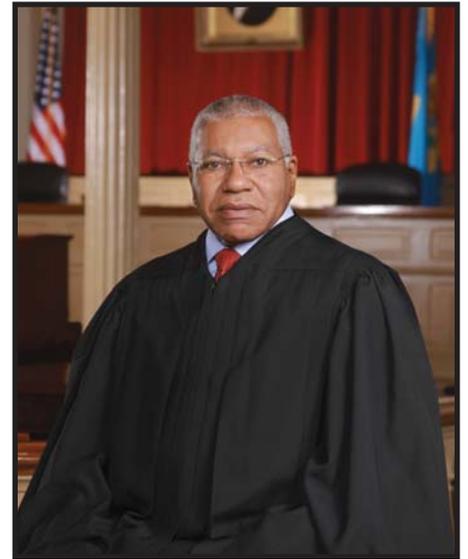


COURT OF COMMON PLEAS



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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

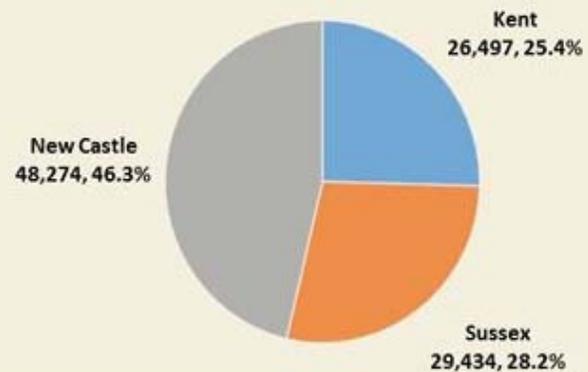
The Court of Common Pleas received 6,869 new civil complaints combined with 3,706 civil judgments, name changes, and appeals resulting in an 8.1% increase in overall civil caseload since last year.

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

Court of Common Pleas Civil & Criminal Filings by County FY 2017



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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

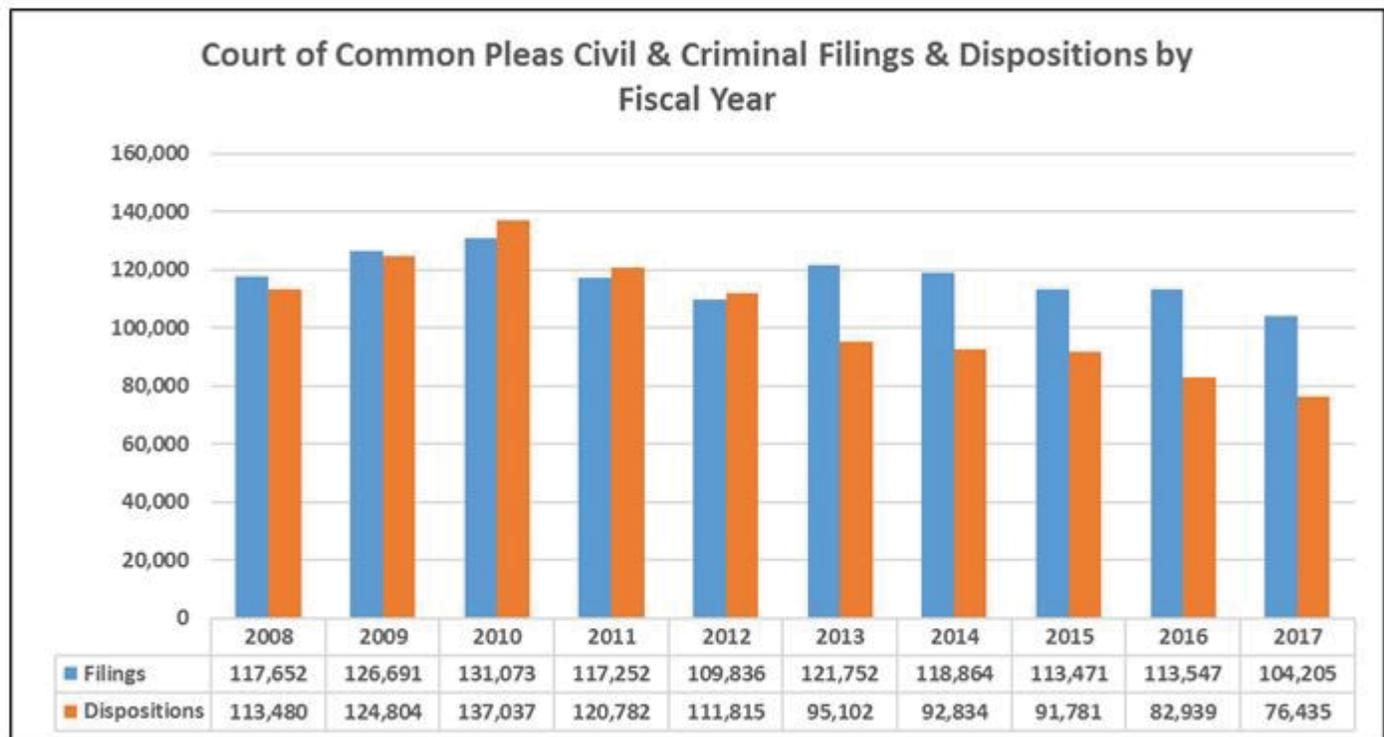
be handled twice in the Court of Common Pleas and once in the Superior Court, which occurs when felony charges are reduced to misdemeanors and returned to the court after being bound over at preliminary hearings.

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.

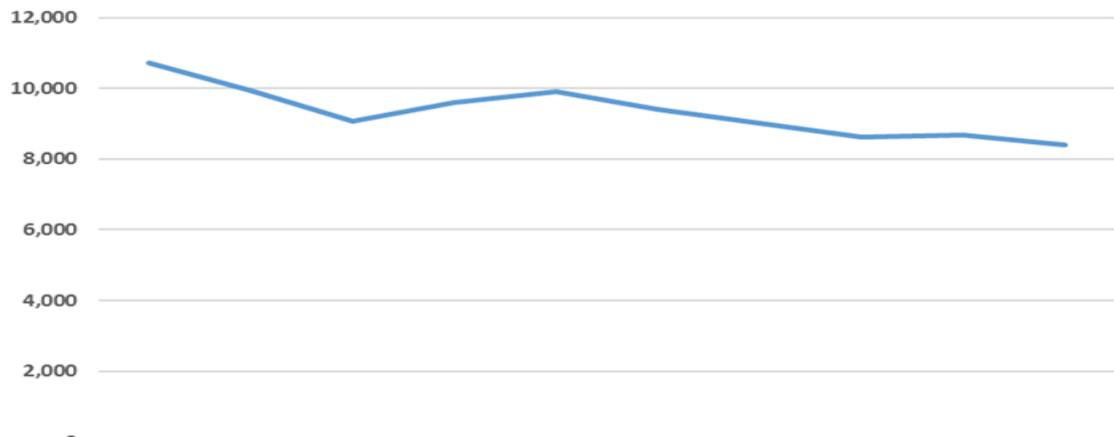
In recent years, the Court of Common Pleas extended its



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Court of Common Pleas Preliminary Hearings by Fiscal Year



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

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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.

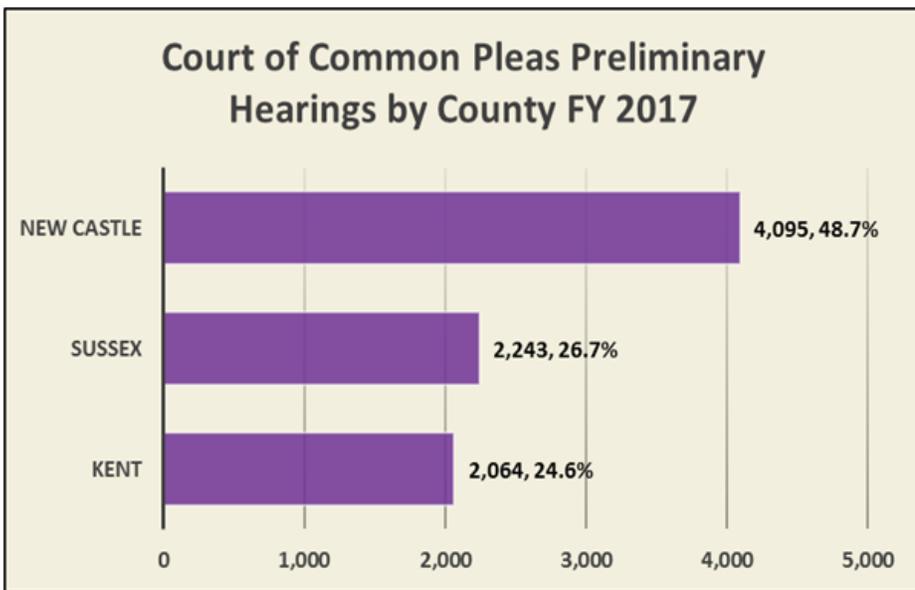
The DUI Treatment Court Program, under the direction of Chief Judge Smalls, with Judge Rennie, accepted its first participants on December 19, 2014. To date, 112 individuals have entered the program, 36 are participat-

ing, 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

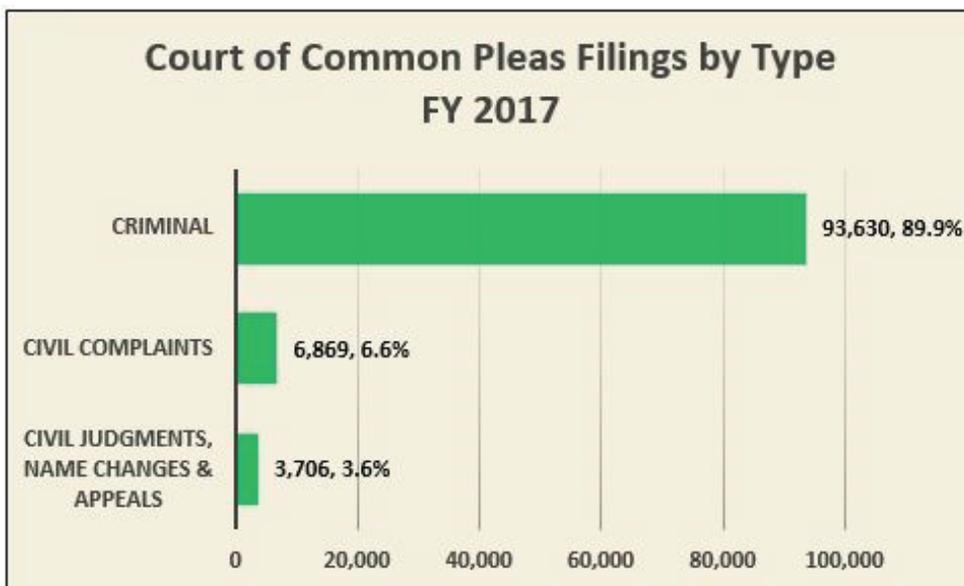
overall increase of 33.4% in the number of misdemeanor drug cases filed in comparison to the previous year prior to the jurisdiction change. To address the increased volume, the court re-engineered several of its processes for case management. In New Castle County, a Title 16 Arraignment calendar and 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.



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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