



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.

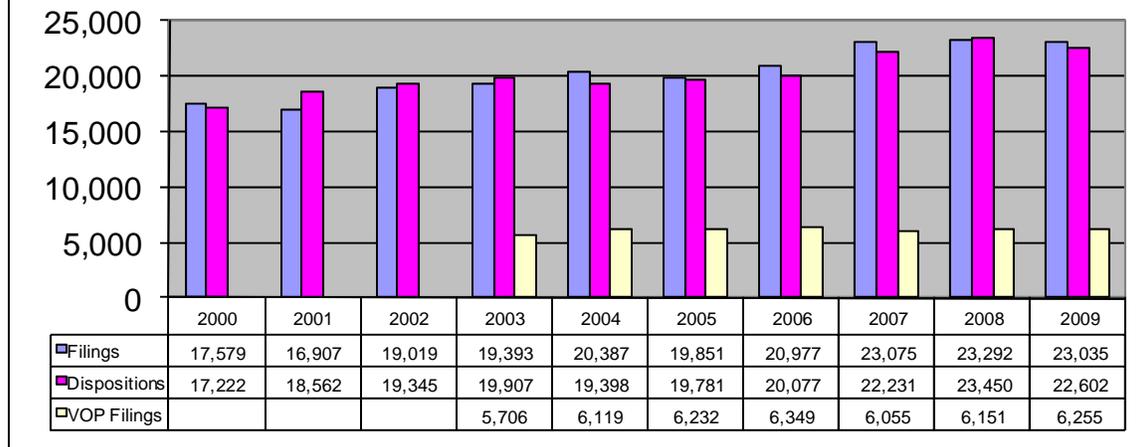
Additionally, we are proud to announce that Project Rightful Owner, which was launched May 10, 2007, has disbursed almost \$3.5 million of the nearly \$5 million in Sheriff's Sales excess proceeds.

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/>.

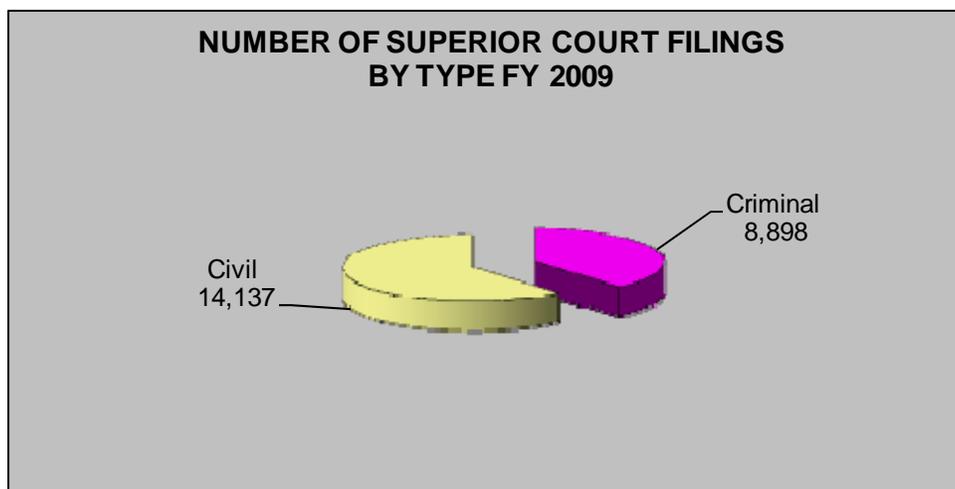
Our website has more information than ever. The expungement forms and procedures are now on our website. Meetings to incorporate trade, business and fictitious names into a searchable data base began in November, 2008, and the development, design and testing continued through 2008.

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-

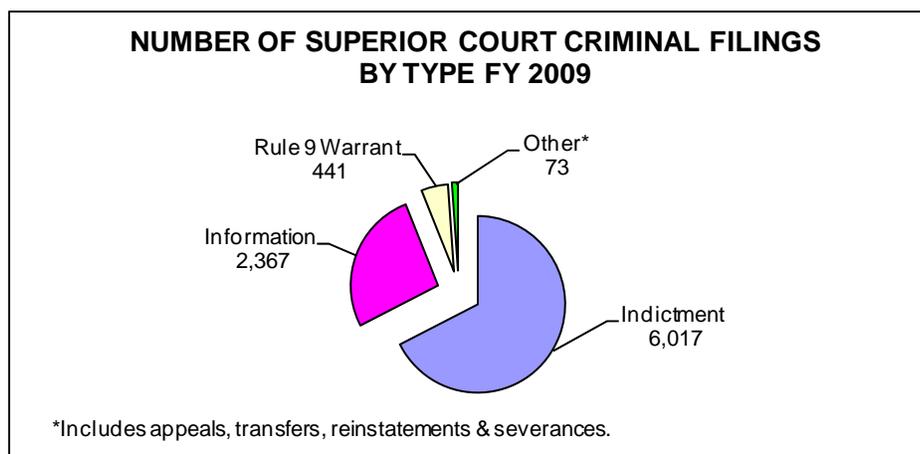
sions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed president judge. There were five Superior Court judges in 1951; there are nineteen today.

GEOGRAPHIC ORGANIZATION

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

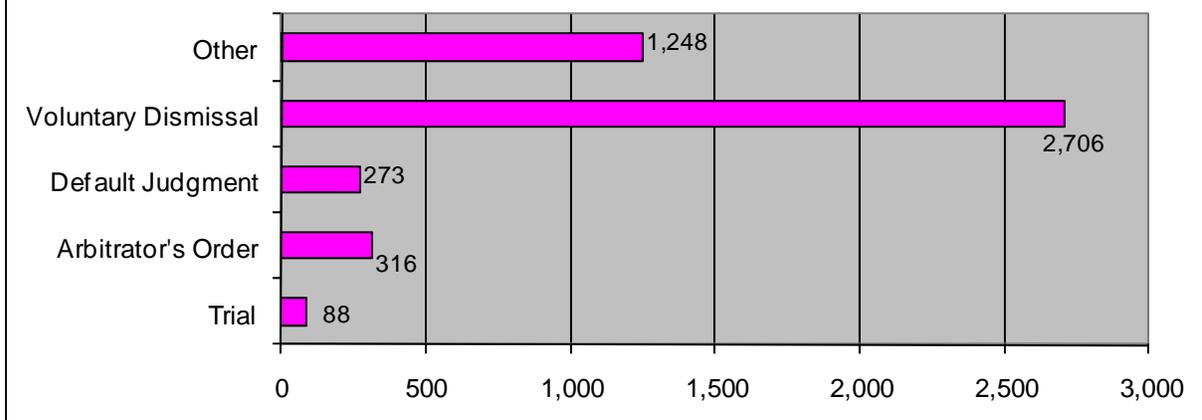
LEGAL JURISDICTION

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



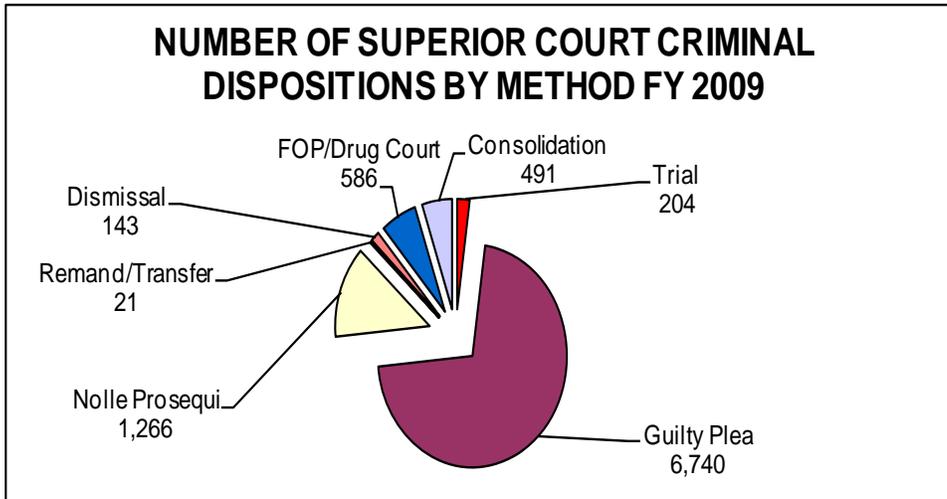
Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics' liens, and condemnations. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and possession of 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

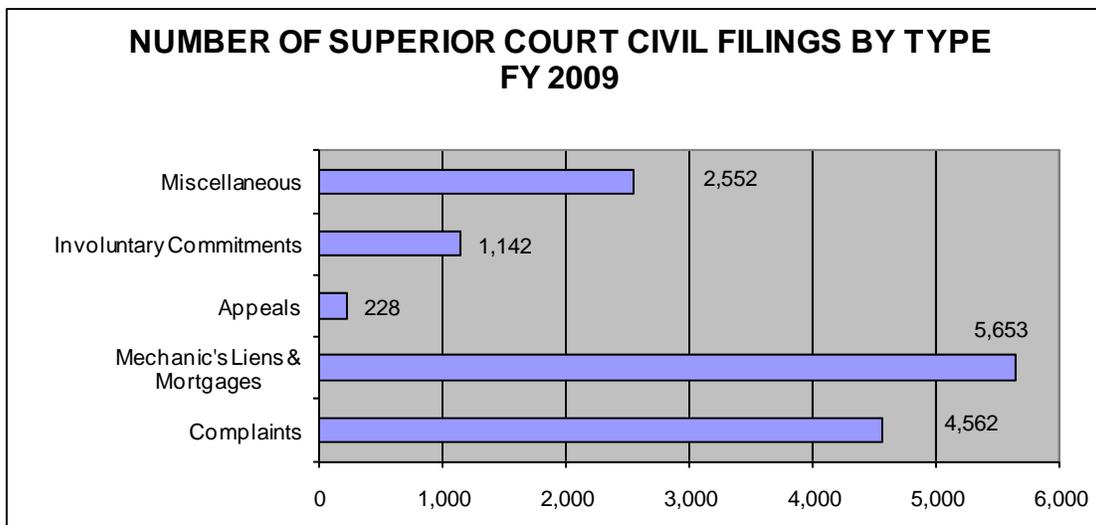
Superior Court created the position of commissioner in 1994 and currently five commissioners assist the judges in civil and criminal matters. Commissioners are attorneys at law who are appointed by the Governor and confirmed by the Senate for an initial four-year term and may be reappointed to six year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