

2009 ANNUAL REPORT OF THE DELAWARE JUDICIARY





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IN MEMORY OF SENATOR THURMAN ADAMS, JR., PRESIDENT PRO TEMPORE OF THE SENATE



The Judiciary honors and recognizes the late Senator Thurman Adams, Jr., President Pro Tempore of the Senate, for his many years of service to the State and his support of the Delaware Judiciary. During his 37 years in the Senate, Senator Adams served as a member and chairman of the Senate Executive Committee, and chairman of the Senate Judiciary Committee, among other leadership roles. Senator Adams worked closely with the Delaware Judiciary on many important initiatives, including court jurisdictional changes, new judgeships and other resources, and implementation of the Delaware Compensation Commission's recommendations. The members of the Judiciary considered Senator Adams a true friend of the Judiciary, who was keenly aware of the importance of the courts to everyday persons. As chairman of the Executive Committee for 32 years, he oversaw the nomination process for almost all currently sitting Delaware judges. According to those who knew Senator Adams well, he relished that leadership role, considering it a favorite aspect of his Senate work. His support of the Delaware Judiciary, thoughtfulness, and courteous approach, will long be remembered.



Standing from left to right: Senator Thurman Adams, Jr.; Lydia Prigg, Director of Boards and Commissions; Chief Judge Chandlee Johnson Kuhn; President Judge James T. Vaughn, Jr.; the late Senator James T. Vaughn, Sr.; Chief Justice Myron T. Steele; and **seated**, then Governor Ruth Ann Minner.

MESSAGE FROM THE CHIEF JUSTICE



HONORABLE MYRON T. STEELE

On behalf of the Delaware Supreme Court, I am pleased to present the FY 2009 Annual Report of the Judiciary. Our theme of “Courts and Communities” focuses on the vital role that the courts play in our communities. Whether the case is a simple debt action in the Justice of the Peace Court, a complicated corporate case in the Court of Chancery, or a case handled by one of our problem-solving courts, such as our drug courts, mental health courts or truancy courts, our courts touch the lives of the many individuals, from a variety of communities, who interact with our courts each year. In FY 2009, individuals and entities filed more than 518,000 cases in Delaware courts, representing a 29% increase over a five year period. In addition to the demands caused by expanding caseloads, the State’s fiscal challenges are impacting the courts’ ability to provide core services to our communities.

Since the beginning of the fiscal challenges in 2008, the Judiciary has worked in partnership with the other branches of government to address these problems. As a part of that effort, in FY 2009, the Judicial Branch adopted a three-pronged approach to coping with the budget situation, which included: 1) cutbacks in non-fixed costs, 2) a hiring freeze, and 3) creative options for enhancing revenues. First, \$1 million in cutbacks were taken from the small fraction of the Judicial Branch FY 2009 budget that represents non-fixed costs (funding which is not allocated for “mandatory” expenses, such as personnel and energy). These cutbacks have sliced deeply into the courts’ budgets, since only \$7.3 million, or 8% of the Judicial Branch’s \$90.3 million budget, was appropriated for non-fixed costs in FY 2009. Second, the Judicial Branch implemented a hiring freeze beginning in March 2008, which has precluded the filling of all but the most critical vacant positions – those related to security and case processing. Through the implementation of this painful, but necessary, hiring freeze, the Judiciary saved \$2 million in FY 2009. Finally, the Judicial Branch implemented creative approaches to increase State revenues, through fee increases, collections efforts, and other sources. During the past year, the combined efforts of the courts and the AOC generated \$2.8 million in new State revenue. One new initiative was the Office of State Court Collections Enforcement (OSCCE) program to maximize collections of outstanding Department of Correction supervision fees. That program, combined with OSCCE’s other initiatives, brought in \$4.2 million in collections in FY 2009 – an 11% increase over the previous year.

We are grateful that, even given the bleak fiscal outlook, three critically important Judiciary projects were included in the State budget in FY 2009: 1) two New Castle County Superior Court judges and staff, 2) the Kent County Court Complex construction project, and 3) the newly created court security fund, which enhances the safety of courthouse visitors and employees by providing additional security personnel and improvements. Although continuing fiscal problems prevented the filling of the Superior Court judgeships and staff positions during this year, it is critical that the new judgeships be filled in FY 2010. With the funding appropriated for the Kent County Court Complex in FY 2009 and anticipated for FY 2010, if additional funding is awarded in FY

MESSAGE FROM THE CHIEF JUSTICE

2011, the first phase of the project – the new courthouse – is expected to be completed in 2011, with the renovation of the historic courthouse to follow.

Despite the dire fiscal situation, FY 2009 was not without its highlights. The Judicial Branch remains highly regarded on a national and international basis, as evidenced by the Delaware courts and individual judges' recognition for their leadership roles. The Delaware courts, particularly the Superior Court, were named the premier court system in the country for the seventh consecutive year by the United States Chamber of Commerce Institute for Legal Reform, and individual Delaware judges were again ranked in the top 10 of the *Directorship's* most influential players in corporate governance, and were named high on the list of the 100 most influential persons in business ethics by *Ethisphere Magazine*. A June 2009 article in the *Lawdragon* legal magazine praised Delaware's judiciary as "the finest bench, pound for pound, in the United States," concluding that the "excellence of [Delaware] judges in terms of rigor, devotion, intelligence, and scrutiny have made Delaware the forum of choice for the nation's corporations for more than 200 years." Also in FY 2009, the Securities and Exchange Commission, for the first time, certified questions of Delaware law to the Delaware Supreme Court, under jurisdiction created through a recently enacted Delaware constitutional amendment. The SEC's decision to use the new certification process demonstrated the importance of Delaware corporate law on a national level, as well as the compelling benefits, including financial, that flow to the State as a result of our preeminence in corporate law. In addition, the Delaware Supreme Court co-sponsored, along with the Mid-Atlantic Conference of Chief Justices and the National Center for State Courts, a conference on business courts in the fall of 2008.

Significant work on system-wide improvements was performed in FY 2009, through the efforts of the Supreme Court Mental Health/Criminal Justice Task Force and the Delaware Courts: Fairness for All Task Force, along with other initiatives. The Supreme Court Mental Health/Criminal Justice Task Force was established through a competitive grant from the Council of State Governments' Justice Center and functions, under the leadership of Justice Henry duPont Ridgely, to develop solutions to problems that individuals with mental illness face within the criminal justice system. The Fairness Task Force, created by the Supreme Court and led by Chief Magistrate Alan G. Davis and State Court Administrator Patricia W. Griffin, conducted public hearings, and surveyed the public, attorneys, judges and court staff during the past year, in order to develop recommendations on promoting fairness in the courts.

Looking ahead to FY 2010, the Judicial Branch will face additional painful fiscal budget reductions, including a 2.5% pay cut for Judicial Branch employees. Although the Delaware State Constitution precludes the reduction of the salaries of judges, commissioners, and justices of the peace while in office through a budget pay cut, 100% of Delaware judges, commissioners, and justices of the peace have agreed to share in the sacrifice felt by State employees, by volunteering to take a similar reduction in pay, either through a voluntary reduction in pay or contributions to charitable organizations, without regard to deductibility. Many of the charitable organizations receiving contributions from members of the Delaware judiciary provide services to those accessing the courts and also face State funding cuts for FY 2010.

In closing, I am extremely grateful for the cooperation and dedication of my colleagues on the Bench, and court staff, who worked under difficult circumstances during this past year, while remaining committed to providing first quality public service, regardless of the hardships. We look forward to a future time – and we are not yet sure when that will be – when the struggle is less daunting because the Judicial Branch's resources will be more commensurate with its needs.

Respectfully,



Myron T. Steele

COURTS AND COMMUNITIES

Our courts exist to serve our communities. From an abused child to an elderly person needing a guardian, from a self-represented litigant to a national corporation, all are members of our diverse community and the Judicial Branch seeks to ensure fairness for all. In this Annual Report, we recognize the many ways in which the Delaware Judicial Branch serves our community. Examples of the Branch's many initiatives addressing diverse community issues are:



Assisting Self-Represented Litigants

Whether due to financial necessity or a positive attitude, a large segment of our community is representing itself in court. These litigants need information to help them navigate the court system and Delaware courts

are serving this segment of our community in a variety of ways. Informational materials and forms to assist litigants in filing their cases and understanding the procedures involved are available through the Judicial Branch web site and at the individual courts. Personal assistance in filling out forms and filing cases is also available through the Family Court Resource Centers in each county, while an opportunity to speak with a lawyer about a specific question related to a Family Court case is available from volunteer attorneys through the Limited Pro Bono Program operated by the Administrative Office of the Courts in conjunction with Delaware Volunteer Legal Services.

In an effort to develop a more fully integrated approach to serving self-represented litigants, and to promote procedural fairness and the perception of procedural fairness, Chief Justice Myron T. Steele created a new task force, Delaware Courts: Fairness for All, in June 2008. The Task Force has been reaching out to the community to actively study the needs of self-represented litigants through public hearings, meetings with social service agencies, and surveys. The Task Force plans to issue a report early in fiscal year 2010 and to begin implementation activities thereafter.

Protecting the Vulnerable

Many court functions are designed to protect those members of our community who must rely on others for vital life and financial decisions, whether through infirmity, youth, mental incapacity or other reasons. These members of our community are served both by a number of court initiatives and by our Judicial Branch agencies.

The Elderly and Disabled

A new guardianship monitor program initiated this year by the Court of Chancery, provides guardians of the elderly and disabled with information and guidance and uses volunteers to review the care being provided and compliance with Court orders. The Office of the Public Guardian, a Judicial Branch agency, also helps the elderly and disabled by serving as a guardian for those individuals without family or friends to serve as guardian and who cannot afford a private provider. Another Judicial Branch agency, the Nursing Home Residents Quality Assurance Commission, protects those elderly and disabled persons residing in nursing homes by monitoring Delaware's quality assurance system to ensure the health and safety of nursing home residents.

Children Suffering from Abuse or Neglect

The Family Court, Delaware's court dedicated to handling matters involving families and children, handles cases involving custody and termination of parental rights. In making these important decisions regarding the welfare of some of these most vulnerable members of our community, the Court is aided by information provided by volunteer guardians ad litem who are appointed by the Court and who serve as advocates for the children. These guardians are provided through a Judicial Branch agency, the Office of the Child Advocate, which provides volunteer attorneys, as well as through the CASA program, which is a division of Family Court. In addition, children in foster care are served by another Judicial Branch agency, the Child Placement Review Board, which reviews placements and reports its findings to Family Court with the goal of protecting children in foster care. Protecting children is also a goal of the Child Death, Near Death and Still Birth Commission, a Judicial Branch agency which works to prevent future child deaths and improve services to children.



Office of Child Advocate clients, Tannis and Latreast



Court of Common Pleas Judge Joseph F. Flickinger, III, with staff, ready to preside over the New Castle County Mental Health Court.

Improving Service to those with Special Needs and Special Problems

Many members of our community who come into contact with the criminal justice system suffer from mental health and/or drug abuse problems. Our drug courts and mental health courts (in the Superior Court, Family Court and Court of Common Pleas) work with non-violent defen-

dants with these problems to help them improve their health and prevent re-entry to the criminal justice system. In addition, the Judicial Branch is spearheading a Mental Health/Criminal Justice Task Force which is working with the other branches of government, as well as representatives of the medical community, advocacy groups, and others. The Task Force is developing strategies to coordinate services and ensure the fairness of the justice system for those members of our community with mental illnesses or co-occurring disorders, as well as our community as a whole. Finally, the Justice of the Peace Court has Truancy Courts in each county designed to work with truant children and their parents with the goal of preventing school attendance issues from becoming the gateway to juvenile delinquency.



Family Court Commissioner Loretta Young, with staff, presiding over Mental Health Diversion Court for juveniles in New Castle County.

COMMUNITIES



Family Court Judge William L. Chapman, Jr., with staff, who work to ensure the success of the New Castle County Drug Court Program.



Superior Court Judge Jan R. Jurden, presiding over New Castle County Violation of Probation Mental Health Court.



Court of Common Pleas Judge Charles W. Welch, III, with staff, handling Kent County Drug Court cases.



Superior Court Commissioner Alicia B. Howard, presiding over Sussex County Drug Court.

Ensuring Fairness for Racial and Ethnic Minorities and those with Limited English Proficiency

The Judicial Branch is committed to promoting racial and ethnic fairness in the courts themselves and in the justice system overall. In support of this commitment, Justice Henry duPont Ridgely of the Supreme Court and Chief Judge Alex J. Smalls of the Court of Common Pleas are chairing a racial and ethnic fairness initiative in conjunction with the Criminal Justice Council. As part of this initiative, mandatory diversity training for court staff was held during the past year and an educational program was presented at the Judicial Conference meeting in the fall of 2008. Further efforts are being planned for the upcoming year.

For those members of our community with limited English proficiency, whether because they speak another language or because they are deaf or hard of hearing, the Judicial Branch administers a court interpreter program to address the critical need for qualified interpreters to ensure full access to the courts.

COURTS AND COMMUNITIES

Working with Schools to Educate Students on the Courts and the Justice System

Understanding the courts and the rule of law is a critical part of becoming an informed citizen and member of our community. The Judicial Branch seeks to assist in this process through a series of initiatives involving teachers and students, as well as a web site providing educational resources for students and teachers. For high school students, each year the Judicial Branch works with the Delaware Law Related Education Center, the Delaware State Bar Association, high schools, and others to sponsor a mock trial competition. The competition provides high school students a “hands on” opportunity to learn more about how the court system works and to hone their advocacy skills in a real courtroom setting.



Santa Claus in Miracle on 34th Street

For middle school students, the Judicial Branch worked with the Offices of the Attorney General and Public Defender during the past year to provide a program on legal careers and the workings of the court system. A series of similar programs are being planned for the upcoming year, with the goal of helping students grow into responsible citizens of our community. An annual event, sponsored in conjunction with local attorney Richard Herrmann, draws approximately 1,000 elementary school students from throughout the state during December to watch a re-enactment of the courtroom scene from Miracle on 34th Street.



Paul R. Wallace, Deputy Attorney General, talking with “Classroom to Courtroom” participants preparing for their mock trial presentation.

Teachers are also a vital part of the Judicial Branch’s efforts to support education relating to the court system. The Branch worked with the University of Delaware to sponsor a three day teaching institute in June 2009, “From Classroom to Courtroom”, to provide teachers with the tools needed to teach students about the justice system. The institute is slated to be held again next June.

Responding to the Needs of Business Entities

Whether a small local business or a large national corporation, business entities comprise another segment of our community whose needs our courts seek to address. Examples of initiatives designed to best serve this part of our community start in the Delaware Supreme Court which has jurisdiction to address questions certified to it by the Securities and Exchange Commission, thus providing expedited decisions and greater certainty with regard to corporate law. In the Court of Chancery, parties to business disputes exceeding \$1 million may choose to pursue a special mediation process, whether or not there is any existing litigation pending and in the Superior Court, the parties in commercial disputes that exceed one hundred thousand dollars may elect to proceed in accordance with expedited procedures. In small cases, the Justice of the Peace Court, through Supreme Court Rule 57, permits artificial entities (including business entities, such as corporations) to appear in court without an attorney, as long as they register an appropriate representative with the Justice of the Peace Court. Finally, electronic filing in all Delaware courts provides important conveniences for businesses, as well as others.



HONORABLE PATRICIA W. GRIFFIN

As we focus on the Judicial Branch's service to our community, I would like to begin by recognizing the many activities and achievements of the Administrative Office of the Courts this year that focus most directly on serving our community. The following are highlights of these activities.

Self-Represented Litigants/Procedural Fairness

Over the past year, the Delaware Courts: Fairness for All Task Force embarked on a concerted effort to learn more about the needs of self-represented litigants in civil cases and how to best meet them, including how to increase procedural fairness and the perception of procedural fairness. Using public hearings, meetings with agencies who serve self-represented litigants, as well as surveys of self-represented litigants, judges, attorneys, and court staff, the Task Force prepared a draft report making recommendations for promising ways to meet identified needs. It is anticipated that the draft will be submitted to the Supreme Court in early 2010 and that implementation activities will begin upon the Court's acceptance of the report. The Task Force, which was created by Chief Justice Myron T. Steele in June 2008, is staffed by the AOC, and I am honored to serve as co-chair along with Chief Magistrate Alan G. Davis.

The AOC has also continued to assist self-represented litigants in its limited pro bono assistance program through which self-represented litigants can obtain information regarding specific questions from volunteer attorneys.

Mental Health and Criminal Justice

Another Task Force, the Mental Health/Criminal Justice Task Force, also staffed by the AOC, has been working

on identifying issues faced by people with mental illnesses and exploring ways to improve their treatment in the criminal justice system. Chaired by Justice Henry duPont Ridgely, the Task Force has brought together judges, legislators, members of the Executive Branch and nonprofit organizations to develop a strategic plan. An interim report was issued this year detailing the Task Force's projects and a list of preliminary issues. Work will continue over the course of the coming year on developing a strategic plan for addressing identified issues.

Racial and Ethnic Diversity

In support of the branch-wide racial and ethnic fairness initiative chaired by Justice Henry duPont Ridgely and Chief Judge Alex Smalls, the AOC sponsored a series of sessions in the fall for court staff to explore diversity issues. The sessions, which helped staff to understand some of the difficulties that persons from other cultures may have in dealing with the court system, were attended by close to five hundred court employees.

Language access issues were also an area of emphasis this year, with a revised language access plan having been developed and adopted by the Court Interpreters Advisory Committee. In accordance with the plan, which called for increasing translated materials, explanatory information regarding the adult and juvenile criminal processes was translated into Spanish and was placed on the Judicial Branch web site. Also, universal and Spanish signage was added in the New Castle County Courthouse. In addition, five orientation sessions were held throughout the state for potential new interpreters, and certification testing was held in Wilmington and Dover.

MESSAGE FROM THE STATE COURT ADMINISTRATOR

Community Outreach

During the past year, the Administrative Office of the Courts continued existing outreach programs and added new initiatives. A new effort, begun in the fall of FY 2009, was a youth forum held for middle school students to teach them about the court system and careers in the legal field. In December, the AOC assisted with the Miracle on 34th Street performances (for elementary school students) led by local attorney Richard Herrmann and in February, the annual mock trial competition (for high school students) was held. In June, the AOC, in conjunction with the University of Delaware, began what is expected to be an annual event - a three day program for teachers, "From Classroom to Courtroom". The program provided fourteen teachers from throughout the state the opportunity to learn more about the court system so that they can take this information back to their students and fellow teachers.

In addition to its activities directly serving the community, the Administrative Office of the Courts performs many "behind the scenes" services which serve the community by supporting the operations of the court system. These include:

Fiscal and Human Resources

With the fiscal challenges facing the State over the past year, the AOC has worked intensively with the courts, Judicial Branch agencies, and the other branches of government in the difficult process of finding areas in which to make budget cutbacks and reduce expenditures, while still maintaining the core services so vital to our community. As part of our cost-cutting process, the Judicial Branch also initiated a hiring review process through which the Chief Justice reviews hiring requests from courts and Judicial Branch agencies to ensure that only the most mission critical vacancies are filled during this time of fiscal crisis. The AOC has taken an active role in coordinating this process with the courts and Judicial Branch agencies.

Payment and Collections

The Office of State Court Collections Enforcement continued to increase amounts collected with total collections for Fiscal Year 2009 reaching \$4.2 million - which exceeded the previous year's total by 11.1 %. This included a record \$1.15 million in Department of Correction supervision fees, representing an increase of 169% over a two year period, as well as a record \$141,000 for Justice of the Peace Court collections - a 119% increase over a two year period. Payment of current fines was

made easier as new processes were implemented in the Filing and Payments Center in the New Castle County Courthouse, permitting individuals to pay fines there that are due anywhere in the state. The Filing and Payments Center was also instrumental in handling collections during the Fugitive Safe Surrender Project this year.

Continuity of Court Operations Planning

During the past year, the AOC has continued to make progress in planning for continuity of operations in the event of an emergency as the AOC and Family Court were among the first organizations to complete the State's fully automated statewide continuity of government planning system (known as the Living Disaster Recovery Planning System). It is anticipated that all courts will complete this process in Fiscal Year 2010. Each court has also continued to update its individual continuity of operations plan. A related effort was completed this year when legislation clarifying the authority of the Judicial Branch to make crucial operational decisions after catastrophic events was enacted on May 19, 2009.

Court Security/Facilities

This year, plans for several vital security related improvements for the New Castle County Courthouse were approved for implementation during FY 2010 using special funds from the court security assessment. Court security was also enhanced with Red Cross certification of court security staff throughout the state conducted by the AOC staff trainer.

Technology Management and Support

The COTS case management project continued to be the major focus for the Judicial Information Center this year with civil implementation in the Court of Common Pleas in Kent and New Castle Counties taking place in November 2008 and work toward implementation in Superior Court in Kent and New Castle Counties, as well as later phases, moving forward. Other notable technology projects this year included revisions to courtroom assistant (a tool which enables judges and court staff to access case information), e-filing training and support for those using the new e-filing processes in the Court of Common Pleas and Justice of the Peace Court, provision of technology support to the Fugitive Safe Surrender Project, as well as work on a project to provide online access to trade names information for the Superior Court.

LEGISLATIVE HIGHLIGHTS

The Judiciary's legislative team brings together representatives of the courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation affecting the Judicial Branch was passed during FY 2009 by the 145th session of the General Assembly.

BILL NUMBER	DESCRIPTION
SB 25	Provides for the operation of the courts in the event of an emergency that destroys or severely damages one or more court facilities or severely impacts the ability to staff the courts.
SB 36	Revises certain procedures relating to trespass, replevin and detinue claims in the Justice of the Peace Court.
SB 37	Provides for Justice of the Peace Court costs to be set by court rule, rather than by statute.
SB 114	Authorizes the Family Court to conduct national criminal background checks in civil proceedings involving minors.
HB 61 w/HA 1	Provides that the failure to answer a summons for a motor vehicle offense shall not be charged as a separate offense if a capias has been issued or if the defendant's driver's license or driving privileges have been suspended as a result of failure to pay the summons through voluntary assessment.
HB 68	Provides that a conviction for driving while license suspended/revoked shall not be considered to establish habitual offense status if the reason for suspension/revocation was failure to pay a fine for a traffic offense that is eligible for voluntary assessment.
HB 49	Authorizes parties to agree to arbitration hearings in the Court of Chancery and amends the Delaware Uniform Arbitration Act.
HB 151	Eliminates jury commissioners.
HB 220	Adds the Chief Justice of the Delaware Supreme Court or the Chief Justice's designee to the State Employee Benefits Committee.

COTS FY 2009 HIGHLIGHTS



Progress in implementation of the Judicial Branch's new integrated case management system, Contexte, continued over the past year with the successful completion of phase 4a, which consisted of implementation of the civil system in the Court of Common Pleas in Kent and New Castle Counties. (The Contexte system was implemented in the Sussex County Court of Common Pleas and the Sussex County Superior Court at the end of fiscal year 2008.) The new system provided important benefits to both filers and the courts.

Along with COTS, the eFlex system for e-filing civil cases was established in the Justice of the Peace Court and Court of Common Pleas. E-filing was implemented concurrently with the implementation of the Contexte system in the Court of Common Pleas in November 2008. In the Justice of the Peace Court, as well as the Court of Common Pleas, e-filing became mandatory for attorneys in November 2008 and for certain other multiple filers and for State agencies on December 1, 2008. New users receive assistance in learning how to e-file through training sessions conducted on a regular basis and a help desk which is available to answer questions arising during filing.

The new e-filing system provides important benefits to both filers and courts. Users appreciate the savings in time from being able to file electronically and to pay their filing fees by credit card or by setting up a Court Debit Account. The eFlex system also benefits the courts by enhancing case processing efficiencies through reduction of data entry and dependence on paper files.

The coming year will bring implementation of Contexte in the Superior Court in Kent and New Castle Counties. This will provide important time savings to the Court because Contexte will download information from the Court's e-filing system, thus saving data entry time.

Other new features associated with COTS include access to civil case information remotely through CourtConnect. This enhanced public access, recently approved by the Judiciary, will be implemented in FY 2010 and will allow internet access to general information about the progress of civil cases in the Justice of the Peace Court, the Court of Common Pleas and the Superior Court.

FISCAL OVERVIEW



FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2008-2010*

GENERAL FUNDS - State Judicial Agencies and Bodies

	FY 2008	FY 2009	FY 2010
	Enacted Budget	Enacted Budget	Enacted Budget
Supreme Court	\$ 3,195,000	\$ 3,219,500	\$ 3,140,700
Court of Chancery	3,074,500	3,105,100	3,012,700
Superior Court	21,605,100	22,202,600	21,257,200
Family Court	19,393,200	19,619,900	18,984,000
Court of Common Pleas	9,035,000	9,260,400	8,996,900
Justice of the Peace Court	17,182,500	17,261,300	16,664,80
Administrative Office of the Courts (AOC)	3,672,200	3,742,700	3,478,400
AOC Custodial Pass Through Funds**	4,940,000	4,940,000	4,876,300
Office of State Court Collections Enforcement	559,400	560,500	543,000
Judicial Information Center	3,545,200	3,585,700	3,448,400
Law Libraries	488,500	491,100	453,000
Office of the Public Guardian	494,900	501,700	481,200
Child Placement Review Board	520,800	526,600	502,200
Educational Surrogate Parent Program***	101,000	-	-
Office of the Child Advocate	842,600	876,500	836,200
Child Death, Near Death & Stillbirth Commission	402,500	418,600	393,900
DE Nursing Home Residents Quality Assurance Commission	55,900	56,700	54,700
TOTAL	\$ 89,108,300	\$ 90,368,900	\$ 87,123,600

*The FY 2008 and FY 2009 Enacted Budgets do not reflect reversions of appropriated budget funds back to the General Fund. Judicial Branch reversions were \$267,200 in FY 2008 and \$735,200 in FY 2009. As of the date of publication, no reversions had been taken in FY 2010.

**These programs are included in AOC funding but are shown separately because they are pass-through funds. They include the Court Appointed Attorney Programs, Interpreters, Victim Offender Mediation Program, Elder Law Program, and COTS.

***Educational Surrogate Parent Program was transferred to the Department of Education effective July 1, 2008.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2009					
Submitted to the State General Fund					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Supreme Court	\$ 82,000	\$ -	\$ -	\$ -	\$ 82,000
Court of Chancery	9,400	-	145,500	-	154,900
Superior Court	3,436,100	350,000	19,700	247,200	4,053,000
Family Court	1,338,900	55,100	-	10,000	1,404,000
Court of Common Pleas	3,035,800	974,500	-	168,300	4,178,600
Justice of the Peace Court	3,021,400	1,213,000	-	15,900	4,250,300
Office of State Court Collections Enforcement (OSCCE)**	10,000	9,100	-	-	19,100
OSCCE - DOC Fees***	1,154,700	-	-	-	1,154,700
State Total	\$12,088,300	\$ 2,601,700	\$ 165,200	\$ 441,400	\$15,296,600
Submitted to Counties and Municipalities					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	\$ 151,100	\$ 53,900	\$ -	\$ -	\$ 205,000
Court of Common Pleas	4,800	855,400	-	-	860,200
Justice of the Peace Court	-	3,023,000	-	-	3,023,000
Counties and Municipalities Total	\$ 155,900	\$ 3,932,300	\$ -	\$ -	\$ 4,088,200
GRAND TOTAL	\$12,244,200	\$ 6,534,000	\$ 165,200	\$ 441,400	\$ 19,384,800

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

**The figures shown for the Office of State Court Collections Enforcement (OSCCE) in this row reflect fees, costs and fines for cases that have been closed by Family Court. OSCCE also collects fees, costs and fines for current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of Superior Court and the Justice of the Peace Court are included in the figures for those courts. See also the OSCCE table on page 15 for amounts collected by OSCCE for each court.

***OSCCE collected supervision fees on behalf of the Department of Correction (DOC).

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE - FISCAL YEAR 2009					
Received by Violent Crimes Compensation Board					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	\$ -	\$ 478,200	\$ -	\$ -	\$ 478,200
Family Court	-	15,600	-	-	15,600
Court of Common Pleas	-	727,100	-	-	727,100
Justice of the Peace Court	-	1,018,200	-	-	1,018,200
Office of State Court Collections Enforcement	-	5,200	-	-	5,200
Restitution	-	346,000	-	-	346,000
Other	-	-	4,700	29,800	34,500
VCCB TOTAL	\$ -	\$ 2,590,300	\$ 4,700	\$ 29,800	\$ 2,624,800

RESTITUTION - FISCAL YEAR 2009			
	Assessed	Collected	Disbursed*
Superior Court	\$ 10,729,000	\$ 2,322,900	\$ 2,745,200
Family Court	132,600	262,300	277,000
Court of Common Pleas	493,800	646,700	533,100
Justice of the Peace Court	46,400	60,000	54,000
Office of State Court Collections Enforcement**	-	52,400	34,400
RESTITUTION TOTAL	\$ 11,401,800	\$ 3,344,300	\$ 3,643,700

ASSESSMENTS AND COLLECTIONS FOR THE TRANSPORTATION TRUST FUND		
	Assessed	Collected
Superior Court	\$ 277,000	\$ 26,600
Family Court	18,300	8,600
Court of Common Pleas	980,000	319,300
Justice of the Peace Court	3,045,100	2,429,100
TRANSPORTATION TRUST FUND TOTAL	\$ 4,320,400	\$ 2,783,600

*The amount disbursed is greater than the amount collected because some funds collected in FY 2008 were disbursed in FY 2009.

**The figures shown in this table for the Office of State Court Collections Enforcement (OSCCE) reflect only restitution for cases that have been closed by Family Court. OSCCE also collects restitution on current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of those courts are included in the restitution figures for those courts.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COLLECTIONS BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT

On Behalf of Courts and Agencies*

	Total
Superior Court	\$ 2,863,200
Family Court	60,300
Justice of the Peace Court	140,900
Department of Correction	1,154,700
OSCCE - TOTAL COLLECTIONS	\$ 4,219,100

*In FY 2009, OSCCE collections included amounts submitted to the general fund, amounts submitted to non-general fund recipients, and restitution. Amounts collected by OSCCE on behalf of all courts, except Family Court, are also included in general fund and restitution figures for those courts.

GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2009**

	Total	As a %
Public Education	\$ 1,150,575,400	34.37%
Health and Social Services	930,275,600	27.79%
Correction	259,088,900	7.74%
Higher Education	241,831,500	7.22%
Children, Youth & Their Families	137,009,400	4.09%
Safety & Homeland Security	124,813,400	3.73%
Judicial Branch	90,368,900	2.70%
All Other	413,912,700	12.36%
TOTAL	\$ 3,347,875,800	100%

**The FY 2009 General Fund Appropriations do not reflect reversions of appropriated budget funds back to the General Fund. FY 2009 reversion information for Executive Branch agencies was not available as of the date of publication.

Source: Administrative Office of the Courts

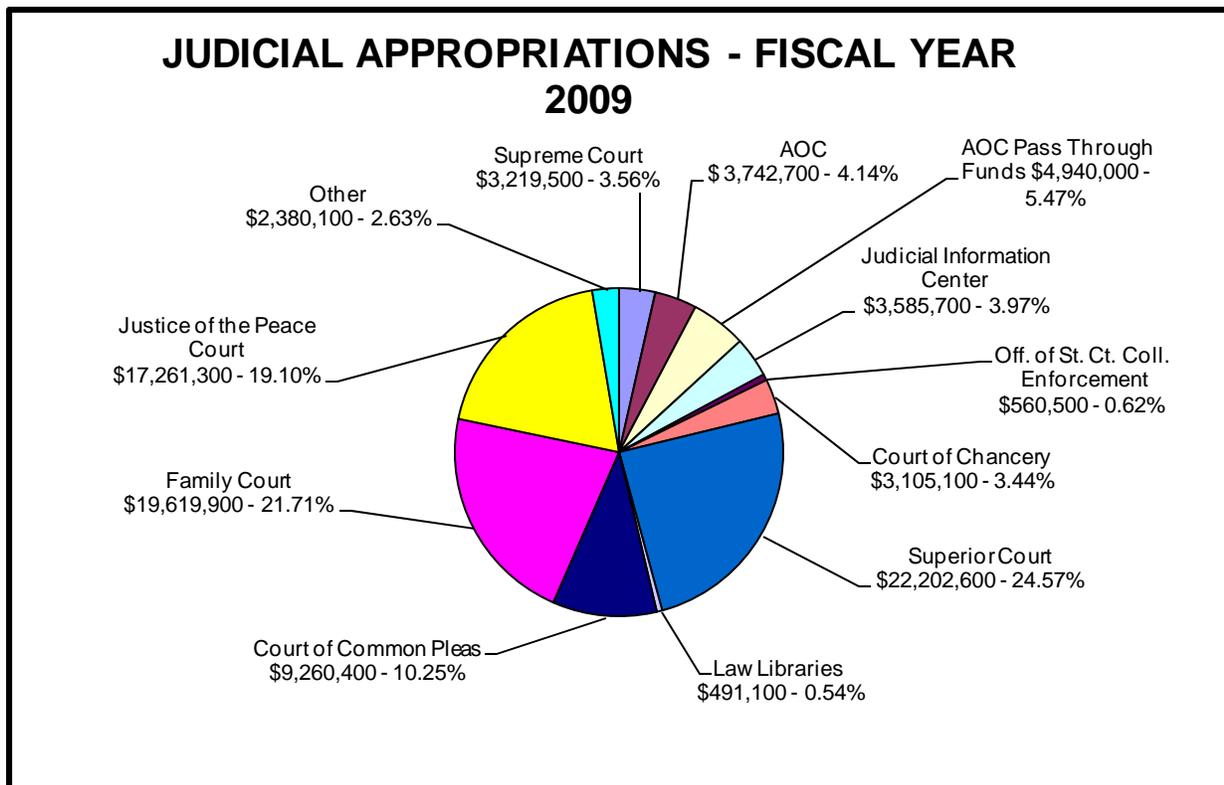
FISCAL OVERVIEW

JUDICIAL APPROPRIATIONS - FISCAL YEAR 2009*

	Total	As a %
Supreme Court	\$ 3,219,500	3.56%
Court of Chancery	3,105,100	3.44%
Superior Court	22,202,600	24.57%
Family Court	19,619,900	21.71%
Court of Common Pleas	9,260,400	10.25%
Justice of the Peace Court	17,261,300	19.10%
Administrative Office of the Courts (AOC)	3,742,700	4.14%
AOC Pass Through Funds	4,940,000	5.47%
Office of State Court Collections Enforcement	560,500	0.62%
Judicial Information Center	3,585,700	3.97%
Law Libraries	491,100	0.54%
Other**	2,380,100	2.63%
TOTAL	\$ 90,368,900	100%

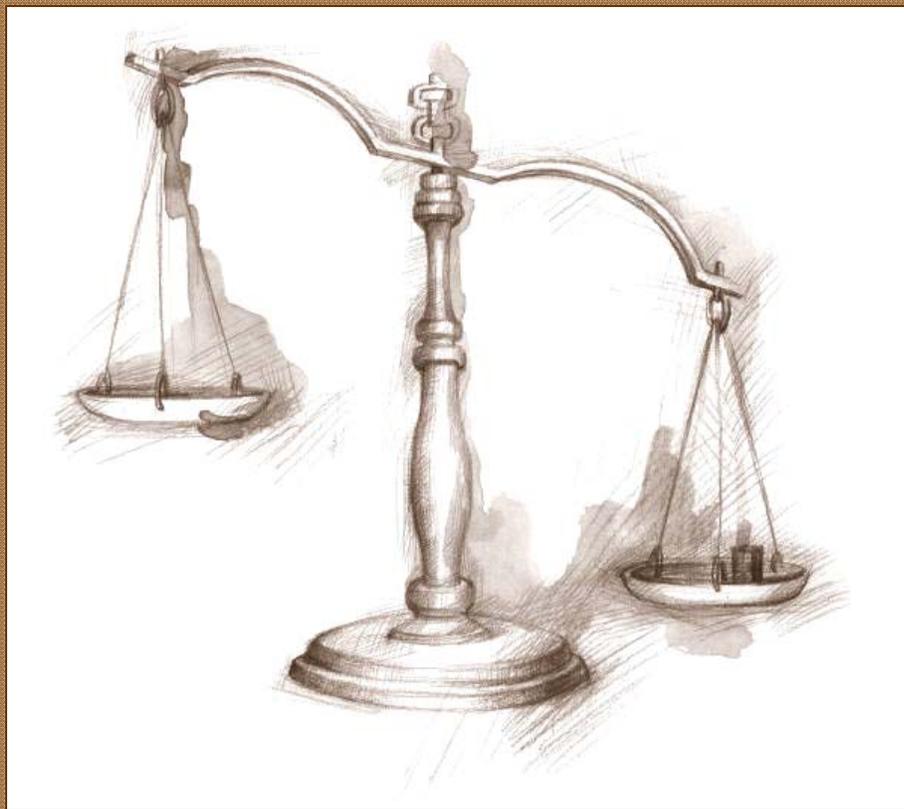
*The FY 2009 Judicial Appropriations do not reflect reversions of appropriated budget funds back to the General Fund. Judicial Branch reversions were \$735,200 in FY 2009.

**Other: Office of the Public Guardian; Child Placement Review Board; Office of the Child Advocate; Child Death, Near Death & Stillbirth Commission; and Delaware Nursing Home Residents Quality Assurance Commission.



Source: Administrative Office of the Courts

THE DELAWARE COURTS



INTRODUCTION TO THE

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.

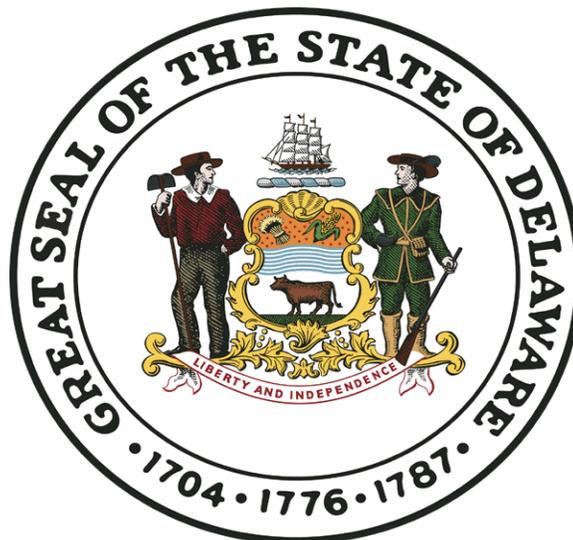
In terms of interrelationships among the courts, the Delaware court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become 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 except certain drug-related offenses. It also handles motor vehicle offenses (excluding 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 mone-

tary 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,

DELAWARE COURT SYSTEM

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 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 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.

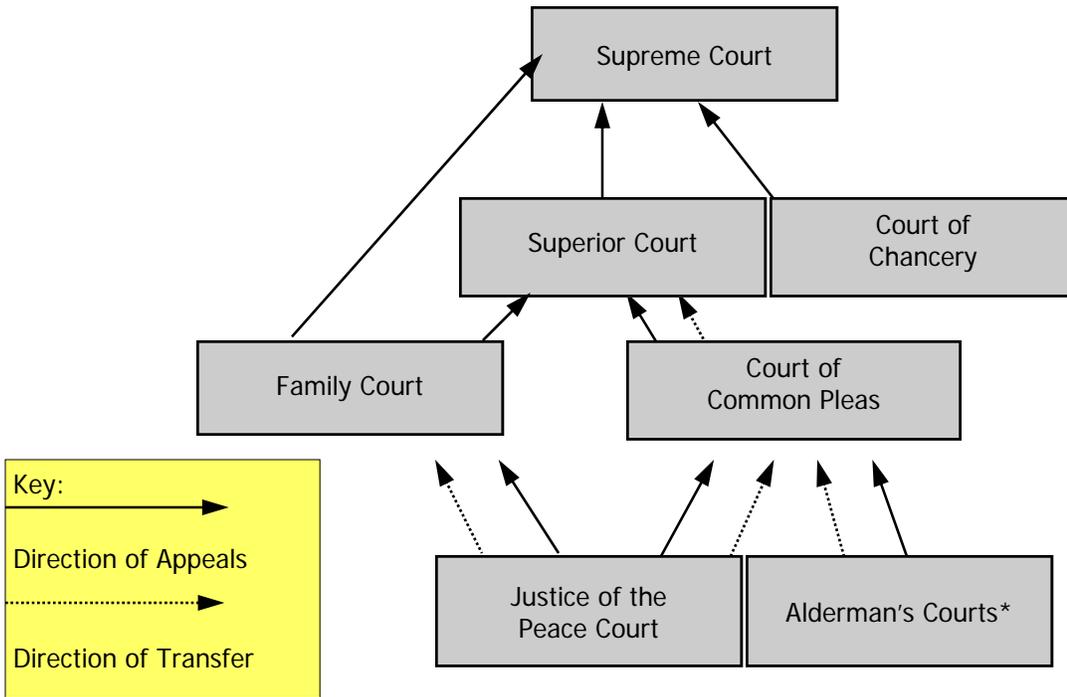
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established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

Other state agencies associated with the Delaware Judicial Branch include: Child Placement Review Board, 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.

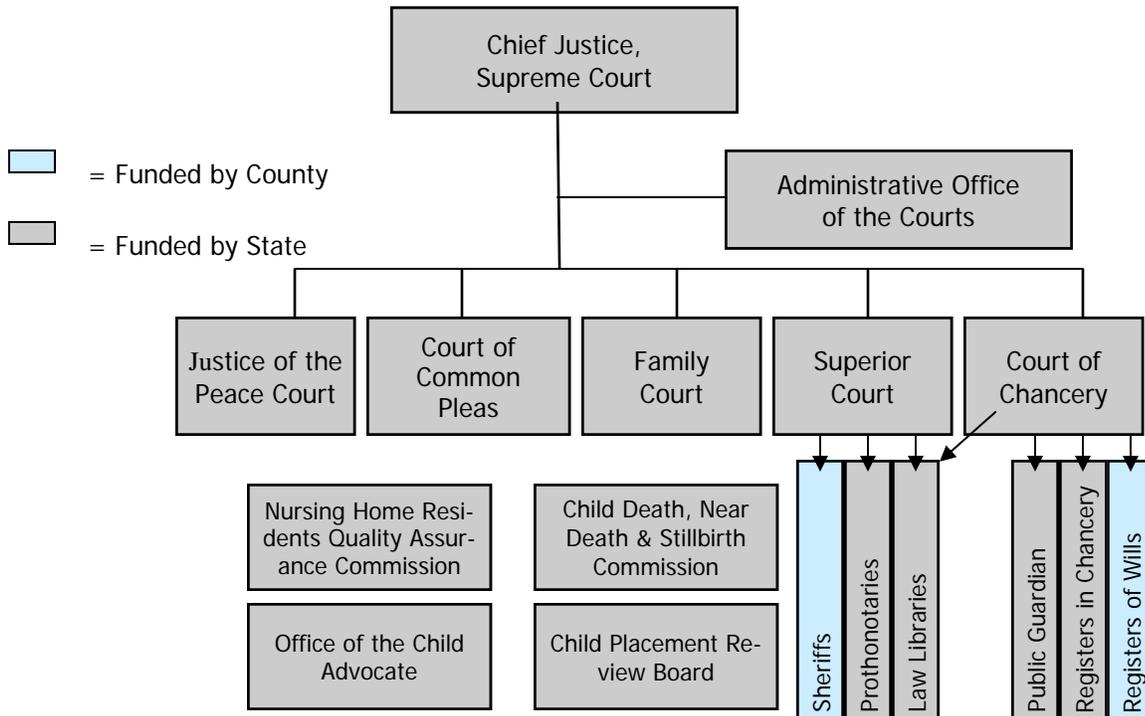


OVERVIEW OF THE COURTS

APPEALS & TRANSFERS



ADMINISTRATIVE AUTHORITY AND FUNDING



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 Psychiatric Center. 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 Court, 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, cases may be transferred or appealed to a State court.

HONORING JUSTICE MAURICE A. HARTNETT III

1927-2009



Portrait of Justice Maurice A. Hartnett, III, hanging in the office of his daughter, Court of Common Pleas Judge Anne Hartnett Reigle, in the Kent County Courthouse in Dover.

The Judiciary honors the late Justice Maurice A. Hartnett III and recognizes with gratitude the many outstanding contributions to the Judicial Branch and the State of Delaware he made during a lifetime of service to the community.

Justice Hartnett was first appointed to the bench in 1976, as a vice chancellor on the Court of Chancery. While on the court, he decided many corporate cases that received national attention. In 1994, he was appointed a justice of the Delaware Supreme Court where he served with distinction until his retirement in 2000.

Prior to his service on the Bench, Justice Hartnett practiced law on The Green in Dover, specializing in business and real estate law. During this time, he also served the Judiciary and the State in a number of capacities, including as Secretary of the Uniform Commercial Code Study Committee (1964), Secretary of the Constitutional Revision Commission (1968-69), Chairman of the Delaware Supreme Court Uniform Rules of Evidence Committee (1977), attorney for the House of Representatives (1959-60), Executive Director of the Legislative Reference Bureau (1961-69), Delaware Code Revisor (1961-72), Merit System Study Commissioner (1966), and Chairman of the State Tax Appeals Board (1973-76).

SUPREME COURT



In Fiscal Year 2009, the Delaware Supreme Court received 685 appeals and disposed of 705 appeals by opinion, order or dismissal. On average, the appeals were decided within 40.15 days from the date of submission to the date of final decision. In 93.3% of the appeals decided in FY 2009, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision. Based on the American Bar Association's Standards Relating to Appellate Courts, the Court set a performance measure for the disposition of 75% of all cases within 290 days of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 82.3% of all cases within the 290 day timeframe. The Court set another performance measure for the disposition of 95% of all cases within one year of the date of the filing of the notice of appeal. The Court disposed of 92.1 % within this one year timeframe.

During FY 2009, the Court issued significant Administrative Directives pursuant to Del.Const.Art.IV, §13(1). Under Administrative Directive No. 169, the Court adopted the Policies and Procedures for the Management of Non-Appropriated Funds. The Accounting Policy Committee, appointed under Administrative Directive No. 124, was directed to establish procedures to implement the Policies for the Management of Non-Appropriated Funds adopted under Administrative Directive No. 156. Administrative Directive No. 171 adopted revised Judicial Branch Personnel Rules to govern all personnel matters concerning all non-judicial, non-Merit Judicial Branch employees in all courts and agencies, the Administrative Office of the Courts and the Arms of the Supreme Court.

Among the Judiciary sponsored legislation during the 145th General Assembly were Senate Bill 25 and House Bill 220. Under Senate Bill 25, the legislation provides

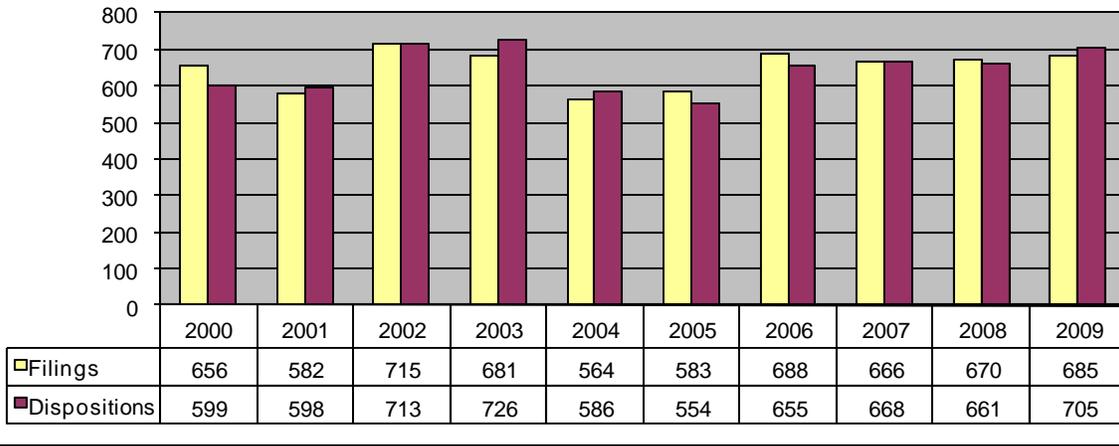
for the continuing operation of the courts in the event of an emergency due to natural or manmade causes that destroys or severely damages one or more court facilities or severely impacts the ability to staff the courts. Additionally, the legislation clarifies that the Chief Justice of Delaware has the authority to take necessary steps to ensure the orderly functioning of the courts during an emergency. Under House Bill 220, the Chief Justice of the Delaware Supreme Court was added as a member of the State Employee Benefits Committee, which addresses existing and future benefits for state employees.

The Delaware Supreme Court held a series of training sessions for court personnel in September 2008. There were two sessions in New Castle County, one in Dover and one in Georgetown. The September 2008 trainings were developed in response to recommendations from the Summit on Racial and Ethnic Fairness held in September 2007 by the Judicial Branch in conjunction with the Criminal Justice Council. The training sessions were designed to ensure that interactions with court staff promote fairness and the perception of fairness of the Judicial Branch. The audience was all court staff, and attendance was mandatory. The training sessions were organized by the Administrative Office of the Courts.

In the summer of 2008, the Delaware Supreme Court began to participate in the American Bar Association Section of Business Law Diversity Clerkship Program. Designed to increase the diversity of lawyers in the field of business law, the program gives special consideration to individuals who have overcome social or economic disadvantages to becoming a law student, such as physical disability, financial constraints, or cultural impediments. In the summer of 2009, the Court of Chancery also participated in the program.

SUPREME COURT

10 YEAR CASELOAD TREND SUPREME COURT FILINGS & DISPOSITIONS BY FISCAL YEAR

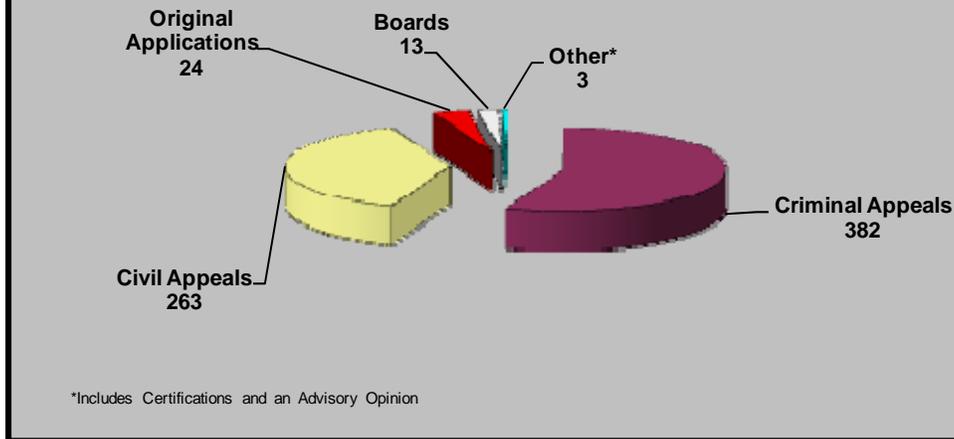


Delaware Supreme Court Administrative Directive No. 168, issued on June 12, 2008, created the Delaware Courts: Fairness for All Task Force to study the perceptions of fairness and the needs of self-represented litigants in the Delaware Courts. The Supreme Court intended the Task Force's work to complement the initiative to study and promote racial and ethnic fairness. The Task Force studied these issues using public and agency hearings and surveys of self-represented litigants, judicial officers, court staff and attorneys in order to expand the understanding of the public's perception of fairness.

Among those issues about which the Task Force sought to gain a better understanding were how language and cultural differences affected perceptions of fairness.

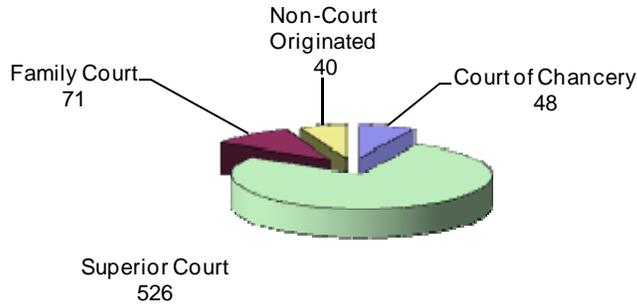
During the past fiscal year, 3,676 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court continues to grant Delaware Certificates of Limited Practice to in-house counsel pursuant to Rule 55.1 and Delaware Certificates of Limited Practice as a Foreign Legal Consultant pursuant to Rule 55.2.

NUMBER OF SUPREME COURT FILINGS BY TYPE FY 2009



SUPREME COURT

NUMBER OF SUPREME COURT FILINGS BY COURT OF ORIGINATION FY 2009



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

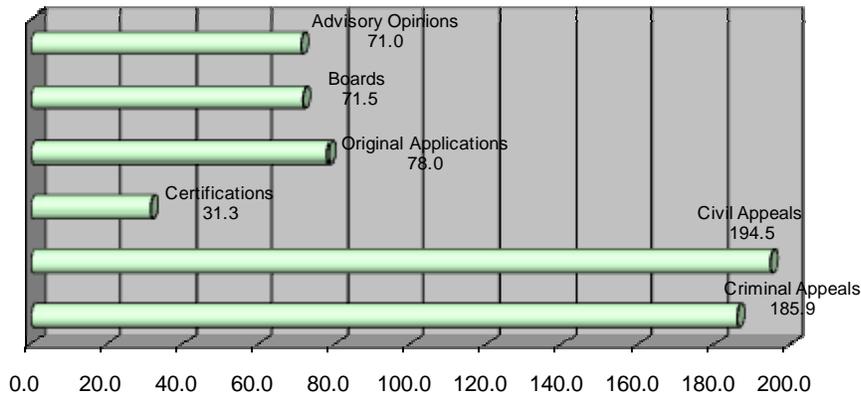
those judges who did not participate in the original litigation in the lower courts.

These judges would hear the appeal *en banc* (collectively) and would exercise final jurisdiction in all matters in both law and equity.

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 FY 2009 AVERAGE NUMBER OF DAYS FROM FILING TO DISPOSITION BY CASE TYPE



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 court administrator, 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

Since 1792 the Court of Chancery has been an indispensable component of Delaware's legal culture. The Court's preeminence in American business law has long been established. Two of the ingredients that have enabled the Court to achieve its stature within the national and international legal community are its expertise in its jurisdiction as evidenced in its extensive case law and its ability to deal with matters in a timely fashion. In FY 2010 the Court took steps to continue its tradition of excellence.

The e-filing effort first launched in 2003 continues to produce outcomes consistent with the project's original goals and objectives. To capitalize on that effort, the Court is working with the developers of COTS to secure the efficiencies realized to date and maximize the potential of e-filing throughout the entirety of the Court's caseload. With this expansion under COTS the Court is also focused on the development of a viable case management system that can provide measures of the Court's performance against established benchmarks.

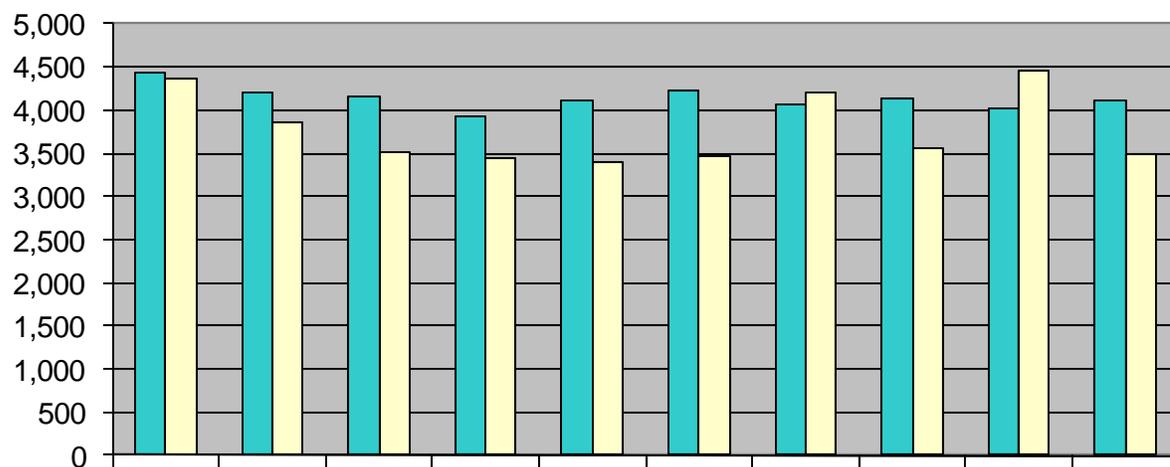
Part of the plan to continue the Court's tradition of excellence is to take advantage of the opportunities presented with the legislation that established the statewide Register in Chancery Office. Thanks to e-filing and the resultant elimination of many paper intensive tasks, the Court has benefited from the reallocation of resources within the Register's Office.

With the graying of the population, the number of persons seeking guardianships is expected to grow significantly. It is anticipated that there is a potential for this burgeoning population to need assistance in managing their personal and financial affairs. Having materials and procedures that are user friendly and that can guide citizens is important to providing the public with the access it deserves. To determine how the Court's services might be improved in this category of cases, the Court enlisted the National Guardianship Association to perform a study of the Court's guardianship rules and procedures. The NGA's report will assist the Court in efforts to improve its handling and disposition of guardianship matters.

The Court has also been given additional statutory jurisdiction, in the form of authority to handle arbitration matters filed with the Court. Once again the Court is being called upon to provide an expedited solution to large business and commercial disputes. In a similar view, the Court's Rules were amended to permit the Court to hold arguments, conferences and hearings via videoconferencing, thus enabling counsel and parties to have access to the Court from distant locations. These steps were taken to further the Court's reputation for providing efficient access and prompt decision-making to those who choose to incorporate in Delaware or who choose Delaware law to apply to their disputes.

COURT OF CHANCERY

**COURT OF CHANCERY FILINGS & DISPOSITIONS
BY FISCAL YEAR**



Filings	4,442	4,197	4,159	3,935	4,122	4,221	4,057	4,142	4,027	4,122
Dispositions	4,367	3,868	3,525	3,452	3,391	3,457	4,200	3,567	4,457	3,500

LEGAL AUTHORIZATION

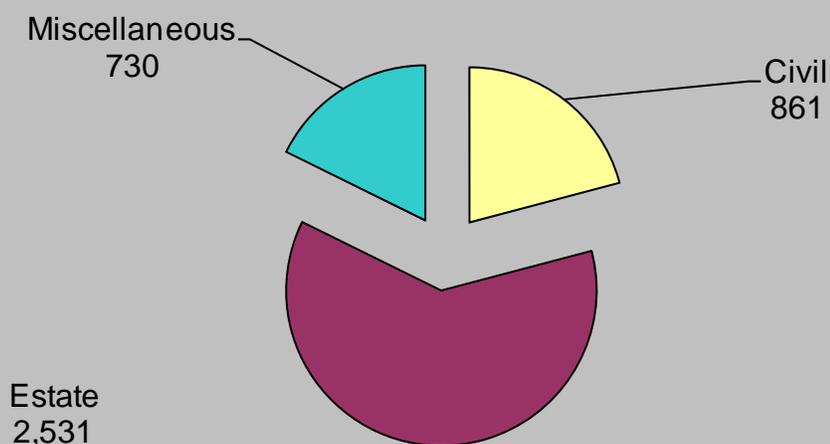
The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

COURT HISTORY

The Court of Chancery came into existence as a separate court under the Delaware Constitution of 1792. Its creation contradicted an his-

torical 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 occurring in 1989.

NUMBER OF COURT OF CHANCERY FILINGS BY TYPE FY 2009



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



Court of Chancery (*left to right*)

Vice Chancellor Donald F. Parsons, Jr.

Vice Chancellor Leo E. Strine, Jr.

Chancellor William B. Chandler, III

Vice Chancellor John W. Noble

Vice Chancellor J. Travis Laster (*Sworn in October 9, 2009*)

Not Pictured:

Vice Chancellor Stephen P. Lamb (*Retired on July 29, 2009*)

Photography by Steve Theis
Theis Photography, Ltd.



PRESIDENT JUDGE JAMES T. VAUGHN, JR.

Fiscal Year 2009 brought Superior Court budget cuts, frozen positions, and reduced salaries. At the same time there were increases in the filings of mortgage foreclosures, judgments and debt actions on the civil side and the disturbing increase in murder 1 cases on the criminal side. The work of the Court clearly reflects current economic and social troubles. We have sought new ways to help deal with the current work crisis, even as it takes its toll on our current work force. We must, now, do much more with much less. We serve the community in which we live, and we still strive for excellence in service to all our citizens.

This year's statewide civil case load witnessed a 39% rise in mortgage foreclosures and liens, and continues to rise. The number of judgments filed went up 9% in NCC, and the number of judgments executed went up by 12%. Statewide, the aggregate number of new civil cases filed was up 7%.

In 2008, by Administrative Directive No. 2008-3, the Mortgage Foreclosure Dormant Docket (Docket) was created. The Docket encourages parties to a mortgage foreclosure action to mutually agree to a resolution of the matter short of foreclosure. To do so, the plaintiff may request that a mortgage foreclosure action be removed from the active docket to the Dormant Docket where it may remain up to 24 months. This gives

the parties a substantial period of time for negotiations to prevent foreclosure.

The Court is also working with representatives of both lenders and homeowners to develop the Mortgage Mediation Program. This program is designed to give homeowners an opportunity to negotiate an alternative to foreclosure, with the assistance of housing counselors, without affecting substantial rights of lenders.

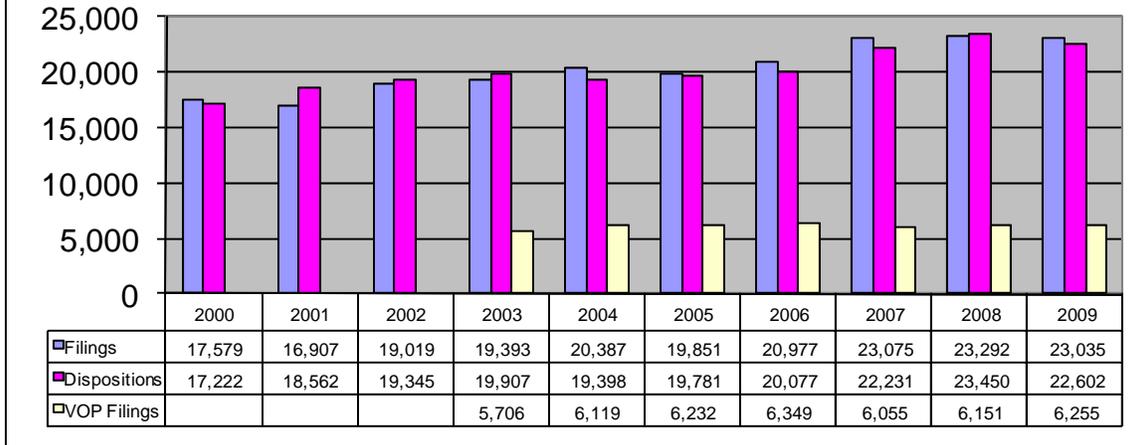
Additionally, we are proud to announce that Project Rightful Owner, which was launched May 10, 2007, has disbursed almost \$3.5 million of the nearly \$5 million in Sheriff's Sales excess proceeds.

On the criminal side this year, statewide, there were 8,898 cases filed, down 12% from last year; 9,446 cases disposed, down 8%; and 1,603 cases pending, down 25%. Unfortunately, this good news fades as we look at the 51 murder cases, up 11% from last year, pending as of June 30, 2009. Seventy-seven percent of these 51 murder cases are pending in New Castle County. Furthermore, 6,255 violation of probation cases were filed statewide and 5,205 such cases were disposed.

The violation of probation (VOP) cases and the resulting recidivism rates are a problem for Superior Court. Much of our time and resources are spent

SUPERIOR COURT

SUPERIOR COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR



on the hearings and attached paperwork. The long-standing VOP process does not account for those probationers who continue to violate because of mental health issues. In an effort to help these probationers, Judge Jan Jurden conceived and implemented a felony VOP Mental Health Court.

Implemented in April of 2008, this collaborative mental health court project is designed to identify persons involved in the criminal justice system as a result of serious mental health issues. It provides them with intensive services and support to guide them to recovery and self sufficiency as an alternative to repeated incarceration for violations of probation or commission of new offenses. The Court strives to provide necessary wrap-around services to reduce the number of days in prison and psychiatric hospitals for individuals with mental health issues, thereby reducing recidivism, improving public safety, and achieving cost savings.

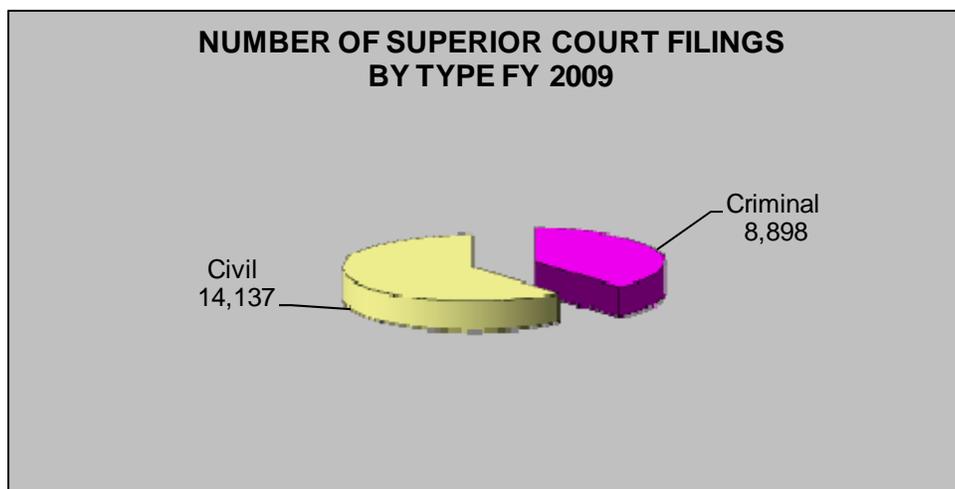
For more information on what has been discussed here, please visit the Court's website at <http://courts.delaware.gov/Courts/Superior%20Court/>. Our website has more information than ever. The expungement forms and procedures are now on our website. Meetings to incorporate trade, business and fictitious names into a searchable data base began in November, 2008, and the development, design and testing continued through 2008.

On May 11, 2009 we launched iCourtClerk. This initiative assists our users with a web-based Answer Desk, and is provided for those who choose internet communications as their primary communication tool and have not been able to find needed information through the other on-line searches.

Even during such times as these, Superior Court looks toward the future, and we know one thing is certain—the strength of our core values: Unity, Neutrality, Integrity, Timeliness, Equality and Dedication. We strive to assist those who face losing their homes, to offer them more time for negotiations. For those who have already lost their homes, we strive to help them get back some of the profits from the sale of that property. We strive, through our website, to make it easier for people to get an expungement, or to see if anyone else has the name they have picked for their business.

By assisting those who are unable, or those who just need help, we strengthen our bond with our community. All that Superior Court has been able to accomplish this year is due, primarily, to the integrity and dedication of its people. No matter what hardships may come, we will stand proud and we will be UNITED in our mission to serve the public in pursuit of justice.

SUPERIOR COURT



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 Ses-

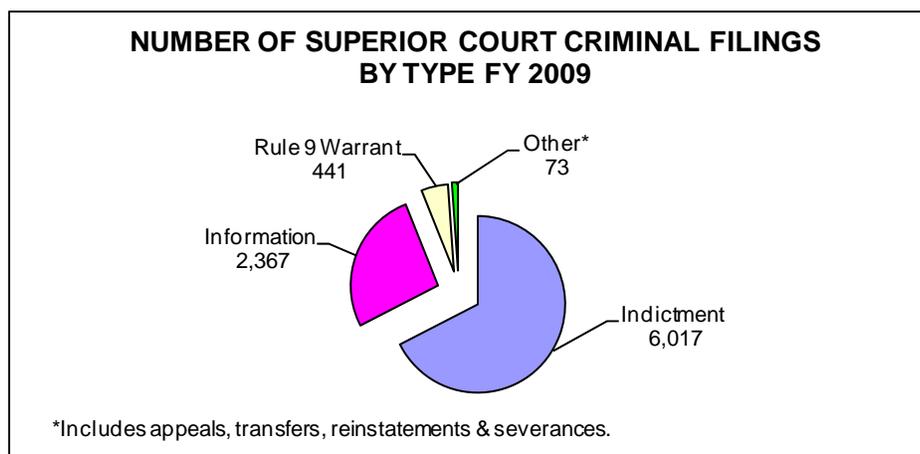
sions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed president judge. There were five Superior Court judges in 1951; there are nineteen today.

GEOGRAPHIC ORGANIZATION

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

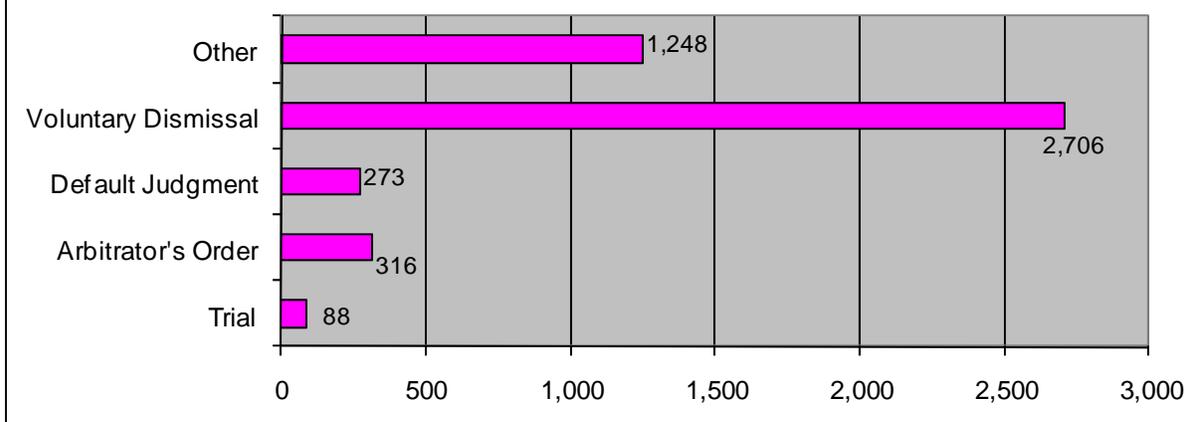
LEGAL JURISDICTION

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, where 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



SUPERIOR COURT

NUMBER OF SUPERIOR COURT CIVIL COMPLAINTS BY METHOD OF DISPOSITION FY 2009



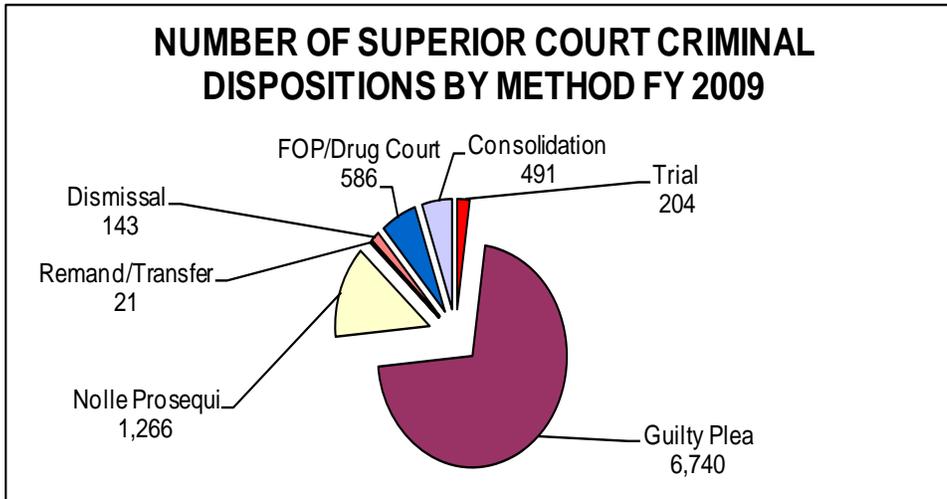
Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics' liens, and condemnations. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and possession of marijuana and certain other drug-related possession cases). Superior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware Psychiatric Center. 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 fifty administrative agencies including the Industrial Accident, Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Superior Court are argued on the record before the Supreme Court.

SUPPORT PERSONNEL

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

A prothonotary for each county serves as clerk of the Superior Court for that 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. That office also 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 Psychiatric Center 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.

SUPERIOR COURT



COMMISSIONERS

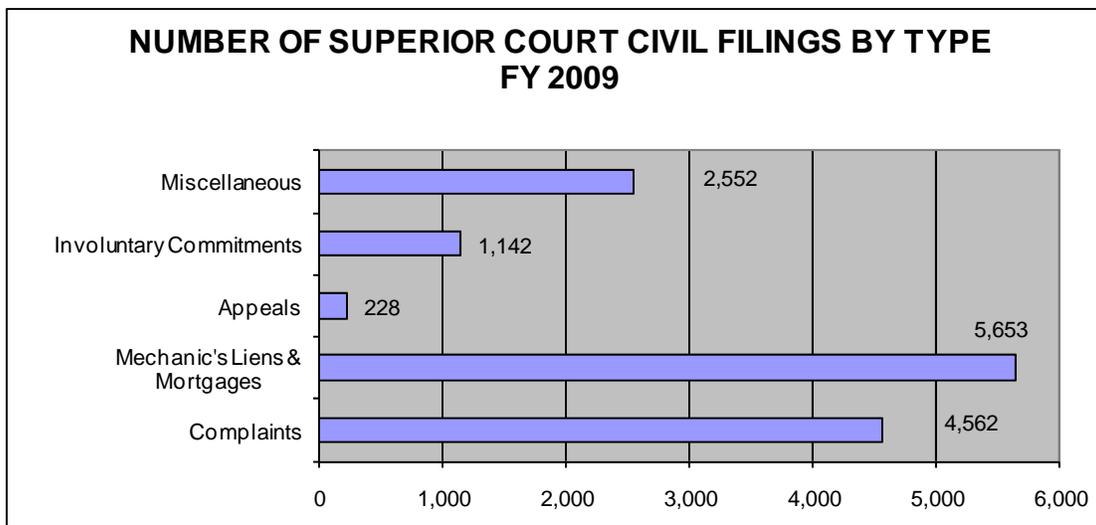
Superior Court created the position of commissioner in 1994 and currently five commissioners assist the judges in civil and criminal matters. Commissioners are attorneys at law who are appointed by the Governor and confirmed by the Senate for an initial four-year term and may be reappointed to six year terms thereafter.

Commissioners conduct hearings on a wide range of matters including arraignments, misdemeanor pleas, drug diversions, civil commitments to the Delaware Psychiatric Center, criminal and civil routine motions, and other duties as assigned by the resident judge of each county. Orders from Commissioners are subject to review by Superior Court judges.

JUDGES

Superior Court judges are nominated by the Governor and confirmed by the Senate. The judges are appointed for twelve 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



Front row (sitting left to right)

Judge T. Henley Graves (SC Resident Judge)
Judge John E. Babiarez, Jr.
President Judge James T. Vaughn, Jr.
Judge Jerome O. Herlihy
Judge Charles H. Toliver, IV

Second row (standing left to right)

Judge E. Scott Bradley
Judge William L. Witham, Jr. (KC Resident Judge)
Judge Fred S. Silverman
Judge Richard R Cooch (NCC Resident Judge)
Judge William C. Carpenter, Jr.
Judge Richard F. Stokes
Judge Peggy L. Ableman

Back row (standing left to right)

Judge M. Jane Brady
Judge Mary M. Johnston
Judge Jan R. Jurden
Judge Joseph R. Slights, III
Judge Calvin L. Scott, Jr.
Judge Robert B. Young
Judge John A. Parkins, Jr.



CHIEF JUDGE CHANDLEE JOHNSON KUHN

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its statutory mission set forth in 10 *Del.C. § 902(a)*,

“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.”

COURT IMPROVEMENT PROJECT (CIP)

The Court Improvement Program (CIP) is a multi-year, federally funded grant 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 and continues to utilize this federal resource to embark on a dynamic new partnership with the child welfare system by focusing on the common goal of improving the safety, stability and well-being of children who have experienced abuse and neglect.

Initial CIP efforts resulted in today's best practice of having all stages of a dependency and neglect case heard by the same judge within a schedule of hearings and reviews that meet federal standards. More children and parents have representation, case plans are more meaningful, orders more consistently include detailed reasoning, and reunification or permanency is achieved in a more timely manner.

The Court is building on that foundation through a more active partnership with others in the child welfare system, primarily the Division of Family Services, but also with legal professionals, advocates and service providers. A number of judges serve as champions in particular subject areas, enabling the Court to participate more proactively than reactively with other stakeholders.

Highlights include:

The Family Court successfully applied for additional CIP grant funding to address data and training needs.

A data collection tool was designed, and data collection was piloted, to help analyze barriers to timely case movement. However, the project has outgrown the capacity of a simple Excel tool, and a separate database is being designed for implementation Fall 2009.

A statewide multidisciplinary focus group helped plan the Court's three-year schedule of professional development and education opportunities sponsored by the CIP. This included support of Finding Words (Children First). In addition, the Court is building on two sessions offered last year about students in care. In September 2008, judges spent the day with ABA experts on the ABA Blue Print for Change regarding the educational needs and rights of students in care. This training was then offered to attorneys involved in dependency and neglect cases, as well as attorneys for the Department of Education and individual school districts. The ABA returned to Delaware

FAMILY COURT

in September 2009 to provide a full-day session for staff of the Department of Services for Children, Youth and Their Families. Endless Dreams, a companion curriculum on the same subject from the Annie E. Casey Foundation, was introduced to Delaware school chiefs at the same time, with the intent of bringing that training to the broader education community soon after.

The Family Court actively planned and participated with DSCYF in preparation for the federal Child and Family Services Review, as well as the crafting of its program improvement plan (PIP) to further the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met. Members of the Court participate in ongoing workgroups focused on fulfilling the quarterly goals of the plan.

Collaboration is advanced through quarterly meetings between Court and DFS leadership.

Additional collaboration is occurring at the county level through quarterly stakeholders meetings intended for partners to remedy local challenges and share beneficial information.

In Spring 2009, the CIP Judges met with the Youth Advisory Committee (YAC) to discuss matters of interest to youth in foster care. YAC members and Judges remain in contact, and YAC members are speaking at Court sponsored training sessions.

The path forward includes: utilizing additional federal support to enhance data collection and analysis in order to specifically identify areas for improvement, to offer a schedule of educational opportunities for judicial officers and others in order to achieve improvements, and to collaborate with partners on replicating best practices statewide.

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 is conducting the court-focused evaluation in New Castle County under contract with HHS. The study began in the fall of 2006 and will take place over a five-year period. It includes observations and em-

pirical 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.

JUVENILE JUSTICE

Mental Health Diversion Court

In 2006, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health, received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with delinquency charges pending against them in the New Castle County Family Court. The program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. The program began in January of 2007 and quickly acquired a full caseload. Since the programs inception, 73 juveniles have entered into the program and 47 have graduated.

In conjunction with the Mental Health Court program, the Family Court in New Castle County has created a dedicated juvenile competency calendar for conducting competency hearings and monitoring compliance with treatment recommendations for non-competent juveniles still facing open charges. One dedicated judge is assigned to hear and track all of the competency hearings.

Gun Court

In response to the increasing level of gun violence in the state, Chief Judge Kuhn implemented a Gun Court calendar in New Castle County. The Chief Judge presides over the calendar, which occurs once a week, and hears all case reviews, preliminary hearings and motions for all cases involving juveniles with firearm charges, as well as reviews after a finding of guilt or as a condition of a sentence. The specialized calendar began in April of 2009 and recently expanded to Kent and Sussex Counties in August.

As a result of the collaboration between the Family Court, Department of Justice, Department of Services for Children, Youth and Their Families, and law enforcement, Gun Court has been effective in substantially decreasing the population of juveniles charged with gun crimes being detained at the New Castle County Detention Center. These serious cases are being resolved more quickly and efficiently and are subject to judicial oversight.

SERVICES FOR SELF-REPRESENTED LITIGANTS

In its continued effort to serve the ever-growing *pro se* litigant population, the Family Court introduced several new initiatives during the past year, while continuing to offer a high level of service to those who seek assistance in representing themselves. Over 57,000 litigants were assisted in the Family Court Resource Centers statewide, reflecting the national and statewide trend of increasing self-representation in domestic relations law. The Sussex County and Kent County Resource Centers helped over 12,000 and 14,000 people respectively, while the New Castle County Resource Center assisted over 31,000 people; an average of over 130 litigants per day.

As a result of these growing numbers as well as a need to consolidate staffing resources, the Family Court opened a new Resource Center within the New Castle County Courthouse adjacent to the Family Court's intake center. Utilizing space and materials already available, the Family Court was able to construct a Resource Center consistent with best practices in the area of self-representation. This joint Resource Center and intake area provides litigants with one place to meet all of their filing needs for Family Court as well as access to knowledgeable staff, the internet, instructional packets and forms.

In addition to the creation of a new Resource Center, the Family Court continued in its course of providing innovative services to litigants by offering online forms creation and filing in partnership with nCourt, a government services company. On June 8, 2009, the Family Court of the State of Delaware launched a new e-delivery service for both *pro se* or self-represented litigants and attorneys.

In partnership with nCourt, the Family Court developed an automated and secure filing system which is funded by the users who pay a small convenience fee. The system prompts litigants to fill in information and answer a series of questions related to their filing, while at the same time providing them with instructions and information related to their filing and the law. At the conclusion of the questions, the system creates the forms that need to be filed for a particular type of pleading. Litigants then pay their court fees and a convenience fee online and are notified when the Family Court has accepted and processed their petition. The end result is a more accurate and legally correct pleading that can be created and filed at the litigants' convenience.

The Family Court continued its efforts to develop and implement instructional packets and resources in a variety of new areas including standby guardianship, parental visitation, grandparent visitation and preparation for court hearings. These materials are in addition to the instructional materials previously available in the areas of divorce, custody, custody modification, guardianship, permanent guardianship, visitation, termination of parental rights and adoption. These materials provide in depth information to *pro se* litigants regarding the completion of court forms, court procedure and information to assist them in preparing for their hearing. These materials are available at each Family Court Resource Center and on the Family Court webpage, which continues to be a significant and valuable source of information for the self represented population.

Using available technology to further assist *pro se* litigants, the Family Court has also begun the process of producing short instructional videos to supplement the book and internet resources currently available. These videos offer yet another means of providing information and instruction to the self-represented. Family Court expects to make its first video available in the fall of 2009.

The Director of Pro Se Services continues to serve as the Court liaison to the Family Law Commission and provides a yearly presentation to that body regarding the services available to *pro se* litigants. Additionally, the Director holds seminars for *pro se* litigants on the topics of custody and guardianship.

These various programs, resources and practices continue to not only enhance the public's access to the Court, but also to augment litigants' participation in the Court process and contribute to the efficiency of Court operations.

DOMESTIC VIOLENCE

In staying at the forefront of developments in the area of domestic violence, the Family Court has taken on a number of tasks to promote forward momentum in this area.

In its continued efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, Family Court has created a specialized domestic violence court. The intention of this specialized court is twofold: to create

FAMILY COURT

greater continuity in Family Court cases involving domestic violence and to create a more standardized system of compliance for offenders.

In January 2008, Family Court began conducting Protection From Abuse review hearings. These hearings are being scheduled before the Court when a Respondent has not complied with the evaluation and treatment conditions of an active Protection From Abuse order. These reviews do not require the Petitioner to file a contempt petition in order for a hearing to be scheduled.

Finally, in addition to conducting PFA review hearings, Family Court was able to secure federal grant money creating the position of a Domestic Violence Court Project Coordinator to promote the efforts of the specialized domestic violence court statewide. The Coordinator will monitor compliance, provide training to court staff as needed and attend various meetings of the Domestic Violence Coordinating Council on behalf of Family Court.

COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

The Family Court CASA Program is a member of the National CASA Association. This program continues to recruit and train volunteers to provide advocacy for children before court proceedings. The CASA volunteers establish the child's best interest by gathering information and monitoring the circumstances surrounding the child(ren) in question. The statewide program continues to operate within each Family Court location. Diligent efforts are in place to train and recruit interested individuals to be a powerful voice for children. The CASA Program participated in many community events such as the Hispanic Job Fair, Sickle Cell Tennis Match, Delmar Community Fair, Delaware Paralegal Conference, and a host of other civic and church outreach activities. As a result, the program has increased the exposure and knowledge about volunteer opportunities. The program continues to double the new volunteers from the previous year. The CASA Program has been a model used by National CASA to share with other CASA program across the country in reference to our volunteer recruitment, new volunteer and diversity training.

Currently the program has over 255 volunteers serving over 565 children. Our diverse group of volunteers represents many professionals from distinct backgrounds and locations within the state. New volunteer training (offered quarterly) and in-service trainings

(offered monthly) are extended to all volunteers within the program. Each volunteer receives 30 hours of continuing education a year (12 hours are required annually). Over 2500 hours of service are given by the volunteers on a monthly basis, as they speak for the children we serve. The Family Court CASA Program is growing and making a difference for Delaware's children.

Family Court has provided effective legal representation for children through CASA and the Office of Child Advocates (OCA). During 2009 there were several children without legal representation and the number continued to grow as resources were sought. The efforts of CASA and OCA will have help to provide one hundred percent representation of all children before dependency proceedings by the end of 2009.

HUMAN RESOURCES – THE FUTURE

Family Court's Human Resources Department is under new leadership. Due to the retirement of Robert Klosiewicz, Sara A. Evans was appointed the new Director of Human Resources, effective June 8, 2009.

In light of the economic challenges the State is facing, under the auspices of Sara Evans, the Human Resources Department for Family Court has developed a strategic plan which focuses on employee engagement, effective leadership and developing 'Best Practices' pursuant to Family Court's operational goals. Our long-term focus is to provide an approach to human resource management which will allow the development and implementation of HR programs that will help develop and expand the talents of our employees.

Employee engagement is essential to the overall success of our court. Statistics show that when employees are engaged in the workplace, they are more efficient and productive when performing their respective duties. Employee engagement further extends workforce commitment, both emotional and intellectual; which is relative to accomplishing the work, mission, and vision of our court .

Effective leadership is equally important as today's leaders must focus on the professional needs of their employees and ensure they have the necessary resources and tools to perform their jobs. The leadership team of Family Court will focus on acquiring creative strategies to help develop the future leaders of Family Court.

FAMILY COURT

Implementing 'Best Practices' throughout the Court's operations will ensure employees are performing in the most efficient and effective ways when accomplishing work-related tasks. Successfully identifying and applying 'best practices' can also reduce business expenses and ultimately improve organizational efficiency.

Overall, the Human Resources Department in conjunction with the Administrative Leadership Team will be challenged in many aspects to continue to provide quality service in its operations. By adhering to the above strategies, the Court is confident that we will continue to build a stronger and more productive work-force.

MEDIATION

On January 7, 2008, Family Court in Sussex County started a pilot project whereby unsuccessful support mediation under Title IVD of the Social Security Act was immediately taken before a commissioner for resolution. This eliminated the need for litigants to take another day off from work to make an additional appearance in Court as well as expediting child support to the children in question. It also freed up much needed calendar time for the commissioners. For the first 6 months of 2008, the percentage of cases resolved the same day was over ninety percent. The program has since been expanded to Kent and New Castle Counties with similar results.

"JOURNEY TO EXCELLENCE" PROGRAM

In 2008, Family Court for the State of Delaware implemented the "Journey to Excellence" Employee Incentive Program. The program was designed to award employees for their personal and professional accomplishments achieved throughout the year with the Court.

The program featured a total of six categories in which employees had the opportunity to receive a service emblem for their efforts. The six categories were Excellent Customer Service, Professional Development, Peer Recognition, Education & Training, Process Improvement and Special Recognition.

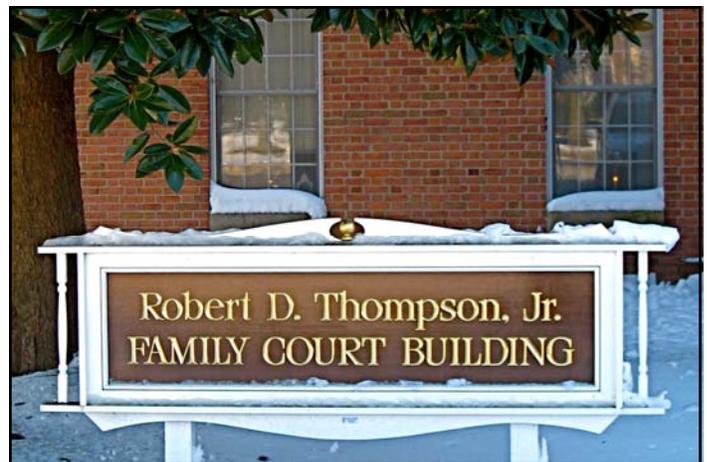
The program proved to be a huge success for Family Court and resulted in a total of 42 employees being recognized for their overall accomplishments.

ROBERT D. THOMPSON COURTHOUSE DEDICATION

On September 24, 2008, members of all three branches of state government gathered in front of Sussex County Family Court with friends, former employees and family members of the late Chief Judge Robert D. Thompson Jr. to pay tribute and to dedicate the courthouse in his memory. Senate Bill 289 was sponsored by the late Senator Thurman Adams and co-sponsored by all of the Sussex County Legislators. The bill passed both houses unanimously and was signed by Governor Minner on July 18, 2008. On this sunny but windy day, Chief Judge Thompson was remembered for his service to the community and his impact on the judicial system throughout the state.

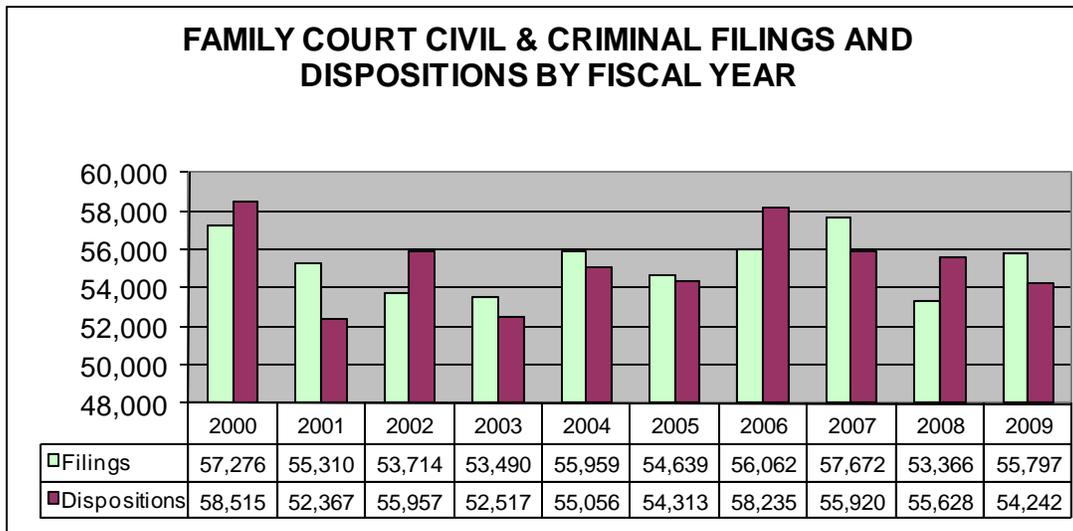
A native of Sussex County, Chief Judge Thompson was especially proud of the Sussex County Courthouse. It was only fitting that his family unveiled the new sign renaming the courthouse the "Robert D. Thompson Jr. Family Court Building".

The Honorable Robert D. Thompson, Jr. was appointed to the bench as Family Court judge on February 6, 1962. After serving 12 years, on October 25, 1974, Judge Thompson was appointed by Governor Tribbitt as the chief judge of the statewide Family Court. During his tenure, Chief Judge Thompson oversaw the construction of three new courthouses for Family Court, one in each of the three counties. Chief Justice Steele noted Chief Judge Thompson was both an innovator and a visionary who brought much needed growth to the judicial system in the state.



FAMILY COURT

FAMILY COURT CIVIL & CRIMINAL FILINGS AND DISPOSITIONS BY FISCAL YEAR



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.

In 2005 Family Court was granted Constitutional status by an act of the General Assembly.

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.

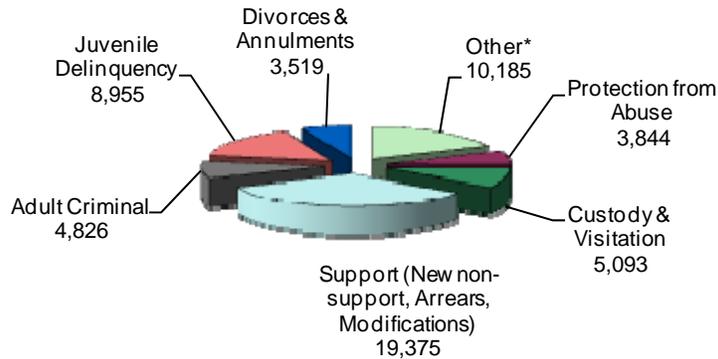
Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

JUDGES

Family Court has 17 judges 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.

FAMILY COURT

NUMBER OF FAMILY COURT FILINGS BY TYPE FY 2009



*Includes civil contempt, adoption, termination of parental rights & miscellaneous.

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.

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,

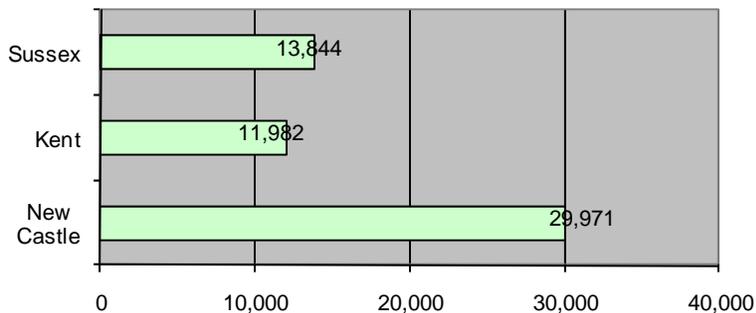
civil protection petitions, bail hearings and other cases as assigned by the Chief Judge. Orders from commissioners are subject to review by Family Court judges.

During this fiscal year, Commissioner Patricia Tate Stewart retired after almost 30 years of service with the State of Delaware.

ADMINISTRATIVE SUPPORT PERSONNEL

The Family Court has an administrative support staff of 300 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 interns working in all areas of the Court.

NUMBER OF FAMILY COURT FILINGS BY COUNTY* FY 2009



*VOP's were not reported prior to fiscal year 2009.

FAMILY COURT



Front row (sitting left to right)

Judge William M. Nicholas
Judge Jay H. Conner
Chief Judge Chandlee Johnson Kuhn
Judge Kenneth M. Millman
Judge William J. Walls, Jr.

Second row (standing left to right)

Judge Arlene Minus Coppadge
Judge Aida Wasserstein
Judge Barbara D. Crowell
Judge Joelle P. Hitch
Judge Mardi F. Pyott

Back row (standing left to right)

Judge Mark D. Buckworth
Judge Peter B. Jones
Judge Michael K. Newell
Judge William L. Chapman, Jr.
Judge Robert B. Coonin
Judge John E. Henriksen
Judge Alan N. Cooper



CHIEF JUDGE ALEX J. SMALLS

FY 2009 extended implementation of the new Contexte civil case management system to Kent and New Castle Counties with a successful “go-live” on November 3, 2008. This implementation was the culmination of many months of preparation and hard work by COTS Team members and the staff in both counties.

COTS also introduced e-filing to the Court of Common Pleas for the first time. E-filing has been well received by the Bar. Reports are that they find it user friendly and convenient. The Court also achieves other benefits from the new case management system from such things as access to court filings, to not having to maintain paper files, to having access to accurate reporting information.

Two new judges were appointed to the Court, both taking the oath of office in April 2009. Sworn in within a week of each other were Andrea Rocanelli and Anne Reigle. Both women were the first two judicial appointments of Governor Jack Markell.

Judge Rocanelli, who will primarily serve in New Castle County, replaced Judge Jay Paul James, who retired from the Bench in December 2008 after serving twelve years on the Court of Common Pleas and twenty years on the Family Court. Judge Rocanelli was sworn in on April 21, 2009 in the

New Castle County Courthouse and had a formal investiture on May 27, 2009.

Judge Reigle, who will primarily serve in Kent County, replaced Judge Merrill C. Trader, who retired from the bench in February 2009 after a thirty-six year tenure with the Court of Common Pleas. She was sworn in on April 24, 2009 in the Old State House in Dover. She follows in the footsteps of her father, Justice Maurice A. Hartnett, III, who served the Delaware Judiciary from 1976 to 2000 on both the Court of Chancery and the Delaware Supreme Court.

The number of cases transferred and filed contributes to a high volume environment in the Court of Common Pleas which intensified in FY 2009. Caseloads continued to rise in most categories, with the civil caseload increase representing an all-time high for the Court.

The number of criminal defendant filings in the Court of Common Pleas in FY 2009 was 111,797, a 5.9% increase over FY 2008. Preliminary hearing filings dropped from 10,720 to 9,940. However, as a result of 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 hearings. This has a positive effect on the

COURT OF COMMON PLEAS

entire criminal justice system because it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court; many such cases, if not pled, would be refiled in the Court of Common Pleas after being held for the Superior Court.

Civil filings rose to 14,894, which was a 23.7% increase over FY 2008, representing the largest number of civil cases ever filed in the Court of Common Pleas by almost 2,500 cases. Cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time.

The Court continues to work aggressively to manage its caseload in spite of greater demands on judges and staff. Additional calendars and the application of aggressive case management techniques have begun to reduce the time to disposition in some case categories, such as motor vehicles cases. The acquisition of funds from the American Recovery and Reinvestment Act allowed the Court to add traffic calendars in New Castle County, cutting the time to disposition almost in half. The Court's disposition rate also improved in FY 2009, rising by 14.2%.

The Court also received funding through the Stop Violence Against Women Act to allow greater concentration on the movement of domestic violence cases. The goal is to ensure prompt disposition of these cases by identifying them early in the process, tracking and monitoring case activities, anticipating case flow problems/causes for delay, and initiating appropriate action to expedite cases.

The Court continued to operate its court-supervised comprehensive drug diversion program for non-violent offenders. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing and treatment. The Court has handled more than 5,300 participants since its inception in 1998.

Since 2001, the Court has referred more than 5,800 cases for mediation, with a success rate of almost 90%. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction with the criminal justice system.

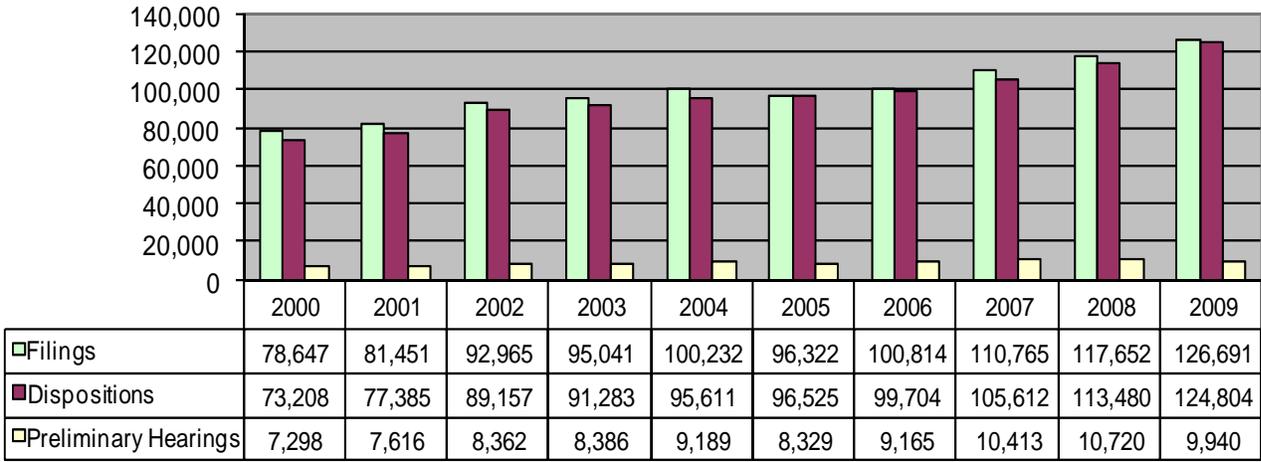
Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the drug court concept, the goal of Mental Health Court is to effectively serve the special needs of the mental health population through continuous judicial oversight and intensive case management.

The Court continues to explore avenues to increase efficiency with technology. A web-based system for payment of fines, costs and restitution was recently implemented. This permits litigants to make payments without speaking to staff, which frees them for other needed duties. The Court, working with the Attorney General's Office and the Delaware Criminal Justice Information System (DELJIS) also instituted an automated criminal information filing system for traffic offenses in New Castle County. The goal is to expand this process to the other counties by early 2010.

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 Com-

mon Pleas as vital to the Delaware court system. Legislation implementing the Commission's 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

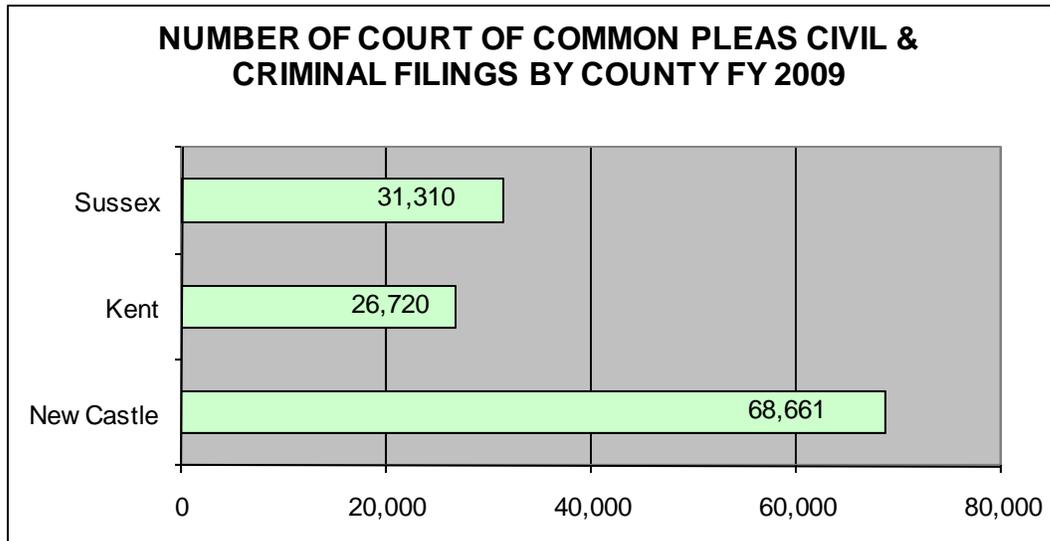
The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. It also 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

COURT OF COMMON PLEAS

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.

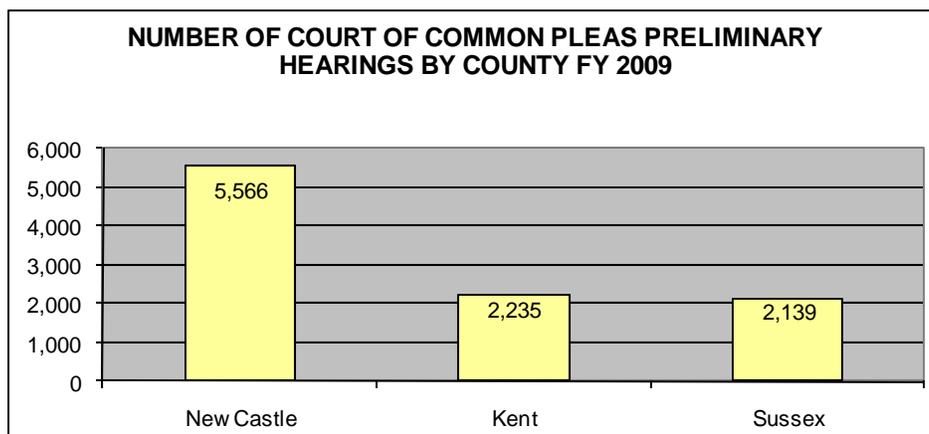


JUDGES

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.



COURT OF COMMON PLEAS



Front row (standing left to right)

Judge Andrea L. Rocanelli
Chief Judge Alex J. Smalls
Judge Rosemary Betts Beauregard

Second row (standing left to right)

Judge Joseph F. Flickinger, III
Judge Charles W. Welch, III
Judge Anne Hartnett Reigle
Judge William C. Bradley, Jr.
Judge Kenneth S. Clark, Jr.
Judge John K. Welch



The new Kent County Courthouse under construction

With FY 2010 funding, and if the necessary additional funding becomes available in FY 2011, the new construction phase of the project is anticipated to be completed in 2011.



CHIEF MAGISTRATE ALAN G. DAVIS

Economy – to many over the past year this word has become something of a curse word. This past year has been a trying time for nearly everyone. State government, the judiciary and the Justice of the Peace Court have not been spared the ravages of “the greatest economic downturn since the Great Depression.”

But “economy” is not just something to think of in global or macro-economic terms. Economy can also describe how people or organizations respond to tough times like these. While an organization may not be forced to literally “tighten the belt” like an individual, it can begin to look at itself critically and seek new, innovative and cost-saving ways to do the work required of it. “Economy” can also mean “opportunity.”

The current economic downturn has certainly caused the Justice of the Peace Court to re-examine how it does business. Along with other State courts and State agencies struggling through this past year, this court has seen significant budget cuts, hiring delays, and additional shifts in staffing resources caused by end of fiscal year retirements. This situation has prompted the Justice of the Peace Court to look for cost-savings through improved processes, employing technological advances, and consolidation of resources. While the Justice of the Peace Court has not solved all of its budget related challenges, here is a sampling of some of the efforts we have undertaken to improve the system:

Consolidation of Resources

Early in the year, the Justice of the Peace Court completed two major renovation and expansion projects. FY '09 saw the completion of the expansion project at Court 3/17 in Georgetown. This project has been critical in providing enough courtroom and clerical space to process the cases filed at this location. Further, the Court consolidated all civil case processing in Sussex County in this location, eliminating redundant services and providing flexibility to meet potential staffing shortages. In addition to this effort, Court 13 in Wilmington finished expansion to the second floor of its site. This growth has provided a consolidated location for the processing of the bulk of the more than 20,000 civil cases in New Castle County. Moving civil matters has freed space at the existing Court 10/12 location for better processing of truancy matters. A planned improvement project at the Court 10 site, designed to further enhance specialty case processing there, had to be delayed due to FY '09 budget cuts. We are hopeful that those improvements can be addressed in the next fiscal year.

Complementing those completed projects, the Court also pursued budgetary authorization to combine a number of criminal and administrative sites in New Castle County. Contained in the FY '10 budget, passed on June 30, 2009, is language granting the Court authority to combine Courts 11 and 15, our Constable Central, and our administrative offices. Court 11, as it is currently configured, has two courtrooms and processes more cases than any other court site in the state, with

JUSTICE OF THE PEACE COURT

the exception of the Court of Common Pleas in New Castle County. Long a request in the capital budget to build a State-owned facility for this purpose, the Court has found a suitable rental site that will more than double the number of courtrooms compared to the existing sites it will replace. Staff will have more appropriate workspace and a number of security concerns will be alleviated. Enhanced customer service will be the result. All of these improvements will come at a cost near the current rental value of the sites being replaced. Add in the cost savings from process efficiencies resulting from consolidation and, over the long term, this site will represent a significant cost savings to the State and the Justice of the Peace Court.

Technological Advances

The Court has also been involved in a number of technology enhancements. FY '09 saw the expansion of e-filing for civil matters. Rule 79.1 and the resulting Policy Directive provides for the implementation of mandatory e-filing of civil case filings. Attorneys and other frequent filers are now required to e-file in all civil matters. Mandatory free training ensures as much uniformity as possible. Detailed information about the requirements for and process of e-filing in the Justice of the Peace Court is available at the Court eFlex system website: <http://courtsefile.delaware.gov/ecf/>. E-filing has allowed the court to streamline some of its work as well as provide information related to civil cases, for system users, in an online environment.

A second significant technological advance the Court was able to make in FY '09 was to lay the groundwork for web-based payment of traffic tickets and time-to-pay agreements. The technical assistance and practical guidance of DELJIS allowed us to pursue this significant step. While implementation of this project did not occur until the first day of FY '10, all of the work leading up to this breakthrough for the Court occurred throughout FY '09. Although many other jurisdictions have the ability to accept payment for traffic tickets online, we believe this to be the first availability in the country of web-based payment involving cases already adjudicated – so-called “time-to-pay” agreements or payment plans. The clamor for web-based payment of traffic tickets was so great that, in the eight hours that the system was turned on but not yet “open for business,” the Court had several tickets paid online.

Though these two areas, technology and consolidation, represent the Court's response to the economic conditions facing us, two additional items of accomplishment bear examination in light of the impact they have had on the Court and the overall justice system.

Security

During FY09, the Justice of the Peace Court was able to realize several improvements in the area of security. In FY08, nine security positions were approved to supplement existing security staffing levels. With the difficult budget year in FY 09, the Justice of the Peace Court was not able to expand this number of positions; however, we were able to stabilize our security coverage and deploy the existing resources to cover more shifts. In addition, the Court received authorization to hire a Chief of Uniformed Services. This position will be responsible for statewide security improvements. We look forward to this position adding value for standardization, analysis and improvement of key coverage needs and statewide stabilization of security.

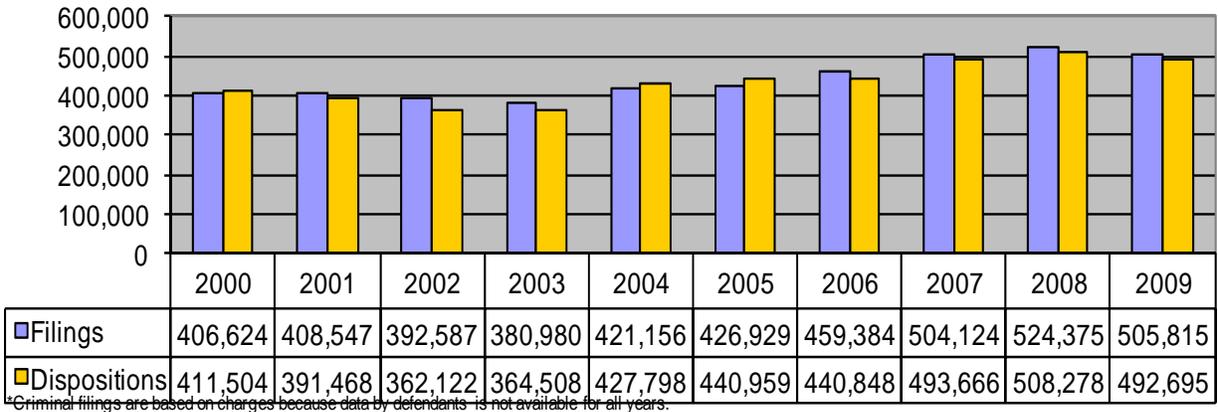
Fugitive Safe Surrender

Along with other courts and criminal justice agencies within the State of Delaware, the Justice of the Peace Court participated in the Fugitive Safe Surrender event in April 2009. This event provided a forum, outside of formal court locations, for people wanted in New Castle County to turn themselves in. At this three day event, 1,073 people turned themselves in. There were 101 felons, 4,131 warrants cleared, and 6 people taken into custody. Fugitive Safe Surrender provided the opportunity for a significant number of capias warrants to be cleared. This program supplemented other efforts that the Justice of the Peace Court has been making to manage the number of capiases within the court and clear capiases that have been on the books for an extended duration. The Court has instituted clearance programs as well as enhanced collection efforts to better manage capias warrants.

In all, while FY '09 was a challenging year for the Justice of the Peace Court, as it was for many individuals and entities in this state, it was also a year of significant accomplishment and thoughtful reaction to the economic realities.

JUSTICE OF THE PEACE COURT

**JUSTICE OF THE PEACE COURT 10-YEAR TOTAL CASELOAD
TREND CIVIL & CRIMINAL/TRAFFIC FILINGS* & DISPOSITIONS BY
CHARGE FY 2009**



LEGAL AUTHORIZATION

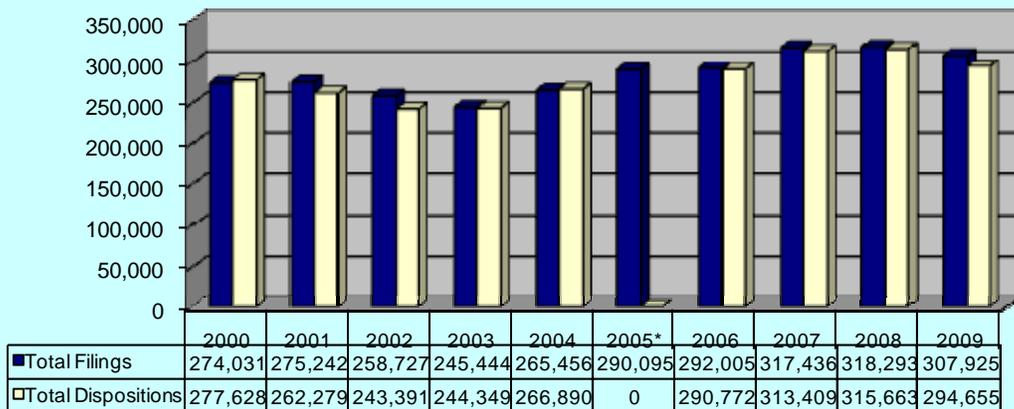
The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

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

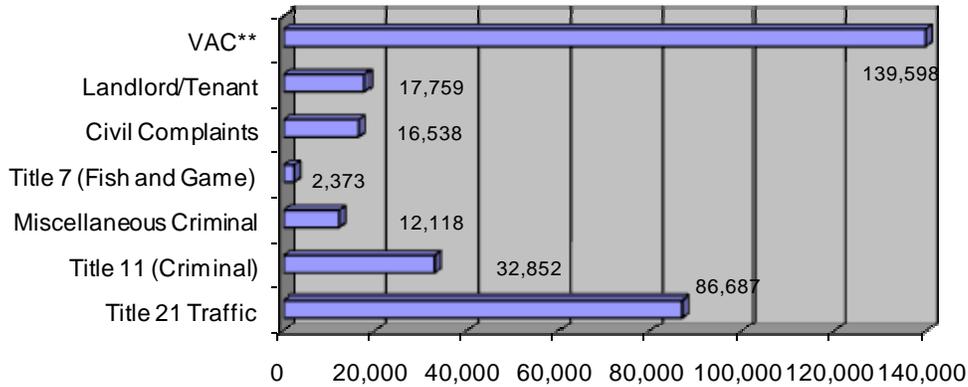
justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were stripped of their general administrative duties, leaving them with minor civil and criminal jurisdiction. During the period from 1792 through 1964, the justices of the peace were compensated entirely 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.

**TOTAL JUSTICE OF THE PEACE CASELOAD TREND
CIVIL CASE & CRIMINAL/TRAFFIC FILINGS &
DISPOSITIONS BY DEFENDANT FY 2009**



JUSTICE OF THE PEACE COURT

NUMBER OF JUSTICE OF THE PEACE FILINGS* BY TYPE FY 2009



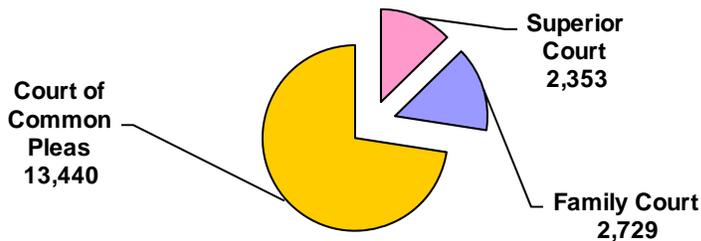
* Criminal Filings are by defendant.
 ** Voluntary Assessment Center

LEGAL JURISDICTION

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 is less than \$15,000 and over summary possession (landlord-tenant) actions. 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

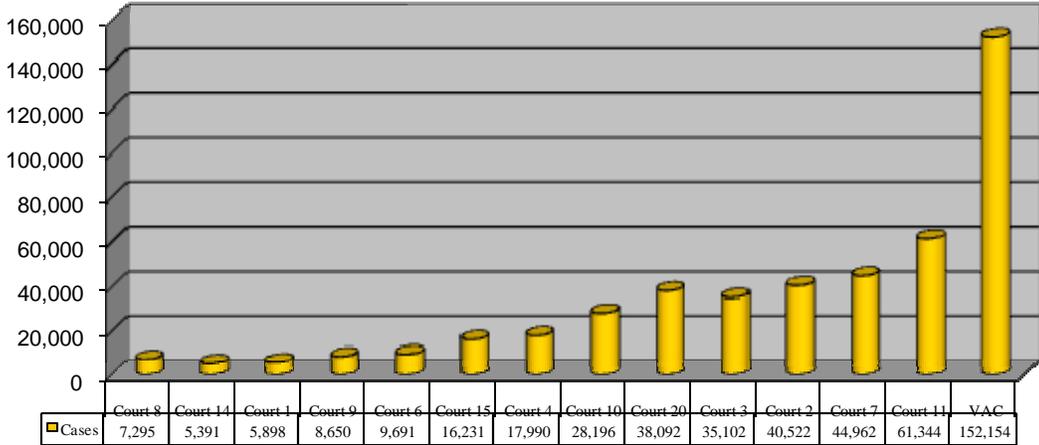
crimes. All permissible appeals are to the Court of Common Pleas, with two exceptions: findings of juvenile delinquency for contempt of court related to truancy proceedings are appealed to Family Court and summary possession cases are appealed to a three judge panel in the Justice of the Peace Court.

CAPIASES CLEARED BY JUSTICE OF THE PEACE COURT FOR OTHER COURTS FY 2009

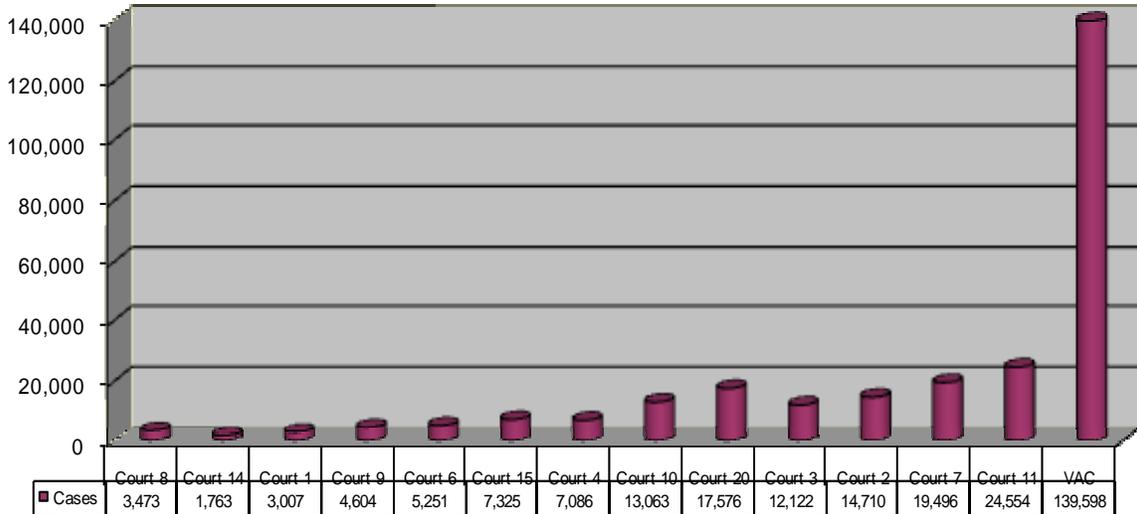


JUSTICE OF THE PEACE COURT

JUSTICE OF THE PEACE COURT CRIMINAL AND TRAFFIC CHARGES BY COURT FY 2009



TOTAL JUSTICE OF THE PEACE CASES FILED BY COURT FY 2009 (Criminal & Traffic Defendants)



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.

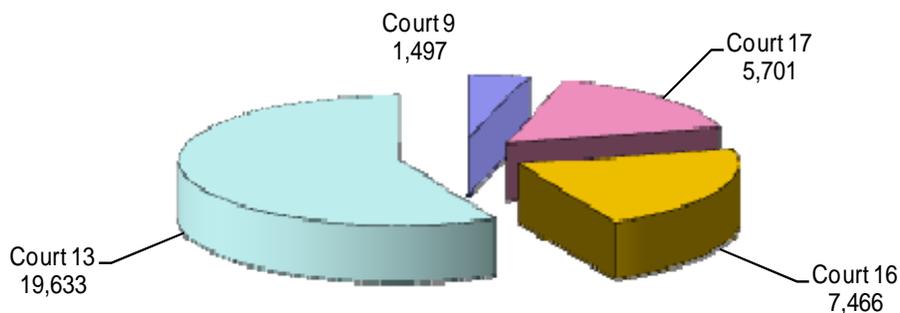
SUPPORT PERSONNEL

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.

TOTAL JUSTICE OF THE PEACE CASES FILED BY COURT FY 2009 (Civil)*



*In FY 2009, Court 12 merged with Court 13; Court 19 merged with Court 17.

JUSTICE OF THE PEACE COURT



New Castle County:

Seated from left to right – Cheryl Stallmann; Kathy S. Gravell; Rosalind Toulson; Chief Magistrate Alan Davis; Bonita Lee; Kathleen Lucas; Deborah McNesby

Standing left to right – Laurence L. Fitchett; Sean McCormick; Stanley J. Petraschuk; William S. Young, III; James Tull; Marie Page; Thomas Brown; Susan Cline; David R. Skelley; Donald W. Callender; Robert Lopez; Sidney Clark; James Hanby, Sr.; William Moser

Not pictured: Thomas Kenney; Marilyn Letts; Nancy Roberts; Katharine Ross; Rosalie Rutkowski; Paul J. Smith; Terry Smith; Vernon Taylor

Kent County:

Seated from left to right - Christian J. Plack, Sr.; Cathleen M. Hutchison; Chief Magistrate Alan Davis; Ernst Arndt; Douglas P.K. Cox, Jr.

Standing from left to right - James A. Murray; William J. Sweet; Robert B. Wall, Jr.; Michael P. Sherlock; Agnes E. Pennella

Not Pictured : Debora Foor; Dwight Dillard; Pamela Darling



JUSTICE OF THE PEACE COURT



Sussex County:

Seated from left to right – William J. Hopkins; Sheila G. Blakely; Chief Magistrate Alan G. Davis; Jana E. Mollohan; Jeni L. Coffelt

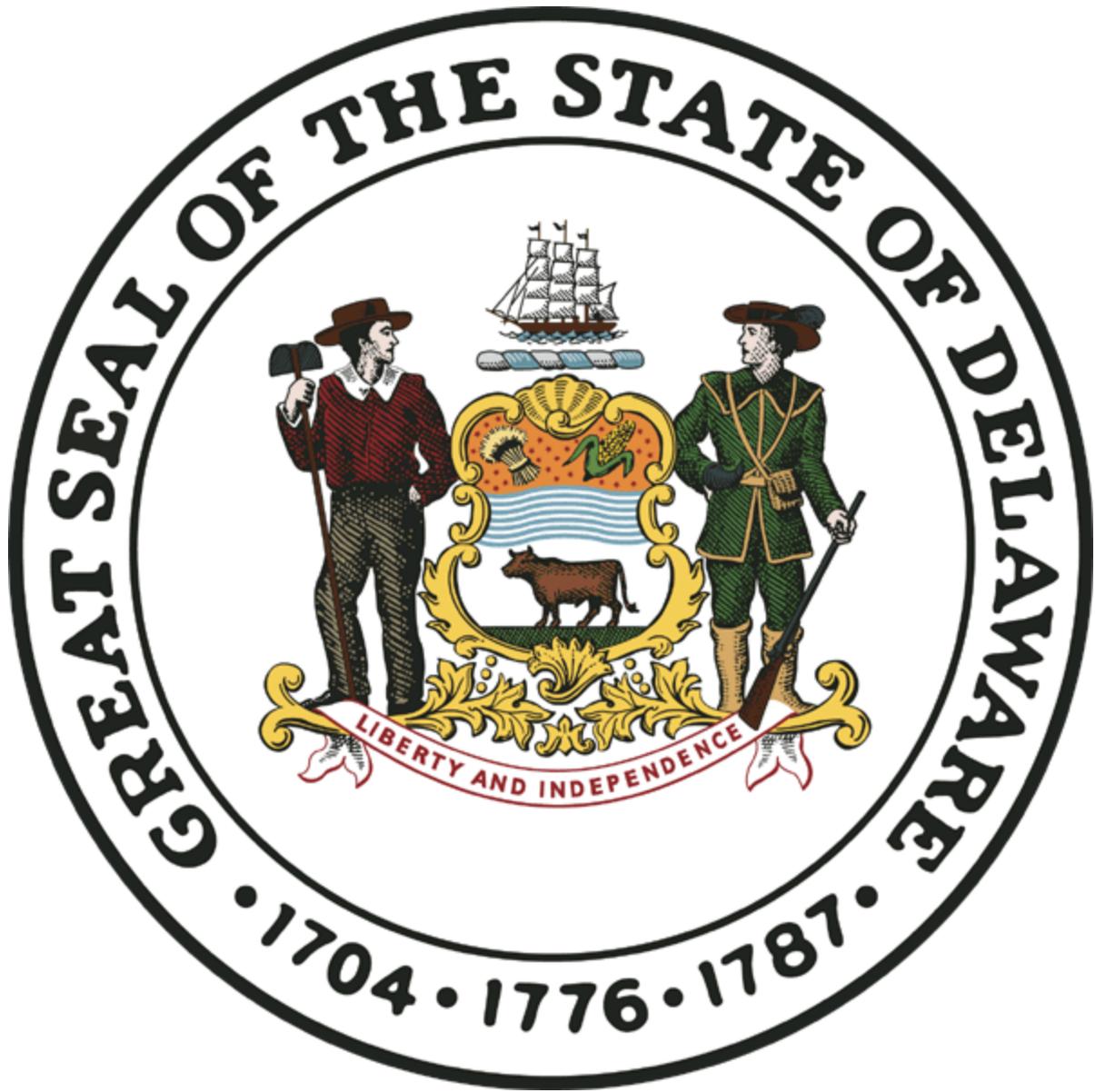
Standing from left to right— Richard D. Comly; John R. Hudson; H. William Mulvaney, III; James G. Horn; Herman Hagan; Edward G. Davis; John C. Martin; Stephanie Adams; Christopher A. Bradley; John C. McKenzie; William L. Boddy, III; Larry R. Sipple

Not pictured: Marcealeate S. Ruffin; William P. Wood



COURTS AND COMMUNITIES

Special thanks in preparing this Annual Report go to the chief judges and court administrators of each of the courts and to the Administrative Office of the Courts staff, including Connie Magee for countless hours spent composing and arranging for the publication of this Report; Christine Sudell, Esq., for writing and content development; Marianne Lego and Barbara Mooney for their work on Report statistics; Amy Whitman for internet publication of this Report; Kevin Bowers for his photography, and other JIC staff for technical support.



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