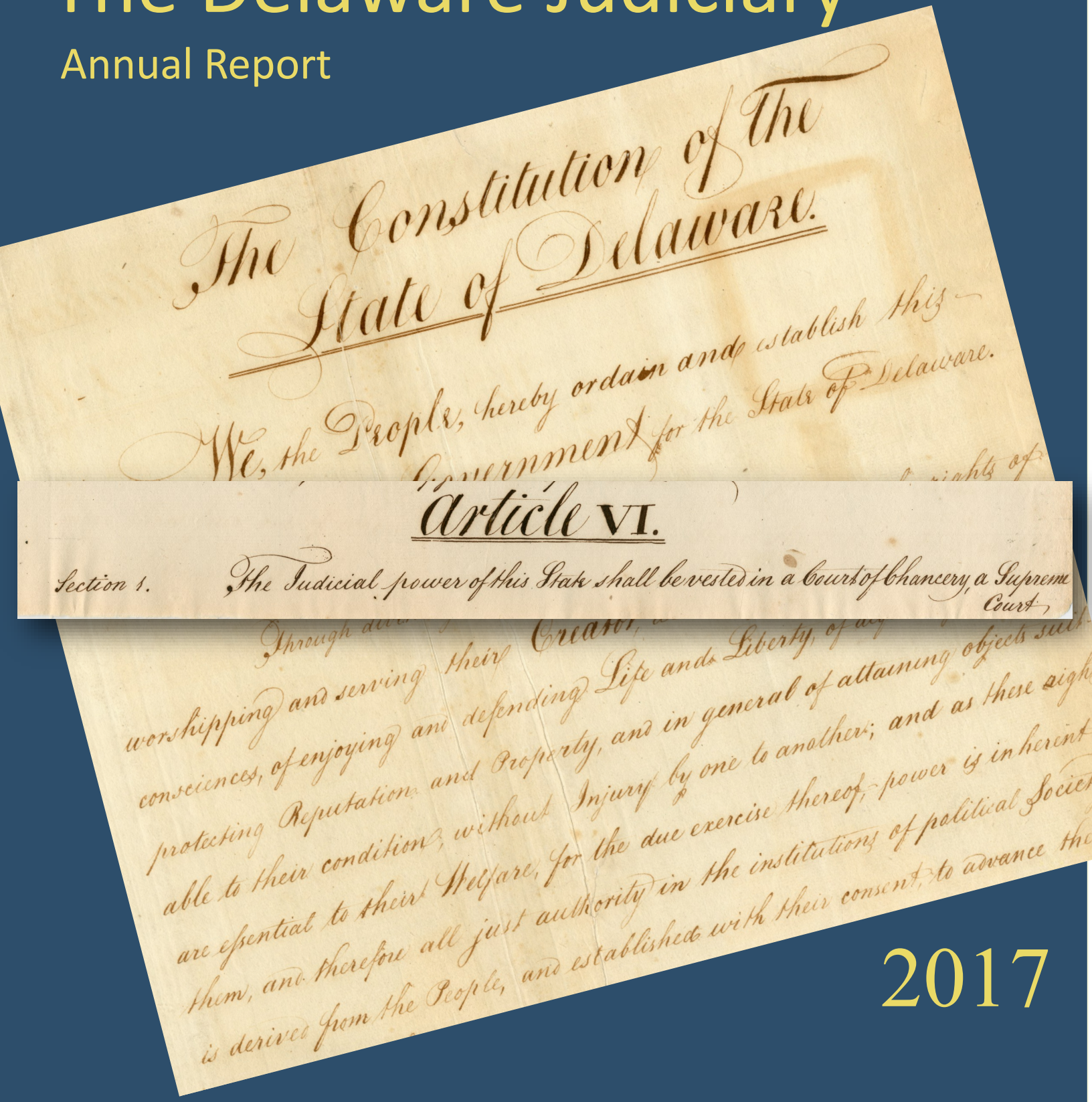
The Delaware Judiciary

Annual Report


The Constitution of the State of Delaware.

We, the People, hereby ordain and establish this Government for the State of Delaware.

Article VI.

Section 1. The Judicial power of this State shall be vested in a Court of Chancery, a Supreme Court

worshipping and serving their Creator,

consciences, of enjoying and defending Life and Liberty, of acquiring

protecting Reputation and Property, and in general of attaining objects such

able to their condition, without Injury by one to another; and as these righ

are essential to their Welfare, for the due exercise thereof, power is inherent

them, and therefore all just authority in the institutions of political Socie

is derived from the People, and established with their consent, to advance the

2017

225 YEARS OF THE DELAWARE COURT OF CHANCERY

On the Cover:
Image of The Constitution of the State of Delaware,1792. Article 6, which established the Court of Chancery, is highlighted.

Images courtesy of the Delaware Public Archives

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MESSAGE FROM THE STATE COURT ADMINISTRATOR

The 2017 Annual Report of the Delaware Judiciary

I am pleased to present the 2017 Annual Report of the Delaware Judicial Branch. Over the past year, the Judiciary has continued to work to make justice more accessible, affordable and understandable to those who come to our courthouses. This Report outlines many of the programs and services that exemplify the state court system and shows the dedication of the Judicial Branch to providing justice, fairness, and access to courts in very challenging times.

The Administrative Office of the Court has a long history of helping courts improve the lives of our citizens by providing organizational and administrative support for a number of court initiatives designed to review, improve and enhance court operations; assuring the prompt and effective administration of justice; providing safe, secure court facilities; ensuring that the courts remain open and transparent; and assisting other government agencies by providing needed data in a timely and efficient manner. The 2017 Annual Report gives an overview of the breadth and depth of the work of the courts throughout Delaware.

I hope that this Report serves as a valuable tool in understanding the work of our court system. I invite you to visit the Delaware Court's website at www.courts.delaware.gov for the most current information concerning the Judicial Branch. The website is frequently updated in order to provide the latest source of information to the citizens we serve.

Sincerely,

Amy Arnott Quinlan
State Court Administrator

INTRODUCTION

CELEBRATING 225 YEARS OF THE DELAWARE COURT OF CHANCERY

This past year marked an important milestone in the history of the Delaware Judiciary, the 225th Anniversary of the Delaware Court of Chancery. Our court of equity traces its roots to England and was established by the State of Delaware's second constitution in 1792. Although the Court of Chancery today is known internationally for its leading role in corporate and commercial law, the Court's jurisdiction flows from British equity law, giving it authority over a wide range of issues including trusts, estates, restrictive covenants, guardianship and end-of-life decision cases, labor cases, zoning matters, boundary disputes, and other issues best resolved by a court of equity.

Chief Justice Leo E. Strine, Jr. (center) sits on a panel at the Delaware Corporate Law Anniversary Symposium, marking the 225th Anniversary of the Court of Chancery, at the Hotel DuPont to discuss "The Purpose of a Delaware Corporation." From left, Norman Monhait, Esq., Professor Elizabeth Pollman, Chief Justice Strine, Moderator Frederick H. Alexander, Esq., and Professor Lyman P. Q. Johnson. PHOTO COURTESY DSBA

The key to the Court of Chancery's success, and that of Delaware's overall success in entity formation and law, has been a commitment to acting expertly with the speed the business world needs, and to constant improvement and innovation to meet the evolving needs of a dynamic national and world economy. The same commitment to excellence, diligence, and innovation characterizes our Judiciary's approach to all its work. Resting on past achievements is something to do with the grandchildren. Building on our traditions of excellence by embracing and anticipating change, and trying to do the best job we possibly can with our limited resources, is what will keep our justice system in the vanguard for the centuries ahead of us.

Innovation is System-Wide

This unwavering commitment to adapt to meet the challenges of an evolving world produced results in 2017 and corresponds with Governor John Carney's call for greater cost-saving and efficiency in state government known as the Government Efficiency and Accountability Review or GEAR effort.

Although the Delaware Judiciary's efforts predate the creation of GEAR, the initiatives share the stated goal of GEAR, which is "to develop recommendations for increasing efficiency and effectiveness across state government, including by improving the strategic planning process, improving the use of metrics in resource allocation decisions and developing continuous improvement practices."

In early 2016, the Delaware State Bar Association and the Delaware Chapter of the American College of Trial Lawyers completed a comprehensive survey of legal practitioners in the state—which had been requested by the Delaware Supreme Court—on how Delaware's courts were functioning. The results of that survey, which involved

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both face-to-face interviews and more than 1,000 responses to an online questionnaire, were collected in a report entitled "Joint Study of the Delaware Courts" (commonly referred to as the ACTL Report). In accepting the report in June 2016, the Judiciary promised the legal community and the public that the recommendations would not be ignored. In June 2017, the Judiciary honored that promise and formally responded to the ACTL report with its own report, "Response to the Joint Study of the Delaware Courts" (the "Response Report"). The 34-page response to the findings of the ACTL report is posted on the Delaware Courts' website at http://courts.delaware.gov/aoc/publications.aspx. The Response Report detailed how recommendations from the ACTL Report had been implemented, were in the process of being implemented or further developed, or in a few cases, why no action was being taken.

Judge William C. Carpenter at the public release of the Criminal Justice Council of the Judiciary Report on April 24, 2017 at the Carvel State Office Building

In particular, the Response Report focused on addressing cross-court issues raised in the ACTL Report, and detailed plans to address those issues, including:

- Cooperation between the Superior Court and the Court of Common Pleas to integrate the work of the Drug, Mental Health, and Veterans Treatment Courts, to establish consistent criteria for eligibility and for case management and treatment in those problem-solving courts, and to pool the efforts of the judicial officers in each court, without regard to artificial jurisdictional lines. This recommendation was directly addressed by the Judiciary's internal Criminal Justice Council of the Judiciary (whose actions are detailed below).

- Improving case management and information sharing between the courts and system providers, with the goal of extending the electronic e-filing system to all civil and criminal cases in the near future. The Court of Common Pleas successfully converted its civil cases to the e-filing system in April 2017 and work continues on bringing other courts into the system.

- Creating a Jurisdiction Improvement Committee to consider jurisdictional issues raised by the ACTL Report and to make recommendations, including legislative proposals, to address those issues. This Committee, which is made up of veteran legal professionals and non-voting members from each Court, is led by David C. McBride, Esquire, and former Family Court and Superior Court Judge Peggy L. Ableman.

- Improving the consistency of procedural practices in all courts.

Court-specific issues were also raised in the ACTL Report and have been addressed by the individual courts including:

- Amendment of the Supreme Court Rules governing interlocutory appeals to make them much easier for practitioners to employ.

- Amendment of the Supreme Court's internal procedures to enable the Justices to confer in advance of an oral argument when they believe that would be helpful.

- Amendment of Family Court Rules to encourage holding early case management conferences to help resolve cases quickly and with less conflict.

Improving Treatment Courts

Having the Superior Court and the Court of Common Pleas work seamlessly together on problem-solving courts—also known as treatment courts—was the focus of the internal review initiative known as the Criminal Justice Council of the Judiciary (CJCJ). Its work dovetailed with recommendations in the ACTL Report, which, likewise, recommended greater cooperation between the Superior Court and the Court of Common Pleas in the operation of treatment courts. The Supreme Court created the CJCJ—a panel of fifteen trial judges—in 2015 to review the state's treatment courts with an eye toward making improvements in standardization among, and ef-

INTRODUCTION

ficiency in, those courts to provide the best possible help to litigants, regardless of county, who need help to address the root causes contributing to their involvement with the criminal justice system, such as addiction or mental illness.

In April 2017, the CJCJ unveiled its findings and announced a series of steps to improve, standardize, and streamline the treatment courts. In conjunction with the release of the report, the Supreme Court consolidated the Superior Court and Court of Common Pleas' Drug Courts and Mental Health Courts in New Castle County to test the initiative, and to staff the integrated treatment court as a non-court-specific entity, and assigned a pool of qualified designated judicial officers from each court. The vision of the treatment court was based on the idea that there should be "no wrong door" for a litigant whose case is better dealt with by treatment of the root causes driving the problem, and that all litigants, regardless of the court they enter or the county in which they enter, deserve the same, high-quality treatment services and standards. Put simply, if treatment courts are important—and they are—they should be done right. That means ensuring that all those who must work together to help the litigant—the court, corrections and treatment professionals, lawyers and litigants—have a clear playbook with a consistent, fair, and established system of incentives and consequences. Good intentions must be matched with best practices, and that is what the CJCJ is committed to putting into consistent statewide application.

Justice Karen L. Valihura accepting the final report from the Access to Justice Civil Subcommittees on Sept. 18, 2017 at the offices of the Delaware State Bar Association.

As part of the initiative, the Delaware Judiciary also received a grant through the Delaware Criminal Justice Council from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Adult Drug Court Program to fund a 36-month project to develop consistent statewide core standards and policies for problem-solving courts in Delaware and to fund a contractual statewide problem-solving court coordinator. Among the duties of the coordinator is the gathering of statistics on outcomes to further refine the operation of the treatment courts and to make sure the courts are producing the desired, positive results without overburdening traditional court operations. Core standards are also being developed with assistance from the National Center for State Courts.

Taking this concept further, the Delaware Judiciary is also working to create a "Community Court" in Wilmington. Community Courts can take many forms, but all focus on creative partnerships, with an emphasis on making offenders give back to the community they harmed and finding a productive path forward for all parties. These courts test innovative approaches to public safety rather than merely responding to crime after it has occurred. They use resources in new ways to address new challenges—something the Access to Justice initiative addressed in its report on the civil justice system. The planned Wilmington Community Court will be accessible to all city residents and offer convenient access to service providers and allow for the development of cross-court programming.

The goal is to make the problem-solving courts even more effective by making them more convenient for litigants, such as by offering hours outside normal work or school hours, just as the Division of Motor Vehicles does every week. By offering this option, litigants won't have to miss work to go to re-entry or drug court, or miss school to go to truancy court. Service providers, neighborhood associations, the Wilmington Police, local Licensing and Inspections officers, the Department of Labor, and other agencies that help struggling people to become self-sufficient will be welcomed in as full partners with the shared goal of reducing crime and making Wilmington a safer place to live and work and creating a model for the rest of the state. Thanks to help from the General Assembly, work is underway to build out the seventh floor of the Justice Center as, among other things, home for the Community Court. The buildout will also accommodate the relocation of Justice of the Peace Court 20 from the Wilmington Police Department to the Justice Center.

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By consolidating Court 20's operations, the move will achieve savings for the justice system because all courts will be in one location, saving time and money for our partners like the Department of Justice, the Office of Defense Services, the police, the Department of Correction, and all litigants.

Access to Justice

The Delaware Access to Justice Commission—comprised of business and community leaders—also continued its work in 2017, reviewing Delaware's civil and criminal justice systems to identify barriers to access to justice and to recommend ways to reduce or eliminate those impediments. Three Access to Justice Subcommittees presented their Final Report to the Delaware Supreme Court on September 18, 2017, in observation of Constitution Day. The final report represented over three years of work by the Subcommittee on the Efficient Delivery and Adequate Funding of Legal Services for the Poor, the Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants, and the Subcommittee on Promoting Greater Private Sector Representation of Underserved Litigants. The report contained a host of recommendations to improve Access to Justice in the civil justice system, including turning courthouse law libraries into self-help centers for pro se litigants, initiatives to increase funding for community legal groups that serve the indigent, and programs to encourage more attorneys to volunteer their time free of charge to represent impoverished litigants.

The Access to Justice Committee on Fairness in the Criminal Justice System, also continued its work in 2017. Most notably, the Fairness Committee's Bail and Pre-Trial Detention Subcommittee combined forces with the Smart Pretrial Initiative Demonstration Program and the General Assembly's Criminal Justice Improvement Committee to work on legislation to modernize Delaware's Pretrial processes. As part of that work, public hearings were held to introduce the public to the Pretrial Modernization proposal, and legislation was introduced in the General Assembly in 2017.

A second package of legislation, with a constitutional amendment relating to preventative detention for the highest risk offenders and implementing legislation, is expected to be introduced in 2018 and would need to pass two consecutive sessions of the General Assembly.

Answering the General Assembly's Call to Help Improve our Criminal Code

A related, complementary effort to the Pretrial Modernization effort is an initiative that the Delaware Judiciary is cooperating with to review and streamline the state's Criminal Code.

Delaware's Criminal Code has not undergone a comprehensive revision since the 95-page national Model Penal Code was adopted in 1973. Since that time, the Code has ballooned to over 407 pages and crosses several different titles. The hundreds of statutes added since 1973 were generally adopted without consideration to the general effects of the change on the Criminal Code's overall structure, its terminology, or its application, creating numerous inconsistencies, redundancies, ambiguities, and contradictions. In 2014, the General Assembly established the Criminal Justice Improvement Committee and charged it with restoring the Code to a clear, readable, and proportional Code, thereby improving how criminal cases are handled and enhancing public understanding and trust in the Criminal Code.

The Improved Criminal Code will:

- Provide clear guidance to police, prosecutors, and judges for bail, charging, and sentencing decisions;
- Provide for mandatory minimum sentences for the most serious offenses—crimes of violence, sex crimes, and gun crimes—while tempering their application to non-violent offenses;
- Enable the creation of more effective sentencing guidelines that have clear and predictable consequences; and
- Provide the basis for model jury instructions that cut down on errors that lead to defendants being acquitted or getting a new trial based on technicalities.

A draft of the Improved Criminal Code, produced by a subcommittee of the Criminal Justice Improvement Council, comprised of experienced attorneys and jurists working under Professor Paul Robinson of the University of Pennsylvania, was released to the public in March 2017 and posted online for review by all. Public input following those meetings, along with additional feed-

back provided in numerous meetings with key stakeholders including law enforcement, victims' rights groups, and the Delaware Attorney General's Office, has resulted in additional refinements. The final draft will be introduced to the Delaware General Assembly for its consideration and adoption in 2018.

Reentry Reform

Another important and related criminal justice initiative involves giving prisoners a better shot at reentering society and turning away from a life of crime. The Delaware Judiciary is working on a plan with the Department of Correction to reduce the debt burdens on ex-offenders as they reenter society to make it more possible for them to pay other important obligations such as rent and child support. Too many offenders have fines they cannot pay, and many would not have committed those crimes if they had money in the first place. The heavy fines hanging over offenders limit their chances to move on and continue to grow because of interest. By giving offenders positive incentives to take advantage of rehabilitation and vocational opportunities and by reducing their debt burdens, we will give them a better chance to become productive, law-abiding citizens and to meet important needs such as being able to support their children.

The Delaware Supreme Court building in Dover.

Using the Best Private Sector Business Practices to Serve the Public Better

The Delaware Judiciary's long-term relationship with the Lerner College of Business and Economics at the University of Delaware is now entering its fourth year. The partnership is designed to bring the best in private sector business practices to the daily operation of our courts. As part of the partnership, students and faculty from Lerner are training our managers in the most advanced techniques in process improvement—something called "Lean Six Sigma." Process improvement means removing waste and cutting unnecessary steps from the way we handle cases and otherwise run our operations to make our processes as efficient as possible. In this partnership, the Judiciary is not looking primarily for "one-time" process fixes. We are working to change the mindset of our employees. Having a common Judiciary-wide management culture is essential to our ability to implement changes quickly and establish consistent cross-court practices, just as it is essential for any large business with many departments to have a common management culture to keep its operations functioning efficiently.

In this relationship with Lerner, we have made process improvement a complete team effort, not just by having different courts work together, but by inviting the Department of Justice, the Public Defender, the Department of Correction, the Department of Services for Children, Youth, and Their Families, and the Governor's Office to take the Lean Six Sigma training with us and to use the process improvement resources we brought to the table. By these means, we best assured that the resulting approaches would work for all affected agencies, and thus for the public.

Our commitment to process improvement is one that we hope to suffuse in all aspects of our management. The way private sector companies become more efficient is they analyze each step of every process with a critical eye toward eliminating unnecessary steps and utilizing technology to accomplish tasks faster. This is exactly what the courts are doing as part of this initiative. We are taking a hard look at our back office functions to see if there are places where we can consolidate while improving the level and quality of service. The reality is many of the mechanisms for creating efficiencies and improving processes that are utilized in the private sector can be applied to aspects of government operations. This has been the case with our Treatment Court initiative and the creation of a Community Court.

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INTRODUCTION

Conclusion

Any organization is only as strong as its people. And that is true of our Judiciary, whose staff is committed to customer service, quality, and friendliness that are critical to our Judiciary's international reputation for excellence. As this report illustrates, we are asking a lot of our workforce. And we are doing so in a time when they face adversity in terms of their compensation and benefits.

For that reason, our number one priority for years now has been to resolve the long-standing inequitable situation regarding our City of Wilmington employees and their parking and benefits. Almost one-half of the Judicial Branch employees receive substantially less take-home pay than similarly situated employees because they happen to work in the City of Wilmington and have no access to free parking. The average cost of parking around the Justice Center is $1,700 per year, in pre-tax dollars, dollars that these employees (58 % of whom make less than $32,000 a year) need for essentials like rent, food, and healthcare.

Not surprisingly, given the resulting consequences, this is not only a matter of simple fairness to our Wilmington employees, it is a critical recruitment and retention—and therefore an operational—issue. For example, in Superior Court turnover in New Castle County in FY 2017 was 35%, while it was 11% and 13% in Kent and Sussex, respectively. Due to the disparate turnover rates in combination with the geographic distribution of Superior Court employees, 86% of employee separations took place in New Castle County. Furthermore, because of issues related to pay, many New Castle County employees work two jobs to make ends meet. Superior Court surveyed several employee groups: 58% of court security officers, 58% of investigative officers, and 50% of Prothonotary employees work two jobs.

For the past 10 years, there have been pay cuts in real inflation-adjusted terms, and positions have been eliminated from the budget, though demand for services and workload escalated. Adding unnecessary and constant turnover to the mix magnifies the problem. When many of the people providing services are always new and inexperienced, and the workload never lets up, this can lead to poorer customer service, mistakes, morale issues among emerging and veteran employees, and further turnover. And administrators then have to spend valuable time constantly reviewing applicants, conducting interviews, and training employees instead of focusing on other core operational needs.

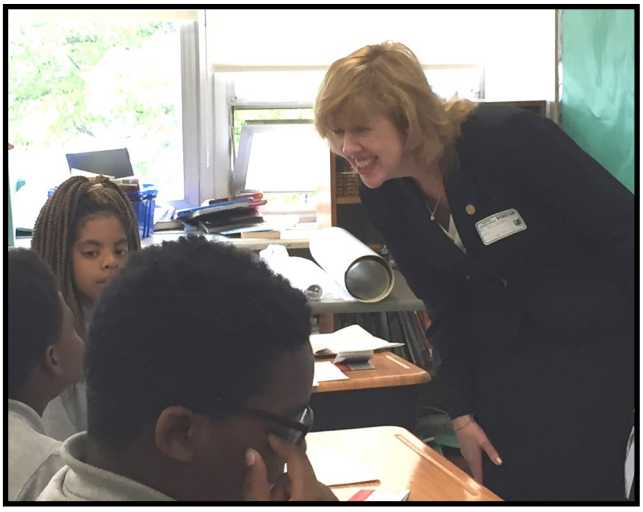
We hope that the Governor and the General Assembly will work with us to finally remedy this long-standing inequitable situation. Our employees are the reason why Delaware Courts enjoy the national and international reputation we have and treating our employees equitably is necessary to maintaining that reputation. ♦

LEGISLATION

The Judiciary's legislative team brings together representatives of the Courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation proposed by the Judicial Branch was passed during FY 2017 by the 149th session of the General Assembly:

BILL NUMBER	DESCRIPTION
HB 56	Second leg of a Constitutional Amendment that adds the Chief Magistrate of the Justice of the Peace Court to the Court on the Judiciary, ensuring that the six state courts are represented on the Court on the Judiciary.

THE YEAR IN PICTURES



TOP: Aug. 28, 2017, The Delaware Supreme Court welcomes its newest member, Justice Gary F. Traynor (seated) at the formal investiture ceremony in Georgetown. (From left Justice Collins J. Seitz, Jr., Justice Karen L. Valihura, Chief Justice Leo E. Strine, Jr. and Justice James T. Vaughn, Jr.)

MIDDLE LEFT: Sept. 26, 2017, Attendees listen to a panel of experts at the Delaware Corporate Law Anniversary Symposium, celebrating the 225th anniversary of the establishment of the Delaware Court of Chancery. *PHOTO COURTESY DSBA*

MIDDLE RIGHT: Sept. 22, 2017, Chief Justice Leo E. Strine, Jr. delivers the James R. Soles Lecture at the University of Delaware.

BOTTOM: May 1, 2017, Justice Karen L. Valihura makes a presentation at EastSide Charter School about the U.S. Constitution on Law Day 2017.

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS - FISCAL YEARS 2016-2018			
GENERAL FUNDS - State Judicial Agencies and Bodies			
	FY 2016 Enacted Budget	FY 2017 Enacted Budget	FY 2018 Enacted Budget
Supreme Court	$ 3,368,500	$ 3,388,100	$ 3,437,400
Court of Chancery	3,197,400	3,214,600	3,265,700
Superior Court	25,024,000	25,348,700	25,752,000
Family Court	20,947,800	20,688,600	20,263,700
Court of Common Pleas	10,121,900	10,278,100	10,446,000
Justice of the Peace Court	18,320,200	18,732,100	19,024,200
Administrative Office of the Courts (AOC)	3,691,000	3,753,500	3,117,900
AOC Custodial Pass-Through Funds*	3,017,200	3,013,200	2,788,000
Office of State Court Collections Enforcement (OSCCE)	562,600	584,400	598,500
Information Technology	3,768,200	3,828,400	3,853,300
Law Libraries	470,000	476,200	458,400
Office of the Public Guardian	650,800	668,700	680,800
Child Placement Review Board	563,400	669,200	-
Office of the Child Advocate	979,500	1,214,600	2,019,500
Child Death Review Commission	377,100	438,600	445,500
DE Nursing Home Residents Quality Assurance Commission	61,900	84,000	85,500
TOTAL	**$ 95,121,500**	**$ 96,381,000**	**$ 96,236,400**

* These programs are included in AOC funding but are shown separately because they are pass-through funds. They include court-appointed attorney programs, Interpreters, Victim Offender Mediation Program (FY 2016-17), Elder Law Program, and other funds.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2017					
SUBMITTED TO THE STATE GENERAL FUND					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Supreme Court	$ 89,338	$ -	$ -	$ -	$ 89,338
Court of Chancery	631,400	-	-		631,400
Superior Court	3,742,491	317,339	1,142	194,200	4,255,172
Family Court	255,478	28,237	-	29,016	312,731
Court of Common Pleas	2,135,052	416,983	-	59,542	2,611,577
Justice of the Peace Court	2,522,740	2,057,404	-	45,054	4,625,198
Office of State Court Collections		-	-		
OSCCE - DOC Fees**	684,394	-	-	-	684,394
State Total* **	**$ 10,060,893**	**$ 2,819,963**	**$ 1,142**	**$ 327,812**	**$ 13,209,810**
SUBMITTED TO COUNTIES AND MUNICIPALITIES					
	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	$ 154,632	$ 39,485	$ -	$ -	$ 194,117
Court of Common Pleas	416	386,717	-	-	387,133
Justice of the Peace Court	-	3,004,051	-	-	3,004,051
Counties and Municipalities Total	**$ 155,048**	**$ 3,430,253**	**$ -**	**$ -**	**$ 3,585,301**
GRAND TOTAL	**$ 10,215,941**	**$ 6,250,216**	**$ 1,142**	**$ 327,812**	**$ 16,795,111**

* Figures represent only revenue actually received, not the total amount of fines and costs assessed. Figures include funds generated for the FY17 Fee Increase Spending Plan.
** OSCCE collected supervision fees on behalf of the Department of Correction (DOC).
*** Of the total funds shown, the Judicial Branch has spending authority for $1,200,000 as per section 53 of the FY 2017 Budget Act.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE - FISCAL YEAR 2017			
RESTITUTION - FISCAL YEAR 2017			
	Assessed	Collected	Disbursed
Superior Court	$ 7,832,646	$ 2,538,763	$ 2,640,804
Family Court	150,464	164,317	162,480
Court of Common Pleas	824,579	789,239	806,580
Justice of the Peace Court	24,038	40,525	37,569
Office of State Court Collections Enforcement*	-	36,100	50,500
RESTITUTION TOTAL	**$ 8,831,727**	**$ 3,568,944**	**$ 3,697,933**

ASSESSMENTS AND COLLECTIONS FOR THE TRANSPORTATION TRUST FUND		
	Assessed	Collected
Superior Court	$ 161,706	$ 112,745
Family Court	4,276	5,223
Court of Common Pleas	482,808	367,613
Justice of the Peace Court	2,951,972	2,466,068
TRANSPORTATION TRUST FUND TOTAL	**$ 3,600,762**	**$ 2,951,649**

COLLECTIONS ASSISTANCE BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT ON BEHALF OF COURTS AND AGENCIES**	
	Total
Superior Court	$ 2,987,404
Family Court	529,260
Court of Common Pleas	342,568
Justice of the Peace Court	154,491
OSCCE Receivables	27,414
Department of Correction	684,394
Court of Chancery	8,248
Child Support	224,168
OSCCE Assistance Total	**$ 4,957,947**

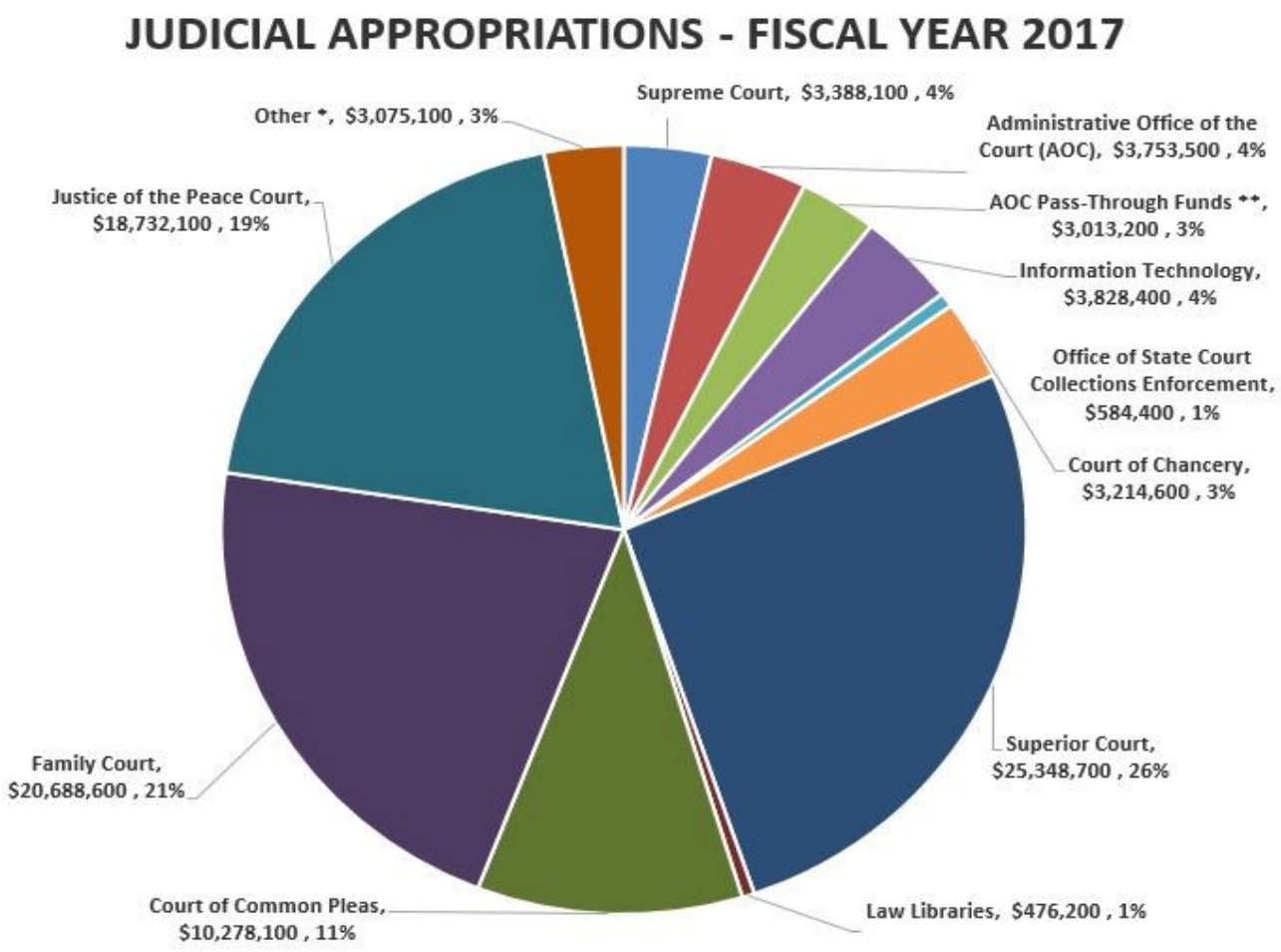
* The figures represent all efforts made by the Office of State Court Collections Enforcement (OSCCE) on behalf of the Delaware Judicial Branch and include fees, fines, assessments and restitution.

** These figures, in large part, overlap with amounts collected by the various courts and agencies and should not be considered additional.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2017			
Public Education	$	1,379,643,500	33.78%
Health and Social Services		1,183,846,300	28.99%
Department of Correction		295,388,100	7.23%
Higher Education		234,443,400	5.74%
Children, Youth and Their Families		159,029,700	3.90%
Safety and Homeland Security		134,003,600	3.28%
Judicial Branch		**96,381,000**	**2.36%**
All Other		601,316,100	14.72%
TOTAL	**$**	**4,084,051,700**	**100%**



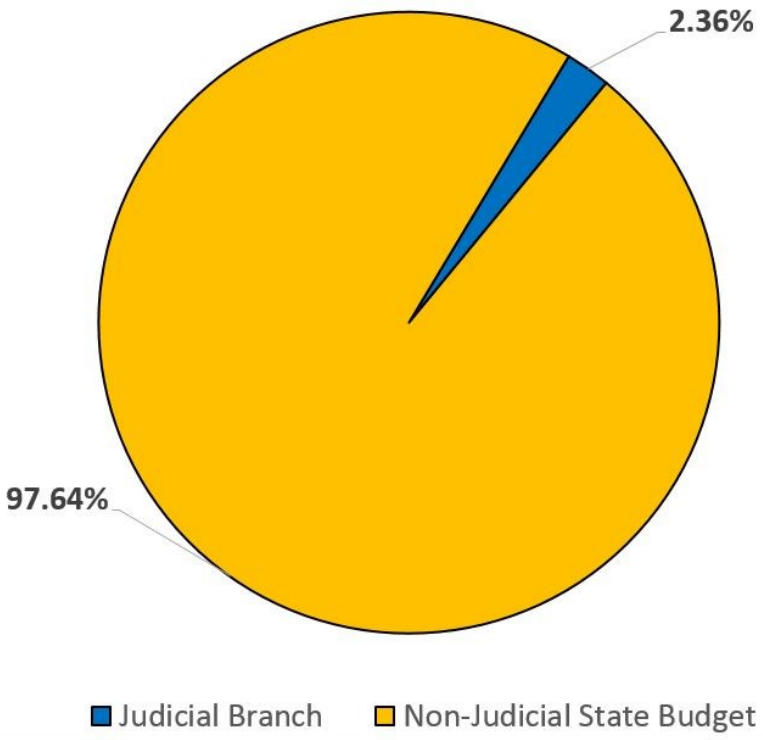
* Other: Office of the Public Guardian; Child Placement Review Board; Office of the Child Advocate; Child Death Review Commission; and Delaware Nursing Home Residents Quality Assurance Commission.

** AOC Pass-Through Funds consist of CASA Attorneys, Family Court Civil Attorneys, Court Appointed Attorneys/Involuntary Commitment, Interpreters, Victim Offender Mediation Program, Elder Law Program and DCAP Maint. Agreements (in IT).

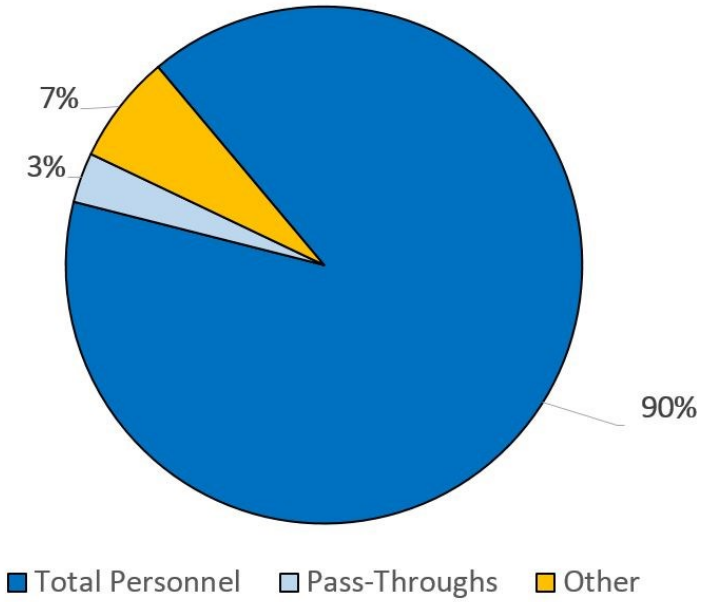
Source: Administrative Office of the Courts

FISCAL OVERVIEW

The Judiciary's FY 2017 appropriation is 2.36% of the State General Fund Budget.



The FY 2017 Judicial Branch budget breakdown: 90% Personnel, 3% Pass-Throughs to Other Entities, and 7% Other.



INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, the Administrative Office of the Courts, and related judicial agencies.

In terms of interrelationships among the courts, the Delaware court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and thus more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed $15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies), and the Justices of the Peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed $50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors except certain drug-related offenses. It also handles motor vehicle offenses (excluding felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and various state agencies, boards and commissions. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land, and questions of title to real estate as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

The Administrative Office of the Courts, including the Judicial Information Center and the Office of State Court Collections Enforcement, provides services to the Delaware Judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established by the Supreme Court.

Other state agencies associated with the Delaware Judicial Branch include: Child Placement Review Board, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death Review Commission, and the Delaware Nursing Home Residents Quality Assurance Commission. ♦

THE DELAWARE COURT SYSTEM

Supreme Court

- Court of last resort.
- Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards.
- Issuer of certain writs.
- Jurisdiction over questions of law certified to the Supreme Court by other Delaware Courts, U.S. Supreme Court, a U.S. Court of Appeals, a U.S. District Court, a U.S. Bankruptcy Court, U.S. Securities & Exchange Commission, or the highest appellate court of any state.

Court of Chancery

- Equity court.
- Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

Superior Court

- Law court.
- Original statewide jurisdiction over criminal and civil cases (except equity cases).
- Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors).
- Involuntary commitments to Delaware Psychiatric Center.
- Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal), and various state agencies, boards and commissions.

Family Court

- Extensive legal and equitable jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division.
- Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders.
- Jurisdiction over all juvenile offenses except certain serious offenses.

Court of Common Pleas

- Statewide jurisdiction in civil actions that do not exceed $50,000.
- All criminal misdemeanors (except certain drug-related offenses) and motor vehicle offenses (except felonies).
- Responsible for preliminary hearings.
- Appeals from the Justice of the Peace Court, Alderman's Courts, and the Division of Motor Vehicles.

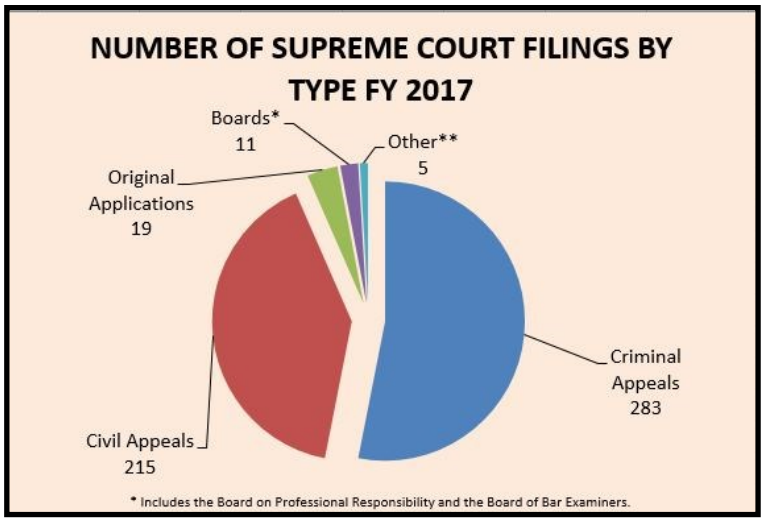
Justice of the Peace Court

- Statewide jurisdiction over civil cases that do not exceed $15,000.
- Jurisdiction over certain misdemeanors and most motor vehicle cases (except felonies).
- May act as committing magistrate for all crimes.
- Jurisdiction over landlord/tenant (possession) disputes.

CHIEF JUSTICE LEO E. STRINE, JR.

This past summer, the Supreme Court warmly welcomed the Honorable Gary F. Traynor as its newest Justice when he was sworn in during a Special Session of the Court at Delaware Technical Community College's Owens Campus in Georgetown. Justice Traynor took the oath as his wife Kathleen Andrus and daughter Laura Johnson stood by his side.

Justice Traynor received his undergraduate degree from Dartmouth College, earned his law degree at the Delaware Law School of Widener University, and was admitted to the Delaware Bar in 1982. From 1990 to 2014, Justice Traynor worked at Prickett, Jones and Elliott in Wilmington where he served as the firm's Managing Director from 2005 to 2007. While at the Prickett firm, Justice Traynor originally focused on general litigation including criminal defense, personal injury litigation, and domestic relations disputes. The focus of his law practice shifted in 2000 to complex corporate and commercial matters until 2014 when he left the firm to become an Assistant Public Defender in Sussex County representing indigent defendants accused of felony crimes.



Justice Traynor replaced the Honorable Randy J. Holland who retired from the bench on March 31, 2017. Upon his retirement, Justice Holland became the longest-serving Justice in the history of the Delaware Supreme Court. During his 30-year tenure, Justice Holland served the Court and the citizens of Delaware with great dedication

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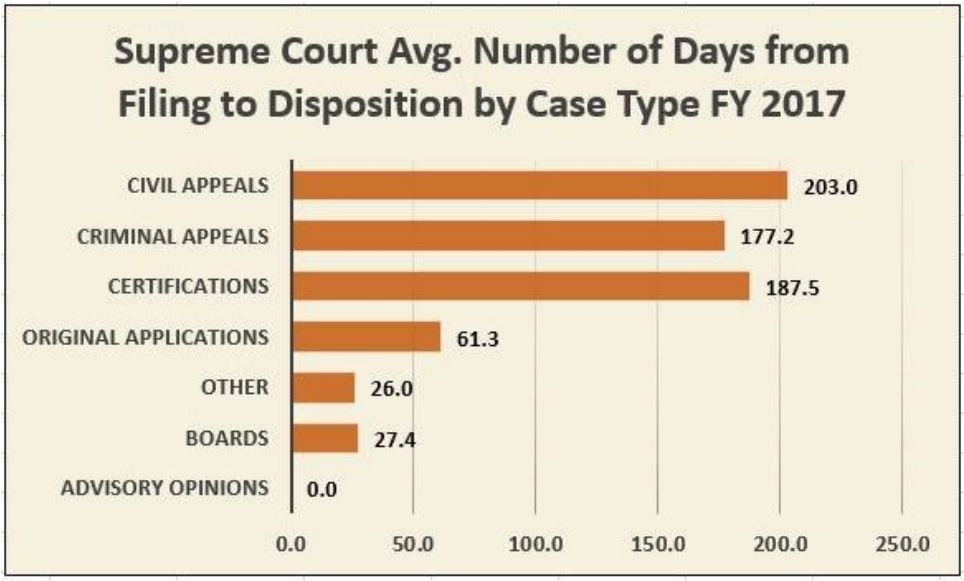


and distinction, writing more than 700 reported opinions and several thousand case dispositive orders. He also wrote, co-authored or edited numerous books, and was an international leader in the Inns of Court movement. The Court will miss Justice Holland's keen legal mind, institutional memory and kind, compassionate demeanor and wishes him well in the new chapters of his life.

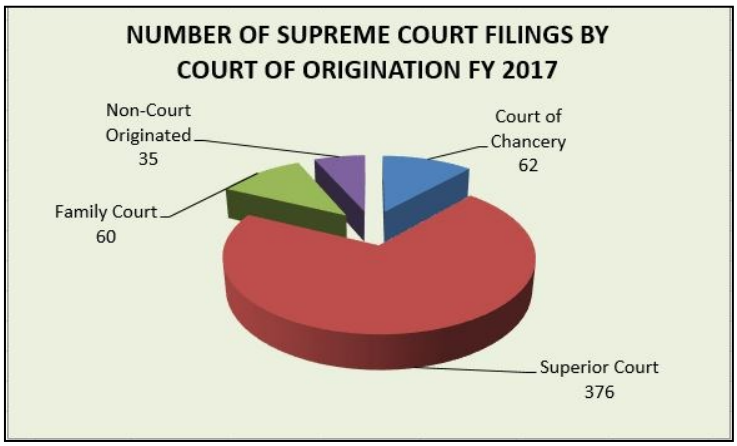
The Court's commitment to the timely disposition of the cases before it continued in Fiscal Year 2017. The Court received 533 new appeals and disposed of a total of 604 cases by opinion, order, or dismissal. The appeals were decided an average of 33.3 days from the date of submission to the date of final decision. In 98.1% of the appeals decided in FY 2017, the Court met the standard for the Delaware Judiciary for deciding cases within 90 days of the date of submission. The Court also met its performance measure for disposition of 75% of all cases within 290 days of the filing of a notice of appeal, exceeding this objective by disposing of 85.9% of all cases within the 290-day timeframe.

In 2017 the Supreme Court also made further strides in helping lawyers, litigants, and the public understand how the Court works and how to navigate the appeals process by adding several new features to its website. The first was the electronic publication of "Case Scheduling Frequently Asked Questions." These ten informative FAQs are intended to demystify the process by which the court addresses its caseload. They provide clear explanations of a number of Court practices, including how the Court selects cases for oral argument, how the Court decides cases on the briefs, when the Court sits en banc, and how the Court approaches its workload and the calendaring of cases throughout the year.

Another new website feature called "Most Common Brief Deficiencies" is designed to help the Bar by facilitating the filing of briefs that are free of the most common mistakes that result in the need for a corrected filing. Recognizing that the correction of improperly filed briefs costs the Court, the attorneys, and the clients they serve, valuable time, effort and money—and increases stress and anxiety—the Court, its clerk staff, and staff attorneys compiled and posted a list of the most frequent reasons why deficiency notices are issued for briefs. This shorthand list is designed to support but not supplant the more detailed requirements for the filing of briefs that are found in the Supreme Court Rules.

Those with an interest in the history of the Delaware Judiciary will also appreciate the addition of the

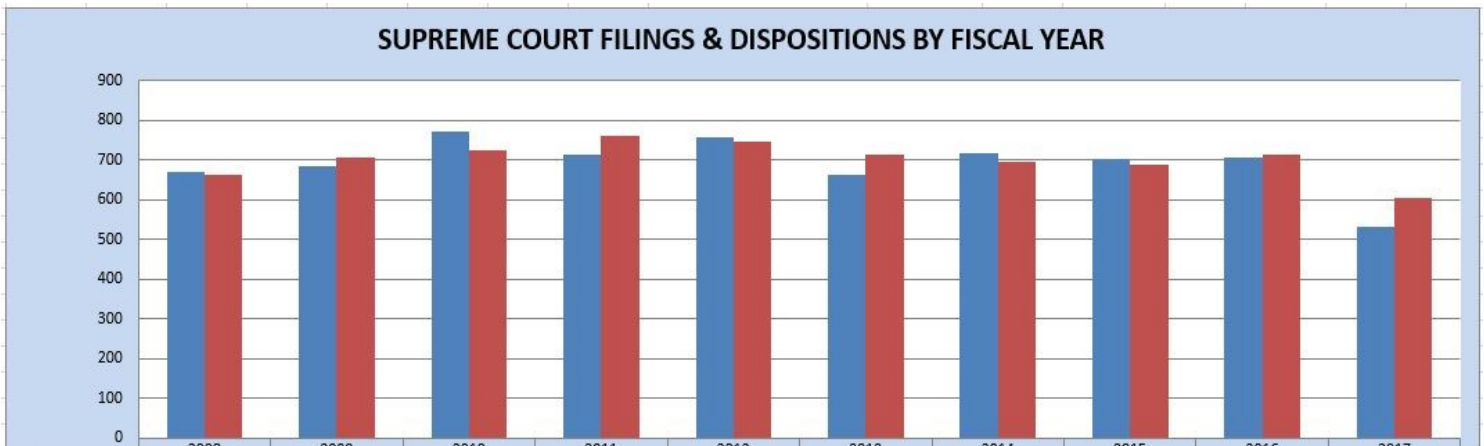
SUPREME COURT



"Historical List of Supreme Court Justices—1951 to Present." It provides a chronological list of the Court's Chief Justices (with their biographical information and their official portrait or photograph) as well as a complete list of all the Court's Justices. The link to this trove of information can be found on the "Judicial Officers" page on the Court's website.

The Court relies heavily on a dedicated group of talented staff members to keep things running smoothly. Several staff accomplishments stood out this past year. In March, Chief Staff Attorney Gayle P. Lafferty was named Judicial Branch Employee of the Year for 2016. Gayle has worked for the Court for more than 20 years and supervises a small team of staff attorneys. In addition to her considerable daily duties, Gayle assists with and provides the necessary leadership for any number of special projects, especially those that call on her substantial expertise in criminal law, professional ethics, and appellate practice. In recent years some of these have included working with a team on the development of the Supreme Court's in-house intranet site, assisting the Superior Court in making changes to post-conviction procedures and working with the Criminal Justice Council of the Judiciary in the preparation of its Report on Delaware's Problem Solving Courts.

The contributions of the Court's staff also extend beyond Delaware's boundaries and are recognized by their peers. This year, Margot R. Millar, the Executive Director of the Delaware Supreme Court's Commission on Continuing Legal Education was named president of the national organization of officials in the legal CLE community, the Continuing Legal Education Regulators Association. Another valued employee, Patricia Bartley Schwartz, a staff attorney in the Office of Disciplinary Counsel, was elected to the board of directors of the National Organization of Bar Counsel and was selected to represent that organization at the annual meeting of the International Conference of Legal Regulators last fall. These affiliations are mutually beneficial as our employees share their knowledge with their national colleagues and learn about best practices of other states. ♦



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	670	685	770	714	757	661	716	703	707	533
Dispositions	661	705	724	760	747	712	696	687	714	604

SUPREME COURT

Supreme Court Justices

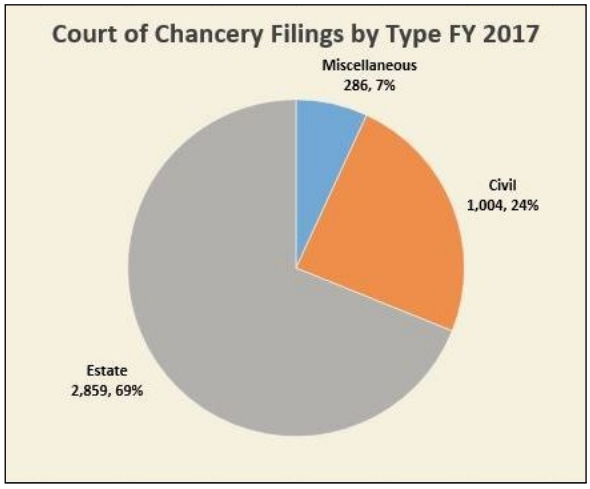
Standing left to right:

Justice Collins J. Seitz, Jr.
Justice Karen L. Valihura
Chief Justice Leo E. Strine, Jr.
Justice James T. Vaughn, Jr.
Justice Gary F. Traynor

COURT OF CHANCERY

CHANCELLOR ANDRE G. BOUCHARD

Fiscal Year 2017 was an exciting year for the Court of Chancery. We celebrated the 225th anniversary of the establishment of a separate court of equity in Delaware in 1792. We also celebrated two other anniversaries important to our State's role in corporate law in the United States: the 50th anniversary of a monumental revision of the Delaware General Corporation Law in 1967 and the 25th anniversary of the enactment of the Delaware Limited Liability Company Act in 1992.



To commemorate these events, the court sponsored a symposium in September in Wilmington. Leading practitioners, academics, and judges in the United States and from several other countries participated in a two-day program. All aspects of the court's docket were the subject of active discussion and debate—ranging from the court's prominent role in adjudicating corporate, alternative entity, and commercial disputes, to the court's responsibility for adult guardianships and other matters affecting some of Delaware's most vulnerable citizens.

Earlier in the year, the Delaware Historical Society awarded its Delaware History Makers Award to Chancellor Bouchard on behalf of the Court of Chancery. All members of the court attended the event, which featured an interactive discussion with the audience concerning Delaware's role in entity formation.

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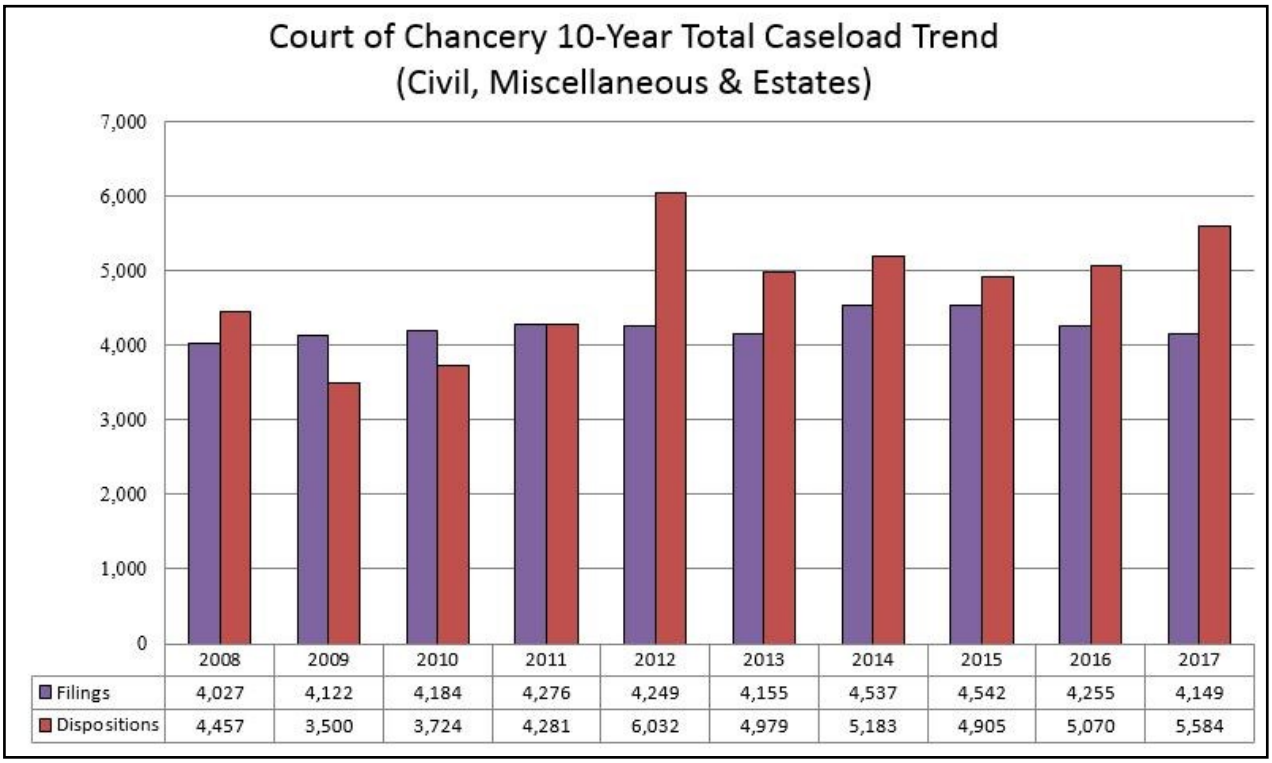
COURT OF CHANCERY

TABLE 1



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	4,027	4,122	4,184	4,276	4,249	4,155	4,537	4,542	4,255	4,149
Dispositions	4,457	3,500	3,724	4,281	6,032	4,979	5,183	4,905	5,070	5,584

In June 2017, Master in Chancery Kim E. Ayvazian retired after more than ten years of service. Master Ayvazian was a dedicated public servant with a particular interest in elder care. We are grateful for her longstanding commitment to the court and the citizens of Delaware.

In July, Patricia W. Griffin was appointed as a Master in Chancery. Master Griffin previously served as the State Court Administrator for the Delaware Administrative Office of the Courts and as Chief Magistrate for the Justice of the Peace Court. We are pleased to welcome Master Griffin.

As with past annual reports, the number of filings and dispositions for the most recent ten-year period is reported on an aggregated basis in **Table 1**. Also included are charts depicting the number of filings and dispositions for the most recent ten-year period for each of the three categories that make up the totals: civil actions, civil miscellaneous matters, and estate matters. These data are depicted in **Tables 2, 3, and 4**, respectively. We added a new chart this year (**Table 5**) that shows the net number of civil action filings after accounting for case consolidations. This chart reflects the growth in the filing of duplicative cases challenging the same transaction, which declined markedly after the *Trulia* decision was issued in early 2016.

During 2017, the court conducted a study of its workload trends. The study reflects that the primary population the court serves (Delaware business entities) grew during the past 25 years from 206,113 in 1992 to 1,238,733 in 2016, a 500% increase. The study further reflects that the court's workload has increased significantly, as measured by numerous metrics, and that its case mix has changed over time to include an increasing number of complex commercial cases on top of its traditional docket of corporate governance matters. Corporate and commercial cases, which are individually assigned to members of the court, consume the vast majority of the time and attention of the court's judicial officers. ♦

COURT OF CHANCERY

ABOVE: On April 25, 2017 the Delaware Historical Society presented the History Makers Award to the Court of Chancery. Pictured from left to right: Vice Chancellor Joseph R. Slights III, Vice Chancellor Tamika Montgomery-Reeves, Master Morgan Zurn, Master Kim Ayvazian, Chancellor Andre G. Bouchard, Vice Chancellor J. Travis Laster, and Vice Chancellor Sam Glasscock III.

AT LEFT: Chancellor Andre Bouchard gives remarks at the Delaware Corporate Law Anniversary Symposium, held on September 26, 2017 to commemorate the 225th anniversary of the Court of Chancery, the 50th anniversary of the Delaware General Corporation Law and the 25th anniversary of the Delaware Limited Liability Company Act.

PHOTO COURTESY DSBA

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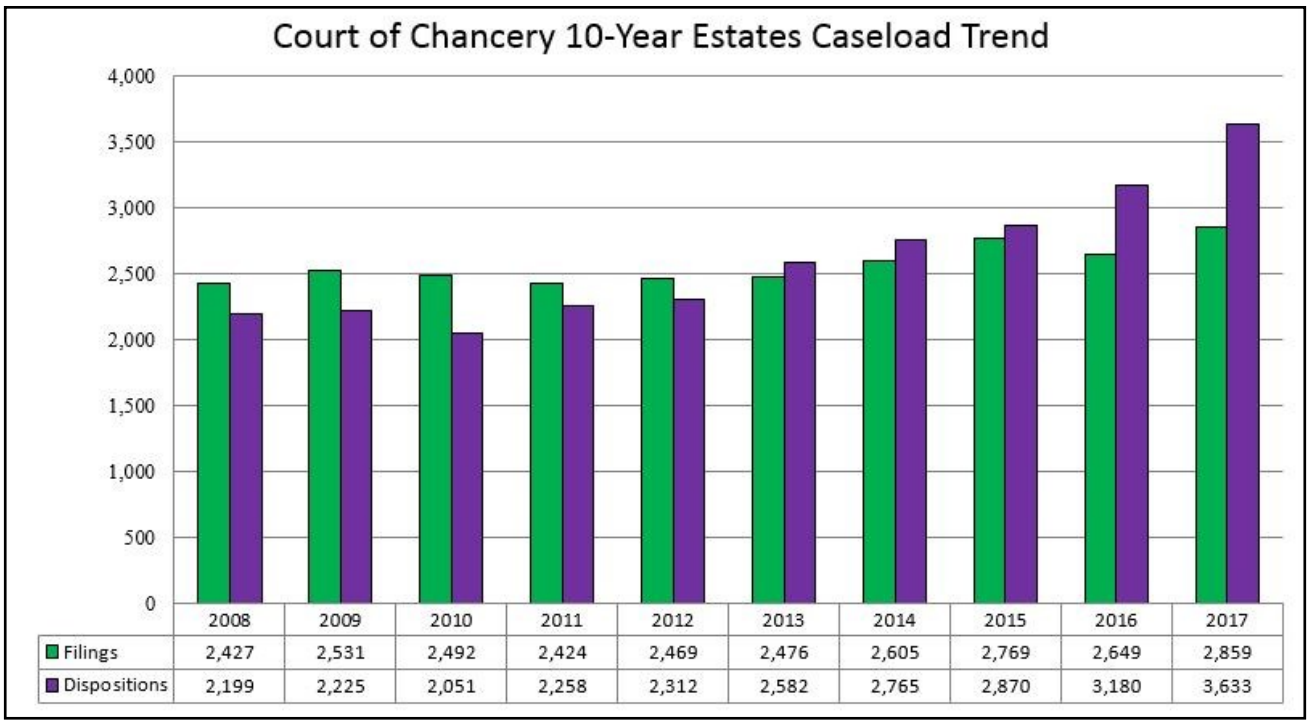
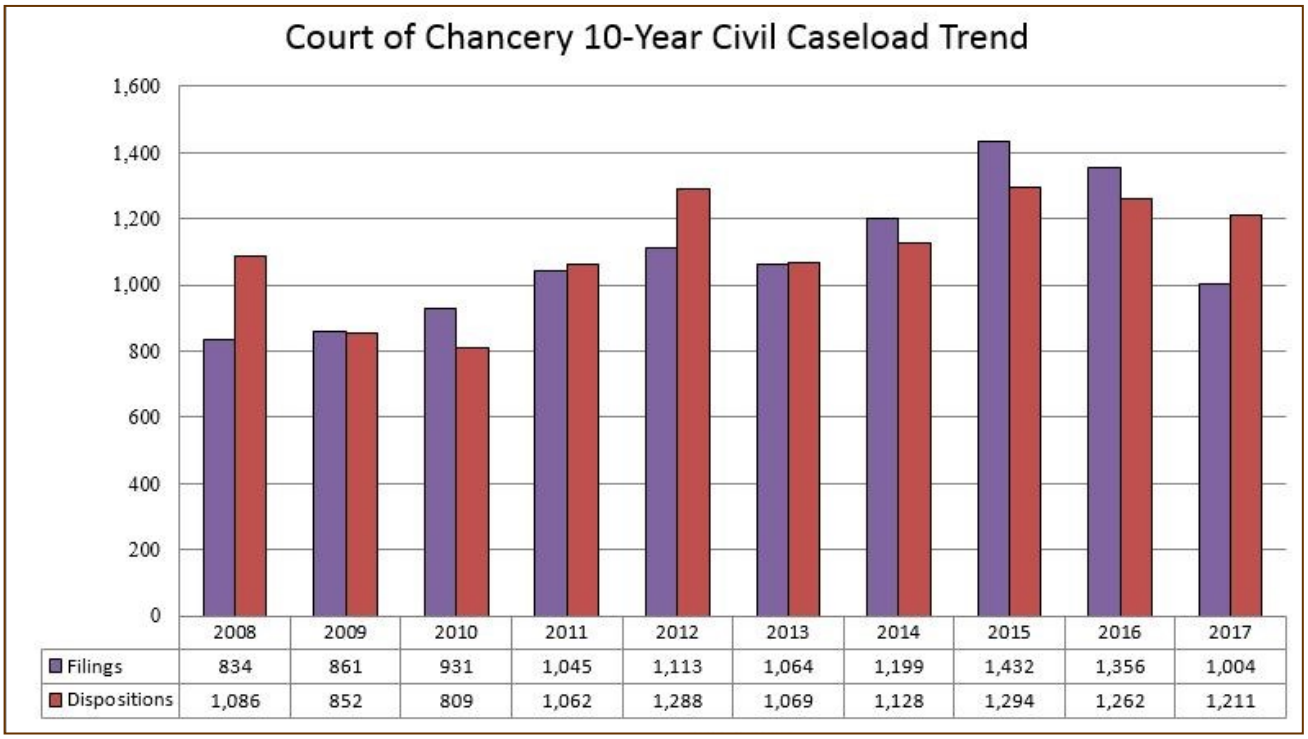
COURT OF CHANCERY

TABLE 2



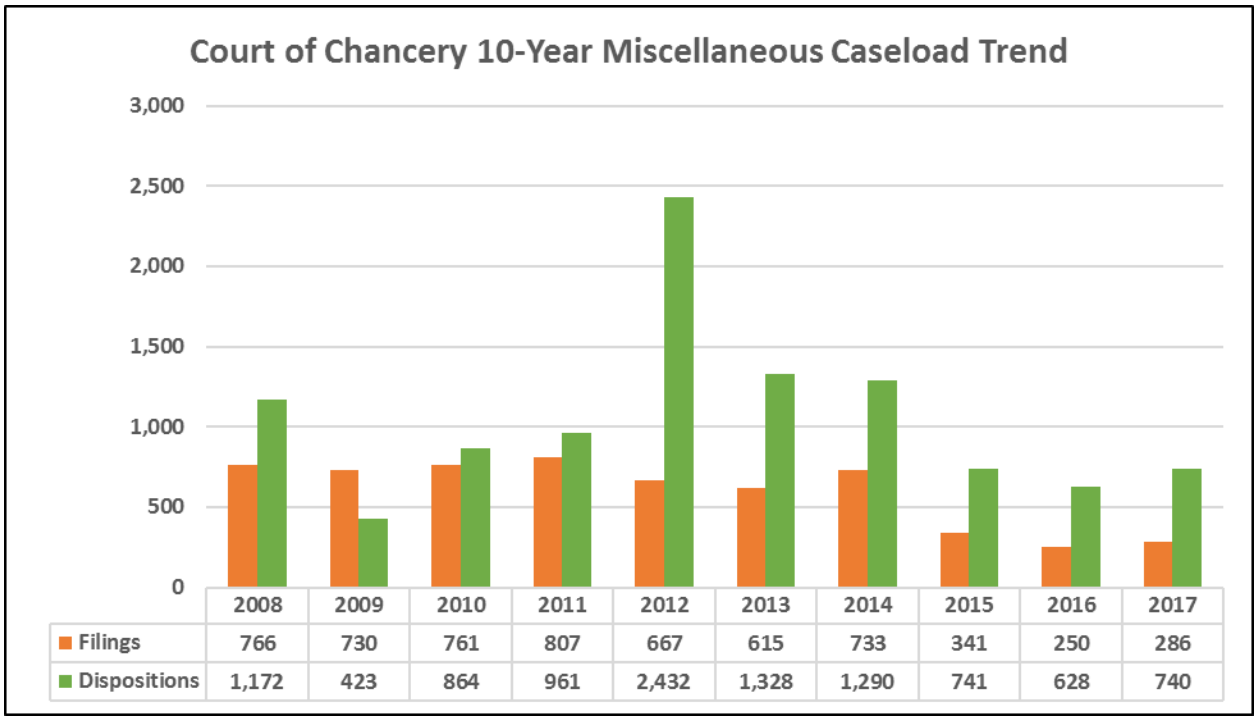
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	2,427	2,531	2,492	2,424	2,469	2,476	2,605	2,769	2,649	2,859
Dispositions	2,199	2,225	2,051	2,258	2,312	2,582	2,765	2,870	3,180	3,633

TABLE 3



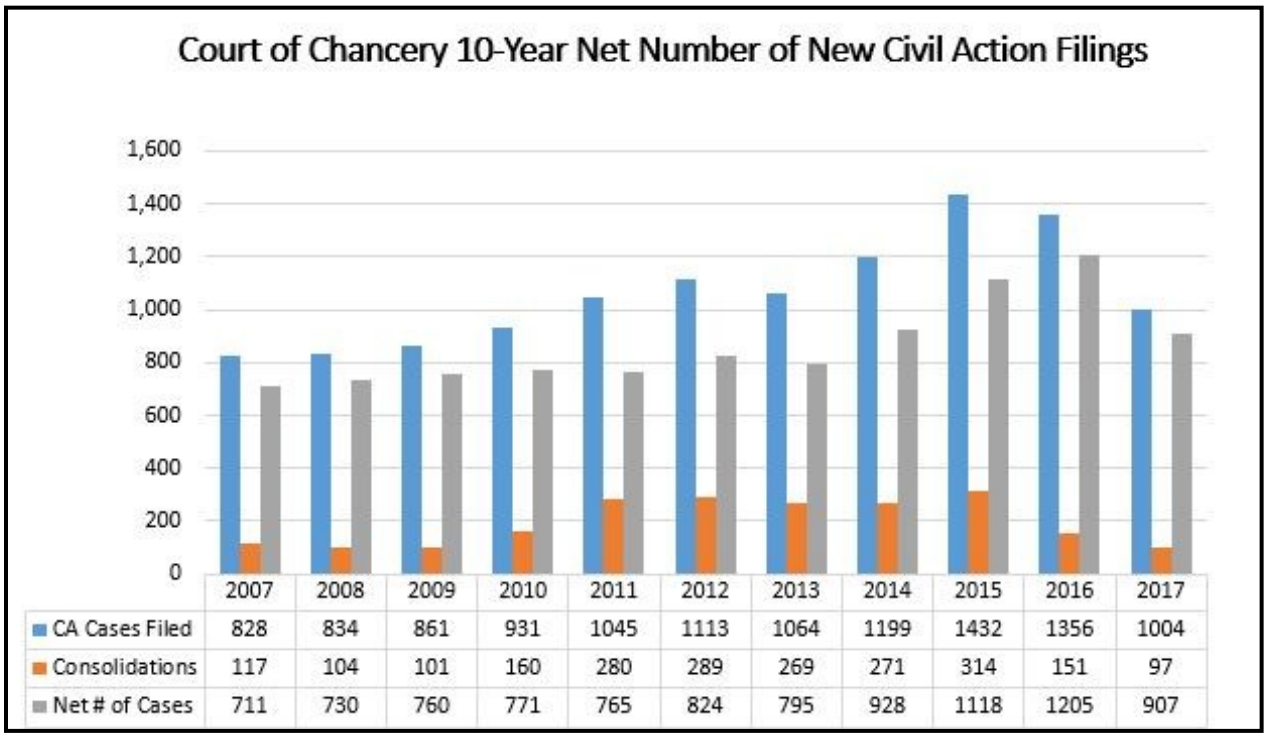
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	834	861	931	1,045	1,113	1,064	1,199	1,432	1,356	1,004
Dispositions	1,086	852	809	1,062	1,288	1,069	1,128	1,294	1,262	1,211

TABLE 4



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	766	730	761	807	667	615	733	341	250	286
Dispositions	1,172	423	864	961	2,432	1,328	1,290	741	628	740

TABLE 5



	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
CA Cases Filed	828	834	861	931	1045	1113	1064	1199	1432	1356	1004
Consolidations	117	104	101	160	280	289	269	271	314	151	97
Net # of Cases	711	730	760	771	765	824	795	928	1118	1205	907

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COURT OF CHANCERY

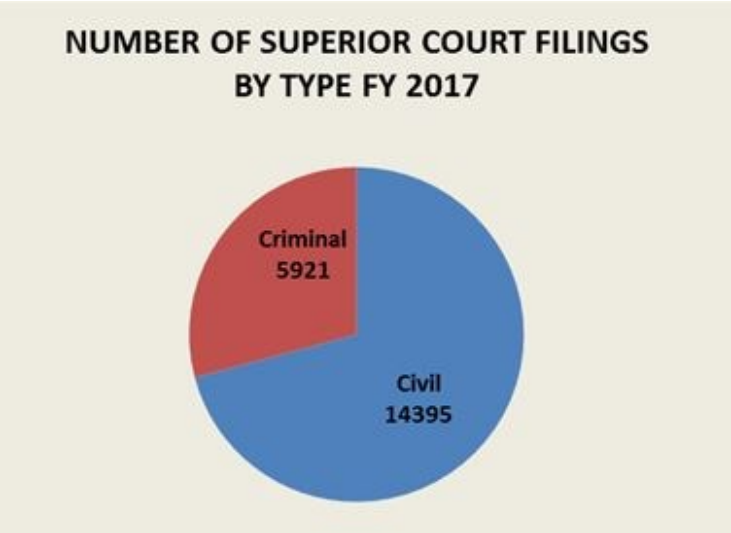
Court of Chancery

Standing left to right:
Vice Chancellor Tamika Montgomery-Reeves
Vice Chancellor Joseph R. Slights III
Sitting left to right:
Vice Chancellor J. Travis Laster
Chancellor Andre G. Bouchard
Vice Chancellor Sam Glasscock III

PRESIDENT JUDGE JAN R. JURDEN

The mission of the Superior Court is to serve the public by providing fair, prompt and well-reasoned decisions in all matters coming before the Court. Our core values remain **U**nity, **N**eutrality, **I**ntegrity, **T**imeliness, **E**quality, and **D**edication.

As Delaware's court of general jurisdiction, each year the Superior Court handles thousands of civil and criminal cases. Similar to preceding years, FY 2017 was an extremely busy year for the Superior Court. The Court experienced a 21% increase in civil filings with 14,395 filings received. While the Court saw an 8% decrease in criminal filings at 5,921, the criminal cases filed are increasingly complex and include an unprecedented number of First Degree Murder cases - 36 in FY17 alone, and many multi-defendant, multi-count, gang participation and criminal racketeering cases. Because of the number of defendants and attorneys involved in such cases, they often present significant logistical and scheduling challenges.



Superior Court experienced a 44% increase in criminal trials during FY 2017. Trial by jury continues to be the bedrock of our criminal and civil justice systems. Every week, hundreds of jurors are summoned for service in the Superior Court and the Court of Common Pleas in all three counties. In an effort to use technology to increase efficiency and make the process easier for prospective jurors, the Court will soon unveil a new web service which will, among other things, enable ju-

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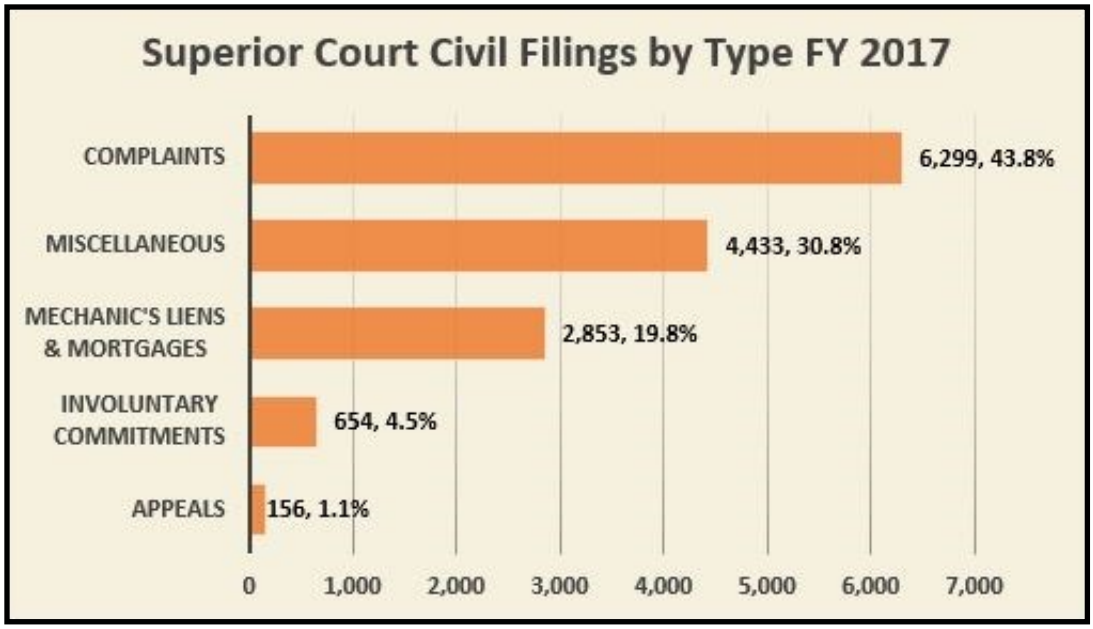
SUPERIOR COURT



rors to respond to the summons and juror questionnaire online and request rescheduling or excusal without having to call or report to the Courthouse. We continue to explore ways to minimize juror inconvenience and make the process more efficient and less stressful.

The Superior Court's highly successful Complex Commercial Litigation Division (CCLD), now in its seventh year, saw a 30% increase in filings in FY17. These cases include commercial claims with an amount in controversy of $1 million or more. Parties filing CCLD cases can expect trial date priority and, if requested, expedited scheduling. The CCLD judges are Judge William C. Carpenter, Jr., Judge Mary M. Johnston, Judge Eric M. Davis and Judge Paul R. Wallace.

The Court's large Asbestos docket is managed by Judge Calvin L. Scott and Judge Ferris W. Wharton, with the assistance of Special Master Mathew F. Boyer, Esq., in New Castle County. During FY17, there were 152 filings, 42 dispositions and 1,222 cases pending.

The Superior Court has a number of problem solving courts which strive to improve outcomes for the participating individuals, reduce recidivism and improve public safety. These include Mental Health Court (MHC), Veterans' Treatment Court (VTC), and Reentry Court.

The MHC judicial officers are Sussex County Resident Judge T. Henley Graves; Kent County Commissioner Andrea Maybee Freud; New Castle County Judge Andrea L. Rocanelli and Commissioner Kathleen L. Mayer. The Mental Health Court, launched in 2008, is a past recipient of the Governor's Team Excellence Award.

Our Veterans' Treatment Court (VTC) continues to grow and has been recognized by Veterans' organizations for its highly successful efforts in reducing recidivism and improving outcomes. The presiding VTC judges are Resident Judge William L. Witham, Jr., a retired Delaware Army National Guard Colonel, Judge Richard F. Stokes, a former Captain in the United States Air Force, and Judge Paul R. Wallace, a former United States Marine. Commissioner Bradley V. Manning assists with VTC in New Castle County. In FY17, in Kent County, VTC presented awards to three deserving persons/organizations instrumental in making this treatment court successful: the Delaware Commission of Veterans Affairs, Cecilia Gonzalez, Veteran Justice Outreach Specialist, and Sgt. James Hooper, USA, Retired. In Sussex County, the VTC recognized Jessica Finan, Executive Director of the Home of the Brave Foundation, for her work on behalf of homeless veterans. Community representatives donated a wall mural honoring all

branches of the military and a framed picture of an eagle, which are displayed proudly in the Sussex County Courthouse.

Our Reentry Court operates in New Castle County. The presiding judge is Judge Charles E. Butler. Reentry Court works in collaboration with Probation Officers and staff from the Wilmington Achievement Center, the Delaware Center for Justice and the Treatment Access Center to provide services to city residents who are reentering society after a prison sentence. Reentry Court meets regularly with program participants and service providers to emphasize those positive changes necessary to avoid a return to prison. In Reentry Court, the judge is an active participant in the offenders' supervision so that rewards and sanctions are delivered quickly and particular difficulties faced by former offenders can be addressed before they become critical issues resulting in re-incarceration.

The Superior Court continues in its efforts to improve the administration of civil and criminal justice in order to better serve the public. Our efforts include: training and education on evidence-based best practices, greater and smarter use of technology, and collaboration with the Bar, other courts, agencies, and stakeholders on innovative ideas to ensure equal justice for all, reduce recidivism, and improve public safety. By way of just one example, this past March, several of our employees participated in Crisis Intervention Team Training, learning methods to better manage mental health crisis encounters and de-escalate crisis situations to enhance the safety of the public and court staff.

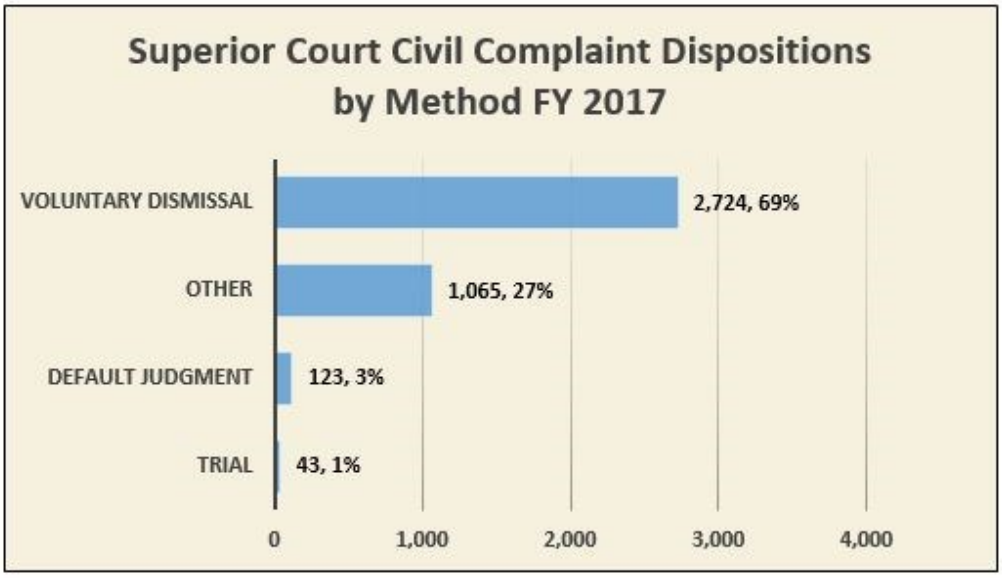
The Court also engages with the community. For example, Commissioner Lynne Parker developed and oversees a program each summer for high school students, affording them an opportunity to spend a week with the Court. These students observe civil and criminal trials, motions, pleas and sentencings, and shadow judicial officers. This program provides a unique opportunity for interested students to learn more about our justice system.

With the support of the Chief Justice and the assistance of the Administrative Office of the Courts and the Judicial Information Center, the Superior Court continues to explore the use of technology to improve efficiency in all departments, and to ensure that our jury courtrooms are equipped with state of the art technology that meets the needs of our litigants. In addition, a project team is also in the process of updating a critical platform, which enables the Court to generate automated sentencing orders.

Continued on next page

SUPERIOR COURT

We continue to review our criminal and civil court processes and forms in an effort to reduce redundancy, expedite processing, and standardize our processes. We are developing training manuals to reduce learning curves for new employees, and a training guide outlining step-by-step procedures for all processes used in criminal cases. This training guide will not only enable new criminal case managers to learn their duties and responsibilities faster, but educate them as to the purpose and importance of the procedures in the everyday functioning of the Court. This work will also be instrumental in ensuring a smooth transition to electronic filing in criminal cases which we hope to implement in 2019.



The Superior Court recently unified our financial case management system statewide. In the past, all three counties entered financial information into the Judicial Information Center (JIC) Accounting system. This process allowed only Superior Court to access the financials, which resulted in limited information sharing, thereby creating delays in the acceptance of payments for court fines, costs and restitution. Under this new process, financials will be entered into the Delaware Criminal Justice Information System (DELJIS). Because DELJIS is an integrated criminal justice system, the new process enables the Superior Court to notify individuals when payments are due, more efficiently monitor payments, and refer cases with unpaid costs, fines and restitution to the Office of the State Court Collections Enforcement (OSCCE) in a timelier manner.

Each year the Superior Court issues thousands of orders and opinions which are published on the Court's website: *http://courts.delaware.gov/opinions.* We continually update our website in our ongoing concerted effort to keep the Bar and public informed and to make the court system easier to navigate.

The Superior Court is fortunate to have extremely hardworking, dedicated and loyal staff who work tirelessly to maintain the level of superb service

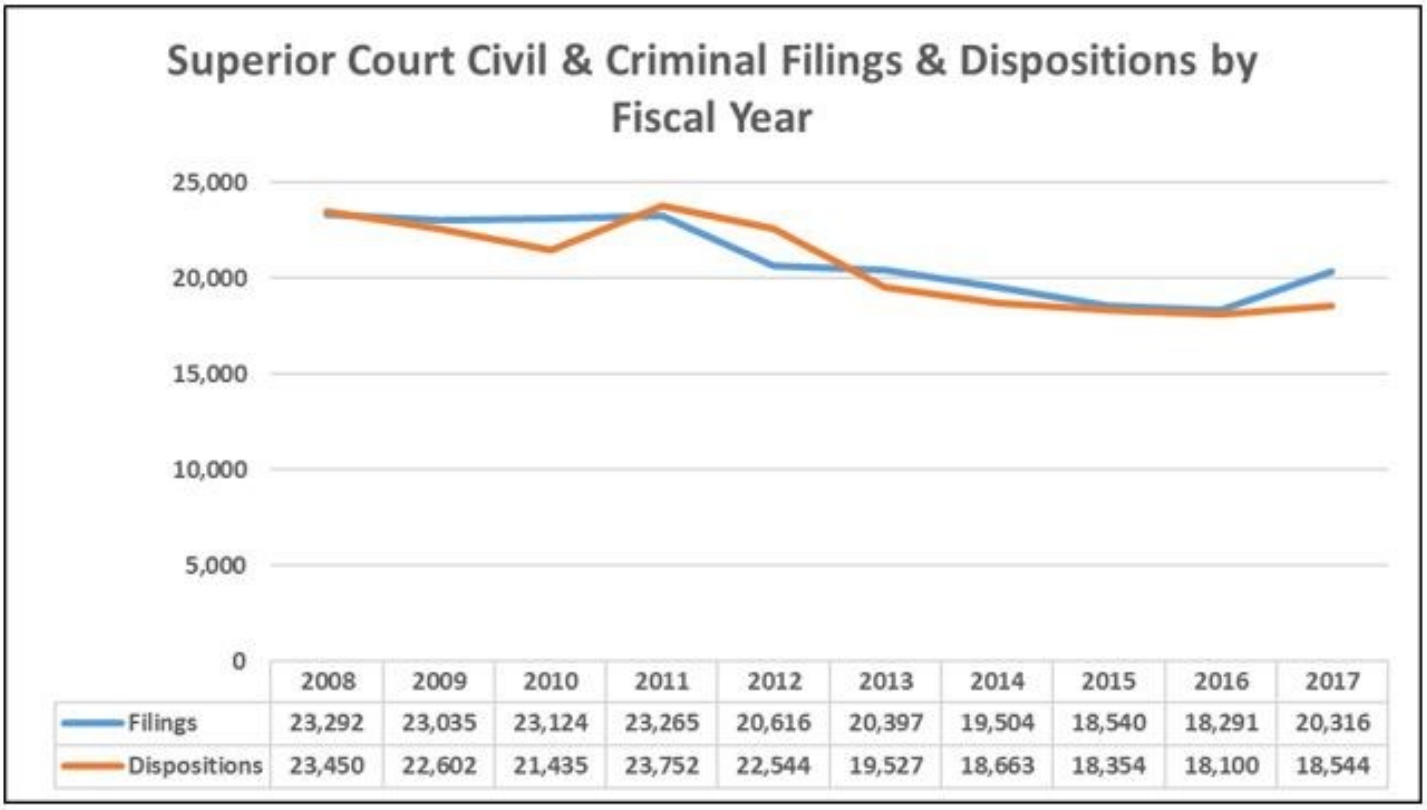
that litigants deserve. The Court is proud of our employees and the significant contributions they make.

Our Chief Court Security Officer in Kent County, Joe Sanchez, was awarded the Chief's Citation from Capitol Police on April 13, 2017. Chief Sanchez is the first civilian to be awarded this prestigious citation.

Our Court Administration Office continues to experience exciting and positive change with the addition of our new Deputy Court Administrator in New Castle County, Kristin Dangello, who has served the courts for over 15 years, and our new Controller, Sheila Kumpf, who has served the State for 10 years. The new members of our Court Administration Office add additional energy, fresh perspectives and a wealth of experience to our extremely hard-working administrative team. Our former Controller, Roger Kling, retired in July 2017 after 17 years of service.

In April 2017, the Court said farewell to our colleague and friend, the Honorable Robert B. Young, who retired after 12 years of dedicated service on the bench as a Superior Court Judge in Kent County. And, on June 1, 2017, the Court welcomed the Honorable Noel Eason Primos, who, before joining the bench, practiced with the law firm of Schmittinger & Rodriquez in Dover for over 24 years.

Notwithstanding staggering caseloads, staff turnover, limited resources and fiscal constraints, our Court continues to work hard to provide exemplary service to the people we are honored to serve. ♦



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	23,292	23,035	23,124	23,265	20,616	20,397	19,504	18,540	18,291	20,316
Dispositions	23,450	22,602	21,435	23,752	22,544	19,527	18,663	18,354	18,100	18,544

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SUPERIOR COURT COMMISSIONERS

Standing (left to right):

Commissioner Lynne M. Parker
Commissioner Andrea Maybee Freud
Commissioner Bradley V. Manning
Commissioner Alicia B. Howard
Commissioner Katharine L. Mayer

The **Honorable Katharine L. Mayer** was formally sworn in as Commissioner of the Superior Court of Delaware on July 11, 2016. Prior to her appointment, Commissioner Mayer worked as a litigation partner with McCarter & English.

SUPERIOR COURT

Front Row (L-R): Judge William C. Carpenter, Jr., Resident Judge T. Henley Graves, President Judge Jan R. Jurden, Resident Judge Richard R. Cooch, Resident Judge William L. Witham, Jr.

Middle Row (L-R): Judge Diane Clarke Streett, Judge M. Jane Brady, Judge Mary Miller Johnston, Judge E. Scott Bradley, Judge Richard F. Stokes, Judge Calvin L. Scott, Jr., Judge Robert B. Young (Retired), Judge John A. Parkins, Jr.

Back Row (L-R): Judge Abigail M. LeGrow, Judge Ferris W. Wharton, Judge Vivian L. Medinilla, Judge Eric M. Davis, Judge Charles E. Butler, Judge Paul R. Wallace, Judge Andrea L. Rocanelli, Judge Jeffrey J. Clark.

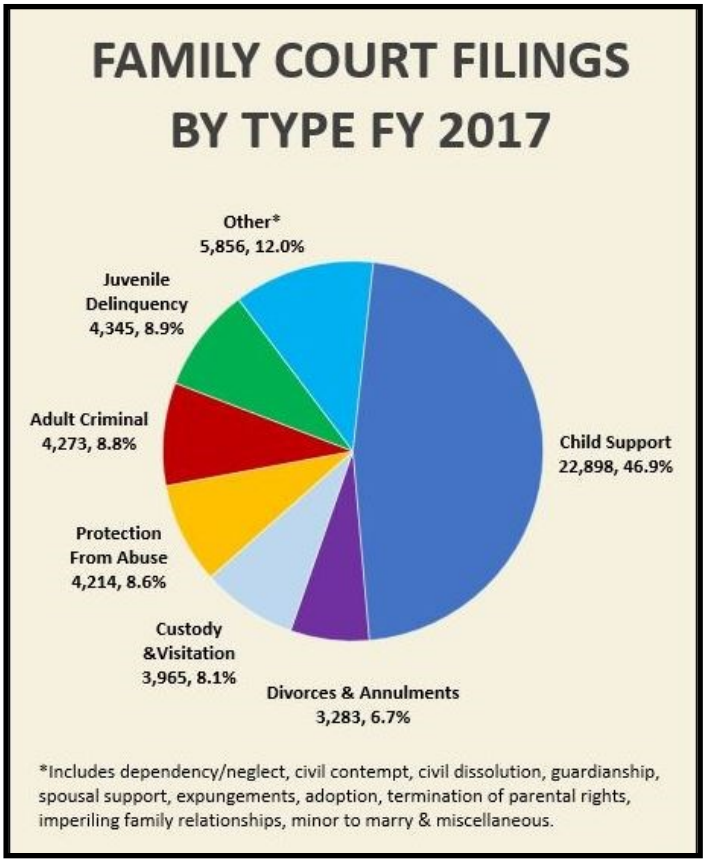
The **Honorable Noel Eason Primos** was formally sworn in as a Judge of the Superior Court of Delaware on June 1, 2017. Prior to his appointment, Judge Primos practiced law for over 24 years with the Dover, Delaware, law firm of Schmittinger and Rodriguez. Judge Primos filled the vacancy created by the retirement of Judge Robert B. Young.

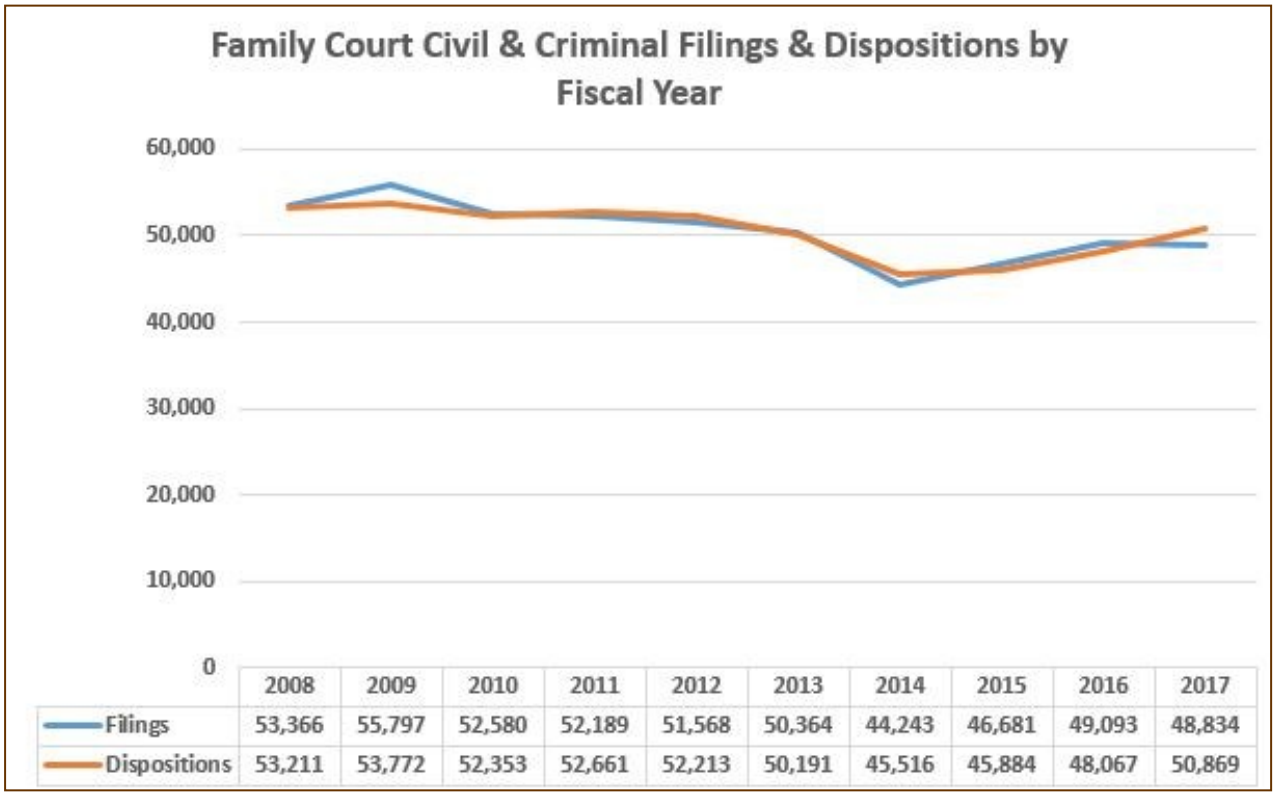
FAMILY COURT

CHIEF JUDGE MICHAEL K. NEWELL

Family Court strives to provide equal access to justice to the families and children under our jurisdiction in a manner that is fair and efficient and that maintains the public's trust in an independent and accountable judiciary.

In Fiscal Year 2017, Family Court focused on several initiatives to further our goal of providing equal access to justice. Specifically, the Family Court moved into the implementation phase of the Family Court Enhancement Project (FCEP). After several years of committee work, the FCEP issued a report in December 2016 with more than 60 recommendations. Assisted by a project director, and with technical assistance from the Department of Justice's Office on Violence Against Women, the National Council of Juvenile and Family Court Judges, the Battered Women's Justice Project, the Center for Court Innovation, and the National Institute for Justice, Family Court began implementing many of the recommendations. Commissioners are including findings of fact as part of their issued protection orders, domestic violence training was planned and held for Family Court's mediators, pretrial procedures and rules are being revised to





	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	53,366	55,797	52,580	52,189	51,568	50,364	44,243	46,681	49,093	48,834
Dispositions	53,211	53,772	52,353	52,661	52,213	50,191	45,516	45,884	48,067	50,869

address how information is gathered and shared to make the process more efficient and meaningful for the parties, and committees have been formed to further study some of the more complex recommendations from the report. Of note, in May 2016, a pilot of a newly designed Protection from Abuse (PFA) calendar began for PFA cases scheduled in New Castle County. Utilizing a staff person as a case manager for the calendar, new forms to gather information, and a lead Judge or Commissioner, the court modeled the process observed by an FCEP committee in Winnebago County, Illinois, triaging cases more effectively, allocating resources more efficiently, and relaying information consistently. The preliminary results show that wait times have been decreased, security has been enhanced, and litigants are receiving accurate and standard information that allows them to make more informed decisions about their case. Kent and Sussex Counties will implement these changes in October 2017.

We began efforts to implement several recommendations in the American College of Trial Lawyers/ Delaware State Bar Association Report ("ACTL Report"), and the Family Court Rules Committee made significant progress in amending Family Court Civil Procedure Rules to incorporate best practices in civil procedure while making the rules more user-friendly.

The court's Rules Committee drafted substantial changes to the rules related to pre-trial reports, scheduling and case management conferences, which will take effect upon approval in FY 2018. Several of the rule changes were recommended in the ACTL Report such as holding early case management conferences and the use of a custody disclosure form. And FCEP recommendations were also captured in the proposed rule changes, including eliminating the requirement that parent education be completed prior to judicial scheduling.

In addition, the court continued to analyze data to

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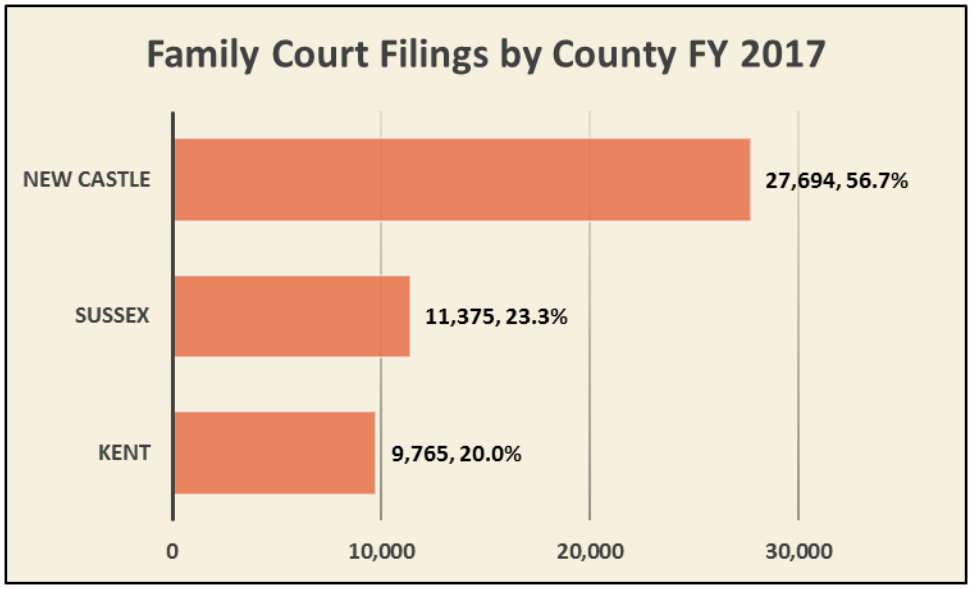
measure its performance in several areas, including trial date certainty, clearance rates, and time to disposition. This information is being used to identify areas for process improvement. In issuing procedures, the court continued to strive for uniformity statewide in practice and procedures as recommended in the ACTL Report.

Filings in Family Court remained consistent with last fiscal year, decreasing statewide minimally by 0.53%. New Castle County saw a modest increase in its filings at 1.14%, overall. Kent County experienced a decrease in overall filings amounting to 4.84%. And Sussex County remained most consistent with last fiscal year, only decreasing 0.66% in filings.

While juvenile delinquency saw a decrease in filings, the number of filings relating to Family Court's adult criminal jurisdiction increased the most dramatically from other petition types. The increase was 23.41% for Sussex County, 15.37% for New Castle County, and 11.31% for Kent County. The increase of 378 additional filings statewide likely is attributed directly to the expansion of the court's criminal jurisdiction to handle misdemeanor offenses between former spouses, persons cohabitating who hold themselves out as a couple with or without a child in common, and persons living apart with a child in common.



The branch received funding in Fiscal Year 2017 from the Capital Improvement Committee to continue its work on the project to construct new Family Court buildings in Kent and Sussex Counties. The allocation of funding during a very difficult fiscal year is evidence of the recognition by the legislature of the need and importance of new, dignified, and secure spaces for the court. In partnership with the Office of Management and Budget, the court is beginning the process to acquire land to be used as the future sites of new courthouses.

Two new Judges and two new Commissioners joined our bench this fiscal year. The Honorable Mary Much took the oath of office in March to become the newest Family Court Judge, serving in New Castle County. Judge Much replaces the Honorable Aida Waserstein, who retired after serving more than 20 years on the Family Court. The Honorable James McGiffin was sworn in as a Family Court Judge in October 2016. He serves the court in Kent County and replaces the Honorable William Walls, who retired after serving two 12-year terms on Family Court. The Honorable Gretchen Gilchrist joined Family Court as a Commissioner in Kent County in October 2016. Commissioner Gilchrist took the vacancy left by the appointment of Judge LouAnn Vari. Finally, the Honorable Craig R. Fitzgerald joined the court in June 2017 as a Commissioner serving in New Castle County. Commissioner Fitzgerald replaced Judge Much.

Family Court continues to examine ways to improve its processes and service to the people who appear in Family Court ♦

FAMILY COURT

FAMILY COURT JUDGES

Bottom Row (from left to right): Judge Jennifer Ranji, Judge Mary Much, Judge Arlene Minus Coppadge, Judge Felice Kerr, Judge Janell Ostroski, and Judge Barbara Crowell.

Middle Row (from left to right): Judge Kenneth Millman, Judge Mardi Pyott, Judge Paula Ryan and Judge Louann Vari.

Top Row (from left to right): Judge James McGiffin, Jr., Judge Mark Buckworth, Judge Peter Jones, Chief Judge Michael Newell, Judge Robert Coonin, Judge Joelle Hitch and Judge Natalie Haskins.

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FAMILY COURT COMMISSIONERS

Bottom Row (from left to right): Commissioner Danielle Blount, Commissioner Theresa Sedivec, Commissioner Kim DeBonte, Commissioner Para Wolcott, Commissioner Angela Fowler, Commissioner Sonja Wilson, Commissioner Loretta Young, Commissioner Gretchen Gilchrist.

Top Row (from left to right): Commissioner Craig Fitzgerald, Commissioner John Carrow, Commissioner Susan Tussey, Commissioner Andrew Southmayd, Chief Judge Michael Newell, Commissioner James Maxwell, Commissioner DeSales Haley, Commissioner Jennifer Mayo.

Not Pictured: Commissioner David Jones.

IN MEMORIAM

The HONORABLE WILLIAM NICHOLAS

The Honorable William Nicholas passed away on June 7, 2017. Judge Nicholas, 67, retired from the Family Court on August 1, 2016 after serving a distinguished career as a Judge of the Family Court for 24 years.

He earned his bachelor's degree in philosophy from the University of Delaware, and he continued his studies at Boston University where he earned a master's degree. In 1976, Judge Nicholas earned his Juris Doctor degree from American University Law School in the District of Columbia, after which he returned to Delaware to practice law at Vaughn and Vaughn before joining Schmittinger and Rodriguez, P.A. He served the citizens of Delaware with more than 27 years of State service, including time as a Deputy Attorney General. Judge Nicholas became a Family Court Judge on May 14, 1992. Judge Nicholas was instrumental in several legislative initiatives, the most recent being H.B. 39 and 40. Both bills addressed mental health legislation involving youth aging out of foster care and were signed into law on September 7, 2017.

"Judge Nicholas served Family Court with distinction for twenty-four years. He was the Family Court's 'thinker' and his positions and decisions were well thought out and supported with persuasive and logical reasoning. He was fiercely protective of the most vulnerable of our society, victims of domestic violence, those affected by mental illness, and children. He was a leader and the driving force behind many of our current statutes that were implemented to protect those who could not protect themselves. Most importantly, he was a devoted husband to his wife Bobbi, who passed away in 2011, and father to his son Alex."

- Chief Judge Michael K. Newell

COURT OF COMMON PLEAS

CHIEF JUDGE ALEX J. SMALLS

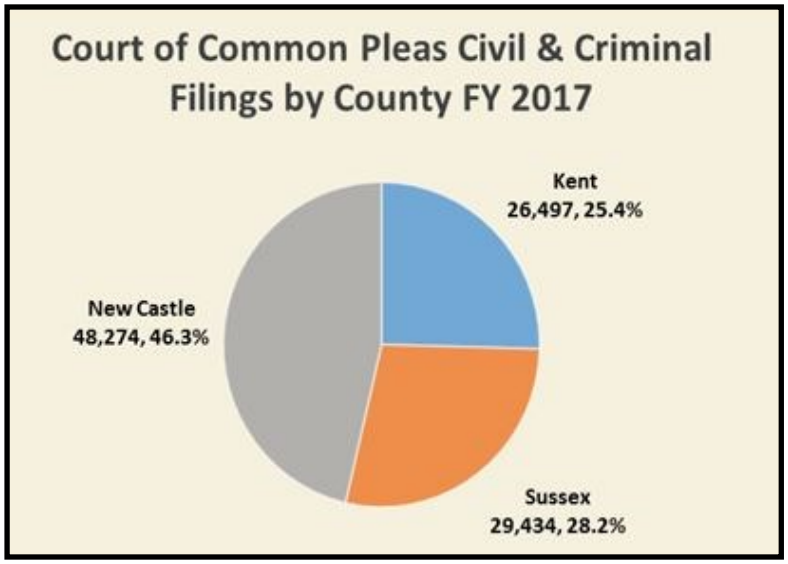
Fiscal Year 2017 was a busy and challenging year for the Court of Common Pleas. The number of cases transferred to, and filed with, the Court of Common Pleas contributes to a high-volume environment in the court. Over the past fiscal year, criminal caseloads experienced a moderate decline from the high levels of the previous two fiscal years. In contrast, the civil caseload continually increased and grew 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 6,869 new civil complaints combined with 3,706 civil judgments, name changes, and appeals resulting in an 8.1% increase in overall civil caseload since last year.

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 5,436 consumer debt cases filed with the court in FY 2017. This represents a 26.6% increase from FY 2016.

The Court of Common Pleas has transitioned to the "File and Serve Delaware" system (FSD) to replace the previous eFlex system for all online civil filings. This system is fully integrated (real time and two-way) with the court's Contexte case management system. This equips the court with the ability to instantly access and update cases and filings. Additionally, it provides improved financial reconciliation tools to the court, including



daily ACH payments to the court and credit card or monthly billing for filers. File and Serve is responsible for collections and does not require filers to establish debit accounts. FSD has improved the court's ability to handle its caseload by allowing judges and judicial secretaries to prioritize cases flagged for expedited filings, instantly accept or reject filings, and more efficiently dispose and transfer cases between judges through a new "judge review" mode.

Criminal Initiatives

The number of criminal misdemeanor filings in the Court of Common Pleas in FY 2017 was 93,630, with 8,402 preliminary hearings filed. Both of these figures represent a moderate decrease in filings from FY 2016. Additionally, there were 40,719 traffic charges filed with the Court of Common Pleas during FY 2017. This represents an 8.9% decrease in the number of filings from FY 2016.

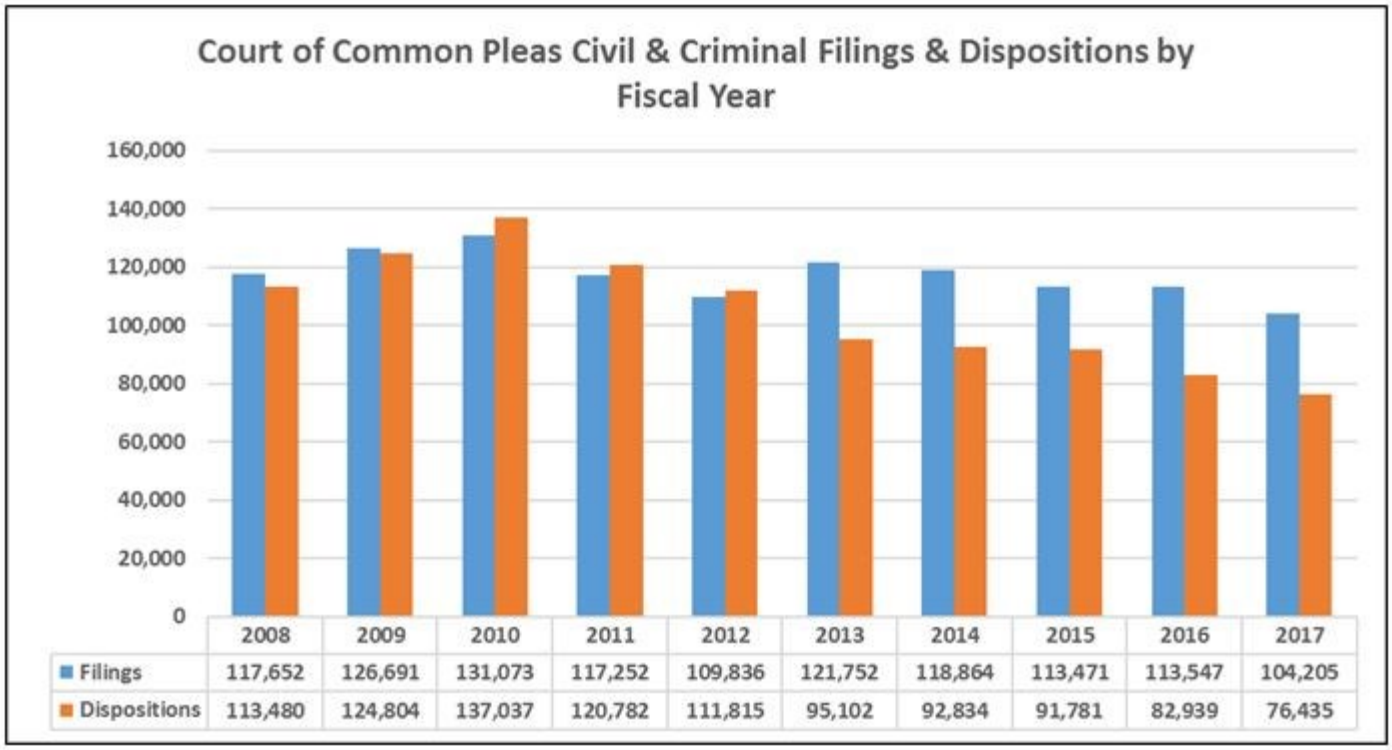
The Department of Justice continues to aggressively review felony cases at preliminary hearings and, as appropriate, resolve those in the Court of Common Pleas. This effort has a positive effect on the entire criminal justice system because it eliminates the need for these cases to be handled twice in 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 Services Unit since its creation in 2001, the Program's success, consistency, and increasing demand for Alternative Dispute Resolution (ADR) services warranted the establishment of a location with facilities that provide easy access for the public.

Since 2001, the court has referred over 17,721 cases for mediation, with 1,400 referrals made to the program in FY 2017. 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 2017, the court's mediation program had a success/satisfaction rate of 95 percent.

In recent years, the Court of Common Pleas extended its



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	117,652	126,691	131,073	117,252	109,836	121,752	118,864	113,471	113,547	104,205
Dispositions	113,480	124,804	137,037	120,782	111,815	95,102	92,834	91,781	82,939	76,435

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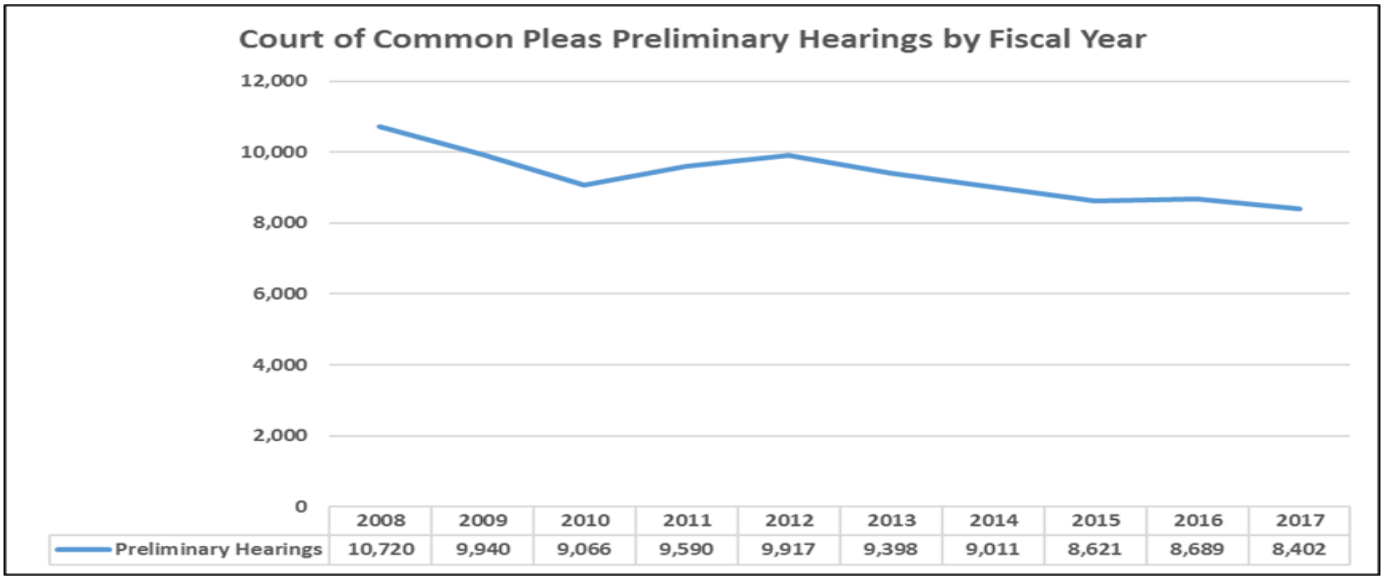


successful criminal mediation program to include civil cases. This option has been well received by civil litigants and has been responsible for the successful settlement of an increasing number of cases. The Court has also adapted a Community Mediation Program, which receives referrals regularly from 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.

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. Surles 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 to drug diversion programs throughout the United States and internationally. The Court of Common Pleas Drug Diversion Program has served more than 8,735 participants since its inception in 1998.

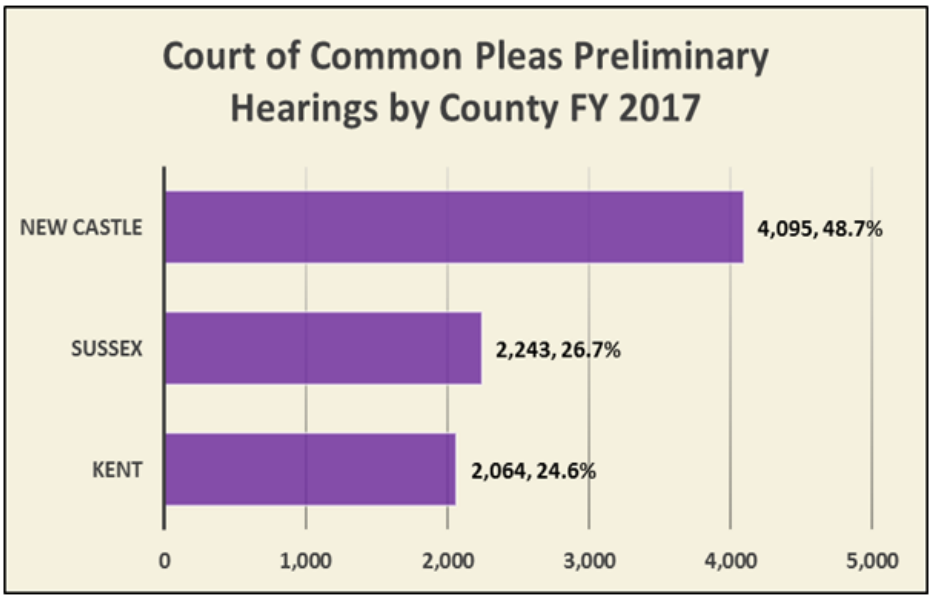
To enhance its ability to identify the needs of all participants, the New Castle County Drug Diversion Program introduced a new tool July 1, 2010, referred to as the "RANT Assessment," a web-based evaluation instrument developed by the court's partners at the TRI. "RANT" is an acronym for Risk and Needs 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 groups allows treatment to be tailored to meet the individual needs of the client, promote successful program completion, and to reduce recidivism.

In FY 2015 the Chief Justice appointed a committee of treatment court judges from all three counties to work in conjunction with evaluators from American University to study the effectiveness of the Judiciary's treatment 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 of treatment court per 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. So far, this recommendation has been

completed in New Castle County while efforts continue toward implementation of these recommendations in both Kent and Sussex County.

DUI Court

In FY 2017, 2,814 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 Court Program in the Court of Common Pleas.



The DUI Treatment Court Program, under the direction of Chief Judge Smalls, with Judge Rennie, accepted its first participants on December 19, 2014. To date, 112 individuals have entered the program, 36 are participating, 76 individuals have successfully completed the program, and 7 individuals were terminated. The requirements for entry into the program are: (1) 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 risks/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 "Prime For Life," a motivational intervention program used to address alcohol or drug problems that encourages 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 and alcohol screenings. Individuals are monitored by Probation and Parole through the use of a 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, totaling 6, and to date has had 76 participants successfully complete the program.

Process Improvement Initiatives

In FY 2017, the Court of Common Pleas initiated projects aimed at updating processes and increasing efficiencies. Students from the University of Delaware's Alfred Lerner College of Business and Economics partnered with the court to create an easy-access system of job-aids for staff to reference when assisting members of the public. The documents provide visual aids and step-by-step guides explaining how to return a capias, look up a court date, post bail, and other frequent requests from court participants.

Ensuring that new employees are able to quickly and uniformly perform routine tasks without the aid of senior staff allows the court to provide superior customer service and cut down on soft costs. By reducing the number of staff needed for each customer, the court is able to serve numerous members of the public simulta-

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neously without needing multiple clerks to assist a single person.

The court continues to work aggressively to manage its caseload and expand accessibility to the public. Standardizing customer service tasks during the onboarding process has reduced in-person wait times in the Clerks' Office by eliminating the requirement that an employee with a specific skill set be free to assist a customer. Instead, any available member of the Clerks' Office is now able to effectively provide aid with any common requests using the job-aids. Curtailing incidents that require additional staff or necessitate multiple visits to the court to resolve a single issue saves time and reduces costs for both court staff and participants.

These job-aids were deployed in all three counties in both digital and paper versions, allowing employees with differing levels of computer skills to quickly service customers without help from other court staff.

Title 16 Jurisdiction Changes

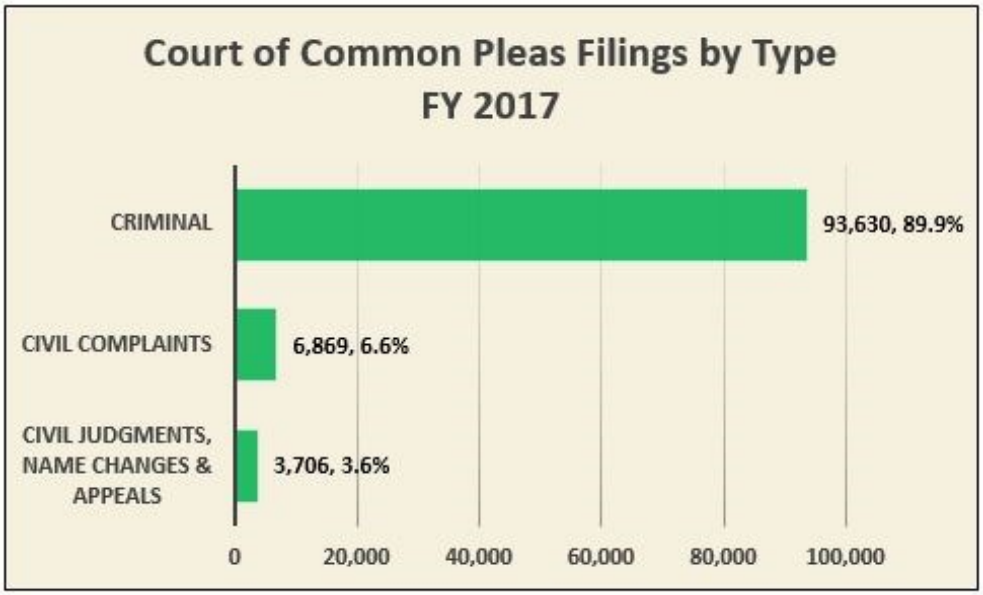
The recent changes to the drug statutes regarding possession and use of controlled substances on June 18, 2015 vested the court with additional jurisdiction.

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.

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 uniformity among counties, as well as an improvement to the process of 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 pre-trial in civil matters, appearances in consumer debt proceedings, and office conferences.

The court began using "Go To Meeting" internet software for meetings between counties to decrease the need for travel, saving both time and money. This service allows for video conferencing from any location and on any device as well as the ability to schedule meetings and send personalized meeting links directly from their site.

In 2016 and 2017, the Judges' and senior administrative staffs' terminals were replaced with Microsoft Surface Pros. The new devices act as an "all-in-one machine" and allow staff to work from their computer from any location. Along with this change, the court will install docking stations in all the courtrooms to allow the judges to utilize their Surface to access files directly in the courtroom.

In New Castle County CCP's courtroom 5B, the court added a second monitor for the clerk that is connected to a monitor on the judge's bench. This allows for document sharing between the clerk and the judge while court is in session. The clerk can pull up a document or program on their left monitor, and then drag it to the right monitor for the judge to view. The clerk can use this feature to provide the judge with supporting documents, defendant history, upcoming court dates, and other information instantaneously. This saves time and ensures accuracy in court proceedings.

In another development, The Court of Common Pleas has upgraded our telephone system in the Clerks' Office to allow for incoming calls to be distributed between more employees. This update makes it possible for calls to be answered and addressed sooner, with the goal of cutting down wait times.

In March 2017, the court also launched its new Interactive Voice Response System (IVR) to provide self-service options to customers. These self-service options deliver information to customers in a timely and accurate manner and are available 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. A study of all the calls received by the New Castle County Clerks' Office found that over half of all phone calls fielded by staff at the court were for routine matters like taking a payment or informing a litigant of their next scheduled court event. By redirecting these calls away from staff, the court is able to maximize staff productivity while still relaying the same information to customers and other court participants.

From the launch of the IVR to the end of the 2017 fiscal year, the IVR system has fielded a total of 10,716 phone calls (an average of 176 per day) from the public, processed $129,201 in payments to the court, and reduced the number of callers hanging up while on hold by nearly two-thirds.

Enforcement of Court Orders

In FY 2016, the Court of Common Pleas collected approximately $4,564,501 in fines, costs, and assessments. A significant portion of the Court's collections also represents restitution and compensation payments for victims of crime.

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 COMMISSIONERS

Standing left to right:
Abby L. Adams
Mary McDonough

COURT OF COMMON PLEAS JUDGES

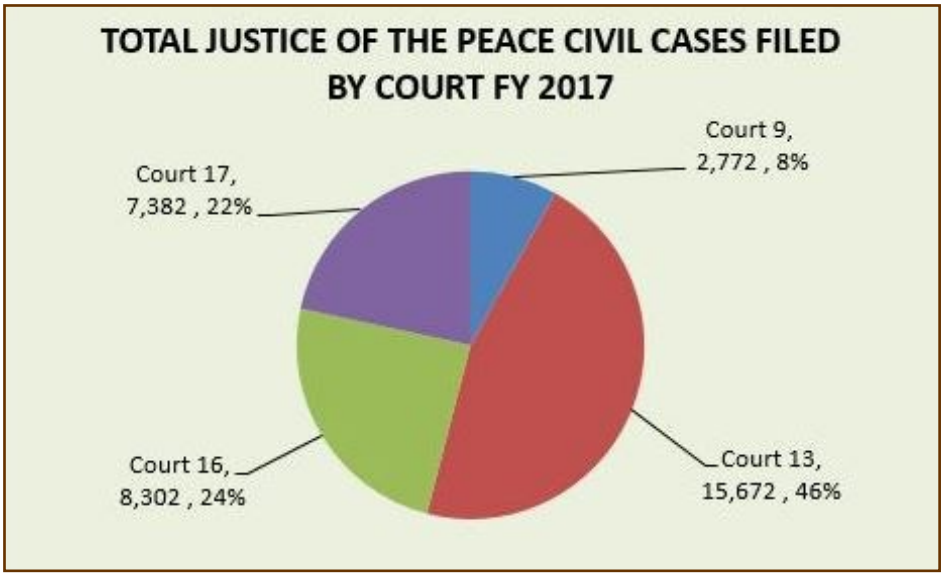
Front row (standing left to right):
Judge John K. Welch
Chief Judge Alex J. Smalls
Judge Rosemary Betts Beauregard
Judge Kenneth S. Clark, Jr.

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

CHIEF MAGISTRATE ALAN G. DAVIS

Throughout the years, the Justice of the Peace Court has worked hard to provide quality service to our court users and make improvements to their overall experience. In FY 2017 we continued to work toward better levels of service by reviewing what we could do to improve things for the end user and ended up focusing on efforts to provide better support for our staff through enhanced training opportunities, targeted pay enhancements and streamlining the Court's physical footprint. We took this route under the theory that a more content staff leads to improved experiences for our court users.

Efficient and exceptional service can only be provided by judicial officers and staff who are well trained and knowledgeable in our business. Our judicial education program was put into place over twenty years ago. New judges have a rigorous basic legal education training course before taking the bench, and two educational conferences occur each year, keeping all judges current on new or upcoming changes in the judicial system. Over the course of the last year we undertook a significant overhaul of our judicial training philosophy and developed the application of proven adult learning techniques to better prepare our new judges for their experience on the bench. Also, after years of success of the Basic Legal Education program for judges, we created a new basic education program for our clerical staff and security officers. Newly hired staff work closely with peers, trainers and managers to learn the basics of the Court. Due to the implementation of these programs, we not only have a more professional organization but also an ever-growing avenue for court improvement.



Since our Court environment poses unique work scenarios for staff, another focus of the Court was on supporting our staff in the form

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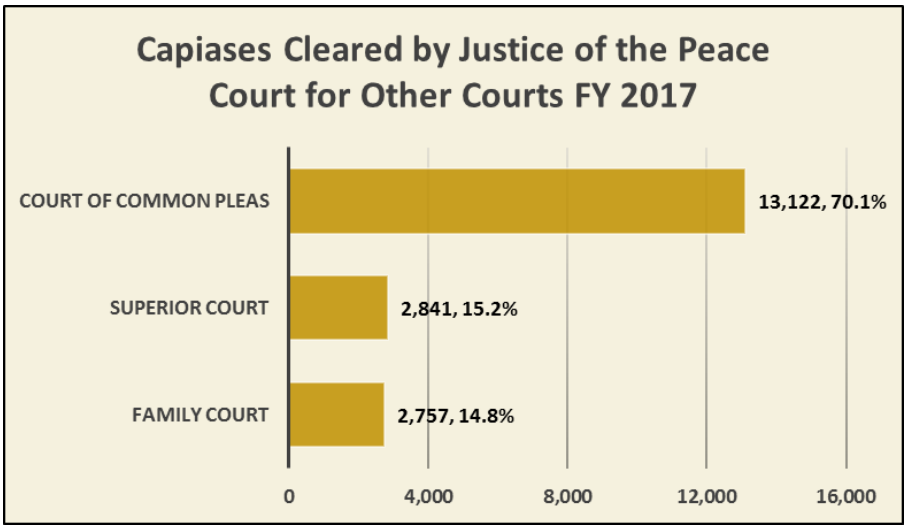
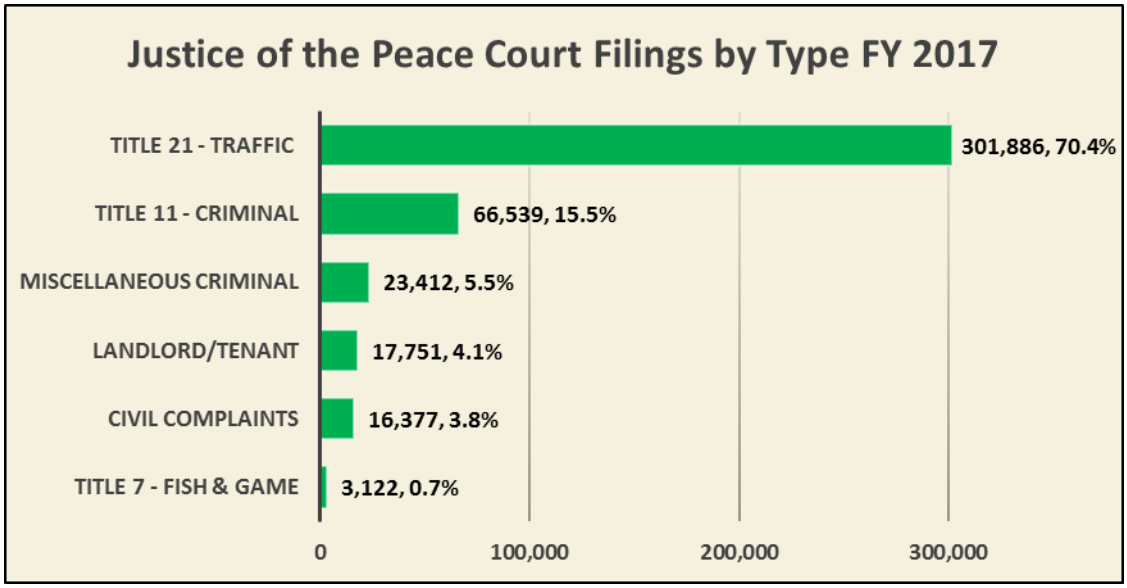
JUSTICE OF THE PEACE COURT



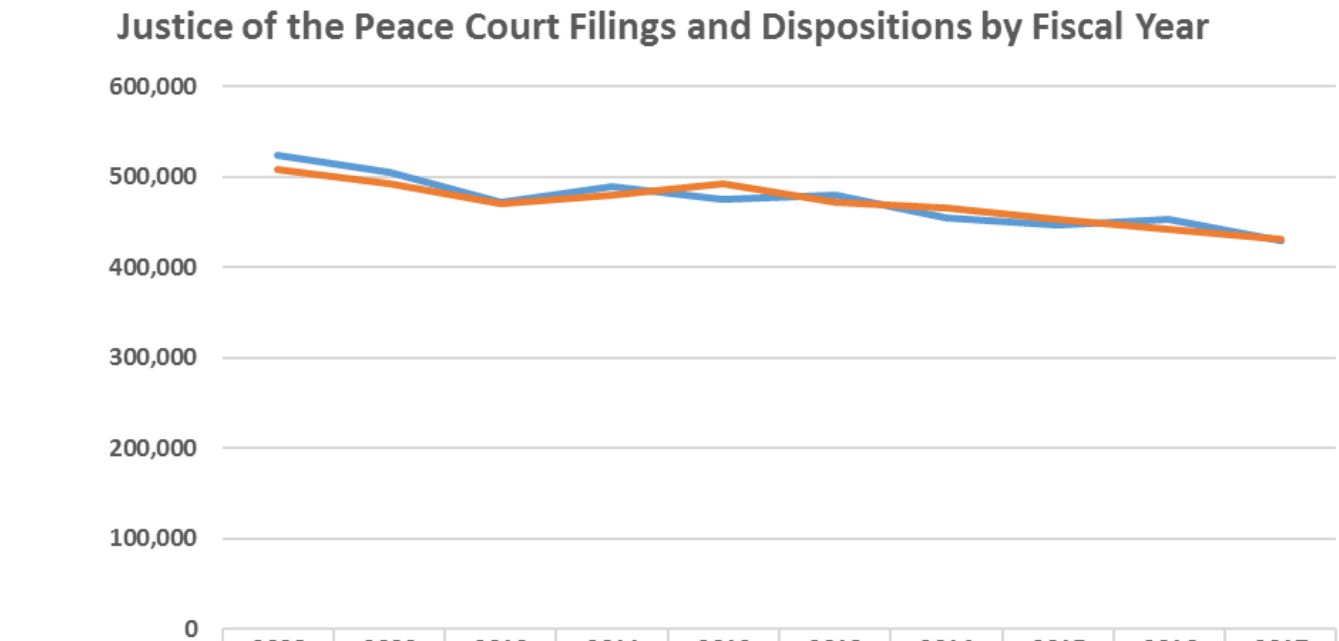
of targeted pay enhancements. Three of our 14 court locations operate 24 hours a day, 7 days a week and 365 days a year, requiring our judicial officers, clerical staff and security to work during holidays and weather emergencies. Due to this, our turnover rates on the staff side have been exceedingly high, and a considerable amount of time and energy has been spent on analyzing potential solutions to address our staffing needs. In FY 2017, we were able to put into place a salary matrix to begin to address this issue. The implementation of this pilot program allowed the Court to provide an increased salary for our clerical staff in our most critically affected location, Court 11. In the future we hope to expand the salary matrix to other 24 hour operations as well as to our after-hours security staff.

In order to continue our efforts to remain efficient and retain staff, we also spent time analyzing the current locations of the Justice of the Peace Court to determine if we could consolidate locations and streamline operations. This fiscal year saw the closing of Court 1 in Frankfort, shifting their workload to other locations in Sussex County. By doing this, it enabled us to better utilize our resources and decrease the burden of supporting numerous locations. We have also begun analyzing our 24/7 operations to determine if there are any work processes that could be modified, relieving pressure during our evening and weekend hours. The undertaking of this project will be a significant focus for 2018.

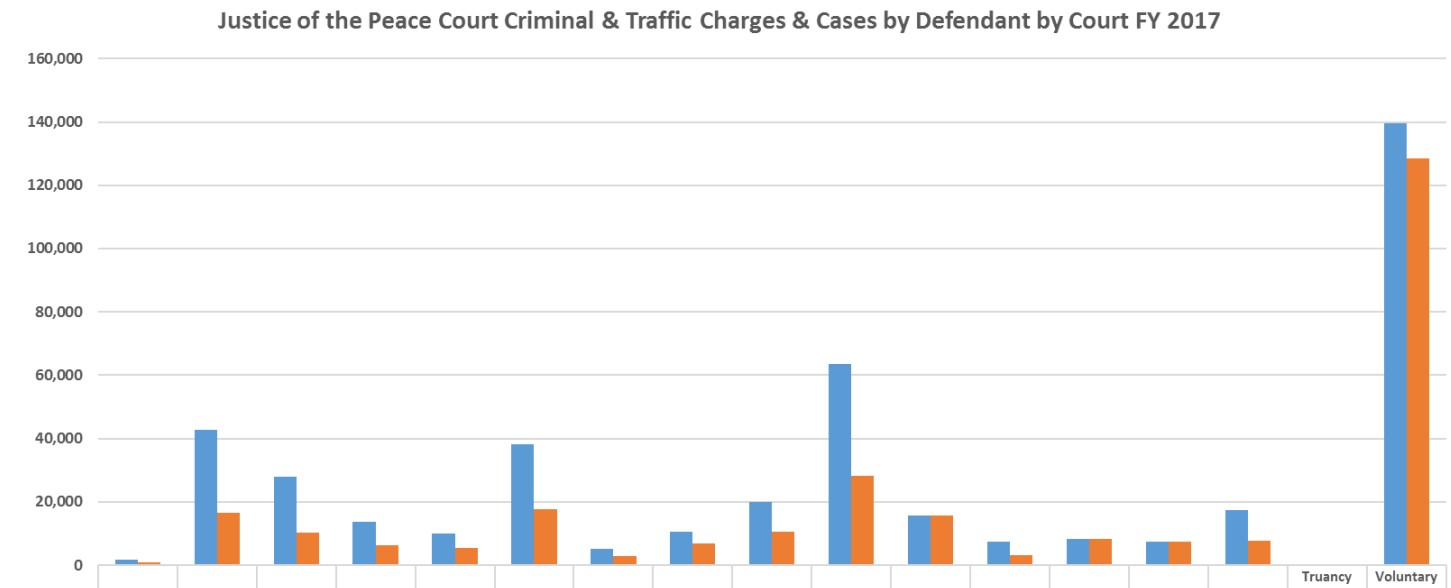
Better trained judges and staff, with improved working conditions, lead to an enhanced experience for the people we serve. By focusing on these areas over the last fiscal year, we have attempted to give our staff the opportunity to improve themselves and their conditions, as well as the Court as a whole. ♦



JUSTICE OF THE PEACE COURT



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Filings	524,375	505,815	471,912	489,169	475,583	479,835	454,217	446,392	453,358	429,087
Dispositions	508,278	492,695	470,061	480,261	491,740	472,692	465,973	453,589	442,617	431,143



	Court 1	Court 2	Court 3	Court 4	Court 6	Court 7	Court 8	Court 9	Court 10	Court 11	Court 13	Court 14	Court 16	Court 17	Court 20	Truancy Court-Sussex	Voluntary Assessment Center
Charges	1,602	42,647	27,993	13,530	9,993	38,251	5,180	10,547	19,938	63,533	15,672	7,345	8,302	7,382	17,275	232	139,665
Defendants	810	16,413	10,188	6,402	5,314	17,607	2,798	6,936	10,465	28,122	15,672	3,230	8,302	7,382	7,766	219	128,347

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JUSTICE OF THE PEACE COURT

NEW CASTLE COUNTY JUDGES

Sitting, front row (left to right):
Cheryl Stallmann, Katharine Ross, Senior Judge Rosalie Rutkowski, Kerry Taylor, Marie Page, Shelley Losito, Nina Bawa, Cheryl McCabe-Stroman.

Standing, middle row (left to right):
Susan Cine, Beatrice Freel, Amanda Moyer, Thomas Kenney, Roberto Lopez, Sean McCormick, Christopher Portante, Carmen Jordan-Cox.

Standing, back row (left to right):
Senior Judge William Moser, Gerald Ross, James Tull, David Skelley, James Hanby Sr., John Potts, Peter Burcat, William Young III.

Not pictured:
Thomas Brown, Bracy Dixon Jr., Emily Ferrell, Vincent Kowal, Deputy Chief Magistrate Bonita Lee, Susan Ufberg.

KENT COUNTY JUDGES

Sitting, front row (left to right):
Nicole Alston-Jackson, Cathleen Hutchison, Dana Tracy.

Standing, back row (left to right):
Alexander Montano, Senior Judge Robert Wall, D. Ken Cox, Kevin Wilson, James Murray.

Not pictured:
Deputy Chief Magistrate Ernst Arndt, Pamela Darling, Dwight Dillard, W.G. Edmanson II, Michael Sherlock.

Continued on next page

SUSSEX COUNTY JUDGES

Sitting, front row (left to right):
Nicholas Mirro, Michelle Jewel, Deputy Chief Magistrate Sheila Blakely, Jana Mollohan, Stephani Adams, Deborah Keenan, John McKenzie.

Standing, (left to right):
William Wood, Richard Comly, John Hudson, John Martin, James Horn, Chief Magistrate Alan Davis, Scott Willey, Christopher Bradley, Larry Sipple.

Not pictured:
John Adams, William Boddy III, Jennifer Sammons.

JUDICIAL BRANCH EMPLOYEES RECOGNIZED

Gayle P. Lafferty, from the **Supreme Court,** was named the 2016 Judicial Branch Employee of Year. In her role as Chief Staff Attorney for the Supreme Court, Gayle is described by her superiors and co-workers as good-natured and an invaluable resource. This has been particularly true during this past year when she assisted on a number of projects in addition to her usual duties, including overseeing the creation of a Supreme Court intranet site. Thanks to Gayle's outstanding efforts, the Supreme Court now has a single, shared repository for forms, guidelines, calendars, and other useful information that is now easily accessible to Justices and staff, thus improving the overall efficiency and effectiveness of the Court. "Gayle Lafferty has been critical to the success of the Delaware Supreme Court and its Judiciary more generally for a generation. She is one of the finest attorneys in Delaware, has tremendous expertise in criminal law, professional ethics, and many other areas of law. We all look to her regularly for wise counsel. It is fitting that the public know what so many of us in the Judiciary have long recognized, which is that Gayle Lafferty is a model attorney and public servant," said Chief Justice Leo E. Strine, Jr.

Other employees nominated for the Branch Employee of the Year award and who were honored as Employee of the Year for their respective courts are:

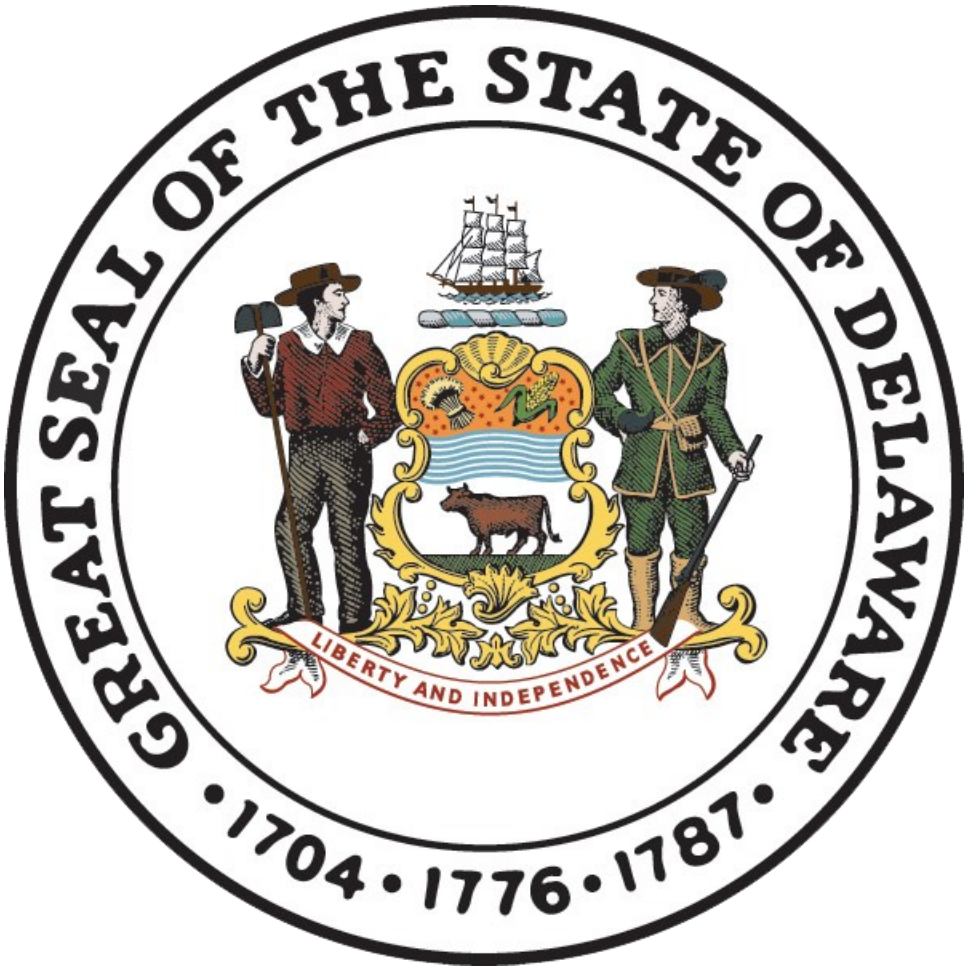
Carla Robinson, Court Security Officer I, Family Court. In April 2016, while conducting an Ex Parte PFA Hearing with a commissioner, CSO Carla Robinson observed that a petitioner appeared to have recent injuries to her face and neck. CSO Robinson's observations of the injuries led to the court reconvening on the record, describing the injuries and ensuring that the Domestic Violence Advocacy Program took photographs of the injuries. Without the CSO Robinson's observations and engagement, the petitioner may not have received proper care and necessary attention.

Davina Mifflin, Senior Accountant, Superior Court. Davina has taken care of the Accounting Unit with the talent, fierceness, tenacity and organization needed by a bookkeeper/accountant. Currently, Superior Court is moving the criminal accounting system to CJIS. This is a job that requires concentration and vigilance to make certain that all data is correct prior to the conversion.

Carol Lemieux, Judicial Operations Manager, Court of Common Pleas. Carol frequently surpasses the expectations and duties encompassed in her job responsibilities as a Judicial Operations Manager for the Court of Common Pleas, Kent County. She utilizes her extensive education to identify areas for improvement within the court's operations and to administer solutions. Carol's leadership and willingness to assist in process improvement projects – that increase the Court's efficiency, productivity, and improve service delivery to the public – are invaluable to the State.

Jennifer Figueira, Coordinator of Court Interpreters Program, Administrative Office of the Courts. As Coordinator for the Court Interpreters Program, Jennifer has faced numerous challenges since her start over two years ago. Jennifer was called upon to do more with less. Jennifer used her immense creativity and logical problem solving to create a win-win solution by devising a new contractual arrangement, which provides interpreters on a regular basis to the courts at a lower cost. Jennifer continuously displays great aplomb, grace and leadership in a way that is beneficial to all constituents.

Court 11 Clerks, Justice of the Peace Court (Robin Bundy, Crystal Colclough, Crystal Thomas, Laurie Gravell, Janay Barron, Carly Juno, Charene Harris, Clare Messick, Andrea Flores, and Debbie Hall). The Court 11 Clerks have worked tirelessly despite staffing challenges. They have all found themselves working long hours; training new clerks, only to have them depart within a couple of months; working solo on outtake on a PPP day; and working with new judges. While juggling the above, they have helped to bring the new and veteran clerks together, creating a team that supports one another in all circumstances. And through it all they have continued to serve the public pleasantly and efficiently. ♦



Many thanks to the Presiding Judges, Court Administrators and others in the Courts, and the Administrative Office of the Courts for their efforts in preparing this Annual Report.

http://courts.delaware.gov (Delaware Judiciary)

http://courts.delaware.gov/AOC/AnnualReports/FY17 (2017 Annual Report, Statistical Report of the Delaware Judiciary and additional Delaware Courts background information)