



Court of Common Pleas, NCCCH
Wilmington

COURT OF COMMON PLEAS



CHIEF JUDGE ALEX J. SMALLS

The Court of Common Pleas continues to be challenged by caseload growth. In the past year, the Court experienced statewide increases in all case categories. The Court's civil caseload rose by 15.9% from 9,850 filings in FY 2006 to 11,420 filings in FY 2007. Criminal misdemeanor defendant filings rose by 9.2%, going from 90,964 filings in FY 2006 to 99,345 in FY 2007. Preliminary hearing cases increased by 13.6%, going from 9,165 filings in FY 2006 to 10,413 cases in FY 2007.

The large number of criminal misdemeanor filings received by the Court each week during last year made it increasingly difficult to keep pace, resulting in delays in processing and scheduling cases. Requests for jury trials in criminal cases have continued to increase dramatically, rising by 17.5% in FY 2007 in New Castle County alone. The Court's appellate caseload also continues to rise. Appeals from the JP Court and from the Alderman's Court take more Judicial and staff time

to handle and nearly all appeal cases go to trial.

The demands associated with the increased caseload are considerable. The civil cases handled by the Court involve increased amounts and complexity of issues. Prior to the increase in jurisdiction, the Court's workload in this area primarily involved collection matters and minor contract actions. Presently, the cases involve disputes regarding personal injury matters and complex contract disputes. As a result, there are more extensive motion practices and longer periods for trial.

The Court acquired new jurisdiction this year in the form of confirmation of arbitration awards in actions arising from contracts to provide consumer credit. Previously handled by the Court of Chancery, legislation transferring the jurisdiction to the Court of Common Pleas was signed into law in May 2007.

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Aside from its more traditional caseload, the Court handles two special types of caseloads in what are commonly referred to as therapeutic courts. These include a court-supervised, comprehensive drug diversion program in all three counties. More than 4,100 defendants have entered the program since it began in 1998. In FY 2007, 413 defendants entered the New Castle program; 106 entered the program in Kent County; and 71 entered the Sussex County program. The combination of education and treatment, drug monitoring and close supervision by a judge, has resulted in a high success rate in all three counties.

The second type of caseload is handled through the Court's Mental Health Court, the first such program in the state of Delaware. Started in October 2003 and 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 regular contact with a judge and close contact with mental health professionals to modify behavior and ensure appropriate treatment therapies. The judge serves as the center of the treatment and supervision process and provides the incentive for cooperation and completion.

Other initiatives of the Court include a 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 han-

dled more than 3,900 cases and has experienced a success rate of nearly 90%. In FY 2005, the Court's mediation program was modified to include civil cases. In FY 2007, 716 criminal cases and 56 civil cases were referred to mediation.

While the heavy case load challenges an already very busy court, the Court of Common Pleas remains committed to maintaining a high quality of service and 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 that end, the Court continues to revise its case management approach to meet the needs of its clients.

One such example was the establishment of Traffic Court in New Castle County in 2003. At that time, the Court initiated a revised procedure to manage its high volume traffic cases through a calendaring process designed to provide greater efficiency in the management of cases and reduce the burden on citizens. Traffic Court was instituted to allow most offenses to be scheduled for a single event; defendants are arraigned in the morning and trials, if necessary, are held in an afternoon session. This program continues to be successful in eliminating multiple court appearances for citizens charged with traffic offenses.

The Court of Common Pleas also continues its commitment to providing service to self-represented citizens. The number of self-represented litigants accessing the Court of Common Pleas continues to increase. Public access computers are available and used regularly at all court locations. In addition, the Court continued to expand its web site this year

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by increasing the number of forms and accompanying instructions on the Internet. Likewise, the numbers of persons accessing the Court requiring interpreter services continues to rise. The Court provides interpreters for all criminal proceedings and has translated most of its forms and instructions into Spanish. These changes provide improved accessibility to the courts to many Delaware citizens and help support the Court's mission of assisting people in the resolution of their everyday problems.

Another means of assisting litigants is through the use of an arraignment video that provides information to citizens regarding their rights and the procedures they will encounter when they appear in Court. The Court wrote and produced a new video this year in order to enhance and expedite the arraignment process.

The Court continues to encourage professional staff development. Court employees are encouraged to take advantage of training opportunities and to share their knowledge and experience. The Court bailiffs are now required to complete a 40 hour training program developed by the Delaware State Police and the Clerks of Court are participating in an ongoing program to develop core competencies provided by the Mid-Atlantic Association for Court Management. Many of the Court's Electronic Court Reporters are active members of the American Association of Electronic Reporters and Transcribers (AAERT). Four of the

Court's eleven reporters are currently certified and two more are scheduled for testing in November.

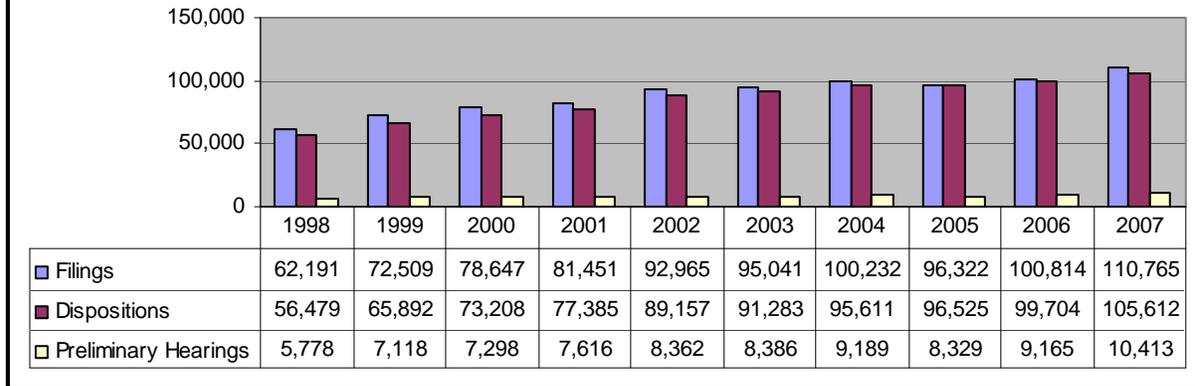
The Court of Common Pleas was also awarded a grant under the Blue Collar Jobs Act to help train a total of 48 clerks to enhance productivity and in preparation for COTS. The training was designed to reinforce the fundamentals of navigation and the performance of common tasks in a Windows-based environment.

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 and is providing staff support for COTS committees. The Court's Change Agent Team has been increasingly focused on preparing for Phases 3 and 4, which will be implemented in 2008.

In spite of the challenges of managing a large and increasingly complex caseload, judges and staff remain committed to the mission of the Court of Common Pleas - to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner. Each member of the Court is responsible to the people the Court serves to carry out that mission on a daily basis.

COURT OF COMMON PLEAS

**COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS
& DISPOSITIONS & PRELIMINARY HEARINGS
BY FISCAL YEAR**



LEGAL AUTHORIZATION

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

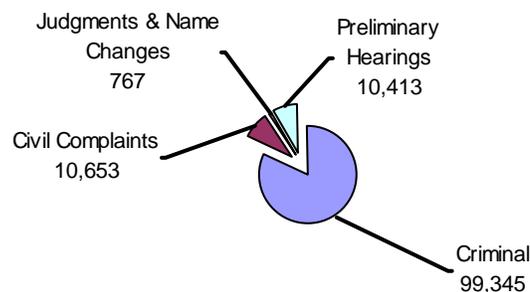
COURT HISTORY

Common Pleas Courts were established in Pennsylvania's three lower counties (now Delaware) during the colonial period. 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.

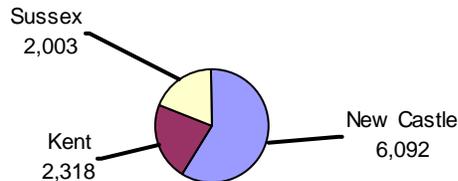
In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital

**NUMBER OF COURT OF COMMON PLEAS FILINGS BY
TYPE & PRELIMINARY HEARINGS
FY 2007**



COURT OF COMMON PLEAS

NUMBER OF COURT OF COMMON PLEAS PRELIMINARY HEARINGS BY COUNTY FY 2007



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.

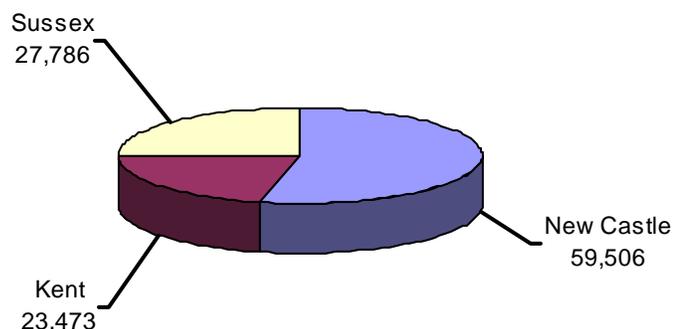
LEGAL JURISDICTION

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.

NUMBER OF COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS BY COUNTY FY 2007



COURT OF COMMON PLEAS

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 and from the Dog Control Panel.

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 prac-

tice 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 investigative services officers.



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.