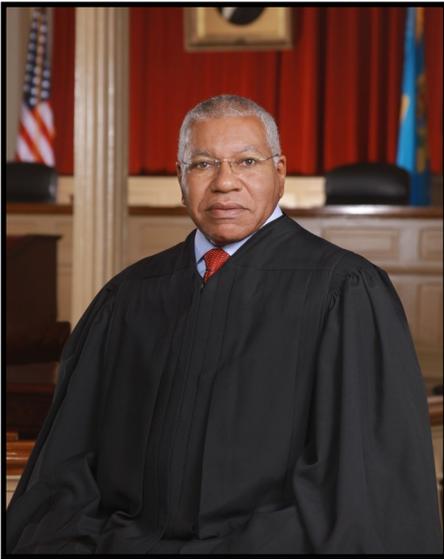


# COURT OF COMMON PLEAS



## CHIEF JUDGE ALEX J. SMALLS

Since its inception in 1973, the statewide Court of Common Pleas has continued to expand and evolve to fulfill the Court's mission of providing a neutral forum for the people and institutions of Delaware, in the resolution of everyday problems, disputes, and more complex legal matters in a fair, professional, efficient, and practical manner.

FY 2019 was no exception, marking a year of discernable growth in the Court. Today, the Court's jurisdiction is more encompassing than ever before, the nature of the cases

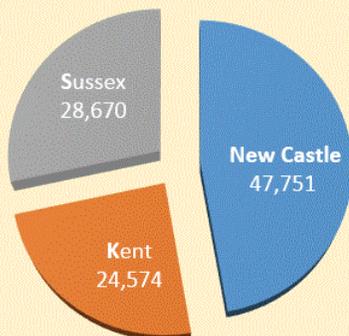
filed in the Court have continued to grow in complexity, and the number of cases proceeding to trial continues to rise. As a result, the Court has been especially challenged to balance the needs of litigants with the ever-increasing demand on the Court's limited resources.

### Civil Initiatives

Civil case filings in the Court of Common Pleas have leveled off since the record-high figures seen in FY 2018, but the Court has continued to maintain a remarkably heavy civil caseload. In FY 2019, the Court received 8,004 new civil complaints, in addition to 4,229 civil judgments, name changes, and appeals.

Consumer debt collection cases make up the bulk of the Court's civil caseload. In FY 2019, consumer debt cases became a slightly smaller portion of the court's caseload, decreasing from 86.3% of civil cases filed in FY 2018 to 85.7% of all civil case filings in FY 2019. However, consumer debt filings have continued to increase since FY 2013, when

**COURT OF COMMON PLEAS CIVIL & CRIMINAL  
FILINGS BY COUNTY FY 2019**



COURT OF COMMON PLEAS

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the Court adopted Administrative Directive 2012-2 setting forth procedural guidelines in consumer debt collection cases with the goal of ensuring fairness to all litigants and improving efficiency in the administration of justice. In FY 2019, 6,859 consumer debt cases were filed in the Court of Common Pleas — up 80.1% since FY 2013.

## Criminal Initiatives

The criminal misdemeanor filings in the Court of Common Pleas in FY 2019 was 88,762 and there were 7,739 preliminary hearings scheduled. These figures represent a 3.5% decrease in criminal misdemeanor filings and a 3.3% decrease in total criminal caseload compared to FY 2018.

While the criminal caseload has declined, the types of cases filed in the Court are considerably more complex than in years past.

Traffic cases now make up a smaller share of the total caseload in each county. In FY 2019, there were 35,190 traffic charges filed in the Court of Common Pleas. This is a 5.4% decrease from the 37,194 filed in FY 2018. However, the overall misdemeanor filing total decreased by only 3.5% during the same period, and the growth rate of drug and alcohol cases has consistently outpaced other criminal filings. Statewide DUI transfers increased 43.9% — growing from 1,970 to 2,835 — between FY 2013 and FY 2019. In Sussex County, the portion of the Court's caseload consisting of misdemeanor drug cases has doubled, from 5% of the county's total caseload to 11%, between FY 2012 and FY 2019.

In FY 2019, legislation passed which requires the Courts to implement a pre-trial assessment tool when making initial bail decisions. The tool, called the Delaware Pretrial Assessment Tool (“DELPAT”) was adopted in Court of Common Pleas. The DELPAT was introduced to increase the reliability and equity of decisions about pre-trial release.

The Court has also been working diligently with the Judicial Information Center (JIC) and across courts to create an electronic sentencing order that will be transmitted automatically to the Department of Correction (DOC) in real time. The institution of the

electronic sentencing order will save the Court time by not requiring that sentence orders be separately scanned and sent to the DOC. Additionally, the electronic sentencing order will be unified across Courts in a consistent format making it easier for staff to input data at DOC.



Driving Under the Influence (DUI)

cases are among the most time-consuming events handled by the Court. In FY 2019, the part of the Court's criminal caseload consisting of DUI cases decreased by 0.1%. From FY 2013 to FY 2019, the number of DUI cases transferred to the court increased by 43.9% statewide. All three counties have experienced the case type change which required additional time to adjudicate. While statewide DUI transfers increased by 43.9%, the number of DUI transfers in Sussex County rose 77.7% during the same period. This significant increase is being evaluated and addressed as we move forward.

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The new jurisdictional and programmatic changes have adversely affected the courts ability to handle these matters. These cases require more courtroom time, have a higher than average number of court events, and often require multiple court staff to process the case from filing to disposition.

The Department of Justice continues to aggressively review felony cases at preliminary hearings and, as appropriate, resolve those in the Court of Common Pleas. This effort has a positive effect on the 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; which occurs when felony charges are reduced to misdemeanors and returned to the Court after being bound over following preliminary hearings.

## Mediation Program

The Court of Common Pleas Mediation Program serves as a valuable resource for criminal disputants, civil litigants, and the community at large. The program provides an Alternative Dispute Resolution (ADR) option within the Court and serves a significant number of clients throughout the state. This ADR option is particularly valuable to indigent populations who otherwise cannot afford the cost of private ADR services. In addition, the program serves as an ADR educational resource for attorneys studying for the Delaware Bar exam or Mediation Certification, and assists local police agencies to resolve neighborhood disputes.

In FY 2019 there were 824 referrals to mediation, however since 2001, there has been over 19,399 cases referred for mediation. Mediation provides an alternative to criminal prosecution, assists the court in the management of its busy calendars, and leaves participants with an increased sense of satisfaction with the justice sys-

tem. In FY 2019, the court's mediation program had a success/satisfaction rate of 91%.

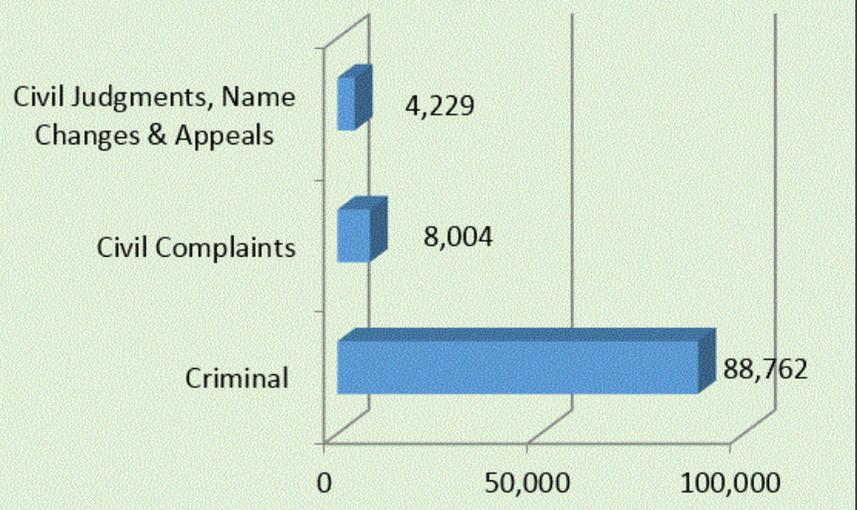
The court has also expanded the Community Mediation Program, to receive referrals from the New Castle County Police community section and municipalities seeking mediation assistance with minor neighborhood disputes, rather than referring matters for criminal or civil litigation. The expansion has created a positive relationship with the community at large.

## Problem Solving Courts

### A) Consolidation

In FY 2015, the Chief Justice appointed a committee of treatment court judges to work with evaluators from American University to study the effectiveness of the Judiciary's treatment courts. The study made several recommendations for improvements to the courts, most notably the consolidation of Drug Diversion Court in the Court of Common Pleas, and the Mental Health Court in the Superior Court, for more efficient use of available resources. The consolidation of Drug Court and Mental Health Court was completed in October of 2015, with the final revision

**COURT OF COMMON PLEAS NUMBER OF FILINGS BY TYPE FY 2019**



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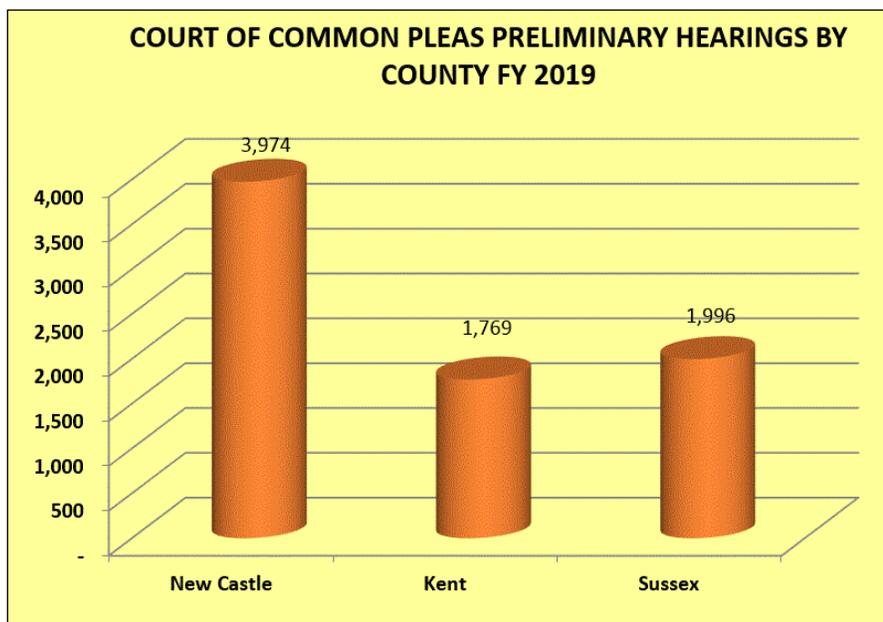
to permit diversion of felony offenses to take place in January of 2017. Legislation also made Possession of Marijuana for personal use a Civil Violation, allowing the Court and treatment resources to be focused on more serious drug offenses.

## B) Drug Diversion

The Court continued to operate its highly successful court-supervised comprehensive Drug Diversion Program for non-violent offenders. This program is under the direction of Judge Robert H. Surlles in New Castle County, Judge Charles W. Welch III in Kent County and Judge Kenneth S. Clark, Jr. in Sussex County. The Drug Diversion Program represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Office of Defense Services, the private bar, treatment providers,

and the Treatment Research Institute (TRI) of the University of Pennsylvania. (The TRI program is limited to New Castle County). Collaboration with the TRI provides observation, research, and data analysis, which has assisted in launching scores of other drug diversion programs throughout the United States and internationally. The Court of Common Pleas Drug Diversion Program has served more than 8,975 participants since its inception in 1998. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing, and treatment.

To enhance its ability to identify eligible participants, the New Castle County Drug Diversion Program introduced in July 1, 2010, the “RANT Assessment” instrument. “RANT” is an acronym for Risk and Needs Assessment Triage. The assessment is used to assess the individual’s risks and needs. Based upon the results, a defendant is placed into one of four treatment quadrants: low risks/low needs; low risks/high needs; high risks/low needs; and high risks/high needs. Identifying these risks/needs gives the court a basis to tailor the individual treatment needs of the client, enhance successful program completion, and to reduce recidivism.



## C) Mental Health Court

The Court of Common Pleas under the direction of Judge Carl C. Danberg, evaluates cases in the Court of Common Pleas for eligibility to enter Superior Court’s Mental Health Court program. The evaluation process involves ordering and analyzing

mental health evaluations and determining competency before referral.

## D) DUI Court

The Court of Common Pleas continues to operate the DUI Treatment Court Program in New Castle County, under the direction of Chief Judge Smalls, and previously, with Judge Sheldon K. Rennie. The Court accepted its first participants on December 19, 2014. In FY 2019, in New Castle County there were 62 active participants in the program; to date,

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182 individuals have entered the program, 138 individuals have successfully completed the program, and 13 individuals have been terminated from the program. On February 2, 2018, DUI Court was expanded to Kent County Court of Common Pleas under the direction of Judge Charles Welch III and Commissioner Donald Bucklin; to date, 29 individuals have entered the program, 14 individuals have successfully completed the program and 2 individuals have been terminated from the program. To be eligible, the DUI must be a first offense with a high blood alcohol content (BAC) level or a second DUI offense; the DUI must not have resulted in severe bodily injury or death; the individual is subject to the DUI-RANT Assessment and must be within the High Risk/High Needs quadrant, and; the individual must plead guilty to the offense.

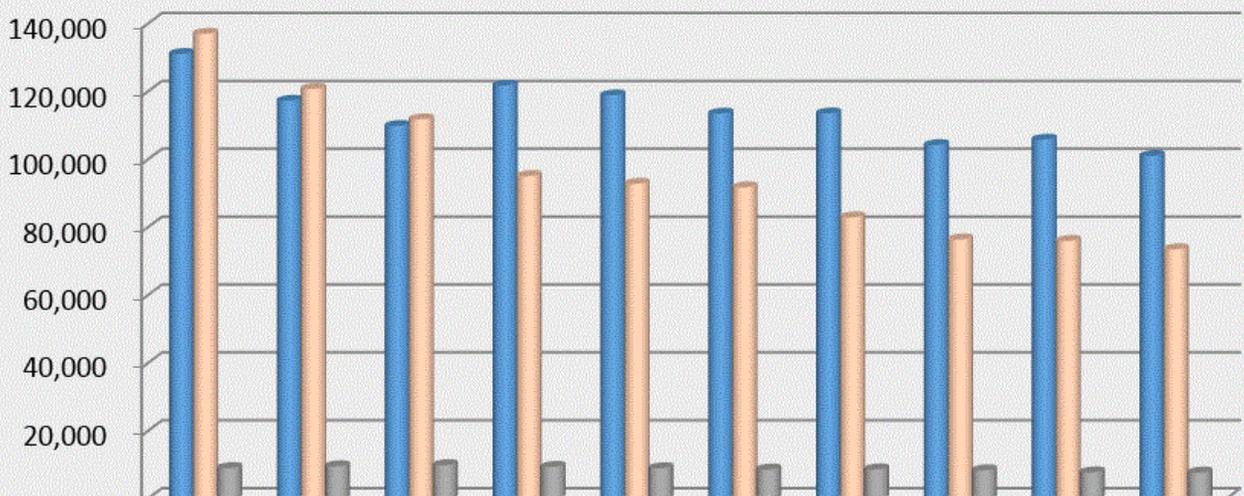
The program is authorized under 21 Del. C. § 4177(d) (2), and its goal is to enhance the community through the promotion of lifestyle change with specialized

treatment. The treatment program requires all participants to be evaluated by Brandywine Counseling & Community Services and complete the treatment. Specifically, they participate in the Prime Solutions Program, a motivational intervention approach to address alcohol or drug problems which encourage participants to change their behavior. Participants also are required to complete 240 hours of community service.

## E) Community Court

The Court of Common Pleas is collaborating along with other courts in the judiciary, justice partners, state service agencies and community groups to establish a Community Court in the City of Wilmington. The judiciary established a Community Court Steering Committee to participate in Community Court Planning, on which the Court of Common Pleas has representatives; the Steering Committee is comprised of other Court's representatives, justice

**COURT OF COMMON PLEAS CIVIL & CRIMINAL FILINGS, DISPOSITIONS & PRELIMINARY HEARINGS BY FISCAL YEAR**



|                      |         |         |         |         |         |         |         |         |         |         |
|----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
|                      | 2010    | 2011    | 2012    | 2013    | 2014    | 2015    | 2016    | 2017    | 2018    | 2019    |
| Filings              | 131,073 | 117,252 | 109,836 | 121,752 | 118,864 | 113,471 | 113,547 | 104,205 | 105,796 | 100,995 |
| Dispositions         | 137,037 | 120,782 | 111,815 | 95,102  | 92,834  | 91,781  | 82,939  | 76,435  | 76,012  | 73,535  |
| Preliminary Hearings | 9,066   | 9,590   | 9,917   | 9,398   | 9,011   | 8,621   | 8,689   | 8,402   | 7,798   | 7,739   |

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partners, social service providers and community group members. The purpose of the committee is to “provide oversight to the planning process, guide the direction of the Community Court through the resolution of pertinent issues, and to assist in the development of necessary partnerships with the community and other entities.” The goal of Community Court is to build a stronger/improved relationship between the criminal justice system and the members of the community, by engaging the community members and focusing on criminal justice issues they identify as a concern.

The Community Resource Center was completed and opened on the second floor of the Leonard L. Williams Justice Center (formerly, the New Castle County Courthouse). The resource center will bring the justice center and many other service providers together in one location. Justice involved individuals will have immediate same site access to make connections with a variety of service providers to address needs ranging from education, mental health, substance abuse, housing, and food. One of the primary focuses of the resource center will be connecting offenders with employment. Job training, resume writing, and connecting defendants with employers willing to give them a second chance to reenter the workforce will all be accessible at the center. The resource center will not only be a resource for defendants as the center will be open to anyone in the community looking to be connected to needed services. This is an innovative way to restore the relationship between the justice system and the communities it services to improve access to justice and the public’s trust and confidence in the legal system. The Court of Common Pleas is prepared to begin accepting cases to the Community Court Calendar in FY 2020.

## Technology Innovation

In March 2017, the court launched its new Interactive Voice Response System (IVR) to provide self-service options to customers 24 hours per day. The IVR has also significantly improved productivity and reduced

costs to the court by freeing up staff time and providing a reduction in “soft costs” of lost time and mismanaged labor. During FY 2019, the IVR system received an average of 86 calls per day, including calls on weekends and holidays, and reduced the number of callers who hung up after being placed on hold by nearly two-thirds.

## Enforcement of Court Orders

In FY 2019, the Court of Common Pleas collected approximately \$5,714,985 in fines, costs, and assessments. A significant portion of the Court’s collections represents restitution payments to victims of crime.

The Court has a memorandum of understanding with the Office of State Court Collections Enforcement (OSCCE) to assist in funds collection. OSCCE collected \$13,911 through kiosk transactions in FY 2019. These community-based service kiosks reduce the need for the public to travel to the courthouse to pay court costs and fines, saving both the public and court staff time.

## Conclusion

Notwithstanding 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 a neutral forum for the people and institutions of Delaware in the resolution of everyday problems, disputes, and more complex legal matters in a fair, professional, efficient and practical manner.” ♦



# COURT OF COMMON PLEAS

## COURT OF COMMON PLEAS COMMISSIONERS



*Standing left to right:*  
Commissioner Mary McDonough  
Commissioner Donald Bucklin

## COURT OF COMMON PLEAS JUDGES



*Front row (standing left to right):*

Judge Anne Hartnett  
Chief Judge Alex J. Smalls  
Judge Rosemary Betts  
Beauregard  
Judge Carl C. Danberg

*Back row (standing left to right):*

Judge Charles W. Welch III  
Judge John K. Welch  
Judge Kenneth S. Clark, Jr.  
Judge Robert H. Surles  
Judge Bradley V. Manning