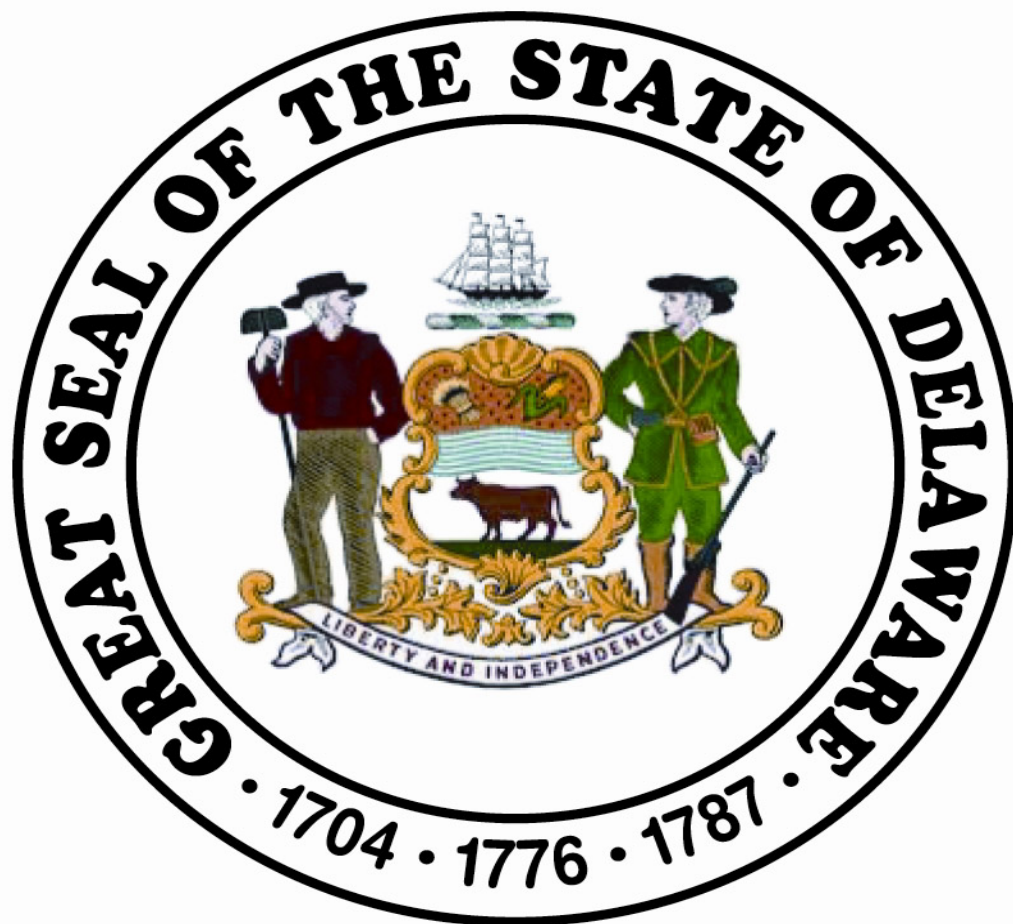


2005 ANNUAL REPORT
OF THE
DELAWARE JUDICIARY



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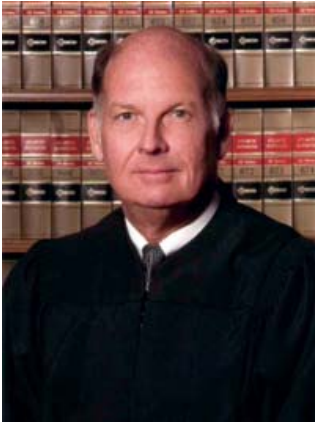
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Message from Chief Justice Myron T. Steele



To Governor Ruth Ann Minner, Members of the General Assembly, and the Citizens of the State of Delaware:

I am pleased to present the Delaware Judiciary “2005 Annual Report”. The many accomplishments outlined in this report reflect the dedication and hard work of all of the judges and staff within each court and I offer them my sincerest thanks. I would also like to take this opportunity to thank Governor Minner and the General Assembly for their continued support and efforts on behalf of the court system. Without these, the many accomplishments of the Judicial Branch would not have been possible. For its part, the Judicial Branch continues to remain committed to working with Governor Minner and the General

Assembly in maintaining a mission critical approach to its funding requests and to working together to focus efforts on those key initiatives which are of the most vital importance to the court system.

During the past year, the joint efforts of all three branches of government have made possible many achievements including several court facility projects. First, the Sussex County Courthouse renovation has neared completion. This project has created a more modern and more functional courthouse for the Superior Court and Court of Common Pleas through the addition of three new courtrooms, including one video courtroom, as well as a new jury assembly room and an updated entrance which allows for the implementation of improved security measures. Also, in January 2005, the Sussex County Justice of the Peace Court No. 1 relocated to a larger and more centrally located facility in Frankford. In Kent County, renovations and additions to the Kent County Courthouse are in the planning stages.

The New Castle County Courthouse, which was completed in 2002, has been brightened with the addition of a number of new pieces of artwork. The New Castle County Courthouse Art Committee has worked with the General Assembly, as well as private organizations and individuals, to obtain funding and has been responsible for the selection of those pieces of art which now grace the Courthouse. I would like to thank all of the many individuals who have contributed time or resources to this effort.

In addition, the General Assembly has provided an appropriation from the FY '06 Bond Bill for the balance of the funding which is expected to be needed for the COTS information system project. That project has made significant progress during the past year and implementation of the first phase of the project is expected in FY '07.

Another notable effort has been the establishment of an electronic filing system in the Supreme Court. Under the leadership of Justice Ridgely, as Chair of the Supreme Court’s E-Filing Committee, the Delaware Supreme Court became the first appellate court in the nation to require electronic filing of appeal documents. The Supreme Court, along with the Delaware Law-Related Education Center, has also been honored by its selection to host the National High School Mock Trial Championships in 2008.

The Court of Chancery continues to enjoy a national reputation as an outstanding business court. As evidence of this fact, Delaware was the forum for the high-profile Disney trial which was held in October 2004.

For the fourth year, the Harris Poll State Liability Systems Ranking Study conducted for the United States Chamber Institute for Legal Reform rated Delaware the number one court system overall and the Superior Court as the premier court of general jurisdiction in the country. The study measures corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment. Among the areas surveyed were overall treatment of tort and contract litigation, treatment of class action suits, punitive damages, promptness of summary judgment/dismissal, discovery, scientific and technical evidence, judges' impartiality and competence, and juries' predictability and fairness.

The Family Court has continued to make progress in juvenile justice initiatives. During FY 2005, the Court focused on efforts to provide alternatives to secure pre-trial detention for juveniles, whenever possible. To this end, the Court developed an objective risk assessment instrument and hired two expeditors to identify alternative placement options. In addition, Chief Judge Kuhn has chaired the Delaware Girls Initiative which is a collaborative group designed to explore a comprehensive continuum of services for at-risk adolescent girls.

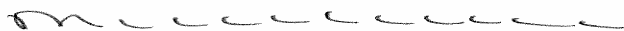
During FY 2005, the Court of Common Pleas expanded its successful mediation (alternate dispute resolution) program to parties in civil cases. The program, which began with criminal cases in 2001, gives participants the opportunity to resolve conflicts more quickly and efficiently than the regular court process.

The Justice of the Peace Court welcomed Alan G. Davis as the new Chief Magistrate in July. Before being named Chief Magistrate, Chief Magistrate Davis was in private practice in Georgetown. He replaces former Chief Magistrate Patricia W. Griffin, who was named State Court Administrator.

An area of particular concern to the entire court system during this fiscal year has been court security. Incidents that have occurred in other areas of the country have emphasized the need to ensure that our courthouses are safe locations for the provision of justice. To this end, the Administrative Office of the Courts has coordinated security reviews by the U.S. Marshal Service of State courthouses and is working with the courts to identify changes necessary to ensure the safety of all those who use or work in our courthouses.

On a final note, the entire Judicial Branch will miss Judge Richard S. Gebelein who retired from the Superior Court on August 31, 2005 to assume the role of International Judge in the State Court of Bosnia and Herzegovina. Judge Gebelein, who served on the Bench for 21 years, was known for his efforts in sentencing reform and in establishing Delaware's Drug Courts. I, along with all of those who have worked with him over the years, join in wishing him well as he embarks on new endeavors.

Respectfully,



Myron T. Steele

INTRODUCTION TO THE DELAWARE COURT SYSTEM



The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court 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 Court 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 in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the justices of the peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors in the State except certain drug-related offenses. It also handles motor vehicle offenses (excluding those that are felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all 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, Delaware'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 Superior Court may be taken on the record to the Supreme Court.

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 that 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.

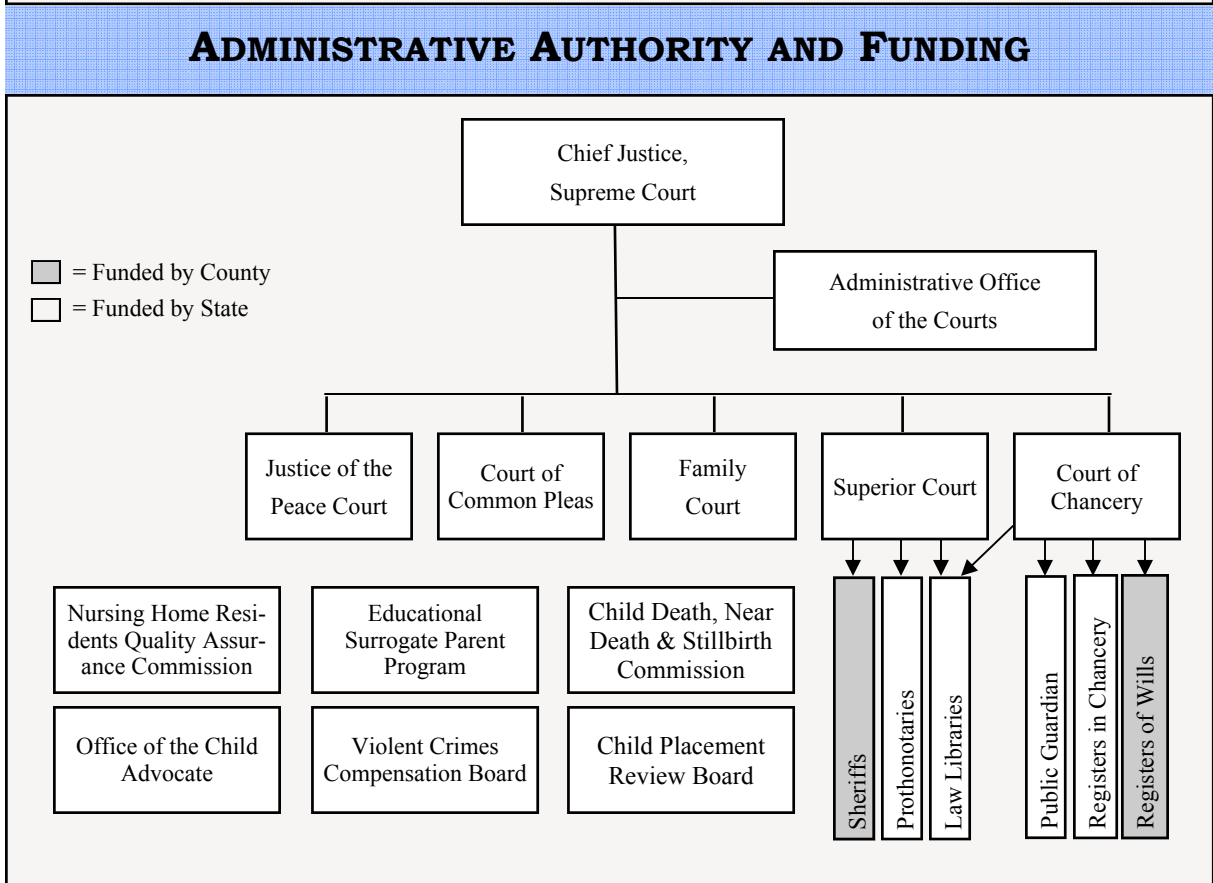
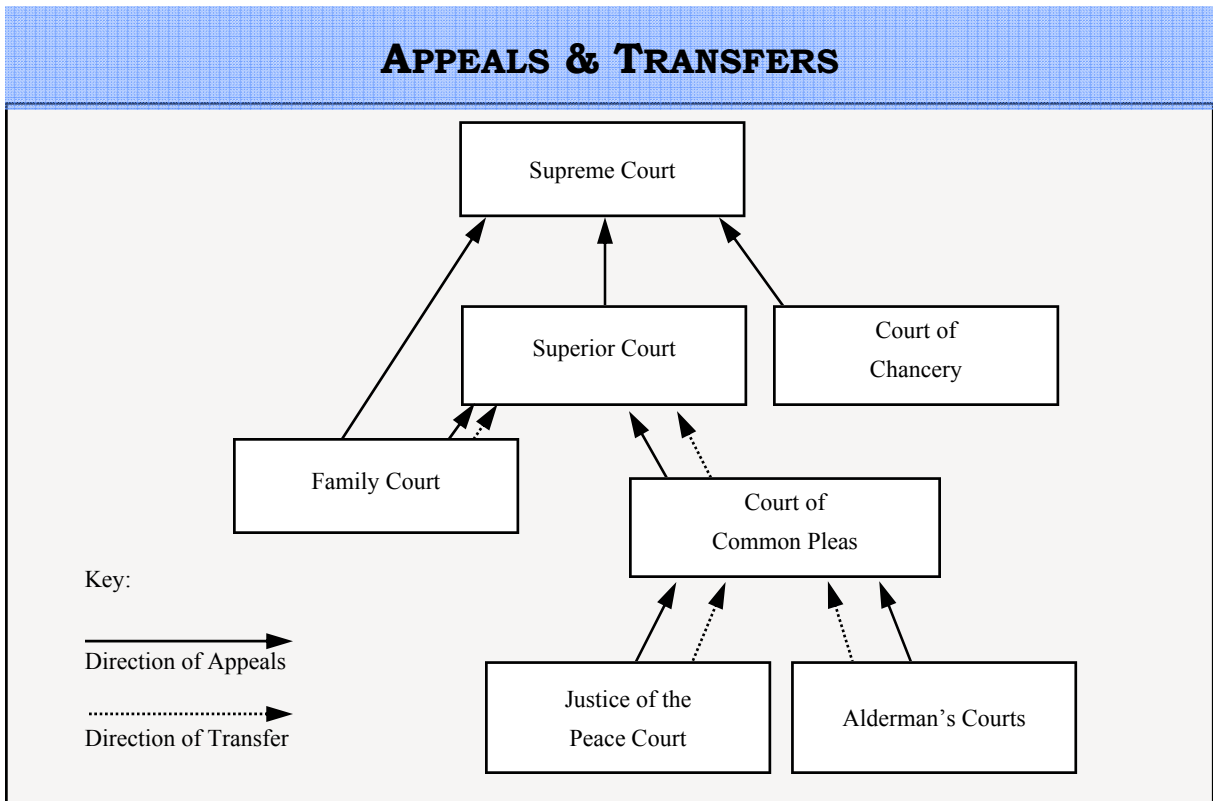
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established by the Chief Justice of the Supreme Court.

Other agencies associated with the Delaware Judicial Branch include these state agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Program, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission, and the Nursing Home Residents Quality Assurance Commission. The majority of the components of the Delaware judicial system are funded by the State. Exceptions are the Alderman's Courts, the Registers of Wills for the Court of Chancery, and the Sheriffs' Offices.



Supreme Court—Dover

OVERVIEW OF THE COURTS



THE DELAWARE COURT SYSTEM

COURT OF LAST RESORT

SUPREME COURT

Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards. Issuer of certain writs.

EQUITY COURT

COURT OF CHANCERY

Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

LAW COURT

SUPERIOR COURT

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware State Hospital. Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

COURTS OF LIMITED JURISDICTION

FAMILY COURT

Extensive jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except certain serious offenses.

COURT OF COMMON PLEAS

Statewide jurisdiction in civil actions that do not exceed \$50,000. All criminal misdemeanors (except certain drug-related offenses). All motor vehicle offenses (except felonies). Responsible for preliminary hearings. Appeals from the Justice of the Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

JUSTICE OF THE PEACE COURT

Civil cases that do not exceed \$15,000. Certain misdemeanors and most motor vehicle cases (except felonies). May act as committing magistrate for all crimes. Landlord/tenant disputes.

ALDERMAN'S COURTS*

Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective municipalities. However, appealed cases are transferred to a State court.

JUDICIAL BRANCH UPDATES



COTS is a Judicial Branch-wide initiative to create a computerized civil, criminal and financial case management system for all courts. The system will also interface with the computer systems used by many of the courts' justice partner agencies such as the police and the Department of Corrections. Judicial officers and court employees from all of the courts are closely involved in working with a commercial software vendor, Affiliated Computer Services, Inc. (ACS), to ensure that the system meets the needs of the Judicial Branch and that court employees will be well trained to use the new system. The COTS project will be implemented in several phases, with the first phase being the introduction of the civil case management system in the Justice of the Peace Court in Sussex County.

There are several highlights to report for FY 2005. The year began with the Core Team, comprised of representatives of all the courts and the Judicial Information Center, having ten weeks of intensive training in the ACS system. As a part of their training, they were tasked with identifying potential gaps in the system and with determining which of those gaps were critical to court operations. In many cases, it was determined that the gap could be filled by changing court processes. Such change can be difficult, but the courts worked together in an unprecedented way to do what is best for the Judiciary and for the citizens of Delaware. Both the Executive Steering Committee and the Operational Policy Committee became actively involved in reviewing the gaps and making the critical decisions needed to move the project forward.

A number of recommendations to streamline court processes and encourage uniformity across courts were put forward by the COTS

Working Committee and endorsed by the Executive Steering Committee and Operational Policy Committee. Many more recommendations are in the pipeline. All of these changes will make it easier for the courts to do business and for our justice partners and the public to do business with us.

Achievements this year have also included installation and configuration of COTS hardware and software; adoption of a new change management approach designed to increase users' comfort level; extensive training on the ACS system for the COTS training team; and completion of data conversion activities for Phase I (data conversion provides for the transfer of data from the old system to the new). In addition, work on critical project interfaces has continued, with the interface strategy document nearing completion.

During this year, a decision was made to implement the COTS project on the newest version of the ACS software – Contexte 5.0, which provides significant additional functionality and benefits. Although this will delay implementation of Phase I for approximately three months, it will allow us to implement all eight phases of the project on the same software version. Phase I is expected to be implemented at the end of September 2006.

The Judicial Branch is grateful to the General Assembly, which has agreed to provide the balance of the funding for the COTS project. This was accomplished by a \$5 million bond bill appropriation in FY 2006. Barring any unforeseen circumstances, there should not be a need to request additional funds.

The mission of the COTS project is to deliver an information system that will enable the Delaware Judiciary to fulfill its mission of providing a fair, efficient, effective, and prompt forum for the resolution of both criminal and civil matters brought before our courts. Much

work toward that goal remains, but with the continued commitment and support of many participants, the courts will be able to use their information system to help improve the quality of justice in Delaware and better serve its citizens.



COURT EMPLOYEES HONORED

Two court employees received system-wide honors in FY 2005. Sarah “Jeannie” Jones received the Judicial Employee of the Year award from Chief Justice on May 9, 2005. She was nominated for this award after being selected as the Justice of the Peace Court Employee of the Year for her success in running the DUI Court since it began in 2001. In his remarks, Chief Justice Steele praised Jeannie for “providing a valuable service to the Court maintaining the Sussex DUI caseload, developing innovative shortcuts and techniques to help with timely case processing, and being ready, willing and able to assist other courts as well as working well with others”. Chief Justice Steele also told Jeannie that “of equal importance is the exceptional public service you provide at all times, remaining cool and calm while dealing with difficult situations. This commitment to service is a tremendous asset to the Court and promotes a positive image of the judiciary to the citizens of Delaware.”



Chief Justice Myron T. Steele presents Justice of the Peace Court Employee of the Year award to Jeannie Jones.

In addition, Mary Katherine (Kris) Pritchett received the Myrna Lomish Rubenstein Professional Support Recognition Award from the Delaware State Bar Association in a Law Day ceremony at the Hotel DuPont. Kris received the award for her work as a judicial secretary to Justice Randy J. Holland. In recognizing Kris’ achievement, Justice Holland stated: “Through her dedicated work, Kris has provided many years of service assisting me in managing my workload and chambers, as well as assisting in completing significant assignments outside of my usual case work such as helping me with numerous books and articles and work related to my service as President of the American Inns of Court Foundation. Through her indefatigable efforts, she has been an instrumental participant in my work both in private practice and during my service on the Supreme Court. Kris’ award is well-deserved and I, as well as the other members of the Supreme Court, are pleased that Kris’ contributions are being recognized by the Bar Association.”



Kris Pritchett pictured with Justice Randy J. Holland after receiving the Myrna Lomish Rubenstein Professional Support Recognition Award



LEGISLATIVE UPDATE

The judiciary's legislative team brings together representatives of the courts and the AOC to enhance the effectiveness of the Judicial Branch's relationship with the Legislature by serving as the main contact with them and by monitoring and analyzing legislation for impact on the Judicial Branch. The team also ensures that courts have current information during legislative sessions on the status of legislation affecting them. Members of the team for 2005 included: Justice Henry duPont Ridgely (Chair), President Judge James T. Vaughn, Jr., Judge William J. Walls, Jr., Judge Kenneth S. Clark, Jr., Judge Alan Davis (Chief Magistrate), Judge Edward Davis, Patricia W. Griffin (State Court Administrator), Mitzi Boddy, Franny M. Haney, Eleanor B. Torres, Esq. Michael McLaughlin, Deputy Director for Legislative Affairs at the Administrative Office of the Courts retired at the end of the last session. His extensive knowledge of the legislature and his contacts were invaluable.

The following legislation affecting the judicial branch was passed during FY 2005 by the 143rd session of the General Assembly and has been enacted into law:

SB 61 - An Act Concurring in a proposed amendment to Article IV of the Delaware Constitution of 1897 to include the Family Court and Court of Common Pleas as courts established by the Constitution of the State of Delaware and Articles III and IV of the State of Delaware to delete references to the Orphan's Court.

SB 52 - An Act to amend Title 14 of the Delaware Code relating to Expungement of Truancy Records.

SB 63 - An Act to amend Title 21 of the Delaware Code relating to Civil Penalties.

SB 82 - An Act to amend Title 11 of the Delaware Code concerning the Sequestration of Alternate Jurors in Capitol Punishment Cases.

SB 84 - An Act to amend Title 11 and Title 16 of the Delaware Code to bring Periods of Probation for First Offenders into conformity with Senate Bill 50. (Senate Bill 50- implemented on 5/31/2003)

SB 142 -An Act to amend Title 11 of the Delaware Code relating to the use of Force in Law Enforcement.

SB 150 - An Act amending Title 12 of the Delaware Code relating to Wills and Trusts.

SB 152 - An Act to amend Title 13 of the Delaware Code relating to Child Support Enforcement.

SB 200 - An Act to amend Title 10 of the Delaware Code relating to the Crime of Robbery.

SB 217 -An Act to amend Title 29 of the Delaware Code relating to Real Property Acquisition and the Exercise of Eminent Domain.

HB 63 - An Act to amend Title 21 of the Delaware Code relating to Learner's Permits.

HB 86 - An Act to amend Title 11 of the Delaware Code relating to a Pilot Program for Continuous Remote Alcohol Monitoring.

HB 92 - An Act to amend Chapter 23, Title 11 of the Delaware Code relating to Seizures and Forfeitures in Criminal Cases.

HB 100- An Act to amend Title 10 of the Delaware Code relating to Jurisdiction over certain Criminal matters.

ADMINISTRATIVE OFFICE OF THE COURTS

Authorization and Functions

The Administrative Office of the Courts (AOC) was established in 1971 pursuant to 10 *Del.C.* § 128. The function of the office is to assist the Chief Justice in carrying out the responsibilities as administrative head of the Delaware courts.

The AOC provides a wide variety of support services to the courts, ranging from assisting in policy development, to offering technology assistance to providing day-to-day support services. Among its services are:

- **Judicial education and staff training** - works with individual courts and the Judicial Conference as a whole, sponsors educational programs for all Delaware judges and commissioners. The AOC also provides training for court employees on a variety of topics including technology-related training.
- **Budget and accounting assistance** - coordinates the development of the Judicial Branch budget, monitors spending, and works with the Office of Management and Budget to resolve problems. The AOC also provides accounting services to the Supreme Court and judicial branch agencies.
- **Support services for the New Castle County Courthouse.** The AOC is responsible for operating the information desk, the filing and payments center and the mail room for the Courthouse. In addition, the AOC provides coordination services relating to the Courthouse such as staffing the Courthouse Operations Policy Committee, the Security Operations Committee, and the New Castle County Courthouse Art Committee. Another related function is working with Facilities Management to resolve ongoing issues.
- **Management of the New Castle County Courthouse Self Help Center** - operates the self-help center located in the New Castle County Courthouse which assists unrepresented litigants. This includes recruiting and training attorney and law student volunteers who assist in the Center. Over 16,000 persons were assisted by the Center in FY 2005.
- **Administration of the statewide court interpreter program** provides interpreters in all languages, as well as for hearing impaired persons.
- **Court security and safety coordination** - is coordinating with the U.S. Marshal's Service for security reviews of courthouses statewide and follow-up planning, and is developing and implementing safety plan for New Castle County Courthouse.
- **Human resources assistance** - assists with a variety of human resources issues including coordinating career ladder applications, position reclassifications and establishments, as well as policy issues.
- **Research and analysis** - coordinates the production of the annual report of the Judicial Branch and maintains statistics relating to the courts and their caseloads.
- **Policy coordination/development and staffing of committees concerning issues affecting the courts** - for example, works on bail issues in conjunction with courts and the Department of Insurance, coordinates revisions to records retention schedules
- **Legislative coordination** - serves on the Judicial Branch's legislative team, provides legislative session updates on activities of the Legislature, and prepares legislative summaries of signed legislation relating to the courts.
- **Technology coordination** - assists in the coordination of technology-related projects, including the COTS integrated case management program that is currently under development.
- **Technology problem solving** - administers the Helpdesk function for technology problems experienced by court users.
- **Web site assistance** - supports development and maintenance of websites for courts and judicial branch agencies.
- **Business analysis, program development, and data integration/administration for technology-related initiatives.**
- **Statewide collections enforcement** - using a variety of State and private sector sanctions, collects court-ordered financial assess-

ments including restitution, statutory surcharges, fines, and court costs.

While the primary focus of the AOC is on service to the courts, it also provides fiscal and administrative services to several non-judicial agencies, many of whom receive policy direction and oversight from boards and governing bodies outside the judicial branch. These agencies are: the Office of the Public Guardian; the Violent Crimes Compensation Board; Child Placement Review Board; Educational Surrogate Parent Program; Office of the Child Advocate; Child Death, Near Death and Still Birth Commission; and the Delaware Nursing Home Residents Quality Assurance Commission.

STRUCTURE

To fulfill its responsibilities, the AOC is divided into three components: the Office of the State Court Administrator, the Judicial Information Center (JIC) and the Office of State Court Collections Enforcement (OSCCE).

RECENT DEVELOPMENTS

In February 2005, former Chief Magistrate Patricia W. Griffin became State Court Administrator. Under her leadership, the Administrative Office of the Courts has initiated a strategic planning process to identify ways in which it can better serve the Courts and the public. The three offices which comprise the Administrative Office of the Courts are working together to

continue improving existing services efforts and to implement new initiatives.

With heightened concern nationwide regarding security in court facilities, the Office of the State Court Administrator has focused particular attention on this critical issue. It has worked with the U.S. Marshal's Service to arrange for security reviews of State courthouses and has begun the process of working with the courts to address the recommendations resulting from these reviews. In addition, the AOC has worked with the U.S. Marshal's Service to provide security awareness education for judicial officers.

The COTS case management system has been a major focus of the Judicial Information Center, which has provided extensive staff support to the COTS initiative. In addition to the demands of the COTS project, the JIC has continued to support the technology needs of the courts, including providing webcasting and audiovisual capabilities for the high-profile, nationally viewed Disney trial in the Court of Chancery in Sussex County.

Last, but not least, the Office of State Court Collections Enforcement has been focusing efforts on becoming a one-stop judicial financial center and continuing its growth in collections. Since Fiscal Year 2000 the initiatives undertaken by OSCCE have led to a 97.5% growth in collections on behalf of the courts with collections flowing through OSCCE in FY 2005 exceeding \$3.6 million.



New Castle County Courthouse—Goodnough artwork, installed in November 2005

FISCAL OVERVIEW



FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2004-2005-2006-2007				
State Judicial Agencies and Bodies*				
	FY 2004 Actual Disbursements	FY 2005 Actual Disbursements	FY 2006 Appropriations	FY 2007 Request
Administrative Office of the Courts (AOC)	\$ 4,739,800	\$ 6,092,200	\$ 3,218,600	\$ 4,102,100
Court Appointed Attorney Programs**	\$ 2,687,300	\$ 2,453,700	\$ 3,008,200	\$ 3,277,900
Interpreters	\$ 188,900	\$ 209,100	\$ 209,100	\$ 209,100
Victim Offender Mediation Program**	\$ 424,800	\$ 412,800	\$ 424,800	\$ 424,800
Elder Law Program**	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Judicial Information Center	\$ 3,220,900	\$ 3,084,300	\$ 3,063,800	\$ 3,979,100
State Court Collection Enforcement Office	\$ 661,100	\$ 784,400	\$ 505,800	\$ 572,700
Supreme Court	\$ 3,910,600	\$ 4,637,900	\$ 3,859,800	\$ 4,263,800
Retired Judges Program**	\$ 73,500	\$ 61,400	\$ 60,000	\$ 60,000
Continuing Judicial Education**	\$ 22,600	\$ 28,200	\$ 33,300	\$ 58,300
Court of Chancery	\$ 4,442,400	\$ 4,096,200	\$ 4,243,600	\$ 4,865,500
Public Guardian	\$ 390,600	\$ 409,200	\$ 452,700	\$ 487,100
Superior Court	\$ 7,683,200	\$ 18,372,800	\$ 18,390,000	\$ 20,275,100
Law Libraries	\$ 427,300	\$ 411,700	\$ 474,600	\$ 484,300
Family Court	\$ 19,190,200	\$ 20,317,400	\$ 19,448,400	\$ 21,975,800
Court of Common Pleas ***	\$ 8,674,700	\$ 11,011,200	\$ 7,675,500	\$ 8,900,900
Justice of the Peace Court	\$ 16,939,200	\$ 18,593,800	\$ 14,625,000	\$ 16,340,900
Violent Crimes Compensation Board	\$ 2,025,800	\$ 2,273,100	\$ 3,085,400	\$ 3,110,900
Child Placement Review Board	\$ 469,400	\$ 580,200	\$ 575,500	\$ 593,600
Educational Surrogate Parent Program	\$ 88,100	\$ 87,800	\$ 77,300	\$ 79,600
Office of the Child Advocate	\$ 461,600	\$ 458,000	\$ 573,600	\$ 662,900
Child Death/Near Death/Still Birth Com.#	N/A	\$ 57,800	\$ 323,600	\$ 382,400
Nursing Hm Residents QA Commission ##	N/A	N/A	\$ 33,000	\$ 40,900
Totals	\$ 86,772,000	\$ 94,483,200	\$ 84,411,600	\$ 95,197,700
County Judicial Agencies and Bodies				
	FY 2004 Actual Disbursements	FY 2005 Actual Disbursements	FY 2006 Appropriations	
Register of Wills	1,203,332	1,281,603	1,288,217	
Prothonotary++++	20,535	30,098	41,500	
Sheriff	1,395,602	1,507,284	1,521,987	
NEW CASTLE COUNTY TOTALS	\$ 2,619,469	\$ 2,818,985	\$ 2,851,704	
Register of Wills	207,305	217,071	329,300	
Sheriff	404,077	406,969	473,600	
KENT COUNTY TOTALS	\$ 611,382	\$ 624,040	\$ 802,900	
Register of Wills	284,494	332,201	357,529	
Sheriff	430,528	549,082	562,080	
SUSSEX COUNTY TOTALS	\$ 715,022	881,283	\$ 919,609	

*Figures include all funds, including State General Funds, Appropriated Special Funds, federal funds, and/or other funds.

**These programs are funded as part of the AOC. They are shown separately for informational purposes.

***Dramatic increase in "disbursements" from FY 2004 to FY 2005 is partially due to a one-time deposit of \$1,493,000 in accumulated insurance fines/costs to the General Fund as revenue, per statute.

#Established by FY 2005 Budget Act, July 1, 2004. FY 2005 funding is partial year. FY 2006 Appropriations represent full-year funding plus additional positions authorized.

##Established by FY 2006 Budget Act, July 1, 2005. FY 2006 funding is partial year. FY 2007 Request represents full-year funding.

++++Pension & Sick pay for former county employees.

Source: Administrative Office of the Courts

COURT GENERATED REVENUE* - FISCAL YEAR 2005					
Submitted to the State General Fund					
	Fees and				
	Costs	Fines	Interest	Misc.	Totals
Administrative Office of the Courts (AOC)	\$	\$	\$	\$	\$
Judicial Information Center	\$	\$	\$	\$	\$
State Court Collections Enforcement Office	\$ 75,700	\$ 15,100	\$	\$	\$ 90,800
Supreme Court	\$ 61,400	\$	\$	\$	\$ 61,400
Court of Chancery	\$	\$	\$ 140,600	\$	\$ 140,600
Office of the Public Guardian	\$	\$	\$	\$	\$
Superior Court	\$ 2,679,300	\$ 462,000	\$ 43,600	\$ 339,100	\$ 3,524,000
Law Libraries	\$	\$	\$	\$	\$
Family Court	\$ 436,100	\$ 78,200	\$	\$ 4,800	\$ 519,100
Court of Common Pleas	\$ 2,377,500	\$ 1,078,600	\$	\$ 1,583,200	\$ 5,039,300
Justice of the Peace Court	\$ 2,889,600	\$ 1,389,500	\$	\$ 22,100	\$ 4,301,200
Child Placement Review Board	\$	\$	\$	\$	\$
Violent Crimes Compensation Board	\$	\$	\$	\$	\$
Educational Surrogate Parent Program	\$	\$	\$	\$	\$
Office of the Child Advocate	\$	\$	\$	\$	\$
STATE TOTALS	\$ 8,519,600	\$ 3,023,400	\$ 184,200	\$ 1,949,200	\$ 13,676,400

Received by Violent Crimes Compensation Board					
	Fees and				
	Costs	Fines	Interest	Misc.	Totals
Superior Court	\$	\$ 529,729			\$ 529,729
Family Court	\$	\$ 25,062			\$ 25,062
Court of Common Pleas	\$	\$ 774,004			\$ 774,004
Justice of the Peace Court	\$	\$ 1,082,454			\$ 1,082,454
Alderman Courts	\$	\$ 174,390			\$ 174,390
Restitution	\$	\$ 86,748			\$ 86,748
Other	\$	\$ 32,426	\$ 7,989	\$ 31,239	\$ 71,654
VCCB TOTALS	\$	\$ 2,704,813	\$ 7,989	\$ 31,239	\$ 2,744,041

* Figures represent only revenue actually received, not the total amount of fines and costs assessed.
Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE*-FISCAL YEAR 2005					
Submitted to New Castle County					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Register of Wills	\$ 2,419,235	\$			\$ 2,419,235
Prothonotary	\$ 22,860	\$ 519			\$ 23,379
Sheriff	\$ 1,919,674	\$			\$ 1,919,674
Justice of the Peace Court		\$ 464,248			\$ 464,248
New Castle County Totals	\$ 4,361,769	\$ 464,767	\$	\$	\$ 4,826,536

Submitted to Kent County					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Register of Wills	\$ 425,986				425,986
Sheriff	\$ 555,341				555,341
Justice of the Peace Court	\$	\$ 1,920			1,920
Kent County Totals	\$ 981,327	\$ 1,920	\$	\$	\$ 983,247

Submitted to Sussex County					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Register of Wills	\$ 834,373				\$ 834,373
Sheriff	\$ 381,100				\$ 381,100
Justice of the Peace Court		1,948			\$ 1,948
Sussex County Totals	\$ 1,215,472	\$ 1,948	\$	\$	\$ 1,217,420

Submitted to Municipalities					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
Prothonotary	\$	\$ 46,005	\$	\$	\$ 46,005
Court of Common Pleas		\$ 901,359			\$ 901,359
Justice of the Peace Court		\$ 2,979,295			\$ 2,979,295
Alderman Courts	\$ 501,724	\$ 940,118			\$ 1,441,843
Municipalities Totals	\$ 501,724	\$ 4,820,772	\$	\$	\$ 5,322,497

Grand Totals-Judicial Branch					
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS
TOTALS	\$ 15,579,893	\$ 8,312,807	\$ 184,200	\$ 1,949,200	\$ 26,026,100

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

Source: Administrative Office of the Courts

RESTITUTION-FISCAL YEAR 2005			
	Assessed	Collected	Disbursed
Supreme Court	\$	\$	\$
Court of Chancery	\$	\$	\$
Superior Court	\$ 7,835,773	\$ 2,132,141	\$ 2,043,167
Family Court	\$ 127,313	\$ 272,454	\$ 276,426
Court of Common Pleas	\$ 427,294	\$ 623,521	\$ 455,009
Justice of the Peace Court	\$ 77,325	\$ 88,208	\$ 76,888
Office of State Court Collections		\$ 68,336	\$ 70,477
TOTALS	\$ 8,467,705	\$ 3,184,660	\$ 2,921,967

Register of Wills Fees Collected - FY 2005			
	New Castle	Kent	Sussex
July		\$ 9,788.34	\$ 62,172.10
Aug		\$ 44,548.63	\$ 72,502.35
Sep		\$ 52,906.63	\$ 34,986.23
Oct		\$ 39,770.45	\$ 78,899.05
Nov		\$ 50,061.23	\$ 170,412.17
Dec	\$ 1,116,474.59	\$ 45,994.13	\$ 60,523.07
Jan		\$ 22,104.55	\$ 59,878.86
Feb		\$ 18,199.70	\$ 26,972.71
Mar		\$ 48,498.06	\$ 105,895.18
Apr		\$ 28,991.72	\$ 54,771.34
May		\$ 17,237.70	\$ 42,620.58
Jun	\$ 1,302,760.04	\$ 47,884.48	\$ 64,739.31
Total	\$ 2,419,234.63	\$ 425,985.62	\$ 834,372.95

FISCAL OVERVIEW

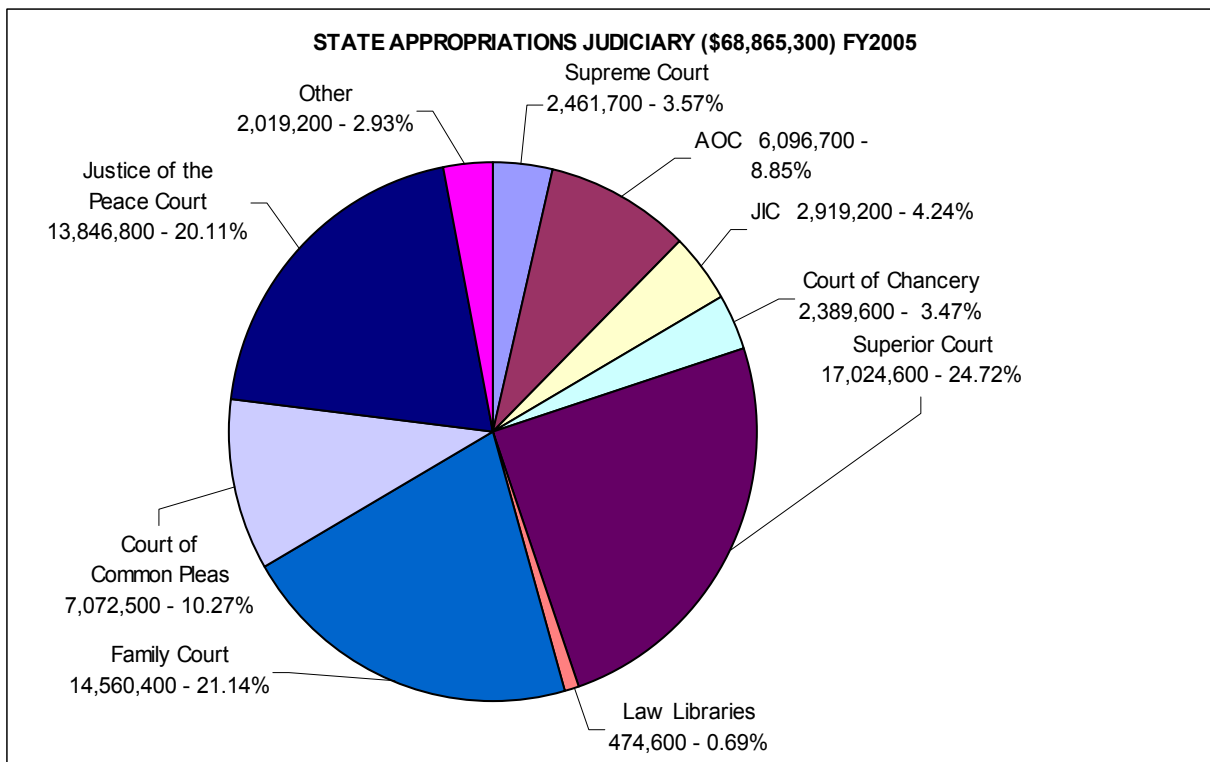
DELAWARE GOVERNMENT APPROPRIATIONS* - FISCAL YEAR 2005

State Appropriations

	\$'s	As a %
Judicial	\$ 68,865,300	2.65%
Higher Education	\$ 210,696,300	8.10%
Executive Branch	\$ 1,421,125,100	54.65%
Legislative Branch	\$ 12,747,300	0.49%
Public Education	\$ 886,973,700	34.11%
Total	\$ 2,600,407,700	100.00%

Judicial Appropriations - Fiscal Year 2005

	\$'s	As a %
Supreme Court	\$ 2,461,700	3.57%
Administrative Office of the Courts	\$ 6,096,700	8.85%
Judicial Information Center	\$ 2,919,200	4.24%
Court of Chancery	\$ 2,389,600	3.47%
Superior Court	\$ 17,024,600	24.72%
Law Libraries	\$ 474,600	0.69%
Family Court	\$ 14,560,400	21.14%
Court of Common Pleas	\$ 7,072,500	10.27%
Justice of the Peace Court	\$ 13,846,800	20.11%
Other**	\$ 2,019,200	2.93%
Total	\$ 68,865,300	100.00%



* State General Fund monies only.

** Other: Public Guardian, Office of State Court Collections Enforcement, Child Placement Review Board, Educational Surrogate Program, Office of the Child Advocate, and Child Death, Near Death, Still Birth Commission.

Source: Administrative Office of the Courts



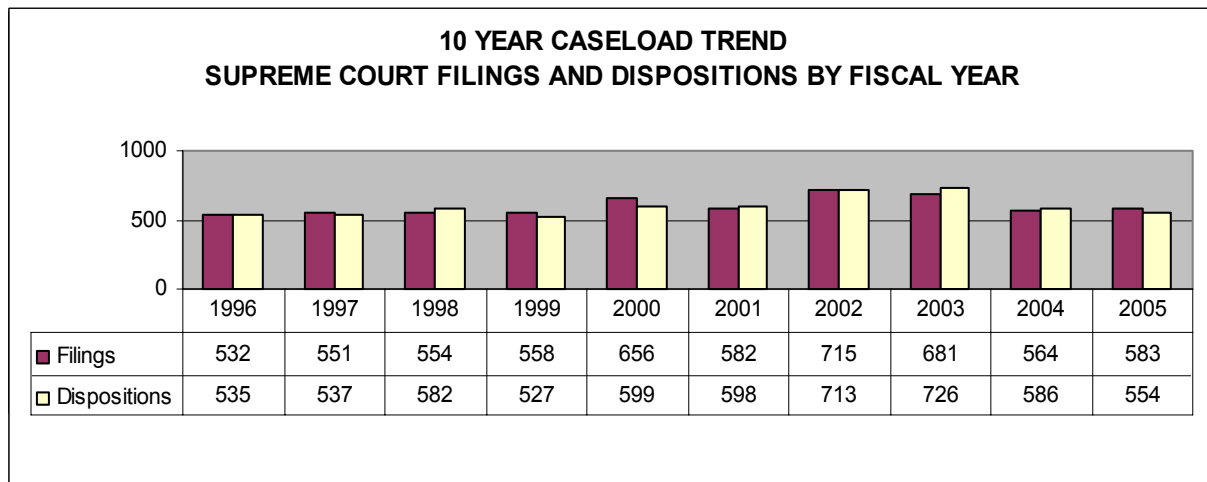
SUPREME COURT

In Fiscal Year 2005, the Delaware Supreme Court received 583 appeals and disposed of 554 appeals by opinion, order or dismissal. On average, the appeals were decided within 40.5 days from the date of submission to the date of final decision which is a decrease of 18.2 days from the previous fiscal year. In 90.25% of appeals decided in FY2005, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision which is an improvement over the 82.5% compliance rate from the previous fiscal year.

In May, 2005, the Court began exploring the feasibility of using the LexisNexis electronic filing system in an appellate court. Under the leadership of Justice Ridgely as the Chair of the Supreme Court's E-Filing Committee, appropriate implementing rules as well as an implementation plan were developed.

While not occurring in the past fiscal year, it should be noted that effective October 24, 2005, the Delaware Supreme Court became the first appellate court in the nation to require electronic filing of appeal documents using the LexisNexis e-filing system.

During the past fiscal year, 3,220 Delaware lawyers filed Annual Registration Statements pursuant to Supreme Court Rule 69. The Court amended the Statement to reduce the annual assessments paid by each active Delaware lawyer to support the Arms of the Supreme Court. The reductions ranged from \$80 to \$105 per active lawyer depending on registration category. Furthermore, the assessment funding was reallocated to provide additional funding to the Lawyers' Fund for Client Protection to replenish the Fund which had approved many meri-



SUPREME COURT

torious claims for payment during the past year. At the same time, the Court reduced the assessments for the Office of Disciplinary Counsel and the Commission on Continuing Legal Education. To offset the reduced assessment funding, the Court directed, under Administrative Directive 158, that *pro hac vice* assessments paid by non-Delaware lawyers be designated to fund, in part, the Office of Disciplinary Counsel, the Commission on Continuing Legal Education, and the Lawyers Fund for Client Protection. Administrative Directive No. 158 rescinded Administrative Directive Nos. 129 and 145 which previously governed the distribution of *pro hac vice* funding through grants authorized by the Court.

Patricia W. Griffin, Esquire, became the new State Court Administrator in the Administrative Office of the Courts on February 7, 2005. She previously served as the Chief Magistrate of the Justice of the Peace Courts with great distinction. As Chief Magistrate, her efforts were largely responsible for the recent expansion of the number of Justices of the Peace in Sussex County and for the establishment of a nationally honored truancy court program. The Court believes that her extensive administrative background will enable her to harness the potential of the Administrative Office of the Court as a provider of services and expertise to all Delaware courts.



Legal Authorization

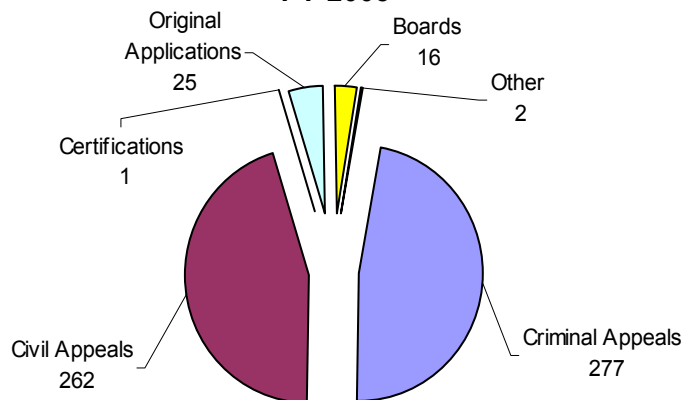
The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

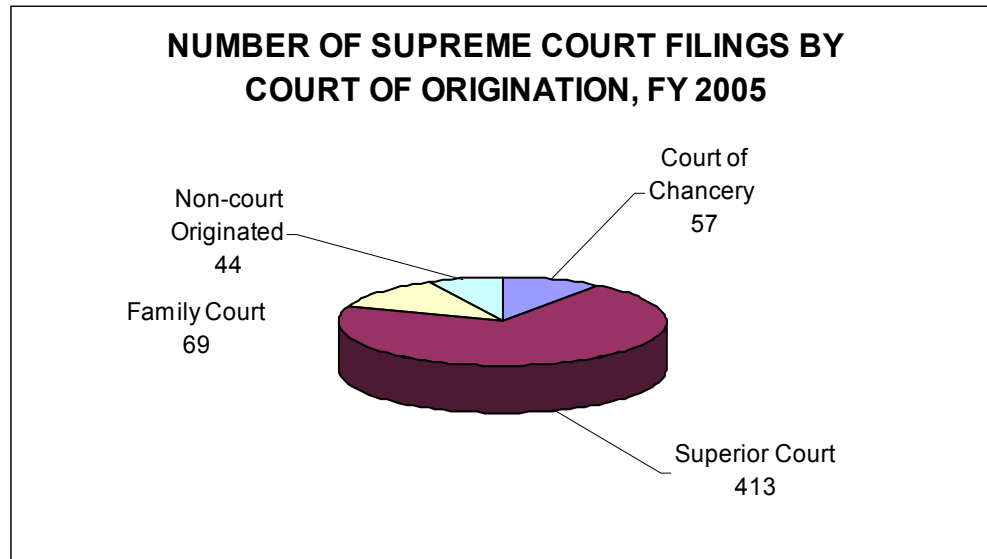
Court History

The modern 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 a 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.

**NUMBER OF SUPREME COURT FILINGS BY TYPE
FY 2005**

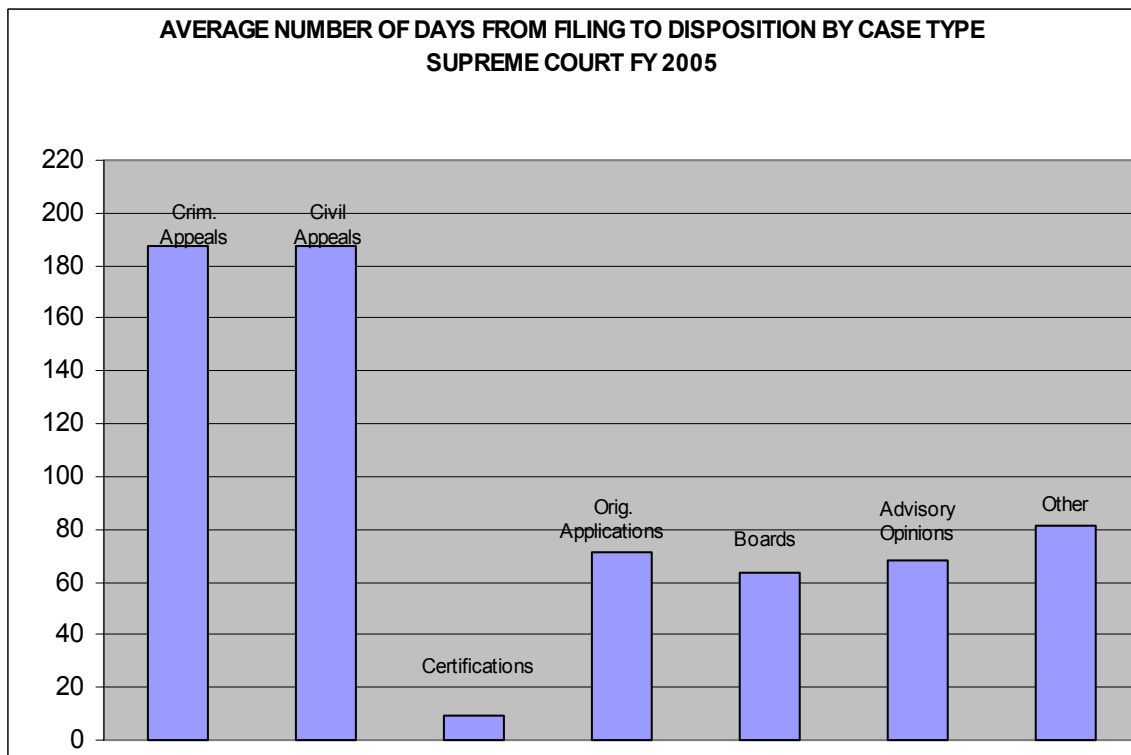




Jurisdiction

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*.



SUPREME COURT

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. The Court may have no more than a majority of one justice from any political party.

Administration

The chief justice is responsible for the administration of all courts in the State and appoints a state court administrator to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a clerk of the court, staff attorneys, an assistant clerk, law clerks, secretaries, and court clerks.



Supreme Court Justices:

Front Row (sitting left to right)

Justice Randy J. Holland
Chief Justice Myron T. Steele
Justice Carolyn Berger

Back Row (standing left to right)

Justice Henry duPont Ridgely
Justice Jack B. Jacobs



Chancellor William B. Chandler, III

COURT OF CHANCERY

With the transition of the Register in Chancery to a statewide office and the implementation of statewide practices and procedures, the Court of Chancery is now more accessible. On October 20, 2003, the Court of Chancery launched its new electronic filing system. As of that date, all documents filed in pending or new civil action cases are filed electronically only. Thus, the Court of Chancery becomes the first statewide court in the country to adopt e-filing for all of its civil docket, regardless of the amount in controversy. E-filing will enhance the Court's reputation for efficiency, speed and accessibility, as well as reduce the amount of storage space needed for documents filed with the Register in Chancery. With the implementation of the LexisNexis e-filing system, the Court is now accessible not only by all chambers and Register in Chancery staff, but by the bar and the public through internet access. This system has enabled staff to better facilitate the management of the civil actions caseload. The Court of Chancery looks forward to when the COTS initiative will help integrate the Court's entire caseload into one case management system.

The Court of Chancery completed construction of the new Court of Chancery building on The Circle in Georgetown. The support staff and chambers are now consolidated in one building, which facilitates an improved access for the public and the bar.

Finally, in May 2003 the Court was given expanded jurisdiction over technology disputes and the ability to conduct a "mediation only" program for technology and business disputes. The Court recently adopted Rules implementing the new technology jurisdiction and "mediation only" program that were created pursuant to Senate Bill No. 58, which added Sections 346 and 347 to Title 10 of the Delaware Code. The technology dispute jurisdiction, as well as the "mediation only" program, will further expand the services that the Court of Chancery offers to entities incorporated or formed in Delaware, or that have their principal place of business here.

The newest addition to the Court of Chancery is the position of Chief Register in Chancery. The position was added to assist in the implementation of statewide practices and procedures for the Court.



COURT OF CHANCERY



Court of Chancery (standing left to right)

Vice Chancellor John W. Noble
 Vice Chancellor Leo E. Strine Jr.
 Chancellor William B. Chandler III
 Vice Chancellor Stephen P. Lamb
 Vice Chancellor Donald F. Parsons Jr.

Legal Authorization

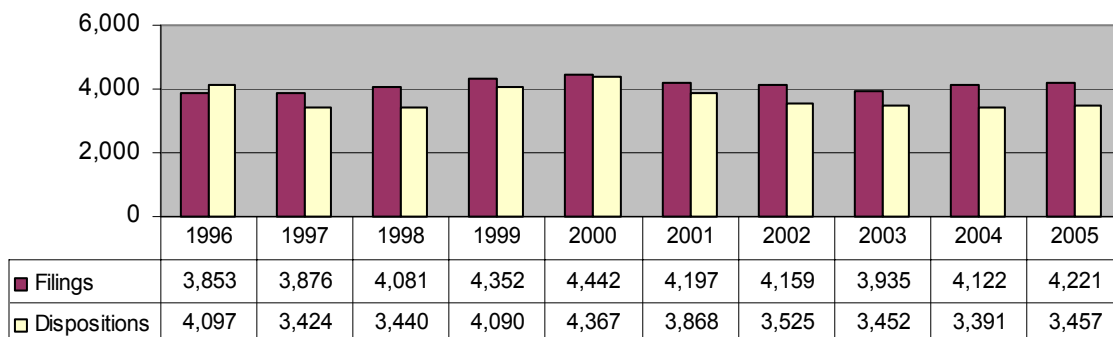
The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

Court History

The Court of Chancery came into existence as a separate court under the Delaware Constitution of 1792. Its creation contradicted an historical trend in eighteenth century America

away from chancery courts. The Court consisted solely of a chancellor until 1939 when the position of vice chancellor was added. The increase of 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.

**10 YEAR CASELOAD TREND
 COURT OF CHANCERY FILINGS AND DISPOSITIONS BY FISCAL YEAR**



Geographic Organization

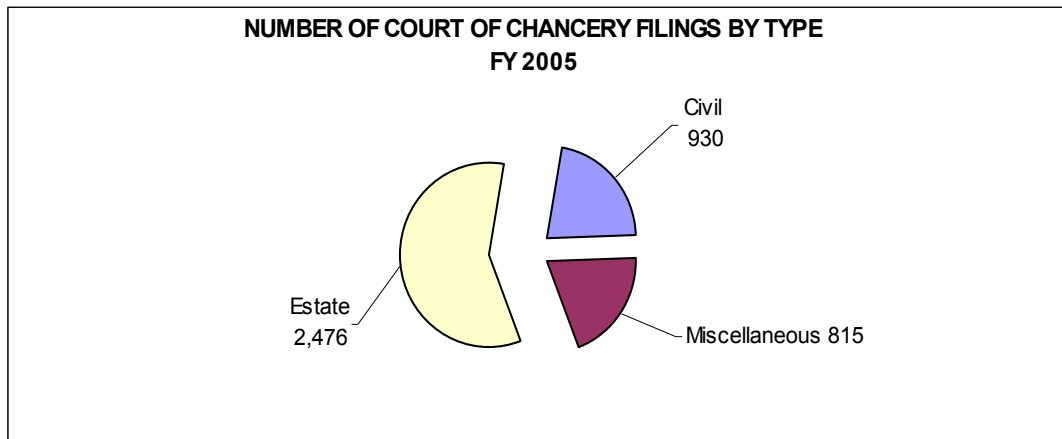
The Court of Chancery holds court in Wilmington, Dover and Georgetown. The chancellor and vice chancellors are nominated by the Governor and must be confirmed by the Senate for 12-year terms. The chancellor and vice chancellors must be learned in the law and must be Delaware citizens.

Public Guardian

The chancellor has the duty to appoint the public guardian.

Support Personnel

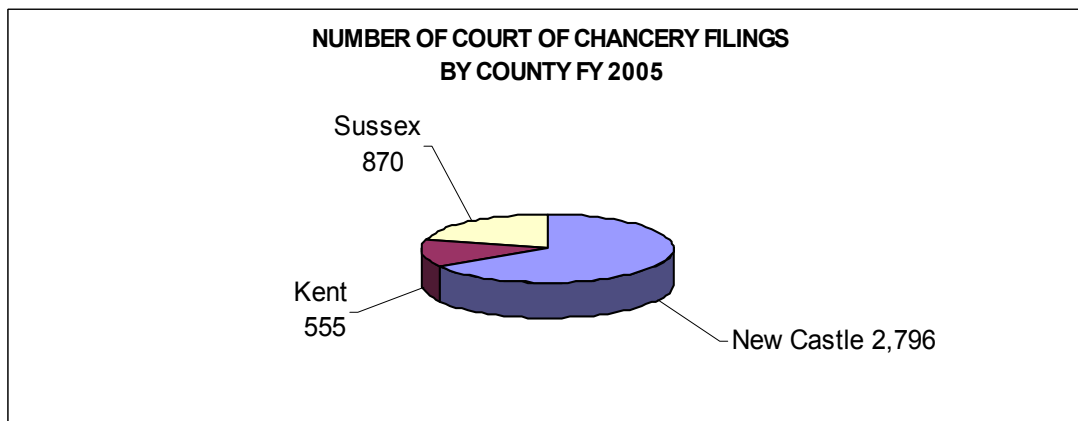
The Register in Chancery is the clerk of the court for all actions except those within the jurisdiction of the Register of Wills. There is also a chief register who handles general administrative matters.



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, 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).



COURT OF CHANCERY



Inside Court of Chancery in Sussex

**Court of Chancery—Sussex
Established May 2003**





President Judge James T. Vaughn, Jr.

SUPERIOR COURT

For the fourth year in a row, the Superior Court of Delaware has been recognized as the premier court of general jurisdiction in the country. The Harris Poll State Liability Systems Ranking Study conducted for the United States Chamber Institute for Legal Reform measured corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment. Delaware continues to rank number one overall.

Fiscal Year 2005 brought several changes to the Superior Court bench. First, on July 22, 2004, after 20 years with Superior Court, the last 14 years as President Judge, the Honorable Henry duPont Ridgely was appointed to the Supreme Court of Delaware. Next, on October 14, 2004, we welcomed our new President Judge, the Honorable James T. Vaughn, Jr., formerly Kent County's Resident Judge. Consequently, the Honorable William L. Witham Jr., became Resident Judge of Kent County on January 19, 2005. Finally, on February 17, 2005, the chain of events triggered by Justice Ridgely's appointment ended when the Honorable Robert B. Young was appointed to the Kent County Superior Court vacancy.

In this year, there were 19,798 dispositions (civil and criminal), an increase of two percent (+382 cases) from the end of the Fiscal Year 2004. The number of non-first degree murder

cases moving through the system within allotted time frames remains consistent. Of the non-first degree murder criminal cases, 67 percent were disposed within 120 days of indictment; and the rates for those cases disposed within 180 days and within one year remain consistent as well. A total of seven capital murder cases went to trial this year.

Alternative Dispute Resolution (ADR) filings this year were up 4.7 percent statewide. Even with this increase in filings, the Court continued to see a rise in its disposition rate with a 13.5 percent statewide increase. The ADR help desk responded to over 100 inquiries from arbitrators and mediators needing information or assistance concerning scheduling.

Superior Court's Web site Listserv information service continues to grow. Eighteen separate Listservs are maintained, with over 1300 members to provide instant notification to our users. Users include attorneys, state officials, insurance companies, research utilities, and universities. Our Web Feedback helpdesk responded to over 229 citizens who had questions regarding how to locate information on the Court's opinions and orders, forms, fees, records, and jury duty.

The COTS initiative has Superior Court judicial and non-judicial personnel involved at many levels: the Operations Steering Commit-

SUPERIOR COURT

Committee, Executive Steering Committee, the Core Team, the Working Committee, Training Team, subcommittee level. We remain dedicated to and supportive of making this effort successful for the entire judiciary. With so many involved in COTS however, it is not an easy task to maintain our high standard of service to the public. Special Recognition is due all Superior Court staff for its collective dedication to maintaining a level of excellence in all areas.

Superior Court is UNITED in its core values of unity, neutrality, integrity, timeliness, equality, and dedication. Our vision still holds in being the best Superior Court in the nation by providing superior service to the public in pursuit of justice. We continue to build on the quality of justice and public service for which we are known in our own state and every other state in the nation.



Legal Authorization

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

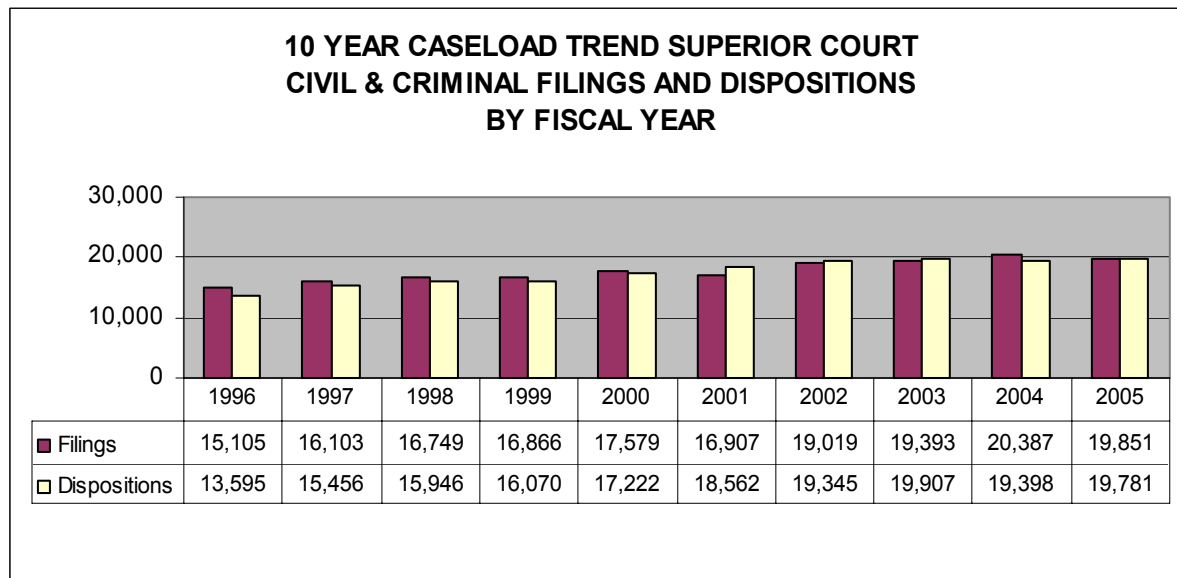
Court History

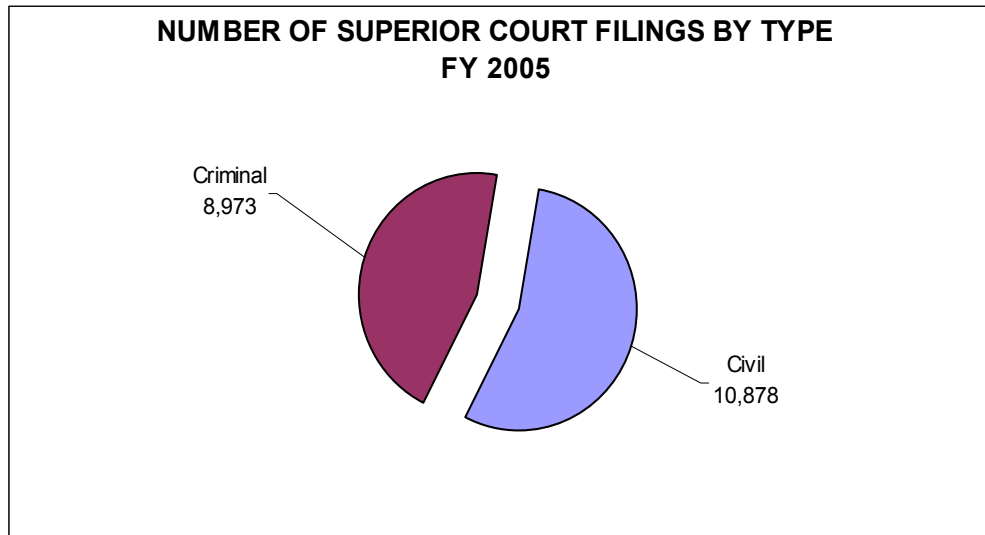
Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

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 nineteen today.

Geographic Organization

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

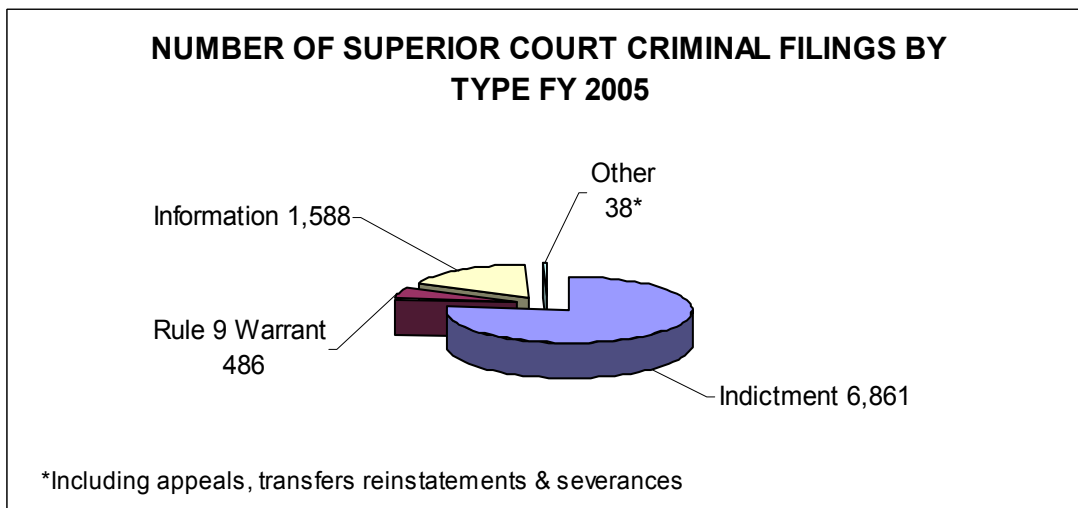




Legal Jurisdiction

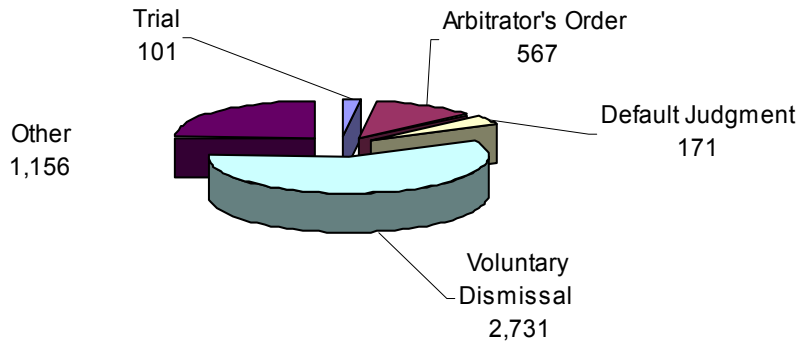
Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction and domestic relations matters, which jurisdiction is vested with the Family Court. The Court’s authority to award damages is not subject 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. The Court has exclu-

sive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and except possession of marijuana and certain other drug-related possession 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 Superior Court are argued on the record before the Supreme Court.



SUPERIOR COURT

NUMBER OF SUPERIOR COURT CIVIL COMPLAINTS BY METHOD OF DISPOSITION FY 2005



Judges

Superior Court judges are nominated by the Governor and confirmed by the Senate. The judges are appointed for 12-year terms and must be learned in the law. There may be nineteen judges appointed to the Superior Court bench one of whom is appointed president judge. Three judges 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.

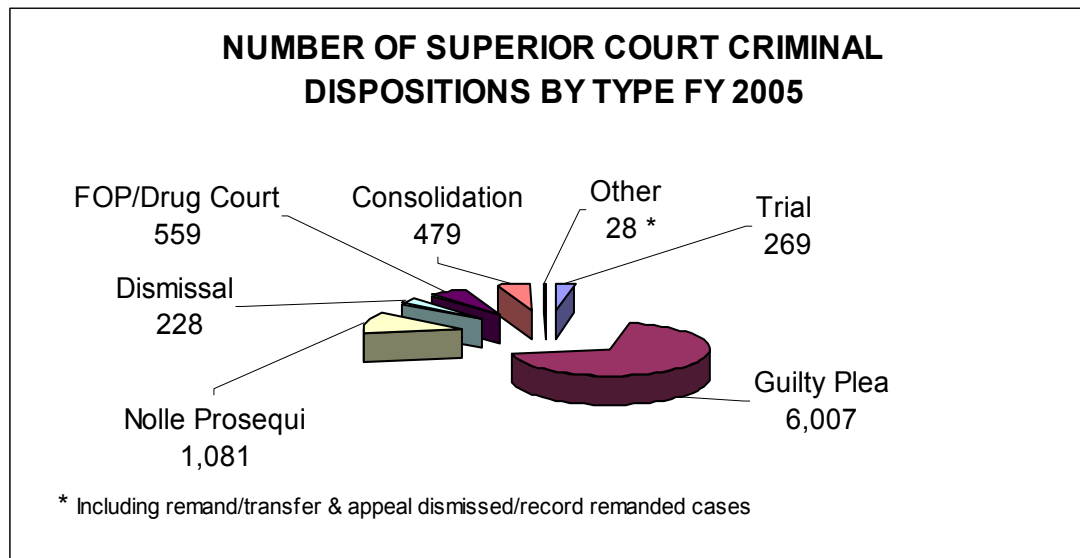
Superior Court Judges:

President Judge James T. Vaughn, Jr.
Judge John E. Babiarz, Jr.
Judge Susan C. Del Pesco
Judge Jerome O. Herlihy
Resident Judge T. Henley Graves
Judge Charles H. Toliver, IV
Resident Judge Richard R. Cooch
Judge Fred S. Silverman
Judge William C. Carpenter



Resident Judge William L. Witham, Jr.

Judge Richard F. Stokes
Judge E. Scott Bradley
Judge Peggy L. Ableman
Judge Joseph R. Slights, III
Judge Jan R. Jurden
Judge Calvin L. Scott
Mary M. Johnston
Judge Robert Young
Judge M. Jane Brady (Joined the Court
on December 7, 2005)

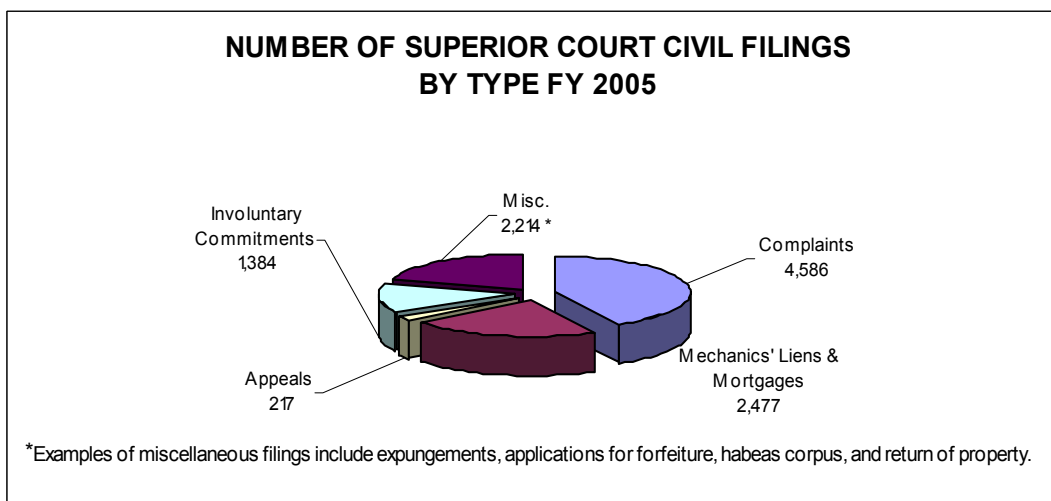


Support Personnel

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

A prothonotary for each county serves as clerk of the Superior Court for the county. The prothonotary is directly involved with the daily operations of the Court. The prothonotary handles jury lists and property liens and is the custodian of costs and fees for the Court. 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 ordered by the Court in addition to numerous other duties. The prothonotary is also charged with security, care, and custody of the Court's exhibits. Sheriffs for each county also serve Superior Court.





Chief Judge Chandlee Johnson Kuhn

I am pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its mission and strategic plan.

Family Court's mission, as set forth in 10 Del.C. § 902(a) is:

The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interest of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.

Strategic Planning

Family Court's Strategic Plan reads as follows:

WE, THE JUDGES OF THE FAMILY COURT OF THE STATE OF DELAWARE, this 12th day of August, 2004, in furtherance of the Family Court's legislative mandate to best serve the interests of the citizens, families, and children of the State of Delaware, and all other individuals who appear before us, do hereby set forth the Court's guiding ideals, goals, and strategies.

FAMILY COURT

GUIDING IDEALS

The Family Court of the State of Delaware – its judicial officers and staff – is committed to securing meaningful access to justice for those who come before the Family Court; to striving for safety, permanency, and rehabilitation of our children; to protecting the peace and safety of the public; to resolving disputes impartially and fairly; to demanding respect, intellectual honesty, integrity, and accountability from ourselves as well as from those we serve; to responding to the social changes and innovative ideas of the future; to giving due deference to legal precedents of the past; and, ultimately, to enhancing the quality of life of the citizens, children and families of the State of Delaware.

GOALS

- Safety and security
- Timely and expeditious hearings and case processing
- Institutional competence (fully trained and engaged judicial officers and staff)
- Conflict resolution in the least adversarial manner
- Comity in governmental relations
- Balanced court workload

FAMILY COURT

BROAD STRATEGIES

- *Effective judicial governance*
- *Continuous learning (training and education)*
- *Innovation*
- *Alternate dispute resolution (ADR)*
- *Good working relationships with other branches of government and justice system partners*
- *Community outreach*

Judicial Composition

In last year's annual report, I reported that the need for two additional judges for the Family Court in New Castle County remained critical. I am pleased to report this year that the two new judgeships and administrative support staff were approved and funded as part of the fiscal year 2006 budget and that the judges and staff will be on board by January 2006. On November 8, 2005 the State Senate unanimously confirmed Alan Cooper, Esq. and Joelle Hitch, a current Commissioner in Family Court, for these new positions.

Additionally Commissioner Sonja Wilson in Sussex County and Commissioner David Jones in Kent County were unanimously re-confirmed during the Senate hearings also held on November 8, 2005.

The addition of two judgeships for the Court in New Castle County will allow the Court to better serve the citizens of our state by:

- Improving the Court's ability to enter timely dispositions in the child dependency, neglect and abuse caseload;
 - Reducing the time frames for achieving permanency for child dependency, neglect and abuse cases thereby enabling the Court to comply more fully with the Adoption and Safe Families Act guidelines;
- Moving towards a more substantial implementation of the recommendations set forth in the March 30, 1999, Final Report of the Delaware Supreme Court Special Committee on Family Court Internal Operating Procedures;
 - Expediting the disposition of criminal and delinquency matters so as to maintain compliance with the Supreme Court Administrative Directive Number 130; and
 - Improving the time frames for disposition of the Court's civil caseload.

I fully expect that next year I will be reporting on the progress the Court has made in each of these areas as a result of the two additional judgeships.

Court Improvement Project (CIP)

The Court Improvement Program (CIP) is a multi-year, federally funded grants project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of parental rights and adoption proceedings. Delaware has participated in this project since its inception in 1994.

Because of its sweeping systemic reforms, the Delaware Family Court was selected as a study site for the U. S. Department of Health and Human Services (HHS) to evaluate the impact of CIP. Pal Tech will conduct the court-focused evaluation in New Castle County under contract with HHS. The study will take place over a five-year period and will include observations and empirical information regarding the impact of court reforms, including their influence on the Division of Family Services and its ability to meet federal child welfare requirements.

In September, a team of Judges, staff and child welfare professionals in Delaware had the opportunity to attend The National Leadership Summit on the Protection of Children. Each

team at the Summit was charged with developing an action plan for its state.

Toward this end the Delaware team recommended the immediate creation of a permanent, multidisciplinary, broad based committee on child welfare for the purposes of ensuring collaboration among state, local and other community organizations that serve children who have been dependent or neglected, including abused children who are in foster care, or are receiving child welfare services.

This committee is charged with furthering the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met.

Juvenile Justice

Family Court continues its commitment to review the performance of the juvenile justice system through our membership and active participation on the Juvenile Justice Review Task Force created by House Concurrent Resolution Number 52. As a result of this Task Force, Senate Bill 200 was enacted. The bill returned original jurisdiction of juveniles charged with Robbery in the First Degree to Family Court in certain circumstances.

The Court has created an internal committee to study the juvenile justice practices in Delaware and offer recommendations for improvements that further public safety and rehabilitative outcomes.

The Delaware Girls Initiative is a collaborative group that has partnered with the Delaware Center for Justice, the National Council on Crime and Delinquency, and the PACE Center for Girls to explore the need for a comprehensive continuum of services for at-risk adolescent girls in the State of Delaware. On behalf of the Family Court, I serve as the chair of this important initiative.

Additionally, this year the Family Court hired two Expeditors to track juveniles in the system and identify alternative preadjudicatory placements. The Family Court also implemented the Risk Assessment Instrument, which is an objective tool to facilitate the hearing officers' identification of those juveniles who qualify for alternative placements to detention. These coordinated efforts will result in a more effective and efficient juvenile justice system for Delaware.

Services for Self-Represented Litigants

In its continued efforts to serve *pro se* litigants, the Family Court helped over 38,000 people by providing assistance through the Resource Centers statewide. Over 16,000 people in New Castle County utilized the services provided in the Self-Help Center. Kent County's Resource Center provided assistance to 13,816 people, and Sussex County's Resource Center provided assistance to 9,150 people. These numbers indicate that Delaware's citizens continue to benefit from the variety of services offered in the Resource Centers.

Over the past year, the Court has developed and implemented instruction booklets for divorce, annulment, custody, and visitation. These instruction booklets provide extensive information to *pro se* litigants regarding how to complete court forms (including sample forms), the court process and information to assist them in preparing for their particular court hearing. The booklets are available to *pro se* litigants in all Family Court Resource Centers and are accessible on the Family Court webpage. The Court is currently developing additional instruction booklets in the areas of guardianship and child support.

The Court's *pro se* litigant program has enhanced the public's access to the Court, has enhanced litigants' participation in the Court process and has contributed to more efficient Court operations.

FAMILY COURT

Court Appointed Special Advocate (CASA) Program

The Court Appointed Special Advocate (CASA) Program provides trained volunteers to represent the best interests of abused and neglected children in court proceedings.

In Fiscal Year 2004, the statewide program was among the first in the country to successfully complete the National CASA Association's Quality Assurance Program that measures compliance with national standards. The Delaware Family Court program surpassed compliance requirements by meeting or exceeding 434 of the 438 (99 percent) possible measures in the process.

With a goal to diversify its volunteer pool to better reflect the community it serves, the CASA program implemented new statewide public relations strategies, which included targeted volunteer recruitment in each county.

During 2005, 182 CASA volunteers served as guardians *ad litem* for 551 abused and neglected children in the Family Court.

Security, Safety and Functionality of the Family Court Facilities Statewide

While the Court enjoys state of the art facilities in the New Castle County Courthouse, the Family Court buildings in Kent and Sussex Counties, now sixteen (16) and seventeen (17) years old respectively, have become overcrowded, unsafe, outdated and no longer adequately meet the needs of the Court and the public we serve. Family Court, in conjunction with the Department of Administrative Services has begun a multi-year initiative to renovate, modernize and expand our courthouses in our southern counties. Funding for space needs assessment studies for both counties has been secured. The Court anticipates that the studies for both Kent and Sussex counties will be completed during Fiscal Year 2006.

The Department of Administrative Services continues negotiations to purchase a parcel of land immediately adjacent to the present Family Court building in Sussex County, which, if feasible, will allow for the expansion of the existing facility. Additionally, Family Court judges and administrative staff are working with the Division of Facilities Management to identify and correct the most critical security deficiencies in need of immediate attention.

In Kent County, the Court, in concurrence with Facilities Management, has decided to forego any further renovations of the Family Court building other than minor critical security needs. The Family Court, in conjunction with the Division of Facilities Management has begun the process to conduct a comprehensive space needs assessment in order to determine the long term space requirements for the Family Court and to determine whether the existing courthouse can be renovated and expanded in order to support the day to day operations of the Court.

COTS – Courts Organized To Serve

Family Court Judges and staff continue with their commitment to the statewide COTS (Courts Organized to Serve) automation initiative. Family Court anticipates that the COTS system will facilitate the Family Court in meeting our case management objectives through the development of a statewide information and case management system. During Fiscal Year 2005, I along with the Family Court Administrator, our Director of Case Management and members of the Family Court Bench worked with our respective colleagues from our sister courts to learn the new system and evaluate its functionality vis-à-vis the functional requirements of the various courts. The Family Court, along with the entire judicial branch stands committed to the COTS initiative and looks forward to implementation of the new system.

Human Resources Development

The Family Court continues to focus on the professional development of its administrative support staff with the goal of enhancing overall organizational effectiveness and individual competencies. The emphasis is on providing our employees with the knowledge and skills needed to provide information and assistance to litigants effectively.

The guiding principles that the Court uses as its long range human resources strategy are embedded in its Strategic Plan that has been adopted and approved by all Family Court Judges. Additionally, the framework that exists in the National Association of Court Management's (NACM) Core Competency Guidelines is being explored as the basis for specific long-term professional development strategies for court managers and administrative support staff.

The Court's current development program for its supervisors and managers centers on two one-day conferences that are held annually at a central location with full participation required.

In April 2005, Janet Wright, Esquire of the State of Delaware Public Integrity Commission discussed issues involving conflicts of interest and the need to ensure neutrality and objectivity in the performance of all official duties in a conference entitled "Ethics for Supervisors."

The second conference, entitled "Management Responsibilities and the Law for the Family Court of the State of Delaware" was held on November 18, 2005. Michael Cohen, Esq. from the Employment Services Practice Group of Wolf Block in Philadelphia presented.

In June 2005 management staff attended a one-day presentation on the NACM core competencies given by faculty from Michigan State University. The core competencies for court management were detailed further at the annual three-day Mid-Atlantic Association of Court Management (MAACM) conference that was attended by all Family Court managers. At the conference, Chief Judge Chandlee Johnson Kuhn and Court Administrator Randall E. Williams served on a panel discussion of leadership in the Courts and the value of courts to our society.

On September 22 and 23, 2005 all Commissioners and administrative support staff attended a half-day conference titled "Communicating Leadership", which focused on strengthening communication and understanding in the Court environment.

Administrative support staff regularly attended the many training programs offered by the Administrative Office of the Courts as well as those provided by the Office of Human Resources Management. Our supervisors and managers consistently support the participation of their unit members in these programs.

The Human Resources Unit conducted several workshops for administrative support staff on enhancing job interviewing skills and presenting a strong image during the selection process for promotional opportunities.

The court continues to support its employee educational assistance program which provides tuition reimbursement to employees for college-level courses.

In the area of employee recognition and appreciations, the Court sponsored annual ceremonies in each county in May and awards were presented for a broad range of individual and group achievements.

FAMILY COURT

I am pleased to report on Family Court's accomplishments over the last year. Family Court will continue to focus its resources on providing quality service to the citizens of our state and ensuring that matters within the Courts jurisdiction are resolved as expeditiously as possible while meeting our obligation to providing our citizens with the highest quality of justice feasible.



Legal Authorization

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

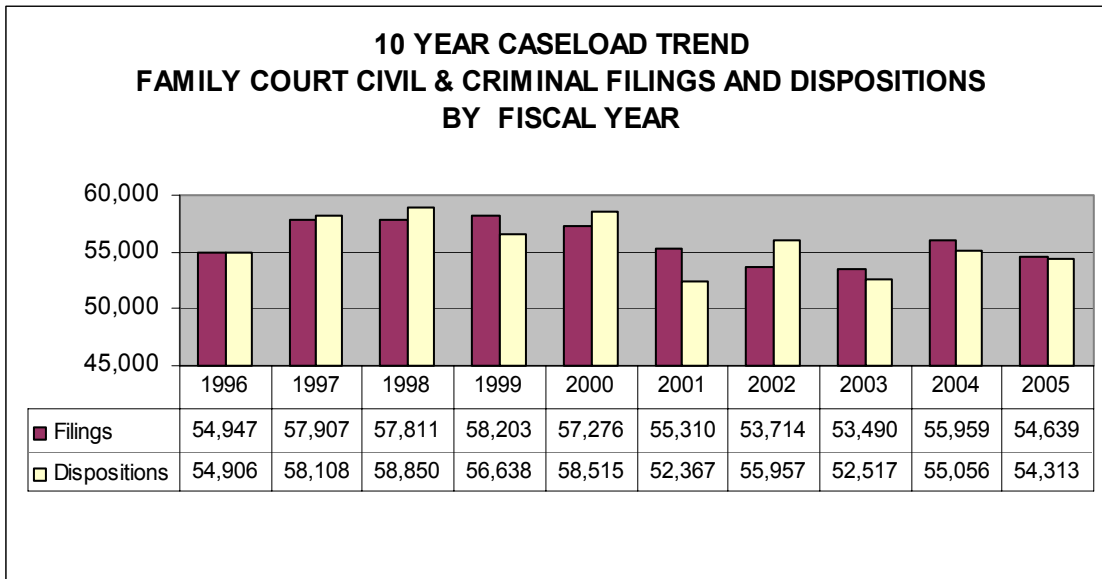
Court History

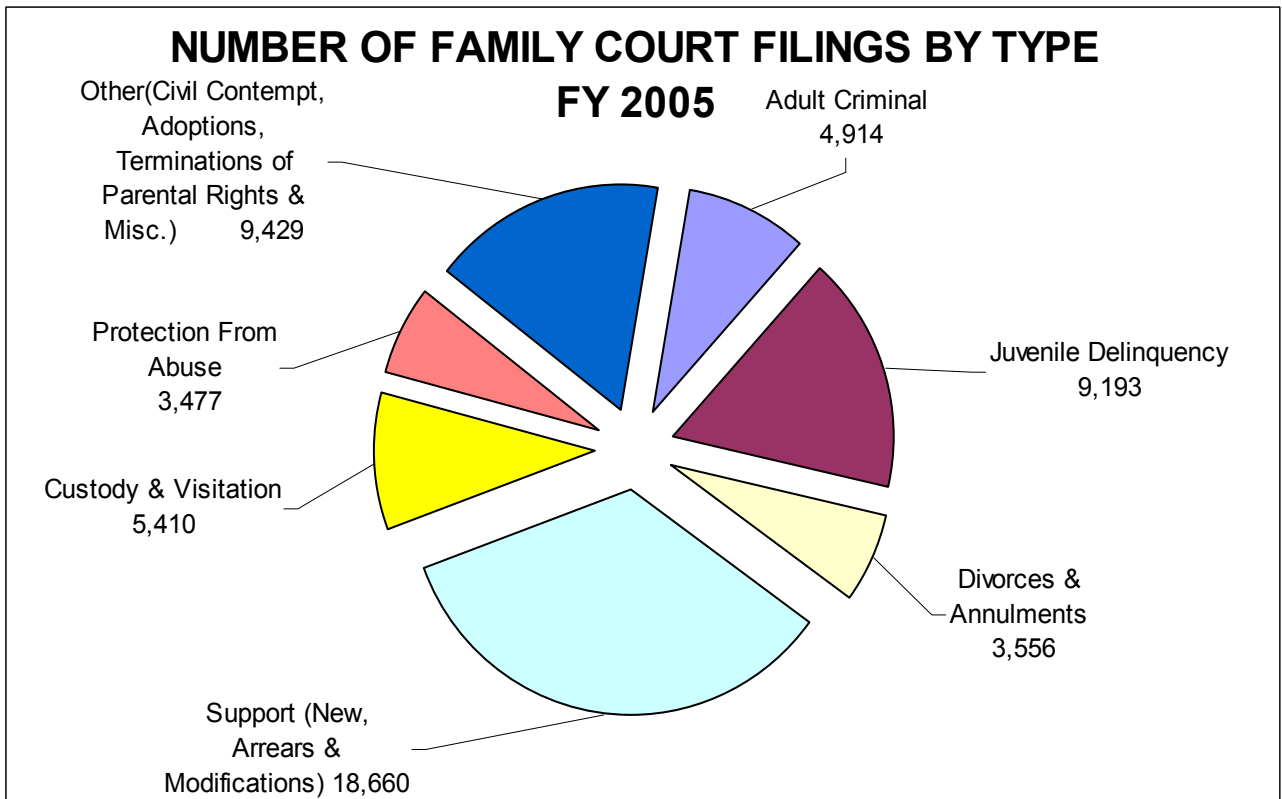
The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington, which was founded in 1911. A

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 1930s, there was a campaign to establish a Family Court in the northernmost county, and this idea came to fruition 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 1950s, 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 in Wilmington, Kent County in Dover and Sussex County in Georgetown.

Legal Jurisdiction

The Family Court has had conferred upon it by the General Assembly jurisdiction over statutorily enumerated juvenile delinquency matters, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spousal 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.

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

Judges

Family Court has 17 judges (as of December 7, 2005) 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.

The Governor nominates the judges, who must be confirmed by the Senate. The judges are appointed for 12-year terms. Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least five years prior to appointment and must have a knowledge of the law and interest in and understanding of family and children's issues. They shall not practice law during their tenure and may be re-appointed.

FAMILY COURT

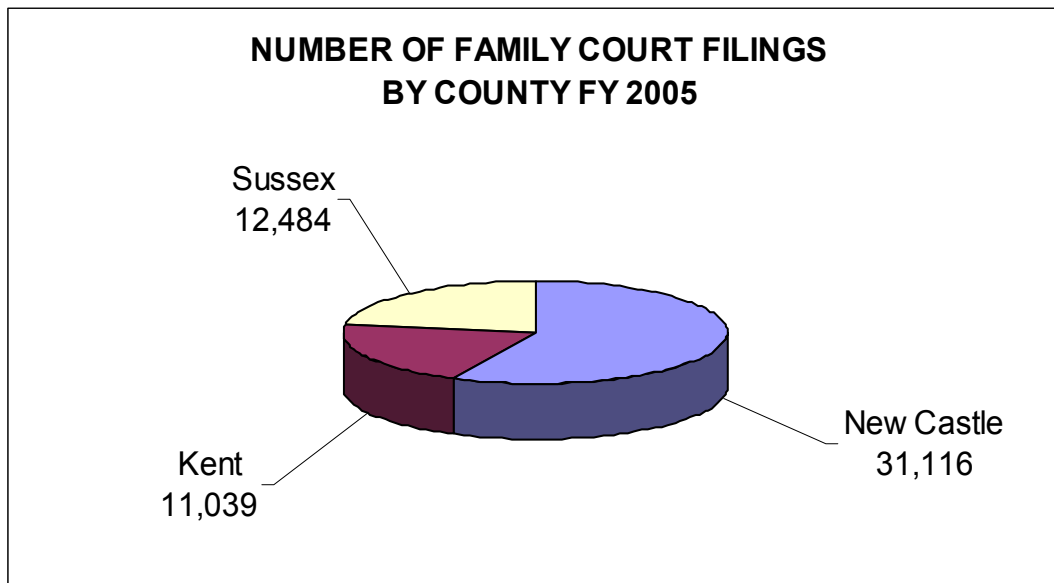
Commissioners

Family Court has 16 Commissioners of equal judicial authority. Commissioners are attorneys at law who are nominated by the Governor, confirmed by the Senate and serve an initial four-year term. Upon second and subsequent appointments and confirmation, Commissioners serve six-year terms.

Commissioners hear a broad range of cases including child support, misdemeanor crimes and delinquency, civil protection orders, bail hearings and other cases as assigned by the Chief Judge. Orders from Commissioners are subject to review by Family Court Judges.

Administrative Support Personnel

The Family Court has an administrative support staff of more than 290 full-time positions in addition to the above-referenced Judges and Commissioners. The Court's administrative support staff includes positions such as the Court Administrator, directors of operations, supervisors, clerks of court, administrative specialists, accountants, judicial assistants, mediation/arbitration officers, intake officers, program coordinators and volunteers working in all areas of the Court.





The Family Court Judiciary

Back Row (standing left to right)

Judge Arlene Minus Coppadge
Judge Aida Wasserstein
Judge Peter B. Jones
Judge John E. Henriksen
Judge Michael K. Newell
Judge William L. Chapman, Jr.
Judge Jay H. Conner
Judge Mardi F. Pyott
Judge William N. Nicholas
Judge Barbara D. Crowell

Front Row (sitting left to right)

Judge Mark D. Buckworth
Judge Kenneth M. Millman
Chief Judge Chandlee Johnson Kuhn
Judge William J. Walls, Jr.
Judge Robert B. Coonin

Not Pictured (Joined the Court on December 7, 2005):

Judge Alan N. Cooper
Judge Joelle P. Hitch



Chief Judge Alex J. Smalls

COURT OF COMMON PLEAS

The Court of Common Pleas continues to struggle with the large volume of cases in FY 2005. The Court's filings remained high – this was the fourth year in succession that the Court's criminal misdemeanor caseload exceeded 82,000, the felony caseload exceeded 21,000 and civil caseload exceeded 10,000. These high numbers challenge an already very busy court and challenge the Judges and staff to manage the caseload efficiently. Moreover, the Court is committed to maintaining a high quality of service and committed to providing a just resolution in every case. The goal is to ensure that each case, while receiving the required attention, is resolved timely.

To meet the challenge of managing its caseload, the Court of Common Pleas judges revised the Court's strategic plan and refined the Court's mission statement and guiding ideals. They also developed a series of strategic goals and strategies to help guide the Court through the next several years. Further, the Court continues to revise its case management approach to meet the needs of its clients.

Mary McDonough joined the Court as the new Court Commissioner in New Castle County in early FY 2005. Commissioner McDonough handles a large and diverse caseload and has been a welcome addition to the Court.

The Court of Common Pleas continued its successful drug court program, continuing to provide diversion programs in New Castle and Sussex Counties and expanding its drug court program to Kent County. In New Castle County, the Court has handled more than 2,500 participants since the program began in 1999. This program has been the subject of study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation. Sussex County's program has handled 250 participants and Kent County handled 40 cases in its four months of operation.

The Court continues to operate its successful mediation (alternate dispute resolution) program. This program provides an alternative to criminal prosecution and gives participants the opportunity to resolve conflicts more effectively and satisfactorily than going through the regular court process. Since its inception in 2001, the Court has referred more than 2,700 cases to mediation and has experienced a success rate of nearly 90%. In FY 2005, the Court's mediation program was made available to parties to civil cases as well as criminal.

The Court of Common Pleas started the first Mental Health Court in the State of Delaware in October 2003. Modeled on the drug court concept, Mental Health Court is designed to provide a diversion program in the form of treatment and counseling to mentally ill persons in an effort to reduce their contact with the criminal justice system. The program provides

COURT OF COMMON PLEAS

regular contact with a judge and close contact with mental health professionals for a period of time in order to carry out appropriate treatment therapies. The judge serves as the center of the treatment and supervision process and provides the incentive for cooperation and completion of treatment. Consideration is being given to expanding this program to Sussex County in FY 2007.

In New Castle County, the Court continues to manage its high volume traffic offenses through calendars designed to provide greater efficiency in the management of cases and reduce the burden on citizens to appear more than required. Traffic Court was instituted where most offenses are scheduled for a single event; defendants are arraigned in the morning and tried on the same day. This is designed to eliminate multiple court appearances. In addition, domestic related cases are scheduled separately to give such cases more attention and move these cases to trial quicker.

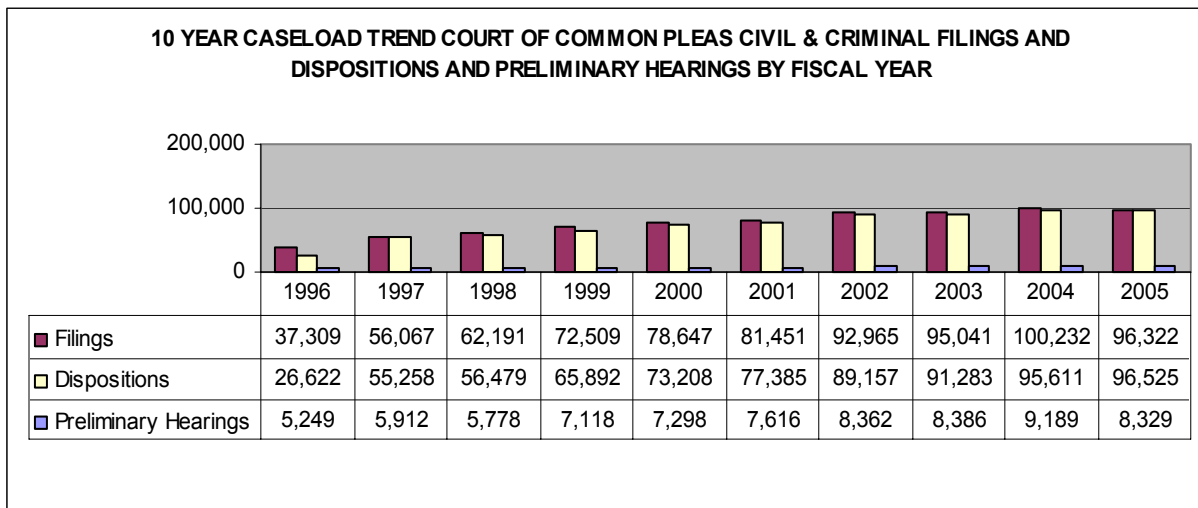
The Court of Common Pleas continued to participate in the State's active courthouse improvement projects. Renovations to the judges' chambers and improvements to the courtrooms in Sussex County were completed. Changes to those spaces, as well as to the recently renovated Clerk's Office, allow the Court to provide better service to the public in a much-improved environment.

In Kent County, planning continues for renovations to the Kent County Courthouse and the Court continued the process of determining its long-term needs. Cramped conditions and inadequate office and courtroom space affect Court operations on a daily basis.

In New Castle County, the Clerk's Office has run out of space in the short time it has been in the New Castle County Courthouse. There is little or no room for additional staff and no remaining file space, creating inefficient and unsafe conditions for Court staff. The Court is currently seeking to address this issue.

The Court continues its commitment to supporting a successful COTS project for the Delaware Judiciary. It has dedicated several staff to the effort full-time as well as providing staff support for COTS committees.

The Court Clerk's Office has refined a number of its criminal procedures to improve case processing, including the development of new forms and orders, improvements to calendar procedures, and capias clean-up activities. The Court has also developed new case management processes for handling civil cases.



The Court continues its commitment of providing service to self-represented citizens. Public access computers are now actively in use in all three counties. In addition, the Court continued to expand its web site this year by increasing the number of forms and accompanying instructions on the internet. These changes provide improved accessibility to the courts to many Delaware citizens.



Legal Authorization

Art. IV, Sec. 1 of the Delaware Constitution authorizes the Court of Common Pleas.

Court History

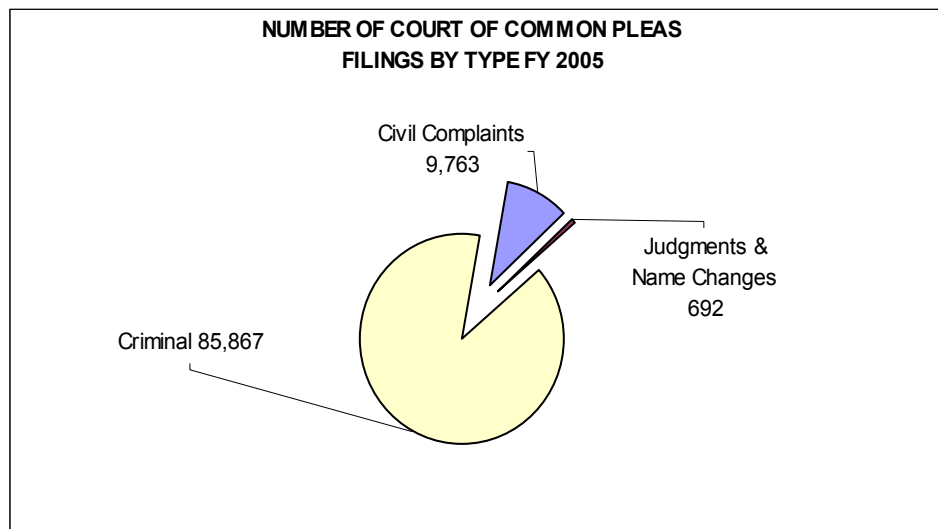
Common Pleas Courts were established in Pennsylvania's three lower counties (now Delaware) during the colonial period and the Delaware Constitution of 1792 continued their existence in the State of Delaware for a few decades. These, however, were courts of general jurisdiction and, as such, the antecedents of the present Superior Court.

The modern day Court of Common Pleas was established in 1917 when a court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953. In 1969, the three County Courts of Common Pleas became state courts and, in 1973, the three Courts merged into a single Statewide Court of Common Pleas.

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. On May 1, 1998, the Municipal Court was merged into the State court system, and pending cases were transferred to the Court of Common Pleas.

Geographic Organization

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



COURT OF COMMON PLEAS

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. It also has jurisdiction over change of name petitions and habitual offender motor vehicle hearings. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except certain drug-related offenses. In addition, it has jurisdiction over traffic offenses (other than those that are felonies). It is also responsible for preliminary hearings. Jury trial is available to all criminal 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.

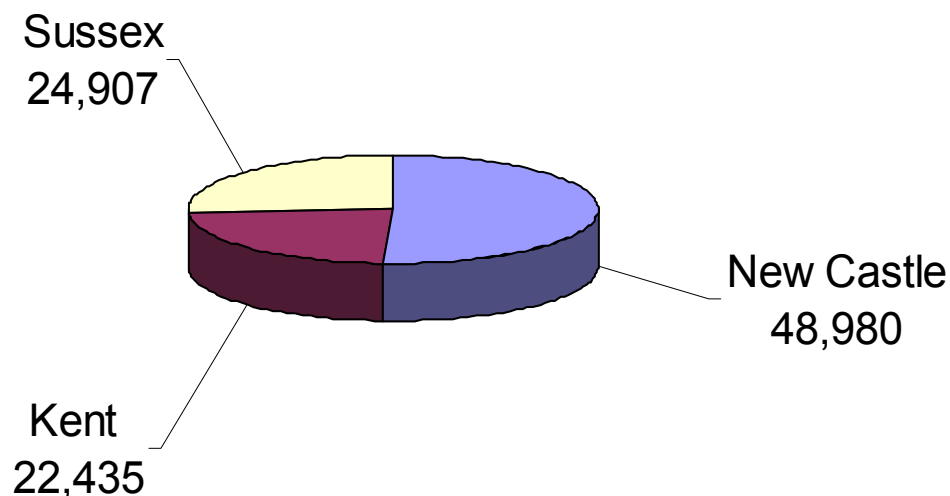
Judges

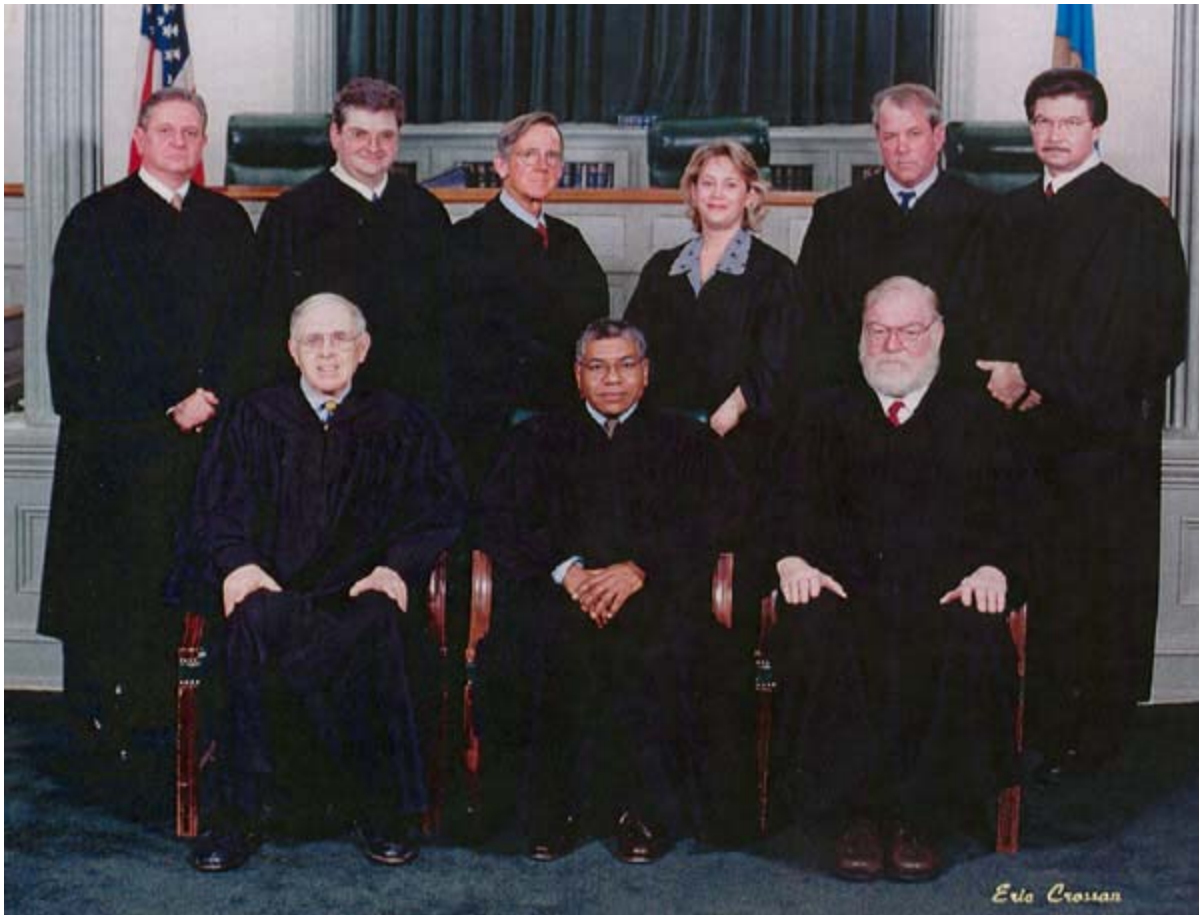
There are nine judges of the Court of Common Pleas, of which five serve in New Castle County, two in Kent County, and two in Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in 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 chief judge serves as the administrative head of the Court.

Support Personnel

The staff of the Court of Common Pleas includes a court administrator and one clerk of the court for each county as well as bailiffs, court reporters, secretaries, clerks and presentence officers.

NUMBER OF COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS BY COUNTY FY 2005





Court of Common Pleas

Front Row (from left to right):

Judge Merrill C. Trader
Chief Judge Alex J. Smalls
Judge William C. Bradley, Jr.

Standing (from left to right):

Judge Joseph F. Flickinger, III,
Judge Charles W. Welch, III
Judge Jay Paul James
Judge Rosemary B. Beauregard,
Judge John K. Welch,
Judge Kenneth S. Clark, Jr.



Chief Magistrate Alan G. Davis

JUSTICE OF THE PEACE COURT

This past fiscal year was a time of transition for the Justice of the Peace Court. During this period, Chief Magistrate Patricia W. Griffin became the State Court Administrator for the Judiciary. In her absence, Deputy Chief Magistrate (New Castle County) Bonita N. Lee served as Acting Chief Magistrate from February 2005 through the end of the fiscal year and until July 12, 2005, when I was sworn in as the current Chief Magistrate. Thanks to the excellent leadership and administrative skills of both Judge Griffin and Judge Lee, and the support of judges and staff statewide, the Justice of the Peace Court continued to fulfill its mission of providing efficient, accessible, and affordable service to the people of Delaware.

We offer below highlights of the fiscal year July 1, 2004 to June 30, 2005.

COURT FACILITY IMPROVEMENTS

Court 1 relocated to a new facility in January 2005, upon completion of renovations converting a former bank building, owned by the Town of Frankford, into a court site. This new building is larger than the previous location, and is more suitable for court proceedings. Additionally, it is more centrally located than the previous site.

ADDITIONAL JUDGES

Two new judicial positions during FY 2005 provided welcome relief to overburdened Sussex County JP Court locations. These positions were necessary to accommodate substantial caseload increases related to population growth and enhanced police staffing.

CAPIAS REDUCTION PILOT PROJECT

The Court initiated a pilot project to reduce the number of outstanding capiases for failure to appear and failure to pay fines. This is a cooperative effort among judges, support staff, OSCCE, and the Attorney General's Office. This project seeks to collect overdue restitution for victims and fines and costs owed to the state and municipalities, in addition to its providing an excellent opportunity for auditing wanted status cases in conjunction with DELJIS information management requirements.

SPECIAL COURT PROCEEDINGS

Truancy Court: Our statewide Truancy Court celebrated its ninth year of a successful, nationally recognized cooperative effort with schools and health and social service agencies to reduce truancy. This special court continues to effectively address truancy by meshing in-

JUSTICE OF THE PEACE COURT

tensive court monitoring with community health and social service support. This approach encourages parent and student accountability and improved family functioning, leading to more consistent school attendance, improved academic achievement, and a reduction in juvenile delinquency.

Arraignments for Spanish-Speaking Defendants: Court 3 in Sussex County, Court 7 in Kent County, and Court 10 in New Castle County have special arraignment calendars for Spanish-speaking defendants, for whom the Court provides certified interpreters. This year, Court 11 in New Castle County joined in this effort, to better serve the increasing Latino population.

New Castle County Code Violations: As residential and commercial populations increased in New Castle County, so did the caseload for violations of the New Castle County Code. In the interest of efficient handling of this caseload, the Court officially designated Court 11 to accommodate initial appearances and trials on these charges. New Castle County attorneys prosecute these cases.

City of Wilmington Licensing and Inspections Court: In its fourth year of operation, the L & I Court at Court 20 in Wilmington, continued to accommodate the City's needs for swift resolution of licensing and inspections violations charges. Attorneys from the City Solicitor's office prosecute these cases.

Red Light Camera Violation Courts: As jurisdictions in the State moved to electronic (camera) policing of traffic-accident prone intersections, the Court responded by establishing special court calendars for these cases. Special proceedings are now held in Sussex at Court 4; in Kent at Court 7, and in New Castle at Court 13 (for City of Wilmington violations) and Court 15 for violations within the County outside the City of Wilmington.

AG/PD Project at Court 20: This project, which makes available prosecutors and public defenders at Court 20, marked its fourth year. By having both the Attorney General's office and Public Defender's office participating in this project, cases can generally be initiated and resolved without transfer to Court of Common Pleas. An added benefit is that victims can access support services earlier in the proceedings than if the cases were transferred to Court of Common Pleas.

Statewide Videophone Court: The Statewide Videophone Court continued to serve police agencies and the Department of Correction by providing "fast lane" access to a judge in a non-trial court setting for warrant applications, presentments on new charges, *capias* returns, and bail hearings. Based at JP Court 2 in Rehoboth, this Court was officially established in January 2002, for the purpose of reducing delays in presentments of defendants and obviating the necessity of transport of arrestees from police stations to the Court. Police departments with videophones in their buildings present the defendants to Court 2 via videophone. Court 2 provides this service to police agencies statewide and the Department of Correction, Monday through Friday, from 8 a.m. to 11:30 p.m. Other JP Court locations with videophone equipment supplement Court 2 when Court 2 receives an excessive volume of business and on holidays and other times when Court 2 is closed.



Legal Authorization

The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

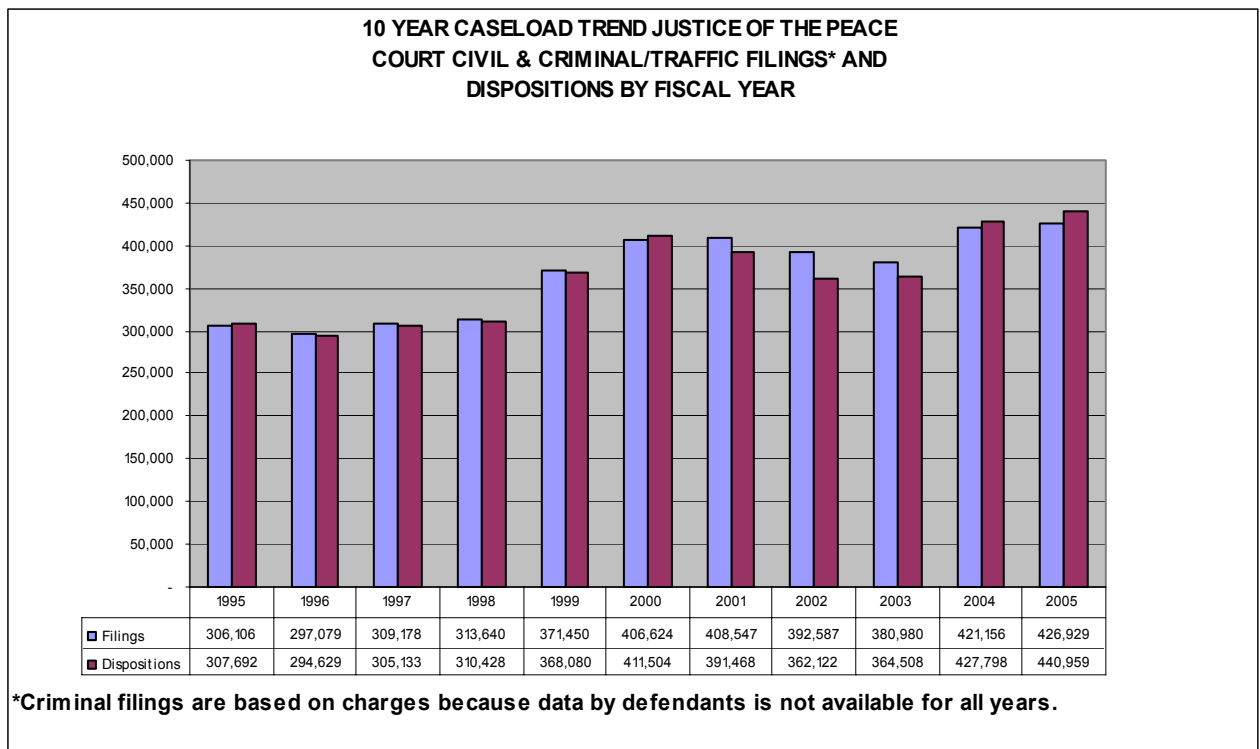
Court History

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

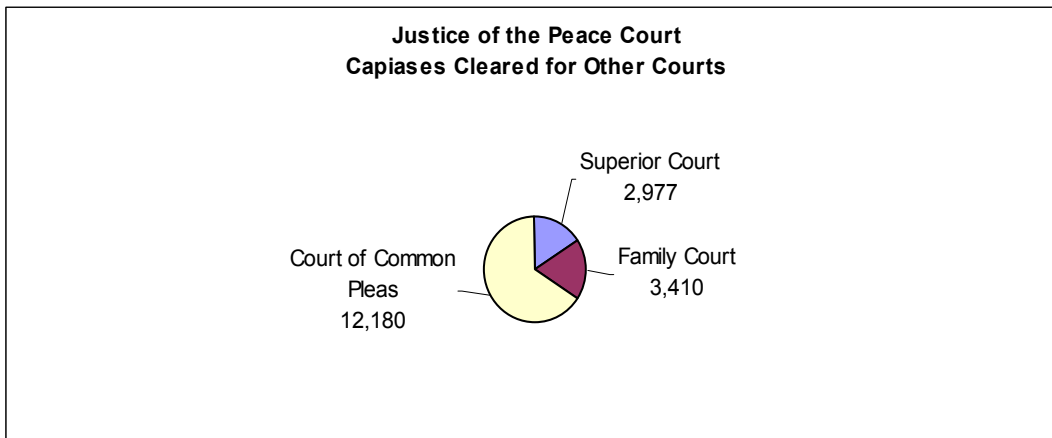
their legal duties. In 1966 the individual justices of the peace were absorbed into the state Judicial system, and the first Chief Magistrate was installed in 1980 as the administrative head of the Court.

Legal Jurisdiction

The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000 and over summary possession (landlord-tenant) actions. Justices of the peace are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals (other than in summary possession cases, which are appeals to a three judge panel in the Justice of the Peace Court) may be taken to the Court of Common Pleas. The subject matter jurisdiction of the Justice of the Peace Court is shared with the Court of Common Pleas, except that the Justice of the Peace Court has sole jurisdiction over summary possession actions.



JUSTICE OF THE PEACE COURT



Geographic Organization

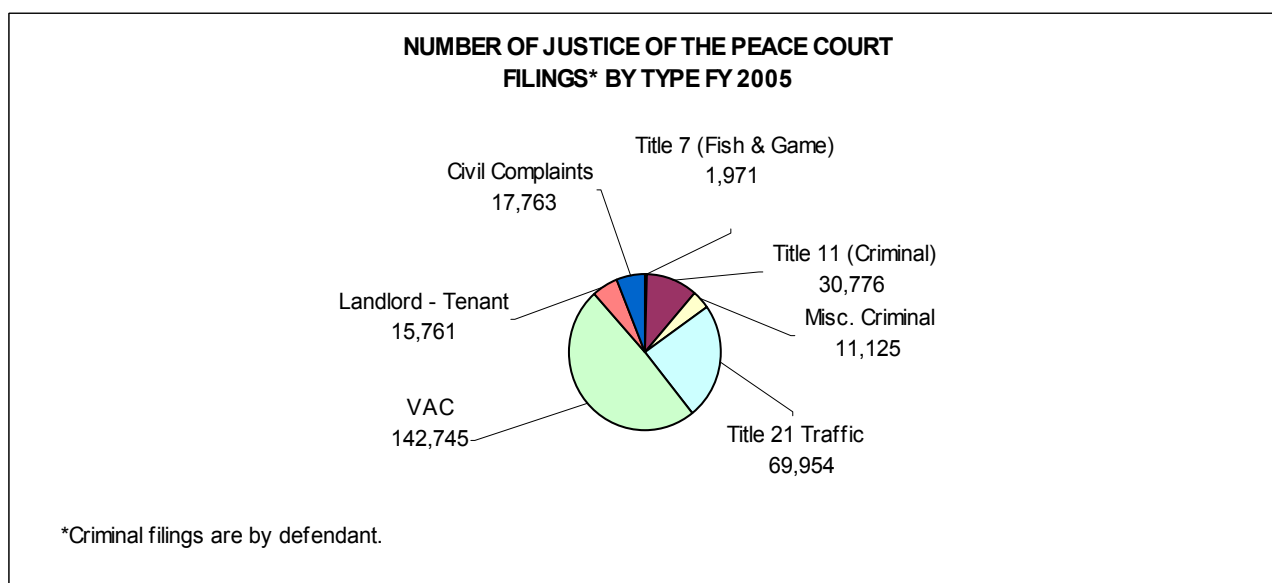
The jurisdiction of the Court is statewide and sessions are held throughout the State. Of the 18 courts currently operating, seven are in New Castle County, four are in Kent County, and seven are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.

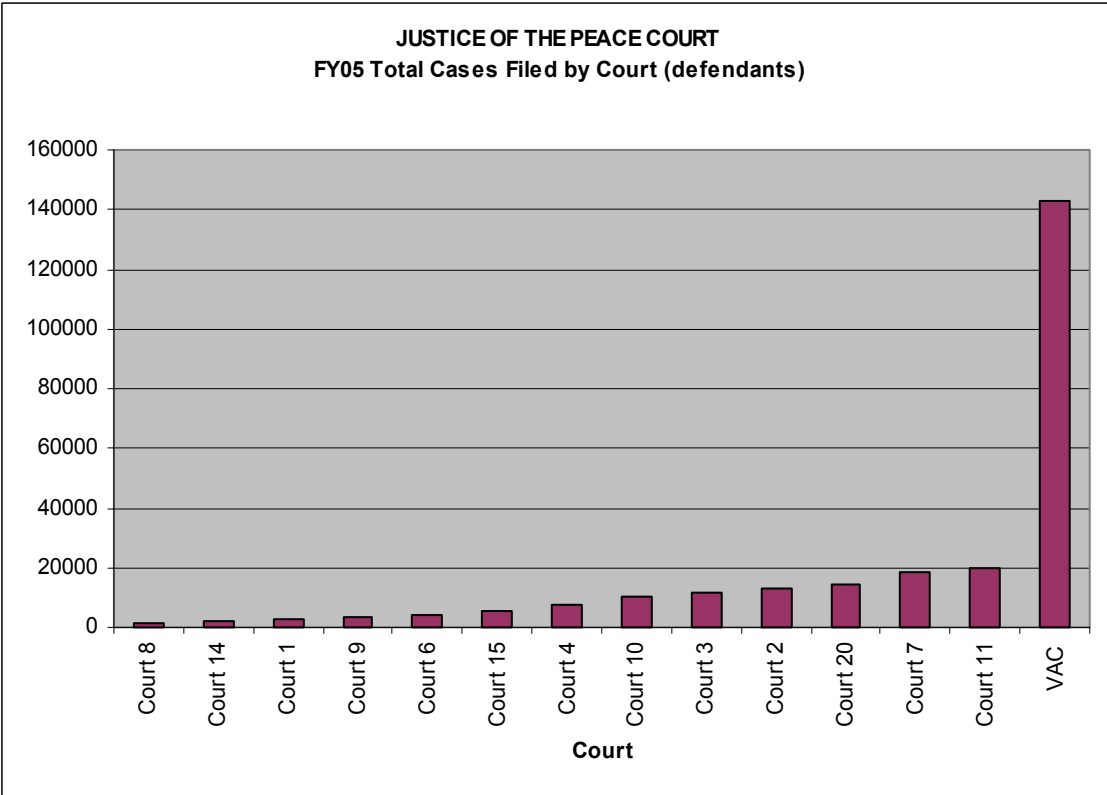
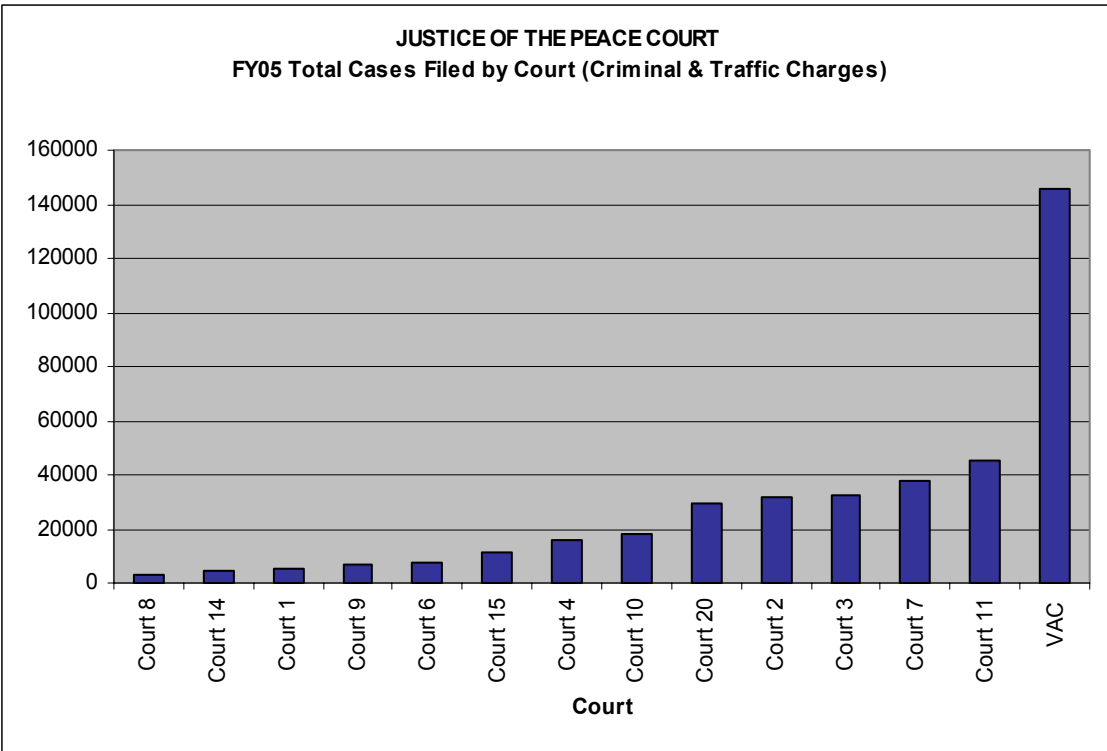
Support Personnel

A court administrator, two operations managers, an administrative officer, and a fiscal administrative officer help the chief magistrate direct the Justice of the Peace Court on a daily basis. The Court also employs clerks, constables, and other support personnel.

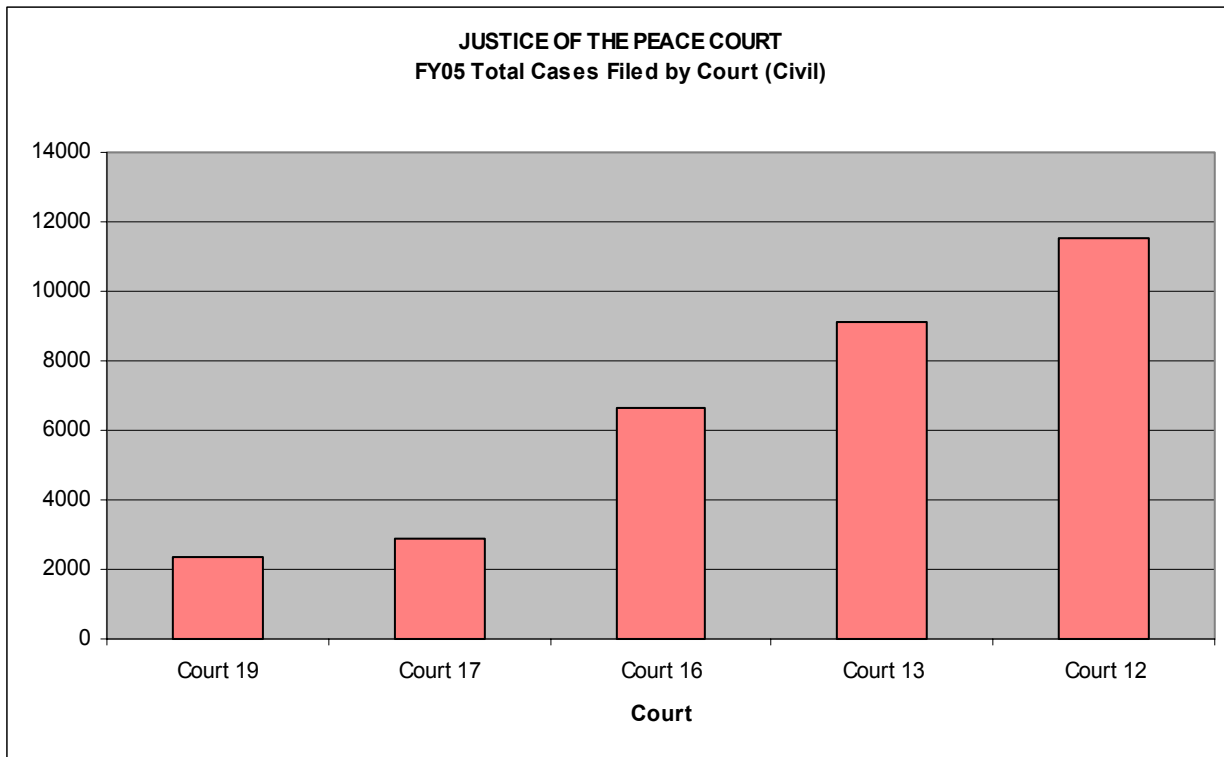
Justices of the Peace

The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. 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 the justice of the peace serves. In addition to the 60 justices of the peace, the Governor nominates a chief magistrate, subject to Senate confirmation.





JUSTICE OF THE PEACE COURT



JUSTICE OF THE PEACE COURT, KENT COUNTY

Seated, left to right: Robert B. Wall Jr., Agnes E. Pennella, and D. Ken Cox.

Standing, left to right: Cathleen Hutchison, James A. Murray, and Pamela A. Darling.

Not pictured: Charles M. Stump, Deputy Chief Magistrate, Ernst M. Arndt, Acting Deputy Chief Magistrate, Ellis B. Parrott, Fred W. Dewey Jr., Fred Lord, and Debora Foor.



JUSTICE OF THE PEACE COURT, NEW CASTLE COUNTY

Seated left to right: Kathleen Lucas, Cheryl Stallmann, Wayne Hanby, Katharine Ross, William Moser, Sean McCormick, Marie Page, Roberto Lopez, Roger Barton, and Vernon Taylor

Standing left to right: Terry Smith, Sidney Clark, David Skelley, Thomas Brown, Marilyn Letts, Paul Smith, Susan Cline, James Tull, Robert Armstrong, Deputy Chief Magistrate Bonita Lee, Stanley Petraschuk, Rosalind Toulson

Not pictured: Donald Callender, Jr., Laurence Fitchett, Jr., Linda Gray, Thomas Kenney, Deborah McNesby, Nancy Roberts, and Rosalie Rutkowski.



JUSTICE OF THE PEACE COURT, SUSSEX COUNTY

Seated from left to right: Jeni Coffelt, Marcealeate Ruffin, John Hudson, Deputy Chief Magistrate Sheila Blakely, Jana Mollohan, William Mulvaney, III, Edward G. Davis, John McKenzie, and Christopher Bradley (*joined the Court July 12, 2005*)

Standing from left to right: Richard Comly, Jr., John C. Martin, John O'Bier, Chief Magistrate Alan Davis, William P. Wood, Larry R. Sipple, James Horn, Herman Hagan, and William Boddy III

Not pictured: William Hopkins, Jr., Joseph B. Melson, Jr., and Walter Godwin (retired).,

ALDERMAN'S COURTS

Legal Authorization

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

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 General Assembly). Appeals are taken *de novo* to the Court of Common Pleas within 15 days of trial.

Geographic Organization

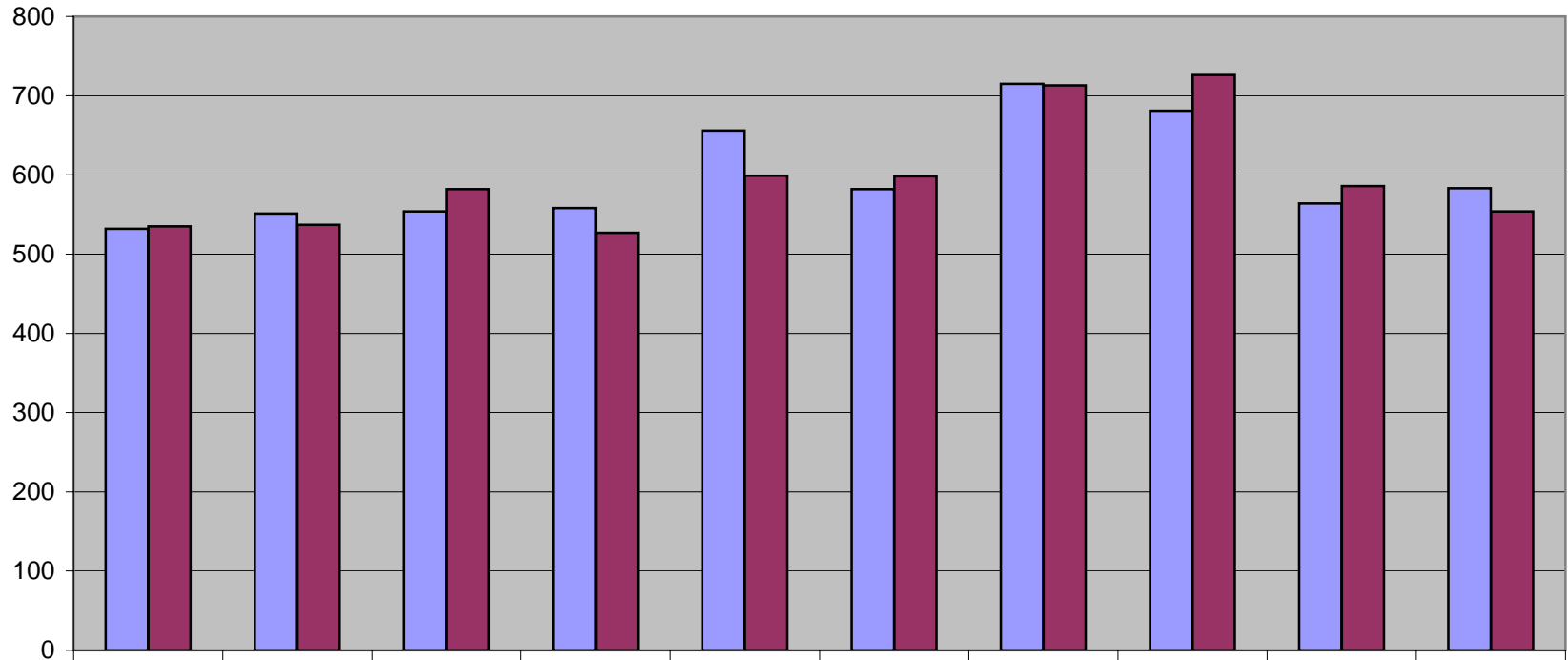
Alderman's Courts have jurisdiction only within their own town limits. There are six active Alderman's Courts, two in New Castle County and four in Sussex County. When a town is without a court or an alderman for any period of time, its cases are transferred to the nearest Justice of the Peace Court.

Aldermen

The selection, number, tenure and qualifications of aldermen are determined by the towns themselves. Some require lawyers while others choose private citizens. A few aldermen serve full-time while some are part-time.



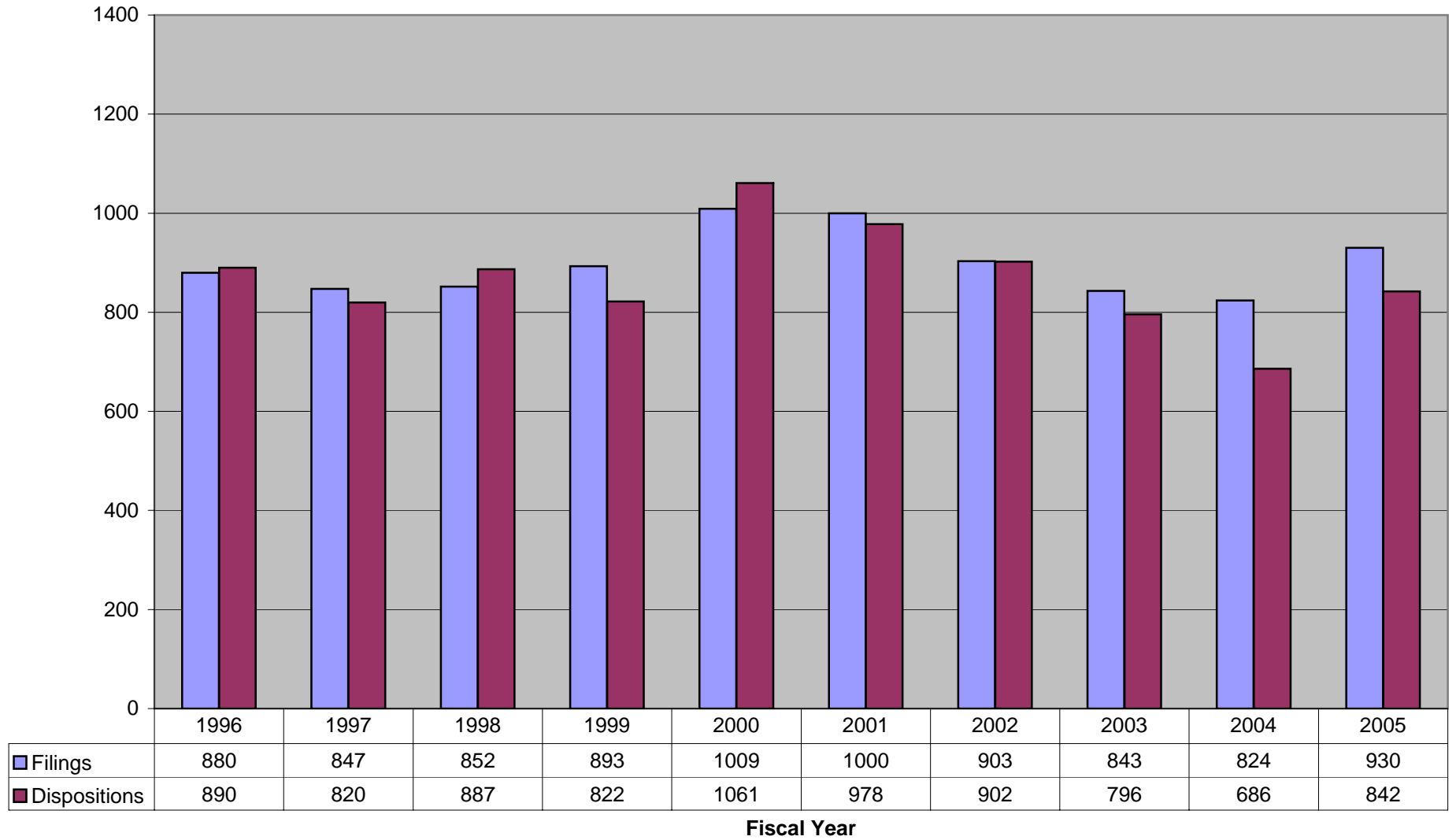
Supreme Court Total 10 Year Caseload Trend



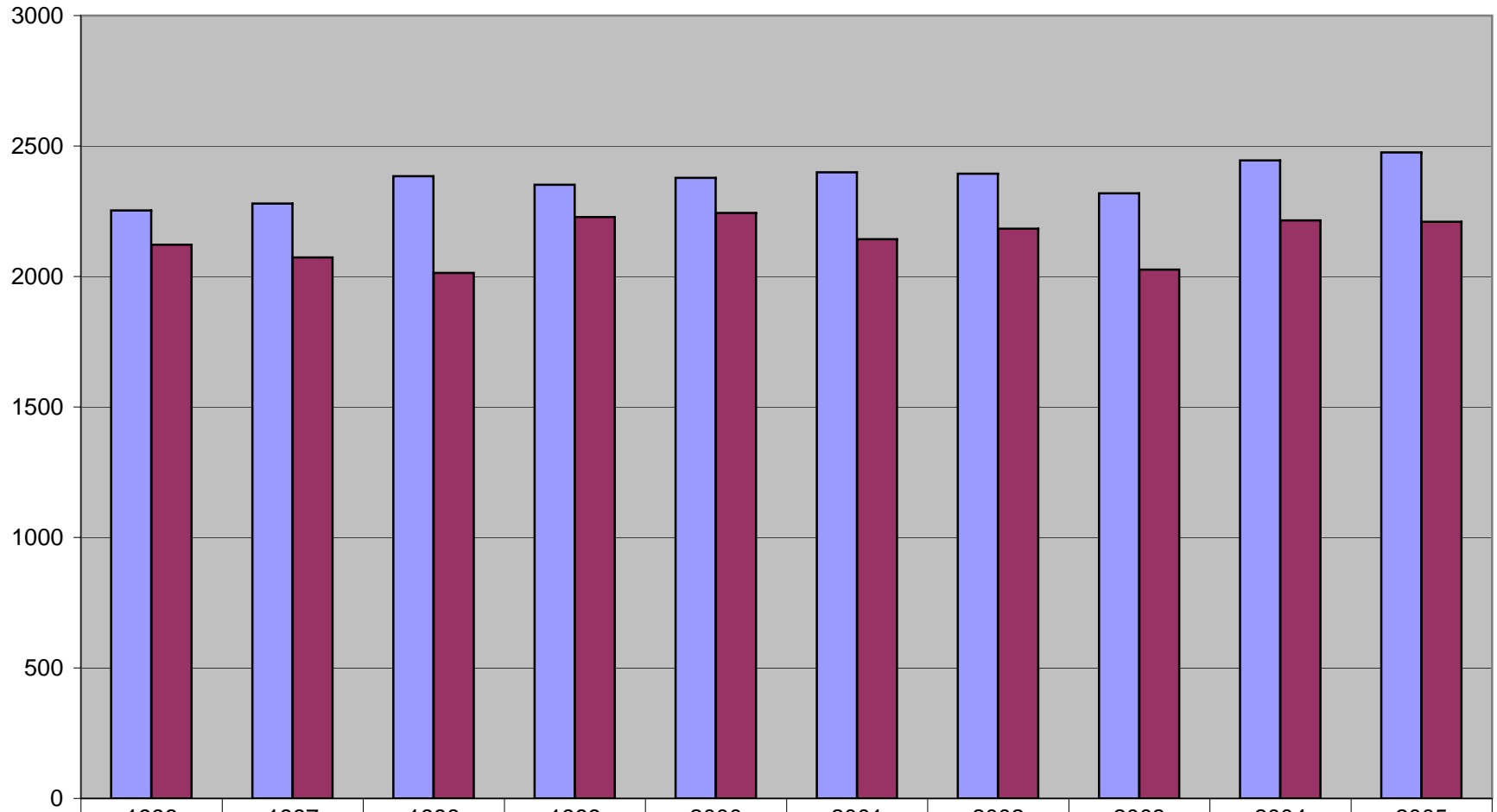
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filings	532	551	554	558	656	582	715	681	564	583
Dispositions	535	537	582	527	599	598	713	726	586	554

Fiscal Year

Court of Chancery Civil 10 Year Caseload Trend



Court of Chancery Estates 10 Year Caseload Trend



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
■ Filings	2253	2280	2385	2352	2378	2399	2394	2319	2445	2476
■ Dispositions	2122	2073	2014	2228	2244	2143	2183	2027	2215	2210

Fiscal Year

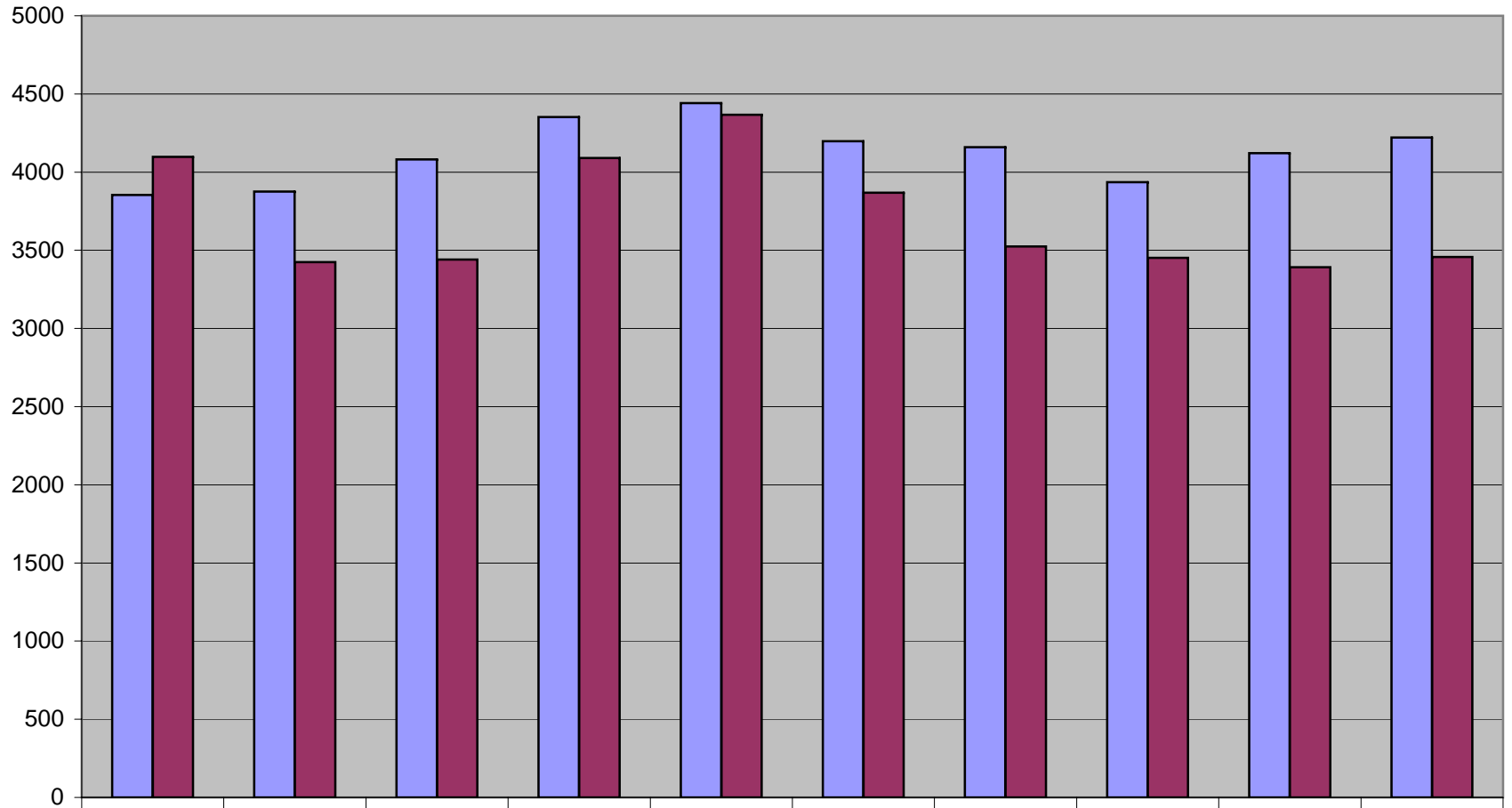
COURT OF CHANCERY

Caseload Summary Fiscal Year 2004-2005- Miscellaneous Matters Filings				
	2004	2005	Change	% Change
New Castle County	542	533	-9	-1.7%
Kent County	143	110	-33	-23.1%
Sussex County	168	172	4	2.4%
State	853	815	-38	-4.5%

Caseload Summary Fiscal Year 2004-2005- Miscellaneous Matters Dispositions				
	2004	2005	Change	% Change
New Castle County	237	247	10	4.2%
Kent County	133	89	-44	-33.1%
Sussex County	120	69	-51	-42.5%
State	490	405	-85	-17.3%

Source: Registers in Chancery; Administrative Office of the Courts

Court of Chancery 10 Year Total Caseload Trend



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
■ Filings	3853	3876	4081	4352	4442	4197	4159	3935	4122	4221
■ Dispositions	4097	3424	3440	4090	4367	3868	3525	3452	3391	3457

Fiscal Year

SUPERIOR COURT

Caseload Comparison - Fiscal Years 2004-2005 - Civil Case Filings				
	2004	2005	Change	% Change
New Castle County	8,382	8,345	-37	-0.4%
Kent County	1,484	1,438	-46	-3.1%
Sussex County	1,052	1,095	43	4.1%
State	10,918	10,878	-40	-0.4%

Caseload Comparison - Fiscal Years 2004-2005 - Civil Case Dispositions				
	2004	2005	Change	% Change
New Castle County	8,027	8,538	511	6.4%
Kent County	1,452	1,397	-55	-3.8%
Sussex County	1,130	1,195	65	5.8%
State	10,609	11,130	521	4.9%

Source: Prothonotary's Offices, Superior Court; Administrative Office of the Courts

SUPERIOR COURT

Caseload Comparison - Fiscal Years 2004-2005 - Criminal Case Filings				
	2004	2005	Change	% Change
New Castle County	5,476	5,134	-342	-6.2%
Kent County	2,171	2,070	-101	-4.7%
Sussex County	1,822	1,769	-53	-2.9%
State	9,469	8,973	-496	-5.2%

Caseload Comparison - Fiscal Years 2004-2005 - Criminal Case Dispositions				
	2004	2005	Change	% Change
New Castle County	5,001	4,738	-263	-5.3%
Kent County	1,979	2,235	256	12.9%
Sussex County	1,809	1,678	-131	-7.2%
State	8,789	8,651	-138	-1.6%

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

SUPERIOR COURT

Caseload Comparison - Fiscal Years 2004-2005 - Total Case Filings				
	2004	2005	Change	% Change
New Castle County	13,858	13,479	-379	-2.7%
Kent County	3,655	3,508	-147	-4.0%
Sussex County	2,874	2,864	-10	-0.3%
State	20,387	19,851	-536	-2.6%

Caseload Comparison - Fiscal Years 2004-2005 - Total Case Dispositions				
	2004	2005	Change	% Change
New Castle County	13,028	13,276	248	1.9%
Kent County	3,431	3,632	201	5.9%
Sussex County	2,939	2,873	-66	-2.2%
State	19,398	19,781	383	2.0%

Source: Court Administrator, Prothonotaries Offices, and Case Scheduling Offices, Superior Court;
Administrative Office of the Courts

FAMILY COURT

Caseload Summary Fiscal Year 2004-2005 - Adult Criminal Case Filings				
	2004	2005	Change	% Change
New Castle County	3,265	3,065	-200	-6.1%
Kent County	895	920	25	2.8%
Sussex County	953	929	-24	-2.5%
State	5,113	4,914	-199	-3.9%

Caseload Summary Fiscal Year 2004-2005 - Adult Criminal Case Dispositions				
	2004	2005	Change	% Change
New Castle County	3,940	2,728	-1,212	-30.8%
Kent County	867	936	69	8.0%
Sussex County	965	935	-30	-3.1%
State	5,772	4,599	-1173	-20.3%

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

FAMILY COURT

Caseload Comparison - Fiscal Years 2004-2005 - Civil Case Filings				
	2004	2005	Change	% Change
New Castle County	22,845	22,632	-213	-0.9%
Kent County	8,992	8,220	-772	-8.6%
Sussex County	9,691	9,680	- 11	-0.1%
State	41,528	40,532	-996	-2.4%

Caseload Comparison - Fiscal Years 2004-2005 - Civil Case Dispositions				
	2004	2005	Change	% Change
New Castle County	21,261	23,246	1,985	9.3%
Kent County	7,807	8,348	541	6.9%
Sussex County	9,484	9,620	136	1.4%
State	38,552	41,214	2,662	6.9%

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

FAMILY COURT

Caseload Comparison - Fiscal Years 2004-2005 - Juvenile Delinquency Case Filings				
	2004	2005	Change	% Change
New Castle County	5,588	5,419	-169	-3.0%
Kent County	1,784	1,899	115	6.4%
Sussex County	1,946	1,875	- 71	-3.6%
State	9,318	9,193	-125	-1.3%

Caseload Comparison - Fiscal Years 2004-2005 - Juvenile Delinquency Case Dispositions				
	2004	2005	Change	% Change
New Castle County *	7,006	4,520	-2,486	-35.5%
Kent County *	1,780	2,082	302	17.0%
Sussex County	1,946	1,898	- 48	-2.5%
State	10,732	8,500	-2,232	-20.8%

*FY 2004 data amended

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

FAMILY COURT

Caseload Comparison - Fiscal Years 2004-2005 - Total Case Filings				
	2004	2005	Change	% Change
New Castle County	31,698	31,116	-582	-1.8%
Kent County	11,671	11,039	-632	-5.4%
Sussex County	12,590	12,484	-106	-0.8%
State	55,959	54,639	-1320	-2.4%

Caseload Comparison - Fiscal Years 2004-2005 Total Case Dispositions				
	2004	2005	Change	% Change
New Castle County*	32,207	30,494	-1,713	-5.3%
Kent County*	10,454	11,366	912	8.7%
Sussex County	12,395	12,453	58	0.5%
State	55,056	54,313	-743	-1.3%

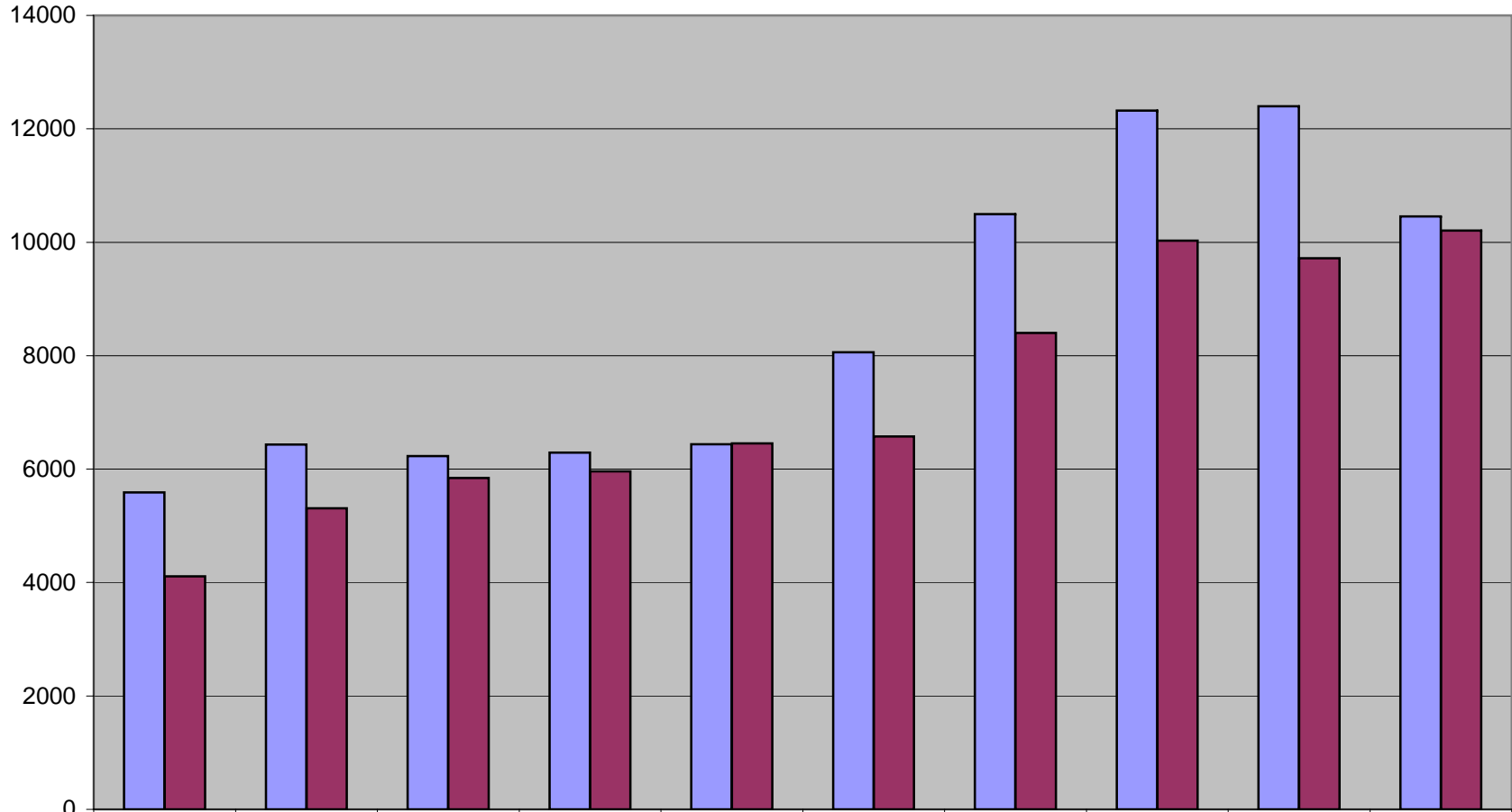
*FY 2004 data amended

Total Cases Explanatory Notes Fiscal Year

1. The unit of count in Family Court for 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 multiple incidents brought before the Court on a single individual are counted as multiple charges.
 - 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 is 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 a divorce, although the petition may contain multiple ancillary matters to the divorce, it is counted as one filing.

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

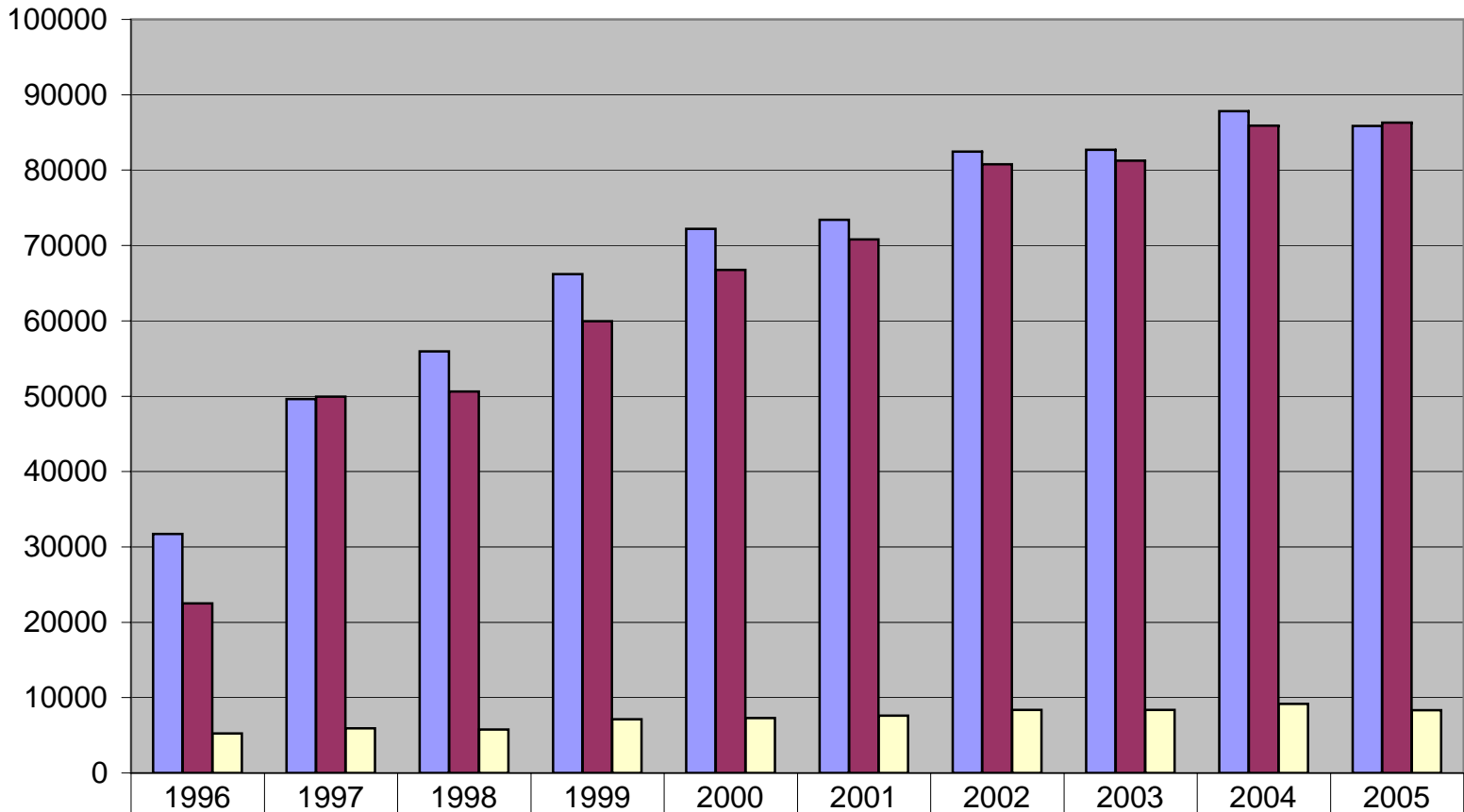
Court of Common Pleas Civil 10 Year Caseload Trend



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Filings	5591	6434	6231	6293	6436	8058	10496	12322	12396	10455
Dispositions	4107	5311	5841	5959	6453	6574	8400	10026	9718	10206

Fiscal Year

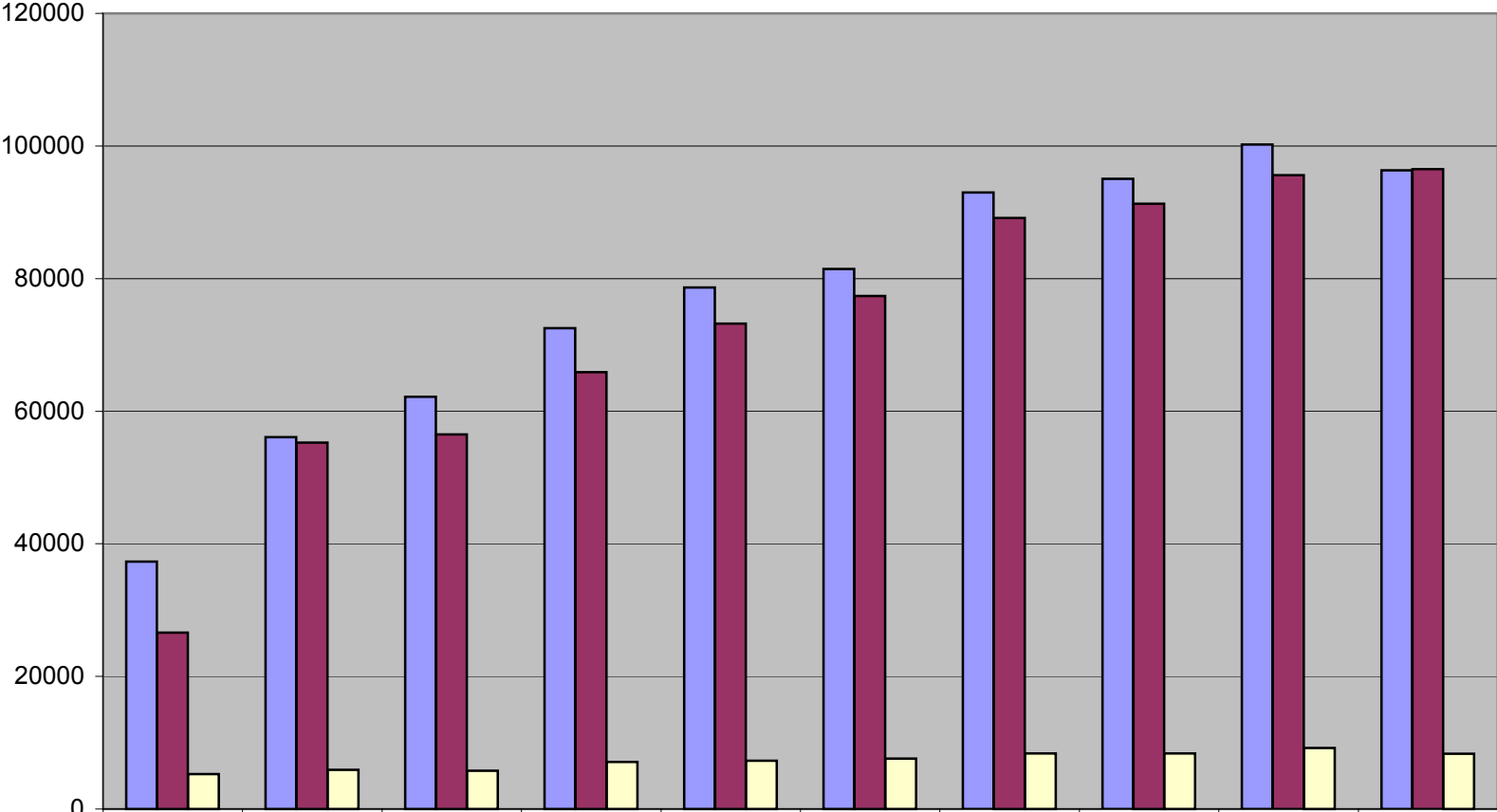
Court of Common Pleas Criminal 10 Year Caseload Trend



Filings	31718	49633	55960	66216	72211	73393	82469	82719	87836	85867
Dispositions	22515	49947	50638	59933	66755	70811	80757	81257	85893	86319
Preliminary Hearings	5249	5912	5778	7118	7298	7616	8362	8386	9189	8329

Fiscal Year

Court of Common Pleas Total 10 Year Caseload Trend



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
■ Filings	37309	56067	62191	72509	78647	81451	92965	95041	100232	96322
■ Dispositions	26622	55258	56479	65892	73208	77385	89157	91283	95611	96525
■ Preliminary Hearings	5249	5912	5778	7118	7298	7616	8362	8386	9189	8329

Fiscal Year

JUSTICE OF THE PEACE COURT

Caseload Comparison - Fiscal Years 2004-2005 - Civil Case Filings				
	2004	2005	Change	% Change
New Castle County				
Court 9	872	1,020	148.0	17.0%
Court 12	9,839	11,506	1,667.0	16.9%
Court 13	9,135	9,109	-26.0	-0.3%
Kent County				
Court 8	0	0	0	--
Court 16	6,556	6,650	94	1.4%
Sussex County				
Court 17	2,754	2,900	146	5.3%
Court 19	1,903	2,339	436	22.9%
State	31,059	33,524	2,465	7.9%

Caseload Comparison - Fiscal Years 2004-2005 - Civil Case Dispositions				
	2004	2005	Change	% Change
New Castle County				
Court 9	744	727	-17	-2.3%
Court 12	9,922	11,309	1387	14.0%
Court 13	7,226	7,644	418	5.8%
Kent County				
Court 8	9	0	-9	-100.0%
Court 16	6,610	6,652	42	0.6%
Sussex County				
Court 17	2,703	2,968	265	9.8%
Court 19	2,024	2,395	371	18.3%
State	29,238	31,695	2457	8.4%

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

JUSTICE OF THE PEACE COURT

Caseload Comparison - Fiscal Years 2004-2005 - Criminal and Traffic Filings (defendants)				
	2004	2005	Change	% Change
New Castle County				
Court 9	1,934	3,391	1,457	75.3%
Court 10	7,378	10,201	2,823	38.3%
Court 11	17,031	20,063	3,032	17.8%
Court 15	6,108	5,642	-466	-7.6%
Court 20	16,241	14,437	-1,804	-11.1%
Kent County				
Court 6*	5,118	4,016	-1,102	-21.5%
Court 7	15,891	18,146	2,255	14.2%
Court 8	2,114	1,625	-489	-23.1%
Sussex County				
Court 1	2,613	2,700	87	3.3%
Court 2	11,361	12,888	1,527	13.4%
Court 3	10,893	11,361	468	4.3%
Court 4	6,840	7,569	729	10.7%
Court 14	1,677	1,787	110	6.6%
State without VAC	105,199	113,826	8,627	8.2%
VAC	109,916	142,745	32,829	29.9%
State with VAC	215,115	256,571	41,456	19.3%

VAC = Voluntary Assessment Center

* JP Courts 5 and 6 merged effective FY2005

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

JUSTICE OF THE PEACE COURT

Court Rankings - Fiscal Year 2004-2005 - Total Filings (charges)					
2005 Rank w/o VAC	Court	Total Filings	% of Total w/o VAC	2004 Rank w/o VAC	
1	Court 11	45,596	16.2%	1	
2	Court 7	37,419	13.3%	2	
3	Court 3	32,806	11.7%	4	
4	Court 2	31,475	11.2%	5	
5	Court 20	29,277	10.4%	3	
6	Court 10	18,463	6.6%	6	
7	Court 4	16,023	5.7%	7	
8	Court 12	11,506	4.1%	9	
9	Court 15	11,067	3.9%	8	
10	Court 13	9,109	3.2%	10	
11	Court 6	7,482	2.7%	13	
12	Court 9	6,992	2.5%	12	
13	Court 16	6,650	2.4%	11	
14	Court 1	4,963	1.8%	14	
15	Court 14	4,348	1.5%	15	
16	Court 8	3,174	1.1%	16	
17	Court 17	2,900	1.0%	17	
18	Court 19	2,339	0.8%	19	
State w/o VAC		281,589			
VAC		145,340			
State w/ VAC		426,929			

JP Courts 5 and 6 merged effective FY2005

VAC = Voluntary Assessment Center

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

JUSTICE OF THE PEACE COURT

Caseload Comparison - Fiscal Years 2004-2005 - Total Case Filings (charges)				
	2004	2005	Change	% Change
Criminal	390,097	393,405	3,308	0.8%
Civil	31,059	33,524	2,465	7.9%
Total	421,156	426,929	5,773	1.4%

Caseload Comparison - Fiscal Years 2004-2005 - Total Case Dispositions (charges)				
	2004	2005	Change	% Change
Criminal	398,560	409,255	10,695	2.7%
Civil	29,238	31,704	2,466	8.4%
Total	427,798	440,959	13,161	3.1%

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

ALDERMAN'S COURTS

Caseload Comparison - Fiscal Years 2004-2005 - Total Filings (charges)				
	2004	2005	Change	% Change
New Castle County				
Newark	0	0	0	--
Newport	0	0	0	--
Sussex County				
Bethany Beach	3,388	3,406	18	0.5%
Dewey Beach	1,503	1,203	-300	-20.0%
Laurel	2,009	1,987	-22	-1.1%
Rehoboth Beach	586	733	147	25.1%
State	7,486	7,329	-157	-2.1%

Caseload Comparison - Fiscal Years 2004-2005 - Total Dispositions (charges)				
	2004	2005	Change	% Change
New Castle County				
Newark	0	0	0	--
Newport	0	0	0	--
Sussex County				
Bethany Beach	3,388	3,406	18	0.5%
Dewey Beach	1,503	1,203	-300	-20.0%
Laurel	1,945	1,907	-38	-2.0%
Rehoboth Beach	603	694	91	15.1%
State	7,439	7,210	-229	-3.1%

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

Note: Data not available for Newport and Newark

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