

# CELEBRATING THE TRADITION OF EXCELLENCE - COURTS AND COURTHOUSES

## SUPREME COURT

This year we celebrate the 55<sup>th</sup> anniversary of the founding of the modern Supreme Court, which was established by constitutional amendment in 1951. Prior to that time, the function of acting as highest appellate authority was filled by those state judges who had not heard the case below. When originally created, the new Supreme Court consisted of three justices, one of whom was the Chief Justice. In 1978, the court was expanded to its current size of five justices, including a Chief Justice. Today, the Court is nationally and internationally recognized for its appellate role in corporate litigation matters.

When the separate Supreme Court was created, it was housed in the Annex to the Old State House on The Green in Dover, where it remains today. Although there are also offices of the Court in Wilmington and Georgetown, the Dover location is the official seat of the Court and the enduring symbol of its leadership of the Delaware Judicial Branch and its tradition of excellence.

## COURT OF CHANCERY

The Court of Chancery was created by the Delaware Constitution of 1792 as a court of equity. From the time of the Court's creation until 1932, the chancellor was the sole judge of the Court. In 1939, the office of vice chancellor was created by statute, with the vice chancellor being appointed by, and serving at the pleasure of, the chancellor. This was changed in 1949 when a constitutional amendment made the office of vice chancellor a constitutional one and created a twelve year term. With increases in caseload, additional vice chancellors have been added, to reach the current complement of four vice chancellors in addition to the chancellor.

The Court's preeminence in matters of corporate law has its roots in the nineteenth century when the corporation became the primary form of business organization and a general corporation law was authorized by the Constitution of 1831. During that century, the Court's corporate jurisprudence developed as it heard numerous cases involving corporate matters. By the early twentieth century, the Court had become a forum for major corporate litigation. While best known for its role in corporate matters, the Court has also used its equity jurisdiction in a variety of areas as when, in the 1950's, it upheld the right to

equal protection in notable civil rights cases.

Although the Court of Chancery has been a separate court since its creation by the Constitution of 1792, the Court did not have its own courthouse until the completion of the Court of Chancery Courthouse in Sussex County in 2003. (The Court is housed in the New Castle County Courthouse in New Castle County and uses courtrooms in the Kent County Courthouse in Kent County.) The new courthouse in Sussex County, a federal-style building located on the Circle in Georgetown, is a fitting setting for this unique and esteemed participant in the tradition of excellence.

## SUPERIOR COURT

The Superior Court was created by the Delaware Constitution of 1831, making 2006 the 175<sup>th</sup> anniversary of the creation of the Court. Upon its creation, the Court was granted jurisdiction over civil matters. The 1831 Constitution provided for four judges to serve on the Superior Court as well as on the Court of Oyer and Terminer, which had jurisdiction over crimes punishable by death, and the Court of General Sessions, which had jurisdiction over all other crimes except those over which the justices of the peace had exclusive jurisdiction. One of the judges was designated as the chief justice and the others were associate judges, one of whom was to reside in each county. These judges, along with the Chancellor, also sat on the Court of Errors and Appeals and the Orphans' Court.

The Constitution of 1897 added an additional judge to the Court who was to serve "at large". The Court remained at five judges until 1961 at which time increasing caseloads began requiring the gradual addition of new judges. In 1951, the Court gained jurisdiction over criminal offenses when the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were placed in the Superior Court. Today, the Superior Court is known nationally as the premier court of general jurisdiction in the nation and this year has received the number one ranking from the United States Chamber Institute for Legal Reform for the fifth year in a row.

In New Castle County, the first courthouse of the Superior Court was located in the Town of New Castle. The Court moved to Wilmington in 1881, with the opening of a new courthouse built on what is now Rodney Square. In 1916, a new courthouse shared with the

City of Wilmington opened on King Street and was known as “the Public Building” until it was renamed the “Daniel L. Herrmann Courthouse” in 1992. The Superior Court joined other courts in moving to the New Castle County Courthouse facility in 2002.

The first courthouse of the Superior Court in Kent County was located in what is now the Old State House Building. In 1874, a new courthouse was built. With major renovations and additions, the 1874 courthouse is still in use.

The first Superior Court in Sussex County was housed in a wood frame building in Georgetown. During the late 1830’s while a new courthouse was constructed, the Court operated from the Brick Hotel on The Circle. The new courthouse was completed in 1840 and, with many improvements and additions, still serves as the Sussex County courthouse today.

As we celebrate the 175<sup>th</sup> anniversary of the Superior Court and its tradition of excellence, we also celebrate the many courthouses throughout the State which have formed a part of the tapestry of its distinguished history.

## COURT OF COMMON PLEAS

The current statewide Court of Common Pleas was created in 1973 by legislation that consolidated the county funded and operated Courts of Common Pleas that had existed in each county. The new Court of Common Pleas had a civil jurisdiction not to exceed \$3,000, as well as statewide criminal misdemeanor jurisdiction, except in the City of Wilmington. There was authorization for jury trials in criminal cases in Kent and Sussex Counties, but not in New Castle County.

In the years since its creation, the jurisdiction of the Court of Common Pleas has increased. Preliminary hearings in felony cases were added to the Court’s jurisdiction in 1978. As the result of recommendations from the Commission on Delaware Courts 2000, legislation was passed in 1994 that increased the Court’s civil jurisdiction from the then existing limit of \$15,000 to \$50,000 and granted the Court appellate jurisdiction over decisions of the Justice of the Peace and Alderman’s Courts, as well as over administrative decisions of the Division of Motor Vehicles. In addition, the legislation provided for jury trials in the New Castle County Court of Common Pleas for the first time. Another recommendation of the Commission was implemented in 1998 when the Municipal Court of Wilmington was abolished and the criminal jurisdiction of the Court of Common Pleas expanded to statewide. A final recom-

mendation of the Commission became reality in 2005 when the role of the Court of Common Pleas in the Judiciary’s tradition of excellence was recognized with its establishment as a Constitutional court.

The Court of Common Pleas shared a courthouse with the Superior Court and with the Court of Chancery in each of the 3 counties (until the Court of Chancery Courthouse in Sussex County was completed in 2003). In New Castle County, the Court also shared the Public Building with the Supreme Court and the Family Court until the early 1970’s. The current New Castle County Courthouse, completed in 2002, is shared by the Court of Chancery, the Superior Court, the Court of Common Pleas and the Family Court.

## FAMILY COURT

2006 marks the 35<sup>th</sup> anniversary of the founding of the current Family Court. The current Family Court was created by statute in 1971 and was the culmination of many years of efforts to create a statewide Family Court.

The newly authorized statewide Family Court was given jurisdiction over dependency and neglect, child custody, juvenile delinquency, and non-felony adult criminal offenses involving family members or a child. In 1975, this jurisdiction was increased to give it sole jurisdiction over divorce and annulment proceedings which had previously been within the jurisdiction of the Superior Court. Another notable addition to the Court’s jurisdiction occurred in 1994 when protection from abuse proceedings were established by statute, with jurisdiction provided to Family Court.

In 2005 the Family Court’s role in the tradition of excellence was fully recognized when it became a Constitutional court.

As we celebrate the 35<sup>th</sup> anniversary of the Family Court, we recognize the role that the courthouses of the Family Court have played in its history. While the Court formerly had its own building in New Castle County, with the opening of the New Castle County Courthouse in 2002, the Family Court became a part of the New Castle County Courthouse community, gaining much needed additional space. In Kent and Sussex Counties, new buildings were built to house the Court in the late 1980’s. The Sussex County Family Court Building, a three-story brick building of Georgian design, located on The Circle, opened in 1988. The Kent County Family Court Building, located on Court Street, opened in 1989, replacing the Court’s prior location in the Arden Building on North Street, where it had been located since 1971.

# CELEBRATING OUR COURTHOUSES YESTERDAY AND TODAY

## NEW CASTLE COUNTY

The rich heritage of our courts lies not only in their tradition of excellence but also in the history of the buildings that house them. As Winston Churchill stated in 1943 in discussing the rebuilding of the House of Commons, “[w]e shape our buildings, and afterwards, our buildings shape us.” And so it is with our courthouses. Our courthouses are more than buildings. They are symbols of our justice system and focal points for our communities. As we celebrate the tradition of excellence of our courts, so we celebrate the history of the courthouses in which the courts have convened. Courts and courthouses are intertwined as inspirational symbols and reality of our democratic system of government and of justice itself.

The buildings which have housed the courts have changed over the years, but their history, remains a testament to the history of our State and judicial system.

*Historic photographs courtesy of the Delaware State Archives.*

New Castle County Courthouse  
(New Castle—1682)



New Castle County Courthouse  
(Wilmington—opened 1881)



## KENT COUNTY

Old State House  
(Dover—Built in 1792)



Kent County Courthouse  
(Dover—after 1918 renovation)



## SUSSEX COUNTY

Sussex County Courthouse  
(Georgetown—built in 1792)



Sussex County Courthouse  
(Georgetown—built in 1840)



Sussex County Courthouse  
(Georgetown 1920—enlarged in 1914)



Public Building  
(Wilmington—1916— Renamed  
Daniel R. Herrmann Courthouse in 1992)



New Castle County Courthouse  
(circa World War II)



NCCCH (Wilmington—opened  
2002) Superior, CCP,  
Chancery & Family Courts



Family Court  
(Dover—opened October 1989)



Kent County Courthouse  
(Dover—2006) Superior, CCP & Chancery Courts



Supreme Court  
(Dover—2006)



Family Court  
(Georgetown—opened November 1988)



Court of Chancery  
(Georgetown—completed April 2003)



Sussex County Courthouse  
(Georgetown—renovations  
completed 2006)



## TRADITION OF EXCELLENCE—JUSTICE OF THE PEACE COURT AND COURTHOUSES

This year, the Justice of the Peace Court celebrates its 40<sup>th</sup> anniversary as a State court. Until 1966, justices of the peace operated, for the most part, independently, without State oversight, with their salaries based on the fines they collected. In 1966, they were brought under the umbrella of the State Judiciary. The initiative for this change came from persons concerned with the fairness of the process, including the Delaware State Bar Association and civic-minded groups.

When the Justice of the Peace Courts were made part of the State court system, the position of deputy administrator to the Chief Justice was created and made responsible for supervising the justices of the peace, preparing budgets, leasing property in which to hold the courts and other administrative functions, as well as enforcing orders and directives issued by the Chief Justice. In 1979, this position was replaced with a chief magistrate who is a justice of the peace appointed by the Governor and confirmed by the Senate.

Today, with in-depth initial training and continuing legal education programs, and the leadership of the chief magistrate, the Court shares in Delaware's tradition of excellence by having become a model of professionalism for lay courts across the county.



In observing the 40<sup>th</sup> anniversary of the Justice of the Peace Court, we also note the courthouse improvement program undertaken by the Justice of the Peace Court in recent years which has resulted in a number of new courthouses, such as J.P. Court No. 7 below, that not only provide additional space and functionality, but also pro-

mot the professionalism of the Court.



Justice of the Peace Court No. 7 in Dover