

MESSAGE FROM CHIEF JUSTICE COLLINS J. SEITZ, JR.

2021 A Year of Change, Challenges and History



For the Delaware Judiciary 2021 was a year of challenges and changes, but also a time for celebrating our history. While the Judiciary continued to navigate the COVID-19 pandemic, the courts were able to largely resume normal operations thanks to the lessons we learned and several critical transformations brought about by our pandemic response.

This year we commemorated Family Court's 50th anniversary. While we recognize September 7, 1971, as its official "birthday," Family Court's origins go back to 1911 with the founding of the Juvenile Court for Wilmington. In 1923 that court's jurisdiction grew to encompass New Castle County, and in 1933 a juvenile court was created for Kent and Sussex Counties. While later legislation expanded the courts' jurisdiction to cover all family matters, it was not until 1971 that legislation created a unified Family Court, giving Delaware the modern Family Court system we have today.

On September 7, 2021, the Judiciary hosted an outdoor ceremony on the Green outside Legislative Hall in Dover. Past and present members of the Judiciary, legislative leaders and other guests gathered to celebrate Family Court's historical milestone. Family

Court Chief Judge Michael K. Newell led the ceremony. He praised the actions of our state leaders 50 years ago who "had the remarkable foresight to create one unified statewide Family Court to address some of the most personal and intimate problems facing citizens of Delaware. In my conversations with other juvenile and family court judges from around our country, I always come away with the unquestioned feeling that we did it right."

Governor John Carney spoke at the ceremony and presented a proclamation to Family Court, thanking all the Judges and Staff in Family Court for the hard work they do every day. Delaware State Senate President Pro Tempore David P. Sokola and State Representative Krista M. Z. Griffith, a former prosecutor in Family Court, also spoke. They each presented a proclamation from the Delaware Senate and Delaware House, respectively. I also had the honor of offering remarks along with former Supreme Court Justice Randy J. Holland and retired Family Court Judge Jay H. Conner.

This year was also key to Family Court's future. In 2021, the Legislature approved \$131 million in funding for the construction of new Family Court facili-

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ties in Kent and Sussex County. The Judiciary's effort to build these new courthouses in Dover and Georgetown began 15 years ago when a space study identified significant issues in the existing court facilities. Among those issues were inadequate space for separating litigants and for legal consultation, courtrooms too small for effective security and safety, and lack of adequate space for detainee separation and transfer. The construction of the new Family Court facilities will rectify these issues with spacious segmented waiting areas and private conference rooms, larger courtrooms, separate and secure holding and transfer areas, and state-of-the-art technology.

And, thanks to Family Court's outreach efforts in Kent and Sussex County these new facilities will benefit downtown businesses and help Dover and Georgetown continue to thrive. In Georgetown, Family Court collaborated with the community to keep the new courthouse in the downtown area and to ensure that the new building mirrors the historic character of the county seat. The new courthouse will be located directly across from the historic Sussex County Courthouse and will have a dedicated parking facility to help alleviate longstanding parking issues in that area. Groundbreaking on the Georgetown Family Court facility is expected in 2022. Construction of the new Family Court facility in Dover – to be located a few blocks from the Kent County Courthouse on Water Street – is expected to follow soon thereafter. These new court facilities will ensure that Family Court matters, which are often the most contentious cases in Delaware Courts, continue to be addressed with safety, efficiency, and dignity.

This year also marked the 50th anniversary of the Administrative Office of the Courts. The Administrative Office of the Courts was created in 1971 to assist the Chief Justice in carrying out the constitutional duties as the administrative head of all the Delaware Courts. Much of the AOC's work is behind-the-scenes. Yet, the AOC is indispensable in providing the critical administrative services to support the Judicial Branch's operations, such as development and implementation of branch-wide administrative policies, standards and procedures; branch-wide technical support by the Judicial Infor-

mation Center; serving as the Judicial Branch's legislative liaison; and coordinating the preparation, review and submission of the Judiciary's budget. The AOC has also been instrumental in the Judiciary's continued success in overcoming the many challenges presented by the COVID-19 pandemic throughout 2021.

Following the national COVID-19 vaccine rollout and a drop in infection and mortality rates in late spring, the Judiciary ended the state of emergency declared in March 2020. We resumed jury trials and restored full court operations. Unfortunately, that return to normalcy was brief as the COVID-19 Delta variant emerged, causing infection and hospitalization rates to again rise. This prompted our maintaining the safety measures adopted in 2020 and restoring the mask mandate for all Court Staff and visitors. The Judiciary also wanted to do its part to help increase Delaware's vaccination rates. Here again, the AOC played a crucial role in realizing that goal. In addition to participating in several Executive Branch-sponsored vaccination events, the Judicial Branch hosted several vaccination clinics during the summer in the Leonard L. Williams Justice Center in Wilmington, and in the Kent and Sussex County courthouses. We also coordinated with our federal judicial colleagues to offer vaccines. In September 2021, the Judiciary directed that its employees provide proof of vaccination or participate in weekly COVID-19 testing. The weekly testing program was a significant and complicated undertaking. But, with the efforts and dedication of the AOC and all our Courts, the program was quickly and successfully implemented and continues to operate smoothly, thereby ensuring the health and safety of all who come into the Delaware Courts.

Before the pandemic, it was hard to imagine court proceedings not being in-person. In 2021, however, online and video technology shifted from a temporary measure to a regular feature of our daily operations. It will remain a core part of Judicial Branch functions even after we return to pre-COVID activities. The complete integration of video technology and online platforms in all Courts, necessitated by the continuing pandemic, was a transformative change for the Judiciary. Through this increased use of technology the Judiciary was able to review how

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our Courts function and identify areas in critical need of improvement. With the many lessons learned in adapting to pandemic constraints and with a substantial boost in funding from the General Assembly and the federal government, the Judiciary redoubled its efforts to implement a state-wide electronic filing, case management and document management system. Along with several other projects to upgrade and enhance courtroom technology, the state-wide electronic filing, case management and document management system project will finally modernize and fully integrate Delaware's unified court system. It will improve efficiency in document processing, facilitate communication and information exchange between Courts, and reduce operating costs. It will also enable the Judiciary to better track, synthesize and analyze case data so that our Courts can evaluate their programs and processes. Most importantly, this project will expand access to justice for everyone coming to our Courts.

The Delaware Judicial System is synonymous with fairness, objectivity and consistency. Ensuring this fairness, objectivity and consistency in 2021 required our employees to quickly adapt to the technological evolution of the Judiciary's operations and functions. Across the entire Judicial Branch our employees rose to this challenge and ensured the Judiciary's fair administration of equal justice for all despite the continuing pandemic. The Judicial Branch could not have achieved any of its successes in 2021 without their hard work, flexibility and commitment.

We would not have survived the pandemic without the tremendous efforts of our Judicial Information Center. Our JIC staff put in countless hours installing, launching and maintaining the vast technical infrastructure needed to support all Judicial Branch operations. From the pandemic's onset in 2020 and throughout 2021, JIC mobilized a response team to assess the IT needs of every court in every county, and nimbly deployed resources throughout the state. They provided comprehensive VPN remote access, training and support to all court staff. The JIC team also created more than a dozen interactive internal and public webpages that provided information and updates on court operations, access to pandemic policies and procedures, and access to new online forms. They installed equipment in courtrooms and offices

to facilitate over 33,000 virtual hearings, meetings, and remote trials between April 1, 2020 and April 1, 2021. JIC's most creative innovation was mobilizing PCs and video equipment. Mounted on small carts, the PC and video equipment was easily moved between and within courtrooms, allowing full remote access in 75 different courtrooms in 24 different buildings. A team from JIC was formally recognized for their stellar performance by Governor Carney, receiving the Governor's Award for Efficiency and Innovation in May 2021. We congratulate JIC on their well-deserved award, and again thank them for their extraordinary and dedicated service to the Judiciary.

In addition to technological integration, 2021 brought another substantial development for the Judiciary. The onset of the pandemic prompted the Judiciary to set a moratorium on the collections of fees and fines, which was lifted in the Fall of 2021. While the moratorium was in place, the Courts worked with the Office of State Court Collections Enforcement to conduct a thorough review of the fees and fines charged to convicted defendants in each of our Courts, how payments of fees and fines are handled, how fees and fines debts are discharged, what mechanisms are used to collect delinquent accounts, and how those mechanisms can be improved. This review led to several important reforms. We have started to develop a set of collections standards based on best practices used in private sector collections. Also, when collections resumed, we ended efforts to collect non-restitution debts consisting solely of fees and fines that were greater than 10 years old. Collection enforcement of such non-restitution debts inhibits rehabilitation and often disproportionately impacts Delaware's most vulnerable populations. This policy change resulted in debt forgiveness for more than 42,000 cases and has allowed the Office of State Court Collections Enforcement to devote more attention to collecting restitution for victims. Of note, studies have shown that a collections policy based on ability to pay can actually increase collections.

In 2021, the Judicial Branch saw the retirement of two of our noted jurists. Chancellor Andre Bouchard retired from the bench at the end of April. For seven years Chancellor Bouchard served the Delaware Judiciary with distinction. During his tenure Chan-

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cellor Bouchard oversaw the Court's expansion, navigated the Court's significantly increased case load, and confronted the early, most challenging months of the COVID-19 pandemic. We thank him for his outstanding service to the Judiciary.



Former Court of Common Pleas Chief Judge Smalls' (left) portrait unveiling ceremony.

In May, Chief Judge Alex J. Smalls retired from the Court of Common Pleas. Chief Judge Smalls graced the Delaware Judiciary with exemplary service for over 29 years. Not only was Chief Judge Smalls a universally respected jurist, he was also a pioneer of equality. Chief Judge Smalls was one of the first African Americans appointed to a state court when he was named as a judge on Wilmington's Municipal Court. There he served alongside Judge Leonard L. Williams, another equal justice pioneer. Chief Judge Smalls again made history when he was appointed to the Court of Common Pleas. He was the first African American to lead the Court of Common Pleas, and the first African American to head a Delaware Court. We thank him for his dedicated and exemplary service.

This year's judicial appointments brought several important firsts for the bench. The appointment of

the Honorable Kathaleen St. J. McCormick as Chancellor marks the first time a woman has led the Court of Chancery. With Chancellor McCormick's appointment and the appointment of Vice Chancellor Lori Will, 2021 is the second time in its history that Chancery Court has a majority of female judicial officers. This year's Superior Court and Court of Common Pleas appointments also brought notable achievements in diversity. The appointment of the Honorable Reneta Green-Streets to Superior Court marks the first time both a woman and a person of color has served on the bench in Kent County. The appointment of the Honorable Monica Horton marked the first time an African American woman has served as a Court of Common Pleas judge in New Castle County. And, the appointment of the Honorable Rae M. Mims marked the first time an African American woman has served on the Court of Common Pleas in Sussex County. We are proud of these groundbreaking judicial appointments and the progress they represent for the Judiciary's ongoing efforts to diversify our Bench and Bar.

In May 2021, we officially launched the Delaware Bench and Bar Diversity Project. The Judiciary is working with the National Center for State Courts and the AccesLex Institute to develop a strategic plan to address the systemic obstacles to diversity in Delaware's legal profession. Justice Montgomery-Reeves will join me in chairing this initiative, and we are confident that this project will serve as a national model for other jurisdictions.

For 2022, the Judiciary looks forward to building on its achievements, further enhancing diversity and access to justice, and maintaining the unparalleled excellence for which the Delaware Courts are universally renowned. ♦