Addressing the over 600 judges and lawyers in attendance at the Annual Bench and Bar Conference on June 6th, Chief Justice Myron T. Steele focused on both the current state of the Judiciary and future opportunities and challenges. With regard to the current state of the Judiciary, he expressed concern over the continuing erosion of judicial independence – as demonstrated by the passage of numerous statutes governing the admission of evidence. In addressing this concern, he noted that cooperation with the other Branches of government is crucial and highlighted new efforts to work cooperatively. These include forming a legislative team to present a cohesive judicial legislative plan to the General Assembly; working cooperatively with the Attorney General and Public Defender as partners in managing available resources rather than as competitors; and creating one set of unified budget priorities within the Judicial Branch that is focused on mission essential needs.

Emphasizing that legal services are part of a global economy, one of the opportunities highlighted by the Chief Justice was the chance for Delaware to become a leader in the multi-national practice of law. In addition, he mentioned opportunities to continually improve the delivery of services by reviewing the roles of some of our courts as well as how we provide legal services to indigents. For example, the Judiciary may begin to explore advantages in adopting the non-adversarial, community-based approaches used in other countries for some Family Court cases, as well as ways to create greater flexibility in the use of the judicial resources of the Court of Common Pleas, if the General Assembly decriminalizes motor vehicle offenses. He also suggested that the time is ripe to ensure that Delaware is using the best possible approach to addressing the legal needs of indigent defendants by examining whether the establishment of a Defender General, who would manage all services provided to indigent defendants, would be a more effective and efficient alternative to our present system.

However, the future will also bring a number of challenges for the judicial system according to Chief Justice Steele. These include finding ways to serve the increas-
Eight months after the introduction of the new COTS civil case management system in three pilot Justice of the Peace courts (Court 12 in New Castle County and Courts 17 and 19 in Sussex County), how is the new system viewed by its users? Gwen Cook (manager of Court 12) and Casey Tyndall (manager of Courts 17 and 19) report that court staff were initially apprehensive about having to learn a new system. However, now that they have had actual experience with it, they are very pleased with the new functions it offers.

Perhaps the feature that court personnel most appreciate is the lack of paper files. Where once paper files were created and placed in drawers, now papers are scanned into the system and files are completely computerized. While the court managers say that the time to scan the files is about the same as to create a paper file, the real advantages come from avoiding lost files and the ability to obtain information needed from a file no matter in which Justice of the Peace Court it is located.

Another favorite aspect of the new system is the financial package. It has made work both easier and more accurate by providing automatic tabulation of financial information which previously had to be processed manually in civil cases. The creation of debit accounts for large volume court users is also helping to make case processing move smoothly as filing fees can be automatically deducted from filers’ accounts – a particular help with the coming implementation of e-filing. The court managers also applaud the ability of Justice of the Peace constables to enter returns into the system, saving time for the clerks and permitting the information to be entered into the system sooner.

Both court managers agree that, while there were a few snags along the path, they were well worth it. They and their staffs are extremely happy with the new system and would never want to go back to the old way of doing business. Chief Magistrate Alan G. Davis agrees and adds that:

The remarkable way that our staff and judges at Courts 12, 17 and 19 have approached this transition is commendable. Change is never easy, but, with a positive attitude and a willingness to tackle obstacles and suggest improvements, the folks at these court locations have set the standard for the rest of the judiciary as we progress through the phrases of this project.

Chief Justice Steele also spoke to the important challenge of actively encouraging greater minority membership in the Delaware Bar. He closed by entreat ing the members of the Delaware Bar to “Work with us, the Delaware Judiciary, and we will meet and overcome these obstacles, reject the unacceptable, banish the unthinkable, and shun the intolerable. We will as we have always managed to do – surpass all expectations and succeed.”

For further information, please contact Patricia.Griffin@state.de.us

For further information, please contact Carole.Kirshner@state.de.us
GWENDOLYN COOK NAMED JUDICIAL BRANCH EMPLOYEE OF THE YEAR

Gwendolyn Cook, New Castle County Civil Operations Manager for the Justice of the Peace Court, was named the Judicial Branch 2006 Employee of the Year. Gwen received this award for her outstanding and dedicated work in developing and guiding the New Castle County Justice of the Peace civil courts through the sometimes stressful, but ultimately successful, introduction of the first phase of the COTS case management initiative. This process was particularly eventful as the JP Court was the first in the state to implement this new system. During this challenging time, one nominator stated, “she traveled routinely among the three court locations while still performing critical work in COTS, working many hours in addition to her regular hours and maintaining her composure, professionalism and sense of humor.” As another nominator stated:

Gwen took on a leadership role in assisting with the design and implementation of the COTS system. She represented the Justice of the Peace Court on critical committees, working with key committee members from other courts in the Judiciary to help create the judiciary-wide case management system, and helping to design and implement the ongoing training process for the new system. Prior to Phase One implementation, during that phase, and post-Phase One, she was committed to finding ways to improve the new system’s processes, testing and checking processes defined within COTS, testing converted data, and seeking more efficient alternatives within the new system.

Gwen’s recognition as employee of the year caps a long and successful career with the Justice of the Peace Court. Starting as a court clerk in Justice of the Peace Court 10 in 1986, Gwen was named assistant court manager of Court 12 in 1995 and court manager in 1999. In 2006, she was promoted to her current position in which she is responsible for the operations of civil courts 9, 12, and 13 in New Castle County.

All of us in the Judicial Branch join in congratulating Gwen on this award and in thanking her for her many years of devoted service to the Judicial Branch.

Gwendolyn Cook (Justice of the Peace Court) receives congratulations from Jennifer J. Davis, Director of the Office of Management and Budget (on left), and Governor Minner at the recognition ceremony for the Delaware Award for Excellence and Commitment in State Service on her selection as the Judicial Branch 2006 Employee of the Year. Chief Justice Steele also attended the ceremony and commended Ms. Cook for her outstanding efforts on behalf of the Judicial Branch.

Congratulations are also offered to the other nominees – Jennifer Bennett from Superior Court, Thomas Smith from Family Court and James Weister from the Administrative Office of the Courts – for their outstanding work on behalf of the Judicial Branch.
The Delaware Superior Court held a Special Session on Monday, April 9th at the old New Castle Courthouse to commemorate the first session of the Court which was held on April 9th, 1832. The Special Session was opened by President Judge James T. Vaughn, Jr. and included remarks by Governor Ruth Ann Minner, Lieutenant Governor John C. Carney, Jr., Resident Judge Richard R. Cooch, and State Archivist, Russell McCabe.

During the ceremony, Lieutenant Governor Carney presented a tribute from the Governor and himself which stated:

As the Delaware Superior Court celebrates 175 years of judicial excellence, we hereby recognize the Court’s core values of unity, neutrality, integrity, timeliness, equality and dedication. Delawareans across the First State recognize the Superior Court, its current and past judicial officers, commissioners and support staff for their hard work and dedication to integrity and fairness in our courts. The Delaware Superior Court has long been a model of an exemplary judicial system and we are proud of this long, strong heritage, one that no doubt will be carried with pride into the future.

All of us in the Judicial Branch join with Governor Minner and Lieutenant Governor Carney in congratulating the Superior Court on its 175th anniversary and its long tradition of excellence. As Chief Justice Myron T. Steele stated:

On behalf of the Delaware Supreme Court, I would like to offer my congratulations to the Superior Court for 175 years of service in the tradition of excellence. From the first session of the Court held in 1832, the Superior Court has demonstrated a high quality of service to its public and corporate clients of which the Judicial Branch and the State as a whole are exceedingly proud.

Former and current Superior Court judges, the Governor, the Lieutenant Governor, the State Archivist, and others, gathered at the Old New Castle Courthouse to celebrate the 175th anniversary of the Superior Court’s creation.
NEW CASTLE COUNTY COURTHOUSE ACQUIRES NEW ARTWORK

The New Castle County Courthouse (NCCCH) Art Committee, chaired by Charles F. Richards, Jr., is continuing its efforts to ensure that members of the public coming to the NCCCH have the opportunity to experience the work of a wide variety of renowned artists. A recent acquisition for the NCCCH is a magnificent piece of art, entitled “Sussex Fields,” by Mary Page Evans. Mary Page Evans is a resident of Delaware whose paintings have been described as "hymns of unadulterated joy." While Evans paints still lifes and images of the human form, it is her landscape and garden paintings created directly from nature that capture this sentiment. Evans exhibits in Virginia, Delaware, Pennsylvania, and Washington, DC. She has artwork in numerous public and private collections, such as the National Museum of Women in the Arts, the Delaware Art Museum, and the State Museum of Pennsylvania. Please take the time to view “Sussex Fields” located on the 12th floor of the New Castle County Courthouse.

The dedication and lighting of the outdoor sculpture located in the NCCCH plaza, “the Beacon,” by Brower Hatcher, in January 2007 represented an impressive milestone for the NCCCH and the Courthouse Art Committee. The sculpture includes inscriptions that are intended to convey the long historic rise of justice and the rule of law, acknowledging that all of the world’s cultures recognize fundamental fairness, as exemplified by the “Golden Rule” (“Do not do unto others what you would not have them do unto you.”), as the bedrock of justice. The inscriptions are intended to inspire our country’s continuing efforts to improve its justice system.

In addition, two new sculptures are anticipated to be in place at the NCCCH by September 2007. The first piece of artwork is a sculpture by Tim Prentice which will be suspended over the escalator landing on level one of the NCCCH. The second piece of artwork is a wall sculpture by Henry Philipe Loustau to be placed on the brick wall on the outside of the NCCCH between the lobby and the parking garage.

For further information, please contact Sarah.Lubin@state.de.us
In the civil division of the Justice of the Peace Court, nearly every case has at least one self-represented litigant. With over 33,000 civil cases filed annually in the Court, there is a tremendous need for assistance to these litigants. This is particularly true for landlord/tenant cases which represent about one-half of all civil cases and in which the stakes may include the displacement of a person from their home. To help these self-represented landlords and tenants, the Justice of the Peace Court has initiated a pilot outreach program, “Seminars for the Self-represented in Landlord/Tenant Issues”, which presents interactive programs monthly.

Members of the private bar, nonprofit legal assistance providers, the Administrative Office of the Courts (AOC), the Justice of the Peace Court and others volunteer to plan, prepare and conduct the seminars. Apartment complex managers cooperate to provide a meeting room and distribute invitations to each tenant. AOC staffers prepare flyers and service the event and the court organizes the event. The program is conducted by a judge with two attorneys, one presenting a landlord perspective, the other the tenants’, to review the landlord/tenant code and impress upon the attendees the obligation of good faith dealing. Volunteers distribute seminar materials, take notes and help attendees complete questionnaires.

Participants are further schooled in preparation for trial on a variety of potential issues, which also eases the trial court’s burden. Describing trial as “show and tell time”, presenters not only instruct on presentation of witnesses and evidence, but also rehearsal, demeanor and focus. Case specific questions arise and potential litigants are advised to seek guidance from an attorney. But much of the presentation is information which, if heeded, will prevent actions which might lead to litigation. Considerations before entering a lease or first occupying a rental unit, an understanding not only of rights but obligations, and remedies if the other party breaches a duty or obligation, are core issues discussed.

“This is an amazing cooperative effort bringing landlords and tenants into a room to explain their duties, one to the other. Advocates of one side are not only presenting a perspective but are also learning another perspective in a non-adversarial exchange of ideas,” reflects Chief Magistrate Alan G. Davis.

“Our court, in adjudicating scores of thousands of actions brought by or defended by the self-represented must and will assure that justice is done,” Davis continued. “This educational program is one tool that we will use to help assure that litigants have a meaningful voice. If it proves cost-effective and successful, we will expand it. That will require more volunteer attorneys and judges. The communities that we have reached are overwhelmingly receptive. We need to reach more”.

This article was written by Judge James Tull. Judge Tull is a Justice of the Peace and was instrumental in establishing the seminars for self-represented landlords and tenants.
Years ago, a young man working at a factory to put himself through college did a portrait of the 12-year old son of the cafeteria manager. That young man, Simmie Knox, went on to become a nationally renowned portrait painter who has painted the official portraits of President Clinton and First Lady Hillary Rodham Clinton as well as those of many other luminaries. And, the 12-year old boy, Randy J. Holland, grew up to be a lawyer, legal scholar, and justice of the Delaware Supreme Court.

The two met again recently, when the Delaware State Bar Association asked Mr. Knox to paint the official Supreme Court portrait of Justice Holland. Although such portraits are not usually done until the death of a justice, Justice Holland’s close association with Simmie Knox inspired the Bar Association to raise private donations at this time to enable the portrait to be painted by Mr. Knox. The portrait was officially unveiled at the Annual Bench and Bar Conference held on June 6, 2007, at the Chase Center on the Riverfront in Wilmington. The original portrait of Justice Holland as a 12-year old was also displayed along with the official portrait.

The official portrait will hang in the Hollands’ home until it is time to be moved to the Supreme Court portrait gallery in Dover.
A Delaware constitutional amendment authorizing the Securities and Exchange Commission to certify questions of law to the Delaware Supreme Court was enacted in early May 2007. The amendment enabled the Securities and Exchange Commission to bring critical and urgent questions concerning Delaware law to the Delaware Supreme Court; thus providing expedited decisions and greater certainty with regard to the corporate law. Prior to the amendment, only other courts were able to certify questions of law to Delaware’s Supreme Court.

Myron T. Steele, Chief Justice of the Delaware Supreme Court, stated:

“The members of the Supreme Court welcome this amendment as responsive to the Securities and Exchange Commission’s expressed interest in seeking the Court’s advice on corporate issues, on occasion. We are pleased to have this opportunity to provide enhanced services to Delaware’s corporate citizens.”

Professor Jeffrey D. Bauman, Georgetown University Law Center, who is a well-known expert in the area of corporate law, added:

“Delaware’s Constitutional amendment is an innovative approach to questions of federalism and corporate law. It is not clear how often the Securities and Exchange Commission will accept Delaware’s invitation, particularly in controversial areas of corporate governance.”

Brian G. Cartwright, General Counsel, Securities and Exchange Commission, indicated that he was pleased with the new constitutional amendment and stated:

“In our constitutional system, federal and state law coexist side-by-side, each with its distinctive role. As a result, the administration of the federal securities laws often requires interpretation of state law. I am delighted that the SEC now has this new ability to obtain definitive answers to important questions of Delaware law.”

Over 50% of publicly-traded corporations, and 60% of Fortune 500 companies, are incorporated in Delaware. In addition, in 2006, more than 70% of new initial public offerings on U.S. exchanges were made by corporations incorporated in Delaware. With the large number of companies choosing Delaware as their place of incorporation, and the outstanding reputations of Delaware’s courts, this expedited process for addressing corporate law issues will further strengthen Delaware courts’ preeminence as the forum of choice for corporations.
DELAWARE JUDICIARY RECOGNIZED

The following is a list of many recent accomplishments of and tributes to the members of the Delaware Judiciary. Our congratulations are offered to all.

Chief Justice Myron T. Steele has been named as an advisor to the Business Law Section of the American Bar Association. He was chosen for his expertise in corporate law and litigation.

Justice Randy J. Holland co-authored a book, Middle Temple Lawyers and the American Revolution, with retired English Judge Eric Stockdale. In May 2007, Justice Holland was made an honorary member of COMBAR (The Commercial Bar Association). COMBAR is comprised of barristers in London, England whose special expertise and advocacy skills involve international and commercial law.

Justice Jack B. Jacobs authored four articles relating to corporate law issues. These have been published in the New York University Journal of Law and Business, the University of Tokyo Journal of Law and Policy, the Amsterdam Center for Corporate Finance, and the Maryland Law Review.

Justice Henry duPont Ridgely was elected to the Board of Trustees of the American Inns of Court Foundation which is the policy-making body of the national Inns of Court movement.

Vice Chancellor Donald F. Parsons, Jr. has been awarded a scholarship to participate in the National Science and Technology Resource Judges Program conducted by The Advanced Science and Technology Adjudication Resource Center.

Commissioner Jennifer Mayo (Family Court) co-presented a program entitled “Child Protection Registry: The Delaware Model” at the 16th National Conference on Child Abuse and Neglect on April 18, 2007.

Judge John Hudson (Justice of the Peace Court) received the Chief Magistrate’s Judicial Leadership Award. In announcing this honor, Chief Magistrate Davis emphasized Judge Hudson’s work at the forefront of developing the Statewide Videophone Court operation and his willingness to always assist his fellow judges and the court clerks in any way.

The Delaware court system was ranked number one for the sixth year in a row by the United States Chamber of Commerce Institute for Legal Reform. Chief Justice Myron T. Steele expressed his appreciation stating: “The Delaware Judiciary works together to ensure the fairness and efficiencies of the court process for all who litigate in Delaware’s courts. We are pleased that this study focused on the strengths of our court system, including our courts’ timeliness, and the impartiality and outstanding expertise and skills of our judges, in again selecting Delaware courts, as the premiere court system in the country. While the survey focuses primarily on cases brought in our Superior Court, all of our courts’ judges and employees contribute to the climate of fairness that we work so hard to maintain.”
OCA WORKS WITH DELAWARE LAWYERS IN HELPING CHILDREN

Delaware’s abused and neglected children have a friend in the Office of the Child Advocate and the hundreds of volunteer attorneys who assist OCA in representing them in Family Court. Since its creation in February 2000, the staff of OCA has worked tirelessly to both directly represent children in court and to coordinate the many attorneys — 414 attorneys during Fiscal Year 2007 — who volunteer countless hours to the program. The volunteer attorneys serve as guardians ad litem to advocate for the best interests of Delaware’s abused, neglected and dependent children when those children have been removed from their parents and placed in the legal custody of the Division of Family Services (DFS). In Fiscal Year 2007, the volunteer attorneys represented nearly 1,000 children, most of whom are in Delaware’s foster care system.

According to Tania Culley, the Child Advocate, the volunteer attorneys are truly unsung heroes who make a tremendous difference in the lives of the children they serve. She cites, for example, the changes in the lives of three children made by one volunteer attorney who represented the youngest children of a mother who gave birth to seven children, none of whom she raised. The oldest three children were adopted through Pennsylvania’s child protection system. When the fourth child was born in Delaware, the volunteer attorney worked tirelessly to figure out whether the child’s parents could conquer their heroin addiction. When they did not, she worked with the DFS to get this child placed with his older siblings. Not long after that work was done, the parents gave birth to drug-addicted premature twins who came into the custody of Delaware DFS. As the result of the volunteer attorney’s involvement, parental rights were ultimately terminated and the children were adopted by the family who had adopted their siblings, and who were interested in these medically fragile children as well. In March of 2007, the seventh child entered the custody of Delaware DFS, and the volunteer attorney immediately began working with the adoptive family who had the siblings. At this time, placement of this child with his siblings is imminent.

This kind of story, however, is not unique. In a different family situation, another volunteer attorney represented the three youngest children from a mother who gave birth to eight children, none of whom she raised. The volunteer attorney began representing children number 6 and 7 in 2003, after child number 6 nearly died. Child number 7 was born at home where he also nearly died and had to be resuscitated. He suffered hemorrhages and hypovolemic shock. The attorney advocated for these children and their special medical needs while their biological mother unsuccessfully tried to overcome her drug addiction. Ultimately, parental rights were terminated for these two children (and their younger sibling born in 2005), and both have been adopted. Most touching are the obstacles these children have overcome, specifically with child number 7, who suffered significant neurological impairment. This impairment caused medical professionals to predict that he would never walk. However, with the love and support of his adoptive family, the child who was never expected to walk, walked on his own into this adoption hearing.

For further information, please contact Tania.Culley@state.de.us
SUPREME COURT ISSUES DIRECTIVE ON PUBLIC ACCESS TO JUDICIAL BRANCH ADMINISTRATIVE RECORDS

Chief Justice Myron T. Steele recently took the lead in ensuring public access to court information by issuing a directive requiring all Delaware courts that have not already done so to adopt formal policies providing for public access to their administrative records. The directive, known as Administrative Directive 162, notes that while the Delaware Freedom of Information Act does not apply to the Judicial Branch of government, “the Judicial Branch supports the presumption of open public access to court records, including court administrative records, to promote government accountability and greater public trust and confidence in the Judiciary.”

While seeking to ensure the public’s right to access this information, the Directive recognizes that, in some instances, this right must be weighed against other important interests, such as personal safety, prevention of identity theft, building security, and adherence to state and federal statutes prohibiting the release of certain information. For this reason, the Directive includes a template to be used by the individual courts which details the limited exceptions to the general rule requiring release of administrative records.

The Directive also seeks to ensure a balance between making records available at low cost to those requesting them and the cost to taxpayers of doing so. Thus, while permitting copying and administrative charges incurred in providing requested records to be assessed, the Directive permits a court to reduce or waive the charge if doing so benefits the general public.

(A copy of Administrative Directive 162 is available on the Supreme Court’s web site at http://courts.delaware.gov/Courts/Supreme%20Court/Administrative%20Directives/?index.htm)

For further information, please contact Patricia.Griffin@state.de.us

NEW LEGISLATION HELPS FUND VITAL COURT SECURITY

Additional security equipment and personnel are urgently needed in Delaware’s courts to ensure the safety of judges, litigants, court staff and the public. Recently enacted legislation, Senate Substitute No. 1 for Senate Bill 75, is the result of a Judiciary initiative to help address these critical needs in a time of budget shortages by creating a separate court security fund, funded through a supplemental court security assessment. The assessment consists of an additional fee, not to exceed $10, to be included as court costs on all civil filings and on each criminal, traffic or delinquency charge for which there is a conviction, finding of delinquency, or for which a voluntary assessment is paid. Court rules will be enacted to specify the amount of the additional fee for each type of court filing.

Funds collected from the assessment will be distributed each year according to a court security needs plan developed by the courts that will include all courts’ needs, as well as consideration of the needs of Capitol Police in providing court security. Among the anticipated uses for the fund are additional security personnel and security-related items such as security cameras, access card readers, and upgrades to ballistic proof teller windows in clerk’s offices and other areas with public access. The lack of security resources to ensure the safety of the public and court personnel has been of immense concern in the Justice of the Peace Court, with its many shifts of operation and locations, which spearheaded this legislative initiative. Chief Magistrate Alan Davis applauded the tremendous benefits that this initiative will bring to court security in the Justice of the Peace Court, in particular, as well as to the other courts.
ADMINISTRATIVE OFFICE OF THE COURTS HOSTS MID-ATLANTIC REGIONAL CONFERENCE ON PUBLIC ACCESS

With online access to court information becoming more available, courts throughout the nation are wrestling with the issue of how to provide public online access to court records while protecting sensitive information of litigants and witnesses such as social security numbers and medical records. These issues will become increasingly important in Delaware as the COTS case management system expands opportunities for public access to court records.

In an effort to help themselves and others find solutions to these issues, the Delaware Administrative Office of the Courts hosted a regional conference of court administrators and judges from the mid-Atlantic region on public access to court information. At the conference, participants shared information on their jurisdiction’s policies and experience in this area. The conference, which was held on April 26, 2007 through the work of the Conference of State Court Administrators (COSCA), included discussion of such topics as model guidelines for access to court records, what types of records in addition to case records should be public information, methods for protecting sensitive information, and when fees for information should be assessed.

Participants included court administrators and judges from New York, New Jersey, Pennsylvania, Maryland, West Virginia and Delaware, as well as representatives from the National Center for State Courts, with participation on some panels by the media and a member of the Delaware State Bar Association.

For further information, please contact Patricia.Griffin@state.de.us

We are pleased to present the summer 2007 issue of the Delaware Docket, the Newsletter of the Delaware Judiciary, which is published semi-annually to provide updates on activities and events in the Judicial community. All are welcome to suggest topics, contribute articles for future editions, and provide suggestions on the newsletter. This and previous versions of the Delaware Docket are available on line at http://courts.delaware.gov/AOC/?publications.htm.

Patricia Griffin, State Court Administrator and Managing Editor, Patricia.Griffin@state.de.us
Christine H. Sudell, Deputy State Court Administrator and Articles Editor, Chris.Sudell@state.de.us
Connie Magee, Executive Assistant and Layout Editor, ConnieMagee@state.de.us

Administrative Office of the Courts
500 N. King Street, Suite 11600
Wilmington, Delaware 19801
Phone: 302-255-0088
Fax: 302-255-2217