

COURT OF COMMON PLEAS



CHIEF JUDGE ALEX J. SMALLS

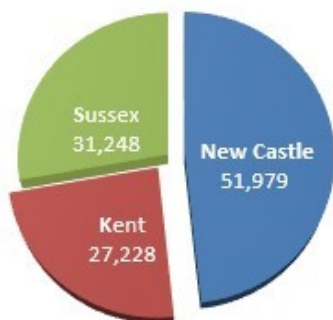
Fiscal Year 2020 was a year of unprecedented change within the Court of Common Pleas. However, the Court adapted and evolved to continue fulfilling its mission of providing a neutral forum for the people and institutions of Delaware, in the resolution of everyday problems, disputes, and more complex legal matters in a fair, professional, efficient, and practical manner.

The COVID-19 pandemic profoundly changed operations within the Court of Common Pleas. All court facilities were closed to the public for the majority of the fourth quarter of FY 2020, from March 23,

2020 until June 8, 2020. The Court of Common Pleas acted quickly to maintain access to justice, and immediately began holding critical criminal proceedings for individuals in custody via audiovisual platforms. The Court of Common Pleas also undertook numerous measures to facilitate the progression of criminal cases for individuals not in custody. The Court simplified and streamlined the process for defendants to enter a plea of not guilty without appearing in court under CCP Crim. R. 10(c), and expanded the opportunities for defendants to enter a plea of guilty without appearing in court under CCP Crim. R. 43. The Court of Common Pleas staff also rose

to the occasion when faced with the challenges of continuing operations during the COVID-19 pandemic. The Court of Common Pleas deployed laptops to enable remote work, and developed work-from-home policies so that the critical needs of the Court could be met. The Court established strategies for conducting proceedings via video platforms and began retrofitting courtrooms to accommodate both video and in

**COURT OF COMMON PLEAS CIVIL & CRIMINAL
FILINGS BY COUNTY FY 2020**



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-person proceedings under social distancing guidelines.

Civil case filings in the Court of Common Pleas decreased in FY 2020, but the Court continued to maintain a heavy civil caseload. In FY 2020, the Court of Common Pleas received 6,362 new civil complaints, in addition to 2,995 civil judgments, name changes, and appeals. Consumer debt collection continued to make up the bulk of the Court's civil caseload, accounting for 79.2% of the cases filed in FY 2020. Notably, to minimize the spread of COVID-19, the Court of Common Pleas established strategies for conducting civil proceedings, including motion hearings, pre-trial conferences, and name change petition hearings, via video platforms.

Despite the challenges presented by the COVID-19 pandemic, the Court of Common Pleas has continued to be an extremely busy Court, with over criminal 79,162 case filings in FY 2020. Overall, total case filings were down 10.8% from FY 2019, but in the first three quarters of the fiscal year (prior to the COVID-19 pandemic) filings in the Court of Common Pleas were up 5.2% over the same period last year. Criminal misdemeanor filings in the Court of Common Pleas in FY 2020 totaled 79,162, and 7,520 preliminary hearings were scheduled. These figures represent a 10.8% decrease in criminal misdemeanor filings and a 10.2% decrease in total criminal caseload compared to FY 2019. To manage this caseload, the Court of Common Pleas conducted criminal proceedings for defendants in custody by utilizing audio/visual technology. During the period that court facil-

ities were closed to the public (March 23, 2020, through June 8, 2020), the Court of Common Pleas held 3,344 criminal proceedings via video, the bulk of which were preliminary hearings.

While the criminal caseload has declined, the types of cases filed in the Court of Common Pleas are considerably more complex than in previous years. Traffic cases now make up a smaller share of the total caseload in each county. In FY 2020, there were 29,354 traffic charges filed in the Court of Common Pleas. This is a 16.6% decrease from the 35,190 filed in FY 2019. However, the overall misdemeanor filing total decreased by only 10.8% during the same period, and the growth rate of drug and alcohol cases has consistently outpaced other criminal filings. DUI transfers increased 31.7% — growing from 1,970 to 2,594 — between FY 2013 and FY 2020. In Sussex County, the Court's caseload grew with the drug cases doubling, from 5% of the county's total caseload to 11%, between FY 2012 and FY 2020.

DUI cases are among the most time-consuming events handled by the Court. In FY 2020, the part of the Court's criminal caseload consisting of DUI cases increased by 0.2%. From FY 2013 to FY 2020, the number of DUI cases transferred to the court increased by 31.7% statewide. All three counties followed a similar trend, which required additional time to adjudicate. While statewide DUI transfers increased by 31.7%, the number of DUI transfers in Sussex County rose 60.4% during the same period. This significant increase is being evaluated and addressed as we move forward.

The Department of Justice continues to aggressively review felony cases at preliminary hearings and, as



Cleaning staff disinfecting door handles at the Court of Common Pleas in Sussex County.

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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.

The Court of Common Pleas Mediation Program continues to distinguish itself as a valuable resource for criminal cases, civil litigants, and the community at large. The program provides an Alternative Dispute Resolution (ADR) option within the Court, which serves a significant number of clients throughout the state. The Community section of the Mediation Program assists local police agencies in resolving neighborhood disputes as well as those who wish to resolve disputes without the need for costly criminal or civil litigation. In addition, the Mediation Program serves as an ADR educational resource for attorneys studying for the Delaware Bar exam or Mediation Certification. In FY 2020 there were 1,293 cases referred for mediation statewide, however since the Mediation Program began in 2001, there have been 20,692 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. In

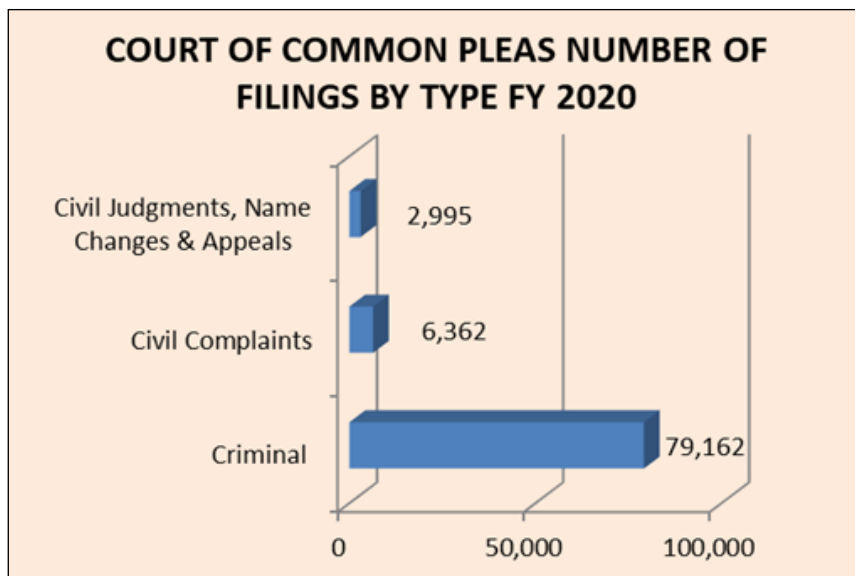
FY 2020, the Court's Mediation Program had a statewide success/satisfaction rate of 94%.

The Court Mediation Program continued to provide service without interruption during the COVID-19 Judicial Emergency. The Court of Common Pleas quickly adapted to provide services remotely through video, teleconference, and email. Alternative service options were developed for individuals required to perform community service including amending agreements to include donations to organizations providing service during the pandemic in lieu of community service. Statewide, clients of the Mediation Program have donated over \$2,000.00 to various organizations including the Food Bank of Delaware, local Domestic Violence shelters, and animal shelters.

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 Surles in New Castle County, Commissioner Donald Bucklin in Kent County and Judge Kenneth Clark in Sussex County. The Drug Diversion Program represents a collaborative effort between the Court, the Department of Justice, the Office of Defense Services, the private bar, treatment providers and the Public Health Management Corporation (PHMC) formerly known as the Treatment Research Institute (TRI) of the University of Pennsylvania. Collaboration with

the PHMC 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 9,114 participants since its inception in 1998.

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 2020, in New Castle County, there were



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55 active participants in the program. To date, 206 individuals have entered the program, 164 individuals have successfully completed the program, and 14 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. In FY 2020, Kent County had 24 active participants in the program and to date 40 individuals have entered the program, 24 individuals have successfully completed the program, and 3 individuals have been terminated from the program.

The Court of Common Pleas has begun the planning and implementation and steps have been taken to expand the DUI Treatment Court Program to Sussex County Court of Common Pleas.

We look forward to having the program up and running during FY 2021. This would complete our efforts to make the DUI Treatment Court available to all possible participants in all three counties of the State of Delaware.

To be eligible for the program, 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 test 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 community safety through the promotion of lifestyle changes with specialized treatment.

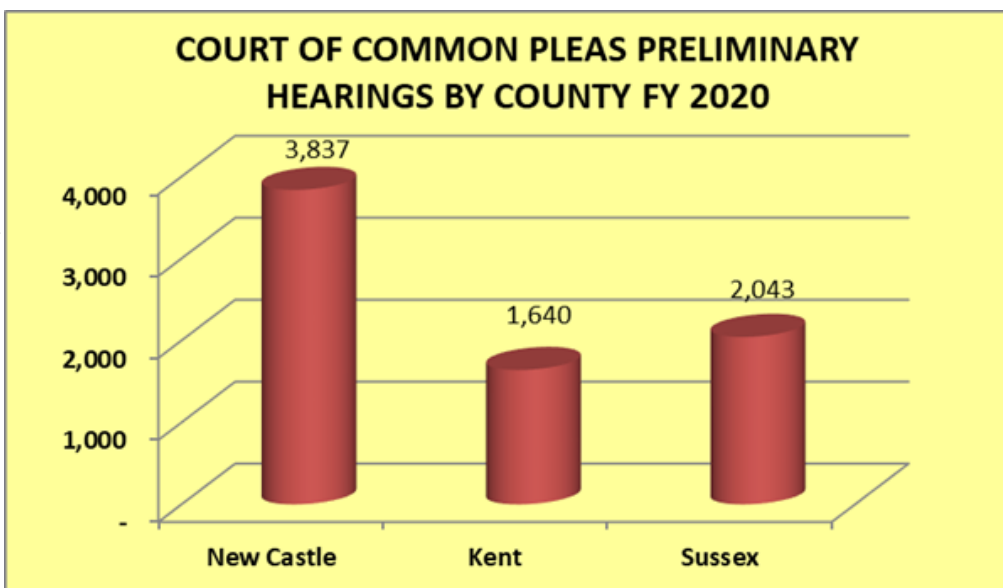
The treatment program requires all participants to be evaluated and complete a motivational intervention program to address alcohol or drug problems with a goal to change behavior. Participants also are required to complete 240 hours of community service.

The Court of Common Pleas also collaborated with other courts, justice partners, state service agencies and community groups to establish a Community Court in the City of Wilmington. A Community

Court Steering Committee consisting of Court representatives, justice partners, social service providers and community group members was created to manage the delivery of services. The purpose of the committee was

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.

The Community Resource Center was completed and opened on the second floor of the Leonard L. Williams Justice Center in Wilmington bringing many service providers together in one location. Justice-involved individuals have immediate access at the courthouse to make connections with a variety of service providers to address needs ranging



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from education, mental health, substance abuse, housing, and food. One of the primary focuses of the resource center is connecting offenders with employment. Job training, resume writing, and connecting defendants with employers willing to give them a second chance to reenter the workforce are all accessible at the center. The resource center is open to anyone in the community. This was an innovative way to strengthen the relationship between the justice system and the communities it serves to improve access to justice and to foster the public's trust and confidence in the legal system.

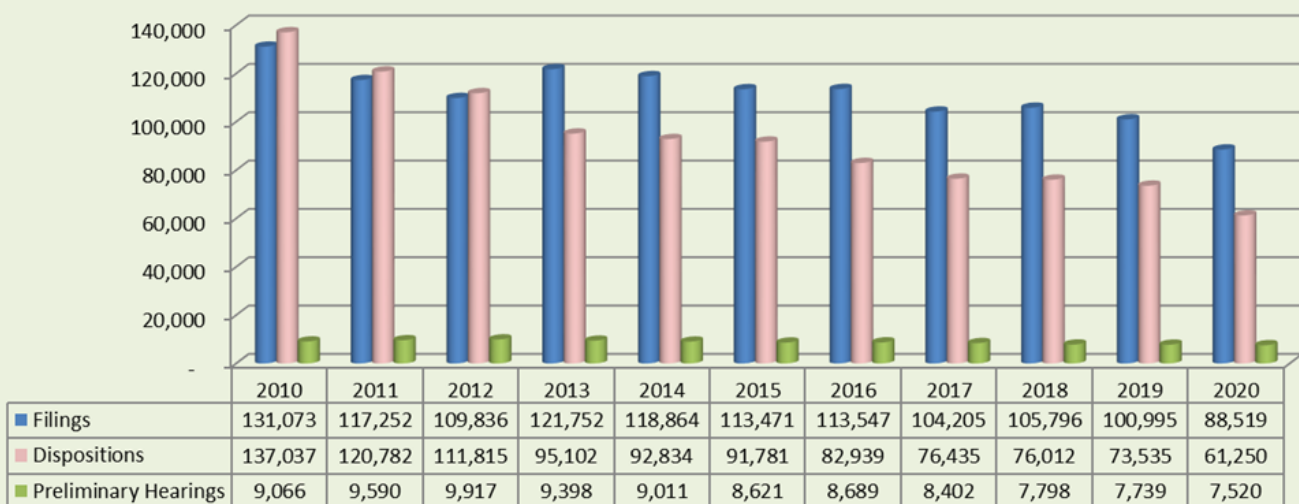
The Court of Common Pleas saw three judges retire during FY 2020. Judge Charles Welch III retired on January 1, 2020, after 20 years of dedicated service to the Court of Common Pleas for Kent County. Judge Rosemary Betts Beauregard retired on March 31, 2020, after 21 years of dedicated service to the Court of Common Pleas for Sussex County serving since April 22, 1999. Judge Beauregard has the distinguished honor of being the first female Judge to serve on the Court of Common Pleas. Judge John K. Welch retired on July 1, 2020, having served as an Associate Judge for the Municipal Court for the City

of Wilmington from June 1996 until his appointment to the Court of Common Pleas for New Castle County on May 1, 1998.

On January 31, 2020, the Court welcomed Judge Kathleen K. Amalfitano in Kent County. Prior to joining the Bench, Judge Amalfitano spent over 20 years as Assistant Supervising Attorney in the Office of Defense Services. In addition, Judge Amalfitano is an active member of the Delaware Army National Guard and provides legal assistance to members of the Delaware Air and Army National Guard. ♦



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



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COURT OF COMMON PLEAS JUDGES



Standing left to right: Judge John K. Welch; Judge Bradley V. Manning; Judge Kathleen K. Amalfitano; Judge Rosemary Betts Beauregard;

Seated left to right: Judge Robert H. Surles; Judge Kenneth S. Clark, Jr.; Chief Judge Alex J. Smalls; Judge Anne E. Hartnett; Judge Carl C. Danberg.



COURT OF COMMON PLEAS COMMISSIONERS

Standing left to right:
Commissioner Mary McDonough
Commissioner Donald Bucklin