



Kent County
Superior Court



PRESIDENT JUDGE JAMES T. VAUGHN, JR.

SUPERIOR COURT

Superior Court proudly celebrated its 175th Anniversary this year on April 9, the very day of the first session of the Court in 1892. To commemorate this anniversary, a special session of Superior Court was held in the New Castle Court House in historic old New Castle. Here, Delaware judges, government officials, and distinguished guests gathered to honor and recall the Court's history and the people who, along the way, fashioned the Superior Court of 2007.

As of April 1, 2007, all new Alternative Dispute Resolution (ADR) complaints filed in Superior Court are filed electronically (e-filed). With the addition of the ADR cases, the majority of the Court's civil caseload is now e-filed. On the Superior Court website, the ADR membership listing pages were reformatted and upgraded. ADR filings across the state for 2007 numbered 3,453, and ADR dispositions, 3,343.

Statewide for 2007, Superior Court filings totaled 23,075, a 10 percent increase over last year; dispositions totaled 22,231, an 11 percent increase. The number of non-first degree murder cases moving through the system within allotted time frames remains consistent. At the end of June this year, thirty Murder 1st cases were pending in Superior Court. Additionally, the Court disposed of 5,134 Violation of Probation cases.

Superior Court's mortgage foreclosure filings have been steadily on the rise this year, and the trend is expected to continue. In keeping with its commitment to serving the public, the Court is involved in two projects associated with mortgage foreclosures—one initiated by the Office of the State Bank Commissioner (OSBC), and one initiated on its own.

SUPERIOR COURT

At the request of the OSBC, the Court agreed to give access to its JIC database for a study on mortgage foreclosure filings. This in-depth study was released this fiscal year. The study, in part, estimated “that 46% of owners in foreclosure either lost or sold their home subsequent to the foreclosure filing.” OSBC has established initiatives to help homeowners avoid foreclosures, and it continues to monitor monthly data supplied by the Superior Court Prothonotary Offices. Last quarter’s data showed a 32% increase in foreclosures across the state.

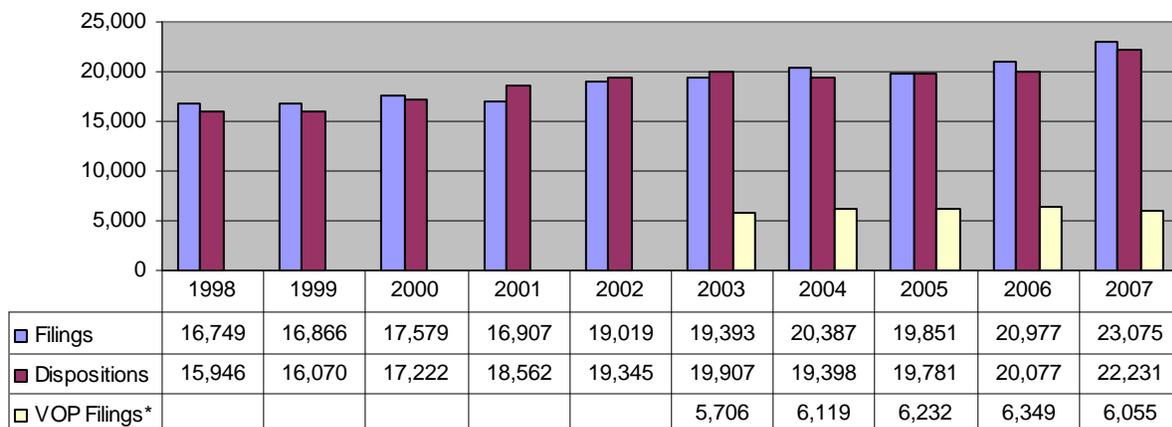
“Project Rightful Owner” went live on May 10, 2007. Conceived by Superior Court Judge Susan Del Pesco, the project is designed to help give something back to those citizens who have already lost their homes through Sheriff’s sales. Project Rightful Owner seeks to unite nearly \$5 million in excess proceeds of Sheriff’s sales with those to whom it rightfully belongs. The project has received some media coverage, and the process is fully outlined on the Court’s website. It takes

some time and effort to recover these excess proceeds. Even so, to date, over 30 disbursements of surplus funds have been released to petitioners.

As the COTS initiative moves forward, with each successful implementation seemingly coming faster and faster, Superior Court prepares for Phase 3 in 2008. Phase 3 will bring the Sussex County civil cases on to the new Contexte case management system. Superior Court judges and staff meet regularly with our Core Team members and Project Team representatives so that the Contexte system will work for us and the entire judiciary.

Finally, it is six years in a row now that Superior Court has been recognized as the premier court of general jurisdiction in the country by The Harris Poll State Liability Systems Ranking Study. It is gratifying to know that the Court’s core values of unity, neutrality, integrity, timeliness, equality, and dedication are working for the public it serves.

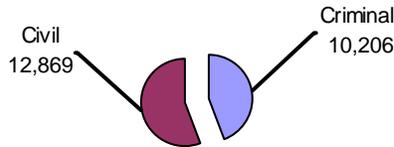
**SUPERIOR COURT CIVIL & CRIMINAL
FILINGS & DISPOSITIONS BY FISCAL YEAR**



*The number of VOP filings are not available for 1998-2007. The decrease in VOP cases for FY 2007 reflects the consolidation of VOP cases under Senate Bill 50 (11 *Del.C.* § 4333) and the ongoing research work of the SB 50 pilot unit.

SUPERIOR COURT

**NUMBER OF SUPERIOR COURT FILINGS BY TYPE
FY 2007**



LEGAL AUTHORIZATION

The Constitution of Delaware, Article IV, Section 1, authorizes the Superior Court.

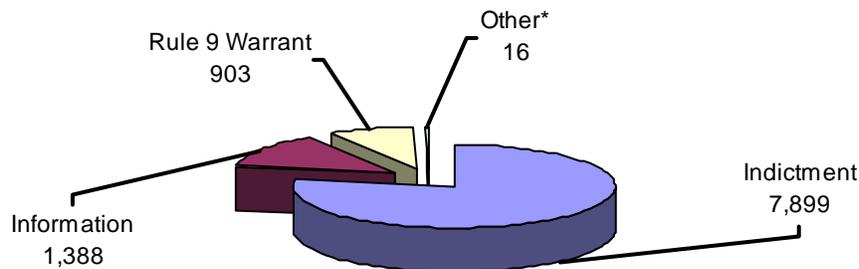
COURT HISTORY

Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

The law courts, which represent today's Superior Court jurisdiction, go back as

far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two courts. In 1951, the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed president judge. There were five Superior Court judges in 1951; there are nineteen today.

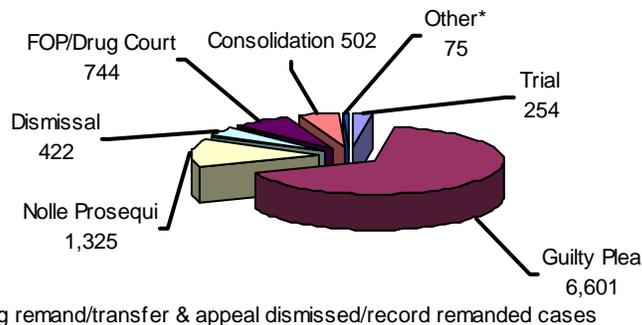
**NUMBER OF SUPERIOR COURT CRIMINAL
FILINGS BY TYPE FY 2007**



*Includes appeals, transfers, reinstatements & severances

SUPERIOR COURT

NUMBER OF SUPERIOR COURT CRIMINAL DISPOSITIONS BY TYPE FY 2007



GEOGRAPHIC ORGANIZATION

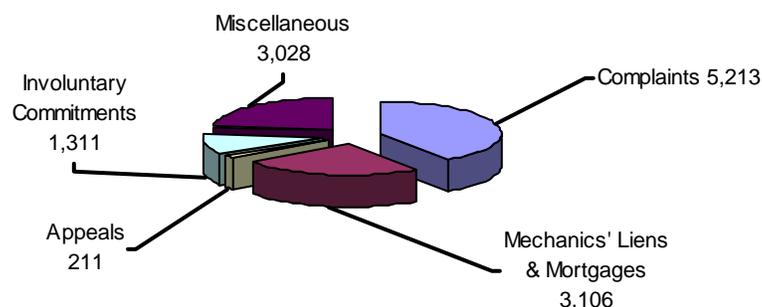
Sessions of Superior Court are held in each of the three counties, at the county seat.

LEGAL JURISDICTION

Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction, and domestic relations matters, which jurisdiction is vested with the Family Court. The Court's authority to award damages is not subject to a monetary maximum. The Court hears cases of personal injury, libel and slander, and contract claims. The Court also tries cases involving medi-

cal malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics' liens, and condemnations. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and possession of marijuana and certain other drug-related possession cases). Superior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware Psychiatric Center. The Court serves as an intermediate appellate court, hearing appeals on the record from the Court of Common Pleas, Family Court (adult criminal), and more than fifty administrative agencies including the Industrial Accident, Zoning

NUMBER OF SUPERIOR COURT CIVIL FILINGS BY TYPE FY 2007



SUPERIOR COURT

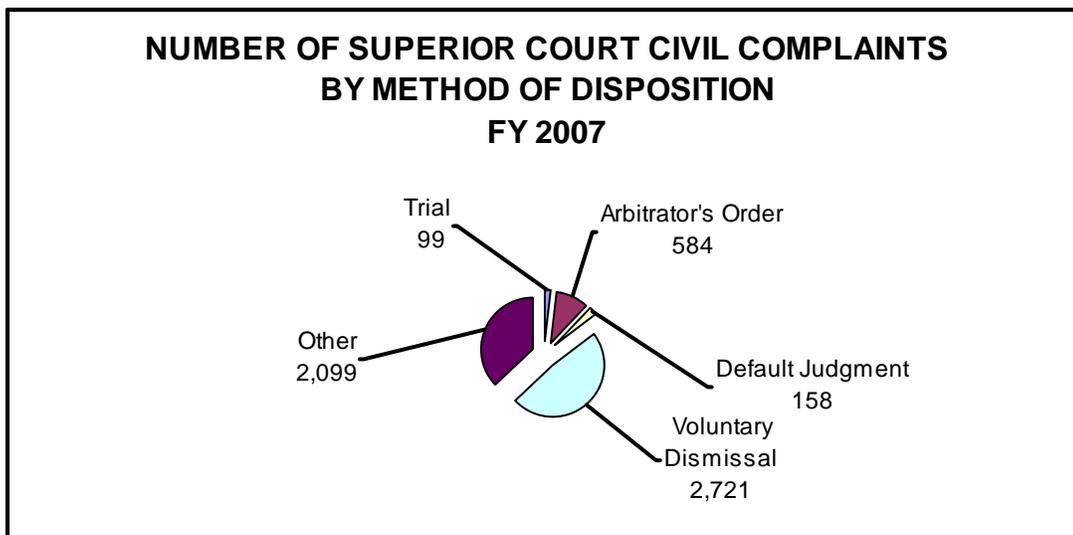
and Adjustment Boards, and other quasi-judicial bodies. Appeals from Superior Court are argued on the record before the Supreme Court.

SUPPORT PERSONNEL

Superior Court employs court reporters, law clerks, bailiffs, investigative services officers, a secretary for each judge, and other support personnel.

A prothonotary for each county serves as clerk of the Superior Court for that county. The prothonotary is directly involved with the daily operations of the

Court. The prothonotary handles jury lists and property liens and is the custodian of costs and fees for the Court. That office also issues permits to carry deadly weapons, receives bail, deals with the release of incarcerated prisoners, issues certificates of notary public where applicable, issues certificates of election to elected officials, issues commitments to the Psychiatric Center and collects and distributes restitution monies ordered by the Court in addition to numerous other duties. The prothonotary is also charged with security, care, and custody of the Court's exhibits. Sheriffs for each county also serve Superior Court.



JUDGES

Superior Court judges are nominated by the Governor and confirmed by the Senate. The judges are appointed for twelve year terms and must be learned in the law. There may be nineteen judges appointed to the Superior Court bench, one of whom is appointed president judge.

Three judges are appointed as resident judges and must reside in the county in which they are appointed. No more than a bare majority of the judges may be of one political party; the rest must be of the other major political party.

SUPERIOR COURT



Front Row (sitting left to right)

Judge Jerome O. Herlihy
Judge John E. Babiarz, Jr.
President Judge James T. Vaughn, Jr.
Judge Susan C. Del Pesco
Judge T. Henley Graves (SC Resident Judge)

Second Row (standing left to right)

Judge Richard F. Stokes
Judge William C. Carpenter, Jr.
Judge Richard R. Cooch (NCC Resident Judge)
Judge Charles H. Toliver, IV
Judge Fred S. Silverman
Judge William L. Witham, Jr. (KC Resident Judge)
Judge E. Scott Bradley

Back Row (standing left to right)

Judge Robert B. Young
Judge Calvin L. Scott, Jr.
Judge Joseph R. Slight, III
Judge Peggy L. Ableman
Judge Jan R. Jurden
Judge Mary M. Johnston
Judge M. Jane Brady