

CHIEF JUDGE ALEX J. SMALLS

In FY 2008, the Court of Common Pleas implemented the new Contexte civil case management system with a successful “go-live” in Sussex County on June 2. This implementation was the culmination of many months of preparation and hard work by COTS Team members and the staff in Sussex County.

COTS not only brought the Court a new case management system, it also introduced e-filing to the Court of Common Pleas for the first time. The Court adopted a new e-filing rule (Civil Rule 79.1) and issued an Administrative Directive to assist filers.

E-filing has been well received by the attorneys who are using it. Reports are that they find it very user friendly and convenient. The Court is looking forward to significantly increasing the number of e-filings over the coming months. The Court also expects to achieve other benefits from the new system from such things as not having to maintain paper files to having access to accurate reporting information.

Implementation of the new system in Kent and New Castle Counties, along with e-filing, is scheduled for November 4, 2008.

The fast-paced, high volume environment in the Court of Common Pleas intensified even more in FY 2008. Caseloads continued to rise in every category, hitting all-time highs in criminal and matching the Court’s highest civil filing years.

The number of criminal defendant filings in the Court of Common Pleas in FY 2008 was 105,607, a 6.3% increase over FY 2007. In FY 2007, the Court received approximately 1,137 new criminal misdemeanor cases every week; in FY 2008, that number rose by almost 100 cases to 1,233, a 8.4% increase in the number of new cases received weekly. Preliminary Hearing filings reached 10,720, a 3% increase over FY 2007.

Thanks in large part to an aggressive program by the Department of Justice of reviewing felony arrests prior to their scheduled hearings, the Court of Common Pleas is taking a greater number of pleas at Preliminary Hearing. This has a positive effect on the entire criminal justice system as it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court.

Civil filings rose to 12,045, representing a 5.5% increase over FY 2007 and a 22.0% increase over FY 2006. Civil cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time.

The rise in caseload continues to challenge the Court in many ways. Demands on judges and staff grow daily. In spite of adding calendars and applying aggressive case management techniques, the time to disposition continues to increase. In New Castle County, it currently takes 22 weeks to schedule a non-jury trial and 26 weeks to schedule a traffic case. The Court’s disposition rate has also dramatically declined. From FY 1995 to FY 2008, the Statewide disposition rate went from 98% to 93.7% while, during the same period, the disposition rate in New Castle County dropped from 99% to 89.2%. However, while this percentage has decreased, the real number of cases disposed of has increased. The rate of decrease is attributed to the large case increase.

Other changes this fiscal year include a change in the Court of Common Pleas procedures for Alternative Dispute Resolution as outlined in Civil Rule 16. Under the new procedures, parties work together to agree on a format for arbitration (binding arbitration, mediation, or neutral assessment) as well as an ADR practitioner.

The Court continued to operate its court-supervised comprehensive drug diversion program for non-violent offenders. This voluntary program includes regular

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appearances before a judge, participation in substance abuse education, drug testing and treatment. The Court has handled more than 4,100 participants since its inception in 1998. Almost 500 defendants entered the program in FY 2008.

Since 2001, the Court has referred more than 3,900 cases for mediation, with a success rate of 87%. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction with the criminal justice system. In FY 2008, the Court referred 623 defendants for criminal mediation. Since 2005, the Court has also made mediation available to parties in civil cases. Twenty-two civil cases were successfully mediated in FY 2008.

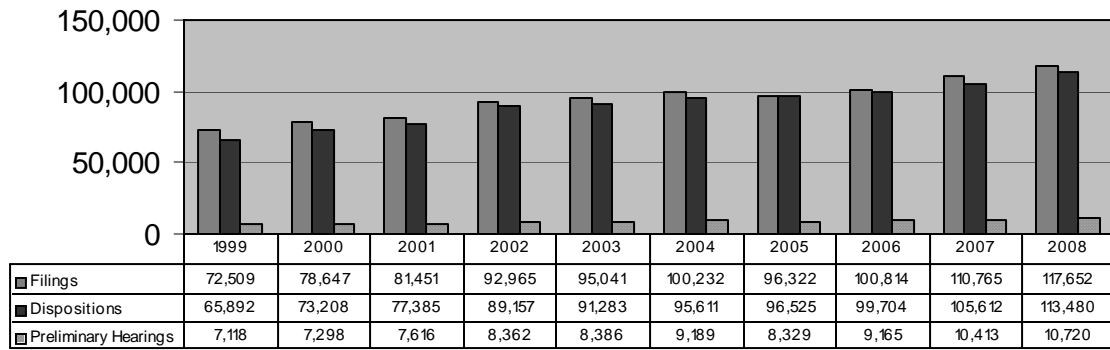
Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the Drug Court concept, the goal of Mental Health Court is to effectively serve the special needs of the

mental health population through continuous judicial oversight and intensive case management.

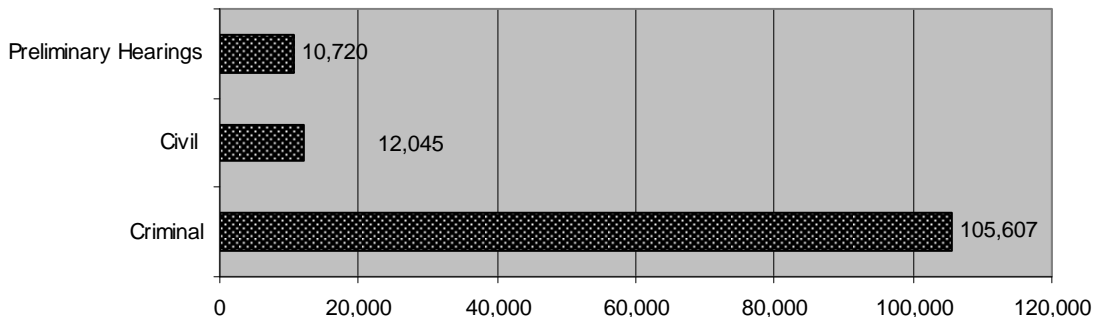
Traffic Court, also established in 2003 in New Castle County, continues to serve the public well. Although the Court's high volume caseload currently results in a considerable wait to resolve a traffic case, persons charged are required to appear only once, resulting in greater convenience to the public in dealing with minor traffic offenses.

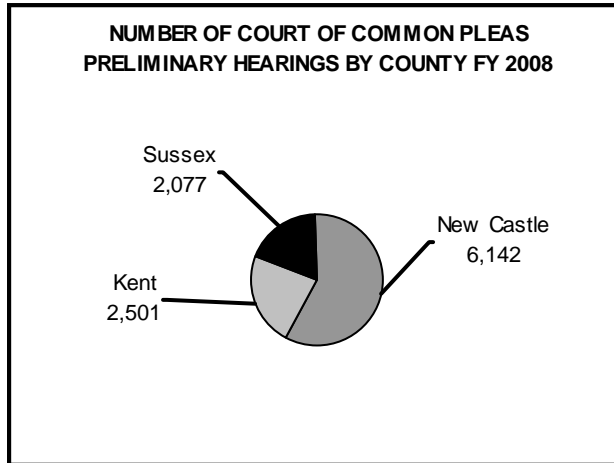
In spite of the challenges of managing a large and increasingly complex caseload, judges and staff remain committed to the mission of the Court of Common Pleas - to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient 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 CIVIL & CRIMINAL FILINGS & DISPOSITIONS & PRELIMINARY HEARINGS BY FISCAL YEAR



NUMBER OF COURT OF COMMON PLEAS FILINGS BY TYPE FY 2008





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.

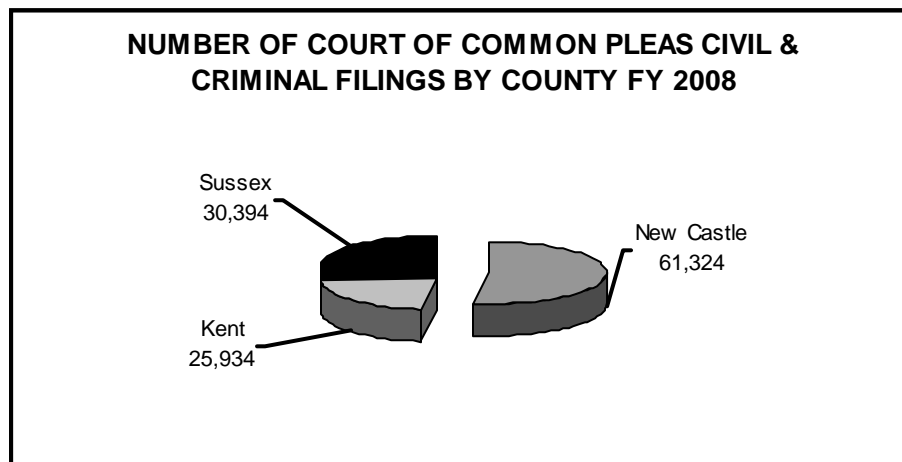
In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware Court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995. On May 1, 1998, the Municipal Court was merged 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



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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 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 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 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.