3,699	+ 151	+ 4.3%
Total	156,135	156,813	+ 678	+ 0.4%
VAC	120,038	110,082	- 9,956	- 8.3%
State	276,173	266,895	- 9,278	- 3.4%

COMPARISON - FISCAL YEARS 1995-1996 CRIMINAL AND TRAFFIC CASES* - CASELOAD

DISPOSITIONS				
	1995	1996	Change	% Change
New Castle County				
Court 9	3,667	3,531	- 136	- 3.7%
Court 10	15,662	15,816	+ 154	+ 1.0%
Court 11	32,322	32,753	+ 431	+ 1.3%
Court 14	1,420	1,472	+ 52	+ 3.7%
Court 15	7,497	7,426	- 71	- 0.9%
Court 18	10,276	11,230	+ 954	+ 9.3%
Kent County				
Court 6	3,918	4,138	+ 220	+ 5.6%
Court 7	27,991	26,842	- 1,149	- 4.1%
Court 8	2,532	2,108	- 424	- 16.7%
Sussex County				
Court 1	3,840	3,855	+ 15	+ 0.4%
Court 2	7,892	7,885	- 7	- 0.1%
Court 3	25,375	23,851	- 1,524	- 6.0%
Court 4	11,154	11,413	+ 259	+ 2.3%
Court 5	3,530	3,600	+ 70	+ 2.0%
Total	157,076	155,920	- 1,156	- 0.7%
VAC	120,885	109,077	-11,808	- 9.8%
State	277,961	264,997	-12,964	- 4.7%

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

FISCAL YEAR 1996 CIVIL CASES - CASELOAD SUMMARY

	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change in Pending	% Change in Pending
New Castle County						
Court 9	80	985	1,000	65	- 15	- 18.8%
Court 12	868	9,814	9,367	1,315	+ 447	+ 51.5%
Court 13	1,671	7,387	8,002	1,056	- 615	- 36.8%
Kent County						
Court 8	3	27	22	8	+ 5	+ 166.7%
Court 16	1,539	5,542	4,684	2,397	+ 858	+ 55.8%
Sussex County						
Court 2	4	0	0	4	0	0.0%
Court 17	550	3,848	3,600	798	+ 248	+ 45.1%
Court 19	1,620	2,581	2,957	1,244	- 376	- 23.2%
State	6,335	30,184	29,632	6,887	+ 552	+ 8.7%

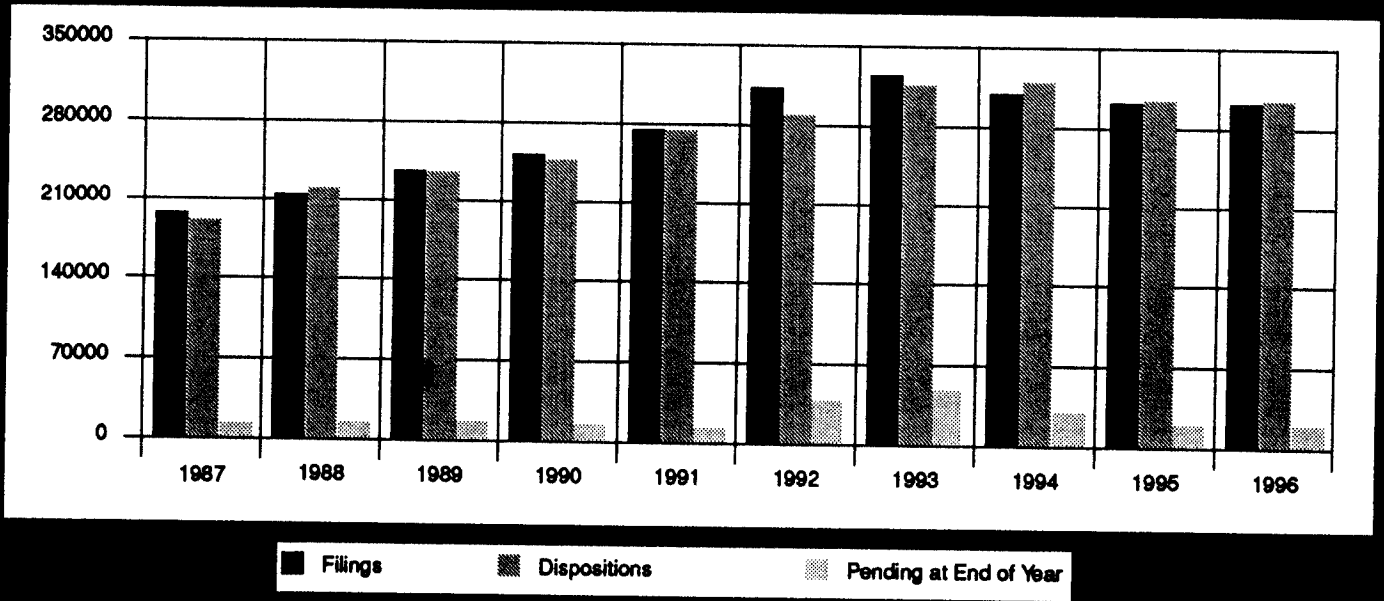
FISCAL YEAR 1996 CIVIL CASES - CASELOAD BREAKDOWNS

	FILINGS						DISPOSITIONS					
	Complaints		Landlord/Tenant		TOTALS		Complaints		Landlord/Tenant		TOTALS	
New Castle County												
Court 9	879	89.2%	106	10.8%	985	100.0%	895	89.5%	105	10.5%	1,000	100.0%
Court 12	6,140	62.6%	3,674	37.4%	9,814	100.0%	5,215	55.7%	4,152	44.3%	9,367	100.0%
Court 13	4,811	65.1%	2,576	34.9%	7,387	100.0%	5,294	66.2%	2,708	33.8%	8,002	100.0%
Kent County												
Court 8	27	100.0%	0	0.0%	27	100.0%	22	100.0%	0	0.0%	22	100.0%
Court 16	4,069	73.4%	1,473	26.6%	5,542	100.0%	3,427	73.2%	1,257	26.8%	4,684	100.0%
Sussex County												
Court 17	3,132	81.4%	716	18.6%	3,848	100.0%	2,861	79.5%	739	20.5%	3,600	100.0%
Court 19	2,103	81.5%	478	18.5%	2,581	100.0%	2,459	83.2%	498	16.8%	2,957	100.0%
State	21,161	70.1%	9,023	29.9%	30,184	100.0%	20,173	68.1%	9,459	31.9%	29,632	100.0%

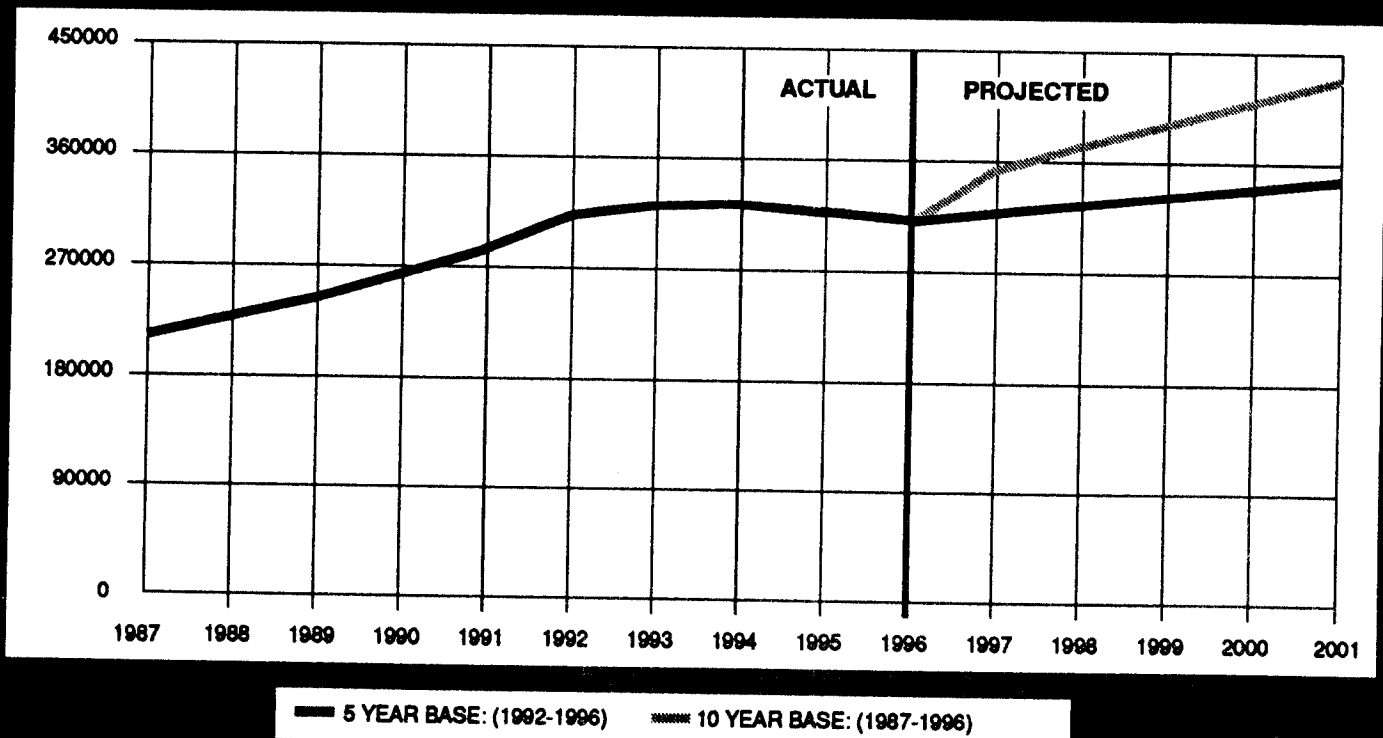
Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS — TOTAL

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Alderman's Courts

Chief Alderman Loreto P. Rufo (Newark)
Alderman Harold Britton Barber (Bethany Beach)
Alderman Melanie M. Buchanan (Ocean View)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Marvin Guberman (Dewey Beach)
Mayor John F. Kingmeyer (New Castle)
Alderman James R. Folsom (Newport)
Alderman Willie A. Robert, Jr. (Bridgeville)
Alderman David B. Strigel (Delmar)
Alderman Paul H. Sheridan (Laurel)

ALDERMAN'S COURT

Legal Authorization

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

Geographic Organization

Alderman's Courts have jurisdiction only within their own town limits. There were 8 active Alderman's or Mayor's Courts at the start of FY 1996, two in New Castle County and six in Sussex County. When a town is without a Court or an Alderman for any period of time,

its cases are transferred to the nearest Justice of the Peace Court.

Legal Jurisdiction

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

Aldermen

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

FISCAL YEAR 1996 TOTAL CASES * - CASELOAD SUMMARY

Court	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle County						
Newark	4,824	9,493	9,138	5,179	+ 355	+ 7.4%
Newport	337	6,502	6,561	278	- 59	- 17.5%
Sussex County						
Bethany Beach	429	2,198	2,067	560	+ 131	+ 30.5%
Bridgeville	174	0	174	0	- 174	- 100.0%
Delmar	653**	1,676	1,663	666	+ 13	+ 2.0%
Dewey Beach	0	1,873	1,873	0	0	—
Fenwick Island	0	17	17	0	0	—
Laurel**	22**	1,230	1,234	18	- 4	- 18.2%
Ocean View	0	3	0	3	+ 3	—
Rehoboth Beach	67	2,540	2,339	268	+ 201	+ 300.0%
TOTALS	6,506**	25,532	25,066	6,972	+ 466	+ 7.2%

FISCAL YEAR 1996 CRIMINAL CASES * - CASELOAD SUMMARY

Court	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle County						
Newark	290	1,325	1,283	332	+ 42	+ 14.5%
Newport	0	0	0	0	0	—
Sussex County						
Bethany Beach	0	0	0	0	0	—
Bridgeville	0	0	0	0	0	—
Delmar	103	69	74	98	- 5	- 4.9%
Dewey Beach	0	976	976	0	0	—
Fenwick Island	0	0	0	0	0	—
Laurel	0**	93	89	4	+ 4	—
Ocean View	0	3	0	3	+ 3	—
Rehoboth Beach	1	231	223	9	+ 8	+ 800.0%
TOTALS	394**	2,697	2,645	446	+ 52	+ 13.2%

*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.

**Amended from 1995 Statistical Report

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

ALDERMAN'S COURT

FISCAL YEAR 1996 TRAFFIC CASES * - CASELOAD SUMMARY

Court	Pending 6/30/95	Filings	Dispositions	Pending 6/30/96	Change In Pending	% Change In Pending
New Castle County						
Newark	4,534	8,168	7,855	4,847	+ 313	+ 6.9%
Newport	337	6,502	6,561	278	- 59	- 17.5%
Sussex County						
Bethany Beach	429	2,198	2,067	560	+ 131	+ 30.5%
Bridgeville	174	0	174	0	- 174	- 100.0%
Delmar	550**	1,607	1,589	568	+ 18	+ 3.3%
Dewey Beach	0	897	897	0	0	—
Fenwick Island	0	17	17	0	0	—
Laurel	22**	1,137	1,145	14	- 8	- 36.4%
Ocean View	0	0	0	0	0	—
Rehoboth Beach	66	2,309	2,116	259	+ 193	+ 292.4%
TOTALS	6,112**	22,835	22,421	6,526	+ 414	+ 6.8%

COMPARISON - FISCAL YEARS 1995-1996 TOTAL CASES- CASELOAD

Number of Filings*	1995	1996	Change	% Change
COURT				
New Castle				
Newark	8,187	9,493	+ 1,306	+ 16.0%
Newport	6,700	6,502	- 198	- 3.0%
Sussex County				
Bethany Beach	2,495	2,198	- 297	- 11.9%
Bridgeville	3,600	0	- 3,600	- 100.0%
Delmar	1,629	1,676	+ 47	+ 2.9%
Dewey Beach	1,728	1,873	+ 145	+ 8.4%
Fenwick Island	1,912	17	- 1,895	- 99.1%
Laurel	1,659	1,230	- 429	- 25.9%
Ocean View	0	3	+ 3	—
Rehoboth Beach	2,591	2,540	- 51	- 2.0%
TOTALS	30,501	25,532	- 4,969	- 16.3%

COMPARISON - FISCAL YEARS 1995-1996 TOTAL CASES- CASELOAD (cont'd.)

Number of Dispositions*	1995	1996	Change	% Change
COURT				
New Castle				
Newark	8,253	9,138	+ 885	+ 10.7%
New Castle	1	0	- 1	- 100.0%
Newport	6,561	6,561	0	0.0%
Sussex County				
Bethany Beach	2,738	2,067	- 671	- 24.5%
Bridgeville	3,713	174	- 3,539	- 95.3%
Delmar	1,428	1,663	+ 235	+ 16.5%
Dewey Beach	1,728	1,873	+ 145	+ 8.4%
Fenwick Island	1,912	17	- 1,895	- 99.1%
Laurel	1,490	1,234	- 256	- 17.2%
Ocean View	0	0	0	0.0%
Rehoboth Beach	2,844	2,339	- 505	- 17.8%
TOTALS	30,668	25,066	- 6,487	- 21.2%

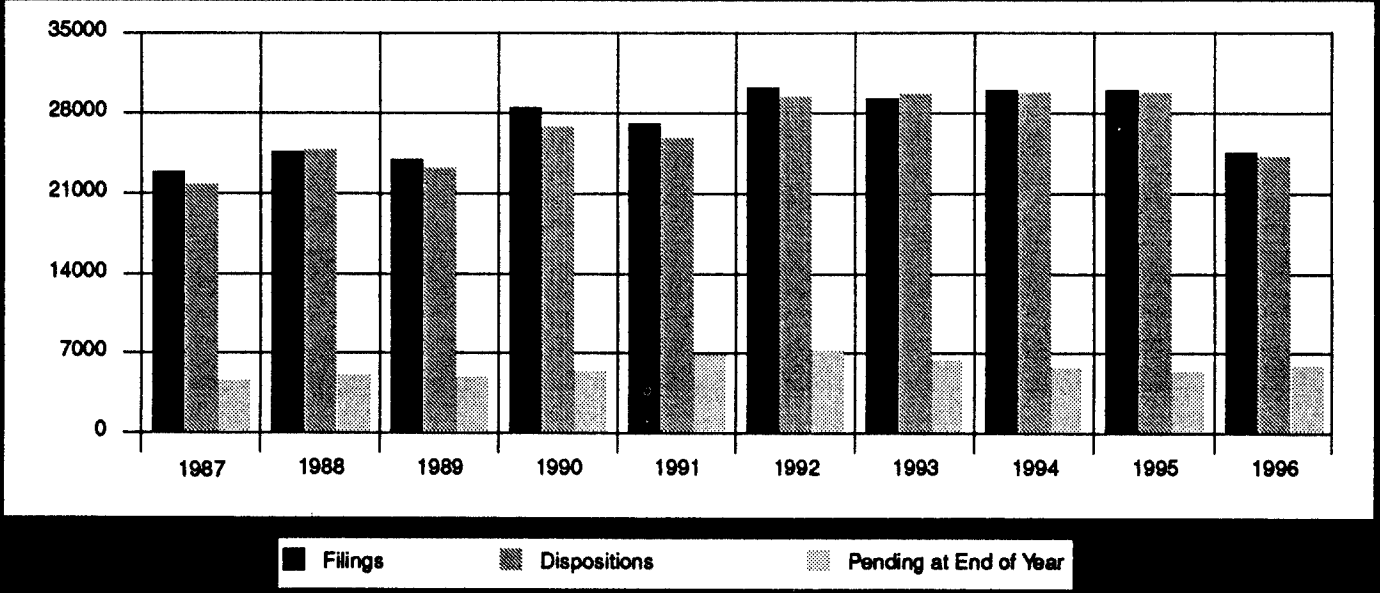
*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as 3 dispositions.

**Amended from 1995 Statistical Report

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

ALDERMAN'S COURT — TOTAL

10 YEAR CASELOAD TREND



Source: Administrative Office of the Courts



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