



## 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

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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.

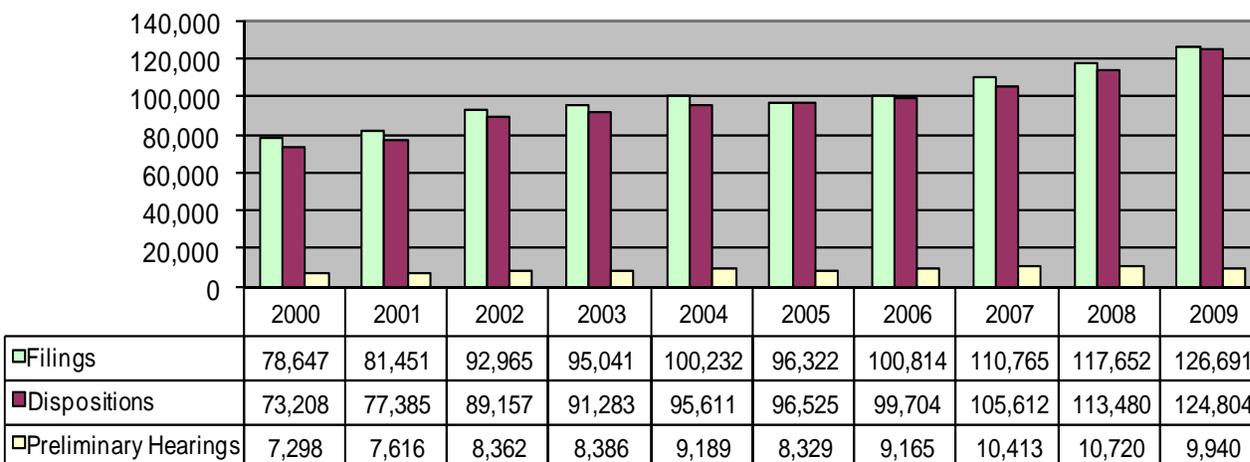
Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the drug court concept, the goal of Mental Health Court is to effectively serve the special needs of the mental health population through continuous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

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### 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**

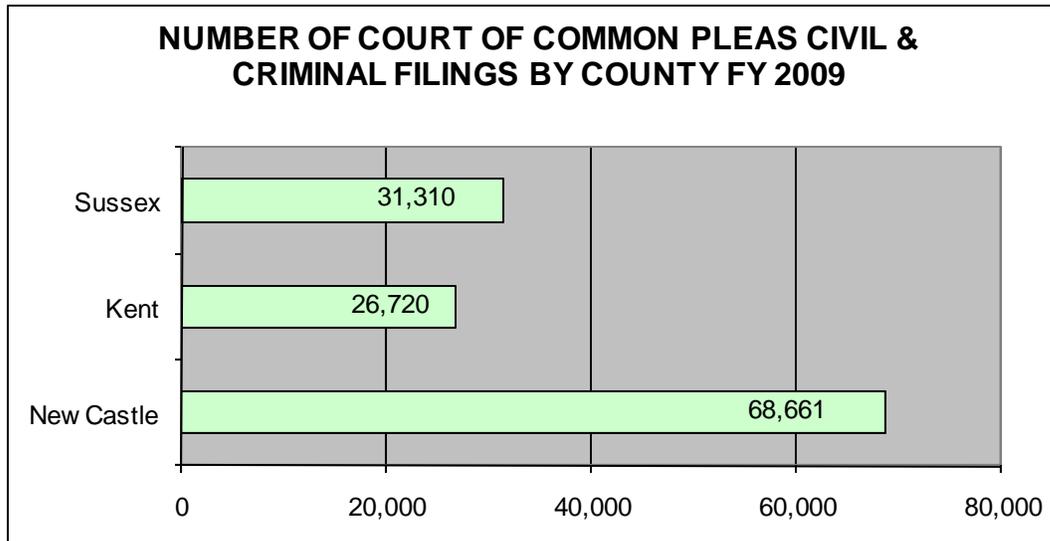
The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. It also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

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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.

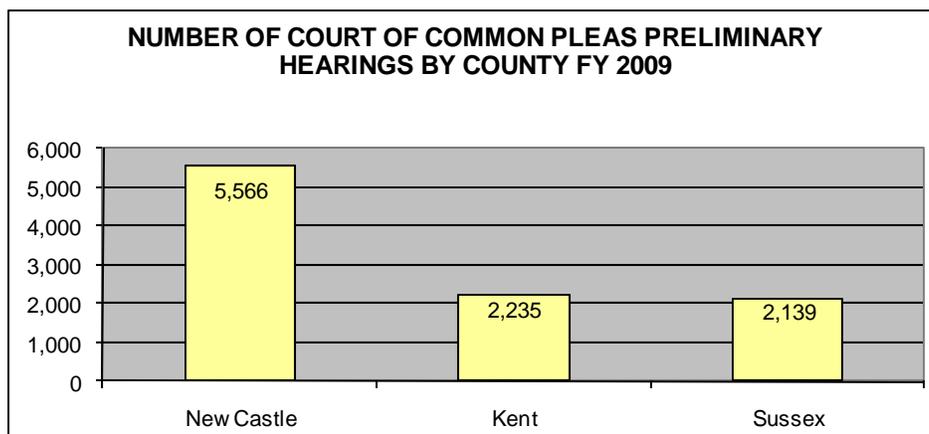


## JUDGES

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.



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***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