

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.