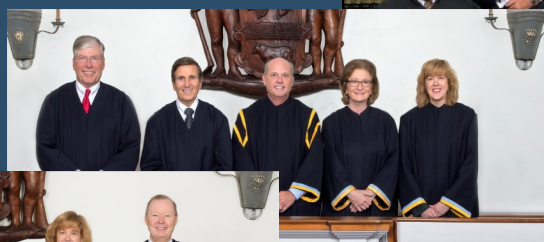


# The Delaware Judiciary

## Annual Report



Building For The Next Decade

2019

# On the cover:

## The Delaware Supreme Court 2013-2019

Cover images are arranged chronologically from the top of the page to the bottom.

**2013 (Front Row, left to right): Justice Randy J. Holland; Chief Justice Myron T. Steele; Justice Carolyn Berger. (Back Row): Justice Henry duPont Ridgely; Justice Jack B. Jacobs**

**2014 (Left to right): Justice Henry duPont Ridgely; Justice Randy J. Holland; Chief Justice Leo E. Strine, Jr.; Justice Carolyn Berger; Justice Karen L. Valihura**

**2015 (L to R): Justice James T. Vaughn, Jr.; Justice Randy J. Holland; Chief Justice Leo E. Strine, Jr.; Justice Karen L. Valihura; Justice Collins J. Seitz, Jr.**

**2018 (L to R) : Justice Collins J. Seitz, Jr.; Justice Karen L. Valihura; Chief Justice Leo E. Strine, Jr.; Justice James T. Vaughn, Jr.; Justice Gary F. Traynor**

**2019 (L to R): Justice Gary F. Traynor; Justice Karen L. Valihura; Chief Justice Collins J. Seitz, Jr.; Justice James T. Vaughn, Jr.; Justice Tamika R. Montgomery-Reeves**

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# MESSAGE FROM THE STATE COURT ADMINISTRATOR

## The 2019 Annual Report of the Delaware Judiciary

I am pleased to present the 2019 Annual Report of the Delaware Judicial Branch. Our theme this year, “Building for the Next Decade,” highlights the successes achieved by the Delaware Judiciary during the tenure of retiring Chief Justice Leo E. Strine, Jr. and outlines a vision for the future that will build upon that strong foundation as a new decade begins under the leadership of Chief Justice Collins J. Seitz, Jr., who was sworn in as Delaware’s ninth Chief Justice in November 2019.

This report is designed to give an overview of our Courts, how we operate, our funding and the various initiatives that both the Branch as a whole and individual Courts are pursuing to help fulfill our mission of providing fair, just and efficient resolution of disputes under the rules of law and equity, and with the protection of all rights and liberties guaranteed by the Constitutions of the State of Delaware and the United States.

This past year has been one of significant change in the Judicial Branch leadership. In addition to the retirement of Chief Justice Strine, the courts lost the insight and experience of two valuable long-time public servants and dear friends with the retirement of Supreme Court Administrator William Montgomery and the relocation of my predecessor, State Court Administrator Amy Arnott Quinlan. We wish them both well and will miss them greatly, but the work of the courts must continue. The Delaware Judiciary now looks to the future with the investiture of Chief Justice Seitz and the historic appointment of Justice Tamika R. Montgomery-Reeves to the Supreme Court.

I am excited to be returning to the Delaware Courts in 2020, following my 2018 retirement as the Delaware Supreme Court’s Chief Staff Attorney and a brief but invigorating term in 2019 working as a Staff Attorney at Legal Services Corporation of Delaware. I am thrilled to welcome Karlis Johnson as the new Supreme Court Administrator after more than a decade of service as the Court Administrator for the Court of Chancery. I also would like to offer special thanks to Elmer Setting for his excellent leadership as Acting State Court Administrator during the interregnum.

The Administrative Office of the Courts (AOC) remains focused on our mission of providing administrative support for the Delaware Judiciary and Court initiatives, like our court modernization project that includes two new downstate Family Court facilities along with improvements to the Leonard L. Williams Justice Center and the launch of a new e-filing system for all of the Delaware Courts. With our new Justices and our new court staff in place, we are set to begin building for the next decade.

I hope you find this Report useful in understanding our Court System and our ongoing initiatives. I encourage you to visit our website at <http://courts.delaware.gov/> for the latest information about the Delaware Courts.

Sincerely,



Gayle P. Lafferty  
State Court Administrator



# INTRODUCTION

## Farewell Chief Justice Leo E. Strine, Jr.

After 27 years of public service, Delaware Supreme Court Chief Justice Leo E. Strine, Jr. retired from the bench on October 31, 2019.

The Chief Justice began his career in service to the State of Delaware as Legal Counsel to Governor Tom Carper in 1993, a position he held until he was appointed to the Court of Chancery as a Vice Chancellor in 1998. Governor Jack Markell then elevated him to Chancellor in 2011 and again in 2014 to become Delaware's eighth Chief Justice.

Before joining the Supreme Court, the Chief Justice left a lasting legacy through a series of academic papers and landmark opinions in corporate law from

his time on the Court of Chancery. He continued that legacy with additional academic writings and noteworthy rulings on the Delaware Supreme Court including co-authoring the 2016 opinion in *Rauf v. Delaware* that found Delaware's Death Penalty was unconstitutional. Just as importantly for the citizens of Delaware, Chief Justice Strine also left his mark as the administrative head of the Judicial Branch. Shortly after the Chief Justice took office, he established a set of core policy objectives for the Judiciary under his watch including:

- Meeting the business world's need for cost-

effective and timely dispute resolution;

- Maximizing the use of limited resources;
- Identifying flexible funding solutions for Judicial Branch needs;
- Investing in court employees, infrastructure, and the smart use of technology;
- Involving the Bar and other constituents in setting

the Branch's future agenda;

- Improving access to justice for all Delaware citizens and the justice system overall; and

- Addressing work-life balance issues for attorneys and legal professionals.



**Chief Justice Leo E. Strine, Jr.**

At the close of Chief Justice Strine's tenure, the Judicial

Branch can report substantial progress on all these objectives.

### **Meeting the business world's need for cost-effective and timely dispute resolution**

The Court worked with the Delaware General Assembly to pass the Delaware Rapid Arbitration Act. The Act established a confidential arbitration process for business entities that wanted to resolve their disputes in a timely and cost-effective way outside the traditional litigation process.

Continued on next page

# INTRODUCTION

## Maximizing the use of limited resources

Under the leadership of Chief Justice Strine, the Judiciary worked to ensure taxpayers were getting the most for their money and the courts were operating as efficiently as possible. On the day-to-day matters, the Delaware Courts joined forces with the University of Delaware’s Lerner College of Business and Economics to enter into a “process improvement” agreement. This led to a number of improvements, including moving the Court of Common Pleas bail tracking process from a paper-based system to one on a shared computer database and eliminating other paper-based processes in favor of electronic documents. Judicial branch employees also learned how to operate more efficiently which saved thousands of hours of staff time.

The Court also formed the Criminal Justice Council of the Judiciary, made up of trial court judges to review the operations and efficiency of our problem-solving courts. The goal was to improve, enhance and streamline the State’s problem-solving courts to have them operate more consistently and efficiently while continuing to provide the same level of specialized attention to address the root causes of recurring issues among certain groups – particularly veterans and those suffering from mental health issues or addiction.

The Council finished its work in April 2017, issuing a detailed report containing recommendations such as merging four separate drug and mental health

courts in the Court of Common Pleas and Superior Court into two courts with cross-jurisdictional authority. This report also directly led to the creation of core standards and policies for the problem-solving courts, to establish a truly statewide system, and to ensure that needed treatment courts would endure. The report also led to the formation of a Community Court program to better coordinate and integrate problem-solving courts and treatment programs and to intervene with low-level offenders to get them the help they need to break the cycle of crime before it starts.

## Identifying flexible funding solutions for Judicial Branch needs

The Court has worked with the Governor’s office and the General Assembly over the past five years to obtain additional spending authority to support Judicial initiatives – like e-filing, Access to Justice, and recruitment and retention – as approved by the Office of Management and Budget and the Controller General’s Office.

In addition, the Courts have been able to secure funds to create a “technology fund” to allow the court to develop a more rational approach to fixing and replacing technology vital to court operations on an ongoing basis, rather than wait until systems were on the brink of collapse. The Courts hope to continue to increase the size of that fund to build on this progress and keep core court technology on the cutting edge and operating at peak efficiency.



Chief Justice Leo E. Strine, Jr at an Oct. 28, 2019 budget hearing in Legislative Hall.

Continued on next page

# INTRODUCTION

## Investing in court employees, infrastructure, and the smart use of technology

During his tenure, Chief Justice Strine was a relentless advocate for employees, pressing for improved pay for not just Judicial Branch employees, but all state employees. His successes included

meet future needs and to ease overcrowding in the Court of Chancery.

As for the smart use of technology, the Courts have been working to implement a statewide e-filing system for all courts. While some courts, like the Court of Chancery, have long had electronic filing and case management, others, like Family Court, still rely on manila folders and paper records. Leaving paper-based systems behind would not only help improve overall efficiency in moving case files and records smoothly and quickly from place to place, the change would cut supply and storage costs that come with paper files. Moving to a fully integrated e-filing system will also allow greater ability to analyze court data and trends and better integrate with system partners.

Finally, the Courts have also been working with our State partners to consider a public-private partnership option, known as a “P3,” to speed the construction and opening of two new downstate Family Court facilities and improvements in New Castle County while giving the taxpayers the best value for their dollar. The P3 model is innovative and has been used by a neighboring jurisdiction – Howard County, Maryland – to bring needed court facilities online sooner and at a lower overall cost.



Architect's rendering of proposed Sussex County Family Courthouse in Georgetown

changes in the “casual/seasonal” or “contracted” employee status of some employees to full-time positions. Chief Justice Strine also worked with the Governor’s Office and the General Assembly to implement a program to provide parking for employees at the Leonard L. Williams Justice Center as part of a recruitment and retention effort.

On infrastructure, work has also started on fitting out the unfinished 7th floor of the Leonard L. Williams Justice Center in Wilmington to become the new home for Justice of the Peace Court 20 and the Wilmington Community Court program. The completion of work on the 7th floor will mean the Justice Center has been completely built-out. The Courts have suggested that additional efficiency and savings could be realized by including renovation of the Court-owned Custom House property adjacent to the Justice Center in a proposal along with the new downstate Family Court facilities – allowing expansion of Leonard L. Williams Justice Center to



Architect's rendering of proposed Kent County Family Courthouse in Dover

# INTRODUCTION

Whether through a P3 or traditional approach, the Courts remain hopeful that executive branch and legislative leaders will put the needed Family Court facilities, along with potential renovations at the Leonard L. Williams Justice Center, on a fast track to address the glaring security and safety issues at those downstate courthouses and space issues in Wilmington.

## **Involving the Bar in setting our future agenda**

In early 2015, the Courts reached out to the Delaware State Bar Association (DSBA) and the Delaware Chapter of the American College of Trial Attorneys (ACTL) to survey members of the Delaware Bench and Bar and others about court operations and to solicit suggestions on where the Courts might improve (tying into the Court's parallel effort to maximize its use of limited resources).

More than 100 members of the Bar, including judicial officers, were interviewed and more than 1,300 responses were collected in an online survey. This resulted in a detailed report released in May 2016, recommending a variety of reforms including changes in the rules governing interlocutory appeals and case management practices. It also led to legislation that modernized jurisdictional limits for several courts and the formation of a task force to review the Administrative Procedures Act.

## **Improving access to justice for all Delaware citizens and the justice system overall**

Improving Access to Justice was the predominant theme of Chief Justice Strine's tenure. While many other states have formed Access to Justice commissions whose focus was on civil access issues particularly for the poor and indigent, Delaware was unique in that it expanded the scope to include criminal justice issues. A Committee on Fairness in the Criminal Justice System examined the disproportionately high number of African-Americans in Delaware's prisons and made

recommendations on how to address that disparity while maintaining public safety.

The public was also included in the work of the Delaware Access to Justice Commission, not only by having members of the public serve on the commission but also through a series of public hearings in the fall and winter of 2015. The Access to Justice effort touched on, contributed to, and guided many of the key Judiciary initiatives over the past five years and led to a number of notable successes including the implementation of a comprehensive reform of Delaware's bail and pretrial system and the founding of the Community Resource Center. Legislation reforming the pretrial system was passed in 2018 with an Interim Rule effective on January 1, 2019. Work also continues on addressing and implementing recommendations made in the September 2018 final report from the three civil justice subcommittees. This includes improving programs to increase legal assistance for the poor and the conversion of the law libraries at each of the county courthouses into self-help centers for people who do not have an attorney (co-located with a Community Resource Center). A final report from the Fairness Committee of the Access to Justice Commission is expected in the early months of 2020.

## **Addressing work-life balance issues for attorneys**

In July 2018, the Delaware State Courts adopted a new standard designed to improve the work-life balance for legal professionals in the State. Foremost among the changes was an order that moved the filing deadline for State Courts in non-expedited cases to ease the burden of a late filing deadline on staff and attorneys. The Supreme Court also encouraged all courts to consider adopting other measures to ease the burden on legal professionals in the State. Some of the recommendations included things like avoiding setting important deadlines on Mondays or the day after a holiday and avoiding scheduling trials or oral arguments in August.

Continued on next page



# INTRODUCTION

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In his letter of resignation to Governor Carney, Chief Justice Strine wrote that his decision to leave the bench was “bittersweet,” but the main emotion he felt was gratitude. Specifically, gratitude to the people of Delaware for allowing him to serve, to the Governors who appointed him, to the dedicated public servants he worked with during his career with the State, and, in particular, to the hard working employees of the Judiciary.

“I am also grateful, Governor,” the Chief Justice wrote, “that I can say to you with confidence that the Judiciary of this state is strong, that we are addressing our challenging and diverse caseloads

with diligence, skill and dispatch, and that we are continually looking for new ways to serve the people of Delaware more effectively. In particular, the entire Judiciary is deeply invested in improving access to justice for all Delawareans, and doing what we can to improve the fairness of our criminal justice system. As Carrie and I move on to a new phase of our lives, I just hope that during my nearly 27 years of service to Delaware, I have contributed in some modest way to making our state stronger and more equitable.”

The Delaware Judiciary thanks Chief Justice Strine for his many years of service and wishes him well. ♦



Retiring Chief Justice Leo E. Strine, Jr. greets incoming Chief Justice Collins J. Seitz, Jr. outside the historic Courthouse in Old New Castle before administering the Oath of Office.

# INTRODUCTION

## Welcome Chief Justice Collins J. Seitz, Jr.

On October 24, 2019, Governor John Carney nominated the Honorable Collins J. Seitz, Jr. to replace outgoing Chief Justice Leo E. Strine, Jr., as the ninth Chief Justice of the Delaware Supreme Court.

Two weeks later, meeting in a special session on November 7, 2019, the Delaware Senate approved the elevation of Justice Seitz to Chief Justice in a unanimous 21-0 vote.

Following the confirmation vote, Governor Carney described Chief Justice Seitz as “one of Delaware’s finest legal minds,” and praised him as a person who “has the judgment, sense of fairness, and experience necessary to maintain and build on the Delaware courts’ reputation as objective, stable, and nonpartisan.”

On November 8, 2019, in a small, private ceremony at the historic Courthouse in Old New Castle, retired Chief Justice Strine administered the Oath of Office to Chief Justice Seitz.

At his confirmation hearing Chief Justice Seitz promised legislators, “I will work hard, I will do my best. I will always keep the citizens of Delaware in my mind.” Chief Justice Seitz also told the members

of the Senate that the priorities outlined by Chief Justice Strine in his October budget presentation – namely the need for new Family Court facilities in Dover and Georgetown and the need for a new, modern e-filing and case management system for all Delaware Courts – remain his top priorities as Chief Justice.



**Chief Justice Collins J. Seitz, Jr.**

Chief Justice Seitz first joined the Supreme Court as a Justice in 2015 after his nomination to the bench by Governor Jack Markell. Before his appointment to the bench, Chief Justice Seitz was a founding partner of Seitz, Ross, Aronstam & Moritz LLP, where he regularly litigated corporate, commercial, and intellectual property cases, and advised clients on issues of Delaware corporate law. Before that, Chief Justice Seitz was a partner at Connolly Bove Lodge & Hutz LLP, where he practiced for more than three decades. During his years in private practice, Chief Justice

Seitz was well known in Delaware for his representation of the State in the United States Supreme Court case *New Jersey v. Delaware*, where Delaware prevailed in its claim to ownership of the Delaware River in the Twelve Mile Circle.

Continued on next page

# INTRODUCTION

In addition to his work in the courtroom, Chief Justice Seitz has remained involved in his community. He has served as a trustee for the New Castle Presbyterian Church and as a board member of the Friends of Hockessin Colored School #107.

He has also served as a former board member and president of the Greater Hockessin Area Development Association, and as a former board member and president of Community Legal Aid Society.

Chief Justice Seitz carries on a family tradition of public service in the law. He follows in the footsteps of his late father, Collins J. Seitz, Sr. (1914-1998), who served on the Delaware Court of Chancery

as Chancellor and later as Chief Judge of the U.S. 3rd Circuit Court of Appeals. Chief Justice Seitz's father was also a "Judge" of the Delaware Supreme Court as opposed to a "Justice" in that he served on the state's highest court during the years when the court was comprised of sitting trial judges from the Court of Chancery and the Superior Court. (In 1951, the Delaware Supreme Court became a separate court with its own Justices.)

In 1952 as Chancellor, Seitz, Sr. made national

headlines and legal history in the cases of *Bulah v. Gebhart* and *Belton v. Gebhart* when he ruled that African-American students in Delaware were receiving an inferior education under the segregationist doctrine "separate but equal." The cases later went on to become a part of the landmark 1954 Supreme Court ruling in *Brown v. Board of Education* that ended segregation in all public schools in the United States. The Delaware cases were the only cases affirmed by the United States Supreme Court.

Following his confirmation hearing, Chief Justice Seitz said, "I know my father is looking down at me from heaven, and I know he would be proud."

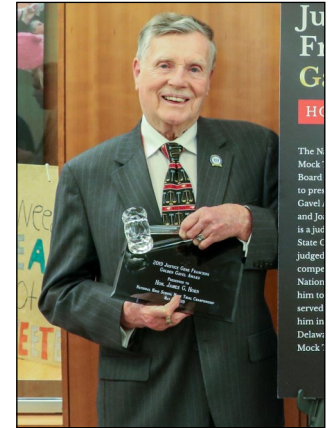
Chief Justice Seitz received a Bachelor of Arts from the University of Delaware in 1980. He earned his law degree at the Villanova University School of Law in 1983 and was admitted to the Delaware Bar that same year. Chief Justice Seitz is married with three children. ♦



Chief Justice Collins J. Seitz, Jr. takes the Oath of Office —as his wife Gail holds the Bible — administered by retired Chief Justice Leo E. Strine, Jr. on Nov. 8, 2019 at the Historic Courthouse in Old New Castle.

# THE YEAR IN PICTURES

## Arrivals and Departures



TOP LEFT: Judge Meghan A. Adams (center) at her investiture on Sept. 19, 2019, with former Chief Justice Myron Steele (left) administering the oath.

TOP CENTER: Retired Supreme Court Administrator Bill Montgomery receiving the Order of the First State with his wife Lyn Doto on Aug. 31, 2019.

TOP RIGHT: Justice of the Peace Court Judge James Horn who retired in October 2019 after 15 years on the bench.

CENTER LEFT: Family Court Judge Barbara D. Crowell who retired after 23 years with the court.

CENTER MIDDLE: State Court Administrator Amy Quinlan (standing) who retired in October.

CENTER RIGHT: Vice Chancellor Kathaleen St. J. McCormick (left) at her Jan. 18, 2019 investiture.

BOTTOM LEFT: Vice Chancellor Morgan T. Zurn at her investiture on Jan. 4, 2019.

# THE YEAR IN PICTURES

## Court Events in 2019



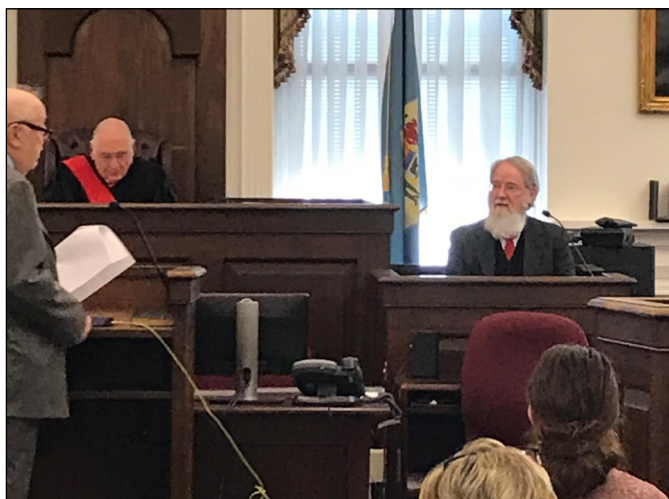
TOP LEFT: Family Court Chief Judge Michael Newell and Supreme Court Justice Karen Valihura address a Wilmington meeting of the ABA on increasing *pro bono* representation.

TOP RIGHT: Community Court Coordinator Minda Thompson greets visitors to the August 2019 Community Resource Center Fair.

CENTER LEFT: A mural is unveiled outside the Dover courtroom for Veterans Treatment Court at the Kent County Courthouse in September 2019.

MIDDLE RIGHT: Students look on as attorney N. Christopher Griffiths (right) flips a coin to determine the final round sequence in the 2019 Delaware High School Mock Trial Competition.

BOTTOM RIGHT: Family Court Judge James McGiffin, (right) portrays Kris Kringle as Superior Court Resident Judge Richard Stokes presides in the 15th annual production of "Miracle on 34th St." by the Delaware Judiciary.



# 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 \$75,000. 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 jurisdic-

tion 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: 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/drug offenses 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 \$75,000.
- 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.



# FISCAL OVERVIEW

## SUMMARY OF JUDICIAL BUDGETS - FISCAL YEARS 2018-2020

### GENERAL FUNDS - State Judicial Agencies and Bodies

	FY 2018 Enacted Budget	FY 2019 Enacted Budget	FY 2020 Enacted Budget
Supreme Court	\$ 3,437,400	\$ 3,434,700	\$ 3,508,400
Court of Chancery	3,265,700	3,948,100	4,024,800
Superior Court	25,752,000	25,728,800	26,408,300
Family Court	20,263,700	20,719,400	21,297,000
Court of Common Pleas	10,446,000	10,433,500	10,755,100
Justice of the Peace Court	19,024,200	19,063,700	19,538,900
Administrative Office of the Courts (AOC)	3,794,100	3,789,700	3,849,000
AOC Custodial Pass-Through Funds*	2,111,800	2,113,100	2,921,600
Office of State Court Collections Enforcement (OSCCE)	598,500	597,600	614,300
Information Technology	3,853,300	3,850,800	3,899,900
Law Libraries	458,400	458,000	458,400
Office of the Public Guardian	680,800	679,800	800,400
Office of the Child Advocate	2,019,500	2,016,200	2,064,000
Child Death Review Commission	445,500	444,900	452,800
Delaware Nursing Home Residents Quality Assurance Commission	85,500	85,500	87,600
<b>TOTAL</b>	<b>\$ 96,236,400</b>	<b>\$ 97,363,800</b>	<b>\$ 100,680,500</b>

\* These programs are included in AOC funding but are shown separately because they are pass-through funds. They include the CASA and Superior Court Appointed Attorney Programs, Interpreters Program, Victim Offender Mediation Program, Elder Law Program, and other funds. Technology Maintenance consists of pass-through funding to other state departments and vendors for equipment and services Branch-wide. Family Court Civil Attorneys were counted in this number until FY 2019 at which time the appropriation was transferred to Family Court. FY 2018 "Pass Through" totals were adjusted from the FY 2017 Annual Report, but the correction does not change the total reported appropriation.

Source: Administrative Office of the Courts



# FISCAL OVERVIEW

## COURT GENERATED REVENUE\* - FISCAL YEAR 2019

### SUBMITTED TO THE STATE GENERAL FUND

	Fees & Costs	Fines	Interest	Miscellaneous	Total
Supreme Court	\$ 97,209	\$ -	\$ -	\$ -	\$ 97,209
Court of Chancery	539,431	-	-	-	539,431
Superior Court	3,204,657	214,286	5,003	27,970	3,451,916
Family Court	234,517	22,422	-	3,440	260,379
Court of Common Pleas	2,006,019	379,197	-	56,806	2,442,022
Justice of the Peace Court	2,205,060	1,809,481	-	77,003	4,091,544
Office of State Court Collections DOC Fees**	792,727	-	-	-	792,727
<b>State Total</b>	<b>\$ 9,079,620</b>	<b>\$ 2,425,386</b>	<b>\$ 5,003</b>	<b>\$ 165,219</b>	<b>\$ 11,675,228</b>

### SUBMITTED TO COUNTIES AND MUNICIPALITIES

	Fees & Costs	Fines	Interest	Miscellaneous	Total
Superior Court	\$ 105,744	\$ 46,987	\$ -	\$ -	\$ 152,731
Court of Common Pleas	-	269,171	-	-	269,171
Justice of the Peace Court	-	2,398,605	-	-	2,398,605
Office of State Court Collections Enforcement	-	9,771	-	-	9,771
<b>Counties and Municipalities Total</b>	<b>\$ 105,744</b>	<b>\$ 2,724,534</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,830,278</b>

<b>GRAND TOTAL</b>	<b>\$ 9,185,364</b>	<b>\$ 5,149,920</b>	<b>\$ 5,003</b>	<b>\$ 165,219</b>	<b>\$ 14,505,506</b>
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\* Figures represent only revenue actually received, not the total amount of fines and costs assessed. Figures include funds generated for the FY 2019 Fee Increase Spending Plan and other ASF spending authorizations included in the FY 2019 State Budget Act.

\*\* OSCCE collected supervision fees on behalf of the Department of Correction (DOC).

Source: Administrative Office of the Courts

# FISCAL OVERVIEW

## COURT GENERATED REVENUE - FISCAL YEAR 2019

### RESTITUTION - FISCAL YEAR 2019

	Assessed	Collected	Disbursed
Superior Court	\$ 4,265,562	\$ 2,008,834	\$ 2,114,078
Family Court	122,223	174,760	192,695
Court of Common Pleas	1,237,783	788,784	811,332
Justice of the Peace Court	20,378	18,839	20,289
Office of State Court Collections Enforcement*(OSCCE)	-	40,199	38,474
<b>RESTITUTION TOTAL</b>	<b>\$ 5,645,946</b>	<b>\$ 3,031,416</b>	<b>\$ 3,176,868</b>

### ASSESSMENTS AND COLLECTIONS FOR THE TRANSPORTATION TRUST FUND

	Assessed	Collected
Superior Court	\$ 155,644	\$ 127,471
Family Court	3,498	2,541
Court of Common Pleas	396,544	333,116
Justice of the Peace Court	2,739,393	2,271,253
OSCCE	-	405
<b>TRANSPORTATION TRUST FUND TOTAL</b>	<b>\$ 3,295,079</b>	<b>\$ 2,734,786</b>

### COLLECTIONS ASSISTANCE BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT ON BEHALF OF COURTS AND AGENCIES\*\*

	Total
Superior Court	\$ 2,723,875
Family Court	273,619
Court of Common Pleas	326,131
Justice of the Peace Court	114,144
OSCCE Receivables	70,884
Department of Correction	792,727
Court of Chancery	6,457
Child Support	249,774
<b>OSCCE ASSISTANCE TOTAL</b>	<b>\$ 4,557,611</b>

\* Figures represent all efforts made by the OSCCE on behalf of the Delaware Judicial Branch.

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

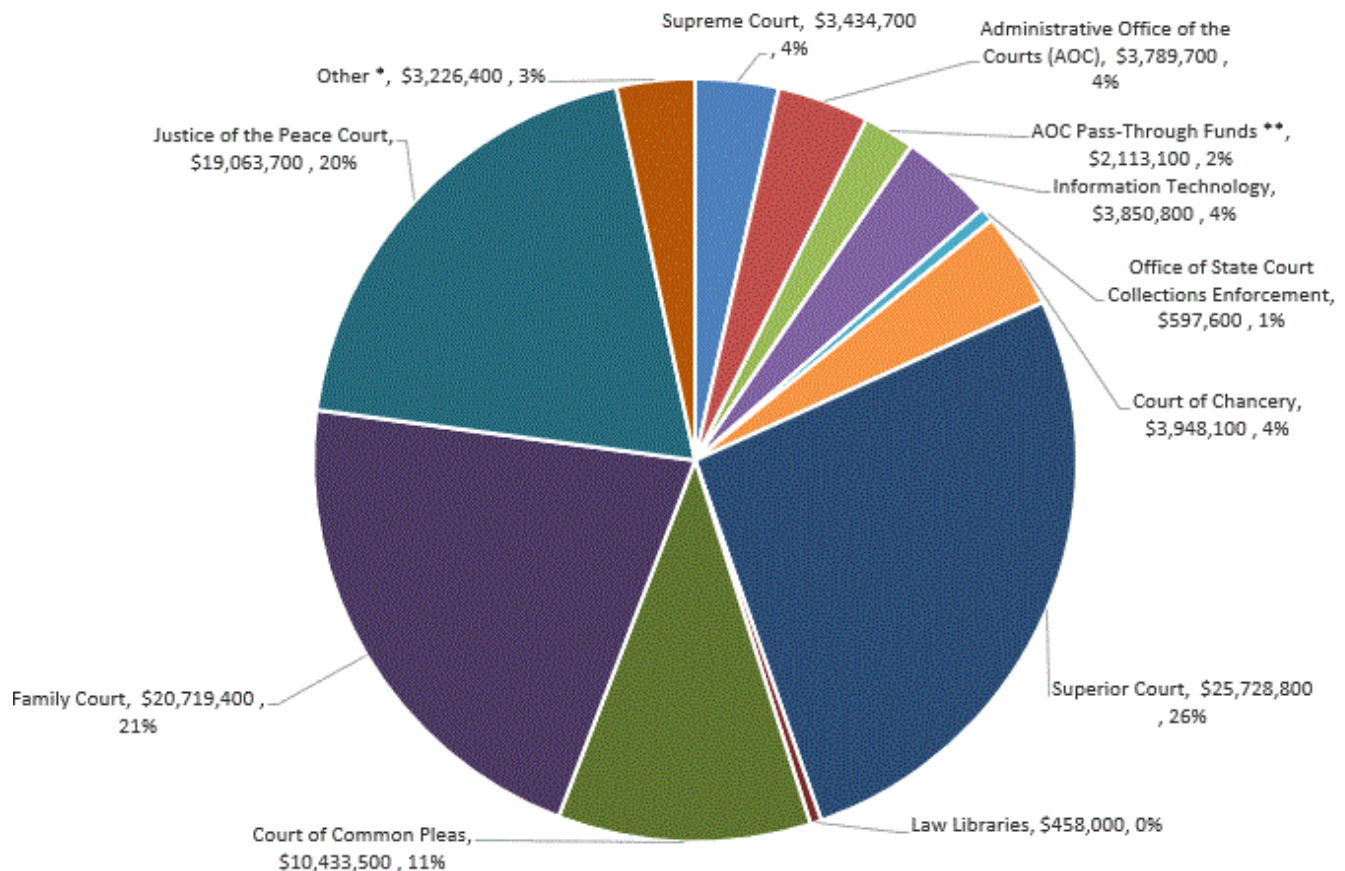
Source: Administrative Office of the Courts

# FISCAL OVERVIEW

## GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2019

Public Education	\$ 1,481,992,200	34.7%
Health and Social Services	1,196,759,200	28.0%
Department of Correction	328,405,300	7.7 %
Higher Education	237,443,800	5.6 %
Children, Youth and Their Families	174,470,500	4.1 %
Safety and Homeland Security	137,527,100	3.2 %
<b>Judicial Branch</b>	<b>97,363,800</b>	<b>2.28 %</b>
All Other	616,819,500	14.4 %
<b>TOTAL</b>	<b>\$ 4,270,781,400</b>	<b>100%</b>

## JUDICIAL APPROPRIATIONS - FISCAL YEAR 2019



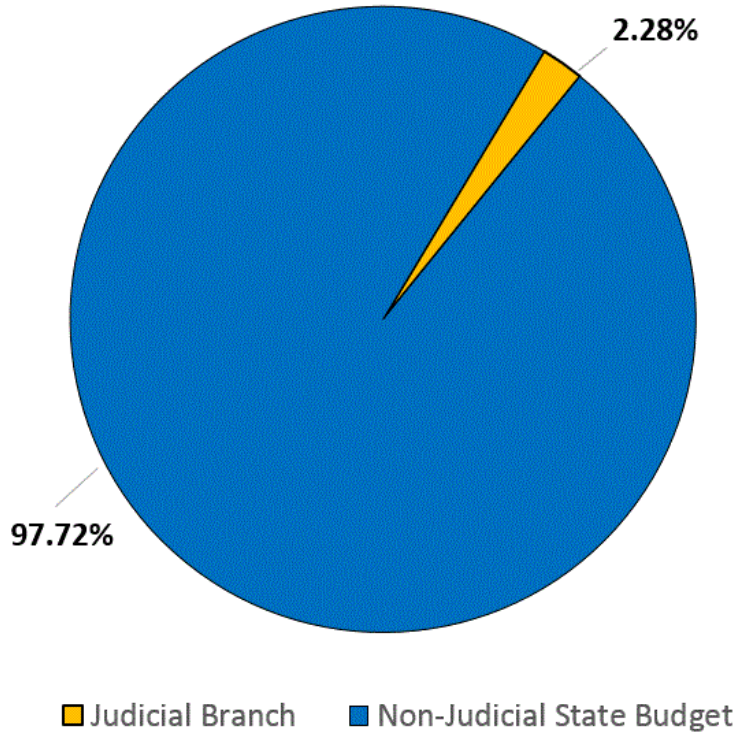
\* Other: Office of the Public Guardian; Office of the Child Advocate; Child Death Review Commission; and Delaware Nursing Home Residents Quality Assurance Commission.

\*\* 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).

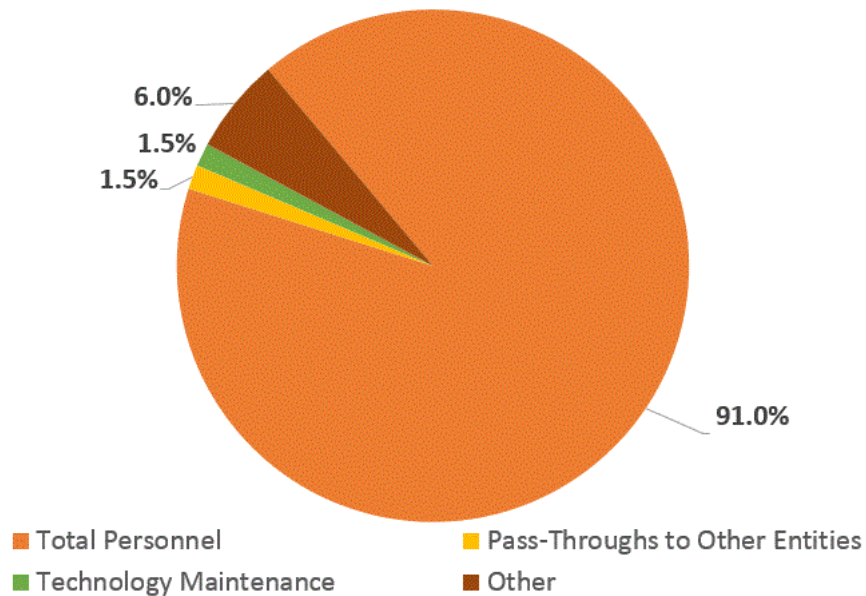
Source: Administrative Office of the Courts

# FISCAL OVERVIEW

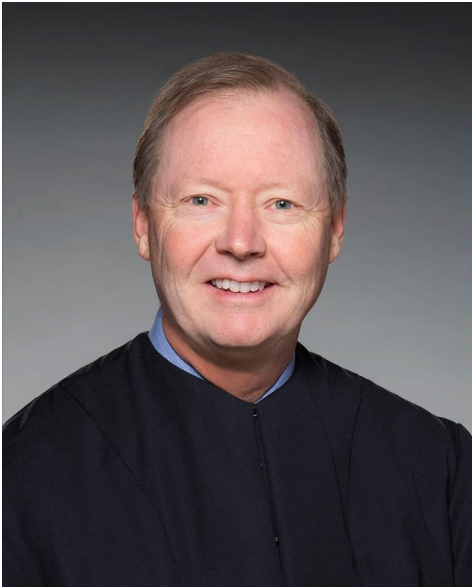
The Judiciary's FY 2019 appropriation is 2.28% of the State GF Budget.



The FY 2019 Judicial Branch budget breakdown: 91% Personnel, 1.5% Pass-Throughs to Other Entities, 1.5% Technology Maintenance, and 6% Other.



# SUPREME COURT



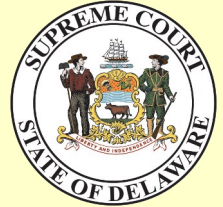
## CHIEF JUSTICE COLLINS J. SEITZ, JR.

The year 2019 will be remembered as another year of change for the Supreme Court of Delaware as Chief Justice Leo E. Strine, Jr. and Supreme Court Administrator William S. Montgomery retired in the latter half of the year. Chief Justice Strine served as a judicial officer for twenty-one years, first as Vice Chancellor and then Chancellor of the Court of Chancery, followed by six years as Chief Justice of the Supreme Court. Mr. Montgomery served the citizens of Delaware for forty years,

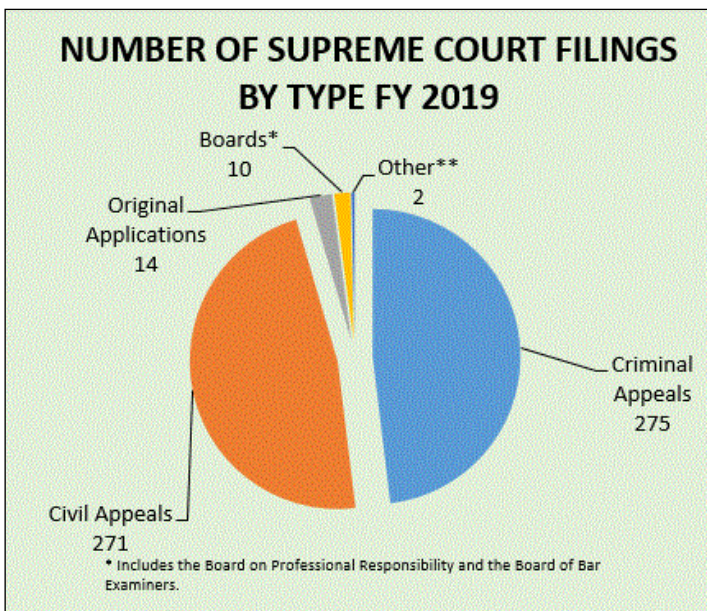
with five of those years as Supreme Court Administrator. In recognition of Mr. Montgomery's exemplary state service, Governor John Carney awarded him the Order of the First State, the highest honor for meritorious service bestowed by the Governor. Then-Governor Thomas Carper awarded Chief Justice Strine the same award in 2000. We thank former Chief Justice Leo Strine and Court Administrator Bill Montgomery for their service to the Court and to the State, and wish them the best in the next chapters of their lives.

While the Court bid these public servants farewell, the work of the Court continued and others were welcomed, including a new Chief Justice and Justice. On October 24, 2019, Governor Carney nominated Justice Collins J. Seitz, Jr. as the Court's next Chief Justice. The Delaware State Senate unanimously confirmed Justice Seitz's nomination on November 7, 2019. Justice Seitz's nomination and subsequent confirmation as Chief Justice

Continued on next page



# SUPREME COURT



# SUPREME COURT

created a derivative vacancy on the Court allowing Governor Carney to nominate Vice Chancellor Tamika R. Montgomery-Reeves of the Court of Chancery to fill that vacancy. The Delaware State Senate then unanimously confirmed Justice Montgomery-Reeves on November 7, 2019 as the Court's newest Justice.

Justice Montgomery-Reeves was already a trailblazer in that she was the second woman to serve on Delaware's Court of Chancery and the first African-American to hold the position of Vice Chancellor. With her confirmation by the Delaware Senate, Justice Montgomery-Reeves is now the first African-American to join the Delaware Supreme Court. She is the third woman to serve on the Court.

Justice Montgomery-Reeves served as a Vice Chancellor of the Court of Chancery from November 2015 to November 2019.

Before her appointment to the bench, Justice Montgomery-Reeves was a partner in the Wilmington, Delaware office of Wilson Sonsini Goodrich & Rosati, focusing on corporate governance, fiduciary duties, stockholder class action litigation, derivative litigation, and complex commercial litigation. Before that, she practiced in the securities and corpo-

rate governance department of Weil, Gotshal & Manges LLP in New York. Prior to joining Weil, Justice Montgomery-Reeves served as a law clerk for Chancellor William B. Chandler III.

Justice Montgomery-Reeves received her law degree from the University of Georgia School of Law in 2006, and a B.A. from the University of Mississippi in 2003. She received recognition for her pro bono contribution to the Prisoners' Rights Project and previously served as a sub-committee member to the Delaware Access to Justice Commission.

Despite the significant changes, the Court's commitment to the timely disposition of the cases continued in Fiscal Year 2019. Liti-

gants filed 572 new appeals and the Court resolved 643

cases by opinion, order, or dismissal. The Court decided appeals on average 32 days from the date of submission to the



Chief Justice Collins J. Seitz, Jr. administers the Oath of Office to Justice Tamika R. Montgomery-Reeves, as her husband Jeffrey A. Reeves holds the Bible, and their son looks on at Howard High School of Technology in Wilmington on Jan. 3, 2020.

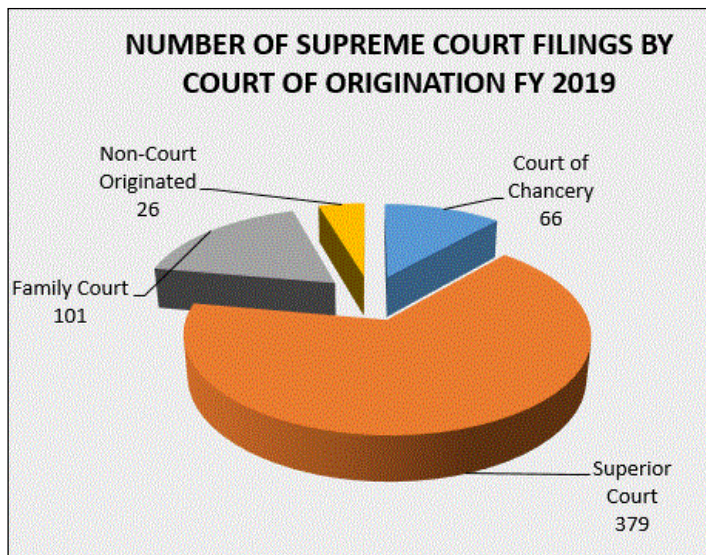
date of final decision. In 99% of the appeals decided in FY 2019, the Court met the Delaware Judiciary standard for deciding cases within 90 days of the date of submission. The Court resolved 85% of all cases within 290 days of the filing of a notice of appeal, and 96% of all cases within a one-year timeframe.

# SUPREME COURT

In other important developments, the Delaware Supreme Court adopted Supreme Court Rule 55.4 to permit military spouses to apply for a Certificate of Limited Practice in Delaware. In adopting this rule, the Delaware Judiciary joined thirty-four other States and the U.S. Virgin Islands by allowing the spouse of a service member to continue with their legal career in the state where their spouse is posted. Normally an attorney from outside of a state would have to pass the bar exam in that state to practice, or be eligible for admission by meeting other state specific practice requirements. This new rule allows the spouse of a service member, who is admitted as an attorney in good standing in at least one other state in the United States and whose spouse is posted in the state, the limited ability to practice law without taking the bar exam in Delaware if they meet certain requirements. Through this new rule, the Court recognizes the sacrifices military families make in the interest of our national security, and hopes that it will ease the burden when Delaware becomes the place of service.

The Court has also continued with its commitment to Access to Justice in 2019, most notably with Justice Karen L. Valihura and Family Court Chief Judge Michael K. Newell participating in a February 2019 meeting of the American Bar Association in Wilmington to encourage the legal community to embrace efforts to provide free legal representation to underserved individuals. Justice Valihura and Chief Judge Newell were both featured panelists in a discussion entitled, “Fearless Lawyering: How to Grow Pro Bono to Ensure Access to Jus-

stice.” The event was part of the ABA’s Children’s Rights Litigation Committee’s 2019 Listening and Appreciation Tour. The panel discussion followed opening remarks by ABA President Bob Carlson and Chair of the ABA Section of Litigation Gene Vance. Justice Valihura discussed how pro bono representation helps the community at large and explained the ongoing efforts – and the recent progress – by Delaware’s Access to Justice Commission, particularly in the areas focusing on increasing *pro bono* representation and increasing funding for community legal aid groups. “There are a lot of children that need help who aren’t getting it,” she told the crowd of attorneys.



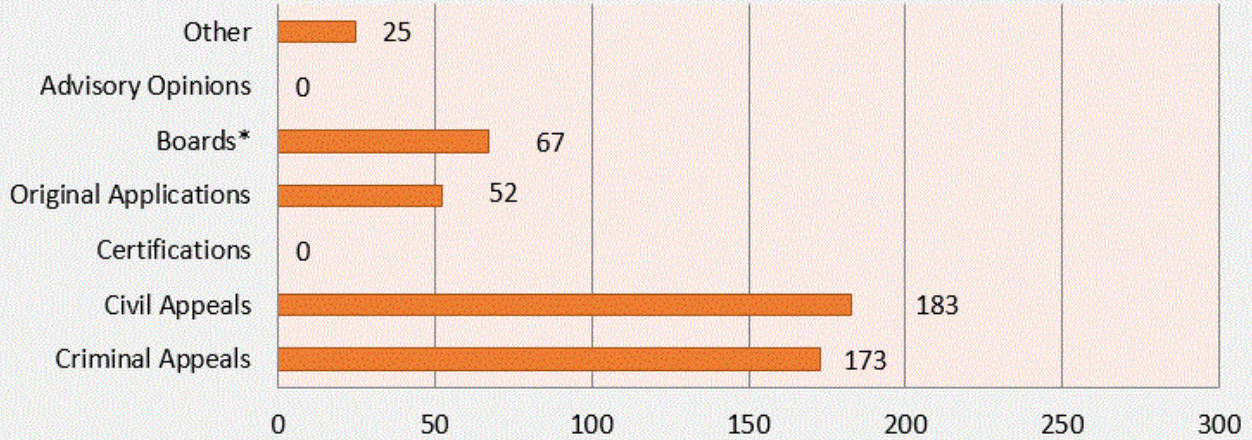
Finally, in 2019, the Court welcomed Luke W. Mette as the new Chief Disciplinary Counsel for the Office of Disciplinary Counsel, an Arm of the Supreme Court. Mr. Mette joins the Arms of the Court after working as Wilmington’s City So-

licitor. He is also an adjunct professor at Delaware Law School. Prior to working for the City, he was a partner at McCarter & English in the Business Litigation Practice Group. Before that, he worked for twenty-one years at AstraZeneca where he rose to the position of Deputy General Counsel. Mette has served on the Delaware Supreme Court’s Access to Justice Commission’s *Pro Bono* Subcommittee, the Delaware State Bar Association’s Executive Committee, and is a former president of the Carpenter-Walsh Delaware *Pro Bono* Inn of Court. Mette received his law degree from George Washington University and his undergraduate degree from Haverford College. ♦

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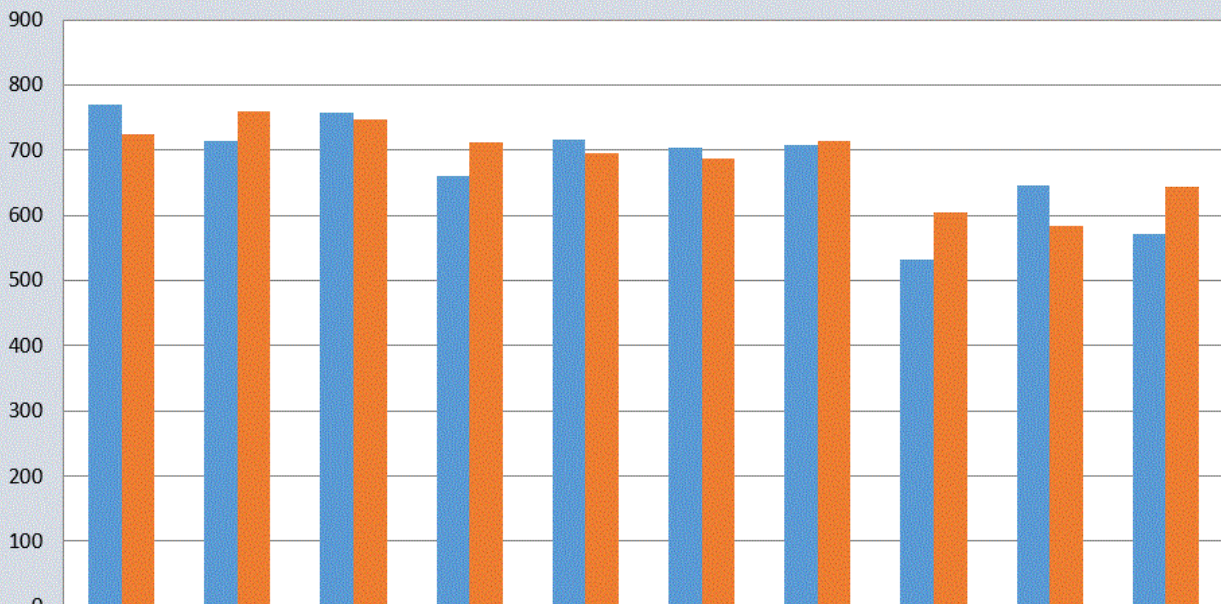
# SUPREME COURT

**SUPREME COURT FY2019 AVERAGE NUMBER OF DAYS FROM FILING TO DISPOSITION BY CASE TYPE**



\*Includes the Board on Professional Responsibility and the Board of Bar Examiners.

**SUPREME COURT FILINGS & DISPOSITIONS BY FISCAL YEAR**



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filings	770	714	757	661	716	703	707	533	646	572
Dispositions	724	760	747	712	696	687	714	604	583	643

Continued on next page



# SUPREME COURT



## Supreme Court Justices

*Standing left to right:*

Justice Gary F. Traynor  
Justice Karen L. Valihura  
Chief Justice Collins J. Seitz, Jr.  
Justice James T. Vaughn, Jr.  
Justice Tamika R. Montgomery-Reeves

# COURT OF CHANCERY



## COURT OF CHANCERY



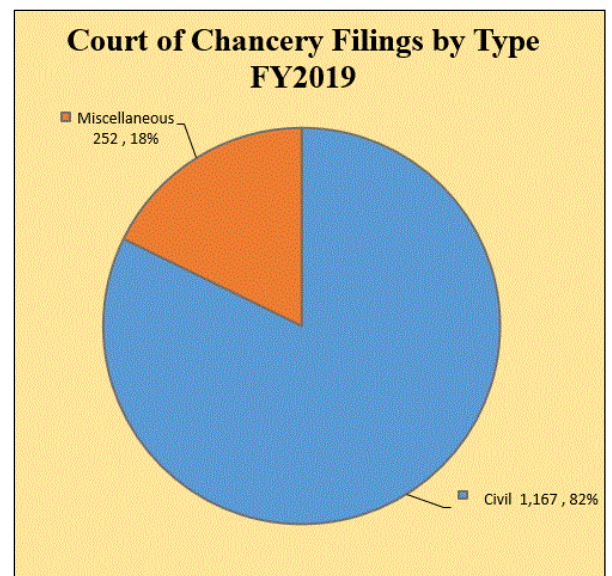
## CHANCELLOR ANDRE G. BOUCHARD

The mission of the Court of Chancery is to administer justice by providing fair, prompt and well-reasoned decisions in all causes in equity and other matters within the jurisdiction of the Court.

The Court of Chancery handles civil actions and civil miscellaneous matters. The vast majority of civil actions consists of corporate and commercial cases. The Court's constitutional judges, which increased in 2018 from five to seven members, handle most of the civil actions. These cases, which often involve multiple parties and complex disputes, consume the vast majority of the time and attention of the Court's judicial resources. In fiscal year 2019, total civil action filings increased by 22% compared to the prior fiscal year.

The civil miscellaneous matters largely consist of guardianship proceedings involving adults and the property of adults. The Masters in Chancery handle most of these matters. As the ultimate fiduciary for persons with a disability, the Court of

Chancery works every day to protect the most vulnerable in our society. In December 2018, the Delaware State Bar Association presented the Government Service Award to Renee Kinsey, Guardianship Case Management Supervisor, in recognition of her dedicated and distinguished service to Delawareans with disabilities and the support and guidance she provides to their caregivers and families.



# COURT OF CHANCERY

There were a number of changes to the Court this past year. Selena Molina was appointed as a Master in Chancery to fill a vacancy when former Master Morgan Zurn was appointed Vice Chancellor. Before joining the Court, Master Molina was an attorney in the litigation department of Saul Ewing Arnstein & Lehr LLP. We are pleased to welcome Master Molina.

In October 2019, Governor John Carney nominated Vice Chancellor Tamika R. Montgomery-Reeves to serve as an Associate Justice on the Delaware Supreme Court. She assumed her new duties in De-

ember 2019. Vice Chancellor Montgomery-Reeves served on the Court of Chancery since November 2015 and becomes the first African-American to serve on the Delaware Supreme Court. Always upbeat and personable, she will be missed by her Chancery colleagues and friends.

Sadly, former Chancellor William T. Allen passed away in October 2019. Governor Michael Castle appointed Chancellor Allen to the Court in 1985, where he served with the utmost distinction until 1997. Chancellor Allen oversaw the Court during a dynamic period of corporate takeover activity in the



**Court of Chancery's 200th Anniversary (1792 –1992)**

*Pictured at this September 19, 1992 anniversary event were all living members of the Delaware Court of Chancery at that time with the exception of VC Isaac D. Short, who was unable to attend. (Titles are from 1992).*

**Back Row:** VC William B. Chandler III; Ch. William Duffy (1966-73); VC Jack B. Jacobs; Ch. William T. Allen; VC Carolyn Berger (1984-94); VC Joseph T. Walsh (1984-85); VC Maurice A. Hartnett(1976-94); VC and Ch. Grover C. Brown (1973-85).  
**Front Row:** VC George Burton Pearson, Jr. (1939-46); VC and Ch. Collins J. Seitz, Sr. (1946-66); Chief Justice E. Norman Veasey; USSC Chief Justice William Rehnquist; U.S. District Judge Walter K. Stapleton; VC Joseph Longobardi (1982-84); Ch. William T. Quillen (1973-76).

(Ch.=Chancellor, VC=Vice Chancellor)

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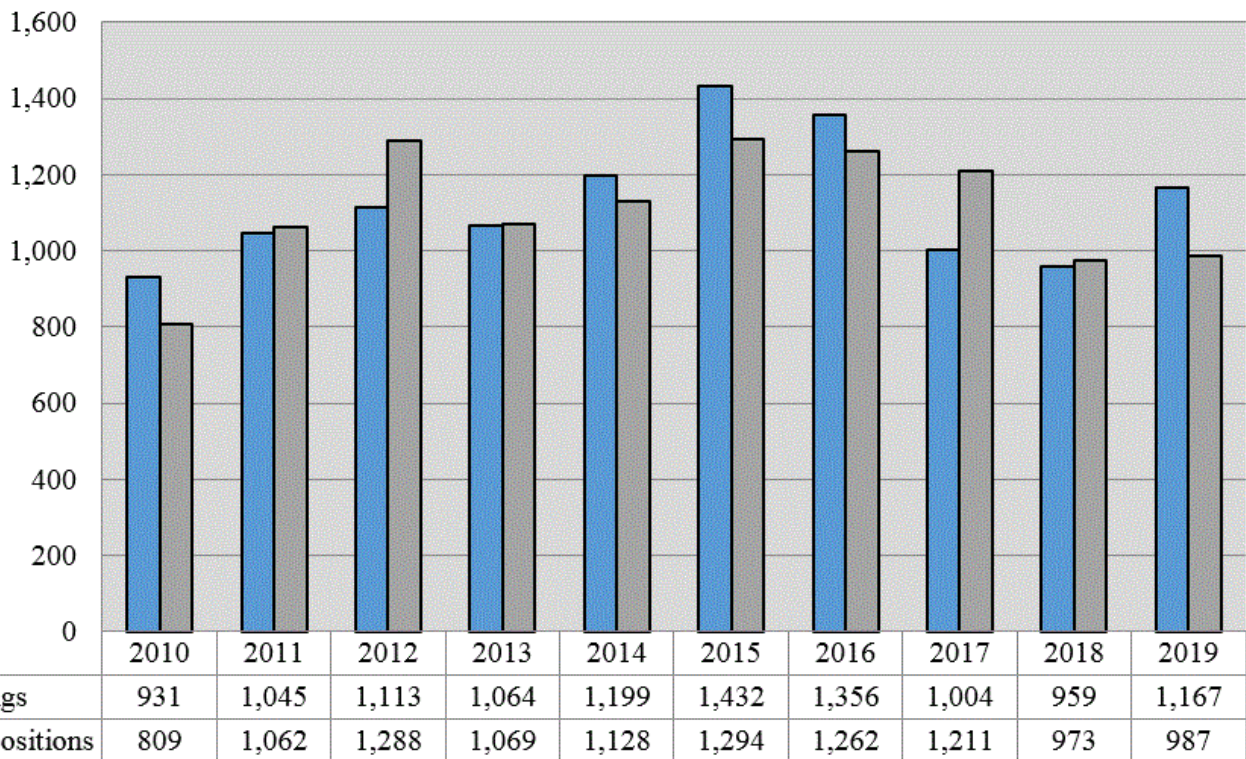
# COURT OF CHANCERY

United States during which he and his colleagues helped reshape corporate governance standards to meet new challenges. During his tenure, the Court celebrated its 200th anniversary in 1992. Chancellor Allen served as Honorary Chairman of a special event to celebrate the milestone, where William Rehnquist, Chief Justice of the United States Supreme Court, was the keynote speaker. Chancellor Allen’s understanding of corporate law was profound and he leaves behind a jurisprudential legacy of incisive decisions that fill law school textbooks today. The Court of Chancery offers its sincere condolences to his family and friends.

Lastly, the Court would like to acknowledge Chief Justice Leo E. Strine, Jr., who retired from the

bench in 2019 after 27 years of service to the State of Delaware, including 21 years as a member of the Delaware Judiciary. Governor Tom Carper appointed Strine to serve as a Vice Chancellor in 1998. Governor Jack Markell appointed him Chancellor in 2011 and Chief Justice in 2014. During his tenure on the Court of Chancery, Chancellor Strine was known for his depth of preparation, keen insights into complex issues, razor wit, tireless work ethic, and carefully reasoned decisions—many of which were groundbreaking in the development of corporate law. We thank Chief Justice Strine for his remarkable service to our State and wish him well in his future endeavors. ♦

## Court of Chancery 10-Year Civil Caseload Trend



Fiscal Year

Continued on next page

# COURT OF CHANCERY



## Court of Chancery

***Standing left to right:***

Vice Chancellor Joseph R. Slights III  
Vice Chancellor Kathaleen St. J. McCormick  
Vice Chancellor Tamika R. Montgomery-Reeves (now Supreme Court Justice)  
Vice Chancellor Morgan T. Zurn

***Sitting left to right:***

Vice Chancellor J. Travis Laster  
Chancellor Andre G. Bouchard  
Vice Chancellor Sam Glasscock III

# COURT OF CHANCERY

## IN MEMORIAM

### THE HONORABLE WILLIAM T. ALLEN



The Honorable William T. Allen was appointed as Chancellor of the Court of Chancery by Governor Mike Castle in 1985 and served until 1997.

Chancellor Allen presided at a time when the takeover boom of the 1980s was in full swing and the Delaware Court of Chancery was the subject of intense national scrutiny. During that time, Chancellor Allen's decisions, often produced under extreme time pressure, were known for their lucid and lively writing style and incisive analysis. His rulings also showed a deep concern for the integrity of the law, the need for those with power to use it with fidelity to those they represented, and for their understanding of scholarship relevant to the matters before the Court. For that reason, Chancellor Allen was considered to be one of the finest corporate law judges of the era and, even more broadly, as one of the finest judges of his generation on any court. When Delaware most needed a Chancellor that could provide trusted corporate law

rulings that all would respect, it was fortunate to have Bill Allen in that critical position.

Before his appointment to the Court of Chancery, Chancellor Allen was in private practice at Morris, Nichols, Arsht & Tunnell. After leaving the Court of Chancery, he served at the Jack H. Nusbaum Professor of Law & Business at New York University where he was also the founding director of the NYU Pollack Center for Law & Business — a center designed to be a bridge between the law school and the business school at NYU. Chancellor Allen also returned to private practice, serving Of Counsel, in the Corporate Department at Wachtell, Lipton, Rosen & Katz in New York.

He was 75.

“Chancellor Allen set a standard of excellence that made Delaware stand out in the eyes of all sophisticated observers. Bill Allen, the person, set a standard as a husband, father, friend, and caring professor to which we should all aspire. For me personally, he was a mentor, source of wisdom, and an inspiration. Everyone in Delaware owes him a debt of gratitude for what he did for our state, and our Judiciary's hearts are with his wife and children, as they endure the loss of this special man,” said retired Delaware Chief Justice Leo E. Strine, Jr.

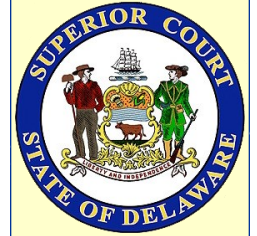
“Bill left us all with cherished memories of his leadership skills, energy and work ethic, intellect and enthusiasm for his and our work,” said retired Delaware Supreme Court Chief Justice Myron T. Steele, “He was an unsurpassed titan of the profession.”

“Bill Allen was a close friend and professional colleague, and will be recorded in history as one of Delaware's finest and most distinguished jurists,” added retired Delaware Supreme Court Justice Jack B. Jacobs, “The loss to me personally is beyond words.” ♦

# SUPERIOR COURT



## PRESIDENT JUDGE JAN R. JURDEN



# SUPERIOR COURT

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 **Unity, Neutrality, Integrity, Timeliness, Equality, and Dedication.**

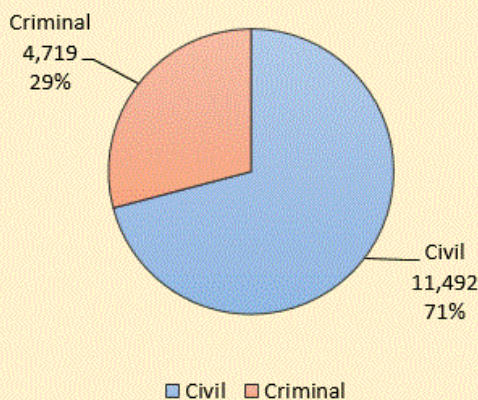
As Delaware's trial court of general jurisdiction, each year the Superior Court handles thousands of civil and criminal cases. Similar to preceding years, FY 2019 was a busy year for the Superior Court. The Court had 11,492 civil filings and 4,719

criminal filings. Twenty-eight First Degree Murder cases were filed in FY 19, and many complex multi-defendant, multi-count, gang participation and criminal racketeering cases were filed as well. Because of the number of defendants and attorneys involved in such cases, they often present significant logistical, staffing and scheduling challenges.

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 has enhanced its Jury Management system. We now offer an online Juror Qualification Questionnaire and jurors have the ability to request excusals and postponements online. We have received very positive feedback from jurors regarding these enhancements. We continue to explore ways to min-

**NUMBER OF SUPERIOR COURT CASES  
BY TYPE FY 2019**



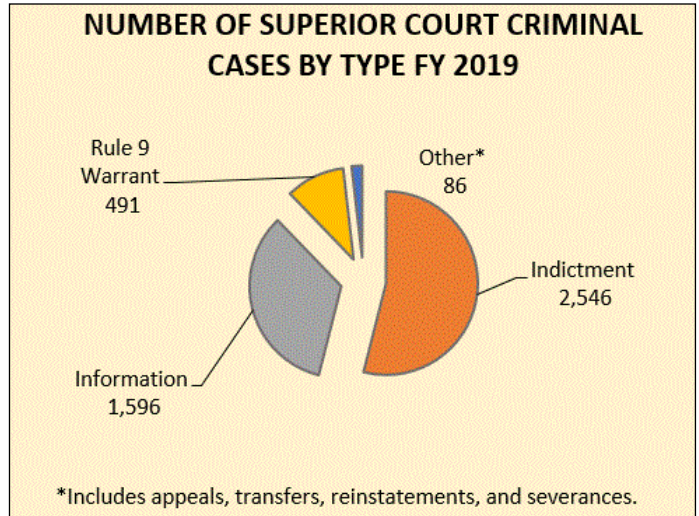
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# SUPERIOR COURT

imize 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 ninth year, saw a 39% increase in filings in FY19. 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 Mary M. Johnston, Judge Eric M. Davis, Judge Paul R. Wallace and Judge Abigail M. LeGrow. In April, a delegation of six high-ranking judges from Taiwan met with President Judge Jan R. Jurden and the four CCLD judges to learn more about the Complex Commercial Litigation Division. Retired Supreme Court Justice Randy J. Holland hosted this delegation.

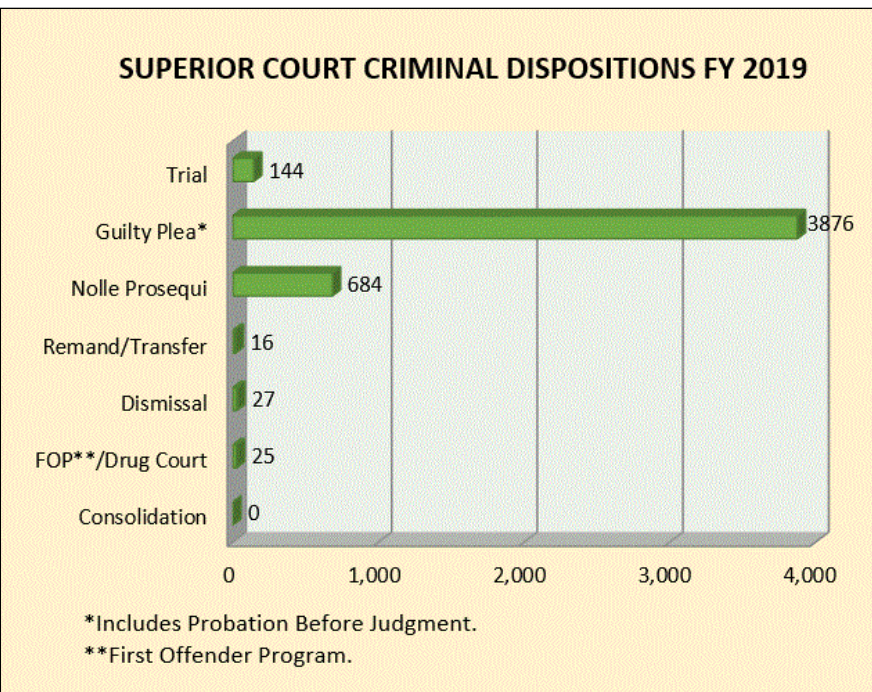
Judge Vivian L. Medinilla and Judge Jeffrey J Clark manage the Court’s large asbestos docket, with the able assistance of Special Master Matthew F. Boyer, Esquire. During FY19, there were 120 filings, 224 dispositions and 7,028 cases pending.



The Superior Court has a number of Problem-Solving Courts that 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 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, courts, agencies and stakeholders on innovative ideas to ensure equal justice for all, reduce recidivism, and improve public safety. By way of example, our staff attends Access to Justice committee meetings; is assisting with the conversion of the law libraries to self-help resource centers; and is adopting and implementing evidence-based best practices and bench books for our Problem-Solving Courts.

In FY19, the Superior Court held its sixth annual summer program for high school students. This weeklong program affords students an opportunity to





# SUPERIOR COURT

observe civil and criminal trials, motions, pleas and sentencings, and to shadow judicial officers. The program not only provides a unique opportunity for interested high school students to learn more about our courts and how they operate, but also about potential careers in the civil and criminal 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 Bar and litigants. This remains a top priority.

We continue to review our criminal and civil court forms and processes in an effort to reduce redundancy, expedite processing, and standardize our processes. We are also developing training manuals to reduce learning curves for new employees. For example, the criminal division is developing a training guide outlining step-by-step procedures for all processes utilized in criminal cases. This training guide will enable new case managers to learn their duties and responsibilities more quickly and will 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 e-filing in criminal cases which we hope to implement in the next few years.

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 concerted effort to keep the Bar and public informed, and to make the court system easier to navigate.

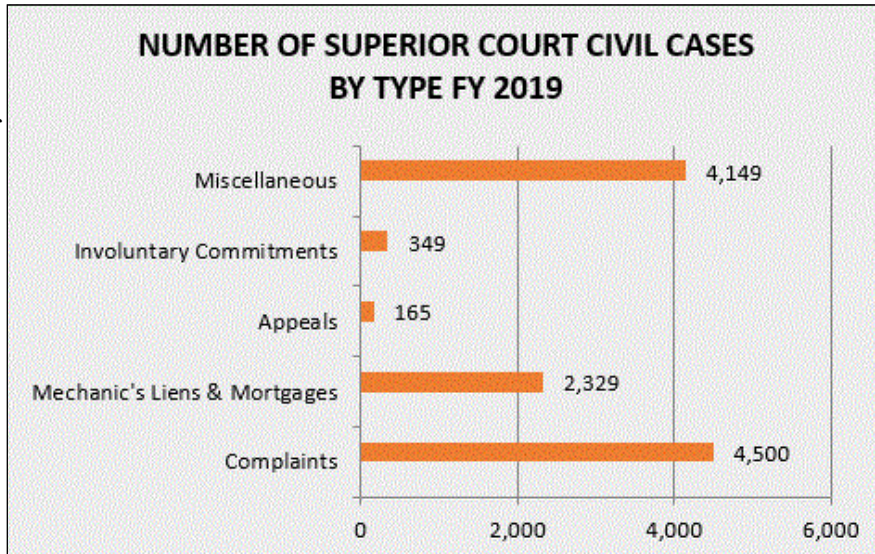
The Superior Court is fortunate to have extremely hardworking, dedicated and loyal staff who work tirelessly to maintain the level of superb service that litigants deserve and have come to expect. The Court is proud of our employees and the significant contributions they make.

Our Jury Services Judicial Case Processor Supervisor, Kenneth P. Creedon, was selected as Superior Court's Employee of the Year and the Judiciary's Employee of the Year. Governor John Carney presented Mr. Creedon with the Delaware

Award for Excellence and Commitment in State Service on May 9, 2019. In June, Mr. Creedon was sworn in as the Prothonotary in New Castle County.

In January 2019, Joyce M. Collins, who served as the Prothonotary in Sussex County for more than 29 years, retired. Myrtle Thomas, the former Sussex Chief Deputy Prothonotary with 33 years of service to the state, was sworn in as Prothonotary in Sussex County. Ms. Leslie Rementer was named the new Sussex Chief Deputy Prothonotary.

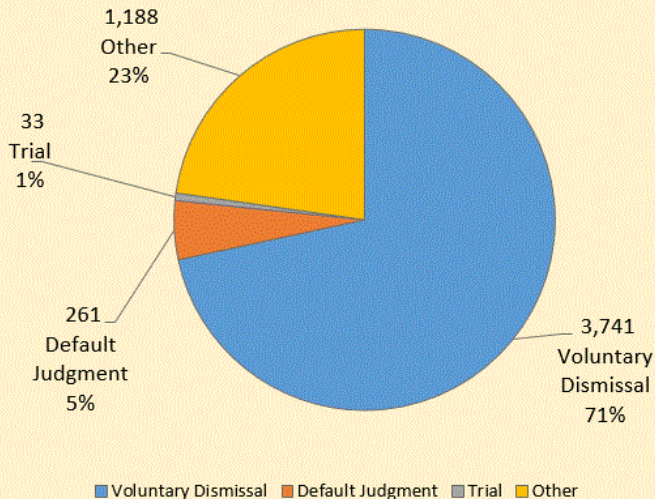
In October 2018, Judge Richard F. Stokes was sworn in as the Resident Judge of the Sussex County Supe-



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# SUPERIOR COURT

**NUMBER OF SUPERIOR COURT CIVIL COMPLAINT DISPOSITIONS BY METHOD FY 2019**



rior Court. Resident Judge Stokes' appointment comes after the retirement of Judge T. Henley Graves. On October 22, 2018 the Superior Court welcomed Judge Craig A. Karsnitz as a Judge in Sussex County. Prior to joining the bench, Judge Karsnitz was a partner with the law firm of Young, Conaway, Stargatt and Taylor.

On January 23, 2019, the Court welcomed Commissioner Janine M. Salomone. Commissioner Salomone replaces Bradley V. Manning who now serves as a judge on the Court of Common Pleas. Prior to joining the bench, Commissioner Salomone spent 19 years in private practice, most recently as a partner with Potter, Anderson & Corroon, LLP.

Superior Court lost two cherished colleagues this past year: Commissioner Michael P. Reynolds passed away on March 27, 2019 and Judge John A. Parkins, Jr. passed away on May 24, 2019. The Court is grateful for their many years of distinguished loyal service and their friendship.

Notwithstanding heavy caseloads and staff turnover, our Court continues to work hard to provide exemplary service to the people we are honored to serve. ♦



## Thank You Judge Cooch

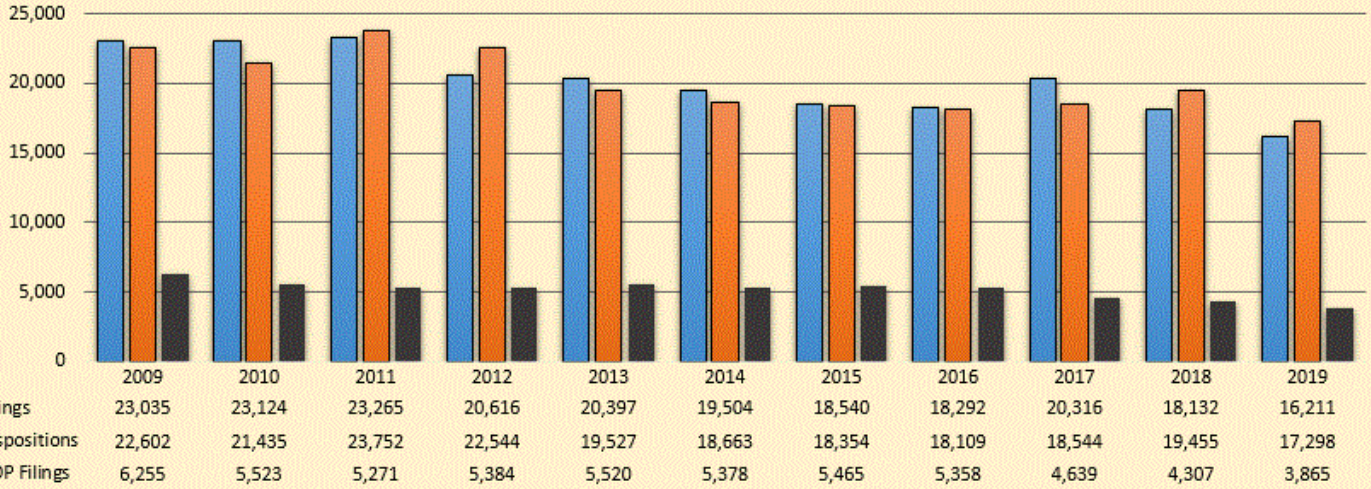
Resident Judge Richard R. Cooch retired effective January 1, 2020 after 27 years on the bench. Judge Cooch was appointed as a Judge of the Superior Court in 1992. He was then appointed as Resident Judge for New Castle County in 2000 and reappointed in 2012.

Prior to joining the bench, Judge Cooch was in private practice for 15 years at the law firm of Cooch & Taylor. A lifelong Delawarean, Judge Cooch was admitted to the bar in 1973 after receiving his J.D. from the University of North Carolina Law School. He served as a Deputy Attorney General from 1974 to 1977 and was an attorney for the Delaware House of Representatives from 1979 to 1981.

The Court thanks him for his many years of distinguished and dedicated service.

# SUPERIOR COURT

**SUPERIOR COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR**



Continued on next page

# SUPERIOR COURT



## SUPERIOR COURT JUDGES

**Front Row (L-R):** Resident Judge William L. Witham, Jr.; Resident Judge Richard R. Cooch; President Judge Jan R. Jurden; Judge William C. Carpenter, Jr.; Resident Judge Richard F. Stokes

**Middle Row (L-R):** Judge Charles E. Butler; Judge John A. Parkins, Jr. (deceased); Judge Calvin L. Scott, Jr.; Judge E. Scott Bradley; Judge Mary Miller Johnston; Judge Diane Clarke Streett; Judge Eric M. Davis

**Back Row (L-R):** Judge Sheldon K. Rennie; Judge Abigail M. LeGrow; Judge Ferris W. Wharton; Judge Vivian L. Medinilla; Judge Paul R. Wallace; Judge Andrea L. Rocanelli; Judge Jeffrey J. Clark; Judge Noel E. Primos; Judge Craig A. Karsnitz

The **Honorable Meghan A. Adams** was sworn in as a Judge of the Superior Court on September 19, 2019. Prior to her appointment, Judge Adams was an attorney at Morris James LLP. Judge Adams fills a vacancy created by the retirement of the Honorable John A. Parkins, Jr.

# SUPERIOR COURT



## SUPERIOR COURT COMMISSIONERS

*Standing (left to right):*

Commissioner Janine M. Salomone

Commissioner Lynne M. Parker

Commissioner Alicia B. Howard

Commissioner Andrea M. Freud

Commissioner Katharine L. Mayer

Continued on next page

# SUPERIOR COURT

## IN MEMORIAM

### THE HONORABLE JOHN A. PARKINS, JR.



The Honorable John A. Parkins, Jr. was appointed to the Superior Court by former Governor Ruth Ann Minner and began service on August 21, 2008.

Judge Parkins clerked for the Delaware Supreme Court for former Chief Justice Daniel F. Wolcott and then-Associate Justice Daniel L. Herrmann. Afterward he became an associate at the now defunct firm of Murdock, Longobardi, Schwartz & Walsh.

At the age of 29 he became a Deputy Attorney General in the Delaware Department of Justice. He began representing the Department of Correction and was also Chief of the Appeals Division.

Judge Parkins worked in private practice for 23 years from 1985 through 2008 at the law firm of Richards Layton & Finger prior to his appointment to the Superior Court. Judge Parkins received his Bachelor's Degree from the University of Delaware and his law degree with honors from Washington & Lee University. He also proudly served his country in the U.S. Army.

Judge Parkins once modestly remarked that his legal career was more a result of being fortunate and also a good deal of luck over merit. He was always appreciative and at times humbled by the lifetime of support from peers, mentors, friends and family. As he stated during his investiture, "for my entire lifetime I have considered myself to be the luckiest man on the face of the earth."

Judge Parkins retired from Superior Court on April 1, 2019. He passed away on May 24, 2019 at the age of 72. He was a person of the highest integrity and intelligence and he was always pragmatic with a pretty good sense of humor. His Superior Court family will greatly miss all the qualities he brought to our court not only as a consummate jurist but also as the truly dear and compassionate friend we all admired. ♦

# SUPERIOR COURT

## IN MEMORIAM

### THE HONORABLE MICHAEL PATRICK REYNOLDS



The Honorable Michael Patrick Reynolds was appointed by former Governor Thomas R. Carper and began service as a Court Commissioner of the Superior Court in and for New Castle County on October 17, 1994.

Commissioner Reynolds served on active duty in the United States Marine Corps from 1966 to 1970 which included 13 months in Vietnam [Service: 1967-68].

He received his Bachelor's Degree with highest honors from the University of Delaware in 1974 and his Juris Doctorate from University of Pennsylvania Law School in 1977.

From 1977 to 1981, Commissioner Reynolds was an Assistant City Solicitor for the City of Wilmington. He was an associate in private practice with Wilson & Whittington from 1981 to 1983. He then served as Council Attorney for New Castle County from 1983 to 1985. In 1985, Commissioner Reynolds returned to the Law Department of the City of Wilmington as First Assistant City Solicitor. He served as City Solicitor from 1987 to 1993. He then served as Staff Attorney for the Majority Caucus of the State Senate in 1993.

Prior to his appointment, Commissioner Reynolds served as Labor Relations Specialist in the State Personnel Office. He chaired the Labor and Employment Law Section of the State Bar Association during 1993-1994.

Commissioner Reynolds retired from Superior Court on September 1, 2015. He passed away on March 27, 2019 at the age of 72. He will be dearly missed by his Superior Court colleagues. ♦

# FAMILY COURT



## FAMILY COURT

### CHIEF JUDGE MICHAEL K. NEWELL

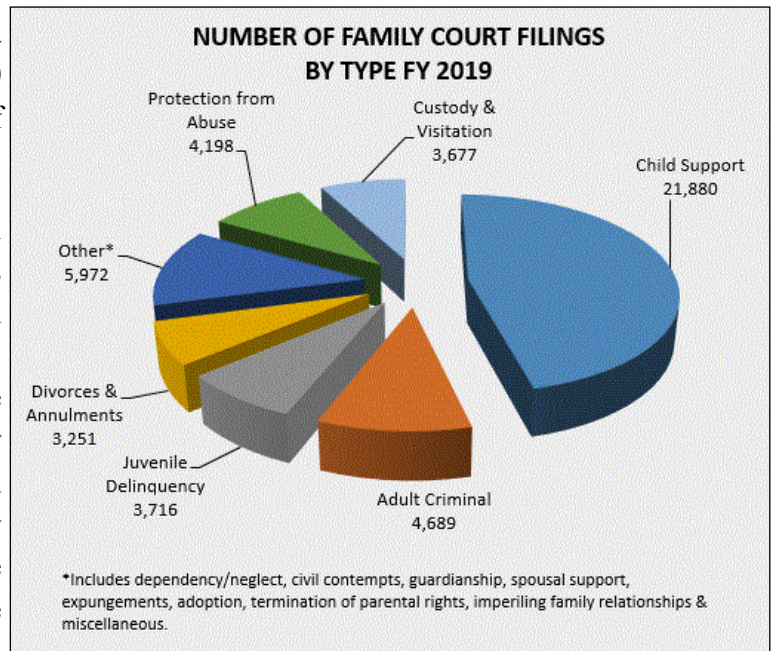


Family Court continues to be guided by its mission: to provide equal access to justice for the families and children under its jurisdiction in a manner that is fair and efficient and that maintains the public's trust and confidence in an independent and accountable judiciary. We strive each day to build an atmosphere that ensures all members of the public are treated with courtesy, dignity, and respect. Family Court continues to be a busy Court with over 47,000 filings and issuing in excess of 48,000 dispositions.

Family Court realized minimal change in annual filings this Fiscal Year. Overall filings in Family Court marginally decreased statewide by 0.2%. The Court's civil filings increased by 1.3%, and its criminal and delinquency filings decreased by 6.4%. By county, New Castle experienced a marginal increase

in its filings at 0.7%. Kent County experienced an increase in overall filings amounting to 3%. Finally, Sussex County decreased by 5% in total filings.

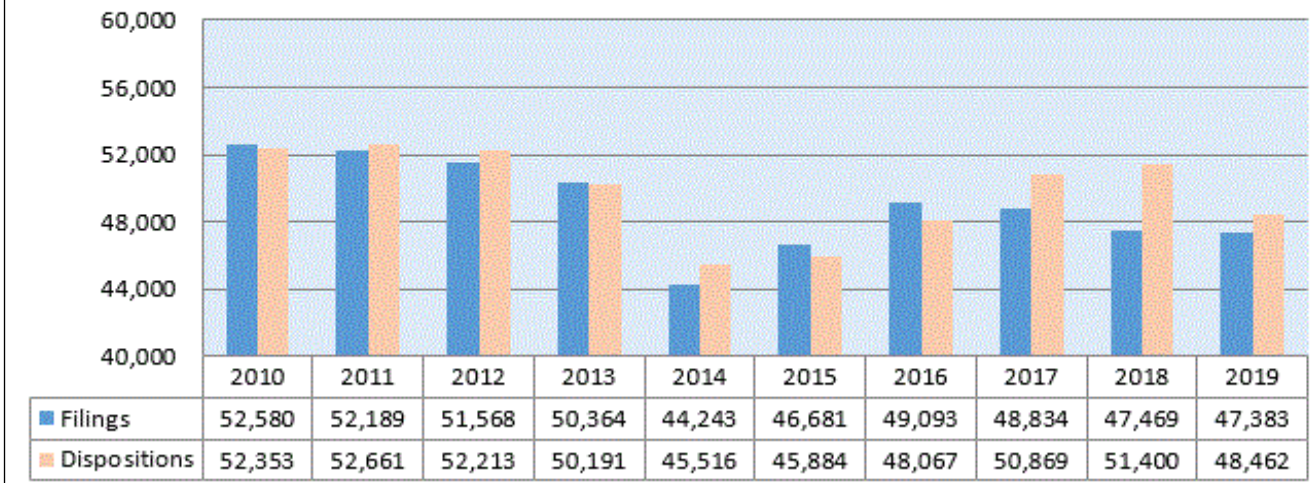
Child support filings represent the highest volume of filings for Family Court and the Court experienced the largest increase in this case type. Statewide, the increase in child support was 5.3%. This represents the





# FAMILY COURT

**FAMILY COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR**



first increase in three years. There was an increase of 7.3% for New Castle County, 11.8% for Kent County and a decrease of 2.4% for Sussex County. Juvenile delinquency filings decreased by 13.1%, representing the largest decrease among all case categories. This is the third consecutive year of decrease, due in part to the creation and expansion of pre-arrest diversion programs such as civil citation. The decrease is also directly attributable to the increase in the number of offenses eligible for expungements.

In Fiscal Year 2019, Family Court was selected to participate as a National Council of Juvenile and Family Court Judges (“NCJFCJ”) Implementation Site that will enhance our Court Improvement Program (“CIP”) work. Over the years, NCJFCJ has worked with 21 other state and tribal jurisdictions to improve their outcomes for children and families. As an Implementation Site, we will receive individualized assessments, training, and technical assistance from NCJFCJ to further support our ever-evolving child welfare practices. We were selected due to our

commitment and motivation to implement system reform efforts, our willingness to organize and form a strong collaborative team, and our desire to improve current court practice.

Family Court has entered the sustainability phase of the Family Court Enhancement Project. The project, which guided Family Court through improved practices in domestic violence, custody and visitation, was sponsored by the Department of Justice’s Office on Violence Against Women, in collaboration with 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. Helped by a newly appointed Domestic Violence Coordinator, Family Court has improved upon its Protection for Abuse (“PFA”) directional signage, case processing practices and the overall courthouse experience for litigants. The Family Court celebrated its successes and the end of the grant with a “round table” discussion on domestic violence with Governor John Carney on October 9, 2018. Governor Carney signed the proclamation

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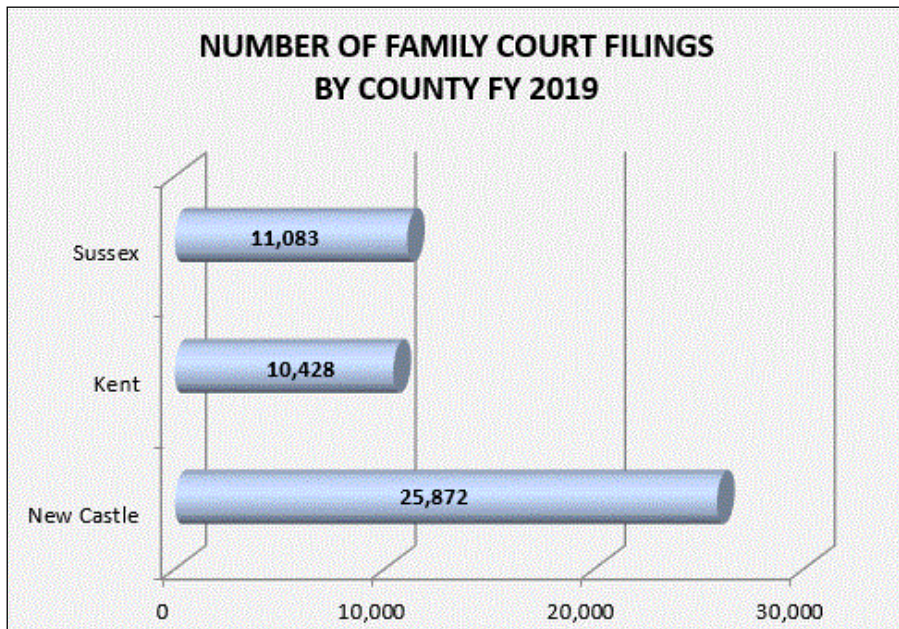
# FAMILY COURT

declaring October as Domestic Violence Awareness Month at the conclusion of the meeting.

Family Court continues to incorporate technology in its continuous effort to enhance access to justice for self-represented litigants. Originally established in New Castle County in 2017, the eCourtroom initiative expanded to Sussex County this Fiscal Year. The technology has provided litigants and attorneys the opportunity to present evidence electronically during court proceedings. This project came about as a joint effort among the Family Court, Richard Herrmann Esq., and Tom Russo and Dan Vink of doeLegal, Inc. Initial funding was complemented by the Richard K. Herrmann Technology American Inn of Court, and the Melson-Arshat American Inn of Court. A video series introducing the functionality and use of the eCourtroom to self-represented litigants and members of the Bar premiered on the Family Court website. Plans are to expand this technology to Kent County and additional courtrooms in both New Castle and Sussex Counties.

Family Court is continuing in its efforts to construct new Family Court buildings in Kent and Sussex Counties. The current buildings are undersized, undignified, and unsafe. These projects are critical in providing Family Court and the citizens of Delaware with adequate, secure and dignified facilities.

In October of this year, the Honorable Mark D. Buckworth was reappointed to a third term as a Family Court Judge in New Castle County. In addition, reappointed as Commissioners were the Honorable DeSales Haley (fifth term), the Honorable Loretta Young (fifth term) and the Honorable Jennifer Mayo (fourth term) in New Castle County. We thank them for their expertise and commitment to Family Court.



Family Court also welcomed a new Judge this Fiscal Year. The Honorable Michael W. Arrington took the oath of office in June 2019, serving in New Castle County.

Judge Arrington replaces the Honorable Barbara D. Crowell, who retired in June after twenty-three years on the bench in Family Court.

The Family Court is privileged to serve all citizens of Delaware, particularly its most vulnerable citizens, its children. The Court has a large caseload and hears some of the most intimate and sensitive issues that affect families, parents, and children. Our Judges, Commissioners, administration and staff strive to ensure equal access to justice for our citizens. We are proud of what we have accomplished in our court system during the past Fiscal Year and look forward to doing even more in the year ahead. ♦

# FAMILY COURT



## FAMILY COURT JUDGES

**Front Row (from left to right):** Judge Janell S. Ostroski, Judge Michael W. Arrington, Judge Natalie J. Haskins, Judge Paula Ryan, Judge Mark D. Buckworth, Judge Jennifer B. Ranji, Judge James G. McGiffin, Jr.

**Middle Row (from left to right):** Judge Joelle P. Hitch, Judge Louann Vari, Judge Kenneth M. Millman

**Back Row (from left to right):** Judge Arlene Minus Coppadge, Judge Peter B. Jones, Chief Judge Michael K. Newell, Judge Robert B. Coonin, Judge Mardi F. Pyott

**Not Pictured:** Judge Felice Glennon Kerr, Judge Mary S. Much

Continued on next page

# FAMILY COURT



## FAMILY COURT COMMISSIONERS

**Front Row (from left to right):** Commissioner DeSales Haley, Commissioner Para Wolcott, Commissioner Danielle S. Blount, Commissioner Emily Farley, Commissioner Loretta Young, Commissioner Samantha Lukoff, Commissioner Craig Fitzgerald

**Middle Row (from left to right):** Commissioner Kim DeBonte, Commissioner Sonja Wilson, Commissioner Theresa Sedivec, Commissioner James Maxwell

**Back Row (from left to right):** Commissioner Jennifer Mayo, Commissioner David Jones, Chief Judge Michael K. Newell, Commissioner Andrew Southmayd, Commissioner Gretchen Gilchrist

**Not Pictured:** Commissioner Susan Tussey

# COURT OF COMMON PLEAS



## CHIEF JUDGE ALEX J. SMALLS

Since its inception in 1973, the statewide Court of Common Pleas has continued to expand and evolve to fulfill the Court's mission of providing 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.

FY 2019 was no exception, marking a year of discernable growth in the Court. Today, the Court's jurisdiction is more encompassing than ever before, the nature of the cases

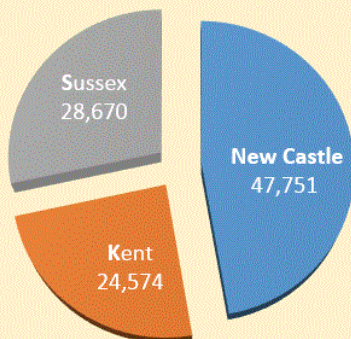
filed in the Court have continued to grow in complexity, and the number of cases proceeding to trial continues to rise. As a result, the Court has been especially challenged to balance the needs of litigants with the ever-increasing demand on the Court's limited resources.

### Civil Initiatives

Civil case filings in the Court of Common Pleas have leveled off since the record-high figures seen in FY 2018, but the Court has continued to maintain a remarkably heavy civil caseload. In FY 2019, the Court received 8,004 new civil complaints, in addition to 4,229 civil judgments, name changes, and appeals.

Consumer debt collection cases make up the bulk of the Court's civil caseload. In FY 2019, consumer debt cases became a slightly smaller portion of the court's caseload, decreasing from 86.3% of civil cases filed in FY 2018 to 85.7% of all civil case filings in FY 2019. However, consumer debt filings have continued to increase since FY 2013, when

**COURT OF COMMON PLEAS CIVIL & CRIMINAL  
FILINGS BY COUNTY FY 2019**



COURT OF COMMON PLEAS

Continued on next page

# COURT OF COMMON PLEAS

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. In FY 2019, 6,859 consumer debt cases were filed in the Court of Common Pleas — up 80.1% since FY 2013.

## Criminal Initiatives

The criminal misdemeanor filings in the Court of Common Pleas in FY 2019 was 88,762 and there were 7,739 preliminary hearings scheduled. These figures represent a 3.5% decrease in criminal misdemeanor filings and a 3.3% decrease in total criminal caseload compared to FY 2018.

While the criminal caseload has declined, the types of cases filed in the Court are considerably more complex than in years past.

Traffic cases now make up a smaller share of the total caseload in each county. In FY 2019, there were 35,190 traffic charges filed in the Court of Common Pleas. This is a 5.4% decrease from the 37,194 filed in FY 2018. However, the overall misdemeanor filing total decreased by only 3.5% during the same period, and the growth rate of drug and alcohol cases has consistently outpaced other criminal filings. Statewide DUI transfers increased 43.9% — growing from 1,970 to 2,835 — between FY 2013 and FY 2019. In Sussex County, the portion of the Court's caseload consisting of misdemeanor drug cases has doubled, from 5% of the county's total caseload to 11%, between FY 2012 and FY 2019.

In FY 2019, legislation passed which requires the Courts to implement a pre-trial assessment tool when making initial bail decisions. The tool, called the Delaware Pretrial Assessment Tool (“DELPAT”) was adopted in Court of Common Pleas. The DELPAT was introduced to increase the reliability and equity of decisions about pre-trial release.

The Court has also been working diligently with the Judicial Information Center (JIC) and across courts to create an electronic sentencing order that will be transmitted automatically to the Department of Correction (DOC) in real time. The institution of the

electronic sentencing order will save the Court time by not requiring that sentence orders be separately scanned and sent to the DOC. Additionally, the electronic sentencing order will be unified across Courts in a consistent format making it easier for staff to input data at DOC.

Driving Under the Influence (DUI)

cases are among the most time-consuming events handled by the Court. In FY 2019, the part of the Court's criminal caseload consisting of DUI cases decreased by 0.1%. From FY 2013 to FY 2019, the number of DUI cases transferred to the court increased by 43.9% statewide. All three counties have experienced the case type change which required additional time to adjudicate. While statewide DUI transfers increased by 43.9%, the number of DUI transfers in Sussex County rose 77.7% during the same period. This significant increase is being evaluated and addressed as we move forward.



# COURT OF COMMON PLEAS

The new jurisdictional and programmatic changes have adversely affected the courts ability to handle these matters. These cases require more courtroom time, have a higher than average number of court events, and often require multiple court staff to process the case from filing to disposition.

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 following preliminary hearings.

## Mediation Program

The Court of Common Pleas Mediation Program serves as a valuable resource for criminal disputants, civil litigants, and the community at large. The program provides an Alternative Dispute Resolution (ADR) option within the Court and serves a significant number of clients throughout the state. This ADR option is particularly valuable to indigent populations who otherwise cannot afford the cost of private ADR services. In addition, the program serves as an ADR educational resource for attorneys studying for the Delaware Bar exam or Mediation Certification, and assists local police agencies to resolve neighborhood disputes.

In FY 2019 there were 824 referrals to mediation, however since 2001, there has been over 19,399 cases referred for mediation. 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 sys-

tem. In FY 2019, the court's mediation program had a success/satisfaction rate of 91%.

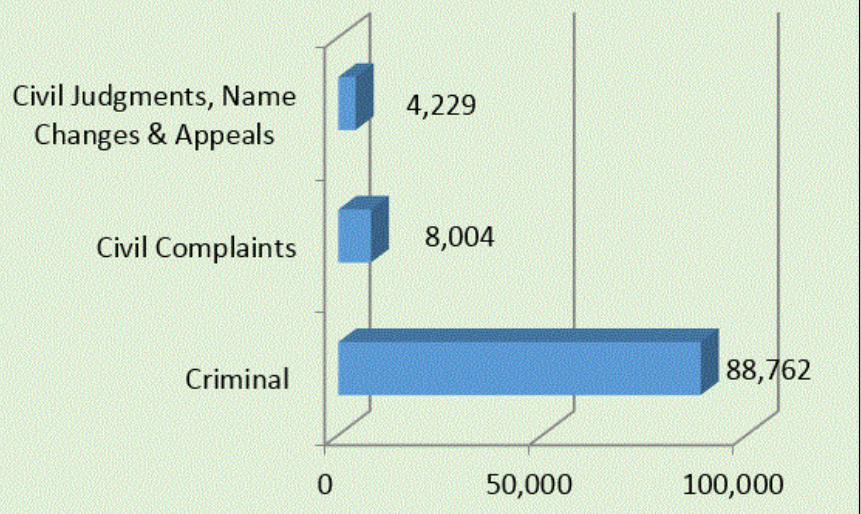
The court has also expanded the Community Mediation Program, to receive referrals from the New Castle County Police community section and municipalities seeking mediation assistance with minor neighborhood disputes, rather than referring matters for criminal or civil litigation. The expansion has created a positive relationship with the community at large.

## Problem Solving Courts

### A) Consolidation

In FY 2015, the Chief Justice appointed a committee of treatment court judges to work with evaluators from American University to study the effectiveness of the Judiciary's treatment courts. The study made several recommendations for improvements to the courts, most notably the consolidation of Drug Diversion Court in the Court of Common Pleas, and the Mental Health Court in the Superior Court, for more efficient use of available resources. The consolidation of Drug Court and Mental Health Court was completed in October of 2015, with the final revision

**COURT OF COMMON PLEAS NUMBER OF FILINGS BY TYPE FY 2019**



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# COURT OF COMMON PLEAS

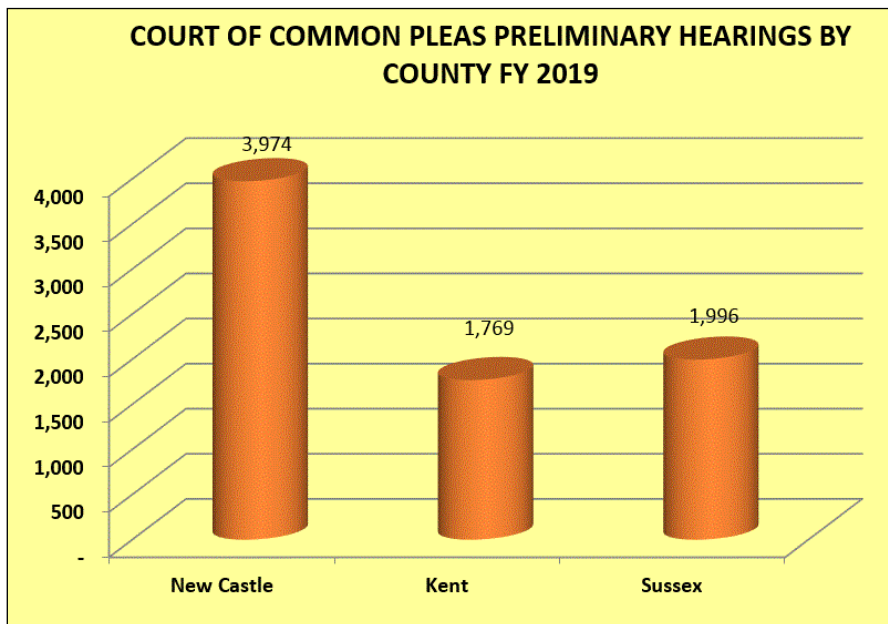
to permit diversion of felony offenses to take place in January of 2017. Legislation also made Possession of Marijuana for personal use a Civil Violation, allowing the Court and treatment resources to be focused on more serious drug offenses.

## B) 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. Surlis in New Castle County, Judge Charles W. Welch III in Kent County and Judge Kenneth S. Clark, Jr. in Sussex County. The Drug Diversion Program represents a collaborative effort between the Court of Common Pleas, the Department of Justice, the Office of Defense Services, the private bar, treatment providers,

and the Treatment Research Institute (TRI) of the University of Pennsylvania. (The TRI program is limited to New Castle County). Collaboration with the TRI provides observation, research, and data analysis, which has assisted in launching scores of other drug diversion programs throughout the United States and internationally. The Court of Common Pleas Drug Diversion Program has served more than 8,975 participants since its inception in 1998. This voluntary program includes regular appearances before a judge, participation in substance abuse education, drug testing, and treatment.

To enhance its ability to identify eligible participants, the New Castle County Drug Diversion Program introduced in July 1, 2010, the “RANT Assessment” instrument. “RANT” is an acronym for Risk and Needs Assessment 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 gives the court a basis to tailor the individual treatment needs of the client, enhance successful program completion, and to reduce recidivism.



## C) Mental Health Court

The Court of Common Pleas under the direction of Judge Carl C. Danberg, evaluates cases in the Court of Common Pleas for eligibility to enter Superior Court’s Mental Health Court program. The evaluation process involves ordering and analyzing

mental health evaluations and determining competency before referral.

## D) DUI Court

The Court of Common Pleas continues to operate the DUI Treatment Court Program in New Castle County, under the direction of Chief Judge Smalls, and previously, with Judge Sheldon K. Rennie. The Court accepted its first participants on December 19, 2014. In FY 2019, in New Castle County there were 62 active participants in the program; to date,



# COURT OF COMMON PLEAS

182 individuals have entered the program, 138 individuals have successfully completed the program, and 13 individuals have been terminated from the program. On February 2, 2018, DUI Court was expanded to Kent County Court of Common Pleas under the direction of Judge Charles Welch III and Commissioner Donald Bucklin; to date, 29 individuals have entered the program, 14 individuals have successfully completed the program and 2 individuals have been terminated from the program. To be eligible, the DUI must be a first offense with a high blood alcohol content (BAC) level or a second DUI offense; the DUI must not have resulted in severe bodily injury or death; the individual is subject to the DUI-RANT Assessment and must be within the High Risk/High Needs quadrant, and; the individual must plead guilty to the offense.

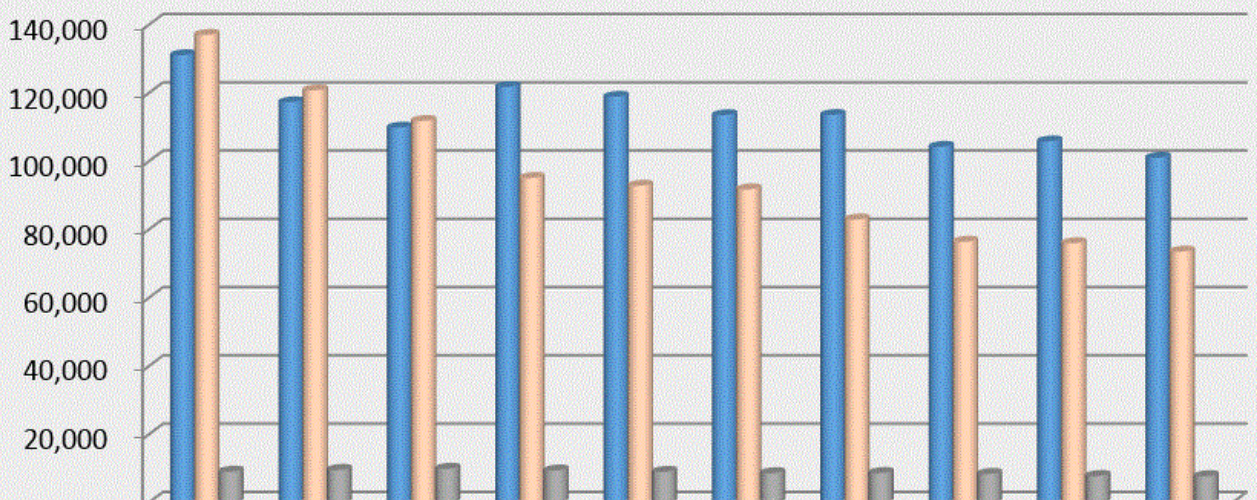
The program is authorized under 21 Del. C. § 4177(d) (2), and its goal is to enhance the community through the promotion of lifestyle change with specialized

treatment. The treatment program requires all participants to be evaluated by Brandywine Counseling & Community Services and complete the treatment. Specifically, they participate in the Prime Solutions Program, a motivational intervention approach to address alcohol or drug problems which encourage participants to change their behavior. Participants also are required to complete 240 hours of community service.

## E) Community Court

The Court of Common Pleas is collaborating along with other courts in the judiciary, justice partners, state service agencies and community groups to establish a Community Court in the City of Wilmington. The judiciary established a Community Court Steering Committee to participate in Community Court Planning, on which the Court of Common Pleas has representatives; the Steering Committee is comprised of other Court's representatives, justice

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



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Filings	131,073	117,252	109,836	121,752	118,864	113,471	113,547	104,205	105,796	100,995
Dispositions	137,037	120,782	111,815	95,102	92,834	91,781	82,939	76,435	76,012	73,535
Preliminary Hearings	9,066	9,590	9,917	9,398	9,011	8,621	8,689	8,402	7,798	7,739

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# COURT OF COMMON PLEAS

partners, social service providers and community group members. The purpose of the committee is to “provide oversight to the planning process, guide the direction of the Community Court through the resolution of pertinent issues, and to assist in the development of necessary partnerships with the community and other entities.” The goal of Community Court is to build a stronger/improved relationship between the criminal justice system and the members of the community, by engaging the community members and focusing on criminal justice issues they identify as a concern.

The Community Resource Center was completed and opened on the second floor of the Leonard L. Williams Justice Center (formerly, the New Castle County Courthouse). The resource center will bring the justice center and many other service providers together in one location. Justice involved individuals will have immediate same site access to make connections with a variety of service providers to address needs ranging from education, mental health, substance abuse, housing, and food. One of the primary focuses of the resource center will be connecting offenders with employment. Job training, resume writing, and connecting defendants with employers willing to give them a second chance to reenter the workforce will all be accessible at the center. The resource center will not only be a resource for defendants as the center will be open to anyone in the community looking to be connected to needed services. This is an innovative way to restore the relationship between the justice system and the communities it services to improve access to justice and the public’s trust and confidence in the legal system. The Court of Common Pleas is prepared to begin accepting cases to the Community Court Calendar in FY 2020.

## Technology Innovation

In March 2017, the court launched its new Interactive Voice Response System (IVR) to provide self-service options to customers 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. During FY 2019, the IVR system received an average of 86 calls per day, including calls on weekends and holidays, and reduced the number of callers who hung up after being placed on hold by nearly two-thirds.

## Enforcement of Court Orders

In FY 2019, the Court of Common Pleas collected approximately \$5,714,985 in fines, costs, and assessments. A significant portion of the Court’s collections represents restitution payments to victims of crime.

The Court has a memorandum of understanding with the Office of State Court Collections Enforcement (OSCCE) to assist in funds collection. OSCCE collected \$13,911 through kiosk transactions in FY 2019. These community-based service kiosks reduce the need for the public to travel to the courthouse to pay court costs and fines, saving both the public and court staff time.

## 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.” ♦



# COURT OF COMMON PLEAS

## COURT OF COMMON PLEAS COMMISSIONERS



*Standing left to right:*  
Commissioner Mary McDonough  
Commissioner Donald Bucklin

## COURT OF COMMON PLEAS JUDGES



*Front row (standing left to right):*

Judge Anne Hartnett  
Chief Judge Alex J. Smalls  
Judge Rosemary Betts  
Beauregard  
Judge Carl C. Danberg

*Back row (standing left to right):*

Judge Charles W. Welch III  
Judge John K. Welch  
Judge Kenneth S. Clark, Jr.  
Judge Robert H. Surles  
Judge Bradley V. Manning

# JUSTICE OF THE PEACE COURT



## JUSTICE OF THE PEACE COURT

### CHIEF MAGISTRATE ALAN G. DAVIS

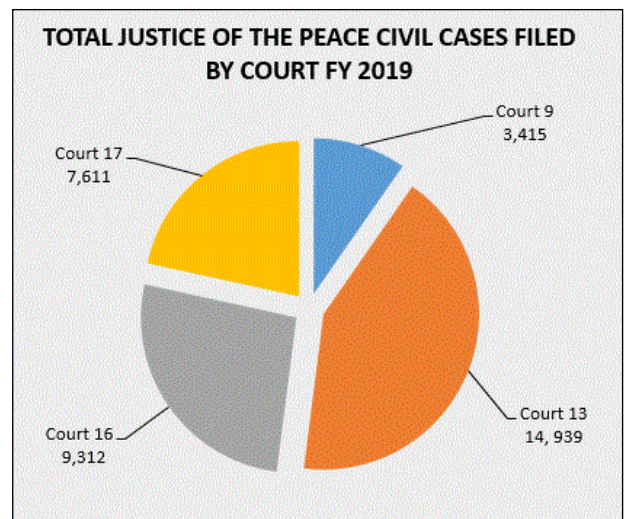


In my message contained in last year’s annual report, I talked about what a “resourcefully innovative” organization the Justice of the Peace Court is. We take the limited tools we have at our disposal and put them to work for the benefit of our users, our staff and the public at large to create new processes and improved outcomes. This year’s message will echo some of that, but add a dash of another Justice of the Peace Court characteristic – adaptability.

Last year I briefly mentioned a new process we were testing to allow police officers to use electronic signatures to swear to warrants. We were also working through the logistics of using Skype in lieu of our regular videophone system, to allow officers to swear to a warrant from the road. I am pleased to say that this past fiscal year saw the statewide rollout of the electronic warrant swear-to process and expanded use of Skype by a number of approved police agencies.

Here is how the process works. An officer writes an arrest warrant application in the Law Enforcement Investigative Support Service (LEISS), as they have for years.

The Delaware Criminal Justice Information System (DELJIS) has built a dashboard for our judges to log into to see warrant applications as they are queued up for their particular court location. The judge selects and reviews the warrant online for probable cause and then either preliminarily approves or rejects the warrant. An email is sent to the officer indicating the judge’s decision. If the warrant is preliminarily approved, the court initiates either a videophone or a Skype call with the officer to swear the officer to the contents of the warrant. Once sworn to, the judge approves the warrant on the dashboard and the electronic signatures



# JUSTICE OF THE PEACE COURT

of the judge and the officer are applied to the warrant and retained in the system.

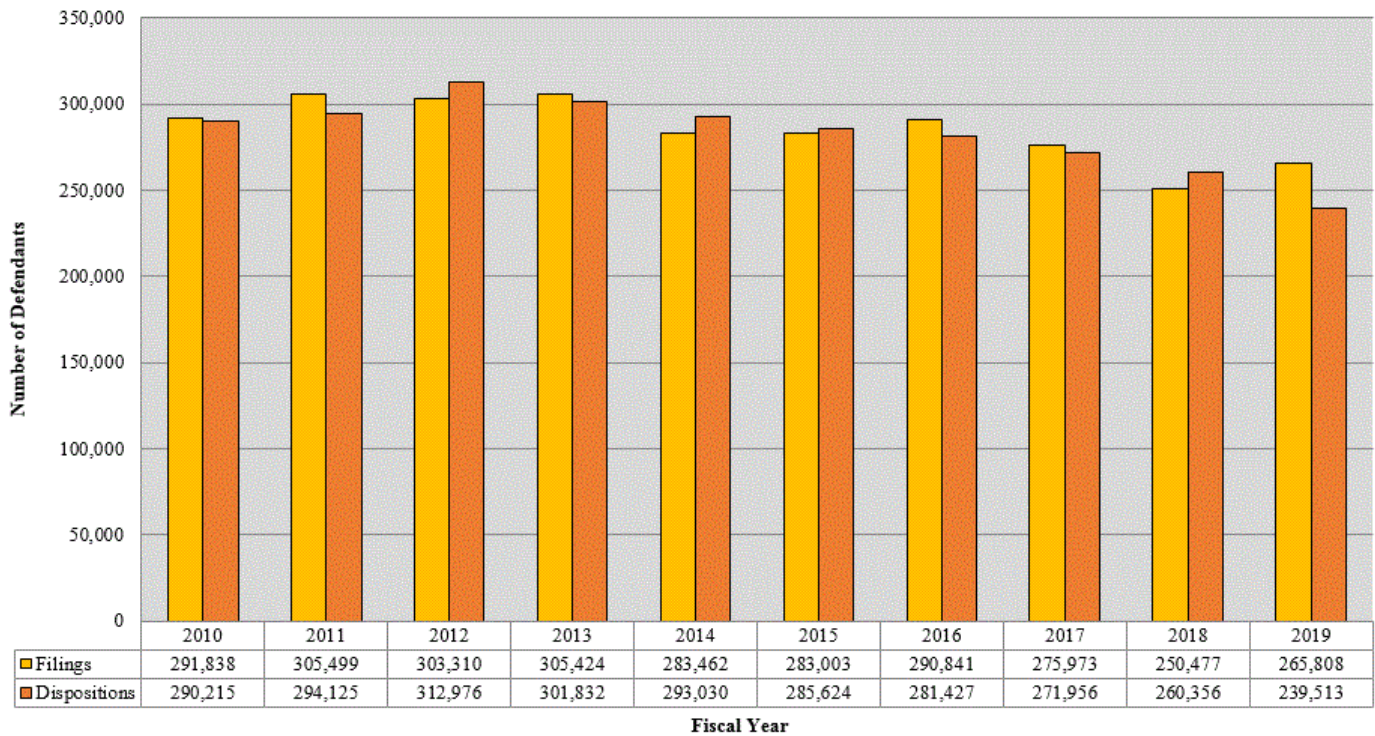
In this day and age, this seems pretty simple and straightforward. I can hear some of you saying right now, “How is this innovation when it is how half the world conducts operations on a day-to-day basis?” What is remarkable to me is that it is built on a foundation of thirty-plus year-old technology (with an overlay of some newer add-ons), and is — as far as I have been able to ascertain — the only statewide fully automated warrant review and approval system in use.

Furthermore, once we are able to maximize use of Skype, there will be significant benefits to both the police and the public. In theory, we should be able to achieve a situation where an officer may be able to investigate a criminal act, make an arrest, have the necessary warrant approved, conduct an initial

presentment before the Court with a defendant in custody, and – if the defendant is not going to be otherwise held – release that individual, all without leaving the initial scene. That will save hundreds of thousands of hours a year.

Finally, this little program may well become the backbone of this Court’s magisterial operations and forever change the way that we do our business. The Justice of the Peace Court is obligated by law to operate on a 24/7/365 basis. We have three 24-hour locations that are constantly staffed by clerical workers, security officers and judges. By leveraging this new system, the Court may well be able to reduce our 24-hour footprint by consolidation of off-hours operations, thereby decreasing our likelihood of having to request additional resources in the future and diverting those already applied to this service to other needs within the Court.

**Justice of the Peace Court Civil & Criminal/Traffic Filings and Dispositions by Fiscal Year\***

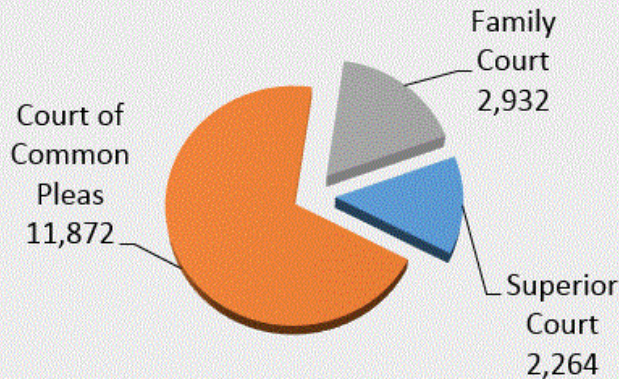


\*Criminal filings and disposition information is by defendant

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# JUSTICE OF THE PEACE COURT

## CAPIASES CLEARED BY JUSTICE OF THE PEACE COURT FOR OTHER COURTS FY 2019



In a similar display of innovation, the Court has adopted, with the help of the Secretary of State's office, a method to electronically transmit out-of-state service of process paperwork, often called long-arm service, to the Secretary of State's office for proper service of defendants residing in another state. The previous process involved manual filing of papers by both the Court user and the Court itself, the transport of paperwork across county lines by Constables and duplicate data entry by clerical staff. As with any process that involves shuttling papers from one location to another, there was always the risk of documents getting lost, misplaced, or misfiled. By partnering with the Secretary of State's office, and using an e-filing system already in use by that organization, Court staff can now directly – electronically – file this service of process paperwork. This saves Court personnel approximately 600 hours per year. Perhaps best of all, from a Court user standpoint, they no longer have to cut separate checks to both the Court and the Secretary of State and they can use the Court's e-filing system to file all necessary paperwork, without any direct interaction with the Secretary of State.

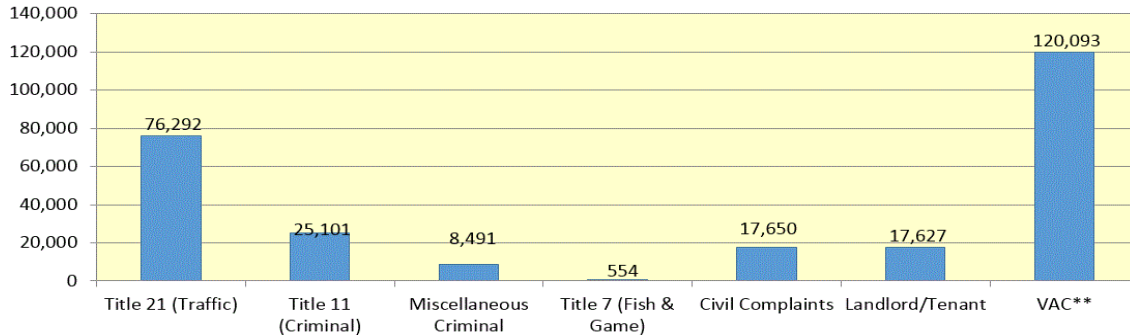
This Court also had an opportunity to display its adaptability this past fiscal year. With the passage of House Bill 204, the pretrial system of Delaware changed in significant ways. The new legislation required the use of a standardized, empirically-developed risk assessment tool as well as a focus on using alternatives to detention where applicable. This pairing results in less reliance on monetary bail. The judges of this Court have always examined cases on an individual basis while still trying to treat similar cases and similarly situated individuals similarly. The Court has also used a version of a risk assessment tool for several years, but the new system brought significant challenges.

The new law meant the establishment of new rules. Due to the press of time after passage of the legislation, the interim rules were not ready for roll-out until weeks before their implementation. While the system established by the rules was certainly appropriate and within the realm of the foundation of the legislative mandate, the Court was not entirely prepared for the changes that this brought.

I once heard a Justice of the Peace Court employee say, "We make the impossible look easy." True to that "can do" and "make it happen" attitude, the judges and staff of this Court buckled down and learned an entirely new system of pretrial justice within just a few weeks. Yes, there were some bumps and hiccups, but for the most part this system has been implemented with relatively few major issues. We are in a position now of monitoring the data generated by this newly implemented system and looking for ways to improve it. Because the rules are interim, acknowledging that some changes will be necessary to address known problems, in the near future the Court will once again be asked to modify its way of doing business to address a newly modified system. While not nearly as drastic a change as what we experienced in the past year, it will nonetheless test our ability to adapt to our changing world. ♦

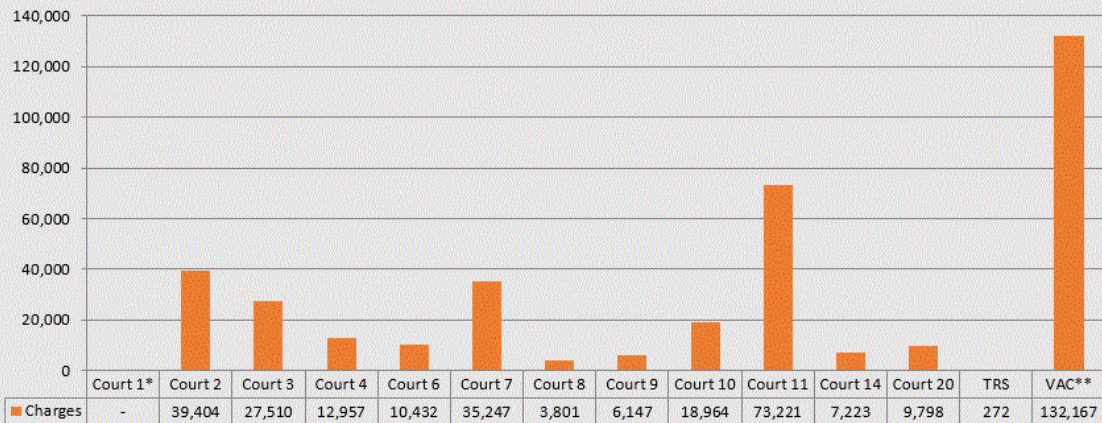
# JUSTICE OF THE PEACE COURT

**NUMBER OF JUSTICE OF THE PEACE COURT FILINGS\* BY TYPE  
FY 2019**



\*Criminal filings are by defendant.  
\*\*Voluntary Assessment Center.

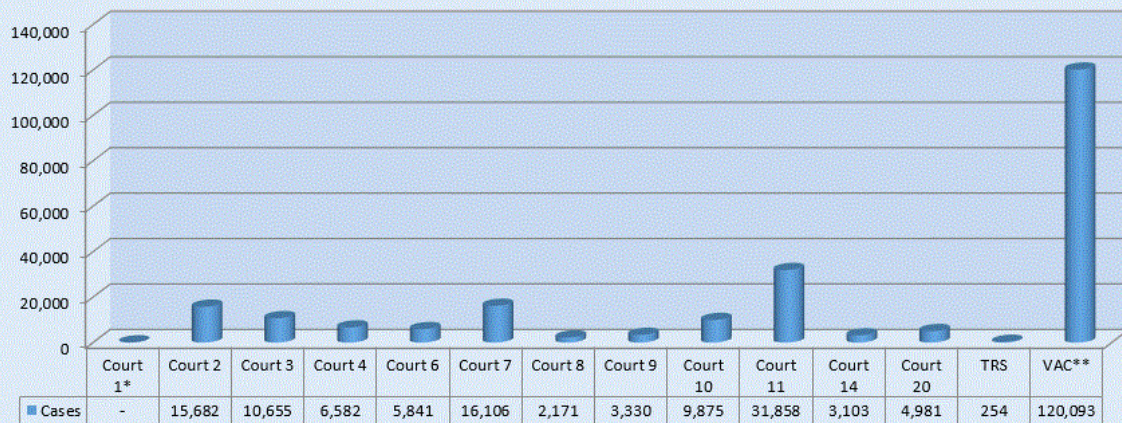
**JUSTICE OF THE PEACE COURT CRIMINAL & TRAFFIC CHARGES BY COURT FY 2019**



\*JP Court 1 closed November 2016.

\*\*Voluntary Assessment Center.

**JUSTICE OF THE PEACE COURT CRIMINAL & TRAFFIC CASES BY DEFENDANT BY COURT FY 2019**



\*JP Court 1 closed November 2016.

\*\*Voluntary Assessment Center.

Continued on next page

# JUSTICE OF THE PEACE COURT



## NEW CASTLE COUNTY JUDGES

***Front row, sitting (left to right):***

Cheryl McCabe-Stroman, Amanda Moyer, Deputy Chief Magistrate Sean McCormick, Marie Page, Kerry Taylor, Shameka Booker

***Middle row, standing (left to right):***

John Potts, Thomas Kenny, Rodney Vodery, Susan Ufberg, Maria Perez-Chambers, Mary Ellen Naugle, Robert Lopez, Christopher Portante, Bobby Hoof

***Back row, standing (left to right):***

Senior Judge William Moser, James R. Hanby, Sr., David Skelley, Peter Burcat, Thomas Brown, Vincent Kowal, Gerald Ross, Alexander Peterson III

***Not pictured:***

Nina Bawa, Susan Cline, Bracy Dixon, Jr., Emily Ferrell, Beatrice Freel, Shelley Losito, Katharine Ross



# JUSTICE OF THE PEACE COURT



## KENT COUNTY JUDGES

***Front row, sitting (left to right):***

Nicole Alston-Jackson, Deputy Chief Magistrate Cathleen Hutchison, Jamie Hicks, Judy Smith

***Back row, standing (left to right):***

Dwight Dillard, Kevin Wilson, D. Ken Cox, James Murray, Alexander Montano

***Not pictured:***

Dana Tracy, W.G. Edmanson II, Michael Sherlock

Continued on next page

# JUSTICE OF THE PEACE COURT



## SUSSEX COUNTY JUDGES

***Front row, sitting, (left to right):***

Senior Judge Jeni Coffelt, Leah Chandler, Deborah Keenan, Deputy Chief Magistrate Sheila Blakely, Stephani Adams, Senior Judge Marcealeat Ruffin

***Back row, standing, (left to right):***

John McKenzie, W. Patrick Wood, Maria Castro, Michelle Jewell, Christopher Bradley, James Horn, John Hudson, Scott Willey, Nicholas Mirro, Mirta Collazo

***Not pictured:***

John Adams, Bethany Fiske, Jana Mollohan, Jennifer Sammons

## JUDICIAL BRANCH EMPLOYEES RECOGNIZED



**Assistant Jury Services Manager Ken Creedon of the Delaware Superior Court** was named the 2018 Judicial Branch Employee of the Year. Ken also led the Jury Improvement Innovation Team that was recognized with the Governor’s “Commitment Award” for 2019. The team was responsible for a series of innovations that improved the efficiency and operations of Jury Services including the “Web Solution Project” that for the first time allowed prospective jurors to fill out a jury questionnaire online and request a postponement or dismissal, if needed. The change not only provided a welcome time-saving convenience for prospective jurors, but it also saved the Superior Court thousands of dollars in staff time and supplies. Other members of the Jury Improvement Innovation Team included the following employees from Superior Court: Kristin Dangelo, Lisa Parker, Mei-Ling

Cosgrove, Karen Horsey, Karen Taylor, Melanie Ewing-Lahutsky and Brian Clairmont; the following employees from the Judicial Information Center: Shawn Facen-Simmons, Ryan Fontello, Ann Hsu, Ken Kelemen, Saoud Khan, Achille Tcheou and Amy Whitman; and the following employees from the Department of Technology & Information: Nikia Wongus, Paul Kanich and Robert Jacobs.

For his individual honors, both as the Superior Court and Judicial Branch Employee of the Year, Creedon, who is now Superior Court Prothonotary, was cited for his enthusiasm and innovation in his position as a supervisor. In the words of Jury Services Manager Andrew Brennan, Ken is “a true gentleman, and if you meet him for one moment, you have become a better person.”

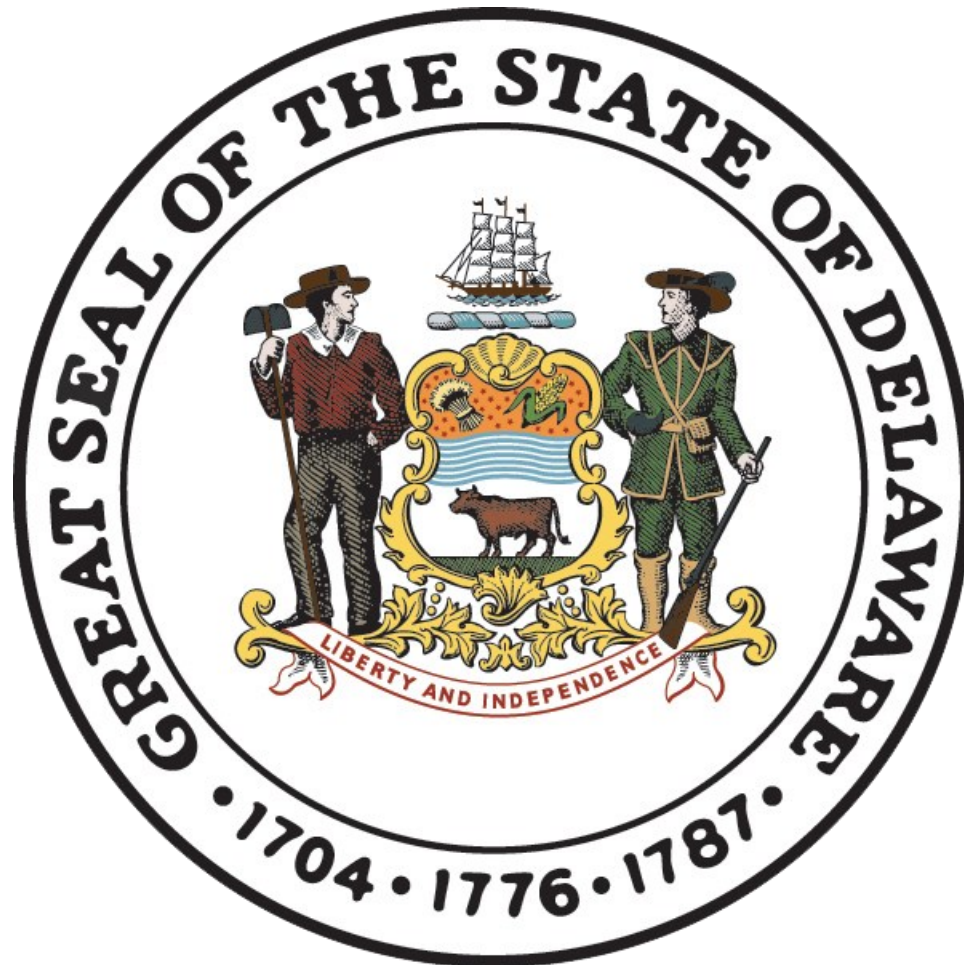
Other employees nominated for the Branch Employee of the Year award and who were honored as Employee of the Year for their respective courts include:

**Niakesha Selby, Social Services Specialist II, Family Court.** Niakesha, who has been with Family Court since 1998, was cited for her exceptional performance, achievement, initiative and selflessness in her duties. “I’ve witnessed Niakesha communicating with our litigants on many occasions and she has a way of explaining our process that has a calming effect,” said her supervisor, Cynthia Burris. Niakesha also often goes above and beyond, such as when she worked diligently to get a fee waived for a father who did not have the funds to pay for a needed paternity test.

**Jennifer Shaffer, Sussex County Judicial Operations Manager, Court of Common Pleas.** A Court employee since 2005, Jennifer was cited for her willingness to assist, on top of her regular duties, in a number of jobs during a period of high employee turnover in Sussex County Court of Common Pleas. Jennifer is organized, has effectively trained numerous new employees, and faces challenges and difficult situations with patience and tact. Her dedication and devotion to excellence reflects what we hope to see in all our employees.

**Francis Walker, Court Security Officer II, Justice of the Peace Court.** Francis was praised as a “unique and vital member of the Court.” During a staffing shortage, Francis volunteered to work as the “Constable Central Dispatcher,” allowing other Constables to attend to other important duties while he manned phone lines and monitored radio traffic. He also assisted with training 29 officers on a new system and attended more firearm practices than any other officer in the state.

**Betsy Bachmurski, Judicial Information Center Developer, Administrative Office of the Courts.** Betsy, who has been with the Judicial Information Center since 1997, was cited for her dedication and work ethic over her long service to the Courts. Betsy “takes problems and can think in many different directions to identify options and define the best solution,” said Ken Kelemen, Information Systems Manager. He added that Betsy not only excels at completing a great quantity of assignments but does so with a high level of quality. ♦



**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/FY19>  
2019 Annual Report, Statistical Report of the Delaware Judiciary and  
additional Delaware Courts background information*