

COURT OF COMMON PLEAS

Chief Judge Alex J. Smalls

Fiscal year 2011 continued as a busy and challenging year for the Court of Common Pleas. The number of cases transferred to, and filed with, the Court of Common Pleas contributes to a high volume environment in the Court. While misdemeanor and civil caseloads leveled off for the first time in many years, they are down from all-time highs in each category.

Civil Initiatives

The Court of Common Pleas received 14,314 new civil cases in FY 2011. While the number of civil cases filed dropped by 5.8% in FY 2011, this follows several years of significant increase filings. Cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time. To better manage this more complex caseload, the Court implemented an expedited process for civil cases, to reduce disposition time, and improve management for litigants, attorneys and judges.

SPEED Docket

In recognition of the need to create programs that increase the efficiency of the Court while still ensuring the fair administration of justice, the Court of Common Pleas adopted two new civil initiatives in FY 2011. Effective February 1, 2011, the Court of Common Pleas adopted Administrative Directive 2010-3, creating the Court's new SPEED Docket (Special Election and Expedited Docket) which is available to all parties filing civil cases in the Court and all appeals de novo from the Justice of the Peace Court to the Court where the amount in controversy is between \$10,000 and \$50,000. It excludes consumer debt cases and appeals on the record. Special scheduling rules are applied to SPEED cases which en-

sure a more timely resolution, with the application time lines and deadlines, additionally the case is assigned to a Judge who handles all matters until the case is resolved. A scheduling conference is scheduled within thirty days of the filing of an answer or a motion by any party and the trial scheduled within 5 months of this scheduling conference.

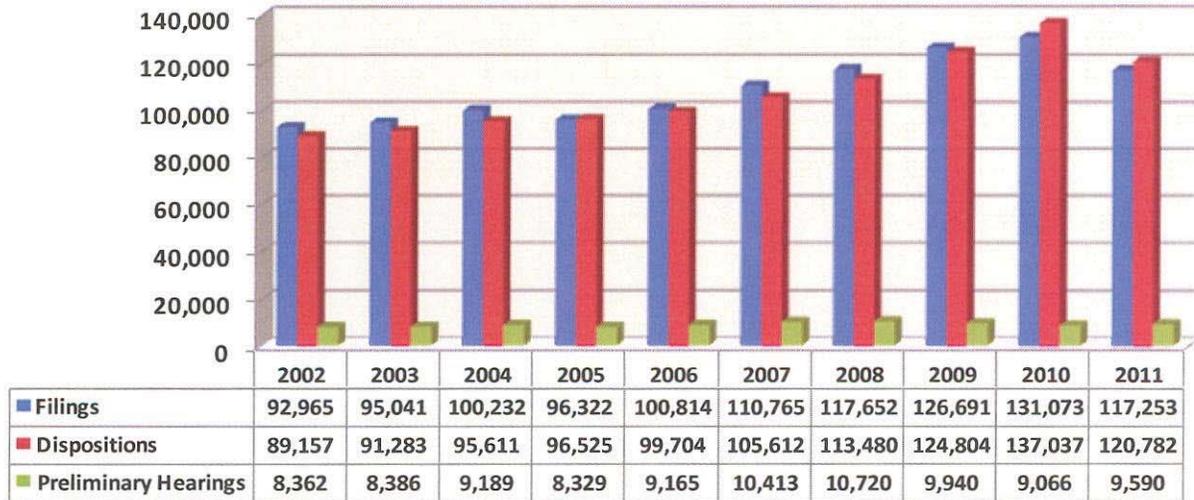
Consumer Debt

The mission of the Court of Common Pleas is 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. In recognition of that mission, the Court of Common Pleas is the ideal forum to litigate consumer debt collection cases efficiently and effectively.

Consumer Debt Collection cases represent a significant percentage of the Court's civil caseload. Consistent with sound public policy and the requirements of due process, and in an effort to better manage these cases, the Court adopted Administrative Directive 2011-1 effective July 1, 2011. The Directive imposes procedural guidelines in consumer debt collection actions to ensure fairness to the litigants and improve efficiency in the administration of justice. The Directive helps the Court meet the goals set forth in its Mission Statement. Among other things, the Court anticipates these changes will provide more information to the litigants, so all parties can make informed decisions earlier in the process. It furthers the State's public policy of adjudication on the merits rather than by default.

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



Civil Mediation

In recent years, the Court of Common Pleas extended its successful criminal mediation program to include civil cases. This option has been well received by civil litigants and has been responsible for the successful settlement of an increasing number of cases to the satisfaction of both parties.

Criminal Initiatives

The number of criminal defendant filings in the Court of Common Pleas in FY 2011 was 102,939. The 11.2% decrease appears to be largely a result of the Police Prosecution Initiative in the Justice of the Peace Court. This allows the Court of Common Pleas to focus its attention on the more serious misdemeanor and traffic cases. Preliminary Hearing filings increased to 9,590 in FY 2011, an increase of 5.8%. 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 continues to take a significantly greater number of pleas at Preliminary Hearing. This 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; many such cases, if not pled, would be re-filed in the Court of Common Pleas after the defendant is bound over for the Superior Court.

Grant-Funded Initiatives

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 reduced the time to disposition in most case categories. The acquisition of funds from the American Recovery and Reinvestment Act allowed the Court to add dedicated traffic calendars in New Castle County and expedite case processing, which resulted in a continued reduction of the time to disposition of traffic cases.

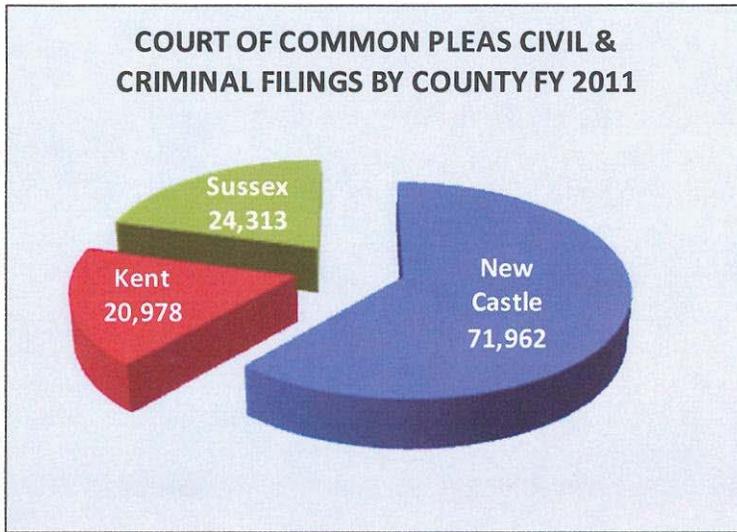
The Court also received funding through the Stop Violence Against Women Act to allow greater concentration on the movement of domestic violence cases. The goal of ensuring prompt disposition of these cases by identifying them early in the process, tracking and monitoring case activities, anticipating case flow problems/causes for delay, and initiating appropriate action to expedite cases has begun to be realized and the time to disposition of domestic violence cases dropped by three weeks.

Mediation

Since 2001, the Court has referred almost 9,000 cases for mediation, with more than 1,025 referrals made to the program in FY 2011. 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 system.

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In FY 2011, the Court's mediation program had a success/satisfaction rate of nearly 88%.



Specialty Courts

The Court continued to operate its highly successful 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 Drug Diversion program represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Public Defender, the private Bar, the treatment providers, and the Treatment Research Institute at the University of Pennsylvania. (The TRI program is limited to New Castle County.) Collaboration with the Treatment Research Center (TRI) has provided the basis for observation, research and analysis to launch scores of other drug diversion programs throughout the United States and internationally. Based on TRI's research, in FY 2011, the Court continued its commitment to identify and accept into the program those defendants who will most benefit from the program and who are committed to a clean and sober lifestyle. The Court has handled more than 6,400 participants since its inception in 1998.

While there are a limited number of drug charges within the jurisdiction of the Court of Common Pleas, the Court serves a large number of clients with serious drug problems. To address the needs of all participants, the New Castle County Drug Diversion Court introduced a new tool to improve services to its clients on July 1, 2010. The new tool called the "RANT" Assessment is a web-based placement tool developed by the Court's partners at the

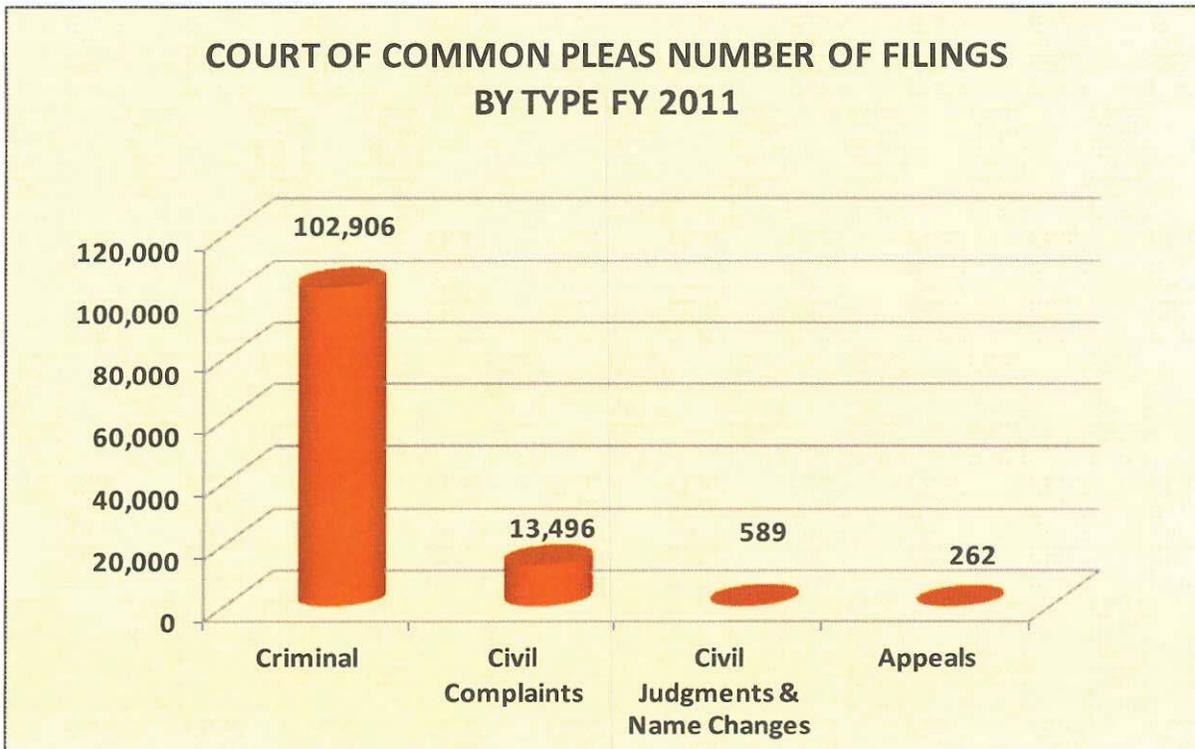
Treatment Research Institute at the University of Pennsylvania. "RANT" is an acronym for Risk and Needs Assessment Triage. The assessment tool asks each client a series of questions which are used to assess each client's risks and needs. The answers to the questions are used to group clients into one of four quadrants, those with: low risks/low needs; low risks/high needs; high risk/low needs; and high risk/ high needs. Identifying these risk/needs groups allows treatment to be better tailored to meet the individual needs of the client, promote successful program completion and to reduce recidivism rates.

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 and, through this approach, to reduce this population's contacts with the criminal justice system. Approximately 250 cases have been referred to the Mental Health Court since its inception, exceeding the original goal of serving 100 misdemeanor offenders. Ninety-eight percent of the admissions have been compliant with their case management plans and, as of June 30, 2010, 89% of the individuals who successfully completed the program did not incur new convictions within six months of their graduation. The Court is in the process of seeking funds to expand the Mental Health Court to Kent and Sussex Counties.

Technology Initiatives

The Court continues to explore avenues to increase efficiency through technology. The success of the civil e-filing initiative, increased use of a web-based system for the payment of fines, costs and restitution through an internet application and increased use of, and reliance on the Court's web site, have afforded the Court productivity gains. In FY 2011, the Court also began to use an innovative automated file and retrieval system for the archiving of records that has saved court staff many hours of time and effort and has allowed the Court to be more quickly responsive to customer requests. The Court is also an active partner in the Judiciary's Delaware Courts Automation Project (DCAP) and has committed staff to the effort. In addition, the Court continues to explore other opportunities by which it can serve its customers through improved public access, such as through an Interactive Voice Recognition Program and through expanded e-Payment opportunities.

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The continued success of the civil automation implementation has significantly improved access to civil cases and civil case information. E-filing has been extremely successful, with more than 90% of the Court's caseload being e-filed. In FY 2011, the Court received 68,645 individual filings (a 42% increase over last year) and collected \$1,233,882 in fees for those filings. Additionally, the COTS implementation provides electronic access by judges and staff to court filings, reduces the Court's reliance on paper; provides access to accurate and complete reporting information for the first time; and provides the public with internet access to civil case information.

Enforcement of Court Orders

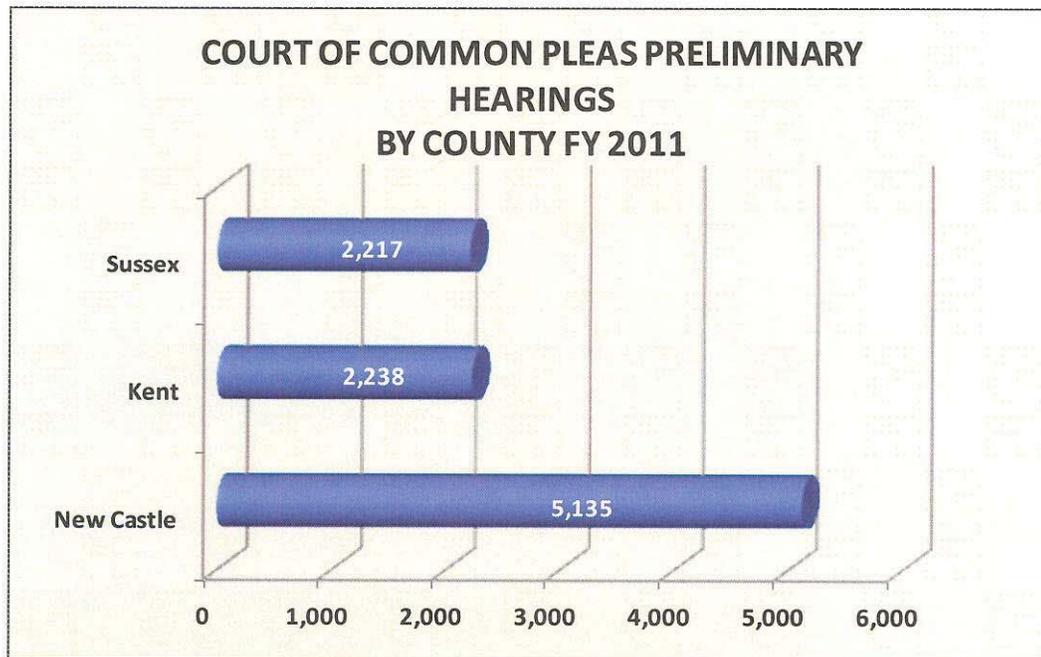
The Court of Common Pleas commitment to enforcement of its court orders continues. In spite of a weak economy, the Court collected approximately \$6,500,000 in outstanding fines, costs and assessments. These collections represent money going to the State's General Fund, as well as to individual municipalities throughout the State. The Court returns more than 48% of its operating budget to the State's General Fund, a far higher percentage than any other Court. A significant portion of the Court's collections also represents restitution and compensation payments to victims of crime.

Kent County Courthouse

At the end of FY 2011, the Court of Common Pleas in Kent County moved into its long-awaited new courthouse in Dover. The move to the new Courthouse required the dedication and hard work of the judges and Court staff in preparing files and equipment for the move while continuing to maintain the same quality of service to the citizens of Delaware. The move to the Kent County Courthouse has provided a state of the art facility in which to conduct the Court's business that will continue to improve the delivery of service to the citizens of Delaware.

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 and the Court serves to carry out that mission on a daily basis.

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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 Charles W. Welch, III
Judge Joseph F. Flickinger, III
Judge Anne Hartnett Reigle
Judge Eric Davis
Judge Kenneth S. Clark, Jr.
Judge John K. Welch