



Justice of the Peace
Court No. 7—Dover

JUSTICE OF THE PEACE COURT



CHIEF MAGISTRATE ALAN G. DAVIS

Fiscal Year 2007 marked another period of steady increase in case volume for the Justice of the Peace Court, and another year of continued dependable, expeditious and fair handling of those cases. The dedication of the Court's staff and judges is not measured in the number of cases processed, but in the ability to work under trying conditions while providing the members of the public who come through our doors - often not of their own will - with an understanding that their case has been considered thoughtfully, skillfully, and with respect.

In terms of sheer volume of case processing, this Court's benefit to the judicial system of the State of Delaware cannot be denied. However, this Court also plays a large role in the advancement of innovative and unique processes and programs that either support our core services or complement them in some way. The Justice of the Peace Court is the leader in the use of video-

phone technology in the Delaware criminal justice community. This Court maximized the use of automated case processing in the State's judiciary and continues to forge ahead as the first users of the planned branch-wide COTS case management system.

Below you will find additional concrete examples of our efforts over the past year to not only be the highest-volume court in the state, but the Court "Where Justice Starts":

Pro se litigant seminars - The Justice of the Peace Court sees thousands of *pro se* litigants move through its doors each year. Very often those people have had little or no interaction with the court system and, economically, have little choice but to represent themselves. Understanding court processes, rules, and the general expectations of the Court can be daunting to a person without prior exposure, even in the "people's court." In an effort to better educate the public that we serve and, in the process, receive

feedback from that public, the Court embarked on a project to improve the public's understanding of the Court and how it works. The first step in that project was a series of public workshops providing insight into the handling of landlord/tenant cases. The Court partnered with attorneys and others involved in the regular litigation of cases before the Court in developing seminar-type presentations, mock trials, and other educational experiences for both landlords and tenants. The seminars were held at sites convenient to the target audience, often in the very apartment complexes from which many of the Court's landlord/tenant cases arise.

COTS Implementation – In November 2006 the JP Court implemented the first phase of the statewide case management system, COTS. The second phase was implemented on August 1, 2007. As of that date, COTS was operating in all Justice of the Peace Court civil locations. Staff worked diligently with representatives from other courts to move implementation to the second phase. The Court's personnel involved in this implementation honed processes; refined reports; trained staff; and reviewed data to ensure a smooth transition to COTS with Phase 2 court locations. It has been a monumental change for the JP Court staff to move to a new system. As we grow with the implementation of Phase 2, we will continue to take advantage of improved financial processing and other features of the system. All case documents are now converted into electronic format, eliminating the need for paper files. Availability of records in electronic format will be enhanced by the ability of litigants to file cases and pleadings electronically. We are currently piloting an e-

filing system for selected parties who file significant numbers of civil cases in our court, with an eye towards expansion in the near future.

Capias processing – The Court piloted its capias reduction plan in two New Castle County and two Kent County Justice of the Peace Court locations in efforts to eliminate extremely stale capias cases in which there is no real likelihood of bringing to justice those who failed to appear in court or failed to pay fines and costs. The program provides a cogent process for sorting capias cases to determine which should be dismissed and which are still viable. This initiative, in conjunction with the Court's change in policy several years ago to permit individual JP courts to handle other JP Court locations' capias cases has continued to result in significant reductions in the time necessary for capias processing. These JP Court initiatives are expected to dovetail with the criminal justice community's statewide effort to reduce the numbers of wanted status cases through the Warrant/Capias Project.

Police Prosecution Pilot – In Court 6 (Kent County), the Court initiated a pilot program with the Felton and Harrington Police Departments to facilitate plea bargaining and limit unnecessary transfers to the Court of Common Pleas. Officers from the police agencies act as prosecutors not only at trial, but at arraignment, providing the public with an opportunity to resolve cases expeditiously and eliminating the need for officers to appear at court proceedings that will not go to trial. The pilot has shown promise, and may be expanded to other court locations where feasible.

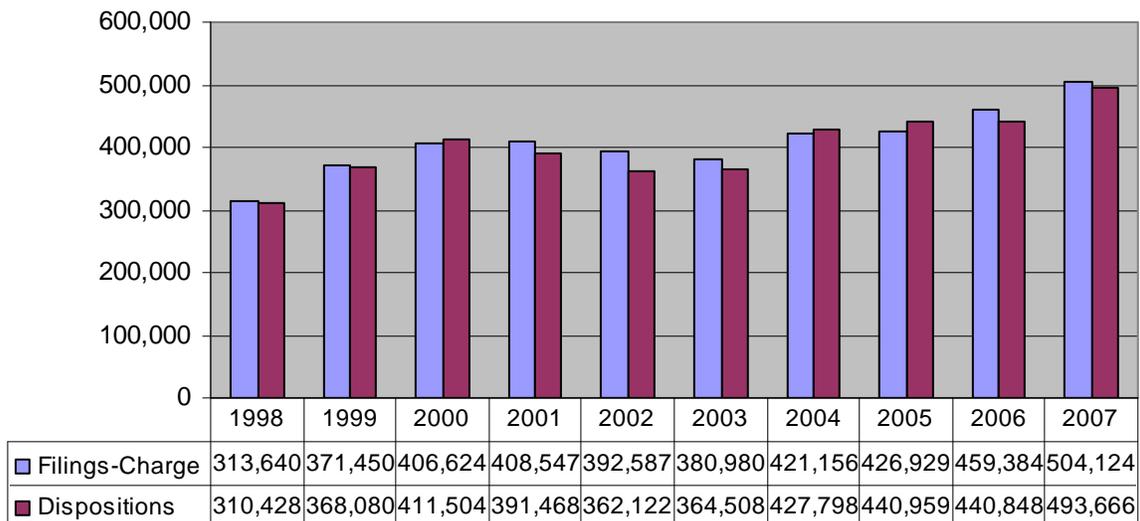
JUSTICE OF THE PEACE COURT

Court Security Assessment – During the 144th General Assembly the Justice of the Peace Court, along with the judiciary’s entire legislative team, sought and achieved passage of Senate Substitute 1 for Senate Bill 75, which provides for a court security assessment as part of court costs on most civil cases and all criminal/traffic pleas of guilt or adjudications of guilt. While the entire judiciary will benefit from the additional security made available by this funding source, the Justice of the Peace Court will be the greatest beneficiary. Currently, 45% of the Court’s weekly shifts at the various locations are without the presence of any security personnel and have very few

physical security measures. The funding received from this assessment will eventually allow for security to be present during all times that court business is being conducted, improvement of physical security measures, and enhanced training of security personnel, thus ensuring the safety of court personnel, case participants and the public.

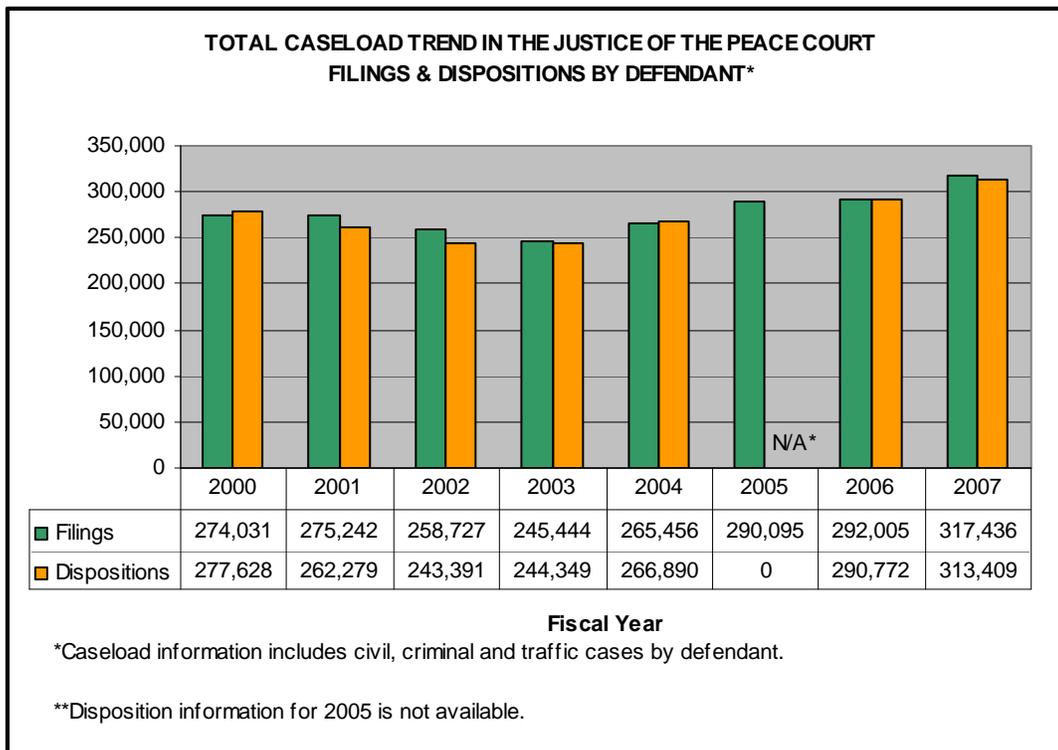
These are but a small sampling of the efforts we have recently undertaken to improve the Justice of the Peace Court’s processes and the experience of the public we serve. We will continue on this path of advancement in the course of coming years.

**JUSTICE OF THE PEACE COURT
FILINGS & DISPOSITIONS BY CHARGE***



*Criminal Filings include civil, criminal and traffic cases by charge.

JUSTICE OF THE PEACE COURT



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 from 1792 through 1964, the justices of the peace were compensated entirely by the costs and fees assessed and collected for the

performance of their legal duties. 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.

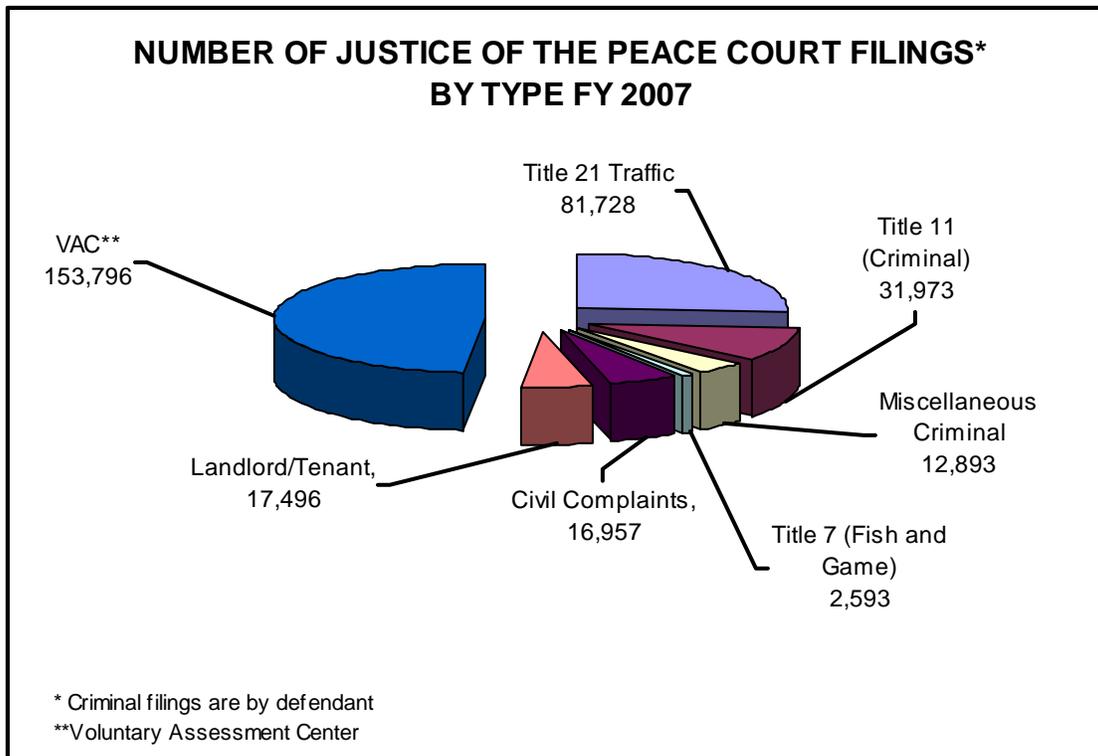
LEGAL JURISDICTION

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

JUSTICE OF THE PEACE COURT

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. The Justice of the Peace Court also shares jurisdiction over replevin actions with the Superior Court, rather than the Court of Common Pleas.



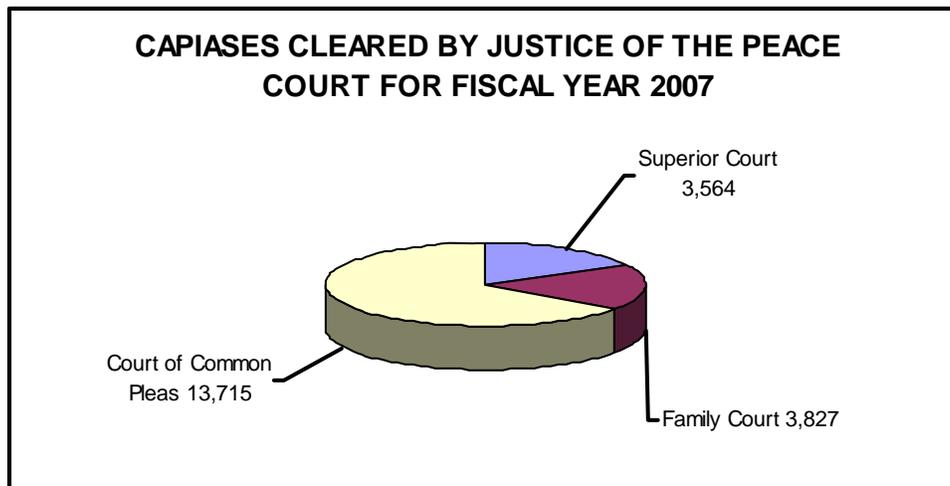
GEOGRAPHIC ORGANIZATION

The jurisdiction of the Court is state-wide 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.

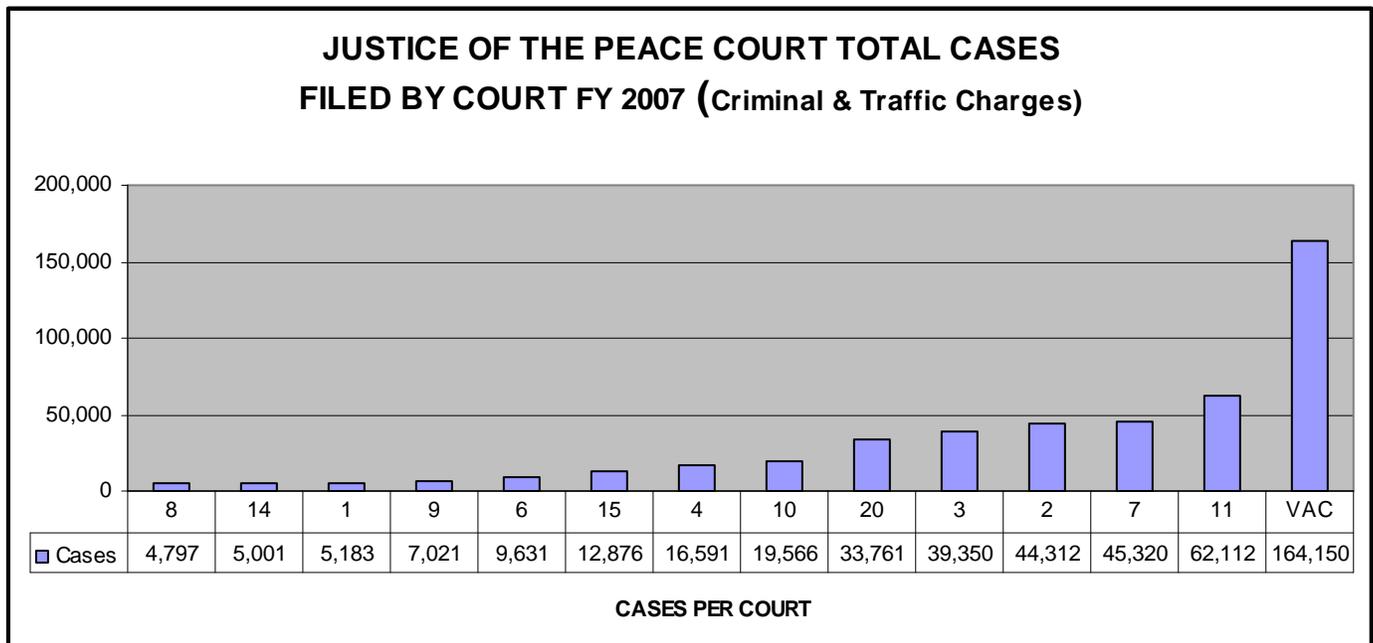
JUSTICE OF THE PEACE COURT



JUSTICES OF THE PEACE

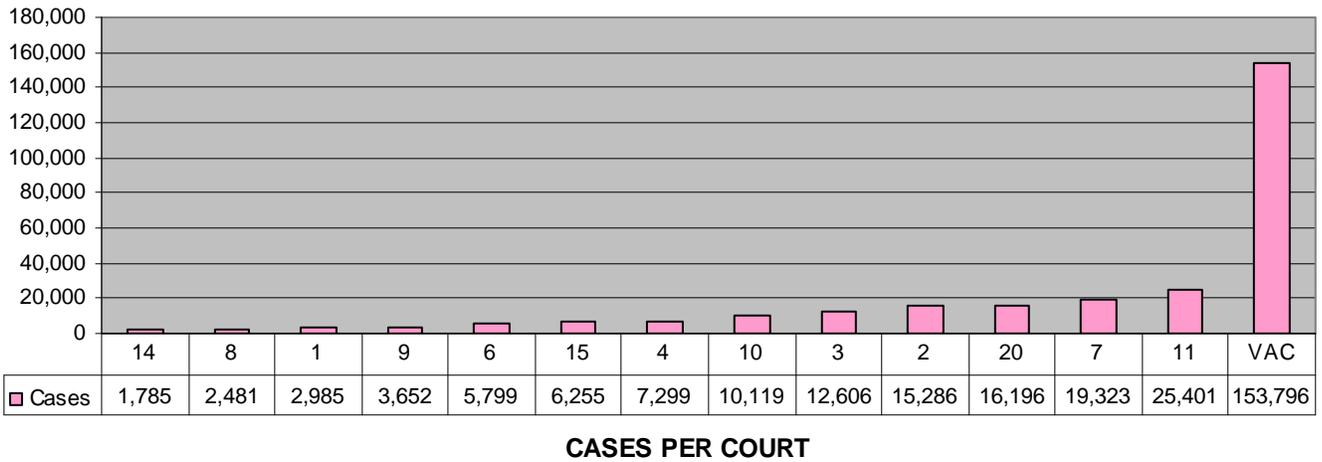
The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. A justice

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.

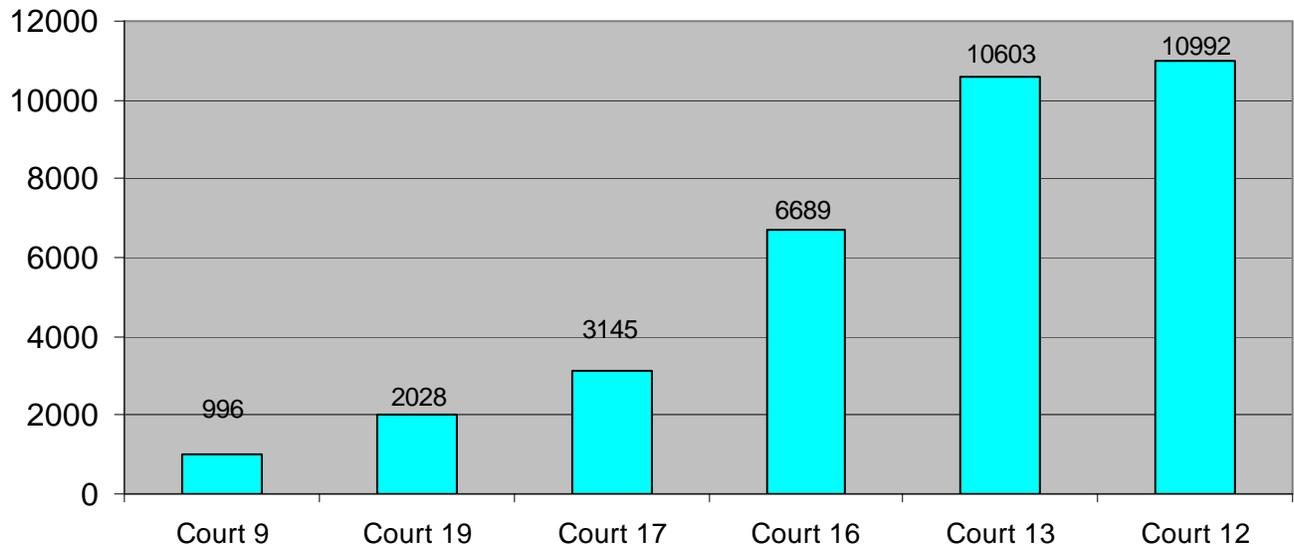


JUSTICE OF THE PEACE COURT

**JUSTICE OF THE PEACE COURT TOTAL CASES
FILED BY COURT FY 2007 (Criminal & Traffic Defendants)**



**JUSTICE OF THE PEACE COURT TOTAL CASES
FILED BY COURT FY 2007 (CIVIL)**



JUSTICE OF THE PEACE COURT



New Castle County:

Seated from left to right – Bonita Lee, Cheryl Stallmann, Katharine Ross, Alan G. Davis, Nancy Roberts, Deborah McNesby, Susan Cline

Second Row, left to right – Marilyn Letts, Kathleen Lucas, Thomas Kenney, Roberto Lopez, Rosalind Toulson, Sean McCormick, Vernon Taylor, Marie Page

Third Row, left to right – Terry Smith, James Hanby, Thomas Brown, David Skelley, James Tull, Donald Callender, Jr., Lawrence Fitchett, Wayne Hanby

Not pictured: Robert Armstrong, Sidney Clark, Beatrice Freel, William Moser, Stanley Petraschuk, Rosalie Rutkowski, and Paul Smith

Kent County:

Seated from left to right -- Debora Foor, Alan G. Davis, Cathleen Hutchison

Second row from left to right -- Christian Plack Sr., Agnes Pennella, Pamela Darling

Third row from left to right – Dwight Dillard, D. Ken Cox, Michael Sherlock, Jeffrey Sweet, Ernst Arndt, James Murray, Robert B. Wall, Jr.



JUSTICE OF THE PEACE COURT



Sussex County:

Seated from left to right – Edward G. Davis, Marcealeate Ruffin, Alan G. Davis, Sheila Blakely, Jana Mollohan

Standing from left to right -- H. William Mulvaney III, Richard Comly, John D. McKenzie, William J. Hopkins, Jr., John C. Martin, James G. Horn, Herman Hagan, John O'Bier, William Boddy III, John Hudson, Christopher Bradley, Larry Sipple

Not pictured: Stephani Adams, Jeni Coffelt, William P. Wood