

ADMINISTRATIVE DIRECTIVE NO. 91

This 27th day of July, 1993,

It appearing that:

A. It is important that the Judicial Branch of government update from time to time the costs and fees which it requires for litigants in the various courts in order that such costs be kept in line with modern trends, provide balance throughout the various courts within the Judicial Branch of government and reflect to some extent the cost of the administration of justice;

B. In the recent past, various courts, including the Supreme Court, the Court of Chancery, the Superior Court and other courts have raised their fees and costs in order to carry out the objectives set forth above, with the result that there has been an appropriate increase in revenue to the State;

C. The General Assembly recently passed, and the Governor signed into law, House Bill 49 as amended providing for the increase of certain costs in the Justice of the Peace Courts, such costs being controlled by statute, whereas the costs in other courts are under the administration of the Judicial Branch of government and the rules of those courts, pursuant to Art. IV, § 13 of the Delaware Constitution;

D. The Chief Justice made certain commitments on behalf of the Judicial Branch consistent with this Administrative Directive.

E. The Judicial Branch of government, administered pursuant to Art. IV, § 13, is a single unit with each court within the Judicial Branch of government being interdependent on the other courts so that administrative action taken by one court, including the raising of fees and costs, is for the benefit of the entire system and is not to be viewed parochially by each court in isolation;

F. This Administrative Directive is for the benefit of the Judicial Branch of government and the State of Delaware as a whole and is in the best interests of the administration of justice;

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, pursuant to Del. Const. Art. IV, § 13(1), that:

1. Court of Common Pleas Criminal Rule 61 shall be amended, effective July 30, 1993, to read as follows:

RULE 61. FEES AND COSTS

The fees and costs in all criminal actions in the Court of Common Pleas shall be as follows:

Non-Jury Case - \$40.00 per charge
Jury Case - \$75.00 per charge
Capias - \$20.00 per defendant
Appeal - \$20.00 per defendant

DELAWARE SUPREME COURT

*Bad Check - \$30.00 per defendant
Sheriff's Costs - per Sheriff's return on individual cases

*This fee applies to bad checks presented to the Court and is consistent with the intent of Title 11, Delaware Code, §4206(i), which provides for a \$30 fee upon conviction of a charge of presenting a worthless check.

2. The Court of Common Pleas is hereby directed to implement this Administrative Directive by adopting an order providing that, pursuant to Administrative Directive Number 91, Court of Common Pleas Criminal Rule 61 is amended, effective July 30, 1993, to read as set forth in paragraph 1 of this Directive.

E. Norman Veasey
CHIEF JUSTICE

cc: The Honorable Thomas R. Carper
The Honorable Henry R. Horsey
The Honorable Andrew G.T. Moore, II
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
Judicial Conference
Administrative Office of the Courts
Court Administrators
Clerk of the Supreme Court