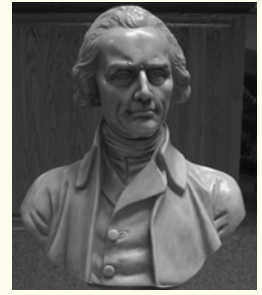


# Innovating for the Future

**"I like the dreams of the future better than the history of the past."**

**Thomas Jefferson, Letter to John Adams, 1816**



While the Delaware court system has an illustrious history, it recognizes that the spirit of innovation is what makes Delaware courts the pride of our state. Delaware's courts are meeting the challenges of an ever changing world by adopting new programs, improving technologies, and developing creative procedures to constantly advance our efforts to meet the needs of those whom we serve. The efforts discussed below illustrate this spirit of innovation.

## *Developing new ways to serve our business community*

In the Court of Chancery, rules adopted this year for voluntary binding arbitration help provide a cost-effective means of resolving business disputes. The rules, which implement previously passed legislation, provide a number of advantages for those choosing arbitration. These include an arbitrator who is a chancellor, vice chancellor or master sitting permanently on the Court of Chancery; fast track handling of the arbitration, with arbitration hearings generally held within 90 days of filing; and private proceedings that only the parties and their representatives may attend, unless all parties agree otherwise.

In the Superior Court, a new complex litigation division was inaugurated in 2010. The new division provides for streamlined and more uniform administration of complex commercial cases. Streamlining of cases is assured by providing firm pretrial and prompt trial dates; assigning cases to one of the three judges on the division's panel; and giving scheduling priority over other cases heard by the assigned judge. Uniformity in administration is promoted through the establishment of consistent procedures by the panel of judges, as well as a case management order that provides guidance on commonly occurring issues.

For those seeking to register a trade name with the prothonotary, a new online search of names already in use is now available to make naming and registering their business easier.

## *Pioneering efforts to assist self-represented litigants*

The Delaware courts have long been leaders in providing information to assist self-represented litigants, with initiatives such as the Family Court Resource Centers, the Administrative Office of the Courts' Limited Pro Bono Assistance Program, and brochures and web sites provided by the courts. To promote further innovation in this area, Chief Justice Myron T. Steele created the Delaware Courts: Fairness for All Task Force in June 2008. A report issued by the Task Force during FY 2010 recommended a variety of efforts to promote these goals and implementation efforts began shortly thereafter.

These efforts have included the development of an online video to assist self-represented litigants which is available on the Judicial Branch web site; online interactive forms to assist litigants in filing a complaint; the creation of a Bench Bar Committee on Limited Scope Representation to consider whether any changes need to be made to the Delaware Rules of Professional Conduct and Court Rules to clarify issues regarding limited scope representation; and a Judicial Committee on Self-Represented Litigants to address concerns that judicial officers may have regarding balancing self-represented litigants' perceptions of procedural fairness while maintaining neutrality in the courtroom.



Screen print from the online video series for *pro se* litigants on civil case processing in the Delaware Courts.

Additional efforts serving the self-represented include the Court of Chancery's launch of an online accounting system that helps individuals serving as guardians or trustees prepare an accounting for filing with the Court and the Family Court's online filing of petitions in conjunction with nCourt.

### *Creating Innovative Special Courts and Programs*

Delaware's courts have designed special courts and programs which use effective and efficient procedures tailored to specific case types. From drug and mental health courts, which work with treatment providers to divert those with substance abuse issues or mental illnesses from the criminal justice system, to the recently created gun court in Family Court, which handles cases against juveniles involving a firearm, and the truancy court in the Justice of the Peace Court, Delaware courts are using cutting-edge concepts for processing cases, assisting individuals, and helping the community.

The Delaware Judicial Branch has also taken the lead in applying creative approaches to solving issues affecting the entire criminal justice system. Through the Delaware Supreme Court Task Force on Criminal Justice and Mental Health, the Judicial Branch has been a leader in bringing together representatives of all three branches of state government with community leaders to develop comprehensive ways of diverting individuals with mental illness from the criminal justice system and improving outcomes for such individuals when they are involved in the criminal justice system.

### *Leading Initiatives in Promoting Racial and Ethnic Fairness in the Justice System*

During the past year, Justice Henry duPont Ridgely and Chief Judge Alex J. Smalls, co-chairs of the Criminal Justice Council's Racial and Ethnic Fairness Committee, led the Committee in drafting the "Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System in Delaware." Pursuant to this Declaration, applicants for grants administered by the Criminal Justice Council must certify compliance with the Declaration to receive preference in grant awards. The courts and the Administrative Office of the Courts are focusing on ensuring that their policies and procedures are compliant with the Declaration requirements, including complaint processes, community outreach, and bias-free decision making. As a result of its efforts in this area, Delaware was one of four states awarded an ABA Racial Justice Improvement grant to support further efforts in this area.