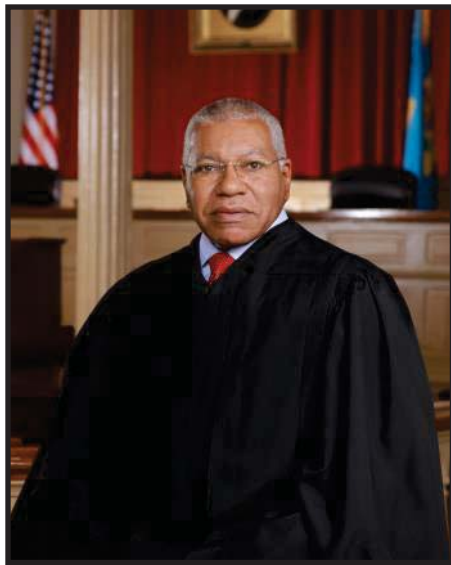


COURT OF COMMON PLEAS



CHIEF JUDGE ALEX J. SMALLS

Fiscal Year 2016 was 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 contributed to a high-volume environment in the Court. Over the past fiscal year, criminal caseloads continuously increased, and while the civil case load decreased, the cases are more complex. The number of cases proceeding forward to trial continues to increase, placing an ever growing demand on the Court's and judicial partners' resources.

Civil Initiatives

The Court of Common Pleas received 5,864 new civil complaints combined with 3,858 civil judgments, name changes and appeals, resulting in a 5.6% decrease in overall civil caseload since last year. This is primarily because FY

2015 was an exceptionally large year for the Court's civil caseload; increasing 15% from FY 2014. FY 2016's caseload is slightly above the historical mean of the past five fiscal years. In addition, the caseload continues to grow in complexity; which results in a more extensive motion practice and trials.

The civil division of the Office of the Clerk, in conjunction with the criminal division, integrated into a new office space that provided seven offices for supervisors, a secured cash room monitored by closed-circuit cameras, and an open filing system that allows civil and criminal to store all pending, probation, and capias files in one central location.

In 2012, 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. There were 4,293 consumer debt cases filed with the Court in FY 2016. This represents a 9.5% decrease from FY 2015.

Criminal Initiatives

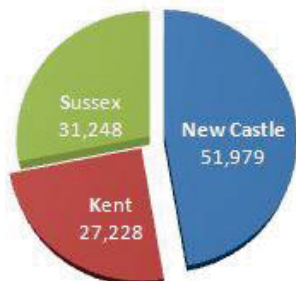
FY 2016 was a period of significant institutional reorganization and infrastructure improvement for the Court of Common Pleas.

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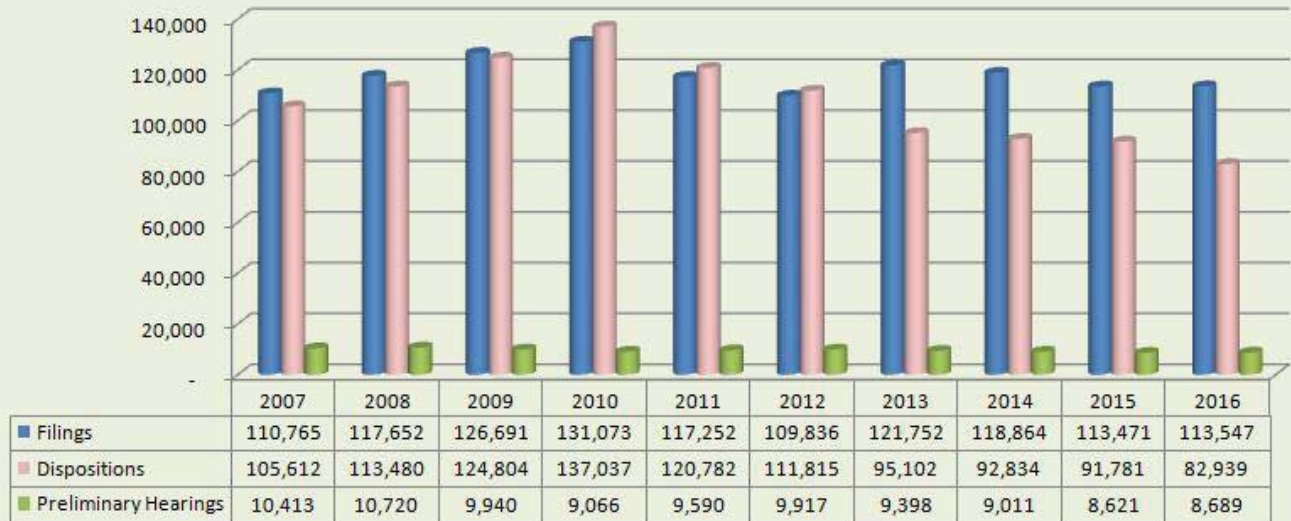
COURT OF COMMON PLEAS

**COURT OF COMMON PLEAS CIVIL & CRIMINAL
FILINGS BY COUNTY FY 2016**



COURT OF COMMON PLEAS

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



The criminal division of the Office of the Clerk in New Castle County completed its transition to a larger office and expanded the available filing space in order to meet the demands of the Court's increasing caseload and recent office reorganization. The Court continues to identify process improvement opportunities for further collaboration and re-engineering.

The number of criminal misdemeanor filings in the Court of Common Pleas in FY 2016 was 103,825 with 8,689 preliminary hearings held. Both of these figures represent a small (<1%) increase in filings from FY 2015. Additionally, there were 44,720 traffic charges filed with the Court of Common Pleas during FY 2016. This represents a 1.9% increase in the number of filings from FY 2015.

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 at preliminary hearings.

Mediation Program

The Mediation Program continues to experience growth in each county. Originally housed in the Investigative Ser-

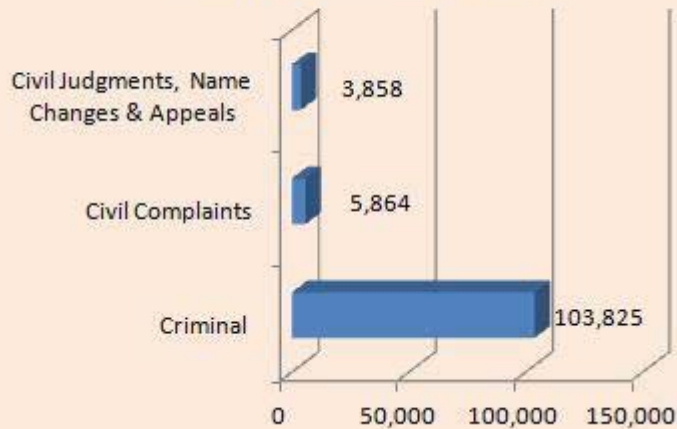
vices Unit since its creation in 2001, the Program's success, consistency, and the increasing demand for Alternative Dispute Resolution (ADR) services warranted the establishment of a new, larger location, adjacent to the Clerk's office, with facilities that provide easy access for the public.

Since 2001, the Court has referred over 16,010 cases for mediation, with 1,426 referrals made to the program in FY 16. 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. In FY 2016, the Court's mediation program had a success/satisfaction rate of 95.5 percent. This is an increase of 1.5% from the previous fiscal year.

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. The Court has also adopted a Community Mediation Program, which receives referrals regularly 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. This growth has been a result of the positive relationships with the community at large.

COURT OF COMMON PLEAS

COURT OF COMMON PLEAS NUMBER OF FILINGS BY TYPE FY 2016



Drug Diversion

The Court continues 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. Surlis in New Castle County, Judge Charles W. Welch, III in Kent County and Judge Kenneth S. Clark, Jr. in Sussex County. 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 Defenders, the private bar, the treatment providers, and the Treatment Research Institute (TRI) at the University of Pennsylvania. (The TRI program is limited to New Castle County). Collaboration with the TRI provides a basis for observation, research, and analysis, which assists 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 8,531 participants since its inception in 1998, including 896 participants in FY 2016.

To enhance its ability to identify the needs of all participants, the New Castle County Drug Diversion Program introduced a new tool July 1, 2010. The tool referred to as “RANT Assessment,” a web-based evaluation instrument developed by the Court’s partners at the Treatment Research Institute. “RANT” is an acronym for Risk and Needs Assessment Triage. The assessment is used to as-

sess an 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 groups allows treatment to be tailored to meet the individual needs of the client, promote successful program completion, and reduce recidivism.

In FY 2015 the Chief Justice appointed a committee of treatment court judges from all the counties to work in conjunction with evaluators from American University to study the effectiveness of the Judiciary’s treat-

ment courts. The American University report identified many areas for improvement in service delivery of the treatment courts. It was recommended that treatment would be more effective where there exists a single type court in each county. It concluded that Drug Diversion Court should be housed in the Court of Common Pleas, and the Mental Health Courts should be housed in the Superior Court. Efforts are underway to implement these recommendations.

DUI Court

In FY 2016, 3,098 DUI cases were transferred from the Justice of the Peace Court to the Court of Common Pleas. On July 18, 2012, the Department of Justice was given authority to transfer certain Driving Under the Influence (DUI) cases to the Court of Common Pleas from the Justice of the Peace Court. The statute also provided that the Court of Common Pleas shall take steps towards implementation of a Driving Under the Influence Court. On July 31, 2014, the statute was amended which authorized the creation of a DUI Treatment Program in the Court of Common Pleas.

The DUI Treatment Court Program, under the direction of Chief Judge Smalls, with the assistance of Judge Sheldon Rennie, accepted its first participants on December 19, 2014. To date, 89 individuals have entered the program, 44 are participating, 40 individuals have successfully completed the program, and 5 individuals were terminated. The requirements for entry into the program are: (1)

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COURT OF COMMON PLEAS

the DUI must be a first offense with a high BAC level or a second offense; (2) the DUI must not have resulted in severe bodily injury or death; (3) the individual must be evaluated through the DUI-RANT Assessment and placed within the High Risk/High Needs quadrant; and (4) the individual must plead guilty to the offense.

Safety of the community and promotion of lifestyle change through specialized treatment is the major focus of the DUI Court. Accordingly, individuals must attend individual and group counseling sessions provided by Brandywine Counseling & Community Services. Specifically, they participate in the Prime For Life Program, a motivational intervention program used to address alcohol or drug problems which encourage participants to change their behavior. Participants also are required to complete 30 days of community service.

There is zero tolerance for drug and alcohol use and participants are subject to random drug/alcohol screenings. Individuals are monitored by Probation and Parole through the use of the Transdermal Alcohol Device (TAD) worn on the ankle for 90 days. Additionally, an Ignition Interlock Device is installed on the participant's motor vehicle. DUI Court had its first set of graduates in November 2015 and to date has had 40 participants successfully complete the program.

Process Improvement Initiatives

In FY 2016, the Court of Common Pleas continued/initiated several projects aimed at updating processes and increasing efficiencies. One such project focused on the way we record and return bail payments. A group of students from the Judiciary's partnership with the University of Delaware's Alfred Lerner College of Business and Economics worked with the Court to create spreadsheets to generate receipts and another excel workbook to use in place of our record keeping books. This project was piloted in New Castle County in FY 2015, and expanded to Kent and Sussex counties this year. We have used this process to enhance security measures and reduce staff time.

A second group of partner students from the University of Delaware developed an improved process for scheduling court staff in New Castle County. The students expanded on our current process of using a shared outlook calendar and set it up to be an automated, rotating schedule for judicial assign-

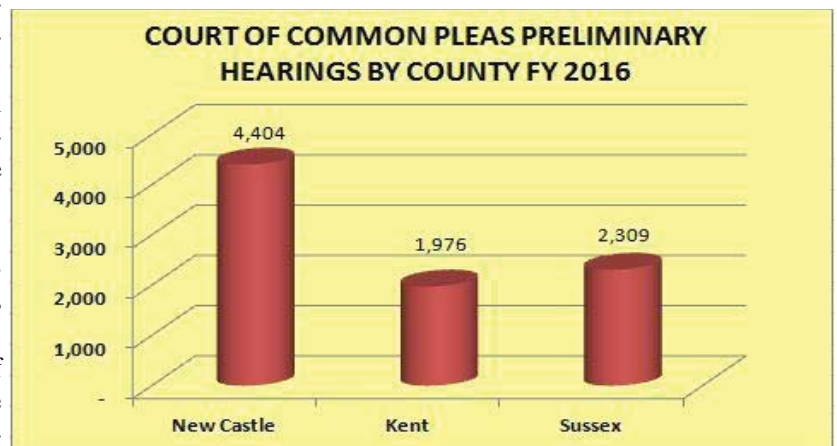
ments. This new process assists judges and staff in handling cases that may require special scheduling. The students also worked with supervisors one-on-one and showed them how this tool can be used to assign staff to court calendars.

The Court also implemented a series of Resource Mailboxes to receive prior plea agreements and bail requests. This process permits attorneys to file prior pleas by e-mail and bail agents to submit bail documents electronically. The utilization of the two mailboxes eliminates the need for faxes and long wait times in the Clerk's Office, by allowing attorneys and bail agents to contact the court without appearing in person.

Title 16 Jurisdiction Changes

The recent changes to the drug statutes regarding possession and use of controlled substances on June 18, 2015 vested the Court with additional jurisdiction.

With these changes, the Court of Common Pleas experienced an 8% decrease in the number of drug cases filed statewide under prior jurisdiction, but experienced an overall increase of 33.4% in the number of misdemeanor drug cases filed in comparison to the previous year prior to the jurisdiction change. To address the increased volume, the Court re-engineered several of its processes for case management. In New Castle County, a Title 16 Arraignment calendar and a Title 16 Case Review calendar were introduced; Kent County created a Title 16 Case Review calendar; and Sussex County created a Title 16 Arraignment calendar. From these specialized events, cases are managed to achieve efficient and effective resolution.



COURT OF COMMON PLEAS

Investing in Employees and Infrastructure

A study of the New Castle County Court of Common Pleas clerks' office indicated its space was inadequate for the number of personnel and level of workers housed in the location. The relocation of adjacent offices allowed the clerks' office to expand to accommodate the employees and files. This made a significant improvement in productivity by giving every clerk sufficient work space, managers and supervisors their own offices, mediation space with an adjacent conference room, as well as creating a central file location and secure cash room.

This investment in infrastructure and employees in the New Castle County Court of Common Pleas has shown to be extremely valuable. It has given employees their own spaces to efficiently complete their work and has furthered the productivity of the clerks' office as a whole. The mediation program has been able to efficiently meet its high demand in its new and improved location, while the file center and the secure cash room have improved security and accountability of the court.

American College of Trial Lawyers Study

The results of a study conducted by the Delaware State Bar Association and the Delaware Chapter of the American College of Trial Lawyers encouraged the need for uniformity among counties, as well as improvements to the process of filing appeals from the Justice of the Peace Court.

The study concluded that the Court of Common Pleas employs varying procedures from county to county and more uniformity of policies and procedures would improve the ease of practicing in the multiple counties within the state. The study stated, "Uniformity promotes administrative efficiencies statewide and allows litigants and counsel to have consistent expectations regardless of the county in which a particular case may be pending" (Section 6, page 10). It is the Court of Common Pleas' goal to address this issue, and therefore the Court is documenting our policies and procedures to make changes so they are more consistent. Additionally, we have been reviewing all of the Court's forms to create statewide forms to be utilized in all three counties.

Respondents of the study noted a need for improvement in the appeals process from the Justice of the Peace Court to the Court of Common Pleas. In response, Chief Judge Smalls issued Administrative Directive No. 2016-7 which created a Rules Committee to review and support changes to address complexities in the appellate processes and increase efficiency.

Technology Innovation

Technology has helped improve the court system to become more efficient and cost effective. In a new effort to increase efficiency through technology, the Court has begun to review how cases can be tried using video appearances. The areas where this appears to be most productive are pretrial in civil matters, appearances in consumer debt proceedings, and for office conferences.

In another development, The Court of Common Pleas is working on upgrading their telephone system in the clerks' office to allow for incoming calls to be distributed between more employees. Doing so would make it possible for calls to be answered and addressed sooner, with the goal of cutting down wait times.

Enforcement of Court Orders

In FY 2016, the Court of Common Pleas collected approximately \$6,358,007 in fines, costs, and assessments. A significant portion of the Court's collections also represents restitution and compensation payments for victims of crime. The Court returns more than 59% of its operating budget to Delaware's General Fund.

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." ♦

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COURT OF COMMON PLEAS



COURT OF COMMON PLEAS COMMISSIONERS

Standing left to right:

Abby L. Adams

Mary McDonough

COURT OF COMMON PLEAS JUDGES



Front row (standing left to right):

Judge John K. Welch

Chief Judge Alex J. Smalls

Judge Rosemary Betts

Beauregard

Judge Kenneth S. Clark, Jr.

Second row (standing left to right):

Judge Sheldon Rennie

Judge Robert H. Surles

Judge Charles W. Welch, III

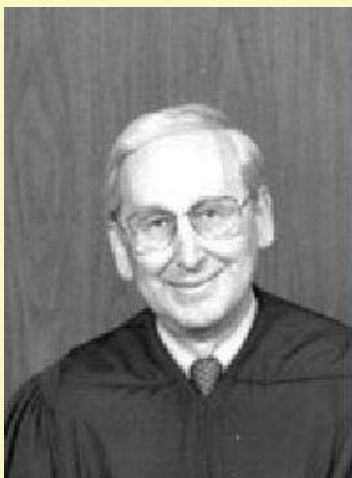
Judge Anne Hartnett Reigle

Judge Carl C. Danberg

COURT OF COMMON PLEAS

IN MEMORIAM

The HONORABLE ALFRED FRACZKOWSKI



The Honorable Alfred Fraczkowski was first appointed to the Municipal Court in Wilmington, as Chief Judge, in November 1969. He became a Judge in the Court of Common Pleas after the two courts merged in May 1998. Judge Fraczkowski retired from full-time work in May 2000, but continued as a Retired Judge, assisting the Court with its significant caseload. His most recent appointment to the Court of Common Pleas was in June 2016 to run through June 2017.

Born in Wilmington, Judge Fraczkowski was the son of the late Peter L. and Laura C. (Chlebowski) Fraczkowski. He was a 1944 graduate of Salesianum School, earned his undergraduate degree from the University of Delaware and his law degree from the University of Pennsylvania. He proudly served in the U.S. Army and served the community in many other ways including as counsel to the Diocese of Wilmington, the Board of St. Francis Hospital, and the Board of Trustees of Catholic Cemeteries.

“His service to the Court was invaluable both in terms of handling cases and mentoring new judges appointed to the court,” said Court of Common Pleas Chief Judge Alex J. Smalls.

“Our state and judiciary have suffered a huge loss, one that makes us remember how important it is to let the people we respect and love know how we feel. Judge Fraczkowski was old school in all the best ways, a true gentleman who treated everyone with civility, dignity, and respect, and made the concept of a people's court come alive in the finest sense, from his many days as a Municipal Court Judge to his many years serving in the Court of Common Pleas. We shall miss him tremendously,” said Delaware Supreme Court Chief Justice Leo E. Strine, Jr.