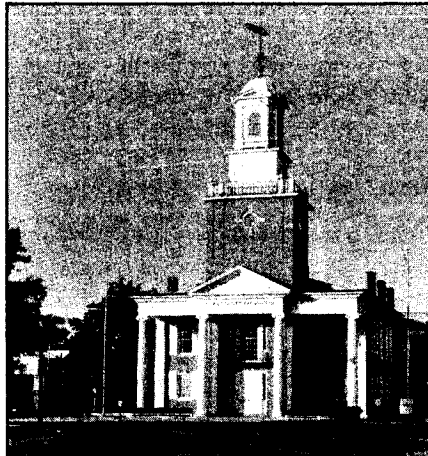

1991 Annual Report of the Delaware Judiciary





About the Cover:
The Sussex County
Courthouse, located in
Georgetown, Delaware.

1991 Annual Report of the Delaware Judiciary

(July 1, 1990 – June 30, 1991)

Honorable Andrew D. Christie
Chief Justice of Delaware

Prepared by the
**Administrative Office
of the Courts**

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Letter of Transmittal



STATE OF DELAWARE
ADMINISTRATIVE OFFICE OF THE COURTS

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820 NORTH FRENCH STREET, 11TH FLOOR
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LOWELL L. GROUNDLAND
DIRECTOR

MICHAEL E. MCLAUGHLIN
DEPUTY DIRECTOR

It is my pleasure to present the 1991 Annual Report of the Delaware Judiciary covering the period beginning July 1, 1990 and ending June 30, 1991.

The Administrative Office of the Courts expresses its thanks and appreciation to the personnel of each of the various courts who have contributed their time and effort over many months in providing the data and information necessary to produce this Report. Their cooperation in this endeavor reflects the teamwork which is essential to maintaining the high standards which have long been the hallmark of the Delaware court system.

The Annual Report provides a wealth of information regarding the history, organization, jurisdiction and operations of the various courts, and it accurately documents the struggle in which our courts are engaged to render justice at a time when criminal and civil caseloads are soaring in the absence of much needed resources.

Despite these difficulties, it is important to note that much has been accomplished in seeking ways to improve the administration of justice in our court system during the past year.

All of us in the Delaware court system remain committed to adhering to the highest standards of court administration so that we may efficiently and effectively serve the citizens of the First State.

A handwritten signature in cursive script, reading "Lowell L. Groundland".

Lowell L. Groundland
Director, Administrative Office of the Courts

Letter from the Chief Justice



As I approach the end of my term as Chief Justice of the Supreme Court of Delaware with my retirement on February 29, 1992, I take great pride in the accomplishments of the judicial system described in the 1991 Annual Report of the Delaware Judiciary. During the last fiscal year, our courts were confronted with the challenge of handling the largest caseload in history with a reduced staff, the latter resulting from the loss of employee positions through the State's early retirement program and from the hiring freeze which I imposed in light of the State's current economic situation. In this difficult environment of limited resources, our judges and staff disposed of a record number of cases and notable strides were made in improving the efficiency of the operations of the courts and judicial agencies.

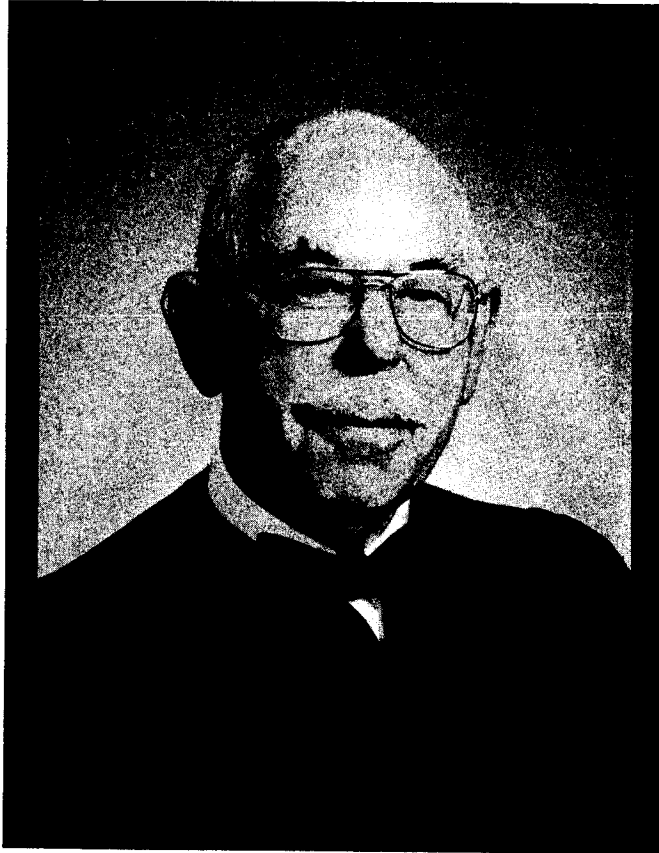
In preparing to leave my post as Chief Justice, I want to acknowledge the spirit of good will, cooperation, and support which the Governor and members of the General Assembly have demonstrated during my administration. I am especially appreciative for the associations which I have had with the distinguished members of the Delaware Judiciary and the Bar during my almost thirty-five years on the bench. As I end my judicial career, I am sure that Delaware's outstanding judges and administrative staff will continue to maintain the longstanding standard of excellence which our court system has enjoyed through the years.

Andrew D. Christie

Andrew D. Christie
Chief Justice

In Memoriam

In Memoriam



CHIEF JUSTICE DANIEL L. HERRMANN

Chief Justice Daniel L. Herrmann died suddenly on June 2, 1991 at the age of 77.

Valedictorian of his graduating class at Wilmington High School in 1931, he received his undergraduate degree from the University of Delaware in 1935 and obtained his law degree from Georgetown University in 1939. While still enrolled in the Law School at Georgetown, he was admitted to the Bar in the District of Columbia in 1938. Following graduation from Georgetown, he was admitted to the Delaware Bar in 1940. For the larger part of the decade, he was engaged in private law practice in Wilmington, except for his service in the U.S. Army as Major from 1942 to 1946. From 1951 to 1958, he served as Associate Justice of the Delaware Supreme Court and upon court reorganization, Associate Judge of the Superior Court and Orphans' Court. While on the

bench of the Superior Court, he instituted the formal presentation of presentence reports, spearheaded the adoption of the Superior Court Rules of Civil Procedure patterned after the Federal Rules of Civil Procedure, and completed publications for jurors describing the judicial system and the duties of citizens selected for jury duty. He resigned in 1958 from the bench to become a senior partner in the law firm of Herrmann, Bayard, Brill, and Russell. In 1965, he was appointed by Governor Elbert N. Carvel as Associate Justice of the Supreme Court, and while in that office he served as the first chair of the Long Range Courts Planning Committee created by Chief Justice Daniel F. Wolcott in 1970. Governor Sherman W. Tribbitt in 1973 named him the Chief Justice of the Supreme Court, a post which he held until his retirement in 1985.

Chief Justice Herrmann has been credited with placing the First State in the mainstream of progressive judicial administration. While Chief Justice, he initiated the practice of delivering the State of the Judiciary address; led the Long Range Courts Planning Committee in formulating a "Statement of Purpose" and expanding its role; was an advocate of strengthening the function of the Administrative Office of the Courts; oversaw the acquisition of a judicial computer system; supported increases in judicial salaries to recruit and retain eminent jurists; established a 120 day deadline for disposing of criminal cases; and encouraged the publication of the Delaware Appellate Handbook and the launching of the arbitration process in Superior Court to resolve selected civil cases. Under his leadership, the benches of the Supreme, Chancery, Superior, and Family Courts were expanded to cope with their rapidly rising caseloads.

In Memoriam

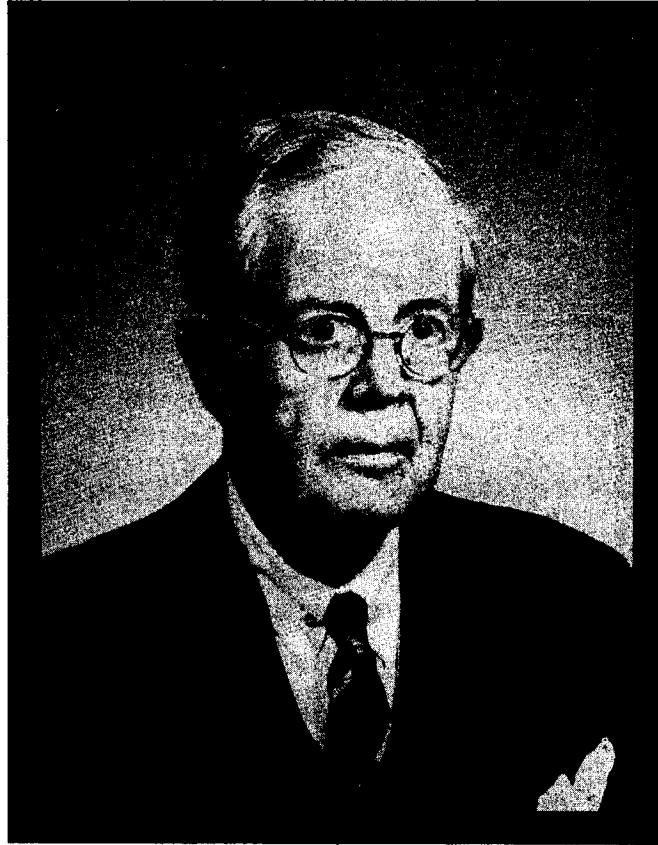
Throughout his service as a jurist, Daniel L. Herrmann remained active in professional organizations. He was a director of the American Judicature Society and a faculty member of that organization's Citizens Conferences sponsored in several states. From 1972 to 1974, he was chairman of the Judicial Administration Division of the American Bar Association's Special Committee on Cooperation with the Uniform State Laws Commission. As administrative head of the Delaware Court System, he participated regularly in the conferences and projects of the National Conference of Chief Justices.

Chief Justice Herrmann always reserved time to devote to his lovely family and to religious and civil affairs. He was President and Chairman of the Board of the Jewish Federation of Delaware; Vice President of the University of Delaware Board of Trustees; President of the Legal Aid Society of Delaware; member of the Wilmington Board of Education and the Board of Directors of the following organizations - Children's Bureau of Delaware, Welfare Council of Delaware, Del-Mar-Va Council of Boy Scouts, Jewish Community Center, Milton and Hattie Kutz Home, and the United Community Fund.

Daniel Herrmann's achievements as attorney, jurist, and citizen were recognized through awards bestowed on him by local and national organizations. Three universities - Delaware, Widener, and Georgetown - granted him the Honorary Doctor of Laws degrees. Among his other honors were the American Judicature Society's Herbert Harley Award, *The News Journal's* Most Distinguished Delawarean Award, the Committee of 39 Good Government Award, the Wilmington Rotary Club's Distinguished Service Award, and the Josiah Marvel Cup of the Delaware Chamber of Commerce.

Chief Justice Daniel L. Herrmann's outstanding contributions to the judicial system, legal profession, and to the State represent an important legacy for present and future generations of Delaware.

In Memoriam



CHANCELLOR WILLIAM MARVEL

Chancellor William Marvel passed away on June 28, 1991 at the age of 81. An alumnus of Tower Hill and the Groton School in Massachusetts, he received his undergraduate degree in English from Yale University. As the first recipient of a Mellon Fellowship, he studied at Cambridge University where he earned a master's degree in modern history and studied law. Finishing his legal education at the University of Virginia, he was admitted to the Bar in 1936 and became an associate of his father's firm, Marvel, Morford, Ward and Logan.

In 1941, William Marvel was appointed an assistant U. S. District Attorney. His legal career was interrupted through service in World War II as an intelligence officer. In 1946, he became an attorney for the New Castle County Airport Commission and, in this post, he handled the legal

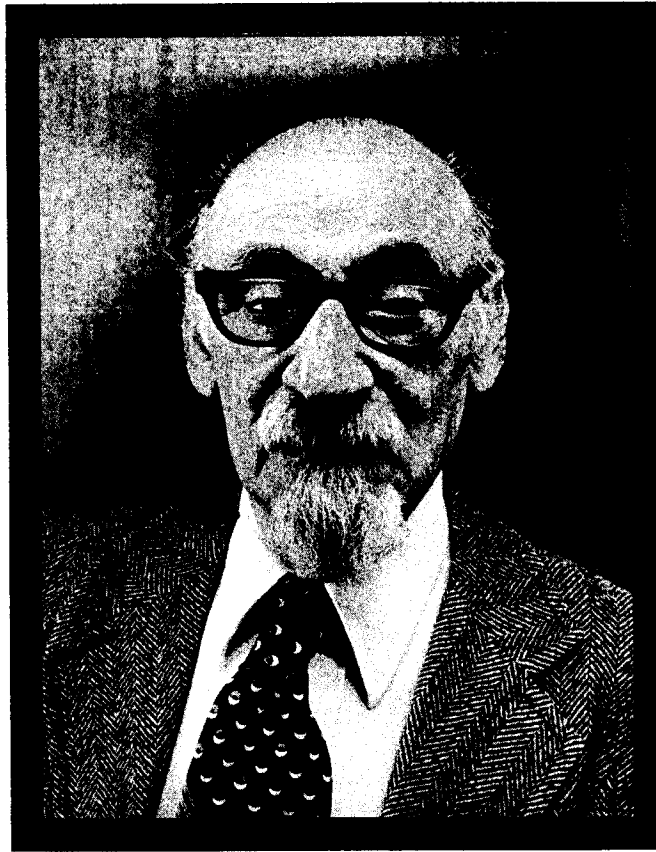
work relating to the conversion of the New Castle County Army Air Base to a public air field.

Chancellor Marvel was appointed by Governor J. Caleb Boggs as Vice Chancellor in the Court of Chancery in 1954, and in 1966, he was reappointed to that position. In 1976, he was named by Governor Sherman W. Tribbett as Chancellor, and he served in that capacity until his retirement in 1982. His total years of service on the bench of the Court of Chancery constituted the second longest judicial career in the history of that prestigious tribunal. In the year in which he retired, he received two highly regarded honors: the Josiah Marvel Cup of the Delaware Chamber of Commerce, a public service award named for his father, and the First State Distinguished Service Award of the Delaware State Bar Association.

Chancellor Marvel was the author of more than 280 published opinions and thousands of unpublished opinions. These writings represent significant additions to the field of law in areas such as civil rights, employment rights, and corporation law. His erudition, compassion, and wit were reflected in his scholarship and his conversation.

William Marvel's distinguished service on the bench and his leadership as Chancellor served to enhance the national reputation of the Court of Chancery. Chancellor Marvel will be remembered for his important contributions to the judicial system of Delaware and to the legal field locally and nationally as well as for his notable service to the community.

In Memoriam



DEPUTY CHIEF MAGISTRATE MORRIS LEVENBERG

Deputy Chief Magistrate Morris Levenberg died on July 20, 1990 at the age of 76. After graduating from Wilmington High School, he studied printing at the Wilmington Trade School and worked as a printer for 39 years. In 1967, he was appointed a Justice of the Peace in New Castle County by Governor Charles L. Terry, and in 1976 he was named Deputy Chief Magistrate of the Justice of the Peace Courts for New Castle County by Chief Justice Daniel L. Herrmann.

Throughout his career, Judge Levenberg sought to expand his knowledge availing himself of educational seminars sponsored by such organizations as the American Bar Association and the National Institute of Law Enforcement and Criminal Justice. In 1981, he obtained his bachelor's degree in criminal justice from the University of

Delaware. He was a member of the American Judicature Society, and for two years he served as President of the Delaware Magistrates Association. His dedication to the Justice of the Peace Courts was known throughout the State, and he inspired his fellow Justices of the Peace and the employees of those courts to uphold the highest standards in carrying out their duties.

A devoted family man, Judge Levenberg's humanitarian bent was evident in both his professional and personal life. In the courts, he was always available to other Justices of the Peace, staff, and litigants to answer questions and help solve problems. He was known frequently to work double shifts so that a fellow Justice of the Peace might attend to an emergency family matter. He spent much of his non-working hours in

seeking shelter for the homeless, counseling wayward youth, and speaking to local groups about his beloved Justice of the Peace Courts, and their functions.

Judge Levenberg was active in numerous community and religious activities. While he was Youth Director of the Jewish Community Center, he also organized and directed the first black community theater group at the Walnut Street YMCA. He held the offices of President and Executive Secretary of the B'nai B'rith Lodge of Wilmington, President of B'nai B'rith of Southeastern Pennsylvania, and President of the Temple Beth Emeth Brotherhood.

Judge Levenberg's notable achievements represent a memorable bequest to the judicial system and to the community at large.

Fiscal Year
1991
Executive
Summary

Fiscal Year 1991 Executive Summary

FISCAL YEAR 1991: AN INTERPRETATIVE SUMMARY FROM THE PERSPECTIVE OF THE CHIEF JUSTICE

The 1991 Annual Report of the Delaware Judiciary describes the operations, achievements, and problems of the Delaware judicial branch from July 1, 1990 to June 30, 1991.

Among the changes in judgeships were the appointment of Justice Henry R. Horsey to his second term in the Supreme Court, the retirement of President Judge Albert J. Stiffel from Superior Court, and of Associate Judge Karl J. Parrish from Family Court, the naming of the Honorable Henry duPont Ridgely to the office of President Judge of Superior Court, the appointment of the Honorable Myron T. Steele as Resident Judge for Superior Court in Kent County, the confirmation of the Honorable Carl G. Goldstein as a Superior Court judge, and the appointment of the Honorable Alex J. Smalls as Associate Judge of the Municipal Court.

Clearly portrayed in this document is the background in which the courts carried out their functions during FY 1991. For the past several years, most of our courts have experienced unprecedented growths in caseloads. The most alarming rise has occurred in the criminal area. From FY 1988 through FY 1991, the Court of Common Pleas criminal caseload has expanded by 73%, that in Superior Court by 61%, and that in the Justice of the Peace Courts by 31%. It is especially revealing that during FY 1991 four of the five trial courts experienced record levels of caseload activity for the second straight year. Unfortunately, for the last several years the courts have not been given enough staff to handle this staggering rise in workload. During the past twelve months, two other factors reduced the courts' capabilities to keep up with their continually rising influx of cases. Recognizing that the judicial branch should share with the executive branch the sacrifices needed in light of the State's worsening economic plight, I imposed a hiring freeze on all positions other than those

identified as most essential to the basic operations of the courts. Another blow to the workforce was the loss of 27 employees through the State's early retirement program. At the end of FY 1991, our court system was confronted with the largest caseload in history and a reduced number of employees. The statistics presented in these pages show that the courts under these difficult circumstances succeeded in disposing of more cases than in any previous fiscal year.

Improvements in the courts' physical facilities included the remodeling of the Kent County Courthouse's prisoner holding area and the development of architectural plans for the renovations to the Sussex County Courthouse along with an addition which will provide for another jury courtroom and a prisoner holding area. A new building was erected for Justice of the Peace Courts 4 and 19 in Seaford and the renovation of a section of Justice of the Peace Court 7 in Dover was completed. Lamentably, the Justice of the Peace Courts' comprehensive building program begun in FY 1987 was dealt a serious blow through the deauthorization of the bond bill for constructing new quarters for the Justice of the Peace Court 6 in Harrington and through the omission of funds in the Governor's recommended FY 1992 budget for Justice of the Peace construction projects. Another victim of the State's financial plight was the withdrawal of funds designated for the construction of a Superior Court jury assembly room in the Wilmington Courthouse (Public Building). At present, it is essential that appropriations be made for the renovation of the Murphey House in Dover so that the Court of Chancery can obtain relief from its crowded quarters in the Sykes Building. Indisputably, the most pressing need of the judicial system in the physical facilities area is for funding to erect a "New Courts Center," recommended by the report of the Wilmington Space Planning Committee to address the severe shortage of space afflicting various courts in New Castle County.

FY 1991 Executive Summary

A continuing concern for our courts is the inadequate provision for security in our courthouses. While the gravest security risk in the Wilmington Courthouse was substantially addressed through the installation of equipment and the assignment of personnel to control the ingress and egress to the courts in that structure, security equipment and personnel are needed for several of our other courts.

Through the Continuing Judicial Education Program administered by the Delaware Supreme Court with appropriations from the General Assembly, our judiciary was able to attend in-state education seminars conducted by nationally recognized experts and to participate in the conferences of professional organizations concerned with jurisprudence. During the year, a three-year training curriculum for non-judicial staff was developed by the Administrative Office of the Courts, and over 200 employees took advantage of fourteen workshops presented by trainers from Delaware and other states.

I am encouraged by the progress that our trial courts are making in their efforts to conform to the time standards for the disposition of criminal cases set forth in my Speedy Trial Directive of May 16, 1990. Reports submitted to date show that these courts are making a concerted effort to move criminal cases through the system more quickly. During the year, Superior Court issued a Criminal Administrative Order and a Civil Administrative Order which promulgated time standards and processing procedures designed to ensure the more efficient management of its caseload.

Advances were made in automating our criminal and civil case management systems. In the criminal area, the automated warrant system contributes to the saving of police staff time and in the collection of data which can be tapped by the courts and other agencies. The Justice of the Peace Courts began to operate the Voluntary

Assessment Center, a centralized computerized system for processing all mail-in traffic violations. The first automated criminal case management system was also introduced in the Justice of the Peace Courts. Under the direction of the Judicial Information Center staff, several significant projects were underway. An automated case index system for Family Court and a civil case management system for Superior Court became operational. In the development stage were a computerized civil case docketing system for the Court of Common Pleas and a comprehensive automated child support case management system for Family Court. At year's end, it was evident that the success of the judicial branch's long-term automation plan was contingent on obtaining appropriations for upgrading the Judicial Information Center's mainframe system in order to increase its performance capacity.

The arbitration programs of both the Family Court and the Superior Court along with the mediation program of Family Court continue to be effective alternative dispute resolution mechanisms.

In the Records Management Program, the assessment of the records management practices, needs, and issues of the State courts, begun in FY 1990, was completed. A study of the docket practices and procedures in the courts, initiated and finished during the year, contained proposed statewide docket standards. The preparation of disaster preparedness and recovery plans for the various courts begun in FY 1991 will continue in the next fiscal year.

Two of our trial courts launched projects which are likely to draw further attention. Family Court is involved in an experimental project designed to contribute to the formulation of juvenile dispositional guidelines, and Superior Court has introduced a statewide video orientation program for jurors.

Fiscal Year 1991 Executive Summary

Among the topics under study by the Long Range Courts Planning Committee were proposals to make Municipal Court judges members of the State Judiciary, to change the Register in Chancery to an appointed rather than an elected position, and to amend the Constitution to authorize the Chief Justice to make temporary assignments between the statutory and constitutional courts.

Two bills endorsed by the Long Range Courts Planning Committee were enacted into law. Senate Bill 79 amended the Delaware Constitution by replacing the Chancellor with a Superior Court judge in Kent County on the Board of Canvass. Senate Bill 88 amended by Senate Amendment 2 standardized and simplified the procedure regarding civil appeals to the Superior Court.

During the last year, the Administrative Office of the Courts was expanded with the result that this organization is now staffed to provide the central administrative services required to support the Chief Justice as administrative head and the Supreme Court as the policy-making body of the State judicial system. The promulgation of Supreme Court Rule 87 on September 16, 1991 specified the functions of the Administrative Office of the Courts in close conformity with the American Bar Association's *1990 Standards Relating to Court Administration*.

The Delaware Judiciary initiated the Judicial Employee of the Year Award to recognize staff for outstanding public service. The 1991 honor was bestowed posthumously on James F. Truitt, Jr., who had served as Director of the Kent County Family Court.

As Chief Justice, I issued two important directives for the judicial workplace. Administrative Directive Eighty-Four is the policy for addressing

problems associated with acquired immune deficiency syndrome (AIDS) and the related human immunodeficiency virus. Administrative Directive Number Eighty-Six is the Drug-Free Workplace Policy which requires conformity with the 1988 federal law on this subject.

• • • •

The notable achievements of the Delaware judicial system in Fiscal Year 1991 ensure the continuation of this State's national reputation for adhering to the highest standards in administering justice in an efficient and timely manner.

Introduction
to the
Delaware
Court
System

Introduction to the Delaware Court System

Court Organization and Jurisdiction

The Delaware Judiciary is composed of the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas, the Justice of the Peace Courts, the Municipal Court of Wilmington, the Alderman's 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 Courts and the Alderman's Courts represent 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 to the judiciary in resources used to handle the matters and in a speedier resolution of the issues at hand for the litigants. The jurisdiction and routes of appeals and transfers of the various courts are described in the paragraphs below and are depicted graphically in Figures 1 and 2.

The Justice of the Peace Courts, the initial entry level into the Court

System for most citizens, have jurisdiction over civil cases in which the disputed amount is less than \$5,000. In criminal cases, the Justice of the Peace Courts hear certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. In criminal cases with the possibility of incarceration or a fine of \$15 or more or both, the accused may elect to transfer the case to the Court of Common Pleas. Appeals may be taken de novo to the Superior Court. Almost 60 percent of all cases are disposed of rapidly at the Justice of

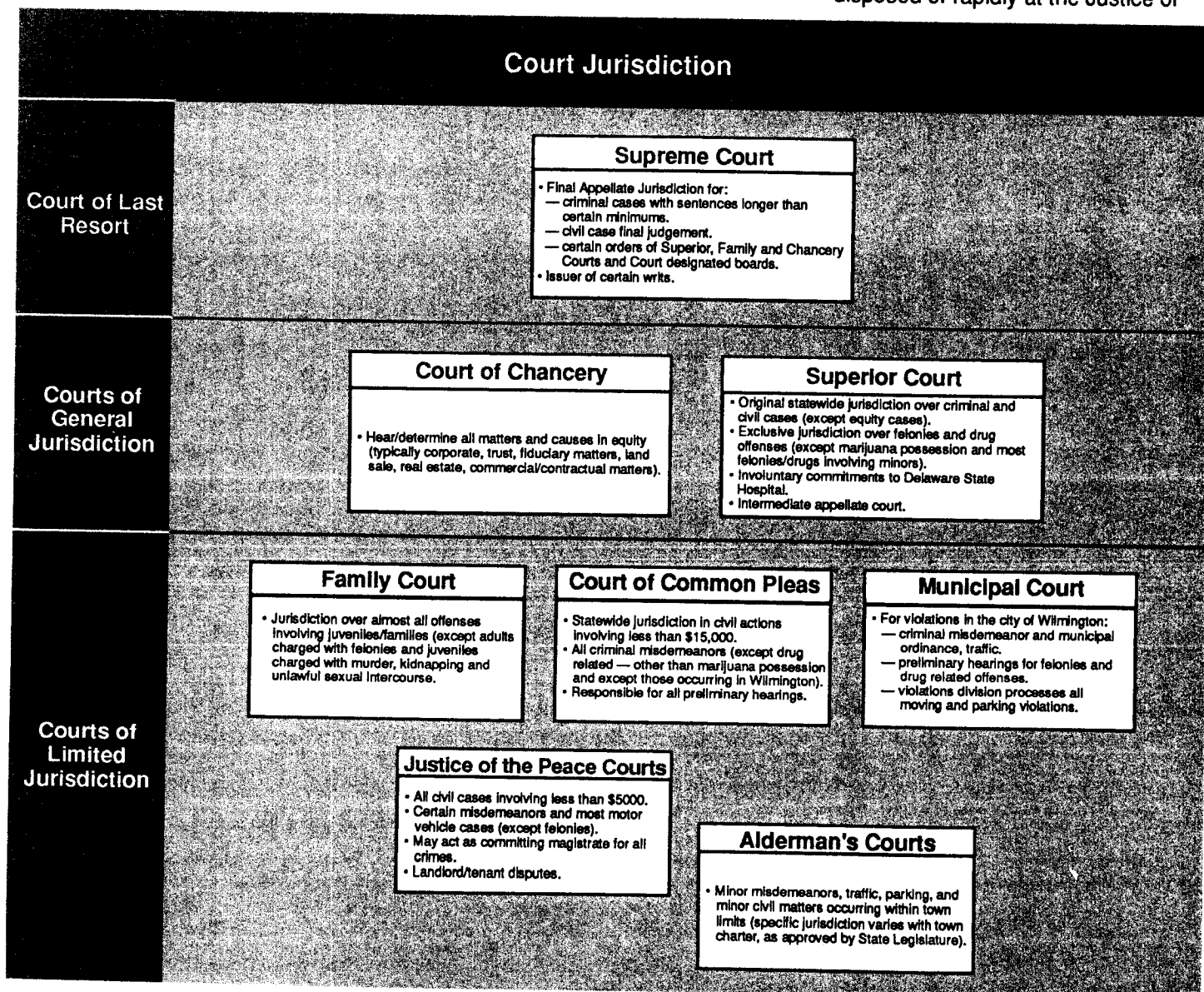


Figure 1

Introduction to the Delaware Court System

the Peace Courts level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount involved, exclusive of interest, does not exceed \$15,000. In criminal cases, the Court of Common Pleas handles all misdemeanors occurring in the State except drug-related cases (other than possession of marijuana), and those cases occurring in Wilmington. The Court is also responsible for all preliminary hearings in felony cases except those occurring in Wilmington.

Appeals may be taken to the Superior Court.

The Family Court has almost comprehensive jurisdiction over 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, the State's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction 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 more than 50 administrative agencies. Appeals from the Alderman's Courts, the Justice of the Peace Courts, and the Municipal Court are heard as trials de novo (second trials) in the Superior Court. Appeals from the Superior Court may be taken on the record to the Supreme Court.

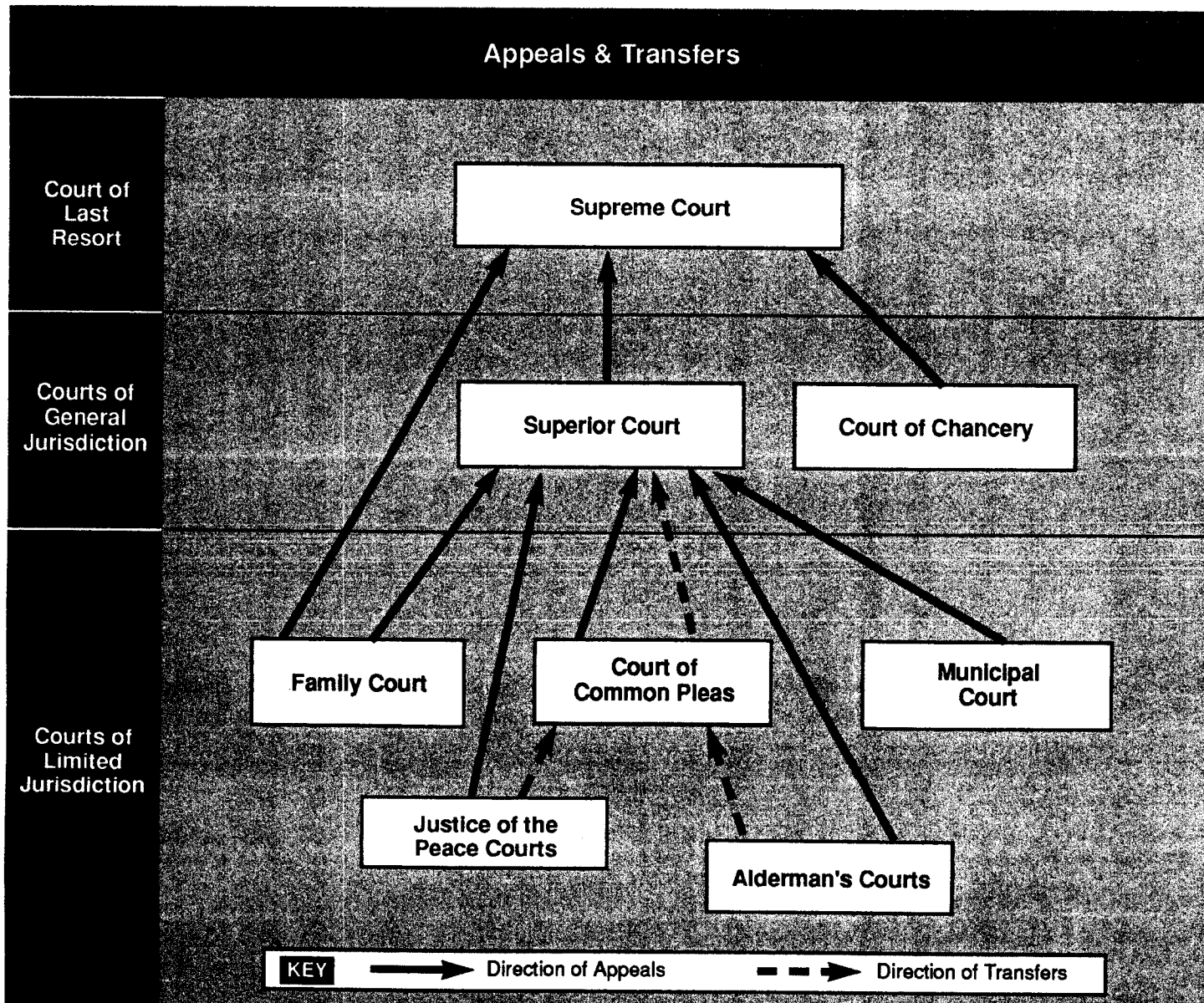


Figure 2

Introduction to the Delaware Court System

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 the 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 is the State's appellate court which 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, provides those centralized services to the Delaware Judiciary which are consistent with the statewide policies and goals for judicial administration and support operations as established by the Chief Justice of the Supreme Court.

Other components of the Delaware Judiciary for funding purposes are the Public Guardian, the Foster Care Review Board, the Violent Crimes Compensation Board, the Law Libraries, and the Educational

Surrogate Parent Program. However, these other components, except the Law Libraries, are more similar to social service agencies rather than adjudicative bodies.

As can be seen in Figure 3, the majority of the components of the Delaware judicial system are State funded. Exceptions are: the Municipal Court, funded by the City of Wilmington; the Alderman's Courts financed by their separate municipalities; the Registers in Chancery and the Register of Wills in the Court of Chancery, which are county funded; and the Sheriffs for Superior Court, also paid by the counties.

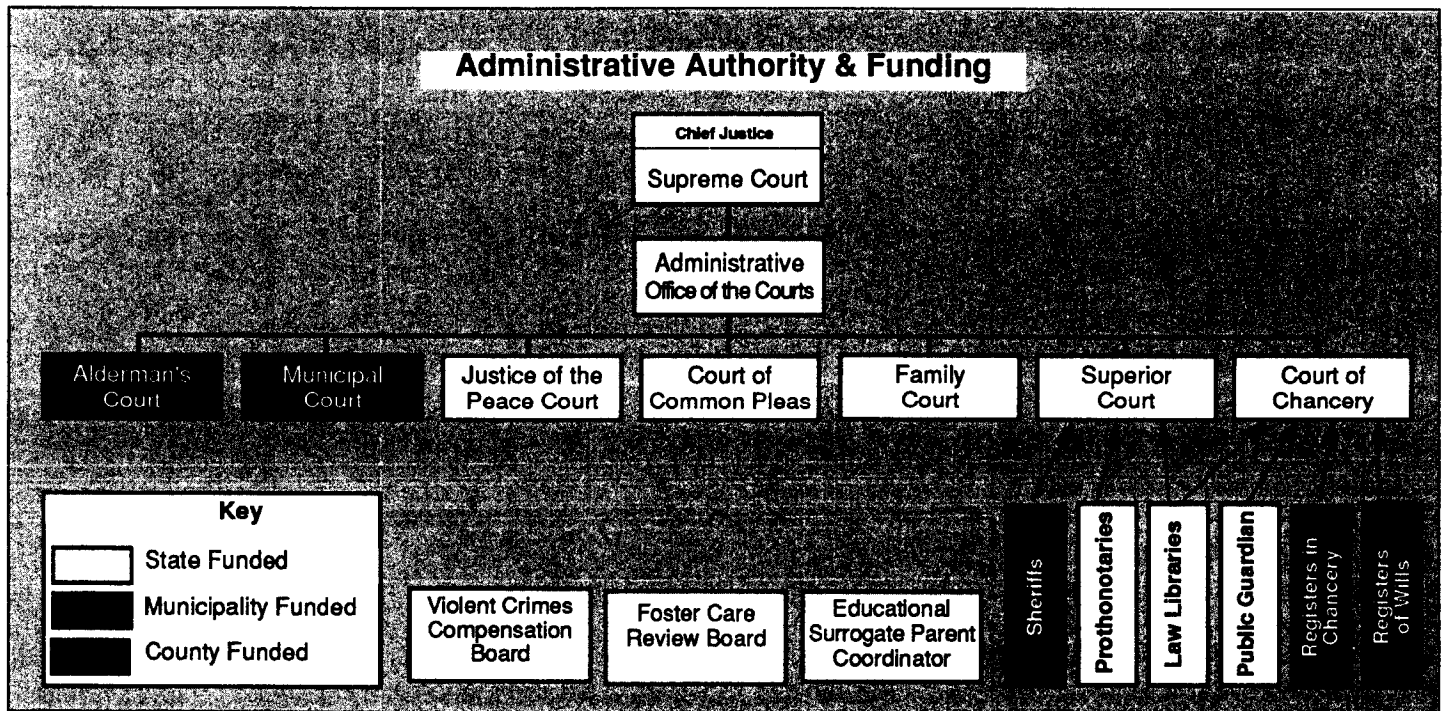


Figure 3

Administration
of the
Delaware
Judicial
System

Administration of the Delaware Judicial System

The administrative structure of the Delaware judicial system mirrors closely the model set forth in the 1990 *Standards Relating to Court Administration* promulgated by the American Bar Association. The Chief Justice of the Supreme Court is the administrative head and the Supreme Court is the policy-making body of the State judicial system. The Administrative Office of the Courts (AOC) is responsible for carrying out those centralized services required to support the Chief Justice and the Supreme Court in their administrative roles. The Director of the AOC is appointed by and serves at the pleasure of the Chief Justice of the Supreme Court. The functions of the AOC as specified by Supreme Court Rule 87 are to:

- Participate in the development and implementation of administrative policy;
- Coordinate the preparation, review, and submission of the judicial budget;
- Prepare and administer systemwide policies, standards, and procedures relating to the management of the judicial personnel, fiscal, and records management systems;
- Develop, implement, and manage the automated judicial information system, including the computerized record keeping functions;
- Participate in the development, coordination, and monitoring of systemwide caseload time and clearance standards;
- Serve as liaison for the entire court system with the legislature, the executive branch, local government, the bar, news media, and general public;
- Conduct systemwide planning, research, program development and evaluation, and statistical collection and analysis functions;
- Coordinate with the executive branch the monitoring of the construction, remodeling, maintenance, and security of physical facilities;

- Administer the court system's continuing education programs for judges, judicial officers and court administrators, and staff;
- Provide technological and management expertise and assistance to the courts and judicial agencies;
- Manage the staff and activities of the Administrative Office of the Courts;
- Serve as the secretariat for the judicial agencies and bodies and other administrative meetings as mandated by the Supreme Court;
- Prepare the *Annual Report of the Delaware Judiciary*.

In carrying out their managerial responsibilities for the entire judicial system, the Chief Justice and the Supreme Court also rely on the important services rendered by the Judicial Conference, the Long Range Courts Planning Committee, and the Judicial Education Committee. (See "Judicial Agencies and Bodies" for the functions of the last-named groups and other entities in the judicial system.)

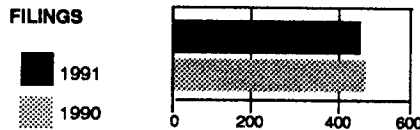
Each trial court within the judicial system has its own administrative component. The presiding judge of the trial court is responsible for the management of that organization, and a court administrator, appointed by the presiding judge, oversees the direct administration of the day-to-day operations of the trial court in conformity with systemwide policies.

The Chief Justice confers periodically with the Executive Committee of the Judicial Conference, consisting of the presiding judges of the trial courts, regarding administrative matters. Similarly, the Director of the Administrative Office of the Courts confers regularly with the administrators of the trial courts concerning subjects pertaining to court administration.

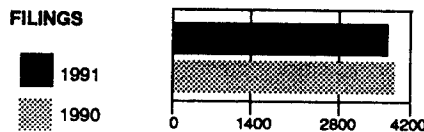
Court
Caseload
Summaries
for Fiscal
Year 1991

Court Caseload Summaries for Fiscal Year 1991

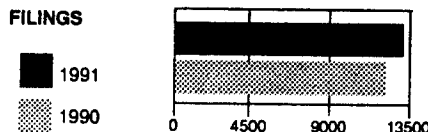
The Supreme Court had a slight decline in the number of filings from the previous year and a larger fall in the number of dispositions from the all-time high of FY 1990 along with a consequent rise in the pending caseload.



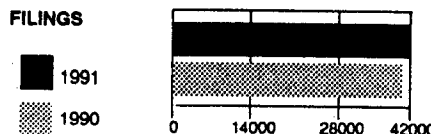
In the Court of Chancery, there was a decrease in the total civil filings and a smaller fall in the number of dispositions. There was a resultant reduction in the number of cases pending which reached a record in FY 1990.



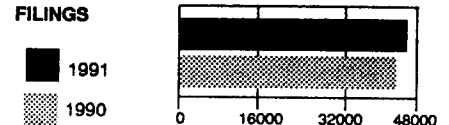
For the second consecutive year, Superior Court experienced its highest levels of criminal, civil, and total filings, and the records for total dispositions and total pending at the end of the year were again surpassed. The Court exceeded 7,000 criminal filings, 6,000 civil filings, and 13,000 total filings. There were over 12,000 total dispositions and, for the first time, more than 10,000 total pending at fiscal year's end.



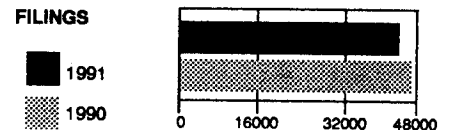
Family Court had a new high of over 40,000 in total filings. Dispositions decreased slightly from its record level of the previous year with an accompanying increase in the total pending cases.



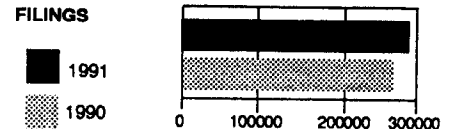
For the second year in a row, the Court of Common Pleas set new highs in all measures of caseload activity with more than 45,000 criminal filings, 5,500 civil filings, and 50,000 total filings. Although there was an increase in the number of dispositions, the total pending had reached above 15,000 by the end of Fiscal Year 1991.



While the Municipal Court had some decreases in its caseload following the sharp gain last year, there were still above 40,000 total filings and more than 40,000 total dispositions.



All caseload measures in the Justice of the Peace Courts exceeded last year's record levels. There were nearly 250,000 filings and approximately the same number of dispositions in the criminal area and more than 30,000 filings and 30,000 dispositions in the civil segment. Both the total filings and dispositions were almost 280,000.



Fiscal Year
1991
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Fiscal Year 1991 Highlights and Major Developments

THE ENVIRONMENT OF THE COURTS

For the last several years, most of the Delaware courts have experienced record-level caseloads with the greatest rise in cases occurring in the trial courts. From FY 1988 through FY 1991, Superior Court's caseload grew by 43%, Court of Common Pleas by 65%, Family Court by 12%, and the Justice of the Peace Courts by 31%. The most staggering increase in cases has taken place in the criminal area. Since 1988, the Court of Common Pleas criminal caseload has expanded by 73%, that in Superior Court by 61%, and that in the Justice of the Peace Courts by 31%. Unfortunately, during this four-year period, the courts have not received enough staff increases to handle this heavy growth in workload.

During the last fiscal year, two other factors served to further reduce the courts' capabilities to handle their escalating caseloads. In order that the judicial branch share with the executive branch the sacrifices required to cope with the State's economic downturn, the Chief Justice imposed a hiring freeze on all positions except those deemed critical to maintain the most essential operations of the various courts. Through the State's early retirement program, the courts lost 27 employees whose positions were eliminated. At fiscal year's end, the judicial branch was faced with the largest caseload in its history and a reduced staff hard pressed to keep abreast of its workload. It was clear that the courts must receive additional staff and the other resources needed to manage this huge volume of cases.

JUDGESHIPS

Justice Henry R. Horsey, who was first appointed to the Supreme Court on October 31, 1978, was confirmed for his second term on November 1, 1990.

President Judge Albert J. Stiffel retired from the bench on September 25, 1990 following a distinguished career of over 33 years in Superior Court. Confirmed as an Associate Judge on April 16, 1958, he remained in that post until August 2, 1966 when he was named President Judge. On August 8, 1978, he was reappointed President Judge, an office which he held until his retirement.

The Honorable Henry duPont Ridgely became President Judge of Superior Court on September 25, 1990. Following his term as Associate Judge of that court from September 14, 1984 to May 4, 1988, he was Resident Judge of Superior Court in Kent County until he assumed the post of President Judge.

The Honorable Myron T. Steele was appointed Resident Judge for Superior Court in Kent County on November 1, 1990. He had served as Associate Judge in Superior Court since May 31, 1988.

The Honorable Carl G. Goldstein became a Superior Court judge on November 1, 1990 after more than 20 years of service as a Municipal Court Associate Judge beginning on July 1, 1970.

The Honorable Alex J. Smalls was named as Associate Judge of the Municipal Court on January 17, 1991.

Family Court Associate Judge Karl J. Parrish retired on February 1, 1991. He became a member of the Family Court bench on October 30, 1978.

COURT FACILITIES AND SECURITY

Several important steps have been taken to improve the courts' physical facilities during the past year. The remodeling of the Kent County Courthouse's prisoner holding area has improved the capability of Superior Court and the Court of Common Pleas to control and supervise those in custody awaiting trial in that building. Architectural plans were developed for the extensive interior redesign and renovation of the Sussex County Courthouse and for an addition to the structure which will contain another jury courtroom along with a much needed prisoner holding area. Construction on this project was set for the last half of 1991. Further progress was made in the Justice of the Peace Courts' comprehensive building program. A new building was provided for the Justice of the Peace Courts 4 and 19 in Seaford, and the renovation of the termite-infested and asbestos-affected portion of Justice of the Peace Court 7 in Dover was finished. Unfortunately, the State's financial crisis during FY 1991 dealt a serious blow to the Justice of the Peace Courts' building plan. The

scheduled completion of a new building for Justice of the Peace Court 6 in Harrington this past year was thwarted when the approved bond bill for the proposal was deauthorized to help balance the budget. A more serious setback to the Justice of the Peace Courts' construction effort is the fact that the Governor's recommended budget for FY 1992 contained no provisions for continuing the urgently needed building projects for these courts.

Another victim to the State's economic plight was the fact that funds earmarked for the construction of a Superior Court jury assembly room were withdrawn. Every effort must be made to carry out this project so that all available space within the Wilmington Courthouse (Public Building) is used optimally.

It is also necessary that funds be appropriated to complete the renovation of the Murphey House in Dover so that the Court of Chancery can obtain relief from its cramped quarters in the Sykes Building.

The extremely pressing needs for more space for the Wilmington-based courts have been the subject of extensive study. The most recent comprehensive report, conducted by the Wilmington Space Planning Committee under the auspices of the Department of Administrative Services, identified the immediate and long-term needs of all courts and criminal justice agencies in Wilmington and, after weighing four options,

Fiscal Year 1991 Highlights and Major Developments

recommended the erection of the "New Courts Center" to house the Superior Court, the Court of Common Pleas, and to address other identified needs. The group recommended that the Public Building be used as the quarters primarily for the Supreme Court, the Court of Chancery, and the Administrative Office of the Courts. Regrettably, for the present, this essential project is on an indefinite hold. It is imperative that the Governor and the General Assembly provide the requisite funding to begin the "New Courts Center" so that the courts can function properly in the disposition of cases and the inconvenience to the litigants and the public resulting from the present overcrowding can be alleviated.

A continuing grave concern for the courts in FY 1991 was the inadequate provisions for protecting the lives and safeguarding the well being of all persons in the courthouses throughout the State. The gravest security risk - that in the Wilmington Courthouse (Public Building) - was significantly addressed in the fall of 1991 through the implementation of plans to install equipment and assign personnel for the purpose of improving perimeter security and thereby ensuring greater control of the ingress and egress to the courts housed in that facility. Notwithstanding this important achievement, much more remains to be done to improve security in the courts of Delaware.

CONTINUING JUDICIAL EDUCATION

Continuing judicial education is employed locally and nationally to keep the Judiciary informed of the latest developments in law and the judicial function.

The Continuing Judicial Education Program, administered by the Delaware Supreme Court with appropriations from the General Assembly, enables members of the Judiciary in this state to expand their legal knowledge, hone their judicial skills, and keep abreast of techniques

used in other jurisdictions to improve the administration of justice by attending in-state educational seminars conducted by recognized lecturers and by participating in conferences sponsored by national professional organizations.

The educational segment of the Judicial Conference was held in Wilmington on December 6, 1990. The presentation, "Computers in the Court," was made by Soni Meckern, Instructor of the National Judicial College, and the *ABA 1990 Model Code of Judicial Conduct* was analyzed by M. Peter Moser, Esquire, Chairman of the ABA Standing Committee on Ethics and Professional Responsibility and Judicial Code Subcommittee, Gerald Stern, Administrator of the New York State Commission on Judicial Conduct, and Frances K. Zemans, Executive Vice President of the American Judicature Society.

Judicial education seminars are videotaped whenever practicable so that they may be subsequently utilized in the training of newly-appointed judges or magistrates.

SPEEDY TRIAL DIRECTIVE/CASE PROCESSING

The Speedy Trial Directive, issued by Chief Justice Andrew D. Christie on May 16, 1990, set time standards for the disposition of criminal cases and required the submission of compliance reports on meeting these standards by Superior Court, Family Court, Court of Common Pleas, and Municipal Court. Data from these reports at fiscal year's end show that progress is being made to move the criminal cases through the court system more quickly. For example, in the New Castle County Superior Court, the total number of pending cases of over 120 days during the latter half of FY 1991 fell by over 12 percent while the total number of pending cases remained virtually the same. For this period, Family Court experienced a decrease of over 27 percent in cases awaiting disposition as well as a drop of 44 percent in the number of cases over 120 days awaiting disposition.

With the approval of the Supreme Court, the Superior Court issued a Criminal Administrative Order, effective April 1, 1991, which established time standards and processing procedures for criminal cases in an effort to manage efficiently the unprecedented rise in criminal matters and to conform to the standards of the Speedy Trial Directive. The Order called for the creation of multi-judge case processing teams (two divisions in New Castle County and one each in Kent and Sussex Counties) to handle the criminal cases and the appointment of advisory committees, constituted by a Superior Court judge, practicing attorneys, and trial counsel from the offices of the Attorney General, the Public Defender, and the Contract Attorney Program, with the charge to serve as liaisons for the Delaware Bar and to assist in identifying and eliminating causes of unnecessary delay so that the criminal cases may be disposed of within the time frames stated in the Order. Sanctions which Superior Court may impose for failure to obey the provisions of the Order were enumerated.

The staggering growth of its criminal cases during the last three years required Superior Court to focus more of its resources on that segment of its caseload. This contributed to a substantial rise of more than 13 percent in the number of civil cases pending in that court by the end of the fiscal year. In an attempt to accelerate the disposition of these civil matters, Superior Court issued, with the endorsement of the Supreme Court, a Civil Administrative Order which paralleled closely the criminal counterpart through the provisions for multi-judge case processing teams (one in each county) and advisory committees. The Civil Administrative Order, which went into effect on June 1, 1991, mandated a differentiated case management system for scheduling civil cases on one of three time tracks - expedited, standard, and complex - according to their complexity and provided for the potential use of alternative dispute resolution procedures for handling selected civil cases.

Fiscal Year 1991 Highlights and Major Developments

In February, 1991, the Justice of the Peace Courts began to operate the Voluntary Assessment Center, a centralized automated system for processing all mail-in traffic violations. By the end of the fiscal year, the Center was handling all of these cases for Kent and Sussex Counties. During FY 1992, the project is scheduled to become statewide when the Center starts managing the mail-in traffic violations for New Castle County. It is expected that in the coming fiscal year the Center will process 100,000 cases generating an estimated \$4,000,000 in revenue.

ARBITRATION AND MEDIATION

The arbitration programs of both the Family Court and the Superior Court along with the mediation program of Family Court continued to be effective alternatives to trials. In keeping with the intention of limiting the number of trials as much as possible, the Family Court had over 8,500 dispositions by mediation in a single fiscal year. In addition, the Family Court disposed of over 4,000 complaints through arbitration in the past year. Superior Court's arbitration program statistics support the proposition that the program is an effective dispute resolution alternative to the traditional judicial process which does not sacrifice quality of justice or infringe upon the litigants' right to trial. During FY 1991, there were 3,216 new arbitration filings in Superior Court and there were 975 arbitration hearings. The fact that a growing number of civil cases not subject to the mandatory arbitration rule are being stipulated into the arbitration program suggests that this program is highly accepted by the Bar.

AUTOMATION OF THE COURTS

The Administrative Office of the Courts plans and directs the development of and oversees the management of automated information systems which serve to link all of the data in the records, caseload management and process-

ing, and statistical functions in order to expedite the handling of cases and meet the management requirements of all the courts. Major accomplishments and existing needs in this important field are described below.

Criminal Justice Information Systems (CJIS)

In administering the automated systems for its criminal cases, the Judiciary collaborates with the Delaware Justice Information System (DELJIS) Board of Managers which develops and maintains the Criminal Justice Information Systems (CJIS) for the purpose of meeting the comprehensive information requirements of all the courts, the police, the prosecution, the defense, and correctional agencies for adults and juveniles. Important events occurring in the criminal area were the following.

- Through the "automated warrant system," placed into operation in January, 1991, police officers can produce warrants and request warrant approval from the courts. Notice of the approval and issuance of the warrants is disseminated electronically to all law enforcement agencies. The system results in the saving of police staff time and in the

collection of data which can be used subsequently by the courts and other criminal justice agencies.

- In the Voluntary Assessment Center of the Justice of the Peace Courts, staff monitor through the CJIS payment of traffic tickets, dun late payers, produce and issue warrants, generate financial reports on fines, costs, and the Victims' Compensation Fund, and account for funds payable to the various municipalities by the Justice of the Peace Courts.
- Through the first automated criminal case management system introduced in the Justice of the Peace Courts, the docketing and scheduling functions can be performed and court orders including dispositions and capiases as well as case management and financial reports can be generated. The program is designed to utilize ultimately the data from the "automated warrant system" and thereby eliminate the redundant entry of information. Data added to CJIS by this system can be tapped by other courts and criminal justice agencies.



Fiscal Year 1991 Highlights and Major Developments

Civil Court Information Systems (CIVIS)

The Judicial Information Center staff administers the Civil Court Information System (CIVIS) for developing and implementing the automated processes to handle the courts' civil cases. Even though there was only limited State funding available for computerized civil case management during the year, the following significant events did occur.

- The "Family Court Automated Case Index System," introduced in the spring of 1991, replaces the former labor intensive manual index system, reduces the information retrieval time substantially, and allows more individuals to gain access to the index simultaneously. Family Court is back-loading data from the obsolete manual case index as resources permit.
- The "Civil Core Case Management System," designed by the JIC staff and placed into operation in Superior Court, results in the automation of selected functions in the civil caseload-indexing, docketing, calendaring, notification, and production of management reports. The system will enable public access to certain court records.
- The "Automated Civil Case Docketing System" for the Court of Common Pleas, expected to be completed by the JIC staff by the end of calendar year 1991, will result in time-savings and increased accuracy in the management of that Court's civil caseload.
- The largest allocation of State funds in the civil area was for the "Family Court Automated Child Support Case Management Project" begun under the direction of the Administrative Office of the Courts and the Judicial Information Center. By the closing of 1991, the needs analysis and design of this system will have been substantially completed, and implementation is planned for the fall of 1992. This project will enable Delaware to expedite the handling of child

support cases and thereby meet the standards for the disposition of these cases required by the Family Support Act of 1988 in order to receive federal funds in this jurisdictional area. This project can serve as a prototype for building a comprehensive automated civil case processing system for Family Court and other courts in the State.

The Judicial Mainframe System

A requirement for the successful implementation of the judicial branch's long-term automated plan is the periodic update of the Judicial Information Center mainframe system in order to increase its performance capacity. In FY 1991, the State provided an appropriation which was used to upgrade the system to handle expanded applications for a two year period. It is urgent that funds be obtained in FY 1993 for enlarging the mainframe's capacity to accommodate automated functions projected for the next five years.

RECORDS MANAGEMENT

The purpose of the records management program of the Administrative Office of the Court is to achieve a systematic, planned, coordinated approach to a total information management program and to ensure an effectively functioning program for the management and control of court records and information.

During the past year, the assessment of the records management practices, needs, and issues of the State courts, begun in FY 1990, was completed. Approximately 60,000 documents in the early Supreme Court cases were readied for microfilming with the result that the equivalent of twelve cabinets were freed for more current files. Records retention schedule revisions were completed and approved for Family Court, and recommended changes are now being proposed for the retention schedule of several record series in Superior Court. Initiated and completed during the year was a study of the docket

practices and procedures in the courts which included suggested statewide docket standards. The formulation of disaster preparedness and recovery plans for the various courts started during the year will continue in FY 1992.

Other projects under design include the development of: records management policies and standards; retention schedules and security measures for all electronic court records; and automated record keeping functions as part of the strategic information systems plan of the Administrative Office of the Courts.

STAFF TRAINING AND DEVELOPMENT

During FY 1991, a three year training curriculum was developed for non-judicial staff by the Administrative Office of the Courts. By the end of the fiscal year, 14 workshops had been presented statewide by locally and nationally known trainers. Over 200 employees took advantage of these educational opportunities which included the following courses and instructors: "Leadership and the Process of Organizational Change in the Courts" by R. Dale LeFever, Ph.D., of the Senior Faculty of the Institute for Court Management; "Disaster Recovery" by Howard Lowell, State Archivist; "Dealing with Angry Clients" by George White, Supervisor in the Department of Services for Children, Youth, and Their Families and by Beverly Williams, Executive Director of the 801 Shelter in Dover.

VIDEO JUROR ORIENTATION

Superior Court introduced a statewide video juror orientation program which provides basic information about the trial process, the responsibilities of the jurors, and the method used to select these citizens for jury duty. The video presentation is supplemented by an individual orientation program tailored to the needs of each of the three counties.

Fiscal Year 1991 Highlights and Major Developments

JUVENILE DISPOSITIONAL GUIDELINES

Significant progress was made in Family Court's project to develop juvenile dispositional guidelines. The completion of the Uniform Sentencing Research Project, initiated last year by Family Court, produced the following data which are useful in constructing sentencing standards: profile information on juvenile offenders; types of options which judges and masters have employed in sentencing these youths; and dispositional trends. The results of this research and the experiences of other states with juvenile sentencing criteria described by national experts were the themes of a conference in September, 1990. A by-product of this meeting was the launching of a cooperative endeavor by Family Court and the Department of Services for Children, Youth, and Their Families to develop juvenile dispositional guidelines. Another positive step toward this end occurred in the fall of 1990 with the convening of the Committee on Dispositional Guidelines as required by Senate Bill 510, enacted into law July 18, 1990. The Committee, made up of representatives of Family Court, the Department of Services for Children, Youth, and Their Families, the Attorney General's Office, the Public Defender's Office, and other agencies dealing with juvenile offenders, is to make a report on juvenile sentencing to the General Assembly. In FY 1992, the Committee will be overseeing a pilot project, conducted by Family Court and the Department, to test the risk assessment instrument, recently developed by Family Court to determine the needs of youthful law violators and the security levels to which these juveniles should be assigned, along with other juvenile sentencing concepts. Following the completion of the pilot project, the Committee will submit its findings and recommended statutory revisions relating to juvenile sentencing guidelines to the General Assembly.

POLICIES FOR THE WORKPLACE

Administrative Directive Eighty-Four, issued by Chief Justice Andrew D. Christie on July 2, 1990, is the judicial system's policy on handling problems associated with acquired immune deficiency syndrome (AIDS) and the related human immunodeficiency virus (HIV). The Directive is designed to protect the rights and health of court employees, litigants, and the general public and to control the spread of these infections. The statement contains provisions to safeguard the rights of all individuals diagnosed with AIDS or HIV to have access to the services of the courts and to be represented by counsel; to prevent discrimination against employees with these illnesses in conformity with federal and state laws; and to sponsor educational programs to keep court personnel informed of current research and information about AIDS and HIV.

Released on November 1, 1990, Administrative Directive Number Eighty-Six of the Chief Justice is the Drug-Free Workplace Policy of the judicial branch which conforms to the federal Drug-Free Workplace Act of 1988. This mandate prohibits all unlawful drug-related activities by court employees in the workplace, requires that all such violations be reported to appropriate policy authority, and lists a range of penalties which may be imposed on personnel for specific infractions. All court employees are required to sign a copy of the document before a witness, and each court or judicial agency must carry out a training program to inform its employees about that organization's policy of maintaining a drug-free work environment and available drug counseling, rehabilitation, and employee assistance programs.

JUDICIAL BRANCH EMPLOYEE OF THE YEAR

During Fiscal Year 1991, the Delaware Judiciary initiated the Judicial Employee of the Year Award to recognize those staff members who demonstrate outstanding public service. The program is a part of the State's Making a Difference for Delaware Employee Recognition Program which culminates annually in the selection of recipients of the Delaware Award for Excellence and Commitment in State Service.

The employee chosen 1990 Judicial Branch Employee of the Year was James F. Truitt, Jr., who served the State of Delaware through various positions in the Family Court for over 25 years. Mr. Truitt retired in early 1991 from his position as Director of Operations for the Family Court in Kent County due to serious health problems. The Employee of the Year designation was formally awarded posthumously by Chief Justice Andrew D. Christie in March, 1991 at ceremonies held at the Family Court in Dover.

Fiscal Year 1991 Highlights and Major Developments

LEGISLATION

The legislative agenda, endorsed by the Long Range Courts Planning Committee and approved by the Chief Justice, included eight bills which were introduced into the 136th General Assembly. Of that number, the two listed below were enacted into law.

Senate Bill 79

The bill amended the Delaware Constitution by replacing the Chancellor with a Superior Court judge in Kent County on the Board of Canvass.

Senate Bill 88 As Amended by Senate Amendment 2

The procedure governing civil appeals to the Superior Court was standardized and simplified.

The Long Range Courts Planning Committee will likely support the reintroduction in the 1992 legislative session of the following bills (or approved versions thereof) not enacted last year.

House Bill 18 As Amended By House Amendment 1

The first leg of a constitutional amendment, this bill would have permitted the appointment of former judges with at least 12 years of judicial service and currently receiving a pension as senior status judges.

House Bill 19

This bill, the first leg of a constitutional amendment, contained primarily housekeeping amendments to certain sections of the Delaware Constitution which are inconsistent with the present five-member Supreme Court. In addition, it included amendments relating to the absence or incapacity of a member of the bench of the Supreme Court, the Court of Chancery, and the Superior Court and provisions for designating a State Judge to fill such vacancies in these courts, and it eliminated references to the abolished Orphan's Court.

House Bill 21 As Amended By Senate Amendment 1

This bill would have limited Superior Court appellate jurisdiction in motor vehicle cases to matters where a fine of more than \$100 or imprisonment has been imposed.

House Bill 22 As Amended By Senate Amendment 1

This proposal would have restricted the right to jury trial in criminal cases to those cases in which a person may be imprisoned for more than 30 days.

House Bill 23

The first leg of a constitutional amendment, this bill would have made the Registers in Chancery appointed rather than elected officials.

House Bill 109

This bill proposed to increase fees paid to jurors from \$15 to \$25 daily.



Fiscal Overview

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SUMMARY OF JUDICIAL BUDGETS – FISCAL YEAR 1990-1991-1992-1993

	F.Y. 1990 Actual Disbursement	F.Y. 1991 Actual Disbursement	F.Y. 1992 Appropriations	F.Y. 1993 Request
STATE*				
Administrative Office of the Courts	\$ 3,088,300	\$ 2,910,000	\$ 3,021,600	\$ 3,647,700
Judicial Information Center	660,000	698,200	839,800	894,700
Supreme Court	1,720,200	1,793,800	1,532,700	1,644,500
Court of Chancery	1,494,700	1,576,200	1,546,800	1,569,400
Public Guardian	266,500	236,600	256,500	266,700
Superior Court	8,746,700	9,168,800	9,230,600	9,853,900
Law Libraries	384,100	398,300	382,100	389,100
Family Court	10,542,400	11,021,400	10,926,000	11,562,700
Court of Common Pleas	2,578,500	2,727,300	2,697,700	3,041,100
Justice of the Peace Courts	7,188,800	7,468,700	7,523,400	7,882,200
Violent Crimes Compensation Board	1,465,700	1,904,700	1,983,600	2,139,600
Foster Care Review Board	232,400	240,900	338,000	355,800
Educational Surrogate Parent Program**	—	46,700	51,000	51,700
STATE TOTALS	\$38,368,300	\$40,191,600	\$40,329,800	\$43,299,100
NEW CASTLE COUNTY				
Register in Chancery	\$ 612,225	\$ 637,953	\$ 639,058	
Register of Wills	661,423	711,241	741,423	
Sheriff	1,089,785	1,128,031	1,227,651	
NEW CASTLE COUNTY TOTALS***	\$ 2,444,610	\$ 2,559,797	\$ 2,683,132	
KENT COUNTY				
Register in Chancery	\$ 85,363	\$ 89,734	\$ 94,750	
Register of Wills	59,492	55,810	66,770	
Sheriff	172,815	190,028	188,754	
KENT COUNTY TOTALS	\$ 317,670	\$ 335,572	\$ 349,274	
SUSSEX COUNTY				
Register in Chancery	\$ 79,484	\$ 82,920	\$ 88,997	
Register of Wills	84,063	92,484	107,789	
Sheriff	185,577	202,280	181,103	
SUSSEX COUNTY TOTALS	\$ 349,124	\$ 377,684	\$ 377,889	
MUNICIPALITIES****				
Municipal Court*	\$ 1,069,877	\$ 1,159,103	\$ 1,121,301	
GRAND TOTALS-JUDICIAL BRANCH	\$42,549,581	\$44,623,756	\$43,735,095	

N.A. = Not Available

*Figures include State governed funds, federal funds, City of Wilmington funds, and other funds.

**The Educational Surrogate Parent Program was a new budget unit for Fiscal Year 1991 appropriations. Previously, this program was part of the Office of the Public Guardian.

***Includes monies disbursed for the Office of the Prothonotary.

****Alderman's Courts not available.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1991

SUBMITTED TO STATE GENERAL FUND

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Administrative Office of the Courts	\$ 0	\$ 0	\$ 0	\$ 28,300	\$ 28,300	1.0%
Judicial Information Center	0	0	0	3,000	3,000	0.4%
Supreme Court	19,100	0	0	0	19,100	1.1%
Court of Chancery	0	0	252,700	0	252,700	16.0%
Public Guardian	0	0	0	1,100	1,100	0.4%
Superior Court	1,515,195	273,011	89,306	186,644	2,064,156	22.5%
Law Libraries	0	0	0	0	0	0.0%
Family Court	372,255	47,612	0	13,389	433,256	3.9%
Court of Common Pleas	327,574	501,733	0	52,152	881,459	32.3%
Justice of the Peace Courts	2,524,781	2,905,156	0	29,018	5,458,955	73.1%
Foster Care Review Board	0	0	0	0	0	0.0%
Educ. Surr. Parent Program	0	0	0	0	0	0.0%
STATE GENERAL FUND TOTALS	\$4,758,905	\$3,727,512	\$342,006	\$313,603	\$9,142,026	22.7%

COURT GENERATED REVENUE* – FISCAL YEAR 1991

RECEIVED BY VICTIMS COMPENSATION FUND

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Superior Court	—	\$ 255,146	\$ —	\$ —	\$ 255,146	—
Family Court	—	12,935	—	—	12,935	—
Court of Common Pleas	—	149,032	—	—	149,032	—
Municipal Court	—	120,297	—	—	120,297	—
Justice of the Peace Courts	—	985,701	—	—	985,701	—
Alderman's Courts	—	153,108	—	—	153,108	—
Restitution	—	58,431	—	—	58,431	—
Other	—	40,274	\$ 18,958	\$ 1,255	60,487	—
VICTIMS COMPENSATION FUND TOTALS	—	\$1,774,924	\$ 18,958	\$ 1,255	\$1,795,487	94.2%

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#FY 1991 Revenue divided by FY 1991 Actual Disbursement, which includes State general, federal, and other funds

Educ. Surr. Parent Program = Educational Surrogate Parent Program.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1991

SUBMITTED TO NEW CASTLE COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 370,534	\$ 0	\$281,976	\$ 0	\$ 652,510	102.3%
Register of Wills	2,381,165	0	0	0	2,381,165	334.7%
Prothonotary	83,656	15,558	0	0	99,214	120.2%
Sheriff	748,066	0	0	3,792	751,858	66.7%
Justice of the Peace Courts	0	612,345	0	0	612,345	8.2%
NEW CASTLE COUNTY TOTALS	\$3,583,421	\$627,903	\$281,976	\$3,792	\$4,497,092	175.7%##

COURT GENERATED REVENUE* – FISCAL YEAR 1991

SUBMITTED TO KENT COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 17,456	\$ 0	\$ 2,762	\$ 0	\$ 20,218	22.5%
Register of Wills	249,764	0	0	0	249,764	447.5%
Prothonotary	10,183	0	0	0	10,183	—
Sheriff	169,539	0	0	0	169,539	89.2%
Justice of the Peace Courts	2,522	0	0	0	2,522	0.0%
KENT COUNTY TOTALS	\$449,464	\$ 0	\$ 2,762	\$ 0	\$452,226	134.8%##

COURT GENERATED REVENUE* – FISCAL YEAR 1991

SUBMITTED TO SUSSEX COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement#
Register in Chancery	\$ 24,311	\$ 0	\$ 1,689	\$ 0	\$ 26,000	31.4%
Register of Wills	500,045	0	0	0	500,045	540.7%
Prothonotary	6,321	2,752	0	0	11,073	—
Sheriff	141,850	0	0	0	141,850	70.1%
SUSSEX COUNTY TOTALS	\$674,527	\$ 2,752	\$ 1,689	\$ 0	\$678,968	179.8%##

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#FY 1991 Revenue divided by FY 1991 Actual Disbursement.

Revenue as a % of disbursement for county offices.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1991

SUBMITTED TO MUNICIPALITIES

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement##
Municipal Court	\$105,398	\$ 693,543	\$ 0	\$ 0	\$ 798,941	68.9%
Justice of the Peace Courts	0	1,945,090	0	0	1,945,090	26.0%#
Alderman's Courts	199,819	865,017	0	0	\$1,064,836	N.A.
MUNICIPALITIES TOTALS	\$305,217	\$3,503,650	\$ 0	\$ 0	\$3,808,867	N.A.

COURT GENERATED REVENUE* – FISCAL YEAR 1991

GRAND TOTALS - JUDICIAL BRANCH

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement##
TOTALS	\$9,771,534	\$9,636,741	\$647,391	\$318,650	\$20,374,316	45.7%§

RESTITUTION – FISCAL YEAR 1991

Court	Restitution Assessed	Restitution Collected	Restitution Disbursed
Supreme Court	\$ 0	\$ 0	\$ 0
Court of Chancery	0	0	0
Superior Court			
New Castle County Prothonotary	2,159,378	392,800	367,073
Kent County Prothonotary	413,655	89,913	89,913
Sussex County Prothonotary	549,448	91,044	85,429
Family Court	323,045	120,679	128,215
Court of Common Pleas	206,395	159,437	147,891
Municipal Court	84,454	51,517	56,746
Justice of the Peace Courts§§	138,146	85,743	85,743
TOTALS	\$3,874,521	\$991,133	\$961,010

N/A = Not Available

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

Total revenue generated by the Justice of the Peace Courts in FY 1991 was \$9,004,613 which represents 120.6% of expenditures for that year.

##FY 1991 Revenue divided by FY 1991 Actual Disbursement, which includes State general, federal, and other funds.

§ This figure is approximate as some expenditure data is not available.

§§ Most restitution assessed in Justice of the Peace Courts is ordered to be paid directly to the victim, thus explaining the apparent disparity between the amount assessed and the amount collected.

Source: Administrative Office of the Courts.

Fiscal Overview

DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) – FISCAL YEAR 1992

STATE APPROPRIATIONS – TOTAL (\$1,220,167.1)

Judicial Branch 2.9% (\$35,949.4)

Public Education 34.3% (\$418,101.2)

Executive Branch 51.5% (\$627,828.1)

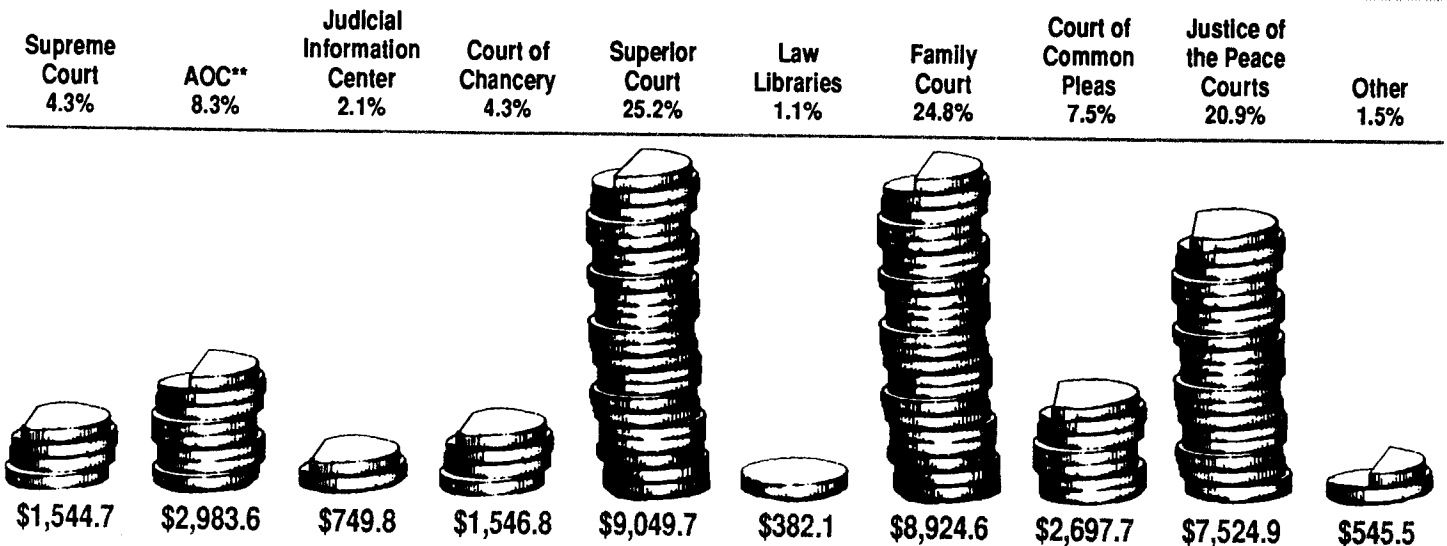


Higher Education 10.7% (\$130,198.00)

Legislative Branch 0.7% (\$8,091.1)

DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) – FISCAL YEAR 1992

STATE APPROPRIATIONS – JUDICIARY (\$35,949.4)



One Coin = \$400,000

Other: Public Guardian 0.7% (\$256.5); Foster Care Review Board 0.7% (\$238.0); Educational Surrogate Parent Program 0.1% (\$51.0).

*State general fund monies only.

**Administrative Office of the Courts

Source: 136th General Assembly, House Bill 350.

Supreme Court

Chief Justice Andrew D. Christie
Justice Henry R. Horsey
Justice Andrew G.T. Moore, II
Justice Joseph T. Walsh
Justice Randy J. Holland

Supreme Court



SUPREME COURT

(Left to Right)

Justice Joseph T. Walsh

Justice Henry R. Horsey

Chief Justice Andrew D. Christie

Justice Andrew G.T. Moore, II

Justice Randy J. Holland

Supreme Court

Legal Authorization

The Supreme Court is created by the *Constitution of Delaware*, Article IV, Section 1. The Supreme Court sits in Dover but the Justices maintain their chambers in the counties where they reside.

Court History

The modern day Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three Justices and was enlarged to the current five Justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

Jurisdiction

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court and the Family Court. Appeals are heard on the record. Under some circumstances, the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari and mandamus.

Justices

The Supreme Court consists of a Chief Justice and four Justices who are nominated by the Governor and confirmed by the Senate. The Justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the Justices must be of one of the major political parties while the other two Justices must be of the other major political party.

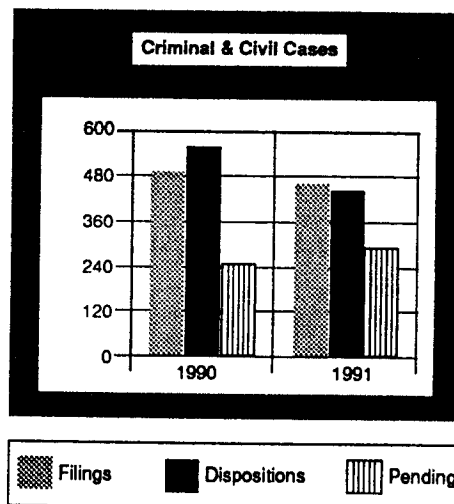
Administration

The Chief Justice is responsible for the administration of all courts in the State and appoints a Director of the Administrative Office of the Courts to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a Court Administrator, a Clerk of the Court/Staff Attorney, an assistant clerk, law clerks, judicial secretaries, and three senior clerks.

Caseload Trends

There was a 2.3% drop in the number of filings to 473 in FY 1991 from 484 in FY 1990. Dispositions decreased by 20.4% from the record level of 558 in FY 1990 to 444 in FY 1991. The result of the larger fall in dispositions than in filings was a 6.5% rise in the number of cases pending to 273 at the end of FY 1991 from 244 at the end of FY 1990.

The average elapsed time from the date of filing to the date of disposition fell from 222.6 days in FY 1990 to 210.7 days in FY 1991 after having increased the previous fiscal year. The average time from the date of submission of a case for judicial decision to the date of disposition followed the same pattern, falling from 58.0 days in FY 1990 to 49.3 days in FY 1991 after increasing during the prior fiscal year.



Supreme Court

Arms of the Supreme Court

Board on Professional Responsibility and Office of Disciplinary Counsel

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rule 62 and Board on Professional Responsibility Rule 1(c) (3) respectively. The Board on Professional Responsibility consists of 13 persons, nine of whom shall be members of the Bar and four of whom shall be public non-lawyer members. Members of the Board are appointed for three-year terms. Under Supreme Court Rule 62(c), the Court appoints a Preliminary Review Committee consisting of nine persons, six of whom shall be members of the Bar and three of whom shall be public non-lawyer members. Additionally, under Supreme Court Rule 62(d), the Court appoints members of the Bar to serve as Assistant Disciplinary Counsel as needed. The Board, Disciplinary Counsel, the Preliminary Review Committee and Assistant Disciplinary Counsel are responsible for regulation of the conduct of the members of the Delaware Bar. Matters heard by the Board on Professional Responsibility are subject to review by the Delaware Supreme Court.

Clients' Security Trust Fund

The Clients' Security Trust Fund is authorized by Supreme Court Rule 66. There are nine trustees appointed by the Court, consisting of seven persons who shall be members of the Bar and two persons who shall be non-lawyer members. Trustees are appointed for four-year terms. The purpose of the trust fund is to establish, as far as practicable, the collective responsibility of the legal profession in respect to losses caused to the public by defalcations of members of the Bar.

Board of Bar Examiners

The Board of Bar Examiners is authorized by Supreme Court Rule 51. The Board consists of 12 members of the Bar who are appointed by the Court for four-year terms. The Court may appoint associate members of the Board to assist each member of the Board. Associate members are appointed for one-year terms. Currently, there are 12 associate members. It is the duty of the Board to administer Supreme Court Rules 51 through 56 which govern the testing and procedures for admission to the Bar.

Commission on Continuing Legal Education

The Commission on Continuing Legal Education is authorized by Supreme Court Rule 70 and Mandatory Continuing Legal Education Rule 3. The Commission consists of five members who are appointed by the Court for three-year terms. One member shall be a member of the Judiciary. No more than one member may be a person who is not an attorney. The purpose of the Commission is to ensure that minimum requirements for continuing legal education are met by attorneys in order to maintain their professional competence throughout their active practice of law.

Advisory Committee on Interest on Lawyer Trust Accounts

The six member Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The Committee members are appointed by the Court for three-year terms. The function of the Committee is to oversee and monitor the operation of the Delaware IOLTA Program as established pursuant to Rule 1.15 and Interpretive Guideline number 2 of the Delaware Lawyers' Rules of Professional Conduct. The Committee reports annually to the Supreme Court on the status of the program and work of the Committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the Court, to hold and disburse all funds generated by the IOLTA program.

Board on the Unauthorized Practice of Law

The Board on the Unauthorized Practice of Law is authorized by Supreme Court Rule 86. The Board consists of six members appointed by the Court for four-year terms. Five members of the Board must be lawyers, and one person must be a public non-lawyer member. The Court may appoint associate members of the Board to assist each member of the Board. It is the duty of the Board to administer Supreme Court Rule 86, to investigate matters sua sponte, and to deal with matters referred from any source regarding issues on the unauthorized practice of law.

Permanent Advisory Committee on Supreme Court Rules

The Permanent Advisory Committee on Supreme Court Rules is authorized by Supreme Court Rule 94. The Committee consists of nine or more members of the Bar who shall be appointed by the Court for three-year terms. It is the Committee's responsibility to monitor Supreme Court Rules, consider and draft changes and receive and consider comments from members of the Bar and Bench and from others. The Committee also has the power to make recommendations to the Supreme Court concerning the rules and practices of lower courts.

Committee on Publication of Opinions

The Committee on Publication of Opinions is authorized by Supreme Court Rule 93. The Committee consists of one member each from the Supreme Court, the Court of Chancery, the Superior Court and the Family Court. The members are appointed by the Chief Justice and serve at his pleasure. It is the responsibility of the Committee to determine by majority vote which opinions (or parts thereof) of the Court of Chancery, the Superior Court and the Family Court, respectively, shall be approved for official publication by West Publishing Company in both the *Atlantic Reporter* and the *Delaware Reporter*. In discharging such responsibility, the Committee shall consider public interest in the litigation, the novelty of the issues presented, the importance of the case as a legal precedent and/or whether the form of the opinion is appropriate for publication.

Supreme Court

FISCAL YEAR 1991 – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
Criminal Appeals	121	196	165	152	+ 31	+ 25.6%
Civil Appeals	121	242	247	116	- 5	- 4.1%
Original Applications**	<u>2</u>	<u>35</u>	<u>32</u>	<u>5</u>	<u>+ 3</u>	<u>+150.0%</u>
TOTALS	244	473	444	273	+ 29	+ 6.5%

COMPARISON – FISCAL YEARS 1990-1991 – CASELOAD

FILINGS

	1990	1991	Change	% Change
Criminal Appeals	178	196	+ 18	+ 10.1%
Civil Appeals	274	242	- 32	- 11.7%
Certifications	1	0	- 1	- 100.0%
Original Applications	26	27	+ 1	+ 3.8%
Bd. on Prof. Resp.	4	5	+ 1	+ 25.0%
Bd. of Bar Exam.	0	3	+ 3	—
Advisory Opinions	<u>1</u>	<u>0</u>	<u>- 1</u>	<u>- 100.0%</u>
TOTALS	484	473	- 11	- 2.3%

COMPARISON – FISCAL YEARS 1990-1991 – CASELOAD

DISPOSITIONS

	1990	1991	Change	% Change
Criminal Appeals	215	165	- 50	- 23.3%
Civil Appeals	300	247	- 53	- 17.7%
Certifications	5	0	- 5	- 100.0%
Original Applications	28	24	- 4	- 14.3%
Bd. on Prof. Resp.	9	5	- 4	- 44.4%
Bd. of Bar Exam.	0	3	+ 3	—
Advisory Opinions	<u>1</u>	<u>0</u>	<u>- 1</u>	<u>- 100.0%</u>
TOTALS	558	444	- 114	- 20.4%

**Board of Bar Examiners, Board on Professional Responsibility and Advisory Opinions are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court

FISCAL YEAR 1991 – CASELOAD BREAKDOWNS

FILINGS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	196	100.0%	0	0.0%	0	0.0%	196	100.0%
Civil Appeals	50	20.7%	130	53.7%	62	25.6%	0	0.0%	242	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	27	100.0%	27	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	5	100.0%	5	100.0%
Bd. of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	3	100.0%	3	100.0%
TOTALS	50	10.6%	326	68.9%	62	13.1%	35	7.4%	473	100.0%

FISCAL YEAR 1991 – CASELOAD BREAKDOWNS

DISPOSITIONS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	165	100.0%	0	0.0%	0	0.0%	165	100.0%
Civil Appeals	54	21.9%	126	51.0%	67	27.1%	0	0.0%	247	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	24	100.0%	24	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	5	100.0%	5	100.0%
Bd. of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	3	100.0%	3	100.0%
TOTALS	54	12.2%	291	65.5%	67	15.1%	32	7.2%	444	100.0%

FISCAL YEAR 1991 – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0		+ 31		0		0		+ 31	
Civil Appeals	- 4		+ 4		- 5		0		- 5	
Original Applications	0		0		0		+ 3		+ 3	
Bd. on Prof. Resp.	0		0		0		0		0	
Bd. of Bar Exam.	0		0		0		0		0	
TOTALS	- 4		+ 35		- 5		+ 3		+ 29	

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Bar Examiners.

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court

TYPES OF DISPOSITIONS – FISCAL YEAR 1991 – CASELOAD

APPEALS DISPOSITIONS

	Affirmed	Aff. Pt./ Rev. Pt.	Reversed	Reversed/ Remanded	Voluntary Dismissal	Court Dismissal	Leave to Appeal Denied	Totals
Criminal Appeals	117 70.9%	2 1.2%	2 1.2%	3 1.8%	17 10.3%	24 14.5%	0 0.0%	165 100.0%
Civil Appeals	116 41.6%	5 1.8%	21 7.5%	1 0.4%	52 18.6%	54 19.4%	30 10.8%	279 100.0%
Totals	233 52.5%	7 1.6%	23 5.2%	4 0.9%	69 15.5%	78 17.6%	30 6.8%	444 100.0%

TYPES OF DISPOSITIONS – FISCAL YEARS 1991 – CASELOAD

MISCELLANEOUS DISPOSITIONS

	Action Taken*	Stricken	Denied	Voluntary Dismissal	Court Dismissal	Totals
Original Applications	0 0.0%	0 0.0%	0 0.0%	3 12.5%	21 87.5%	24 100.0%
Bd. on Prof. Resp.	4 80.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	5 100.0%
Bd. of Bar Exam.	0 0.0%	2 66.7%	1 33.3%	0 0.0%	0 0.0%	4 100.0%
Totals	4 12.5%	2 6.3%	1 3.1%	3 9.4%	22 68.8%	32 100.0%

TYPES OF DISPOSITIONS – FISCAL YEARS 1991 – CASELOAD

METHODS OF DISPOSITIONS

	Assigned Opinion	Per Curiam Opinion	Written Order	Voluntary Dismissal	Totals
Criminal Appeals	22 13.3%	0 0.0%	126 76.4%	17 10.3%	165 100.0%
Civil Appeals	31 12.6%	0 0.0%	167 67.6%	49 19.8%	247 100.0%
Original Applications	0 0.0%	1 4.2%	20 83.3%	3 12.5%	24 100.0%
Bd. on Prof. Resp.	0 0.0%	3 60.0%	2 40.0%	0 0.0%	5 100.0%
Bd. of Bar Exam.	0 0.0%	0 0.0%	3 100.0%	0 0.0%	3 100.0%
Totals	53 11.9%	4 0.9%	318 71.6%	69 15.5%	444 100.0%

*Action Taken includes disbarment, suspensions, restrictions, reprimands and reinstatements.

Aff. Pt./Rev. Pt. = Affirmed in Part/Reversed in Part

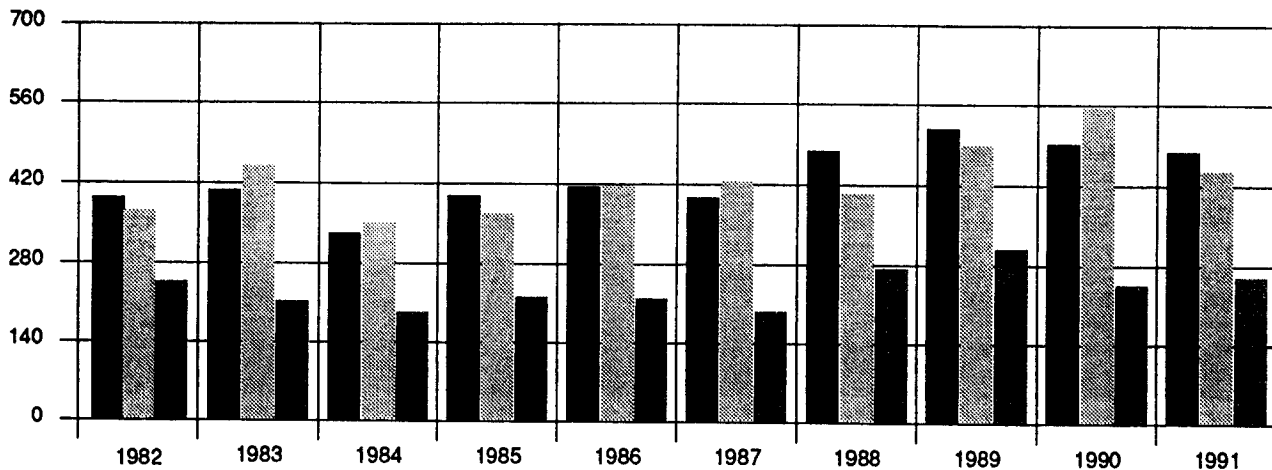
Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Bar Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

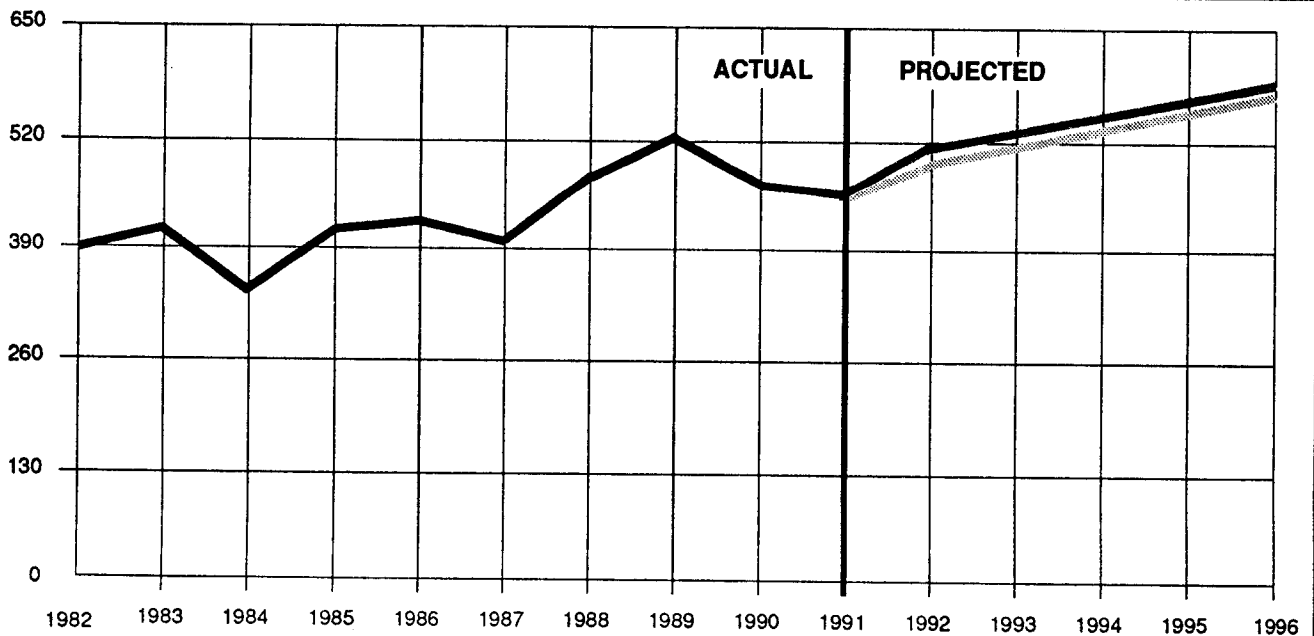
Supreme — Total

10 YEAR CASELOAD TREND



Filings
 Dispositions
 Pending at End of Year

5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



5 YEAR BASE: (1987-1991)
 10 YEAR BASE: (1982-1991)

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Supreme Court

FISCAL YEAR 1991 – PERFORMANCE SUMMARY

AVERAGE ELAPSED TIME TO DISPOSITION

	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Criminal Appeals	165	301.6 days	69.3 days
Civil Appeals	247	170.2 days	36.7 days
Original Applications	24	31.2 days	17.5 days
Bd. on Prof. Resp.	5	169.0 days	103.8 days
Bd. of Bar Exam.	3	43.3 days	10.0 days
TOTALS	444	210.7 days	49.3 days

COMPARISON – FISCAL YEARS 1990-1991 – PERFORMANCE SUMMARY

AVERAGE TIME FROM FILING TO DISPOSITION

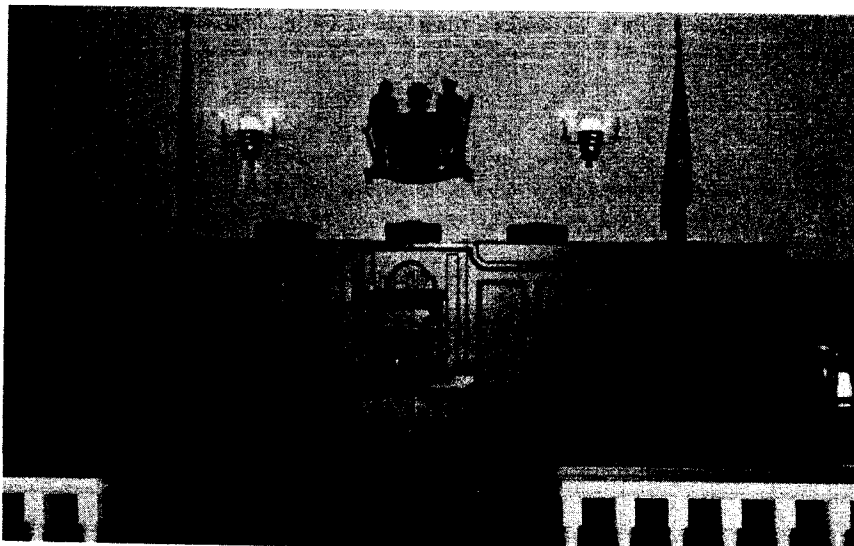
	1990	1991	Change	% Change
Criminal Appeals	296.2 days	301.6 days	+ 5.4 days	+ 1.8%
Civil Appeals	187.7 days	170.2 days	- 17.5 days	- 9.3%
Certifications	265.2 days	—	—	—
Original Applications	22.4 days	31.2 days	+ 8.8 days	+ 39.3%
Bd. on Prof. Resp.	249.7 days	169.0 days	- 80.7 days	- 32.3%
Bd. of Bar Exam.	—	43.3 days	—	—
Advisory Opinion.	53.0 days	—	—	—
TOTALS	222.6 days	210.7 days	- 11.9 days	- 5.3%

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Bar Examiners.

Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts



The Supreme Court courtroom, Supreme Court Building.

Supreme Court

FISCAL YEAR 1991 – PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION TYPE

Type of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Affirmed	227	274.3 days	55.3 days
Affirmed Part/Reversed in Part	7	356.3 days	70.0 days
Reversed	23	293.3 days	74.8 days
Reversed/Remanded	4	743.8 days	404.3 days
Voluntary Dismissal	69	163.4 days	—
Court Dismissal	78	81.0 days	14.6 days
Leave to Appeal Denied	30	21.0 days	11.3 days
Other	6	147.7 days	103.6 days
TOTALS	444	210.7 days	49.3 days

FISCAL YEAR 1991 – PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION METHOD

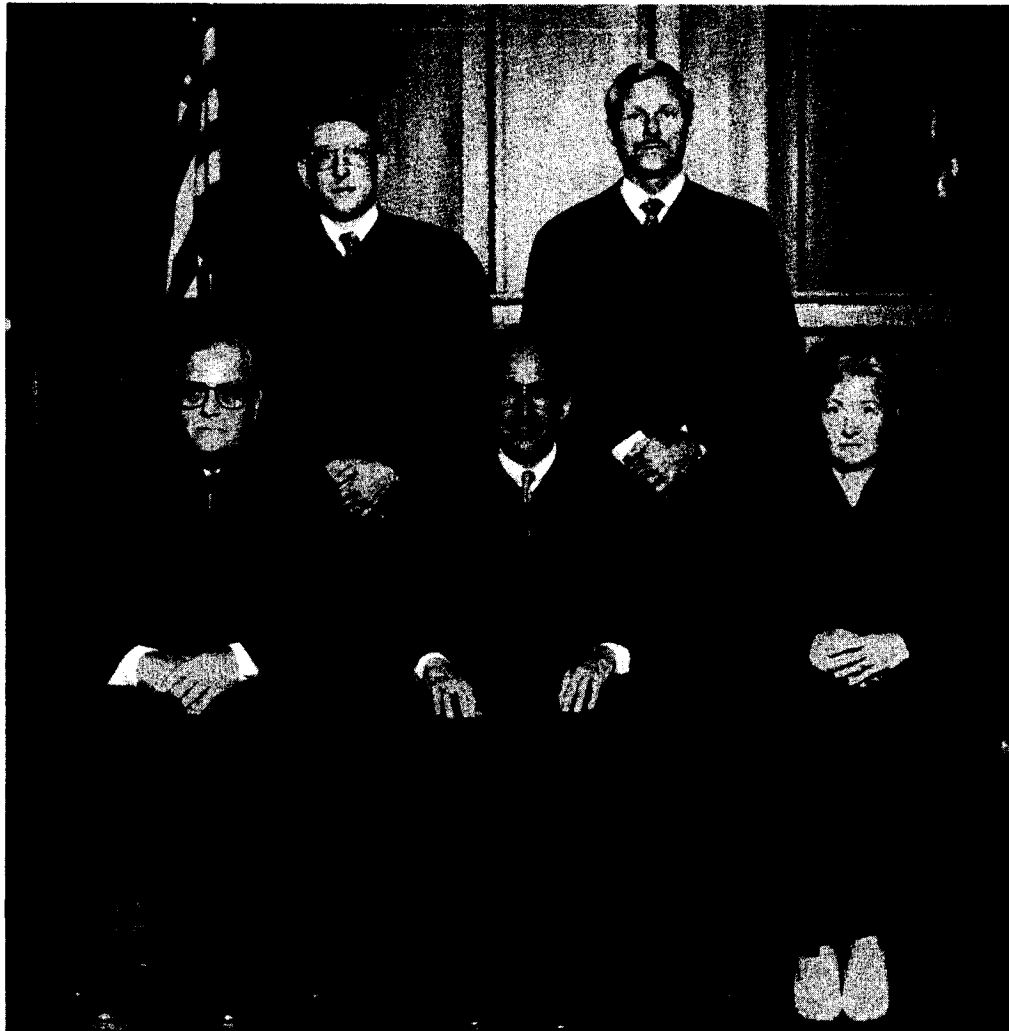
Method of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Assigned Opinion	53	485.9 days	157.0 days
Per Curium Opinion	4	218.8 days	133.0 days
Written Order	318	174.9 days	30.2 days
Voluntary Dismissal	69	163.4 days	—
TOTALS	444	210.7 days	49.3 days

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.
.Source: Court Administrator and Clerk of the Supreme Court; Administrative Office of the Courts

Court of Chancery

Chancellor William T. Allen
Vice-Chancellor Maurice A. Hartnett, III
Vice-Chancellor Carolyn Berger
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Court of Chancery



COURT OF CHANCERY

Seated (Left to Right)

Vice-Chancellor Maurice A. Hartnett, III

Chancellor William T. Allen

Vice-Chancellor Carolyn Berger

Standing (Left to Right)

Vice-Chancellor Jack B. Jacobs

Vice-Chancellor William B. Chandler, III

Court of Chancery

Legal Authorization

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

Court History

The Court of Chancery came into existence as a separate court under the Constitution of 1792. It was modeled on the High Court of Chancery in England and is in direct line of succession from that Court. The Court consisted solely of the Chancellor until 1939 when the position of Vice-Chancellor was added. The increase on the Court's workload since then has led to further expansions to its present compliment of a Chancellor and four Vice-Chancellors, with the addition of the fourth Vice-Chancellor being made in 1959.

Geographic Organization

The Court of Chancery holds court in Wilmington, Dover and Georgetown.

Legal Jurisdiction

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. In today's practice, the litigation in the Court of Chancery consists largely of corporate matters, trusts, estates and

other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 *Del. C.*, §369).

Judges

The Court of Chancery consists of one Chancellor and four Vice-Chancellors. The fourth Vice-Chancellor position is authorized by House Bill 60 which became law in January, 1989. The Chancellor and Vice-Chancellors are nominated by the Governor and must be confirmed by the Senate for 12-year terms. The Chancellor and Vice-Chancellors must be learned in the law and must be Delaware citizens.

Support Personnel

The Chancellor may appoint court reporters, bailiffs, criers or pages, and law clerks. The Register in Chancery is the Clerk of the Court for all actions except those within the jurisdiction of the Register of Wills. A Register in Chancery is elected for each county. The Chancellor or Vice-Chancellor resident in the county is to appoint one Chief Deputy Register in Chancery in each county. The Register in Chancery in New Castle County appoints a Chief Deputy Register in Chancery as well.

Public Guardian

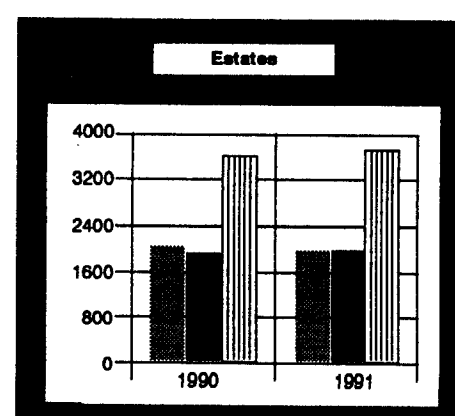
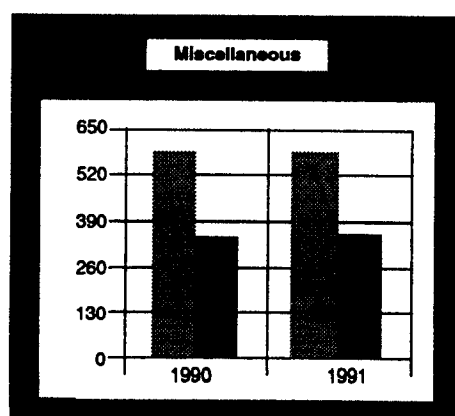
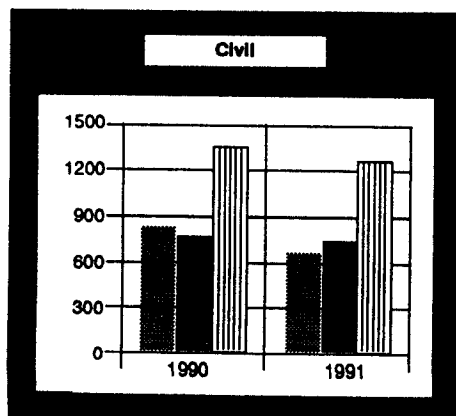
The Chancellor has the duty to appoint the Public Guardian.

Caseload Trends

There was a fall of 22.4% in the civil filings from 863 during FY 1990 to 670 in FY 1991. Civil dispositions dropped to 740 in FY 1991 from 812 in FY 1990. The greater rate of decrease in civil filings led to a 5.3% drop in civil pending from 1330 at the end of FY 1990 to 1260 at the end of FY 1991.

There was very little change in the number of miscellaneous matters filed and the number disposed. Filings fell from a total of 607 in FY 1990 to 604 in FY 1991 while dispositions rose to 375 in FY 1991 from 362 in FY 1990.

There were only slight changes in estate matters in any of the caseload measurements. The number of filings fell by 2.7% from 2,148 in FY 1990 to 2,032 in FY 1991. The number closed was almost unchanged, with 2,038 in FY 1990, and 2,032 in FY 1991. The estates pending fell from 2,038 in FY 1990 to 2,032 in FY 1991. The estates pending rose from 3,705 at the end of FY 1990 to 3,764 at the end of FY 1991.



Court of Chancery

FISCAL YEAR 1991 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	1,069	586	653	1,002	- 67	- 6.3%
Kent	109	33	44	98	- 11	- 10.1%
Sussex	<u>152</u>	<u>51</u>	<u>43</u>	<u>160</u>	<u>+ 8</u>	<u>+ 5.3%</u>
State	1,330	670	740	1,260	- 70	- 5.3%

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD

FILINGS

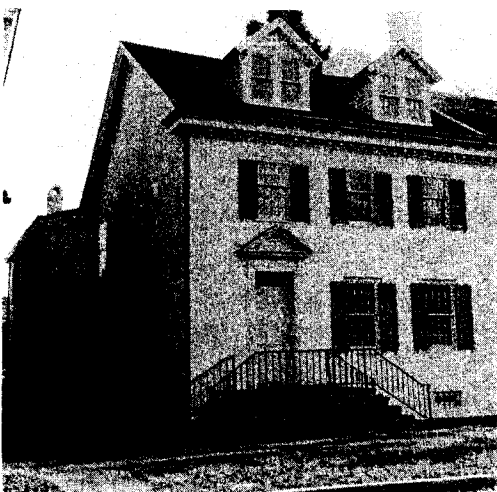
	1990	1991	Change	% Change
New Castle	709	586	- 123	- 17.3%
Kent	59	33	- 26	- 44.1%
Sussex	<u>95</u>	<u>51</u>	<u>- 44</u>	<u>- 46.3%</u>
State	863	670	- 193	- 8.9%

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD

DISPOSITIONS

	1990	1991	Change	% Change
New Castle	690	653	- 37	- 5.4%
Kent	46	44	- 2	- 4.3%
Sussex	<u>76</u>	<u>43</u>	<u>- 33</u>	<u>- 43.4%</u>
State	812	740	- 72	- 8.9%

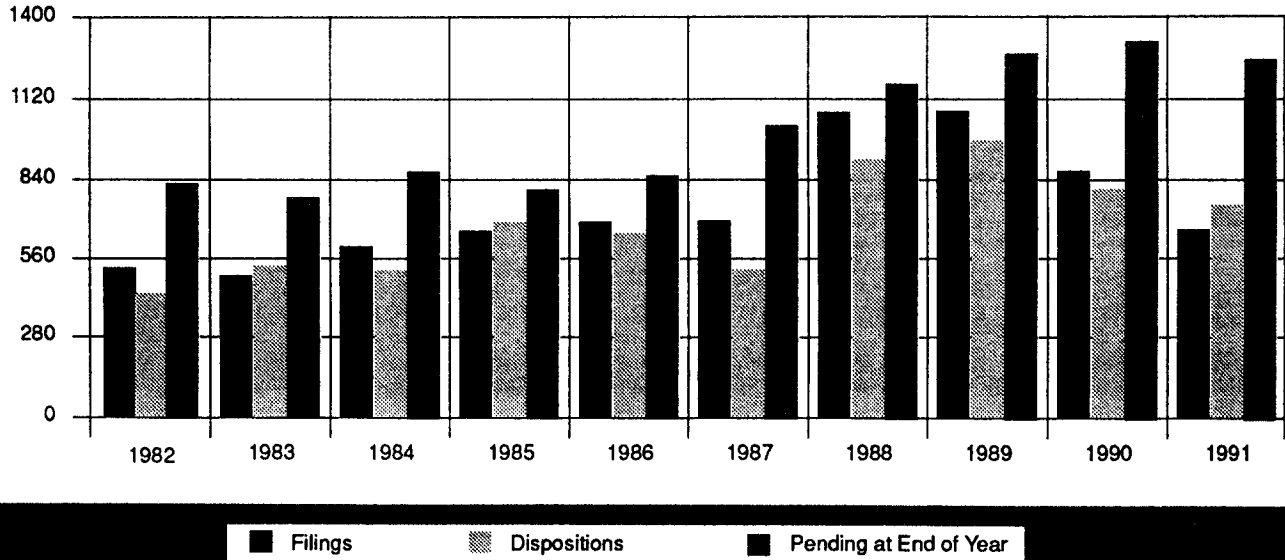
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts



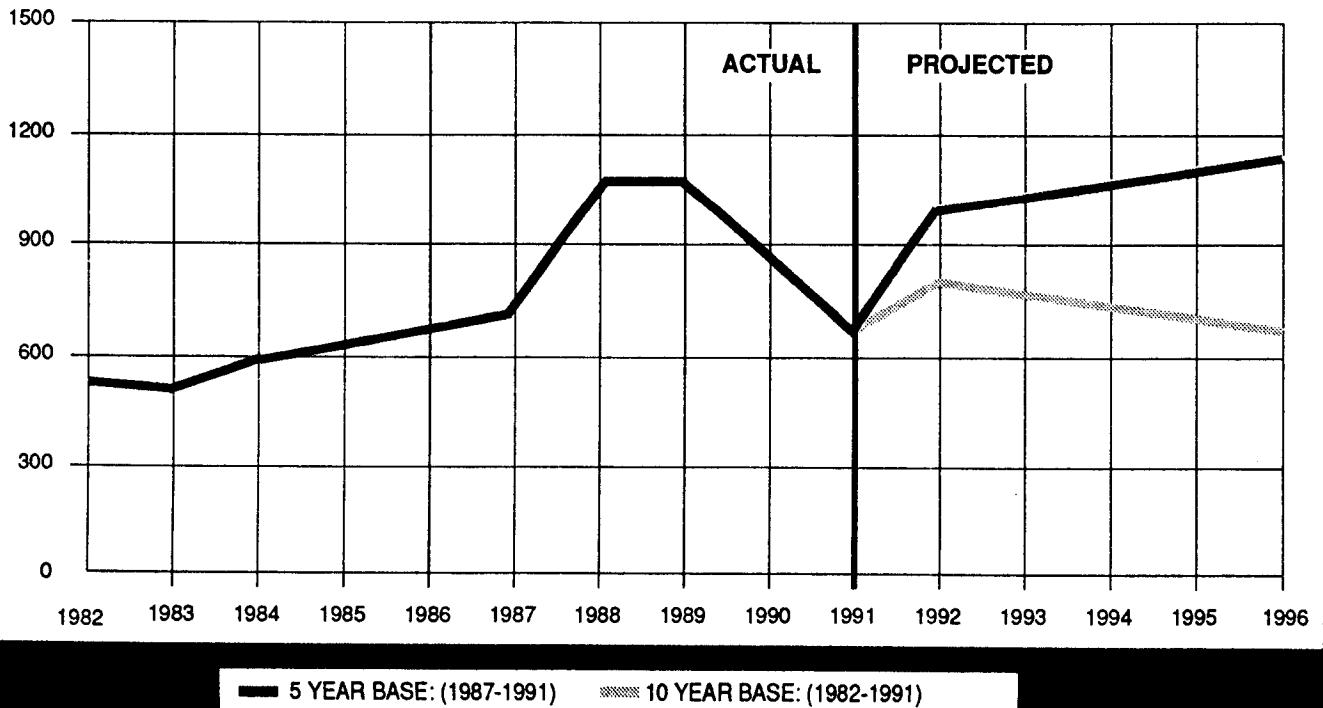
Partially restored Murphey House — Dover, Delaware.

Court of Chancery - Civil

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Court of Chancery

FISCAL YEAR 1991 MISCELLANEOUS MATTERS – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	3,567	289	169	3,687	+ 120	+ 3.4%
Kent	761	116	47	830	+ 69	+ 9.1%
Sussex	<u>*1,411</u>	<u>199</u>	<u>159</u>	<u>1,451</u>	<u>+ 40</u>	<u>+ 2.8%</u>
State	*5,739	604	375	5,968	+ 229	+ 4.0%

COMPARISON – FISCAL YEARS 1990-1991 MISCELLANEOUS MATTERS – CASELOAD

FILINGS

	1990	1991	Change	% Change
New Castle	349	289	- 60	- 17.2%
Kent	78	116	+ 38	+ 48.7%
Sussex	<u>*180</u>	<u>199</u>	<u>+ 19</u>	<u>+ 10.6%</u>
State	*607	604	- 3	- 0.5%

COMPARISON – FISCAL YEARS 1990-1991 MISCELLANEOUS MATTERS – CASELOAD

DISPOSITIONS

	1990	1991	Change	% Change
New Castle	154	169	+ 15	+ 9.7%
Kent	46	47	+ 1	+ 2.2%
Sussex	<u>162</u>	<u>159</u>	<u>- 3</u>	<u>- 1.9%</u>
State	362	375	+ 13	+ 3.6%

* Amended from 1990 Annual Report.

Source: New Castle County, Kent County, and Sussex County Registers in Chancery, Administrative Office of the Courts

Court of Chancery

FISCAL YEAR 1991 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

FILINGS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	112	38.8%	110	38.1%	5	1.7%	43	14.9%	19	6.6%	289	100.0%
Kent	36	31.0%	58	50.0%	0	0.0%	14	12.1%	8	6.9%	116	100.0%
Sussex	35	17.6%	44	22.1%	0	0.0%	62	31.2%	58	29.1%	199	100.0%
State	183	30.3%	212	35.1%	5	0.8%	119	19.7%	85	14.1%	604	100.0%

FISCAL YEAR 1991 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

DISPOSITIONS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	50	29.6%	52	30.8%	10	5.9%	33	19.5%	24	14.2%	169	100.0%
Kent	18	38.3%	19	40.4%	0	0.0%	7	14.9%	3	6.4%	47	100.0%
Sussex	37	23.3%	44	27.7%	0	0.0%	10	6.3%	68	42.8%	159	100.0%
State	105	28.0%	115	30.7%	10	2.7%	50	13.3%	95	25.3%	375	100.0%

FISCAL YEAR 1991 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	731	19.8%	1,105	30.0%	177	4.8%	1,217	33.0%	457	12.4%	3,687	100.0%
Kent	325	39.2%	276	33.3%	15	1.8%	176	21.2%	38	4.6%	830	100.0%
Sussex	301	20.7%	110	7.6%	16	1.1%	1,006	69.3%	18	1.2%	1,451	100.0%
State	1,357	22.7%	1,491	25.0%	208	3.5%	2,399	40.2%	513	8.6%	5,968	100.0%

FISCAL YEARS 1990-1991 MISCELLANEOUS MATTERS — CASELOAD BREAKDOWNS

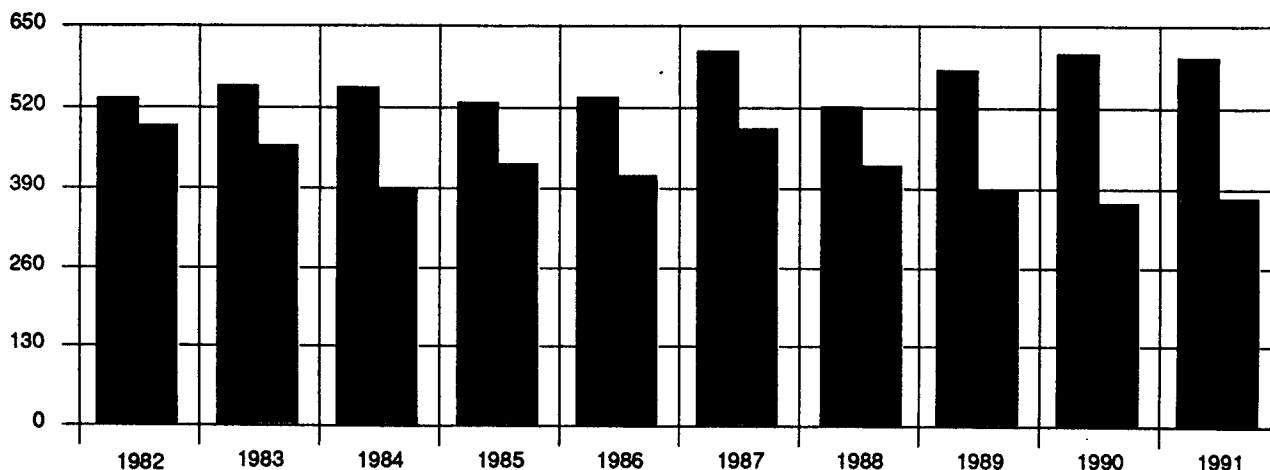
CHANGE IN PENDING

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Other Matters		TOTALS	
New Castle	+	62	+	58	-	5	+	10	-	5	+	120
Kent	+	18	+	39		0	+	7	+	5	+	69
Sussex	-	2		0		0	+	52	-	10	+	40
State	+	78	+	97	-	5	+	69	-	10	+	229

Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts

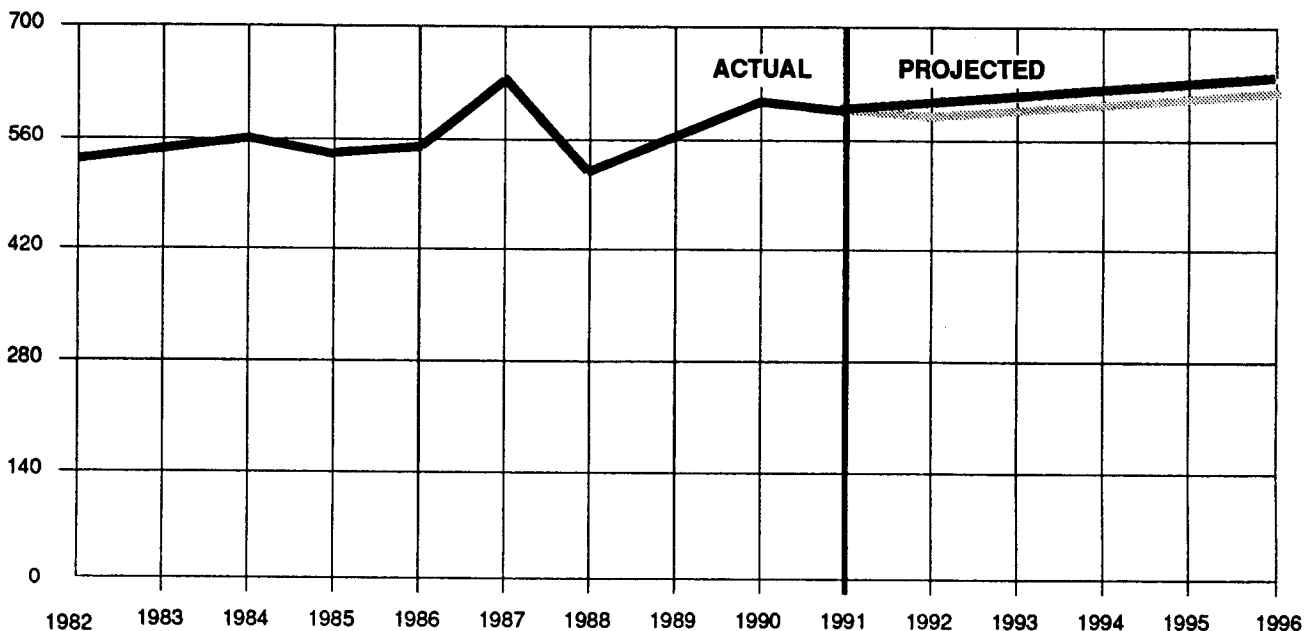
Court of Chancery - Miscellaneous

10 YEAR CASELOAD TREND



■ Filings ■ Dispositions

5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



— 5 YEAR BASE: (1987-1991) ▨ 10 YEAR BASE: (1982-1991)

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Court of Chancery

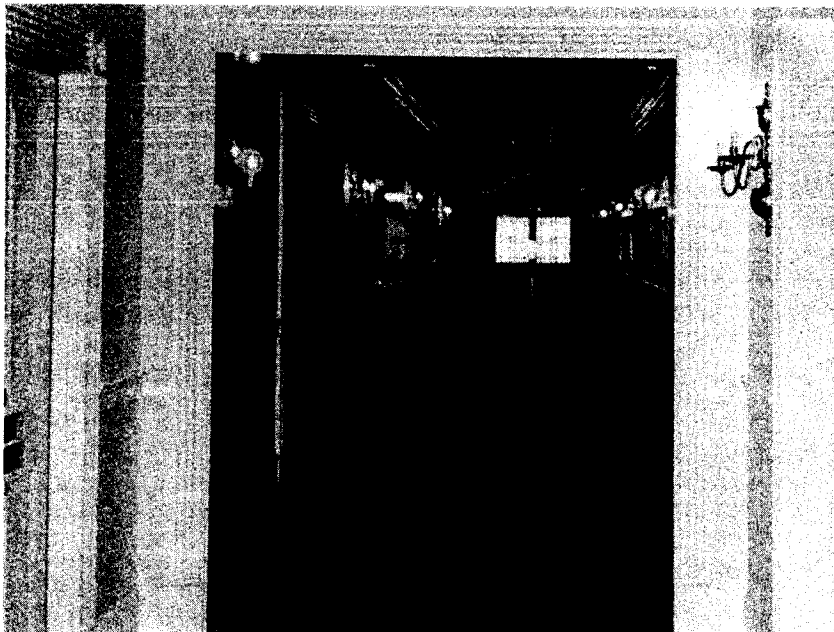
FISCAL YEAR 1990 ESTATES – CASELOAD SUMMARY

	Pending 6/30/90	Opened	Closed	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	1,838	1,330	1,273	1,895	+ 57	+ 3.1%
Kent	1,135	272	299	1,108	- 27	- 2.4%
Sussex	<u>732</u>	<u>489</u>	<u>460</u>	<u>761</u>	<u>+ 29</u>	<u>+ 4.0%</u>
State	3,705	2,091	2,032	3,764	+ 59	+ 1.6%

COMPARISON – FISCAL YEARS 1990-1991 ESTATES – CASELOAD

	OPENED			
	1990	1991	Change	% Change
New Castle	1,332	1,330	- 2	- 0.2%
Kent	312	272	- 40	- 12.8%
Sussex	<u>504</u>	<u>489</u>	<u>- 15</u>	<u>+ 3.0%</u>
State	2,148	2,091	- 57	- 2.7%
	CLOSED			
	1990	1991	Change	% Change
New Castle	1,276	1,273	- 3	- 0.2%
Kent	316	299	- 17	- 5.4%
Sussex	<u>446</u>	<u>460</u>	<u>+ 14</u>	<u>+ 3.1%</u>
State	2,038	2,032	- 6	- 0.3%

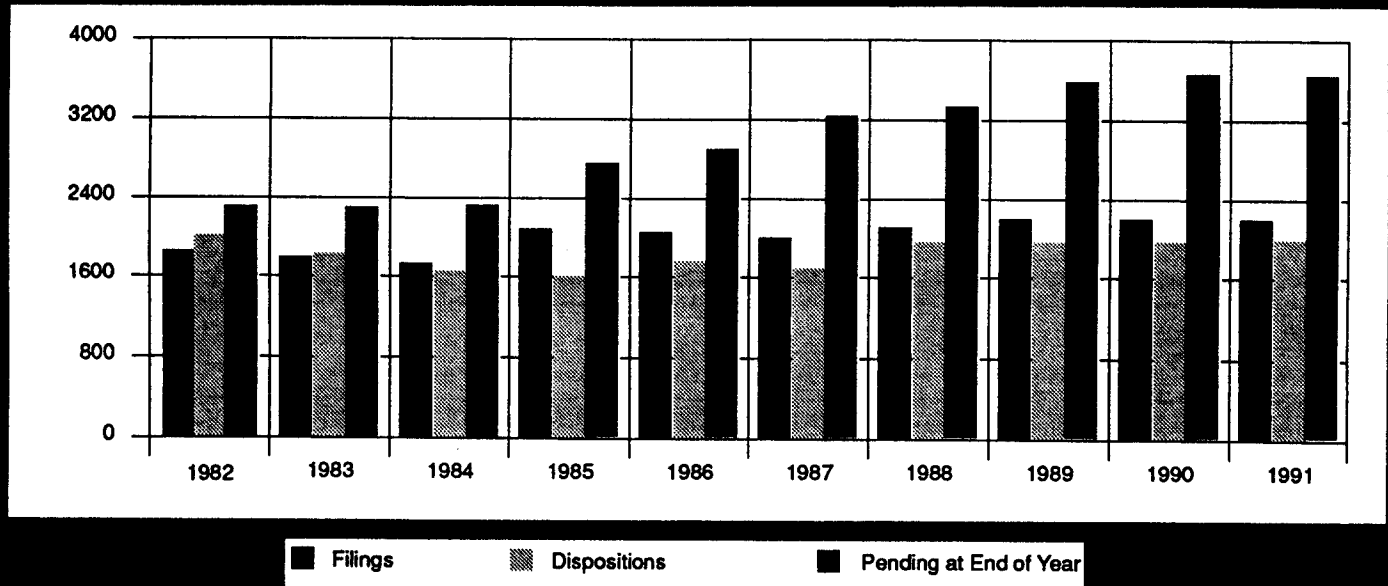
Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts



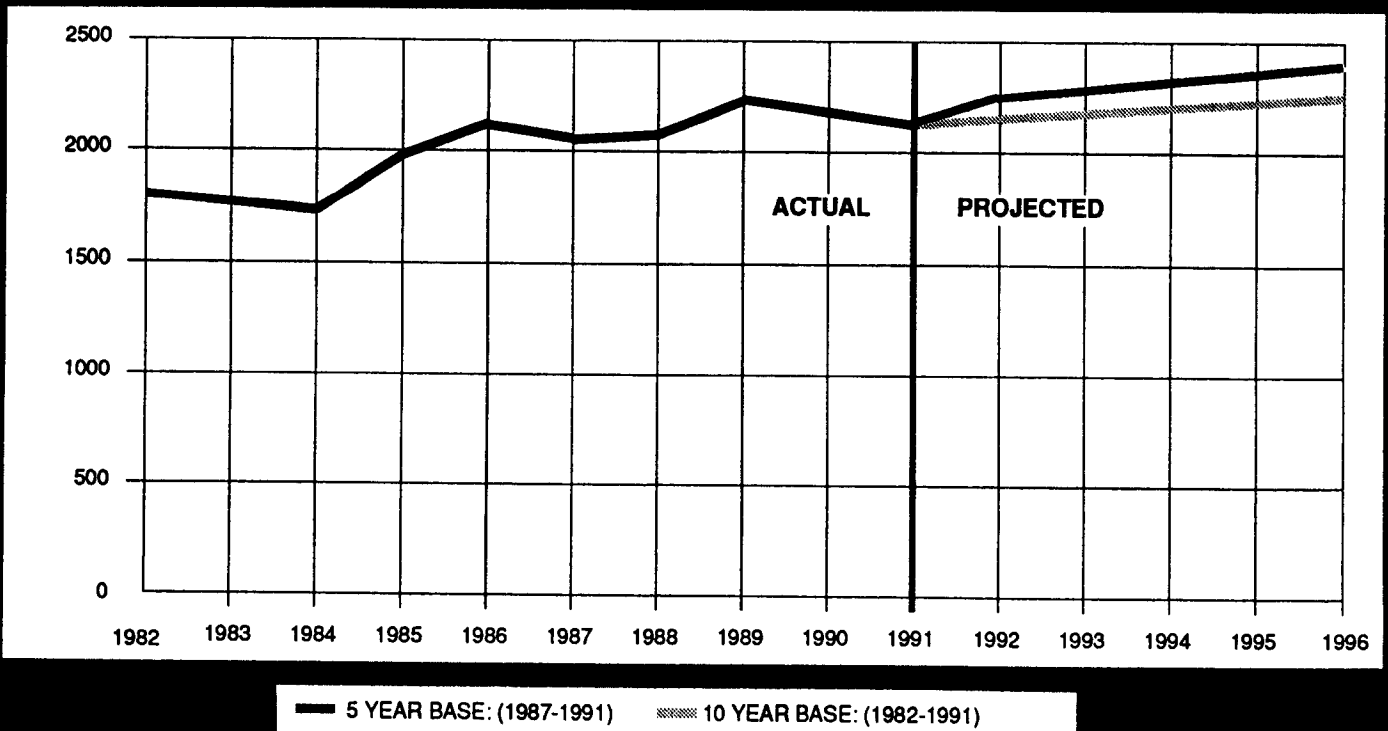
Main Hallway —
Sussex County
Courthouse.

Court of Chancery - Estates

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Superior Court

President Judge Henry du Pont Ridgely
Associate Judge Vincent A. Bifferato
Associate Judge Clarence W. Taylor
Associate Judge Bernard Balick
Resident Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge Susan C. Del Pesco
Resident Judge Myron T. Steele
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves
Associate Judge Charles H. Tolliver, IV
Associate Judge Carl G. Goldstein

Superior Court



SUPERIOR COURT

Seated (Left-Right)

Associate Judge Bernard Balick
Associate Judge Vincent A. Bifferato
President Judge Henry duPont Ridgely
Associate Judge Clarence W. Taylor
Resident Judge Vincent J. Poppiti

Middle (Left-Right)

Associate Judge Susan C. Del Pesco
Associate Judge John E. Babiarz, Jr.
Associate Judge Richard S. Gebelein
Resident Judge William Swain Lee
Resident Judge Myron T. Steele

Back (Left-Right)

Associate Judge Charles H. Tolliver, IV
Associate Judge Jerome O. Herlihy
Associate Judge Norman A. Barron
Associate Judge T. Henley Graves
Associate Judge Carl G. Goldstein

Superior Court

Legal Authorization

The *Constitution of Delaware*, Article IV, Section I, created 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 fifteen today.

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 medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics liens, condemnations, and appeals related to landlord-tenant disputes and appeals from the Automobile Arbitration Board. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and except possession of marijuana cases).

Superior Court has jurisdiction over

involuntary commitments of the mentally ill to the Delaware State Hospital. 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 50 administrative agencies including the Industrial Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Alderman's Courts, Justice of the Peace Courts, and Municipal Court are heard on trials de novo (second trials) in Superior Court. Appeals from Superior Court are argued on the record before the Supreme Court.

Judges

Number: There may be fifteen judges appointed to the Superior Court bench. One of the fifteen Judges is appointed President Judge with administrative responsibility for the Court, and three 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.

Appointment: Superior Court Judges are nominated by the Governor and confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: The Judges must be learned in the law.

Support Personnel

Superior Court may appoint court reporters, law clerks, bailiffs, pre-sentence officers, a secretary for each judge and other personnel.

An elected Prothonotary for each county serves as Clerk of the Superior Court for that county. The Prothonotary is the record keeper for the Superior Court and is directly involved with the daily operations of the Court. The Office handles the jury list, property liens, registration of law students and attorneys, and is the custodian of costs and fees for the Court and for the Attorney General. It 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

Superior Court

officials, issues commitments to the State Hospital and collects and distributes restitution monies as ordered by the Court in addition to numerous other duties. It is also charged with the security, care and custody of Court's exhibits.

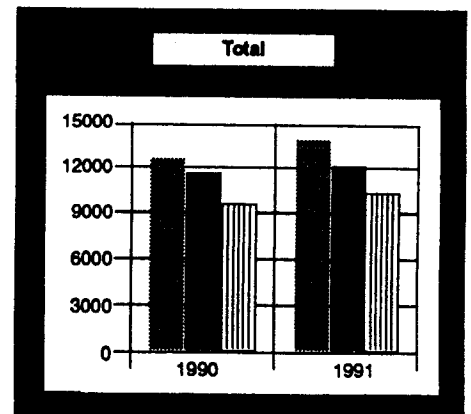
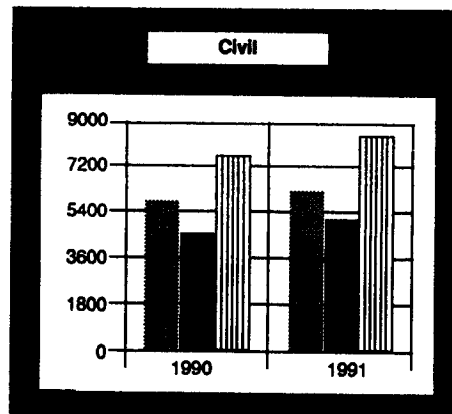
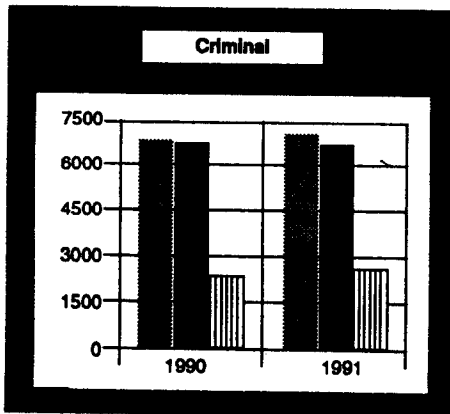
Elected Sheriffs, one per county, also serve Superior Court.

Caseload Trend

There was a rise of 2.5% in criminal filings from 6,833 in FY 1990 to 7,003 in 1991. Criminal dispositions fell slightly to 6,709 in FY 1991 from 6,775 in FY 1990. In both cases these followed large increases during the previous fiscal year. The number of criminal pending was up by 13.1% to 2,538 at the end of FY 1991 from 2,244 at the end of FY 1990. The rate of compliance with the 120-day speedy trial standard fell slightly from 58.2% in FY 1990 to 57.7% in FY 1991. This drop came after a sharp rise the previous year, which had come immediately after a rate of compliance of under 50% in FY 1989.

The Court had made a major effort to deal with the large rise in the number of criminal filings in FY 1990, but an increase of 12.3% in civil filings from 5,644 in FY 1990 to 6,341 in FY 1991 forced the Court to devote some added resources to its civil caseload in FY 1991. This resulted in a 14.4% rise in civil dispositions from 4,697 in FY 1990 to 5,375 in FY 1991. Despite this increase in dispositions, the rise in civil filings still led to a rise of 13.0% in civil pending to 8,417 at the end of FY 1991 from 7,451 at the end of FY 1990.

In FY 1990 the large rise in criminal filings resulted in a rise in the number of total filings, while in FY 1991 it was largely the rise in civil filings that led to a rise in the number of total filings. There was a jump of 6.9% in total filings from 12,477 in FY 1990 to 13,344 in FY 1991. As with the filings, it was the increases on the civil side that led to a 5.3% increase in total dispositions to 12,084 in FY 1991 from 11,472 in FY 1990. Rises in both criminal and civil pending led to a 13.5% rise in the total pending from 9,695 at the end of FY 1990 to 10,995 at the end of FY 1991.



Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD SUMMARY

	Pending 6/30/90	Number of Defendants		Pending 6/30/91	Change In Pending	% Change In Pending
		Filings	Dispositions			
New Castle	1,597	5,065	4,762	1,900	+ 303	+ 19.0%
Kent	331	1,029	957	403	+ 72	+ 21.8%
Sussex	<u>316</u>	<u>909</u>	<u>900</u>	<u>235</u>	- 81	- 25.6%
State	2,244	7,003	6,709	2,538	+ 294	+ 13.1%

COMPARISON – FISCAL YEARS 1990-1991 CRIMINAL CASES – CASELOAD

FILINGS

	Number of Defendants			
	1990	1991	Change	% Change
New Castle	5,006	5,065	+ 59	+ 1.2%
Kent	909	1,029	+ 120	+ 13.2%
Sussex	<u>918</u>	<u>909</u>	- 9	- 1.0%
State	6,833	7,003	+ 170	+ 2.5%

COMPARISON – FISCAL YEARS 1990-1991 CRIMINAL CASES – CASELOAD

DISPOSITIONS

	Number of Defendants			
	1990	1991	Change	% Change
New Castle	5,029	4,762	- 267	- 5.3%
Kent	966	957	- 9	- 0.9%
Sussex	<u>780</u>	<u>990</u>	+ 210	+ 26.9%
State	6,775	6,709	- 66	- 1.0%

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD EXPLANATORY NOTES

1. The unit of count in Superior Court criminal cases is the defendant. A defendant is defined as an individual named in an indictment, so that an individual named in 3 indictments is counted as 3 defendants. An individual with a consecutively-numbered series of informations, appeals, or transfers filed on the same day is counted as one defendant.
2. Informations are filed if defendants waive indictment.
3. Transfers are defendants brought before the Court of Common Pleas in New Castle County who request jury trials. Since the Court of Common Pleas in Kent and Sussex Counties itself holds jury trials, there are no transfers in either of those counties.
4. Reinstatements represent defendants who have had their cases disposed of who are brought back before Superior Court for one of the following reasons:
 - Mistrial
 - Hung jury
 - Motion for new trial granted
 - Guilty plea withdrawn
 - Lower court appeal reinstated after being dismissed
 - Conviction overturned by Supreme Court; remanded to Superior Court for new trial.
5. Severances are defendants indicted on multiple charges whose charges are severed to be tried separately.
6. Trial dispositions refer to the number of defendants whose charges were disposed of at a trial rather than the number of trials. The date of disposition is the trial date. Should the decision be reserved, it will be the date when the opinion is handed down.
7. A defendant is counted as being disposed of by nolle prosequi only if all charges in an indictment or information or all charges transferred or appealed simultaneously are dropped. For example, if a defendant pleads guilty to one charge in an indictment, and other charges in the same indictment are then nol-prossed, that defendant is considered to have been disposed of by guilty plea on the date of the plea.
8. Defendants are not counted as disposed of by nolle prosequi if the nolle prosequi was filed to an original charge because the defendant entered a guilty plea to a new information. The new information is a further action in an existing case and is not counted as a separate filing, so the nolle prosequi is not the primary disposition.
9. Only nolle prosequis filed for defendants who were actually brought before Superior Court by indictment, information, appeal, transfer, reinstatement, or severance are counted in the total number of Superior Court dispositions. Nolle prosequis of unindicted defendants are listed separately because such defendants were never formally before the Superior Court.
10. Unindicted nolle prosequis are felony or drug defendants who were arrested and were bound over to Superior Court by a lower court either because probable cause was found or because the defendant waived preliminary hearing. The Attorney General then decided not to seek indictment or the grand jury ignored the indictment and a nolle prosequi was filed.
11. Remands are defendants who appealed or transferred their cases to Superior Court and had them remanded back to the lower court. ADRR's are cases in which an appeal to Superior Court has been dismissed with the record being remanded to the court from which it came. ADRR's and remands do not constitute the dispositions of all appeals that are filed; some are disposed of by trial de novo, plea, or nolle prosequi.
12. Participation in the First Offender Program is limited to defendants who are charged with driving under the influence or select drug possession charges and are first-time offenders. The defendants choose to enroll in a rehabilitation program and waive their right to a speedy trial in the process. The charge is dropped once the defendant satisfactorily completes the program and pays all fees.
13. A consolidation represents a single individual who is indicted separately on different charges but whose charges are consolidated to be tried together. Thus an individual indicted in January and again in February, and who is counted as two filings, will receive one trial disposition and one consolidation disposition if the charges are tried together.

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD BREAKDOWNS

FILINGS

Number of Defendants Brought to Superior Court By:

	Indictment		Information		Appeal		Transfer		Reinstatement		Severance		TOTALS	
New Castle	4,358	86.0%	115	2.3%	93	1.8%	499	9.9%	0	0.0%	0	0.0%	5,065	100.0%
Kent	654	63.6%	362	35.2%	10	1.0%	0	0.0%	2	0.2%	1	0.1%	1,029	100.0%
Sussex	195	21.5%	710	78.1%	1	0.1%	1	0.1%	1	0.1%	1	0.1%	909	100.0%
State	5,207	74.4%	1,187	16.9%	104	1.5%	500	7.4%	3	0.0%	2	0.0%	7,003	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS

Number of Defendants Disposed of By:

	Trial		Guilty Plea		Nolle Prosequi		Remand or Transfer		ADRR		Dismissal		First Offender		Cons.		TOTALS	
New Castle	217	4.6%	3,204	67.3%	1,221	25.6%	5	0.1%	13	0.3%	50	1.0%	51	1.1%	1	0.0%	4,762	100.0%
Kent	30	3.1%	715	74.7%	201	21.0%	0	0.0%	4	0.4%	1	0.1%	6	0.6%	0	0.0%	967	100.0%
Sussex	67	6.8%	728	73.5%	149	15.1%	15	1.5%	2	0.2%	4	0.4%	25	2.5%	0	0.0%	990	100.0%
State	314	4.7%	4,647	69.3%	1,571	23.4%	20	0.3%	19	0.3%	55	0.8%	82	1.2%	1	0.0%	6,709	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Defendants

	Triable		Non-Triable		TOTALS	
New Castle	1,487	78.3%	413	21.7%	1,900	100.0%
Kent	152	37.7%	251	62.3%	403	100.0%
Sussex	142	60.4%	93	39.6%	235	100.0%
State	1,781	70.2%	757	29.8%	2,538	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Defendants

	Triable		Non-Triable		TOTALS	
New Castle	+ 159		+ 144		+ 303	
Kent	+ 82		- 10		+ 72	
Sussex	- 73		- 8		- 81	
State	+ 168		+ 126		+ 294	

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS – PART ONE

Number of Defendants Disposed of by:

	Jury Trial		Non-Jury Trial		Totals		GUILTY		Not Guilty*		No Final Disposition**		Totals	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	202	93.1%	15	6.9%	217	100.0%	160	73.8%	42	19.4%	15	6.9%	217	100.0%
Kent	30	100.0%	0	0.0%	30	100.0%	14	46.7%	12	40.0%	4	13.3%	30	100.0%
Sussex	49	73.1%	18	26.9%	67	100.0%	44	65.7%	21	31.4%	2	3.0%	67	100.0%
State	281	89.5%	33	10.5%	314	100.0%	218	69.5%	75	23.9%	21	6.6%	314	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS – PART TWO

Number of Defendants Disposed of by:

	Jury Trial							Non Jury Trial						TOTALS	
	GUILTY	GUILTY LIO	Not Guilty	Pled Guilty At Trial	NoI Pros/Dismissed At Trial	Mistrial	Hung Jury	GUILTY	GUILTY LIO	Not Guilty	Pled Guilty At Trial	NoI Pros/Dismissed At Trial	Mistrial		
New Castle	146	0	41	0	0	9	6	14	0	1	0	0	0	0	217
Kent	14	0	12	0	0	3	1	0	0	0	0	0	0	0	30
Sussex	27	6	10	0	4	1	1	11	0	5	0	2	0	0	67
State	187	6	63	0	4	13	8	25	0	6	0	2	0	0	314

LIO = Lesser Included Offense

NoI Pros = Nolle Prosequi

*Includes Dismissals at Trial and Nolle Prosequis at Trial

**Hung Juries and Mistrials

Source=Superior Court Case Scheduling Office, Administrative Office of the Court.



Jury box of the Superior Court Courtroom, Kent County Courthouse

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – FELONY

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	1,106	50.5%	1,022	46.6%	38	1.7%	25	1.1%	2,191	100.0%
Kent	146	48.7%	49	16.3%	7	2.3%	98	32.7%	300	100.0%
Sussex	317	63.5%	182	36.5%	0	0.0%	0	0.0%	499	100.0%
State	1,569	52.5%	1,253	41.9%	45	1.5%	123	4.1%	2,990	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – MISDEMEANOR

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	845	83.4%	37	3.7%	71	7.0%	60	5.9%	1,013	100.0%
Kent	130	31.3%	140	33.7%	16	3.9%	129	31.1%	415	100.0%
Sussex	224	97.8%	5	2.2%	0	0.0%	0	0.0%	229	100.0%
State	1,199	72.4%	182	11.0%	87	5.3%	189	11.4%	1,657	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – TOTALS

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	1,951	60.9%	1,059	33.1%	109	3.4%	85	2.7%	3,204	100.0%
Kent	276	38.6%	189	26.4%	23	3.2%	227	31.7%	715	100.0%
Sussex	541	74.3%	187	25.7%	0	0.0%	0	0.0%	728	100.0%
State	2,768	59.6%	1,435	30.9%	132	2.8%	312	6.7%	4,647	100.0%

Explanatory Notes

1. Guilty plea dispositions do not include pleas made during trials. They are included in the trial disposition totals.
2. "PG-Original" includes defendants who pled guilty to all charges or to the major charge of a multi-count indictment, appeal, transfer or reinstatement.
3. "PG-Lesser" includes defendants who pled guilty to a lesser included offense of the most serious charge, a less serious charge of a multi-count indictment or other filings, or a lesser included offense of a less serious charge of a multi-count indictment or other filing.
4. "PG-NI" indicates that a defendant pled guilty to a new information – always a less serious charge than the original one.
5. "PG-Information" denotes a defendant who waived indictment and pled guilty to an information filed by the Attorney General.
6. A plea of nolo contendere is considered to be the equivalent of a guilty plea; e.g., a plea of nolo contendere to a lesser included offense is counted with PG-Lesser.

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS — PART ONE*

	Number of Defendants With Nolle Prosequis By Special Condition		Number of Defendants With Nolle Prosequis By Merit		Total Number of Defendants Disposed Of By Nolle Prosequi	
New Castle	645	55.5%	576	47.2%	1,221	100.0%
Kent	100	49.8%	101	50.2%	201	100.0%
Sussex	<u>63</u>	<u>42.3%</u>	<u>86</u>	<u>57.7%</u>	<u>149</u>	<u>100.0%</u>
State	808	51.4%	763	48.6%	1,571	100.0%

FISCAL YEAR 1991 CRIMINAL CASES – TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS — PART TWO*

	New Castle County	Kent County	Sussex County	State
Number of Defendants with Nolle Prosequis by Special Condition				
Guilty of Other Charges, Different Indictment	175	15	43	233
Disposed of in Other Court	96	8	4	108
Reindicted	138	4	0	142
Placed on AG's Probation	77	21	5	103
Made Restitution	12	4	1	17
Placed in Custody of Other Jurisdiction	0	1	0	1
Indicted on Other Charges	10	0	0	10
Without Prejudice	6	41	1	48
Miscellaneous	131	6	9	146
Number of Defendants with Nolle Prosequis by Merit				
Codefendant Guilty	22	6	1	29
Police Problems	9	0	0	9
Defense Valid	2	2	2	6
Prosecutive Merit	193	51	23	267
Victim or Witness Availability/Deceased	84	5	14	103
Victim or Witness Attitude/Credibility	42	11	9	62
Related to Indictment	33	6	0	39
Insufficient Evidence	168	13	30	211
Due Process	5	0	0	5
Miscellaneous	<u>18</u>	<u>7</u>	<u>7</u>	<u>32</u>
TOTAL	1,221	101	149	1,571

*Nolle Prosequis for indicted defendants only.

AG = Attorney General

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

NEW CASTLE COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	6 – 1 – 1	4	8	1	0	0	0	0	21
Murder 2nd	0 – 0 – 0	2	0	0	0	0	0	0	2
Manslaughter	0 – 0 – 0	2	0	0	0	0	0	0	2
Attempted Murder 1st	5 – 0 – 0	7	7	0	0	0	0	0	19
Assault 1st	4 – 2 – 0	32	6	1	0	0	0	0	45
Assault 2nd	8 – 2 – 2	125	32	1	0	0	0	0	170
Sexual Intercourse 1st/2nd	4 – 1 – 0	6	10	0	0	2	0	0	23
Sexual Intercourse 3rd; Sex. Pen.	4 – 1 – 0	33	13	0	0	0	0	0	51
Sexual Contact	0 – 3 – 1	33	12	0	0	0	0	0	49
Kidnapping 1st/2nd	3 – 1 – 0	9	6	0	0	0	0	1	20
Robbery 1st	10 – 0 – 0	85	37	0	0	0	0	0	132
Robbery 2nd	1 – 0 – 0	48	21	0	0	0	0	0	70
Drug Offenses									
Trafficking	22 – 3 – 2	111	49	3	0	0	0	0	190
Delivery	18 – 2 – 3	291	69	1	0	0	0	0	384
Possession w/Intent to Deliver	11 – 1 – 1	332	88	0	0	0	2	0	435
Possession NN Schedule 1	6 – 1 – 0	358	107	2	0	0	24	0	498
Other Drug Offenses	1 – 0 – 0	13	34	0	0	0	0	0	48
Remaining Indicted Offenses									
All Forgery	1 – 1 – 0	168	49	3	0	0	0	0	222
Theft/RSP/Burglary	13 – 4 – 0	654	183	6	1	0	0	0	861
Weapons Offenses	5 – 8 – 0	119	87	1	0	0	0	0	220
Other	10 – 3 – 1	334	140	4	0	0	0	0	492
Appeals and Transfers									
DUI/CUI	12 – 2 – 2	74	28	10	5	2	25	0	160
Other Traffic Offenses	8 – 1 – 1	169	52	9	3	0	0	0	243
Non-Traffic Offenses	8 – 5 – 1	195	183	8	4	1	0	0	405
TOTALS	160 – 42 – 15	3,204	1,221	50	13	5	51	1	4,762

Sex. Pen. = Sexual Penetration

NN = Non-Narcotic

RSP = Receiving Stolen Property

DUI/CUI = Driving Under the Influence/Control Under the Influence.

G = Guilty (includes Pled Guilty at Trial)

NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequi at Trial).

NFD = No Final Disposition (Hung Juries and Mistrials)

NP = Nolle Prosequi

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

KENT COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	GUILTY Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	0 - 2 - 0	1	0	0	0	0	0	0	3
Murder 2nd	0 - 0 - 0	1	0	0	0	0	0	0	1
Manslaughter	0 - 0 - 0	2	1	0	0	0	0	0	3
Attempted Murder 1st	0 - 0 - 0	0	0	0	0	0	0	0	0
Assault 1st	0 - 0 - 0	2	6	0	0	0	0	0	8
Assault 2nd	0 - 1 - 0	19	19	0	0	0	0	0	39
Sexual Intercourse 1st/2nd	1 - 0 - 0	3	4	0	0	0	0	0	8
Sexual Intercourse 3rd; Sex. Pen.	0 - 0 - 0	18	4	0	0	0	0	0	22
Sexual Contact	0 - 0 - 0	14	2	0	0	0	0	0	16
Kidnapping 1st/2nd	0 - 0 - 0	3	0	0	0	0	0	0	3
Robbery 1st	2 - 0 - 0	3	6	0	0	0	0	0	11
Robbery 2nd	0 - 0 - 0	12	9	0	0	0	0	0	21
Drug Offenses									
Trafficking	2 - 3 - 0	25	13	0	0	0	0	0	43
Delivery	1 - 1 - 0	15	6	0	0	0	0	0	23
Possession w/Intent to Deliver	3 - 0 - 0	29	15	0	0	0	0	0	47
Possession NN Schedule 1	0 - 0 - 2	77	8	0	0	0	2	0	89
Other Drug Offenses	0 - 0 - 0	48	10	0	0	0	0	0	58
Remaining Indicted Offenses									
All Forgery	1 - 0 - 0	35	18	0	0	0	0	0	54
Theft/RSP/Burglary	2 - 5 - 0	196	47	0	0	0	0	0	250
Weapons Offenses	0 - 0 - 0	26	7	0	0	0	0	0	33
Other	1 - 0 - 1	114	20	1	0	0	0	0	137
Appeals and Transfers									
DUI/CUI	1 - 0 - 0	5	2	0	1	0	4	0	13
Other Traffic Offenses	0 - 0 - 0	29	2	0	1	0	0	0	32
Non-Traffic Offenses	0 - 0 - 1	38	2	0	2	0	0	0	43
TOTALS	14 - 12 - 4	715	201	1	4	0	6	0	957

Sex. Pen. = Sexual Penetration

NN = Non-Narcotic

RSP = Receiving Stolen Property

DUI/CUI = Driving Under the Influence/Control Under the Influence.

G = Guilty (includes Pled Guilty at Trial)

NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequi at Trial).

NFD = No Final Disposition (Hung Juries and Mistrials)

NP = Nolle Prosequi

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

SUSSEX COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Gulley Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	0 - 0 - 0	0	1	0	0	0	0	0	1
Murder 2nd	0 - 0 - 0	4	0	0	0	0	0	0	4
Manslaughter	0 - 0 - 0	2	0	0	0	0	0	0	2
Attempted Murder 1st	0 - 0 - 0	0	0	0	0	0	0	0	0
Assault 1st	0 - 0 - 0	11	2	0	0	0	0	0	13
Assault 2nd	4 - 2 - 0	31	6	2	0	2	0	0	47
Sexual Intercourse 1st/2nd	0 - 0 - 0	5	7	0	0	1	0	0	13
Sexual Intercourse 3rd; Sex. Pen.	0 - 0 - 0	22	1	0	0	0	0	0	23
Sexual Contact	0 - 1 - 0	16	1	0	0	1	0	0	19
Kidnapping 1st/2nd	0 - 0 - 0	2	0	0	0	0	0	0	2
Robbery 1st	0 - 0 - 0	13	3	0	0	0	0	0	16
Robbery 2nd	0 - 0 - 0	13	4	0	0	0	0	0	17
Drug Offenses									
Trafficking	3 - 1 - 0	15	4	0	0	0	0	0	23
Delivery	1 - 1 - 0	6	3	0	0	0	0	0	11
Possession w/Intent to Deliver	1 - 0 - 0	15	6	0	0	0	0	0	22
Possession NN Schedule 1	3 - 4 - 0	59	8	0	0	0	14	0	88
Other Drug Offenses	0 - 1 - 0	72	4	0	0	0	1	0	78
Remaining Indicted Offenses									
All Forgery	0 - 0 - 0	25	7	0	0	1	0	0	33
Theft/RSP/Burglary	10 - 4 - 1	196	59	1	0	2	0	0	273
Weapons Offenses	2 - 0 - 0	23	6	0	0	0	0	0	31
Other	15 - 3 - 1	143	23	0	0	4	0	0	189
Appeals and Transfers									
DUI/CUI	4 - 2 - 0	24	1	1	0	0	10	0	42
Other Traffic Offenses	1 - 2 - 0	29	2	0	2	4	0	0	40
Non-Traffic Offenses	0 - 0 - 0	2	1	0	0	0	0	0	3
TOTALS	44 - 21 - 2	728	149	4	2	15	25	0	990

Sex. Pen. = Sexual Penetration
 NN = Non-Narcotic
 RSP = Receiving Stolen Property
 DUI/CUI = Driving Under the Influence/Control Under the Influence.
 G = Guilty (includes Pled Guilty at Trial)
 NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).
 NFD = No Final Disposition (Hung Juries and Mistrials)
 NP = Nolle Prosequi
 ADRR = Appeal Dismissed, Record Remanded
 Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

STATE

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	6 – 3 – 1	5	9	1	0	0	0	0	25
Murder 2nd	0 – 0 – 0	7	0	0	0	0	0	0	7
Manslaughter	0 – 0 – 0	6	1	0	0	0	0	0	7
Attempted Murder 1st	5 – 0 – 0	7	7	0	0	0	0	0	19
Assault 1st	4 – 2 – 0	45	14	1	0	0	0	0	66
Assault 2nd	12 – 5 – 2	175	57	3	0	2	0	0	256
Sexual Intercourse 1st/2nd	5 – 1 – 0	14	21	0	0	3	0	0	44
Sexual Intercourse 3rd; Sex. Pen.	4 – 1 – 0	73	18	0	0	0	0	0	96
Sexual Contact	0 – 4 – 1	63	15	0	0	1	0	0	84
Kidnapping 1st/2nd	3 – 1 – 0	14	6	0	0	0	0	1	25
Robbery 1st	12 – 0 – 0	101	46	0	0	0	0	0	159
Robbery 2nd	1 – 0 – 0	73	34	0	0	0	0	0	108
Drug Offenses									
Trafficking	27 – 7 – 2	151	66	3	0	0	0	0	256
Delivery	20 – 4 – 3	312	78	1	0	0	0	0	418
Possession w/Intent to Deliver	15 – 1 – 1	376	109	0	0	0	2	0	404
Possession NN Schedule 1	9 – 5 – 2	494	123	2	0	0	40	0	675
Other Drug Offenses	1 – 1 – 0	133	48	0	0	0	1	0	184
Remaining Indicted Offenses									
All Forgery	2 – 1 – 0	228	74	3	0	1	0	0	309
Theft/RSP/Burglary	25 – 13 – 1	1,046	289	7	1	2	0	0	1,384
Weapons Offenses	7 – 8 – 0	168	100	1	0	0	0	0	284
Other	26 – 6 – 3	591	183	5	0	4	0	0	818
Appeals and Transfers									
DUI/CUI	17 – 4 – 2	103	31	11	6	2	39	0	215
Other Traffic Offenses	9 – 3 – 1	227	56	9	6	4	0	0	315
Non-Traffic Offenses	8 – 5 – 2	235	186	8	6	1	0	0	451
TOTALS	218 – 75 – 21	4,647	1,571	55	19	20	82	1	6,709

Sex. Pen. = Sexual Penetration

NN = Non-Narcotic

RSP = Receiving Stolen Property

DUI/CUI = Driving Under the Influence/Control Under the Influence.

G = Guilty (includes Pled Guilty at Trial).

NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial).

NFD = No Final Disposition (Hung Juries and Mistrials)

NP = Nolle Prosequi

ADRR = Appeal Dismissed, Record Remanded

Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – TRIAL CALENDAR ACTIVITY

	Total Number of Defendants Scheduled	Number of Defendants Rescheduled	Percentage of Defendants Rescheduled	Rescheduled at Defense Request		Rescheduled at Prosecution Request		Rescheduled at Mutual Request		Rescheduled at Court Request	
New Castle	4,953	2,566	51.8%	1,279	49.8%	513	20.0%	223	8.7%	551	21.5%
Kent	609	166	27.3%	63	38.0%	25	15.1%	53	31.9%	25	15.1%
Sussex	701	265	33.5%	124	46.8%	79	29.8%	17	6.4%	45	17.0%
State	6,353	2,997	47.2%	1,466	48.9%	617	20.6%	293	9.8%	621	20.7%

COMPARISON – FISCAL YEARS 1990-1991 – CALENDAR ACTIVITY

SCHEDULED

	Number of Defendants			
	1990	1991	Change	% Change
New Castle	4,584	4,953	+ 369	+ 8.0%
Kent	664	609	- 55	- 8.3%
Sussex	693	791	+ 98	+ 14.1%
State	5,941	6,353	+ 412	+ 6.9%

COMPARISON – FISCAL YEARS 1990-1991 – CALENDAR ACTIVITY

RESCHEDULED

	Number of Defendants			
	1990	1991	Change	% Change
New Castle	2,039	2,566	+ 527	+ 25.8%
Kent	281	166	- 115	- 40.9%
Sussex	369	265	- 104	+ 28.2%
State	2,689	2,997	+ 308	+ 11.5%

Superior Court

FISCAL YEAR 1991 CRIMINAL CASES – PERFORMANCE SUMMARY

	Total Number of Defendants Disposed of	Average Time from Arrest to Disposition	Median Time from Arrest to Disposition*	Average Time from Indictment/Information to Disposition#	Median Time from Indictment/Information to Disposition*#
New Castle	4,762	209.6 days	121.3 days	183.0 days	89.1 days
Kent	957	96.3 days	79.2 days	46.0 days	32.3 days
Sussex	990	100.9 days	84.5 days	77.2 days	65.5 days
State	6,709	177.4 days	109.9 days	147.8 days	77.5 days

FISCAL YEAR 1991 CRIMINAL CASES – PERFORMANCE SUMMARY

COMPLIANCE WITH 120-DAY SPEEDY TRIAL MANDATE

	Number of Defendants Disposed of Within 120 Days of Arrest		Number of Defendants Disposed of 121 Days or More After Arrest		Total Number of Defendants Disposed of	
New Castle	2,478	52.0%	2,284	48.0%	4,762	100.0%
Kent	726	75.9%	231	24.1%	957	100.0%
Sussex	665	67.2%	325	32.8%	990	100.0%
State	3,869	57.7%	2,840	42.3%	6,709	100.0%

FISCAL YEAR 1991 CRIMINAL CASES PERFORMANCE EXPLANATORY NOTES

1. The Speedy Trial Directive of Chief Justice Andrew D. Christie, effective May 16, 1990, states that 90% of all criminal defendants brought before Superior Court (except murder in the first degree cases) should be disposed of within 120 days of arrest.
2. The charts measure the average and median time intervals between arrest and disposition, and the average and median time intervals between indictment/information and disposition. Subtracting the figures for indictment/information to disposition from the figures for arrest to disposition would not determine the time from arrest to indictment/information exactly. This is because there may be a different number of cases being counted in the different categories (i.e., unindicted nolle prosequis).
3. In measuring the elapsed time of defendants for the purposes of computing compliance with speedy trial directives or average elapsed time, Superior Court excludes the following time intervals:
 - a. For all capiases, the time between the date the capias is issued and the date the capias is executed.
 - b. For all Rule 9 Summonses and Rule 9 Warrants, the time between arrest and indictment/information, if any.
 - c. For all nolle prosequis, the time between the scheduled trial date and the actual filing date of the nolle prosequi.
 - d. For all mental examinations, the time between the date the examination is ordered and the receipt date for the results.
 - e. For all defendants deemed incompetent to stand trial, the period in which the defendants remain incompetent.

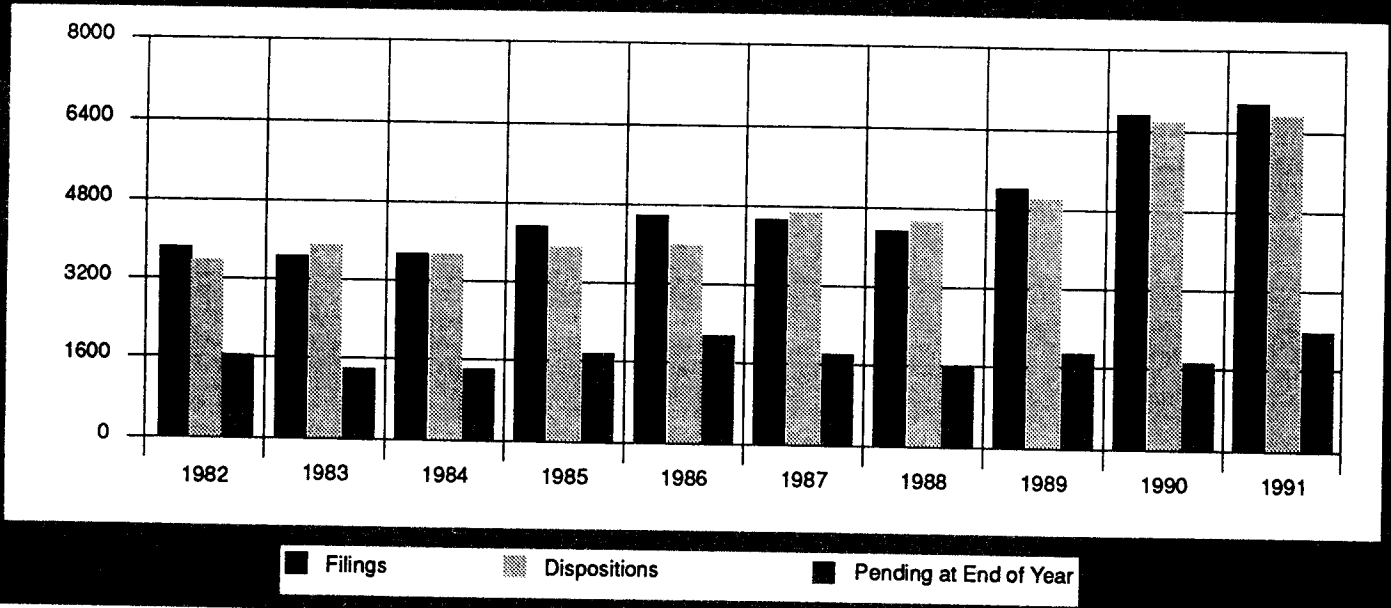
*Calculated using grouped medians method.

#Includes only defendants brought to Superior Court by indictment or information.

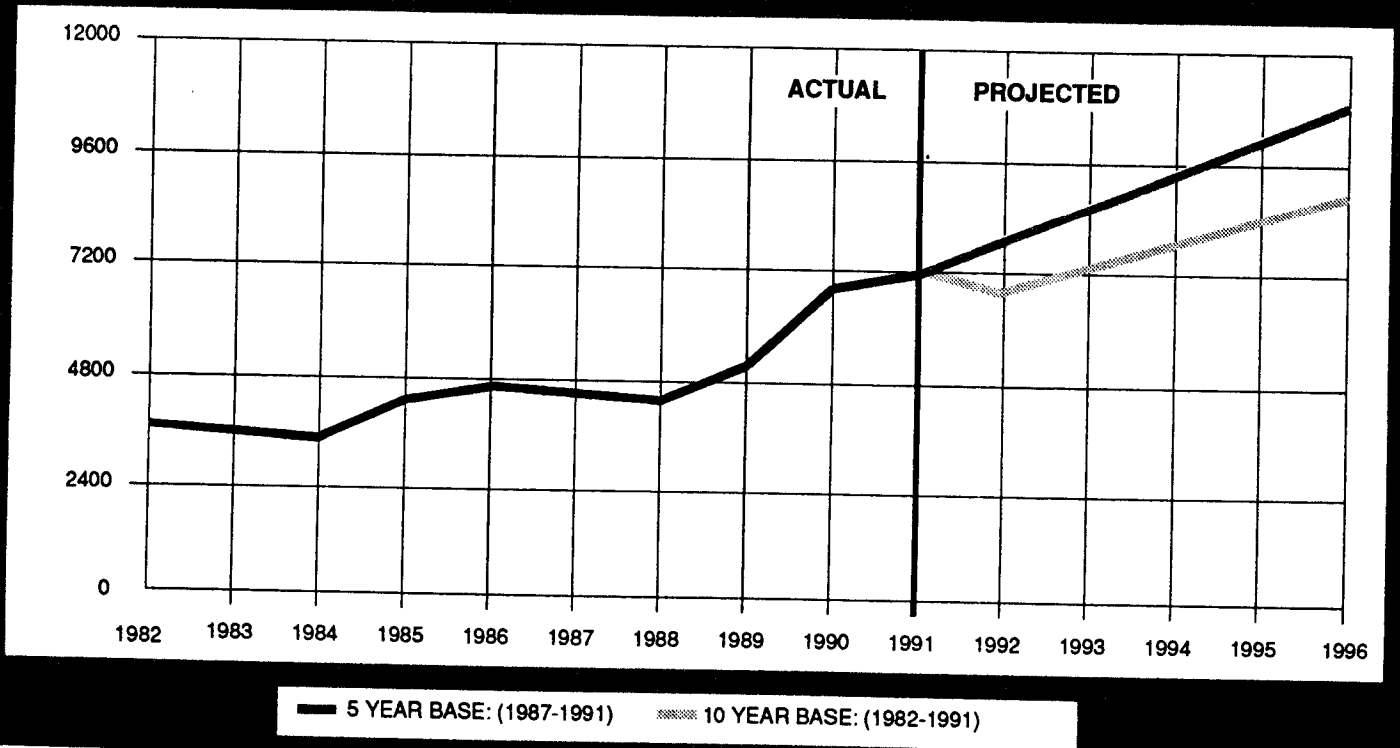
Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court - Criminal

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 PRESENTENCE OFFICE - SENTENCING

	Immediate Sentencings		Sentenced After Presentence Investigation		Total Sentencings	
	Count	%	Count	%	Count	%
New Castle	2,065	66.4%	1,047	33.6%	3,112	100.0%
Kent	605	81.9%	134	16.1%	739	100.0%
Sussex	576	84.2%	108	15.8%	684	100.0%
State	3,246	71.6%	1,289	28.4%	4,535	100.0%

COMPARISON - FISCAL YEARS 1990-1991 - CASELOAD

	IMMEDIATE SENTENCINGS				SENTENCED AFTER PRESENTENCE INVESTIGATION			
	1990	1991	Change	% Change	1990	1991	Change	% Change
New Castle	2,057	2,065	+ 8	+ 0.4%	942	1,047	+ 105	+ 11.1%
Kent	641	605	- 36	- 5.6%	95	134	+ 39	+ 41.1%
Sussex	518	576	+ 58	+ 11.2%	73	108	+ 35	+ 47.9%
State	3,216	3,246	+ 30	+ 0.9%	1,110	1,289	+ 179	+ 16.1%

FISCAL YEAR 1991 PRESENTENCE OFFICE - PERFORMANCE SUMMARY

	Number of Defendants Sentenced After Presentence Investigations	Average Time From Date Ordered to Date Written	Average Time From Date Written to Date Typed	Average Time From Date Ordered to Date Typed	Average Time From Date Typed to Date Sentenced	Average Time From Date Ordered to Date Sentenced*
New Castle	1,047	44.5 days	7.2 days	51.7 days	53.3 days	105.0 days
Kent	134	28.6 days	1.6 days	30.2 days	51.5 days	81.7 days
Sussex	108	31.8 days	1.3 days	33.1 days	45.5 days	78.6 days
State	1,289	41.8 days	6.1 days	47.9 days	52.5 days	100.4 days

FISCAL YEAR 1991 PRESENTENCE OFFICE - PERFORMANCE BREAKDOWN

COMPLIANCE WITH 60-DAY STANDARD**

	Number of Investigations Sentenced Within 60 Days of Verdict		Number of Investigations Sentenced 61 Days or More After Verdict		Total Number of Investigations Sentenced	
	Count	%	Count	%	Count	%
New Castle	104	9.9%	943	90.1%	1,047	100.0%
Kent	75	56.0%	59	44.0%	134	100.0%
Sussex	84	77.8%	24	22.2%	108	100.0%
State	263	20.4%	1,026	79.6%	1,289	100.0%

*There were 3,246 sentencings done immediately after plea or verdict and for which there was no actual elapsed time. These figures are gross elapsed time for cases where a presentence investigation was ordered from the date the presentence investigation was ordered to the defendant's sentencing date. They include all delays due to capiases, continuances and motions. If these delays were excluded, the elapsed times for presentence investigations from the date ordered to the date sentenced would be as follows:

New Castle	71.6 days
Kent	54.6 days
Sussex	58.5 days
State	68.7 days

**The Speedy Trial Directive of Chief Justice Andrew D. Christie sets a 60-day limit for the time from the date of plea or verdict to the date of sentencing where a presentence investigation has been ordered.

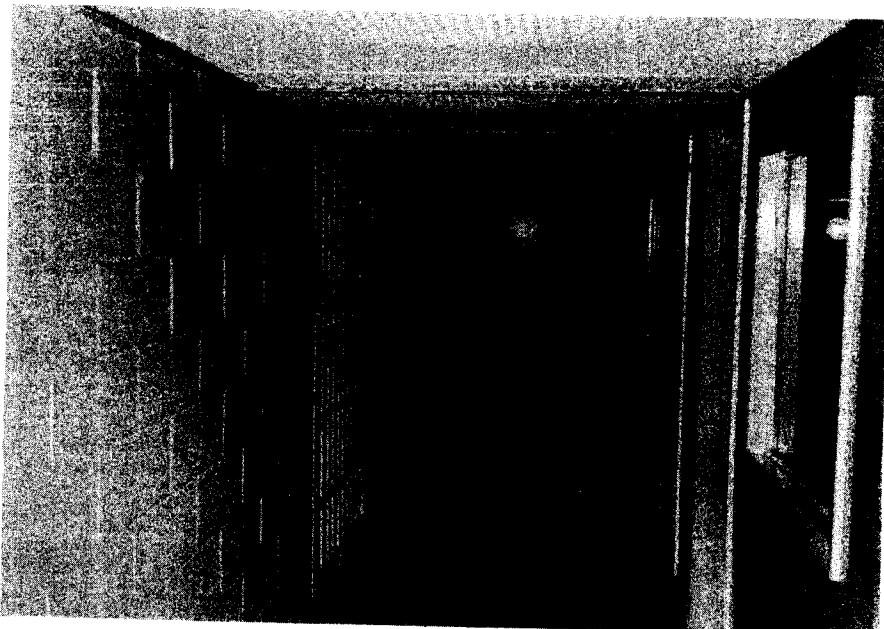
Source: New Castle County, Kent County, and Sussex County Presentence Offices; Administrative Office of the Courts

Superior Court

COMPARISON - FISCAL YEARS 1990-1991 PRESENTENCE OFFICE - PERFORMANCE

	1990	1991	Change	% Change
NEW CASTLE				
# of Defendants Sentenced After Presentence Investigations	942	1,047	+ 105	+ 11.1%
Average Time From Date Ordered to Date Written	34.0 days	44.5 days	+ 10.5 days	+ 30.9%
Average Time From Date Written to Date Typed	5.4 days	7.2 days	+ 1.8 days	+ 33.3%
Average Time From Date Ordered to Date Typed	39.4 days	51.7 days	+ 12.3 days	+ 31.2%
Average Time From Date Typed to Date Sentenced	49.2 days	53.3 days	+ 4.1 days	+ 8.3%
Average Time From Date Ordered to Date Sentenced	88.6 days	105.0 days	+ 16.4 days	+ 18.5%
KENT COUNTY*				
# of Defendants Sentenced After Presentence Investigations	95	134	+ 39	+ 41.1%
Average Time From Date Ordered to Date Written	20.6 days	28.6 days	+ 8.0 days	+ 38.8%
Average Time From Date Written to Date Typed	5.1 days	1.6 days	- 3.5 days	- 68.6%
Average Time From Date Ordered to Date Typed	25.7 days	30.2 days	+ 4.5 days	+ 17.5%
Average Time From Date Typed to Date Sentenced	58.3 days	51.5 days	- 6.8 days	- 11.7%
Average Time From Date Ordered to Date Sentenced	84.0 days	81.7 days	- 16.4 days	- 2.7%
SUSSEX COUNTY*				
# of Defendants Sentenced After Presentence Investigations	73	108	+ 35	+ 47.9%
Average Time From Date Ordered to Date Written	37.1 days	31.8 days	- 5.3 days	- 14.3%
Average Time From Date Written to Date Typed	0.3 days	1.3 days	+ 1.0 days	+333.3%
Average Time From Date Ordered to Date Typed	37.4 days	33.1 days	- 4.3 days	- 11.5%
Average Time From Date Typed to Date Sentenced	35.7 days	45.5 days	+ 9.8 days	+ 27.5%
Average Time From Date Ordered to Date Sentenced	73.1 days	78.6 days	+ 5.5 days	+ 7.5%
STATE*				
# of Defendants Sentenced After Presentence Investigations	1,110	1,289	+ 179	+ 16.1%
Average Time From Date Ordered to Date Written	33.1 days	41.8 days	+ 8.7 days	+ 26.3%
Average Time From Date Written to Date Typed	5.0 days	6.1 days	+ 1.1 days	+ 22.0%
Average Time From Date Ordered to Date Typed	38.1 days	47.9 days	+ 9.8 days	+ 25.7%
Average Time From Date Typed to Date Sentenced	49.1 days	52.5 days	+ 3.4 days	+ 6.9%
Average Time From Date Ordered to Date Sentenced	87.2 days	100.4 days	+ 13.2 days	+ 15.1%

*Kent County and Sussex County Presentence Offices also do investigations for the Court of Common Pleas. These figures are for Superior Court only.
Source: New Castle County, Kent County and Sussex County Presentence Offices; Administrative Office of the Courts.



Prisoner Holding Area—
Kent County Courthouse.

Superior Court

FISCAL YEAR 1991 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	5,477	4,927	4,177	6,227	+ 750	+ 13.7%
Kent	815	642	495	962	+ 147	+ 18.0%
Sussex	1,159	772	703	1,228	+ 69	+ 6.0%
State	7,451	6,341	5,375	8,417	+ 966	+ 13.0%

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD

FILINGS

	1990	1991	Change	% Change
New Castle	4,350	4,927	+ 577	+ 13.3%
Kent	617	642	+ 25	+ 4.1%
Sussex	677	772	+ 95	+ 14.0%
State	5,644	6,341	+ 697	+ 12.3%

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD

DISPOSITIONS

	1990	1991	Change	% Change
New Castle	3,773	4,177	+ 404	+ 10.7%
Kent	443	495	+ 52	+ 11.7%
Sussex	481	703	+ 222	+ 46.2%
State	4,697	5,375	+ 678	+ 14.4%

Source: New Castle County, Kent County, and Sussex County Prothonotaries, Administrative Office of the Courts



Prothonotary's Office,
Public Building

Superior Court

FISCAL YEAR 1991 CIVIL CASES EXPLANATORY NOTES

1. Complaints are suits for damages. During FY 1991, activity in the Complaints category included Complaints for Damages, Condemnations, Ejectments, Appeals from Justice of the Peace Court and from arbitration panels, Declaratory Judgments, Foreign Judgments, Replevins, Foreign Attachments, Domestic Attachments, Interpleaders, Amicable Actions, Breach of Contract, Transfers and Removals from the Court of Chancery, Transfers and Removals from the Court of Common Pleas, and Debt Actions.
2. Mechanic's Liens and Mortgages are property suits.
3. Involuntary Commitments are proceedings held to determine whether individuals shall be involuntarily committed as mentally ill. Because Delaware State Hospital, the State's facility for mentally ill patients, is located in New Castle County, almost all Involuntary Commitment hearings are held in New Castle County.
4. Appeals are appeals on the record. This category includes appeals from administrative agencies, appeals from Family Court, appeals from the Court of Common Pleas and certioraris.
5. Miscellaneous includes all other cases. During FY 1991 this category included Complaints Requesting Order, Habeus Corpus, Mandamus, Writs of Prohibition, Petitions for Destruction of Indicia of Arrest, Petitions to Compel Satisfaction of Judgment, Petitions to Extend Judgment, Petitions for Bail Forfeitures, Petitions to Satisfy Mortgage, Petitions to Set Aside Mortgage, Petitions for Issuance of Subpoena, Petitions for Appointment of Attorney, Out of State Depositions, Petitions to Sell Real Estate for Property Taxes, Petitions for Return of Property, Petitions to Vacate Public Road, Tax Ditches, Rules to Show Cause, In Forma Pauperis Actions, Road Resolutions, Cease and Desist Orders, and Motions for Habitual Offenders.

FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

FILINGS

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	3,203	65.0%	755	15.3%	119	2.8%	421	8.5%	429	8.7%	4,927	100.0%
Kent	466	72.6%	93	14.5%	45	5.5%	0	0.0%	38	5.9%	642	100.0%
Sussex	435	56.3%	241	31.2%	41	6.4%	0	0.0%	55	7.1%	772	100.0%
State	4,104	64.7%	1,089	17.2%	205	3.2%	421	6.6%	522	8.2%	6,341	100.0%

FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	2,664	63.8%	516	12.4%	106	2.5%	541	13.0%	350	8.4%	4,177	100.0%
Kent	358	72.3%	77	15.6%	28	5.7%	0	0.0%	32	6.5%	495	100.0%
Sussex	426	60.6%	196	27.9%	45	6.4%	0	0.0%	36	5.1%	703	100.0%
State	3,448	64.1%	789	14.7%	179	3.3%	541	10.1%	418	7.8%	5,375	100.0%

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CIVIL CASES - CASELOAD BREAKDOWNS (cont'd.)

PENDING AT END OF YEAR

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	5,192	83.4%	658	10.4%	172	2.8%	16	0.3%	199	3.2%	6,227	100.0%
Kent	736	76.5%	84	8.7%	112	11.6%	0	0.0%	30	3.1%	962	100.0%
Sussex	697	56.8%	288	23.5%	100	8.1%	0	0.0%	143	11.6%	1,228	100.0%
State	6,625	78.7%	1,020	12.1%	384	4.6%	16	0.2%	372	4.4%	8,417	100.0%

FISCAL YEAR 1991 CIVIL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints	Mechanic's Liens and Mortgages	Appeals	Involuntary Commitments	Miscellaneous	TOTALS
New Castle	+ 539	+ 239	+ 13	-120	+ 79	+ 750
Kent	+ 108	+ 16	+ 17	0	+ 6	+ 147
Sussex	+ 9	+ 45	- 4	0	+ 19	+ 69
State	+ 656	+ 300	+ 26	-120	+ 104	+ 966

FISCAL YEAR 1991 CIVIL CASES - TYPES OF DISPOSITIONS

COMPLAINTS DISPOSITIONS*

	Trial Dispositions				Non-Trial Dispositions*								TOTALS			
	Judgment for Plaintiff	Judgment for Defendant	Default Judgment for Plaintiff	Other Judgment for Plaintiff	Judgment for Defendant	Voluntary Dismissal		Court Dismissal								
New Castle	70	2.6%	56	2.1%	229	8.6%	61	2.3%	28	1.1%	1,969	73.9%	251	9.4%	2,664	100.0%
Kent	10	2.8%	5	1.4%	36	10.1%	1	3.9%	14	0.3%	274	76.5%	18	5.0%	358	100.0%
Sussex	13	3.1%	11	2.6%	62	14.6%	2	5.9%	25	0.5%	260	61.0%	53	12.4%	426	100.0%
State	93	2.7%	72	2.1%	327	9.5%	31	2.9%	100	0.9%	2,503	72.6%	322	9.3%	3,448	100.0%

*Includes cases assigned for arbitration that are disposed of for Superior Court.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 CIVIL CASES – TYPES OF DISPOSITIONS (cont'd.)

MECHANIC'S LIENS AND MORTGAGES DISPOSITIONS*

	Trial Dispositions				Non-Trial Dispositions*						TOTALS					
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Judgment for Defendant			Voluntary Dismissal		Court Dismissal		
New Castle	2	0.4%	2	0.4%	235	45.5%	22	4.3%	1	0.2%	233	45.2%	21	4.1%	516	100.0%
Kent	0	0.0%	0	0.0%	44	57.1%	0	0.0%	0	0.0%	32	41.6%	1	1.3%	77	100.0%
Sussex	1	0.5%	0	0.3%	99	50.5%	14	7.1%	0	0.0%	68	34.7%	14	7.1%	196	100.0%
State	3	0.4%	2	0.0%	378	47.9%	36	4.6%	1	0.1%	333	42.2%	36	4.6%	789	100.0%

FISCAL YEAR 1991 CIVIL CASES – TYPES OF DISPOSITIONS

INVOLUNTARY COMMITMENTS DISPOSITIONS

	Dismissed-Voluntary Commitment		Dismissed-No Probable Cause		Dismissed-Released By Hospital		Dismissed-Defendant Deceased		TOTAL	
New Castle	221	40.9%	0	0.0%	312	57.7%	8	1.5%	541	100.0%

FISCAL YEAR 1991 CIVIL CASES – TYPES OF DISPOSITIONS

APPEALS DISPOSITIONS

	Affirmed		Reversed		Affirmed Part/Reversed Part		Voluntarily Dismissed		Dismissed By Court		Remanded		TOTALS	
New Castle	49	46.2%	7	6.6%	5	4.7%	19	17.9%	13	12.3%	13	12.3%	106	100.0%
Kent	8	28.6%	2	7.1%	1	3.6%	9	32.1%	5	17.9%	3	10.7%	28	100.0%
Sussex	17	15.6%	6	13.3%	0	0.0%	12	26.7%	18	40.0%	2	4.4%	45	100.0%
State	64	35.8%	15	8.4%	6	3.4%	40	22.3%	36	20.1%	18	10.1%	179	100.0%

FISCAL YEAR 1991 CIVIL CASES – TYPES OF DISPOSITIONS

MISCELLANEOUS DISPOSITIONS

	Signed/Granted		Denied/Dismissed		Disposition Simultaneous With Filing		TOTALS	
New Castle	275	78.6%	67	19.1%	8	2.3%	350	100.0%
Kent	26	81.3%	6	18.8%	0	0.0%	32	100.0%
Sussex	30	83.3%	6	16.7%	0	0.0%	36	100.0%
State	331	79.2%	79	18.9%	8	1.9%	418	100.0%

*Includes cases assigned for arbitration that are disposed of for Superior Court.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 CIVIL CASES – TRIALS

	Number of Jury Trials		Number of Non-Jury Trials		Number of Special Jury Trials		Total Number Of Trials	
New Castle	107	66.5%	54	33.5%	0	0.0%	161	100.0%
Kent	12	57.1%	5	23.8%	4	19.0%	21	100.0%
Sussex	19	51.4%	18	48.6%	0	0.0%	37	100.0%
State	138	63.0%	77	35.2%	4	1.8%	219	100.0%

FISCAL YEAR 1991 CIVIL CASES – CALENDAR ACTIVITY

	Cases Tried		Cases Settled or Dismissed		Cases Continued for Settlement		Cases Continued Due to Lack of Judge		Cases Continued at Request of Attorney		Total Cases Scheduled	
New Castle	161	13.9%	520	44.9%	30	2.6%	23	2.0%	423	36.6%	1,157	100.0%
Kent	21	15.8%	55	41.4%	9	6.8%	0	0.0%	48	36.1%	133	100.0%
Sussex	37	17.9%	80	38.6%	1	0.5%	0	0.0%	89	43.0%	207	100.0%
State	219	14.6%	655	43.8%	40	2.7%	23	1.5%	560	37.4%	1,497	100.0%

FISCAL YEAR 1991 CIVIL CASES – PERFORMANCE SUMMARY

	COMPLAINTS		MECHANICS' LIENS AND MORTGAGES	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	2,664	534.9 days	516	186.2 days
Kent	358	439.8 days	77	129.6 days
Sussex	426	555.1 days	196	258.4 days
State	3,448	527.5 days	789	198.6 days

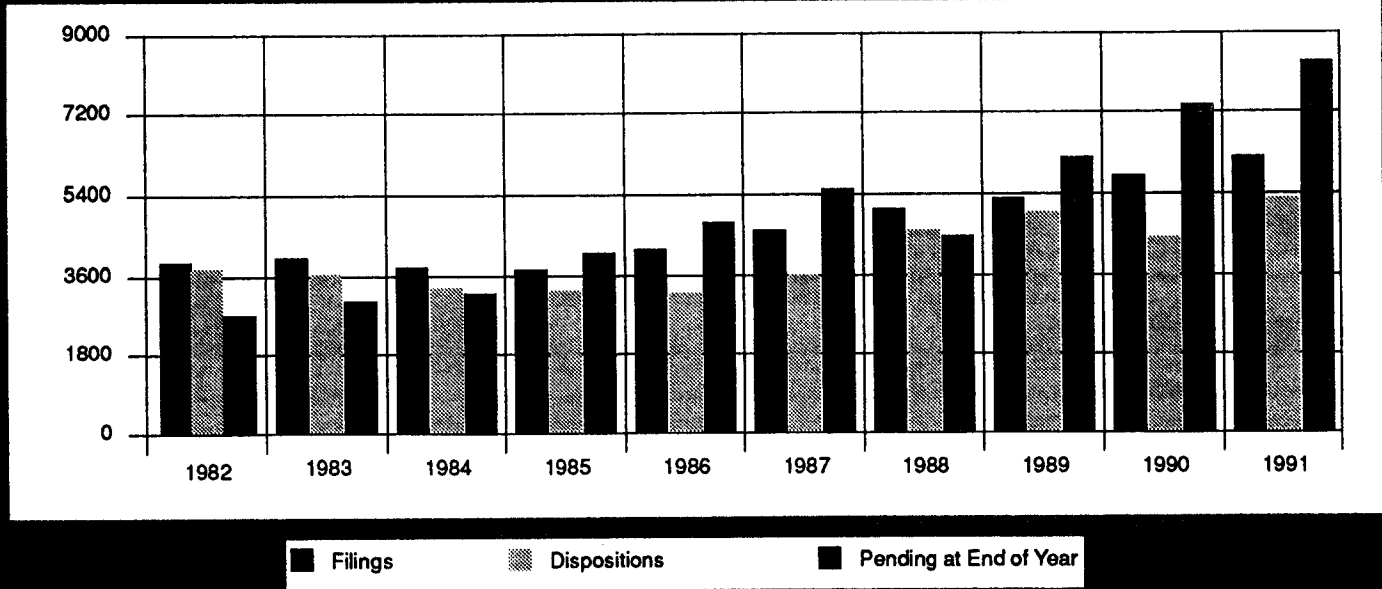
FISCAL YEAR 1991 CIVIL CASES – PERFORMANCE SUMMARY

	APPEALS		INVOLUNTARY COMMITMENTS		MISCELLANEOUS	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	106	287.9 days	541	323.0 days	350	59.3 days
Kent	28	376.9 days	0	–	32	23.1 days
Sussex	45	428.6 days	0	–	36	188.6 days
State	179	337.2 days	541	323.0 days	418	67.6 days

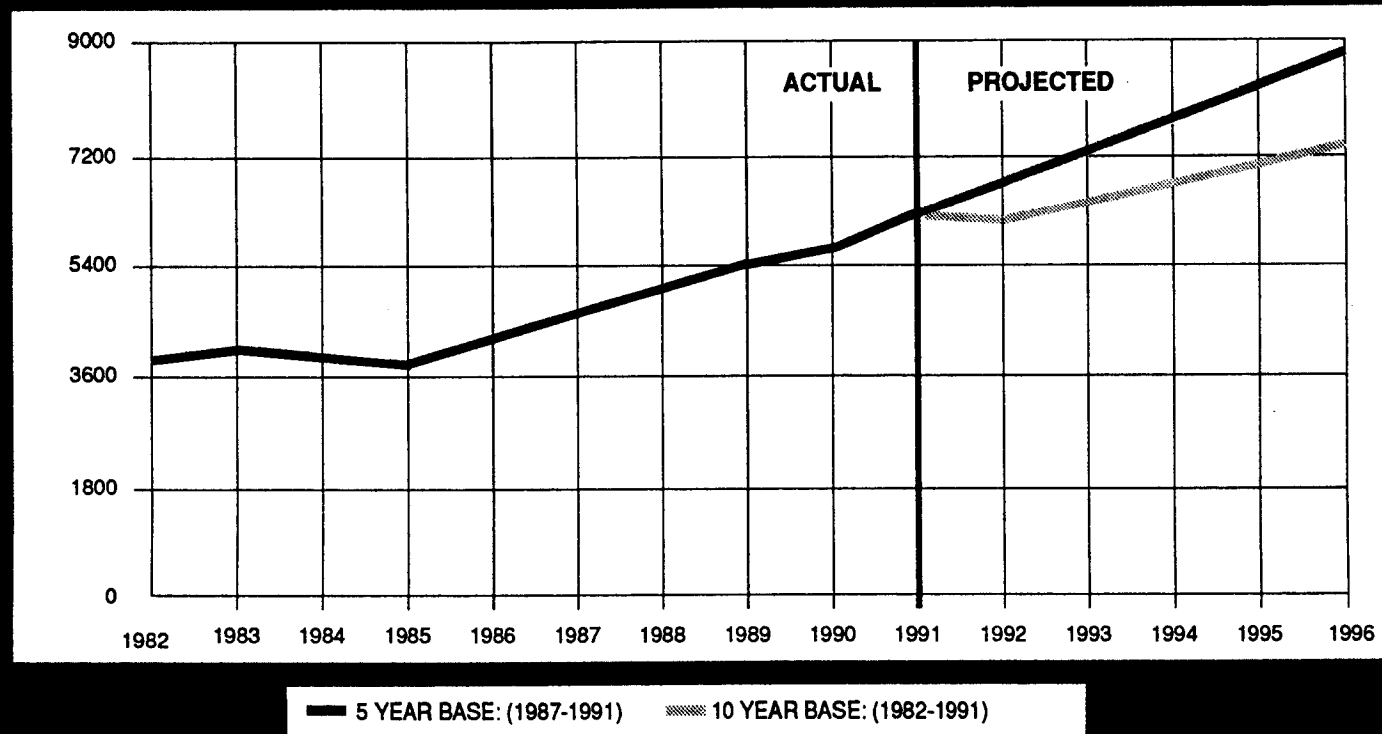
Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court - Civil

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 CIVIL CASES – PERFORMANCE BREAKDOWNS

COMPLAINTS – METHOD

	Number of Cases Disposed of by:				METHOD OF DISPOSITION							
	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL	
New Castle	126	4.7%	33	1.2%	229	8.6%	1,969	73.9%	307	11.5%	2,664	100.0%
Kent	15	4.2%	15	4.2%	36	10.1%	274	76.5%	18	5.0%	358	100.0%
Sussex	24	5.6%	8	1.9%	62	14.6%	260	61.0%	72	16.9%	426	100.0%
State	165	4.8%	56*	1.6%	327	9.5%	2,503	72.6%	397	11.5%	3,448	100.0%

FISCAL YEAR 1991 CIVIL CASES – PERFORMANCE BREAKDOWNS

COMPLAINTS – ELAPSED TIME

	AVERAGE TIME FROM FILING TO DISPOSITION										
	Cases Disposed of by:		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL
New Castle	1,011.3 days		417.4 days		155.0 days		484.1 days		960.7 days		534.9 days
Kent	957.9 days		347.2 days		121.5 days		445.1 days		641.2 days		439.8 days
Sussex	917.8 days		364.4 days		103.9 days		581.0 days		748.0 days		555.1 days
State	992.9 days		391.0 days*		141.6 days		490.0 days		907.7 days		527.5 days

FISCAL YEAR 1991 CIVIL CASES – PERFORMANCE BREAKDOWNS

MECHANIC'S LIENS AND MORTGAGES – METHOD

	Number of Cases Disposed of by:				METHOD OF DISPOSITION							
	Trial		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL	
New Castle	4	0.8%	1	2.5%	235	45.5%	233	45.2%	43	8.3%	516	100.0%
Kent	0	0.0%	0	0.0%	44	57.1%	32	41.6%	1	1.3%	77	100.0%
Sussex	1	0.5%	1	0.5%	99	50.5%	68	34.7%	27	13.8%	196	100.0%
State	5	0.6%	2	0.3%	378	47.9%	333	42.2%	71	9.0%	789	100.0%

FISCAL YEAR 1991 CIVIL CASES – PERFORMANCE BREAKDOWNS

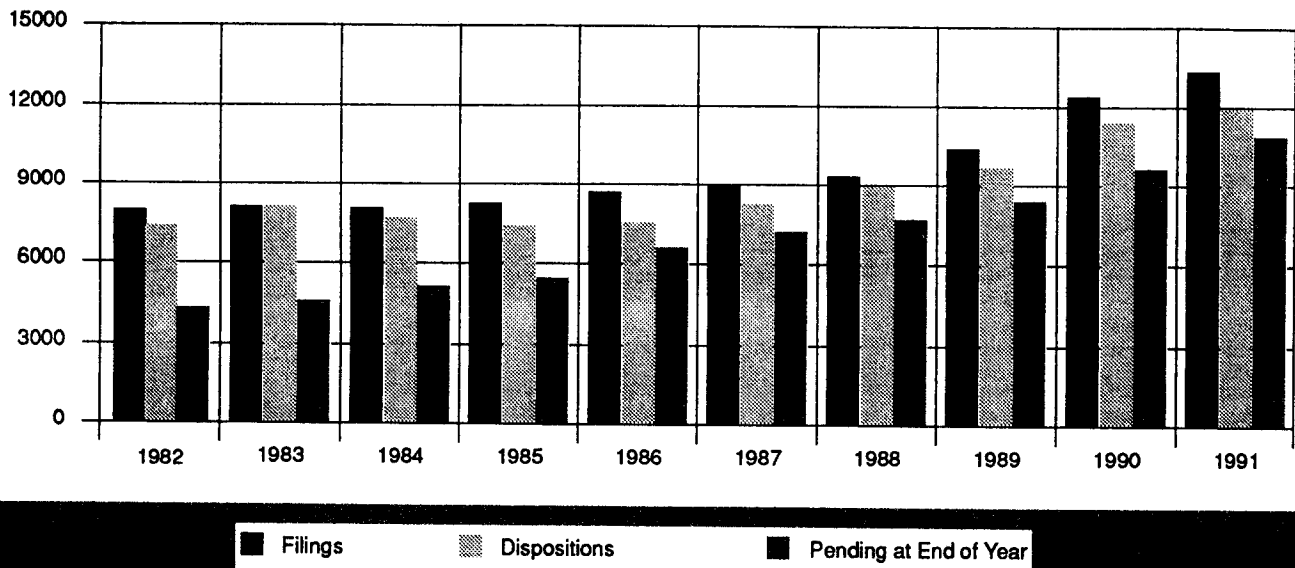
MECHANIC'S LIENS AND MORTGAGES – ELAPSED TIME

	AVERAGE TIME FROM FILING TO DISPOSITION										
	Cases Disposed of by:		Arbitrator's Order		Default Judgment		Voluntary Dismissal		Other		TOTAL
New Castle	1,006.3 days		194.0 days		113.8 days		173.2 days		575.7 days		186.2 days
Kent	– days		– days		88.3 days		189.4 days		35.0 days		129.6 days
Sussex	396.0 days		200.0 days		96.5 days		346.2 days		628.0 days		258.4 days
State	884.2 days		197.0 days		106.3 days		210.1 days		588.0 days		198.6 days

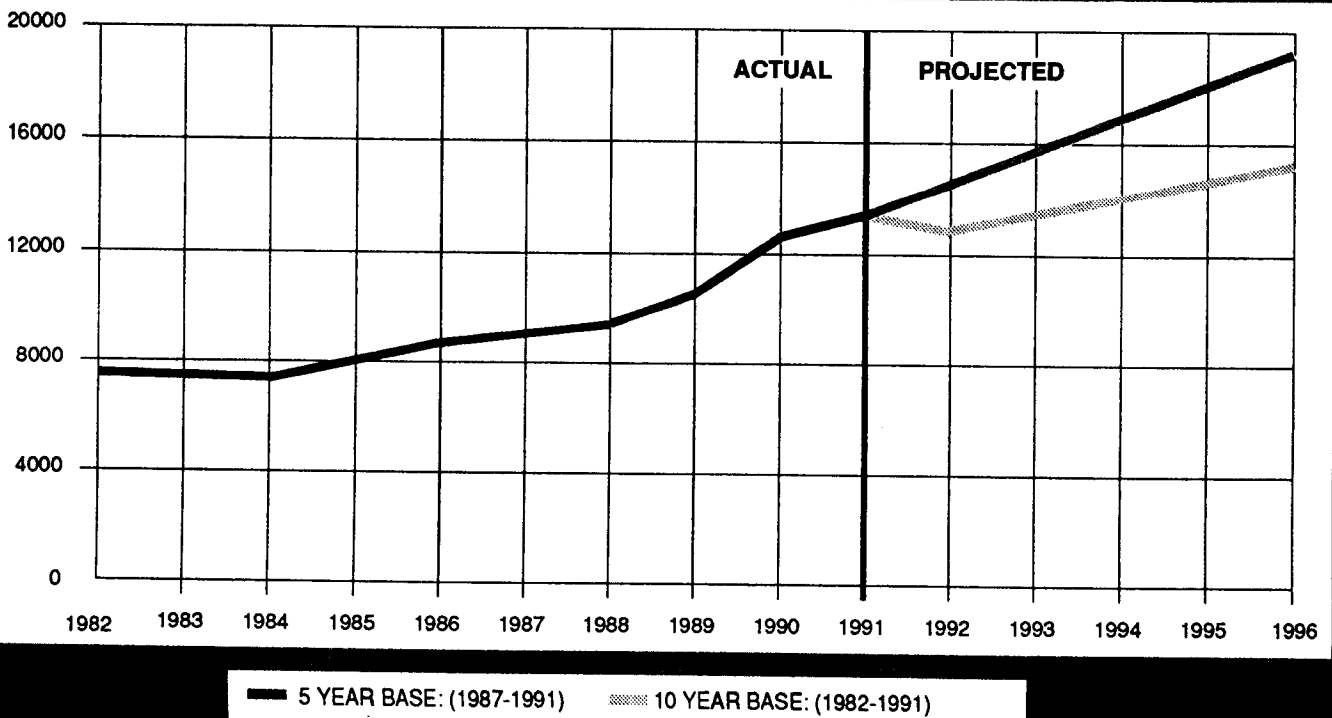
Source: New Castle County, Kent County and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court - Total

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Superior Court

FISCAL YEAR 1991 ARBITRATION EXPLANATORY NOTES

1. Arbitration is compulsory for civil cases in which:
 - a) Trial is available, and
 - b) Monetary damages are sought, and
 - c) Non-monetary damages are substantial, and
 - d) Damages do not exceed \$50,000.
2. The President Judge of Superior Court or his designee assigns each arbitration case to an arbitrator who is appointed pursuant to the following guidelines:
 - a) The parties may request a specific arbitrator by joint agreement, or
 - b) If the parties fail to mutually agree upon an arbitrator of their choice, the Court provides a list of three (3) alternative arbitrators for review by the parties. The plaintiff(s) and the defendant(s) may each strike one alternative arbitrator, and the Court appoints the arbitrator from the remaining alternative arbitrators.
3. The arbitrator's decision is to be in the form of a written order. The order is to become a judgment of the Court unless a trial de novo is requested. Any party may request a trial de novo before Superior Court within 20 days following the arbitrator's order.
4. The Arbitration Unit of the Superior Court prepares an annual report which reviews in greater detail the operation of the Superior Court arbitration program.

FISCAL YEAR 1991 ARBITRATION – CASELOAD SUMMARY

	Pending 6/30/90	Filings*	Dispositions	Pending 6/30/91	Change In Pending	% Change
New Castle	1,965	2,522	2,161	2,326	+ 361	+ 18.4%
Kent	285	317	231	371	+ 86	+ 30.2%
Sussex	296	452	330	418	+ 122	+ 41.2%
State	2,546	3,291	2,722	3,115	+ 569	+ 22.3%

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION – CASELOAD

	FILINGS*			
	1990	1991	Change	% Change
New Castle	2,251	2,522	+ 271	+ 12.0%
Kent	314	317	+ 3	+ 1.0%
Sussex	371	452	+ 81	+ 21.8%
State	2,936	3,291	+ 355	+ 121.1%

*Includes new arbitration cases, cases stipulated into arbitration, cases reactivated, and cases omitted previously.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION – CASELOAD (cont'd)

DISPOSITIONS***

	1990	1991	Change	% Change
New Castle	1,891	2,161	+ 270	+ 14.3%
Kent	266	231	- 35	- 13.2%
Sussex	<u>322</u>	<u>330</u>	+ 8	+ 2.5%
State	2,479	2,722	+ 243	+ 9.8%

FISCAL YEAR 1991 ARBITRATION – CASELOAD

FILINGS

Cases Eligible for Arbitration*

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,452	62.0%	1,506	38.0%	3,958	100.0%
Kent	313	56.0%	246	44.0%	559	100.0%
Sussex	<u>447</u>	<u>66.1%</u>	<u>229</u>	<u>33.9%</u>	<u>676</u>	<u>100.0%</u>
State	3,212	61.9%	1,981	38.1%	5,193	100.0%

All Civil Cases

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,452	49.8%	2,475	50.2%	4,927	100.0%
Kent	313	48.8%	329	51.2%	642	100.0%
Sussex	<u>447</u>	<u>57.9%</u>	<u>325</u>	<u>42.1%</u>	<u>772</u>	<u>100.0%</u>
State	3,212	50.7%	3,129	49.3%	6,341	100.0%

FISCAL YEAR 1991 ARBITRATION – CASELOAD

PENDING AT END OF YEAR

	Awaiting Responsive Pleading		Assigned to An Arbitrator		Total Pending	
New Castle	1,284	55.2%	1,042	44.8%	2,326	100.0%
Kent	278	74.9%	93	25.1%	371	100.0%
Sussex	<u>276</u>	<u>66.0%</u>	<u>142</u>	<u>34.0%</u>	<u>418</u>	<u>100.0%</u>
State	1,838	59.0%	1,277	41.0%	3,115	100.0%

*Includes complaints and mechanic's liens and mortgages.

**Includes only new filings.

***Includes cases removed before hearing, final dispositions at hearing, and de novo appeals.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 ARBITRATION – TYPES OF FILINGS*

Number of Filings

	Complaints		Mechanic's Liens and Mortgages		Total	
New Castle	2,019	82.3%	433	17.7%	2,452	100.0%
Kent	254	81.2%	59	18.8%	313	100.0%
Sussex	294	65.8%	153	34.2%	447	100.0%
State	2,567	79.9%	645	20.1%	3,212	100.0%

FISCAL YEAR 1991 ARBITRATION – TYPES OF FILINGS*

COMPLAINTS

Number of Filings

	Personal Injury (Auto)		Personal Injury (Non-Auto)		Debt/Breach of Contract		Arbitration Board Appeals		Other		Total	
New Castle	1,020	50.5%	175	8.7%	657	32.5%	150	7.4%	17	0.8%	2,019	100.0%
Kent	134	52.8%	18	7.1%	80	31.5%	12	4.7%	10	3.9%	254	100.0%
Sussex	112	38.1%	30	10.2%	136	46.3%	0	0.0%	16	5.4%	294	100.0%
State	1,266	49.3%	223	8.7%	873	34.0%	162	6.3%	43	1.7%	2,567	100.0%

FISCAL YEAR 1991 ARBITRATION – TYPES OF FILINGS*

MECHANIC'S LIENS AND MORTGAGES

Number of Filings

	Mechanic's Liens		Mortgages		Total	
New Castle	180	41.6%	253	58.4%	433	100.0%
Kent	18	30.5%	41	69.5%	59	100.0%
Sussex	63	41.2%	90	58.8%	153	100.0%
State	261	40.5%	384	59.5%	645	100.0%

*Includes only new filings.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 ARBITRATION – METHOD OF DISPOSITION

Number of Dispositions

	Removed Before Hearing*		Final Disposition Arbitrator's Order**		De Novo Appeal***		Total	
New Castle	1,398	64.7%	340	15.7%	423	19.6%	2,161	100.0%
Kent	127	55.0%	44	19.0%	60	26.0%	231	100.0%
Sussex	<u>222</u>	<u>67.3%</u>	<u>39</u>	<u>11.8%</u>	<u>69</u>	<u>20.9%</u>	<u>330</u>	<u>100.0%</u>
State	1,747	64.2%	423	15.5%	552	20.3%	2,722	100.0%

FISCAL YEAR 1991 ARBITRATION – METHOD OF DISPOSITION

DISPOSED BEFORE HEARING*

Number of Dispositions

	Default Judgment		Dismissal		Settled		Other		Total	
New Castle	300	21.5%	670	47.9%	246	17.6%	182	13.0%	1,398	100.0%
Kent	46	36.2%	72	56.9%	5	3.9%	4	3.1%	127	100.0%
Sussex	<u>100</u>	<u>45.0%</u>	<u>110</u>	<u>49.5%</u>	<u>5</u>	<u>2.3%</u>	<u>7</u>	<u>3.2%</u>	<u>222</u>	<u>100.0%</u>
State	446	25.5%	852	48.8%	256	14.7%	193	11.0%	1,747	100.0%

FISCAL YEAR 1991 ARBITRATION – METHOD OF DISPOSITION

ARBITRATOR'S ORDERS

Number of Dispositions

	Final Disposition**		De Novo Appeal***		Total	
New Castle	340	44.6%	423	55.4%	763	100.0%
Kent	44	42.3%	60	57.7%	104	100.0%
Sussex	<u>39</u>	<u>36.1%</u>	<u>69</u>	<u>63.9%</u>	<u>108</u>	<u>100.0%</u>
State	423	43.4%	552	56.6%	975	100.0%

*Includes dispositions before hearing and removals (certificate of value, stay orders, etc.)

**Cases in which the arbitrator's decision is not appealed de novo.

***Cases in which the arbitrator's decision is appealed de novo.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 ARBITRATION - TYPES OF DISPOSITIONS

NEW CASTLE COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS TOTAL
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	Order for Plain.			Order for Def.			All TOTAL	
					App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total		
Personal Injury (auto)	193	8	0	201	54	110	164	25	3	28	192	393
Personal Injury (non-auto)	47	11	0	58	12	30	42	18	1	19	61	119
Debt/Breach of Contract	49	5	0	54	24	71	95	32	1	33	128	182
Lower Court and Board Appeals	15	2	0	17	1	6	7	6	0	6	13	30
Other Complaints	5	2	0	7	2	3	5	8	0	8	13	20
Mechanic's Lien	2	1	0	3	1	8	9	1	0	1	10	14
Mortgage	0	0	0	0	0	6	6	0	0	0	6	6
TOTAL	311	29	0	340	94	234	328	90	5	95	423	763

FISCAL YEAR 1991 ARBITRATION - TYPES OF DISPOSITIONS

KENT COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS TOTAL
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	Order for Plain.			Order for Def.			All TOTAL	
					App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total		
Personal Injury (auto)	22	0	0	22	5	19	24	3	0	3	27	49
Personal Injury (non-auto)	4	1	0	5	1	2	3	3	0	3	6	11
Debt/Breach of Contract	6	3	0	9	3	10	13	1	0	1	14	23
Lower Court and Board Appeals	1	0	0	1	1	1	2	1	0	1	3	4
Other Complaints	5	1	0	6	2	2	4	1	0	1	5	11
Mechanic's Lien	0	0	0	0	0	3	3	1	0	1	4	4
Mortgage	1	0	0	1	0	0	0	1	0	1	1	2
TOTAL	39	5	0	44	12	37	49	11	0	11	60	104

*Arbitrator's order is not followed by de novo application. In such cases, the arbitrator's order becomes a judgment.

Judg. = Judgment

Plain. = Plaintiff

Def. = Defendant

App. = Application

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 ARBITRATION – TYPES OF DISPOSITIONS

SUSSEX COUNTY

FINAL DISPOSITION*	DE NOVO APPLICATIONS											HEARINGS TOTAL
	FINAL DISPOSITION*				Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	
Personal Injury (auto)	14	2	0	16	11	12	23	3	0	3	26	42
Personal Injury (non-auto)	1	2	0	3	1	3	4	5	0	5	9	12
Debt/Breach of Contract	9	4	0	13	4	13	17	3	0	3	20	33
Lower Court and Board Appeals	0	0	0	0	0	0	0	0	0	0	0	0
Other Complaints	2	1	0	3	0	0	0	4	0	4	4	7
Mechanic's Lien	2	2	0	4	1	6	7	2	1	3	10	14
Mortgage	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	28	11	0	39	17	34	51	17	1	18	69	108

FISCAL YEAR 1991 ARBITRATION – TYPES OF DISPOSITIONS

STATE

FINAL DISPOSITION*	DE NOVO APPLICATIONS											HEARINGS TOTAL
	FINAL DISPOSITION*				Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	
Personal Injury (auto)	229	10	0	239	70	141	211	31	3	34	245	484
Personal Injury (non-auto)	52	14	0	66	14	35	49	26	1	27	76	142
Debt/Breach of Contract	64	12	0	76	31	94	125	36	1	37	162	238
Lower Court and Board Appeals	16	2	0	18	2	7	9	7	0	7	16	34
Other Complaints	12	4	0	16	4	5	9	13	0	13	22	38
Mechanic's Lien	4	3	0	7	2	17	19	4	1	5	24	31
Mortgage	1	0	0	1	0	6	6	1	0	1	7	9
TOTAL	378	45	0	423	123	305	428	118	6	124	552	975

*Arbitrator's order is not followed by de novo application. In such cases, the arbitrator's order becomes a judgment.

Judg. = Judgment

Plain. = Plaintiff

Def. = Defendant

App. = Application

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1991 ARBITRATION – PERFORMANCE SUMMARY

	Average Time From Date of Filing to Date of Appointment	Average Time From Date of Appointment To Date of Hearing	Average Time From Date of Filing To Date of Hearing
New Castle	158.0 days	74.0 days	232.0 days
Kent	186.0 days	66.0 days	252.0 days
Sussex	187.0 days	56.0 days	243.0 days
State	164.0 days	71.0 days	235.0 days
	Average Time From Filing to Final Disposition*	Average Time From Filing to De Novo Appeal	Average Time From Filing to Final Disposition or De Novo Appeal**
New Castle	252.0 days	260.0 days	256.4 days
Kent	261.0 days	274.0 days	268.5 days
Sussex	272.0 days	247.0 days	256.0 days
State	255.0 days	260.0 days	257.7 days

FISCAL YEAR 1991 ARBITRATION – PERFORMANCE SUMMARY

COMPLIANCE WITH 40-DAY RULE***

	Number of Hearings Held Within 40 Days After Appointment of Arbitrator		Number of Hearings Held More Than 40 Days After Appointment of Arbitrator		Total Number of Hearings Held	
New Castle	571	74.8%	192	25.2%	763	100.0%
Kent	31	29.8%	73	70.2%	104	100.0%
Sussex	34	31.5%	74	68.5%	108	100.0%
State	636	65.2%	339	34.8%	975	100.0%

*Disposed of at arbitration hearing and not followed by de novo appeal.

**All cases for which an arbitration hearing was held.

***Superior Court Civil Rule 16(c)(6)(A) states that the arbitration hearing is to be held within 40 days of the appointment. Arbitrators are authorized to grant an extension of time for a hearing to a date certain.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.



Superior Court Courtroom
— Public Building

Superior Court

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION – PERFORMANCE SUMMARY

ELAPSED TIME – FILING TO HEARING

Average Time From Date of Filing To Date of Appointment

	1990	1991	Change	% Change
New Castle	154.0 days	158.0 days	+ 4.0 days	+ 2.6%
Kent	166.0 days	186.0 days	+ 20.0 days	+ 12.0%
Sussex	151.0 days	187.0 days	+ 36.0 days	+ 23.8%
State	155.5 days	164.0 days	+ 8.5 days	+ 5.5%

Average Time From Date of Appointment To Date of Hearing

	1990	1991	Change	% Change
New Castle	71.0 days	74.0 days	+ 3.0 days	+ 4.2%
Kent	65.0 days	66.0 days	+ 1.0 days	+ 1.5%
Sussex	81.0 days	56.0 days	- 25.0 days	- 30.9%
State	71.5 days	71.0 days	- 0.5 days	- 0.7%

Average Time From Date of Filing To Date of Hearing

	1990	1991	Change	% Change
New Castle	225.0 days	232.0 days	+ 7.0 days	+ 3.1%
Kent	231.0 days	252.0 days	+ 21.0 days	+ 9.1%
Sussex	232.0 days	243.0 days	+ 11.0 days	+ 4.7%
State	227.0 days	235.0 days	+ 8.0 days	+ 3.5%

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION – PERFORMANCE SUMMARY

ELAPSED TIME – FILING TO DISPOSITION/APEAL

Average Time From Filing to Final Disposition*

	1990	1991	Change	% Change
New Castle	226.0 days	252.0 days	+ 26.0 days	+ 11.5%
Kent	243.0 days	261.0 days	+ 18.0 days	+ 7.4%
Sussex	244.0 days	272.0 days	+ 28.0 days	+ 11.5%
State	229.6 days	255.0 days	+ 25.4 days	+ 11.1%

Average Time From Filing to De Novo Appeal

	1990	1991	Change	% Change
New Castle	249.0 days	260.0 days	+ 11.0 days	+ 4.4%
Kent	264.0 days	274.0 days	+ 10.0 days	+ 3.8%
Sussex	264.0 days	247.0 days	- 17.0 days	- 6.4%
State	251.8 days	260.0 days	+ 8.2 days	+ 3.3%

Average Time From Filing to Final Disposition Or De Novo Appeal**

	1990	1991	Change	% Change
New Castle	239.5 days	256.4 days	+ 16.9 days	+ 7.1%
Kent	255.1 days	268.5 days	+ 13.4 days	+ 5.3%
Sussex	255.0 days	256.0 days	+ 1.0 days	+ 0.4%
State	242.5 days	257.7 days	+ 15.2 days	+ 6.3%

*Disposed of at arbitration hearing and not followed by de novo appeal.

**All cases for which an arbitration hearing was held.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION – PERFORMANCE SUMMARY

HEARINGS HELD

Number of Hearings Held Within 40 Days After Appointment of Arbitrator

	1990	1991	Change	% Change
New Castle	596	571	- 25	+ 4.2%
Kent	28	31	+ 3	+ 10.7%
Sussex	<u>23</u>	<u>34</u>	<u>+ 11</u>	<u>+ 47.8%</u>
State	647	636	- 11	- 1.7%

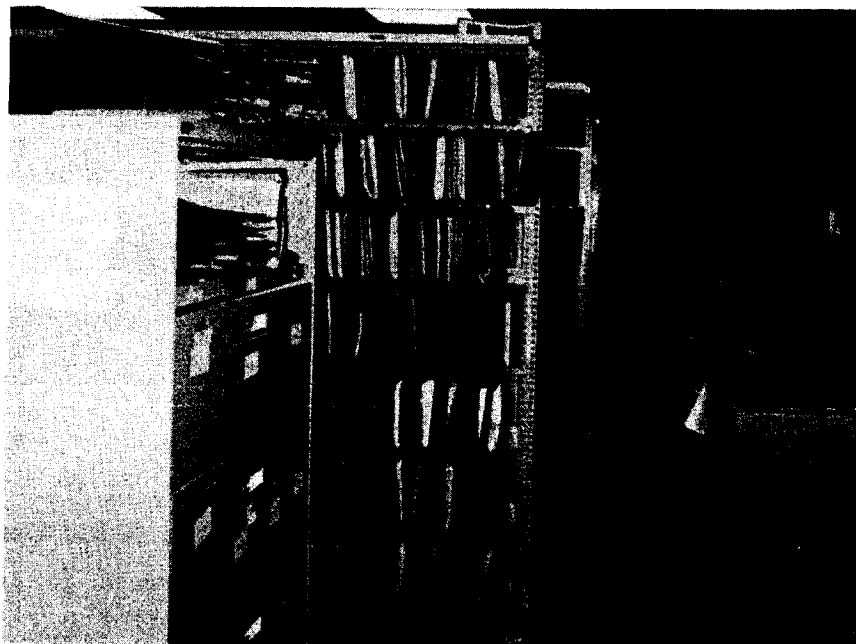
Number of Hearings Held More Than 40 Days After Appointment of Arbitrator

	1990	1991	Change	% Change
New Castle	187	192	+ 5	+ 2.7%
Kent	62	73	+ 11	+ 17.7%
Sussex	<u>77</u>	<u>74</u>	<u>- 3</u>	<u>- 3.9%</u>
State	326	339	+ 13	+ 4.0%

Total Number of Hearings Held

	1990	1991	Change	% Change
New Castle	783	763	- 20	- 2.6%
Kent	90	104	+ 14	+ 15.6%
Sussex	<u>100</u>	<u>108</u>	<u>+ 8</u>	<u>+ 8.0%</u>
State	973	975	+ 2	+ 0.2%

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.



Sussex County Law Library —
Sussex County Courthouse

Family Court

Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Robert W. Wakefield
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Jay Paul James
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman

Family Court



FAMILY COURT

Seated (Left to Right)

Associate Judge Battle R. Robinson
Associate Judge Robert W. Wakefield
Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Peggy L. Ableman

Standing (Left to Right)

Associate Judge Kenneth M. Millman
Associate Judge Karl J. Parrish*
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Charles K. Keil
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Jay Paul James

* Judge Parrish retired in February, 1991.

Family Court

Legal Authorization

The Family Court Act, Title 10, Chapter 9, *Delaware Code*, authorizes the Family Court.

Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created.

From the early 1930's there was a campaign to establish a Family Court in the northernmost county, and this ideal was achieved in 1945 when the Legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962 the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950's the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971.

Geographic Organization

The Family Court is a unified statewide Court with branches in New Castle County at Wilmington, Kent County at Dover, and Sussex County at Georgetown.

Legal Jurisdiction

The Family Court has had conferred upon it by the General Assembly jurisdiction over juvenile delinquency, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spouse support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, and intra-family misdemeanor crimes.

The Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first degree murder, rape, or kidnapping.

Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

Judges

Number: The Court is allowed 13 Judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the Judges must be of one major political party with the remainder of the other major political party.

Appointment: The Governor nominates the Judges, who must be confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least 5 years prior to appointment and must have a knowledge of the law and interest in and understanding of family and child problems. They shall not practice law during their tenure and may be reappointed.

Other Judicial Personnel

The Chief Judge appoints and commissions Masters for the Court who shall hold office at his pleasure and must have resided in the State for at least 5 years prior to their appointment. Masters may hear any matters properly assigned to them by the Chief Judge, and their findings and recommendations are reviewed by a judge for approval. Parties may request a review de novo by a Judge by petitioning the Court in writing within 10 days of the Master's findings.

Family Court

Support Personnel

The three major administrative divisions of the Court are Court Operations, Fiscal Services and Personnel Services. Fiscal Services and Personnel Services perform staff functions, whereas Court Operations is responsible for the delivery of services to the public.

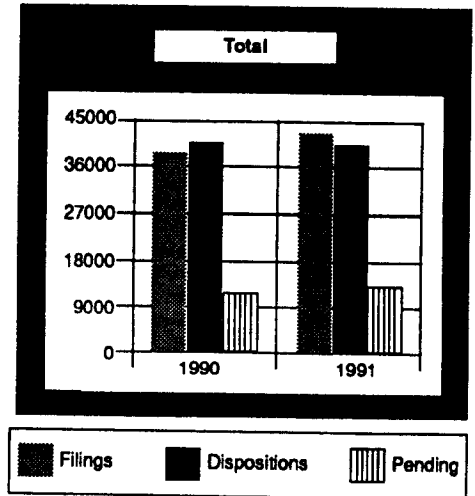
The Family Court has a staff of more than 270 persons in addition to the judiciary. The Court has a Court Administrator and a Director of Operations in each County as well as Clerks of the Court, secretaries, typists, accountants, clerks, data entry operators, judicial assistants, mediation/arbitration officers, child support officers, and volunteers working in all areas of the Court.

Caseload Trends

The total number of filings in Family Court rose by 7.4% from an amended total of 38,633 in FY 1990 to a total of 41,498 in FY 1991. At the same time there was a

decrease in the total number of dispositions to 40,101 in FY 1991 from an amended total of 40,805 in FY 1990.

The result of the rise in the total number of filings along with the fall in the total number of dispositions was a rise in the number of total pending, increasing by 12.4% from a total of 11,303 pending at the end of FY 1990 to 12,700 pending at the end of FY 1991.



Family Court

FISCAL YEAR 1991 - CASELOAD SUMMARY

Number of Filings

	Pending 6/30/90	Filed	Disposed	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	7,369	24,018	22,812	8,575	+ 1,206	+ 16.4%
Kent	1,886	8,323	8,268	1,941	+ 55	+ 2.9%
Sussex	2,048	9,157	9,021	2,184	+ 136	+ 6.6%
State	11,303	41,498	40,101	12,700	+ 1,397	+ 12.4%

COMPARISON - FISCAL YEARS 1990-1991 - CASELOAD

FILED

Number of Filings

	1990	1991	Change	% Change
New Castle	*22,456	24,018	+ 1,562	+ 7.0%
Kent	7,686	8,323	+ 637	+ 8.3%
Sussex	8,491	9,157	+ 666	+ 7.8%
State	*38,633	41,498	+ 2,865	+ 7.4%

COMPARISON - FISCAL YEARS 1990-1991 - CASELOAD

DISPOSED

Number of Filings

	1990	1991	Change	% Change
New Castle	*24,492	22,812	- 1,680	- 6.9%
Kent	7,707	8,268	+ 561	+ 7.3%
Sussex	8,606	9,021	+ 415	+ 4.8%
State	*40,805	40,101	- 704	- 1.7%

FISCAL YEAR 1991 TOTAL CASES WORKLOAD EXPLANATORY NOTES

- The unit of count in the family court adult criminal, juvenile delinquency, and civil cases is the filing.
- A criminal or delinquency filing is defined as one incident filed against one individual. Each incident is counted separately, so that three incidents brought before the court on a single individual are counted as three criminal or delinquency filings.
 - A single criminal or delinquency filing may be comprised of a single or multiple charges relating to a single incident.
 - A criminal filing received by the Court in the form of an information or a complaint, and a delinquency filing is received by the Court in the form of a petition or a complaint.
- A civil filing is defined as a single civil incident filed with Family Court. A civil incident is initiated by a petition. In the instance of a divorce, although the petition may contain multiple matters ancillary to the divorce, each petition is counted as one filing.

* Amended from 1990 Annual Report.

Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court

FISCAL YEAR 1991 ADULT CRIMINAL CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/90	Filed	Disposed	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	1,030	3,175	3,495	710	- 320	- 31.1%
Kent	187	586	629	144	- 43	- 23.0%
Sussex	166	622	663	125	- 41	- 24.7%
State	1,383	4,383	4,787	979	- 404	- 29.2%

COMPARISON – FISCAL YEARS 1990-1991 ADULT CRIMINAL CASES – CASELOAD

FILED

Number of Filings

	1990	1991	Change	% Change
New Castle	*2,835	3,175	+ 340	+ 12.0%
Kent	691	586	- 105	- 15.2%
Sussex	543	622	+ 79	+ 14.5%
State	*4,069	4,383	+ 314	+ 7.7%

COMPARISON – FISCAL YEARS 1990-1991 ADULT CRIMINAL CASES – CASELOAD

DISPOSED

Number of Filings

	1990	1991	Change	% Change
New Castle	*3,037	3,495	+ 458	+ 15.1%
Kent	651	629	- 22	- 3.4%
Sussex	542	663	+ 121	+ 22.3%
State	*4,230	4,787	+ 557	+ 13.2%

*Amended from 1990 Annual Report
Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court

FISCAL YEAR 1991 JUVENILE DELINQUENCY CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/90	Filed	Disposed	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	1,352	5,420	5,048	1,724	+ 372	+ 27.5%
Kent	400	1,423	1,604	219	- 181	- 45.3%
Sussex	458	1,481	1,694	245	- 213	- 46.5%
State	2,210	8,324	8,346	2,188	- 22	- 1.0%

COMPARISON – FISCAL YEARS 1990-1991 JUVENILE DELINQUENCY CASES – CASELOAD

FILED

Number of Filings

	1990	1991	Change	% Change
New Castle	*4,890	5,420	+ 530	+ 10.8%
Kent	1,559	1,423	- 136	- 8.7%
Sussex	1,356	1,481	+ 125	+ 9.2%
State	*7,805	8,324	+ 519	+ 6.6%

COMPARISON – FISCAL YEARS 1990-1991 JUVENILE DELINQUENCY CASES – CASELOAD

DISPOSED

Number of Filings

	1990	1991	Change	% Change
New Castle	*6,080	5,048	- 1,032	- 17.0%
Kent	1,562	1,604	+ 42	+ 2.7%
Sussex	1,431	1,694	+ 263	+ 18.4%
State	*9,073	8,346	- 727	- 8.0%

*Amended from 1990 Annual Report.
Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court

FISCAL YEAR 1991 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

FILED

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	1,455	26.8%	3,798	70.1%	167	3.1%	5,420	100.0%
Kent	286	20.1%	1,042	73.2%	95	6.7%	1,423	100.0%
Sussex	343	23.2%	1,047	70.7%	91	6.1%	1,481	100.0%
State	2,084	25.0%	5,887	70.7%	353	4.2%	8,324	100.0%

FISCAL YEAR 1991 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

DISPOSED

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	948	18.8%	3,907	77.4%	193	3.8%	5,048	100.0%
Kent	372	23.2%	1,124	70.1%	108	6.7%	1,604	100.0%
Sussex	405	23.9%	1,181	69.7%	108	6.4%	1,694	100.0%
State	1,725	20.7%	6,212	74.4%	409	4.9%	8,346	100.0%

FISCAL YEAR 1991 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	898	52.1%	822	47.7%	4	0.2%	1,724	100.0%
Kent	15	6.8%	184	84.0%	20	9.1%	219	100.0%
Sussex	37	15.1%	198	80.8%	10	4.1%	245	100.0%
State	950	43.4%	1,204	55.0%	34	1.6%	2,188	100.0%

FISCAL YEAR 1991 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Filings	Felony		Misdemeanor		Traffic		TOTALS	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
New Castle	+ 507		- 109		- 26		+ 372	
Kent	- 86		- 82		- 13		- 181	
Sussex	- 62		- 134		- 17		- 213	
State	+ 359		- 325		- 56		- 22	

Family Court

FISCAL YEAR 1991 CIVIL CASES – CASELOAD SUMMARY

Number of Filings						
	Pending 6/30/90	Filed	Disposed	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	4,987	15,423	14,269	6,141	+ 1,154	+ 23.1%
Kent	1,299	6,314	6,035	1,578	+ 279	+ 21.5%
Sussex	1,424	7,054	6,664	1,814	+ 390	+ 27.4%
State	7,710	28,791	26,968	9,533	+ 1,823	+ 23.6%

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD

FILED

Number of Filings				
	1990	1991	Change	% Change
New Castle	14,731	15,423	+ 692	+ 4.7%
Kent	5,436	6,314	+ 878	+16.2%
Sussex	6,592	7,054	+ 462	+ 7.0%
State	26,759	28,791	+ 2,032	+ 7.6%

COMPARISON – FISCAL YEARS 1990 -1991 CIVIL CASES – CASELOAD

DISPOSED

Number of Filings				
	1990	1991	Change	% Change
New Castle	15,375	14,269	- 1,106	- 7.2%
Kent	5,494	6,035	+ 541	+ 9.8%
Sussex	6,633	6,664	+ 31	+ 0.5%
State	27,502	26,968	- 534	- 1.9%

Family Court

FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

FILED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,879	12.2%	1,198	7.8%	3,283	21.3%	2,016	13.1%	2,519	16.3%	1,518	9.8%
Kent	741	11.7%	245	3.9%	1,146	18.2%	797	12.6%	1,367	21.7%	861	13.6%
Sussex	727	10.3%	193	2.7%	1,586	22.5%	1,186	16.8%	1,461	20.7%	815	11.6%
State	3,347	11.6%	1,636	5.7%	6,015	20.9%	3,999	13.9%	5,347	18.6%	3,194	11.1%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	552	3.6%	118	0.8%	118	0.8%	85	0.6%	2,137	13.9%	15,423	100.0%
Kent	232	3.7%	18	0.3%	38	0.6%	19	0.3%	850	13.5%	6,314	100.0%
Sussex	190	2.7%	67	0.9%	34	0.5%	14	0.2%	781	11.1%	7,054	100.0%
State	974	3.4%	203	0.7%	190	0.7%	118	0.4%	3,768	13.1%	28,791	100.0%

FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,805	12.6%	1,057	7.4%	2,522	17.7%	1,827	12.8%	2,518	17.6%	1,568	11.0%
Kent	713	11.8%	218	3.6%	995	16.5%	793	13.1%	1,395	23.1%	805	13.3%
Sussex	705	10.6%	187	2.8%	1,401	21.0%	1,105	16.6%	1,477	22.2%	727	10.9%
State	3,223	12.0%	1,462	5.4%	4,918	18.2%	3,725	13.8%	5,390	20.0%	3,100	11.5%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	541	3.8%	116	0.8%	121	0.8%	69	0.5%	2,125	14.9%	14,269	100.0%
Kent	201	3.3%	19	0.3%	41	0.7%	12	0.2%	843	14.0%	6,035	100.0%
Sussex	189	2.8%	62	0.9%	45	0.7%	18	0.3%	748	11.2%	6,664	100.0%
State	931	3.5%	197	0.7%	207	0.8%	99	0.4%	3,716	13.8%	26,968	100.0%

RTSC = Rule to Show Cause

Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court

FISCAL YEAR 1991 CIVIL CASES - CASELOAD BREAKDOWNS (cont'd.)

PENDING AT END OF YEAR

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,812	29.5%	243	4.0%	1,604	26.1%	616	10.0%	895	14.6%	300	4.9%
Kent	280	17.7%	92	5.8%	400	25.3%	117	7.4%	219	13.9%	232	14.7%
Sussex	293	16.2%	77	4.2%	506	27.9%	240	13.2%	273	15.0%	235	13.0%
State	2,385	25.0%	412	4.3%	2,510	26.3%	973	10.2%	1,387	14.5%	767	8.0%

	Visitation		Imperilling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	146	2.4%	24	0.4%	42	0.7%	69	1.1%	390	6.4%	6,141	100.0%
Kent	83	5.3%	3	0.2%	12	0.8%	14	0.9%	126	8.0%	1,578	100.0%
Sussex	62	3.4%	8	0.4%	11	0.6%	9	0.5%	100	5.5%	1,814	100.0%
State	291	3.1%	35	0.4%	65	0.7%	92	1.0%	616	6.5%	9,533	100.0%

FISCAL YEAR 1991 CIVIL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

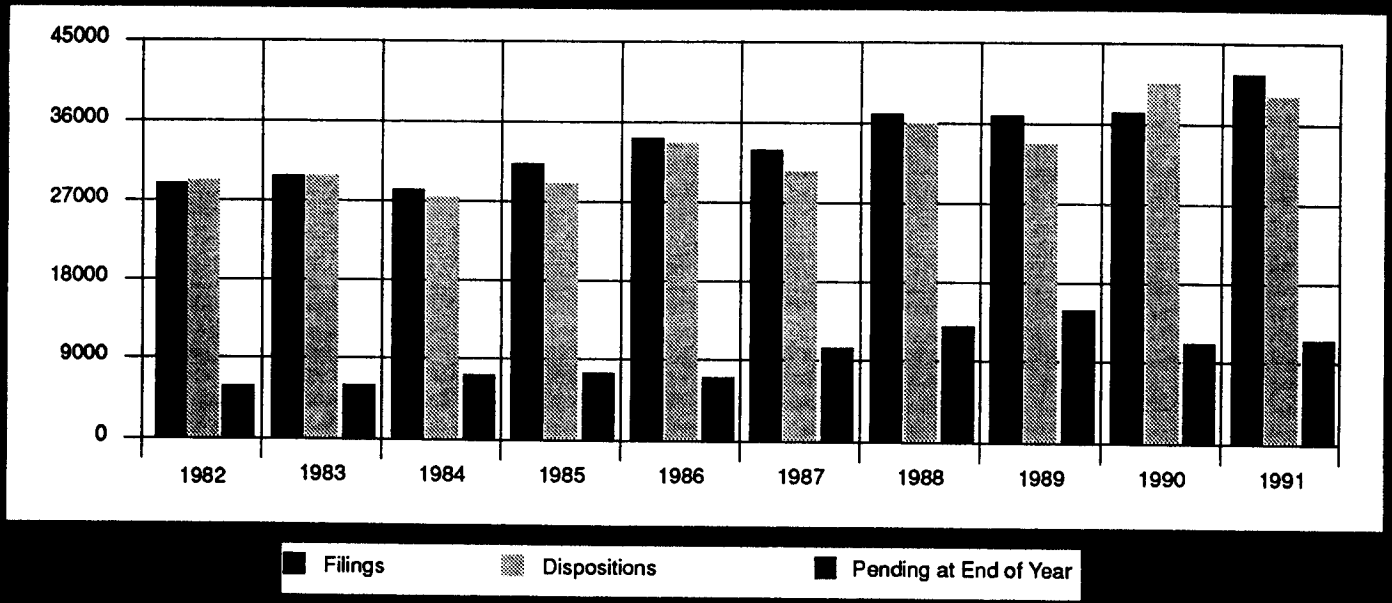
	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	+ 74		+ 141		+ 761		+ 189		+ 1		- 50	
Kent	+ 28		+ 27		+ 151		+ 4		- 28		+ 56	
Sussex	+ 22		+ 6		+ 185		+ 81		- 16		+ 88	
State	+ 124		+ 174		+ 1,097		+ 274		- 43		+ 94	

	Visitation		Imperilling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	+ 11		+ 2		- 3		+ 16		+ 12		+ 1,154	
Kent	+ 31		- 1		- 3		+ 7		+ 7		+ 279	
Sussex	+ 1		+ 5		- 11		- 4		+ 13		+ 370	
State	+ 43		+ 6		- 17		+ 19		+ 32		+ 1,803	

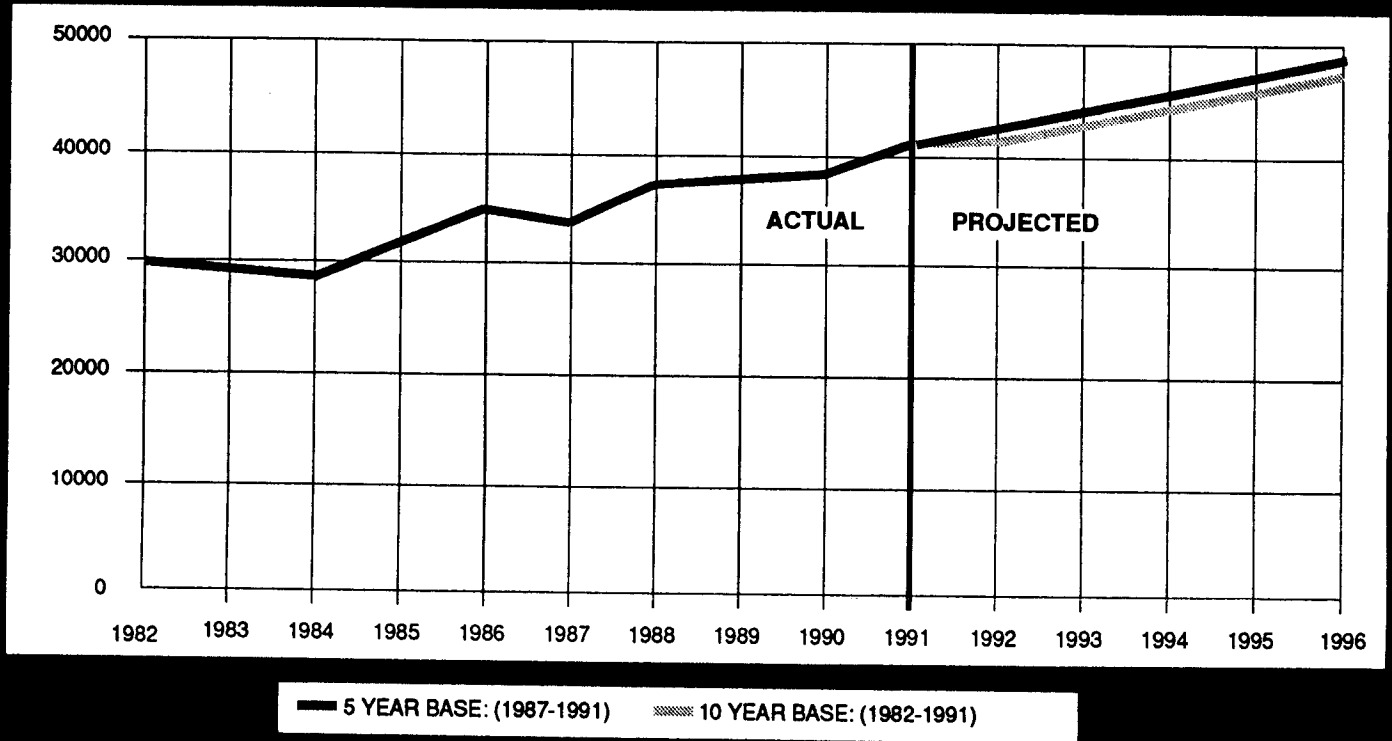
RTSC = Rule to Show Cause
 Source: Statistician, Family Court, Administrative Office of the Courts.

Family Court - Total

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Family Court

FISCAL YEAR 1991 ARBITRATION EXPLANATORY NOTES

1. Arbitration is an informal proceeding in which a specially trained arbitration officer attempts to resolve juvenile delinquency cases involving minor changes and adult criminal cases involving selected misdemeanors.
2. Family Court decides according to established criteria if a case should be prosecuted at a formal hearing or if it should be referred to the Arbitration Unit.
3. An Arbitration Officer determines if the case should be dismissed, sent to a formal hearing, or kept open. A case is kept open if a defendant is required to fulfill conditions set by the officer and agreed to by the defendant.
4. The complainant, victim, defendant, or parent has ten (10) days to request a review of the disposition. The review is done by a Deputy Attorney General, who either upholds the disposition or decides that the matter should go to a formal hearing.

FISCAL YEAR 1991 ARBITRATION ACTIVITY – CASELOAD SUMMARY

	Pending 6/30/90	Filed	Disposed	Pending 6/30/91	Change In Pending	% Change In Pending	Placed On Conditions
New Castle	519	2,881	3,098	302	- 217	- 41.8%	2,418
Kent	98	589	633	54	- 44	- 44.9%	467
Sussex	33	407	400	40	+ 7	+ 21.2%	300
State	650	3,877	4,131	396	- 254	- 39.1%	3,185

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION ACTIVITY –CASELOAD

	FILED		Change	% Change
	1990	1991		
New Castle	2,158	2,881	+ 723	+ 33.5%
Kent	612	589	- 23	- 3.8%
Sussex	563	407	- 156	- 27.7%
State	3,333	3,877	+ 544	+ 16.3%

Source: Statistician, Family Court Administrative Office of the Courts.

Family Court

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION ACTIVITY – CASELOAD (cont'd.)

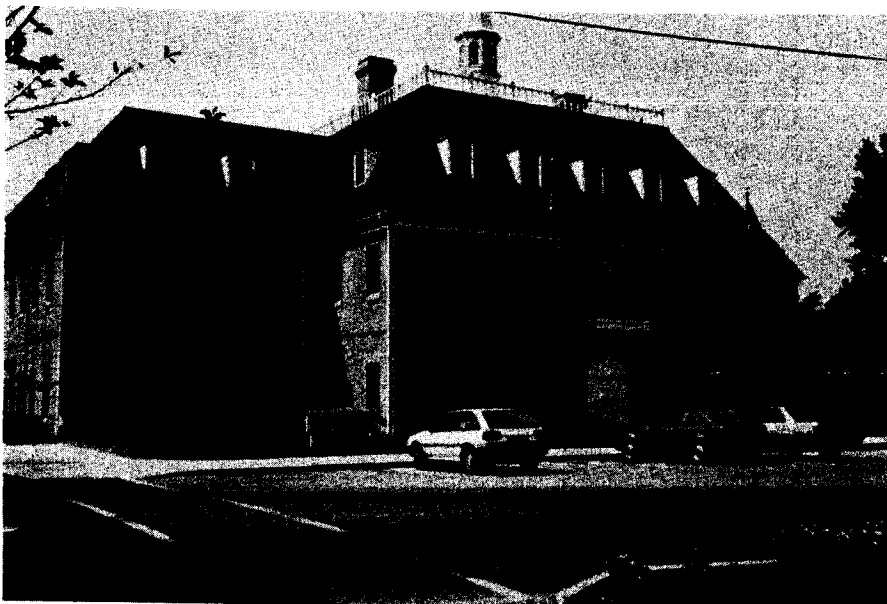
DISPOSED				
	1990	1991	Change	% Change
New Castle	2,178	3,098	+ 920	+ 42.2%
Kent	569	633	+ 64	+ 11.2%
Sussex	<u>573</u>	<u>400</u>	<u>- 173</u>	<u>- 30.2%</u>
State	4,131	3,320	+ 811	+ 24.4%

COMPARISON – FISCAL YEARS 1990-1991 ARBITRATION ACTIVITY – CASELOAD

PLACED ON CONDITIONS				
	1990	1991	Change	% Change
New Castle	1,708	2,418	+ 710	+ 41.6%
Kent	449	467	+ 18	- 4.0%
Sussex	<u>421*</u>	<u>300</u>	<u>- 121</u>	<u>- 28.7%</u>
State	2,578*	3,185	+ 607	+ 23.5%

*Amended from 1990 Annual Report.

Source: Statistician, Family Court, Administrative Office of the Courts.



Sussex County Family Court Building —
Georgetown, Delaware

Court of Common Pleas

Chief Judge Robert H. Wahl
Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.

Court of Common Pleas



COURT OF COMMON PLEAS

Seated (Left to Right)

Judge Arthur F. DiSabatino

Chief Judge Robert H. Wahl

Standing (Left to Right)

Judge Merrill C. Trader

Judge William C. Bradley, Jr.

Judge Paul E. Ellis

Court of Common Pleas

Legal Authorization

The statewide Court of Common Pleas was created by 10 *Delaware Code*, Chapter 13, effective July 5, 1973.

Court History

Initially established under William Penn in the 17th Century, the Court of Common Pleas served as the supreme judicial authority in the State. During the latter part of the 18th Century and through most of the 19th Century, however, the Court was abolished during an era of Court reorganization.

The modern day Court of Common Pleas was established in 1917 when a Court with limited civil and criminal jurisdiction was established in New Castle County. Courts of Common Pleas were later established in Kent County in 1931 and Sussex County in 1953.

In 1973, the Court of Common Pleas became a State of Delaware Court rather than county courts.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction which includes concurrent jurisdiction with Superior Court in civil actions where the amount involved, exclusive of interest, does not exceed \$15,000 on the complaint. There is no limitation in amount on counterclaim. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except drug-related cases (other than possession of marijuana), and those occurring within the corporate limits of the City of Wilmington. It also is responsible for all preliminary hearings. Jury trial is available to defendants but in New Castle County jury trials are referred to Superior Court for disposition.

Judges

There are five Judges of the Court of Common Pleas, of which three are to be residents of New Castle County, one of Kent County, and one of Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one Judge may be from the same political party. The Judge who has seniority in service is to serve as Chief Judge.

Support Personnel

Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, presentence officers, etc.



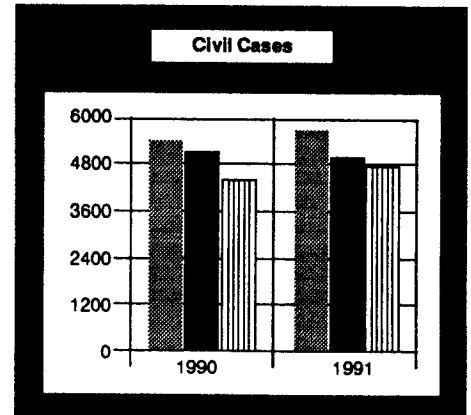
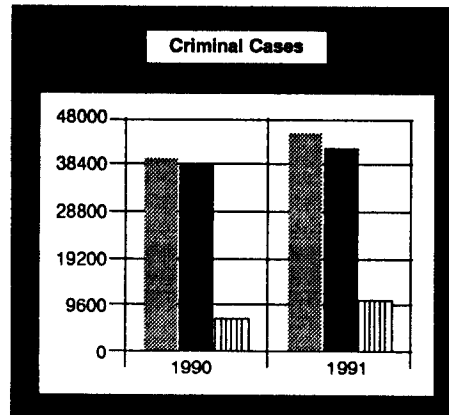
Court of Common Pleas Courtroom —
Sussex County Courthouse

Court of Common Pleas

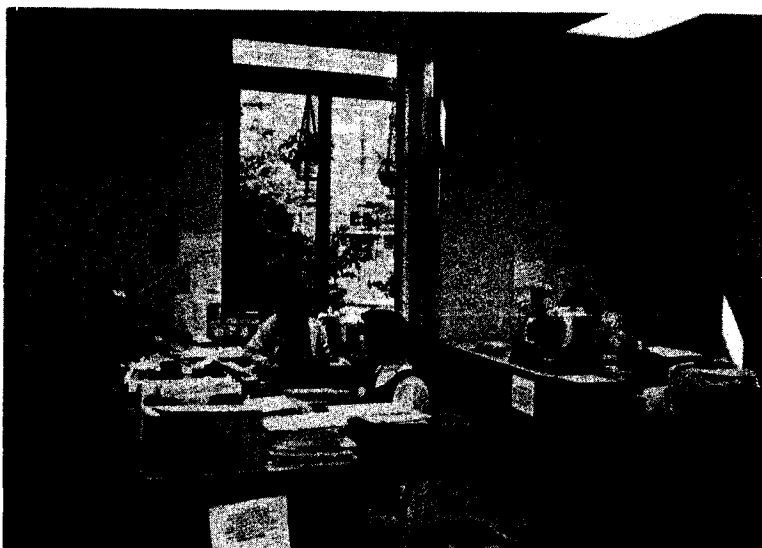
Caseload Trends

There was a rise in both the number of criminal filings and the number of criminal dispositions during FY 1991. In fact, the number of criminal filings and the number of criminal dispositions actually rose in each county during the past fiscal year. There was a rise of 15.3% in the number of criminal filings from 39,572 during FY 1990 to 45,625 during FY 1991 while criminal dispositions increased by 11.5% to 42,673 in FY 1991 from 38,288 in FY 1990. The greater rate of increase in criminal filings than in criminal dispositions caused a jump of 39.3% in criminal pending from an amended total of 7,505 at the end of FY 1990 to 10,457 at the end of FY 1991.

Civil filings increased by 5.4% to 5,711 in FY 1991 from 5,420 during FY 1990. There was almost no change in the number of civil dispositions with 5,060 in FY 1990 and 5,062 in FY 1991. The lack of change in the number of civil dispositions along with an increase in the number of civil filings resulted in a rise of 15.4% in civil pending from 4,212 at the end of FY 1990 to 4,861 at the end of FY 1991.



Filings
 Dispositions
 Pending



Court of Common Pleas — Public Building.

Court of Common Pleas

FISCAL YEAR 1991 CRIMINAL CASES – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	**5,023	24,806	22,625	7,204	+ 2,181	+ 43.4%
Kent	1,403	9,510	9,026	1,887	+ 484	+ 34.5%
Sussex	1,079	11,309	11,022	1,366	+ 287	+ 26.6%
State	**7,505	45,625	42,673	10,457	+ 2,952	+ 39.3%

COMPARISON – FISCAL YEARS 1990-1991 CRIMINAL CASES – CASELOAD

FILINGS

	1990	1991	Change	% Change
New Castle	22,552	24,806	+ 2,254	+ 10.0%
Kent	7,961	9,510	+ 1,549	+ 19.5%
Sussex	9,059	11,309	+ 2,250	+ 24.8%
State	39,572	45,625	+ 6,053	+ 15.3%

COMPARISON – FISCAL YEARS 1990-1991 CRIMINAL CASES – CASELOAD

DISPOSITIONS

	1990	1991	Change	% Change
New Castle	21,482	22,625	+ 1,143	+ 5.3%
Kent	7,804	9,026	+ 1,222	+ 15.7%
Sussex	9,002	11,022	+ 2,020	+ 22.4%
State	38,288	42,673	+ 4,385	+ 11.5%

*The unit of count for criminal cases is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

**Amended from 1990 Annual Report

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

FISCAL YEAR 1991 CRIMINAL CASES* - CASELOAD BREAKDOWNS

FILINGS

	Original**		Optional Transfers#		Mandatory Transfers##		Reduced to Misdemeanors@		Totals		Preliminary Hearings
New Castle	895	3.6%	22,489	90.7%	764	3.1%	658	2.7%	24,806	100.0%	6,182
Kent	429	4.5%	8,704	91.5%	375	3.9%	2	0.0%	9,510	100.0%	3,182
Sussex	214	1.9%	9,061	80.1%	1,782	15.8%	252	2.2%	11,309	100.0%	3,188
State	1,538	3.4%	40,254	88.2%	2,921	6.4%	912	2.0%	45,625	100.0%	12,552

FISCAL YEAR 1991 CRIMINAL CASES* - CASELOAD BREAKDOWNS

DISPOSITIONS

	Jury		Non-Jury		Totals	
New Castle	0	0.0%	22,625	100.0%	22,625	100.0%
Kent	76	0.8%	8,950	99.2%	9,026	100.0%
Sussex	14	0.1%	11,008	99.9%	11,022	100.0%
State	90	0.2%	42,583	99.8%	42,673	100.0%

FISCAL YEAR 1991 CRIMINAL CASES* - CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Capiases		Other		Totals	
New Castle	3,264	45.3%	3,940	54.7%	7,204	100.0%
Kent	1,132	60.0%	755	40.0%	1,887	100.0%
Sussex	219	16.0%	1,147	84.0%	1,366	100.0%
State	4,615	44.1%	5,842	55.9%	10,457	100.0%

FISCAL YEAR 1991 CRIMINAL CASES* - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Capiases		Other		Total
New Castle	+	741	+	1,440	+ 2,181
Kent	+	317	+	167	+ 484
Sussex	+	39	+	248	+ 287
State	+	1,097	+	1,855	+ 2,952

* The unit of count in criminal cases is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

** Charges filed initially in the Court of Common Pleas.

Charges filed originally in Justice of the Peace Courts which were transferred to the Court of Common Pleas at the option of the defendant.

Charges originally filed in the Justice of the Peace Courts which by statute must be transferred to the Court of Common Pleas.

@ Felony charges brought before the Court of Common Pleas for preliminary hearing which are reduced to misdemeanors and pled guilty to.

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

FISCAL YEAR 1991 PRESENTENCE OFFICE – PERFORMANCE

	No. of Defendants Sentenced After Presentence Investigation	Average Time From Date Ordered to Date Written	Average Time From Date Written to Date Typed	Average Time From Date Ordered to Date Typed	Average Time From Date Typed to Date Sentenced	Average Time From Date Ordered to Date Sentenced
New Castle	385	26.2 days	0.5 days	26.7 days	1.0 days	27.7 days
Kent	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Sussex	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
State	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

FISCAL YEAR 1991 PRESENTENCE OFFICE – PRODUCTIVITY

	INVESTIGATIONS		TYPING	
	Number of Investigations Written	Average Number Written Per Month	Number of Investigations Typed	Average Number Typed Per Month
New Castle	385	9.6	385	32.1
Kent	N.A.	N.A.	N.A.	N.A.
Sussex	N.A.	N.A.	N.A.	N.A.
State	N.A.	N.A.	N.A.	N.A.

FISCAL YEAR 1991 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle	3,465	4,201	3,541	4,125	+ 660	+ 19.0%
Kent	345	551	589	307	- 38	- 11.0%
Sussex	402	959	932	429	+ 27	+ 6.7%
State	4,212	5,711	5,062	4,861	+ 649	+ 15.4%

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD

	FILINGS			
	1990	1991	Change	% Change
New Castle	3,858	4,201	+ 343	+ 8.9%
Kent	565	551	- 14	- 2.5%
Sussex	997	959	- 38	- 3.8%
State	5,420	5,711	+ 291	+ 5.4%

N.A. = Not Applicable. This is because presentence investigations for the Court of Common Pleas in Kent County and Sussex County are done by the Superior Court Presentence Office.

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

COMPARISON – FISCAL YEARS 1990-1991 CIVIL CASES – CASELOAD (cont'd.)

DISPOSITIONS				
	1990	1991	Change	% Change
New Castle	3,787	3,541	- 246	- 6.5%
Kent	355	589	+ 234	+ 66.9%
Sussex	918	932	+ 14	+ 1.5%
State	5,060	5,062	+ 2	+ 0.0%

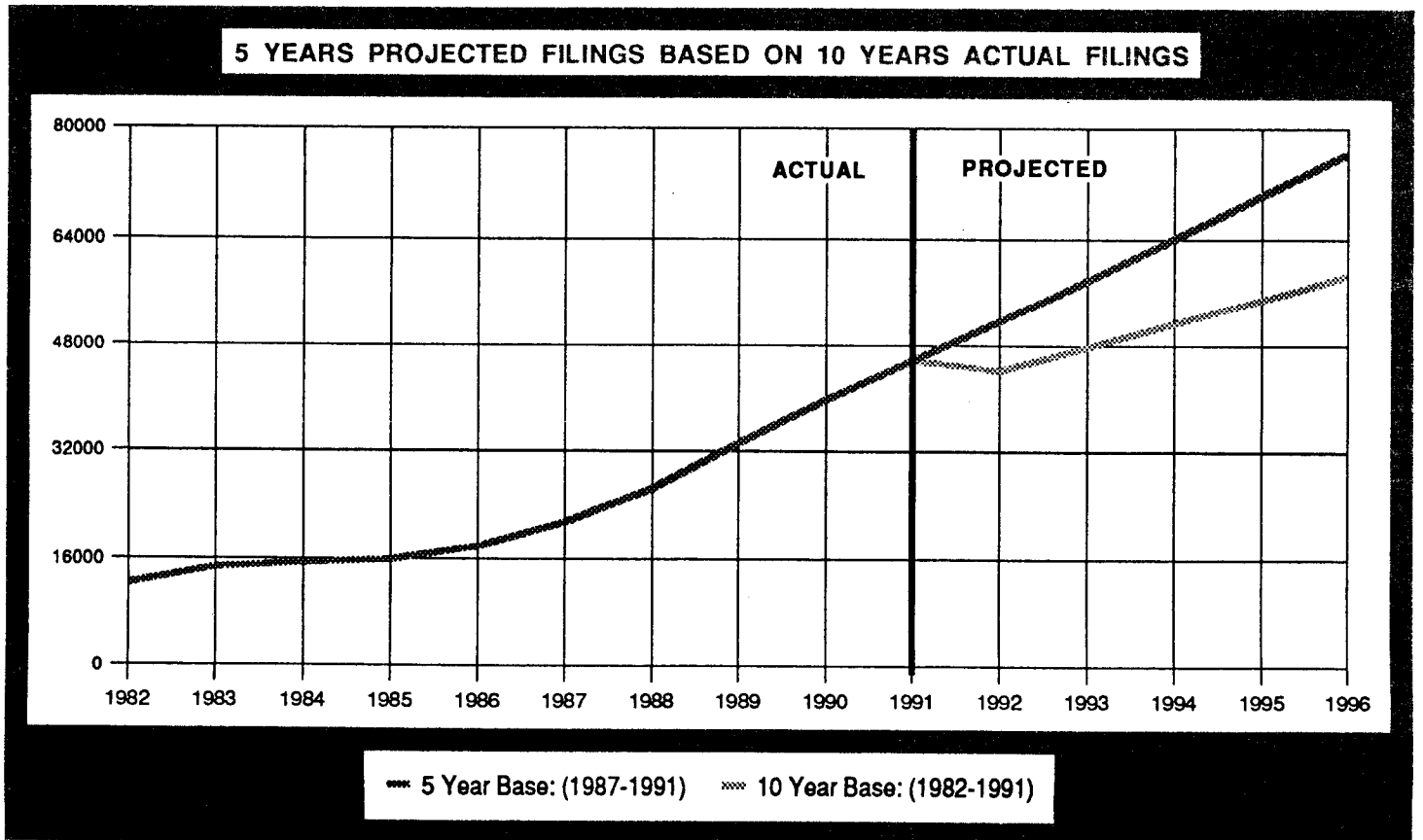
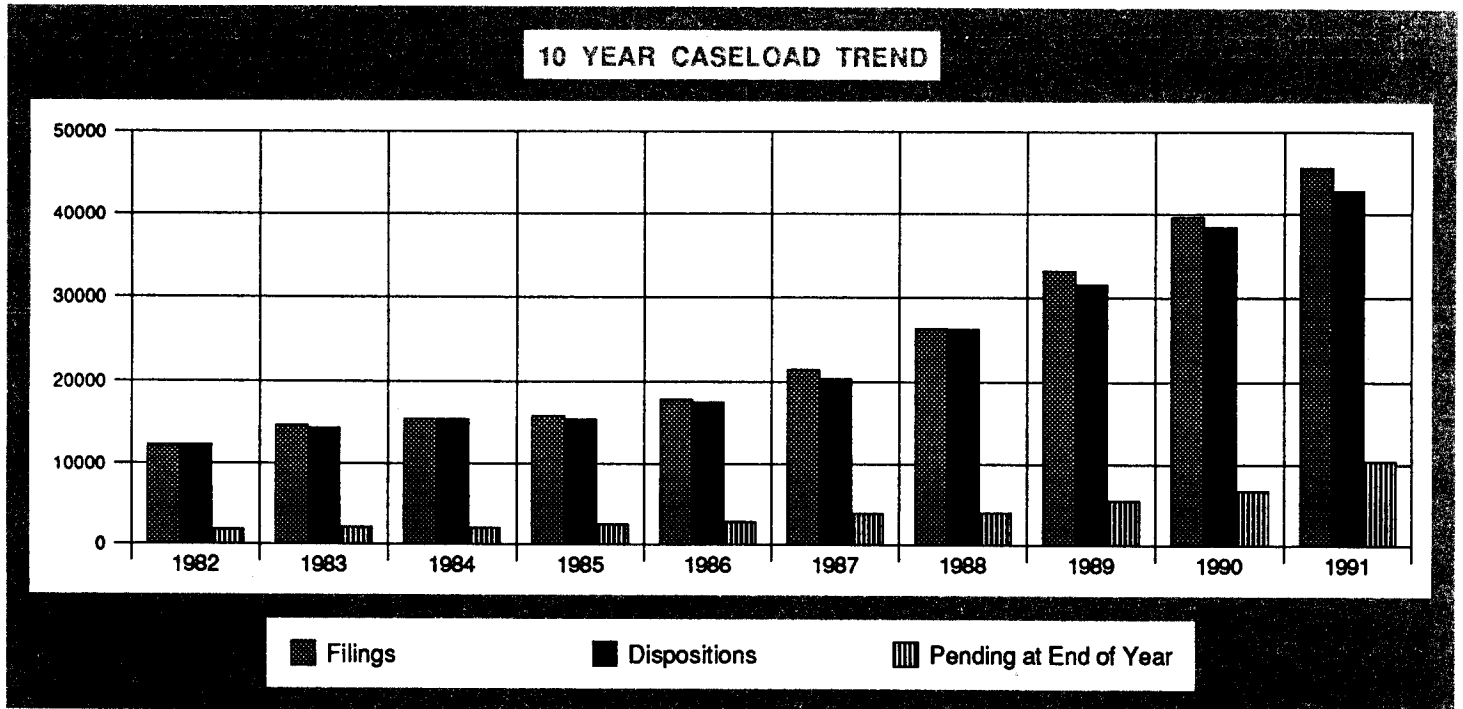
FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

FILINGS					
	Complaints		Civil Judgments, Name Changes		Totals
New Castle	3,964	94.4%	237	5.6%	4,201 100.0%
Kent	478	86.8%	73	13.2%	551 100.0%
Sussex	900	93.8%	59	6.2%	959 100.0%
State	5,342	93.5%	369	6.5%	5,711 100.0%

FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS					
	By Court		By Counsel		Totals
New Castle	595	16.8%	2,946	83.2%	3,541 100.0%
Kent	211	35.8%	378	64.2%	589 100.0%
Sussex	235	25.2%	697	74.8%	932 100.0%
State	1,041	20.6%	4,021	79.4%	5,062 100.0%

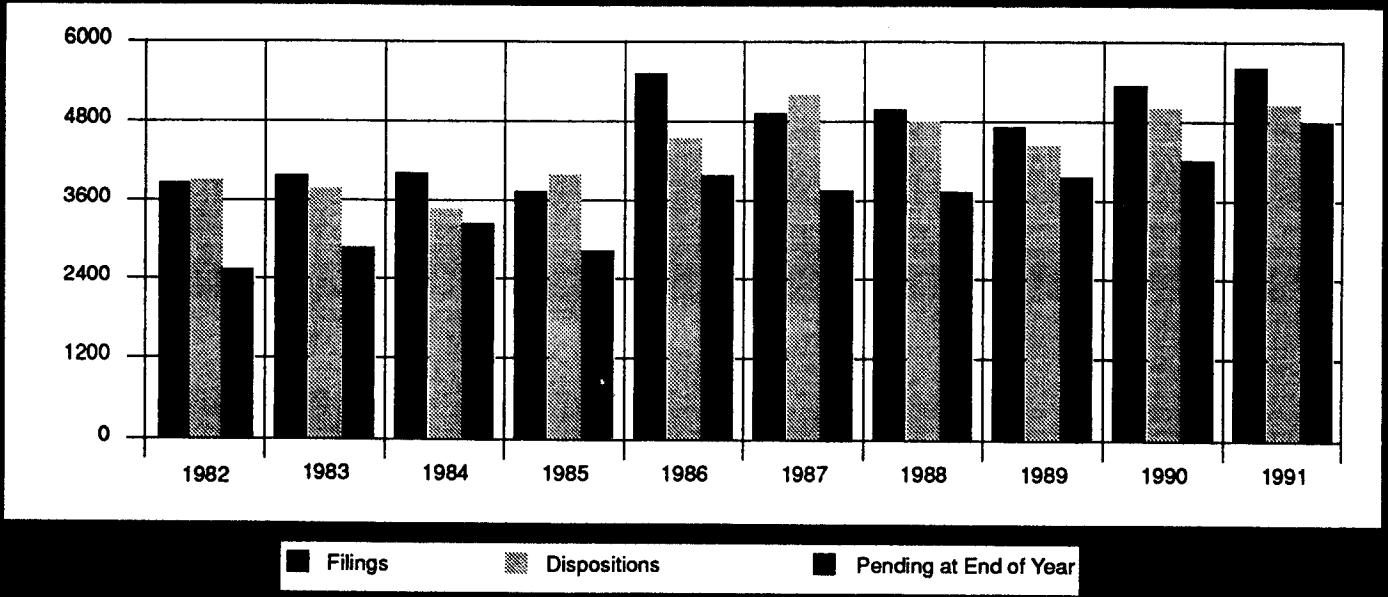
Court of Common Pleas-Criminal



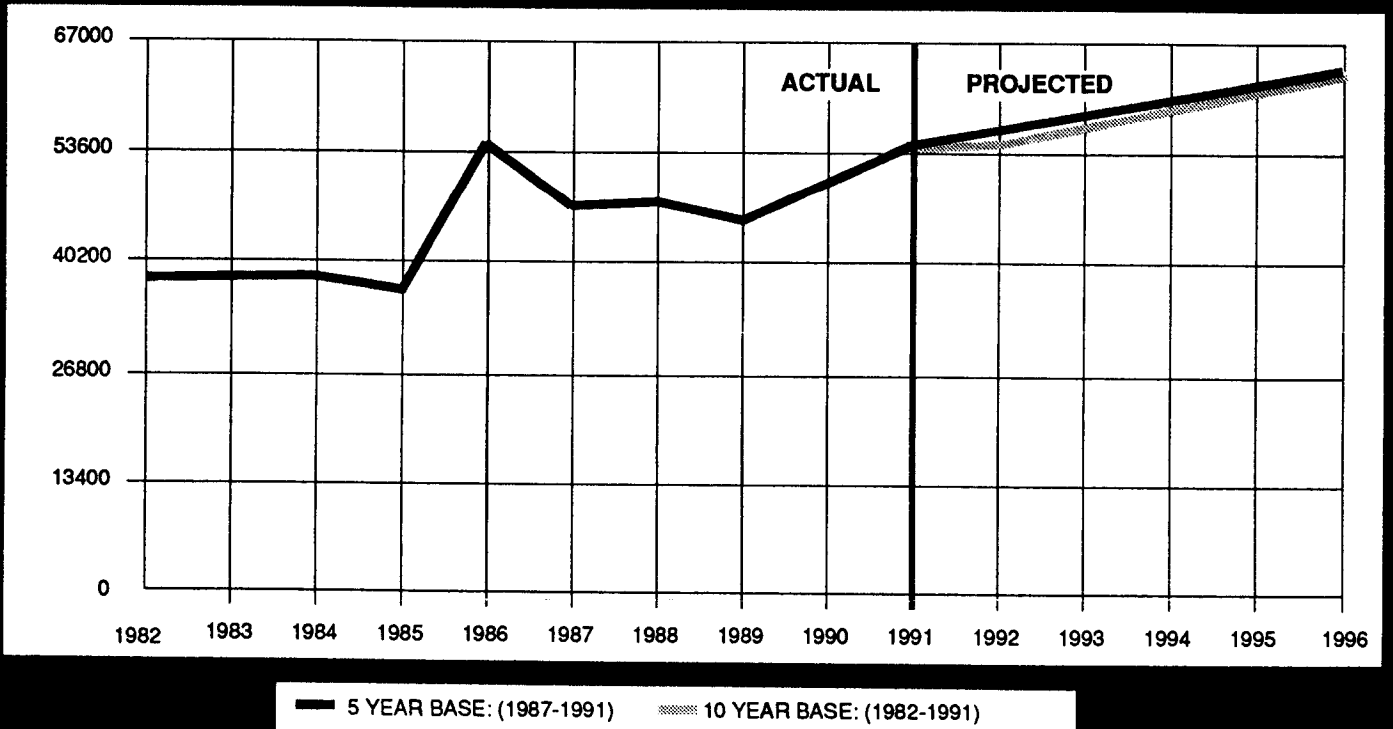
Trend lines computed by linear regression analysis.
 Source Administrative Office of the Courts.

Court of Common Pleas - Civil

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

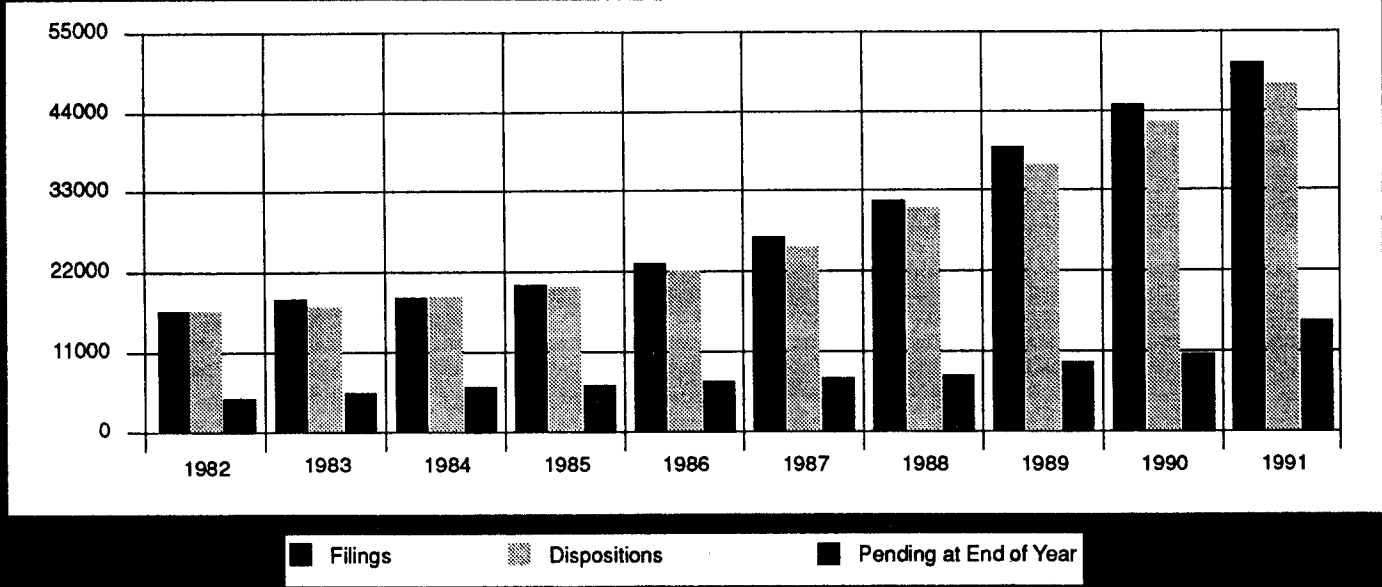


Trend lines computed by linear regression analysis.

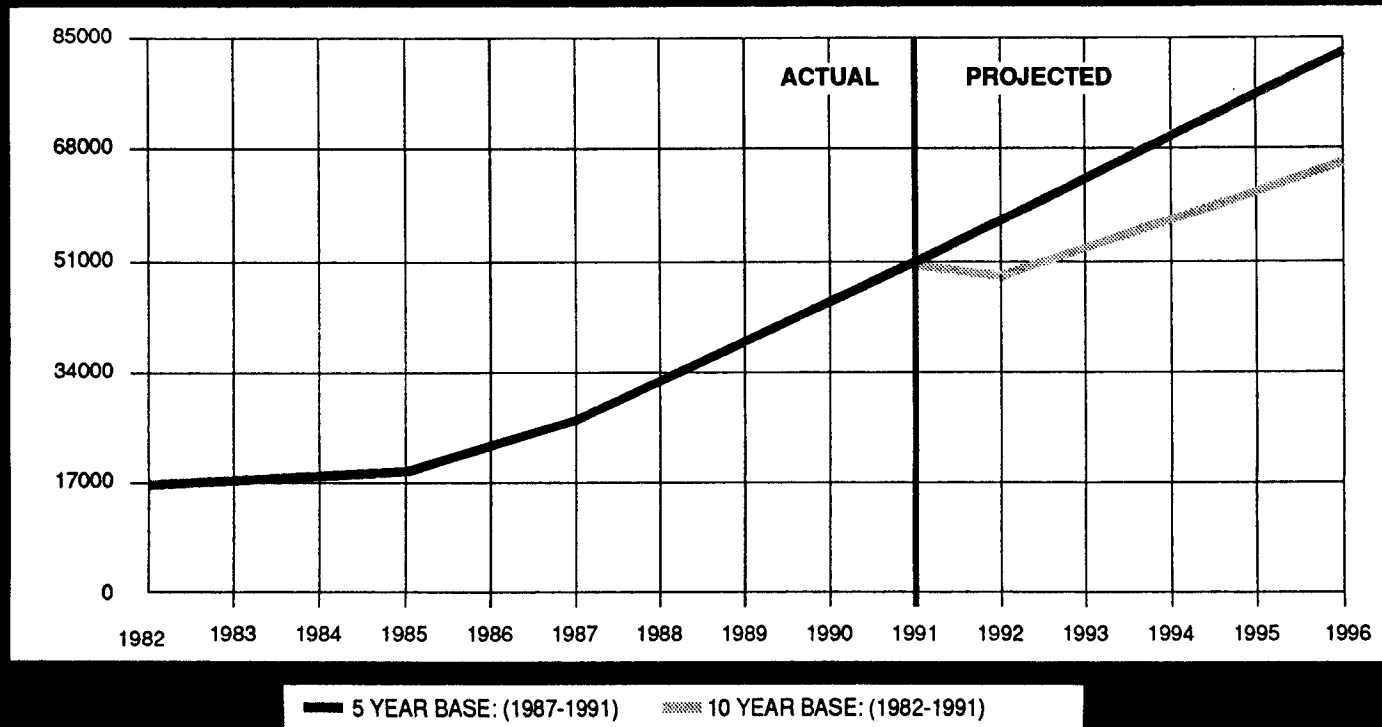
Source: Administrative Office of the Courts

Court of Common Pleas - Total

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Municipal Court

Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams
Associate Judge Alex J. Smalls

Municipal Court



MUNICIPAL COURT

(Left to Right)

Associate Judge Leonard L. Williams

Chief Judge Alfred Fraczkowski

Associate Judge Alex J. Smalls

Municipal Court

Legal Authorization

The Municipal Court of the City of Wilmington is authorized by 10 *Delaware Code*, Chapter 17.

Geographic Organization

The Court has jurisdiction within the geographic boundaries of Wilmington.

Legal Jurisdiction

The Municipal Court has criminal jurisdiction over traffic, misdemeanor, and municipal ordinances concurrent with the Justice of the Peace Courts and the Court of Common Pleas. The Court conducts preliminary hearings for both felonies and drug-related misdemeanors. Jury trials are not available. The Court has a Violations Division which processes all moving and parking citations.

Judges

Number: There are 3 Judges of the Municipal Court of Wilmington; at present two are full time and one is part time. Not more than 2 of the Judges may be members of the same political party.

Appointment: The Judges are nominated by the Governor, with confirmation by the Senate.

Tenure: Judges are appointed for 12-year terms.

Qualifications: The Judges must be licensed to practice law in the State of Delaware for 5 years preceding appointment.

Support Personnel

The Chief Judge of the Municipal Court appoints a Chief Clerk who may in turn appoint deputies.

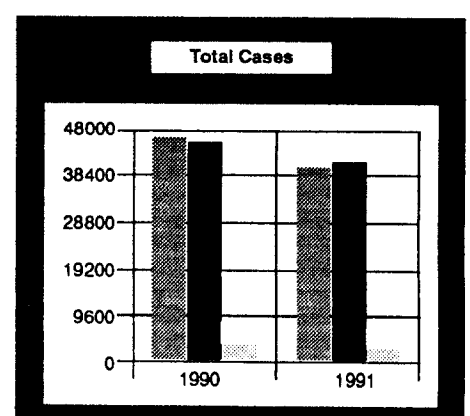
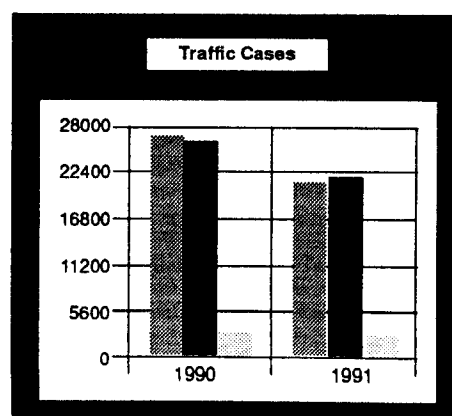
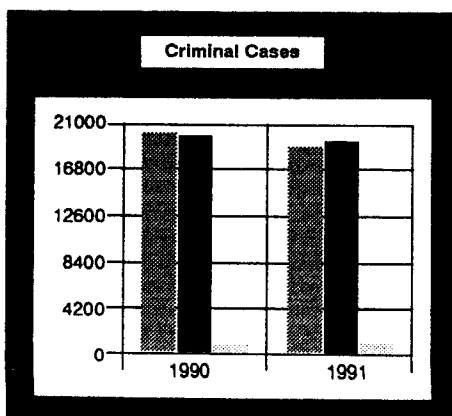
Caseload Trends

Criminal filings fell by 5.1% from 20,386 in FY 1990 to 19,350 in FY 1991. Criminal dispositions fell as well, from 20,283 in FY 1990 to 19,591 in FY 1991. There was a fall in criminal pending from 562 at the end of FY 1990 to 321 in FY 1991.

The number of traffic filings fell by 20.8% to 21,363 in FY 1991 from 26,955 in FY 1990. Traffic dispositions fell as well, decreasing by 17.9% from 26,561 in FY 1990 to 21,796 in FY 1991. The number of traffic pending fell from 3,015 at the end of FY 1990 to 2,582 at the end of FY 1991.

The decreases in both criminal and traffic caseload activity led to a drop in total caseload. Total filings fell by 14.0% from 47,341 at the end of FY 1990 to 40,713 at the end of FY 1991. There was a decrease of 11.7% in total dispositions to 41,387 in FY 1991 from 46,844 during FY 1990. The greater rate of decrease in cases filed than in cases disposed led to a fall of 18.8% in total pending from 3,577 at the end of FY 1990 to 2,903 at the end of FY 1991.

Though there was a fall in caseload activity, it is significant that the data from FY 1991 is being compared with the activity during FY 1990 which had shown sharp rises from the previous fiscal year. In fact, the caseload activity for FY 1991 is greater than that of any fiscal year except for FY 1990.



Municipal Court

FISCAL YEAR 1991 – CASELOAD SUMMARY*

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
Criminal	562	19,350	19,591	321	- 241	- 42.9%
Traffic	<u>3,015</u>	<u>21,363</u>	<u>21,796</u>	<u>2,582</u>	<u>- 433</u>	<u>- 14.4%</u>
TOTALS	3,577	40,713	41,387	2,903	- 674	- 18.8%

COMPARISON – FISCAL YEARS 1990-1991 – CASELOAD

FILINGS

	1990	1991	Change	% Change
Criminal	20,386	19,350	- 1,036	- 5.1%
Traffic	<u>26,955</u>	<u>21,363</u>	<u>- 5,592</u>	<u>- 20.8%</u>
TOTALS	47,341	40,713	- 6,628	- 14.0%

COMPARISON – FISCAL YEARS 1990-1991 – CASELOAD

DISPOSITIONS

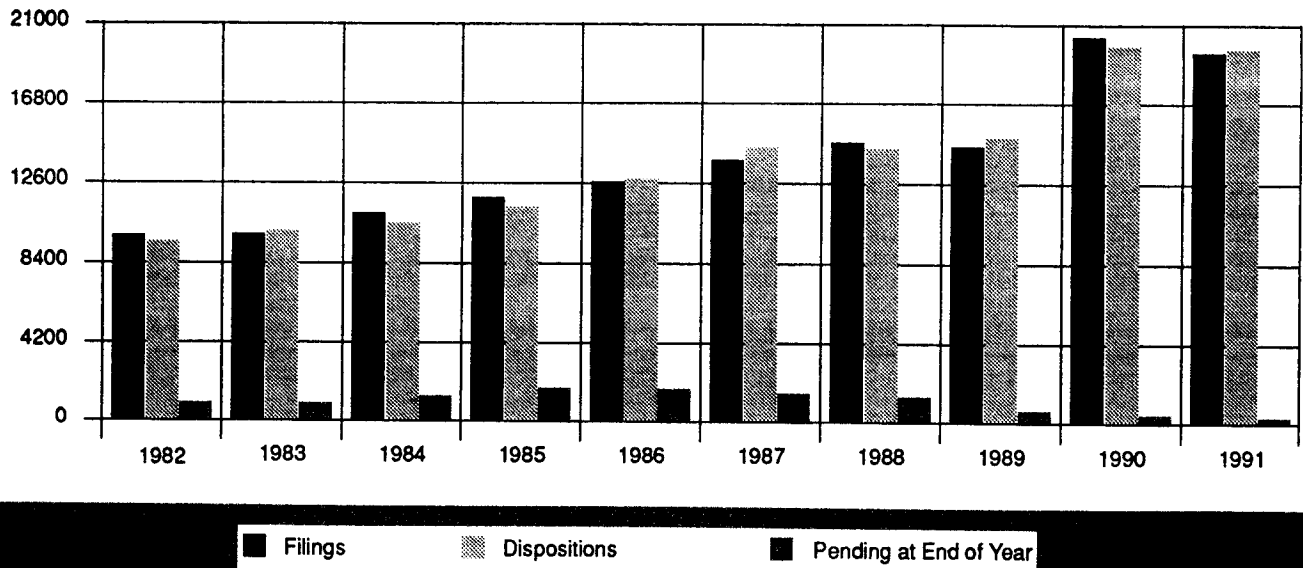
	1990	1991	Change	% Change
Criminal	20,283	19,591	- 692	- 3.4%
Traffic	<u>26,561</u>	<u>21,796</u>	<u>- 4,765</u>	<u>- 17.9%</u>
TOTALS	46,844	41,387	- 5,457	- 11.7%

*The unit of count in Municipal Court is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

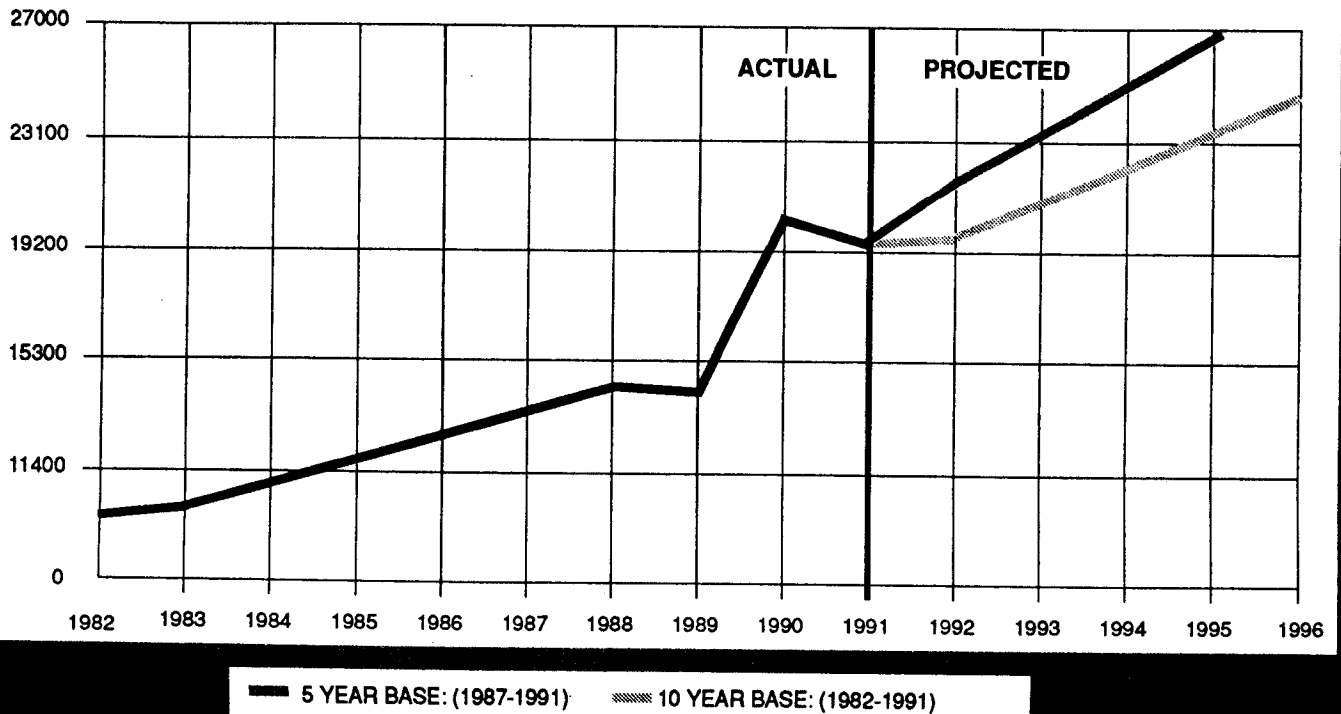
Source: Clerk of the Court, Municipal Court, Administrative Office of the Courts.

Municipal Court — Criminal

10 YEAR CASELOAD TREND



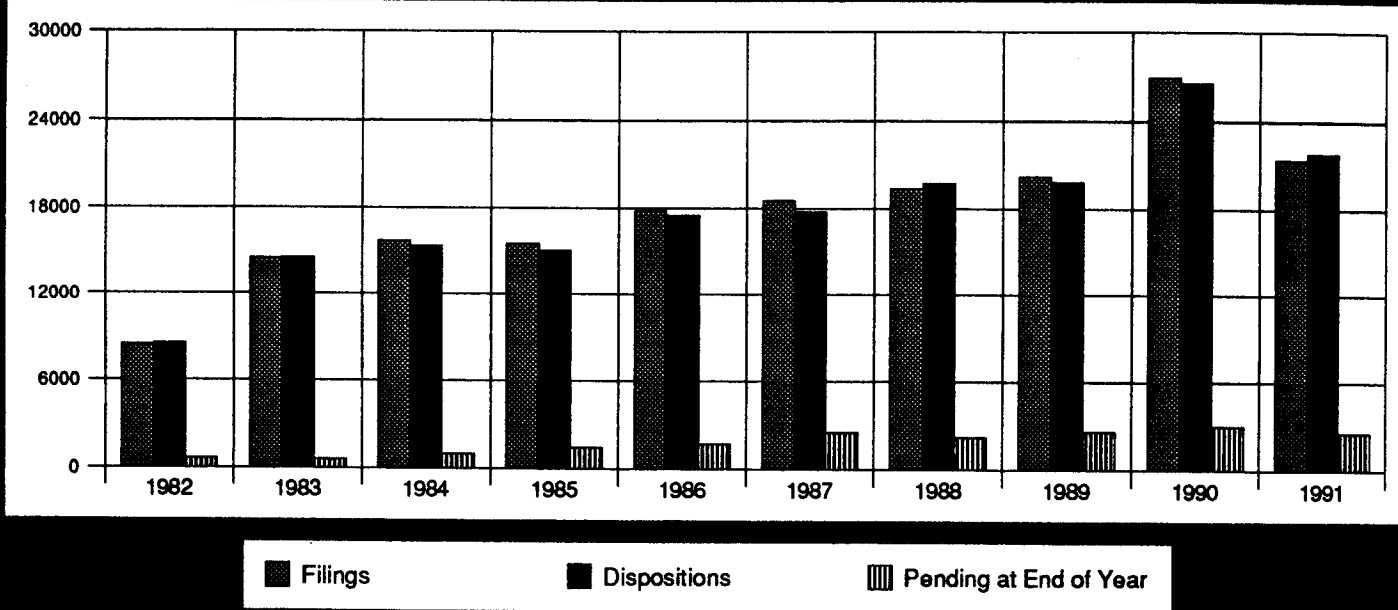
5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



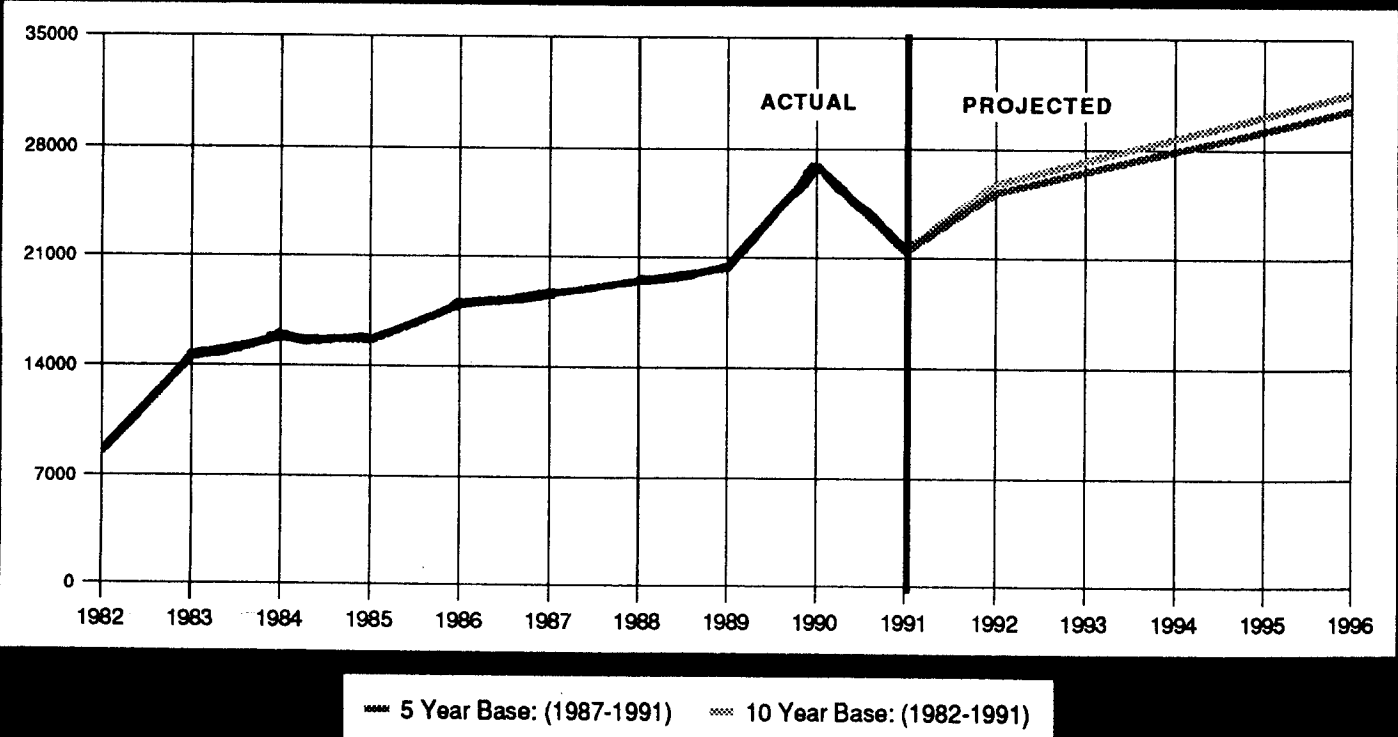
Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Municipal Court — Traffic

10 YEAR CASELOAD TREND



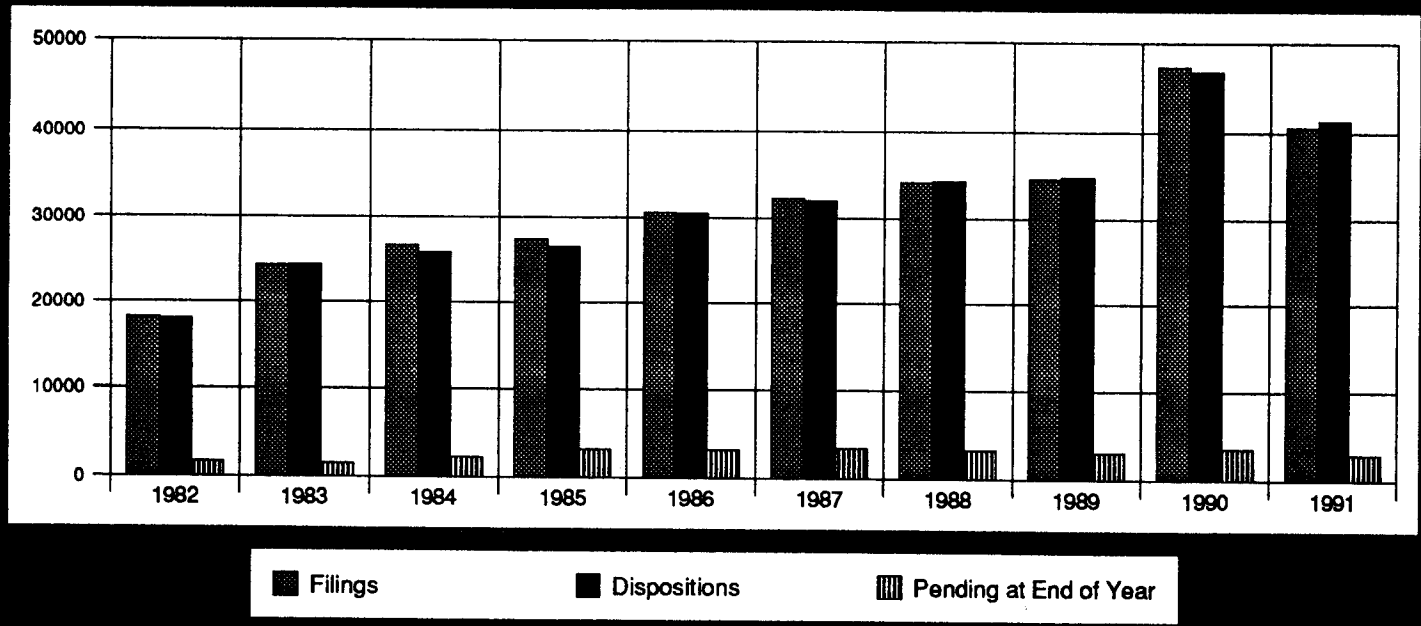
5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



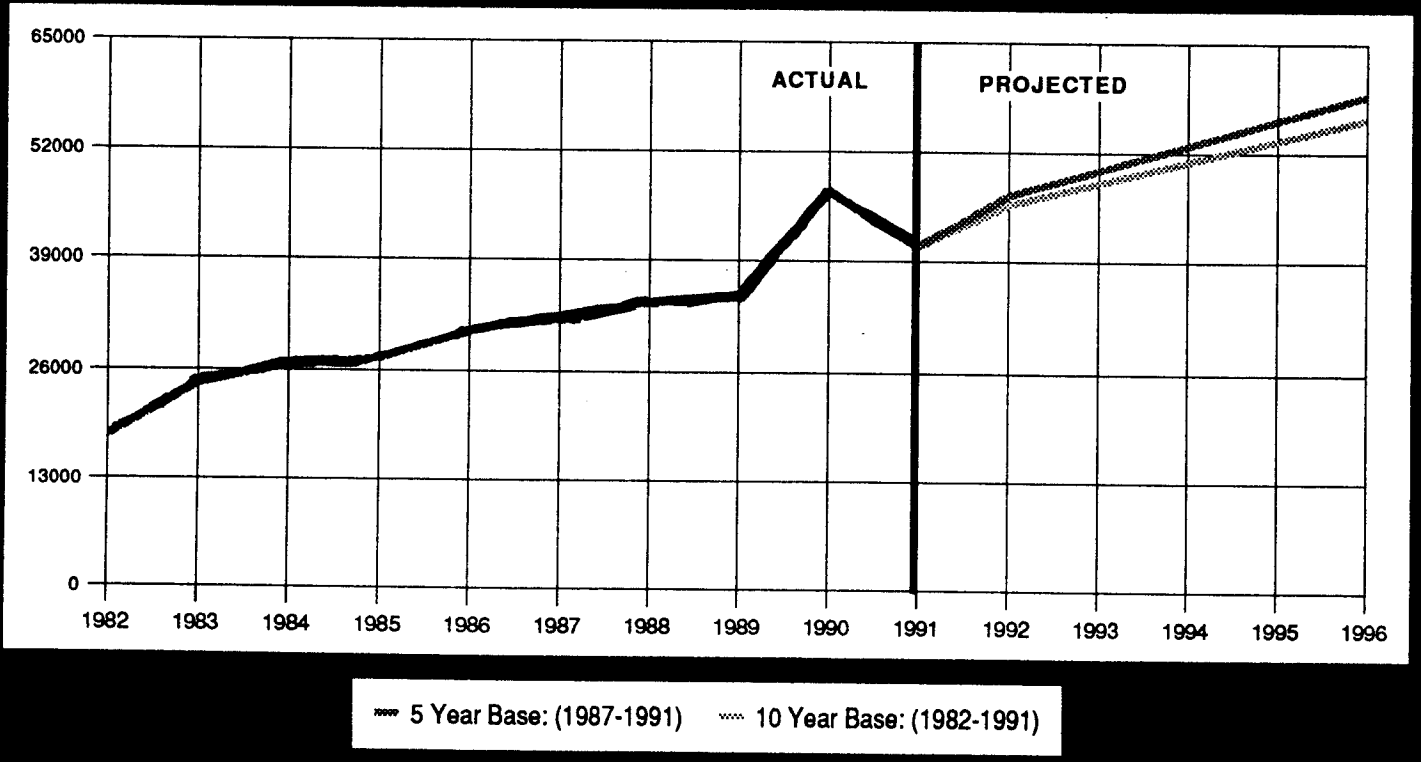
Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Municipal Court-Total

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS

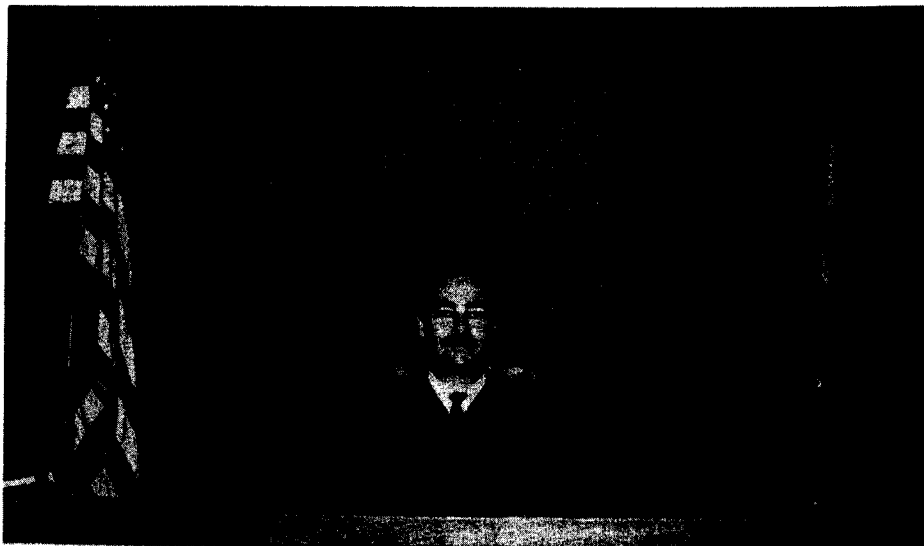


Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

Chief Magistrate William F. Richardson
Justice of the Peace David R. Anderson
Justice of the Peace Robert A. Armstrong
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace William L. Boddy
Justice of the Peace Richard L. Brandenburg
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Deputy Chief Magistrate Ronald E. Cheeseman
Justice of the Peace Thomas E. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Wayne R. Hanby
Justice of the Peace William W. Henning, Jr.
Justice of the Peace William J. Hopkins, Jr.
Justice of the Peace Barbara C. Hughes
Justice of the Peace Virginia W. Johnson
Justice of the Peace Vivian K. Kleinman
Justice of the Peace James C. Koehring
Justice of the Peace Bonita N. Lee
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
Justice of the Peace John P. McLaughlin
Justice of the Peace Joseph B. Melson, Jr.
Justice of the Peace Howard W. Mulvaney, III
Justice of the Peace Barry B. Newstadt
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Bier
Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace William S. Rowe, Jr.
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Justice of the Peace Alice W. Stark
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Toulson
Justice of the Peace Abigayle E. Truitt
Deputy Chief Magistrate Sheila G. Wilkins
Justice of the Peace William C. Wright

Justice of the Peace Courts

Justice of the Peace Courts



JUSTICE OF THE PEACE COURTS
Chief Magistrate William F. Richardson

Legal Authorization

The Justice of the Peace Courts are authorized by the *Constitution of Delaware*, Article IV, Section 1.

Court History

As early as the 1600's, Justices of the Peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th Centuries on behalf of the English Crown was a primary duty of the Justices of the Peace. With the adoption of the State Constitution of 1792, the Justices of the Peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the Justices of the Peace were compensated entirely by the costs and fees assessed and collected for the performance of their legal duties.

Geographic Organization

The jurisdiction of the Courts is statewide and sessions are held throughout the State. Of the 19 Courts currently operating, 8 are in New Castle County, 4 are in Kent County and 7 are in Sussex County.

Legal Jurisdiction

During FY 1991 the Justice of the Peace Courts had jurisdiction over civil cases in which the amount in controversy did not exceed \$5,000. Senate Bill 436, which increased the limit to \$5,000, was signed into law on July 23, 1990. Justice of the Peace Courts are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals may be taken de novo to Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Court of Common Pleas.

Justice of the Peace

The Delaware Code authorizes a maximum of 53 Justices of the Peace. The maximum number of Justices of the Peace permitted in each county is 24 in New Castle County, 12 in Kent County and 17 in Sussex County. Justices of the Peace are nominated by the Governor and confirmed by the Senate for terms of four years. A Justice of the Peace must be at least 21 years of age and a resident of the State of Delaware and the county in which he serves. In addition to the 53 Justices of the Peace, the Governor nominates a Chief Magistrate, subject to Senate confirmation.

Support Personnel

An Administrator, two Operations Managers, an administrative officer and a fiscal administrative officer help the Chief Magistrate direct the Justice of the Peace Courts on a daily basis. The State provides clerks of the court, constables and other personnel for the courts.

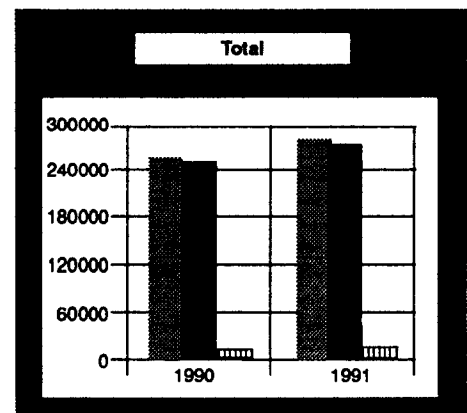
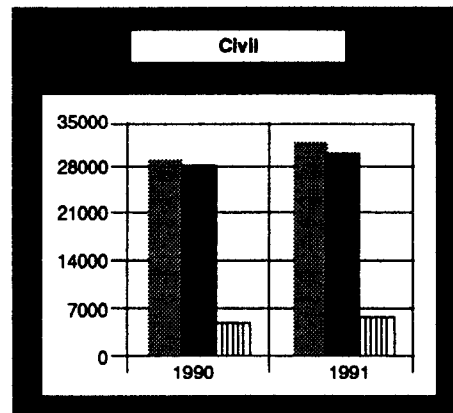
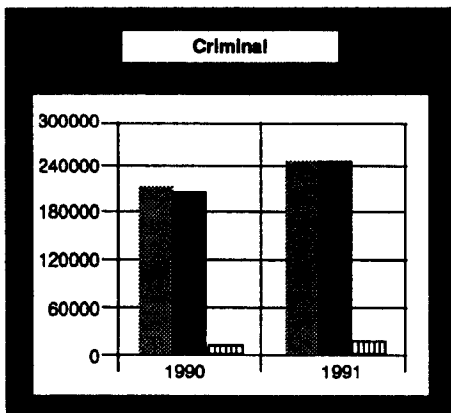
Justice of the Peace Courts

Caseload Trends

The number of criminal filings during FY 1991, including those cases which were received by the Voluntary Assessment Center, rose by 9.1% to 248,262 in FY 1991 from 227,361 in FY 1990. There was an increase of 9.0% in criminal dispositions from 226,959 in FY 1990 to 247,361 in FY 1991. Criminal pending rose by 12.9% from 6,960 at the end of FY 1990 to 7,861 at the end of FY 1991.

Civil filings rose by 11.2% to 32,739 in FY 1991 from 29,432 in FY 1990, while civil dispositions increased by 10.7% to 31,643 in FY 1991 from 28,594 in FY 1990. There was a 23.6% increase in the number of civil pending from 4,640 at the end of FY 1990 to 5,736 at the end of FY 1991.

Changes in total caseload reflect the rises in both criminal and civil activity. Total filings rose by 9.3% to 281,001 during FY 1991 from 257,063 during FY 1990. There was a 9.2% increase in total dispositions from 255,553 in FY 1990 to 279,004 in FY 1991. The number of total pending rose by 17.2% to 13,597 at the end of FY 1991 from 11,600 at the end of FY 1990.

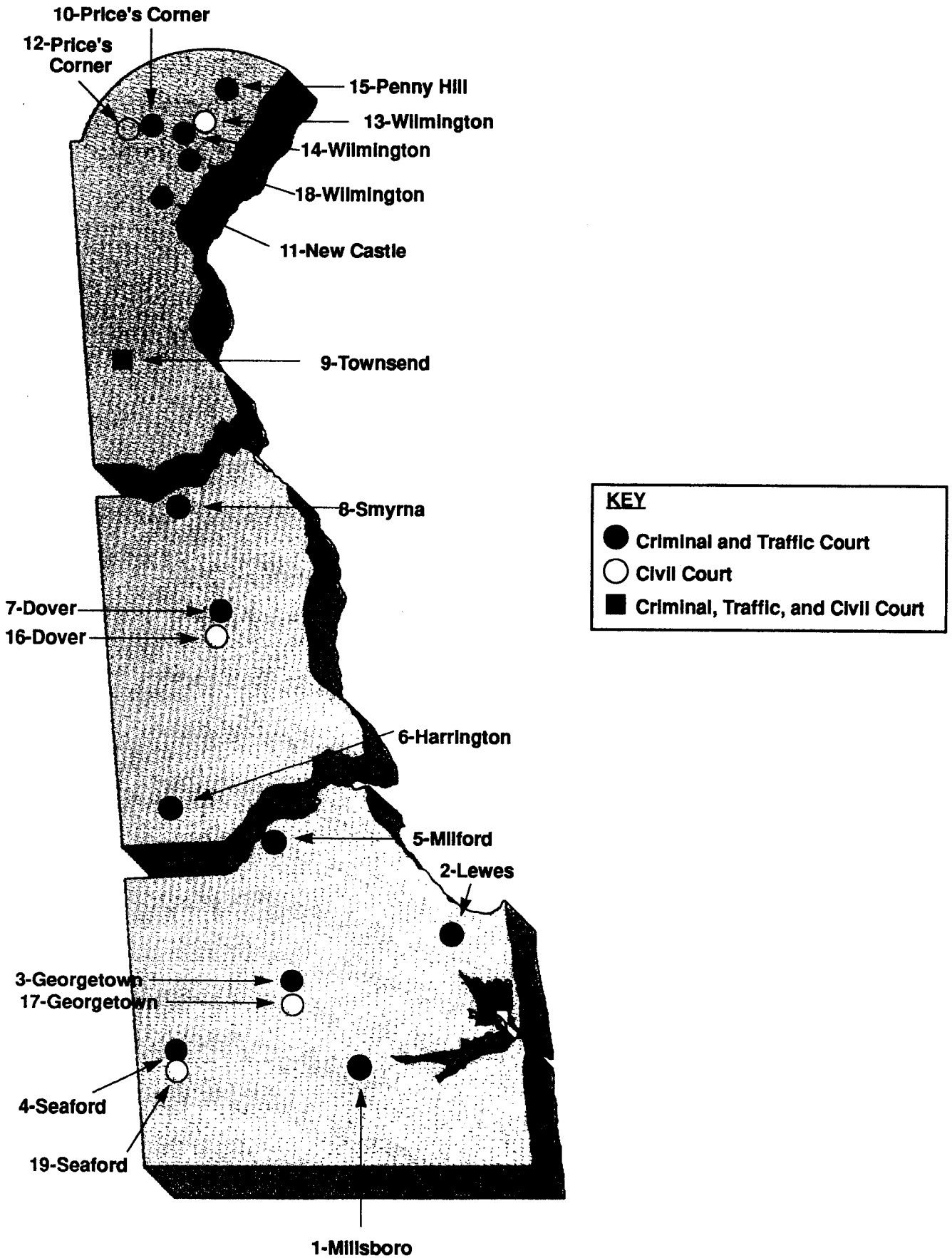


Filings
 Dispositions
 Pending



Justice of the Peace Courts

(As of 6/30/91)



Justice of the Peace Courts

FISCAL YEAR 1991 CRIMINAL AND TRAFFIC CASES* - CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle County						
Court 9	97	14,653	14,567	183	+ 86	+ 88.7%
Court 10	917	29,831	29,033	1,715	+ 798	+ 87.0%
Court 11	3,562	45,091	45,194	3,459	- 103	- 2.9%
Court 14**	0	0	0	0	0	—
Court 15	143	19,887	19,676	354	+ 211	+ 147.6%
Court 18	0	9,719	9,719	0	0	—
Kent County						
Court 6	8	11,378	11,348	38	+ 30	+ 375.0%
Court 7	1,369	29,903	30,109	1,163	- 206	- 15.0%
Court 8	11	2,704	2,670	45	+ 34	+ 309.1%
Sussex County						
Court 1	13	5,584	5,542	55	+ 42	+ 323.1%
Court 2	57	20,055	20,034	78	+ 21	+ 36.8%
Court 3	562	26,955	26,871	646	+ 84	+ 14.9%
Court 4	186	16,141	16,286	41	- 145	- 78.0%
Court 5	35	5,290	5,241	84	+ 49	+ 140.0%
Total	6,960	237,191	236,290	7,861	+ 901	+ 12.9%
VAC	0	11,071	11,071	0	0	—
State	6,960	248,262	247,361	7,861	+ 901	+ 12.9%

FISCAL YEAR 1991 CRIMINAL AND TRAFFIC CASES* - CASELOAD BREAKDOWNS

FILINGS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	124	0.8%	398	2.7%	13,594	92.8%	537	3.7%	14,653	100.0%
Court 10	335	1.1%	3,080	10.3%	21,431	71.8%	4,985	16.7%	29,831	100.0%
Court 11	554	1.2%	13,271	29.4%	27,225	60.4%	4,041	9.0%	45,091	100.0%
Court 14**	0	—	0	—	0	—	0	—	0	—
Court 15	118	0.6%	2,246	11.3%	17,444	87.7%	79	0.4%	19,887	100.0%
Court 18	255	2.6%	7,302	75.1%	674	6.9%	1,488	15.3%	9,719	100.0%
Kent County										
Court 6	38	0.3%	1,187	10.4%	9,936	87.3%	217	1.9%	11,378	100.0%
Court 7	744	2.5%	6,448	21.6%	19,685	65.8%	3,026	10.1%	29,903	100.0%
Court 8	47	1.7%	455	16.8%	1,988	73.5%	214	7.9%	2,704	100.0%
Sussex County										
Court 1	322	5.8%	240	4.3%	4,815	86.2%	207	3.7%	5,584	100.0%
Court 2	468	2.3%	1,162	5.8%	18,134	90.4%	291	1.5%	20,055	100.0%
Court 3	190	0.7%	9,080	33.7%	16,318	60.5%	1,367	5.1%	26,955	100.0%
Court 4	229	1.4%	1,637	10.1%	14,037	87.0%	238	1.5%	16,141	100.0%
Court 5	75	1.4%	664	12.6%	4,435	83.8%	115	2.2%	5,290	100.0%
Total	3,500	1.5%	47,170	19.9%	169,716	71.6%	16,805	7.1%	237,191	100.0%
VAC	0	0.0%	0	0.0%	11,071	100.0%	0	0.0%	11,071	100.0%
State	3,500	1.4%	47,170	19.0%	180,787	72.8%	16,805	6.8%	248,262	100.0%

VAC = Voluntary Assessment Center

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence and other cases which are included in the totals for other courts.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1991 CRIMINAL AND TRAFFIC CASES* - CASELOAD BREAKDOWNS (cont'd.)

DISPOSITIONS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	119	0.8%	391	2.7%	13,517	92.8%	540	3.7%	14,567	100.0%
Court 10	324	1.1%	3,074	10.6%	21,372	73.6%	4,263	14.7%	29,033	100.0%
Court 11	555	1.2%	13,123	29.0%	27,005	59.8%	4,511	10.0%	45,194	100.0%
Court 14**	0	—	0	—	0	—	0	—	0	—
Court 15	105	0.5%	2,229	11.3%	17,282	87.8%	60	0.3%	19,676	100.0%
Court 18	255	2.6%	7,302	75.1%	674	6.9%	1,488	15.3%	9,719	100.0%
Kent County										
Court 6	38	0.3%	1,186	10.5%	9,907	87.3%	217	1.9%	11,348	100.0%
Court 7	723	2.4%	6,475	21.5%	19,871	66.0%	3,040	10.1%	30,109	100.0%
Court 8	48	1.8%	452	16.9%	1,956	73.3%	214	8.0%	2,670	100.0%
Sussex County										
Court 1	320	5.8%	234	4.2%	4,778	86.2%	210	3.8%	5,542	100.0%
Court 2	468	2.3%	1,161	5.8%	18,117	90.4%	288	1.4%	20,034	100.0%
Court 3	189	0.7%	9,083	33.8%	16,234	60.4%	1,365	5.1%	26,871	100.0%
Court 4	226	1.4%	1,669	10.2%	14,153	86.9%	238	1.5%	16,286	100.0%
Court 5	77	1.5%	656	12.5%	4,393	89.8%	115	2.2%	5,241	100.0%
Total	3,447	1.5%	47,035	19.9%	169,259	71.6%	16,549	7.0%	236,290	100.0%
VAC	0	0.0%	0	0.0%	11,071	100.0%	0	0.0%	11,071	100.0%
State	3,447	1.4%	47,035	19.0%	180,330	72.9%	16,549	6.7%	247,361	100.0%

FISCAL YEAR 1991 CRIMINAL AND TRAFFIC CASES* - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	+ 5		+ 7		+ 77		- 3		+ 86	
Court 10	+ 11		+ 6		+ 59		+ 722		+ 798	
Court 11	- 1		+ 148		+ 220		- 470		- 103	
Court 14**	0		0		0		0		0	
Court 15	+ 13		+ 17		+ 162		+ 19		+ 211	
Court 18	0		0		0		0		0	
Kent County										
Court 6	0		+ 1		+ 29		0		+ 30	
Court 7	+ 21		- 27		- 186		- 14		- 206	
Court 8	- 1		+ 3		+ 32		0		+ 34	
Sussex County										
Court 1	+ 2		+ 6		+ 37		- 3		+ 42	
Court 2	0		+ 1		+ 17		+ 3		+ 21	
Court 3	+ 1		- 3		+ 84		+ 2		+ 84	
Court 4	+ 3		- 32		- 116		0		- 145	
Court 5	- 1		+ 8		+ 42		0		+ 49	
Total	+ 53		+ 135		+ 457		+ 256		+ 901	
VAC	0		0		0		0		0	
State	+ 53		+ 135		+ 457		+ 256		+ 901	

VAC = Voluntary Assessment Center

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, and other cases which are included in the totals for other courts.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1991 CRIMINAL AND TRAFFIC CASES* – TYPES OF DISPOSITIONS

	By Mail-In Fine		By Court/Counsel Appearance		TOTALS	
	Count	Percentage	Count	Percentage	Count	Percentage
New Castle County						
Court 9	11,327	77.8%	3,240	22.2%	14,567	100.0%
Court 10	11,581	39.9%	17,452	60.1%	29,033	100.0%
Court 11	11,593	25.7%	33,601	74.3%	45,194	100.0%
Court 14**	0	—	0	—	0	—
Court 15	7,783	39.6%	11,893	60.4%	19,676	100.0%
Court 18	6	0.1%	9,713	99.9%	9,719	100.0%
Kent County						
Court 6	7,964	70.2%	3,384	29.8%	11,348	100.0%
Court 7	8,911	29.6%	21,198	70.4%	30,109	100.0%
Court 8	991	37.1%	1,679	62.9%	2,670	100.0%
Sussex County						
Court 1	4,237	76.5%	1,305	33.5%	5,542	100.0%
Court 2	10,337	51.6%	9,697	48.4%	20,034	100.0%
Court 3	8,074	30.0%	18,797	70.0%	26,871	100.0%
Court 4	9,177	56.3%	7,109	43.7%	16,286	100.0%
Court 5	2,547	48.6%	2,694	51.4%	5,241	100.0%
Total	94,528	40.0%	141,762	60.0%	236,290	100.0%
VAC	11,071	100.0%	0	0.0%	11,071	100.0%
State	105,599	42.7%	141,762	57.3%	247,361	100.0%

COMPARISON - FISCAL YEARS 1990-1991 CRIMINAL AND TRAFFIC CASES* – CASELOAD

	FILINGS				DISPOSITIONS			
	1990	1991	Change	% Change	1990	1991	Change	% Change
New Castle County								
Court 9	13,732	14,653	+ 921	+ 6.7%	13,728	14,567	+ 839	+ 6.1%
Court 10	25,741	29,831	+ 4,090	+ 15.9%	25,329	29,033	+ 3,704	+ 14.6%
Court 11	42,003	45,091	+ 3,088	+ 7.4%	42,058	45,194	+ 3,136	+ 7.5%
Court 14**	0	0	0	—	0	0	0	—
Court 15	16,894	19,887	+ 2,993	+ 17.7%	16,751	19,676	+ 2,925	+ 17.5%
Court 18	9,750	9,719	- 31	- 0.3%	9,750	9,719	- 31	- 0.3%
Kent County								
Court 6	9,527	11,378	+ 1,851	+ 19.4%	9,526	11,348	+ 1,822	+ 19.1%
Court 7	39,035	29,903	- 9,132	- 23.4%	38,861	30,109	- 8,752	- 22.5%
Court 8	2,189	2,704	+ 515	+ 23.5%	2,195	2,670	+ 475	+ 21.6%
Sussex County								
Court 1	6,069	5,584	- 485	- 8.0%	6,085	5,542	- 543	- 8.9%
Court 2	18,259	20,055	+ 1,796	+ 9.8%	18,364	20,034	+ 1,670	+ 9.1%
Court 3	22,395	26,955	+ 4,560	+ 20.4%	22,342	26,871	+ 4,529	+ 20.3%
Court 4	17,708	16,141	- 1,567	- 8.8%	17,674	16,286	- 1,388	- 7.9%
Court 5	4,329	5,290	+ 961	+ 22.2%	4,296	5,241	+ 945	+ 22.0%
Total	227,631	237,191	+ 9,560	+ 4.2%	226,959	236,290	+ 9,391	+ 4.1%
VAC	0	11,071	+11,071	—	0	11,071	+11,071	—
State	227,631	248,262	+20,631	+ 9.1%	226,959	247,361	+20,402	+ 9.0%

VAC = Voluntary Assessment Center

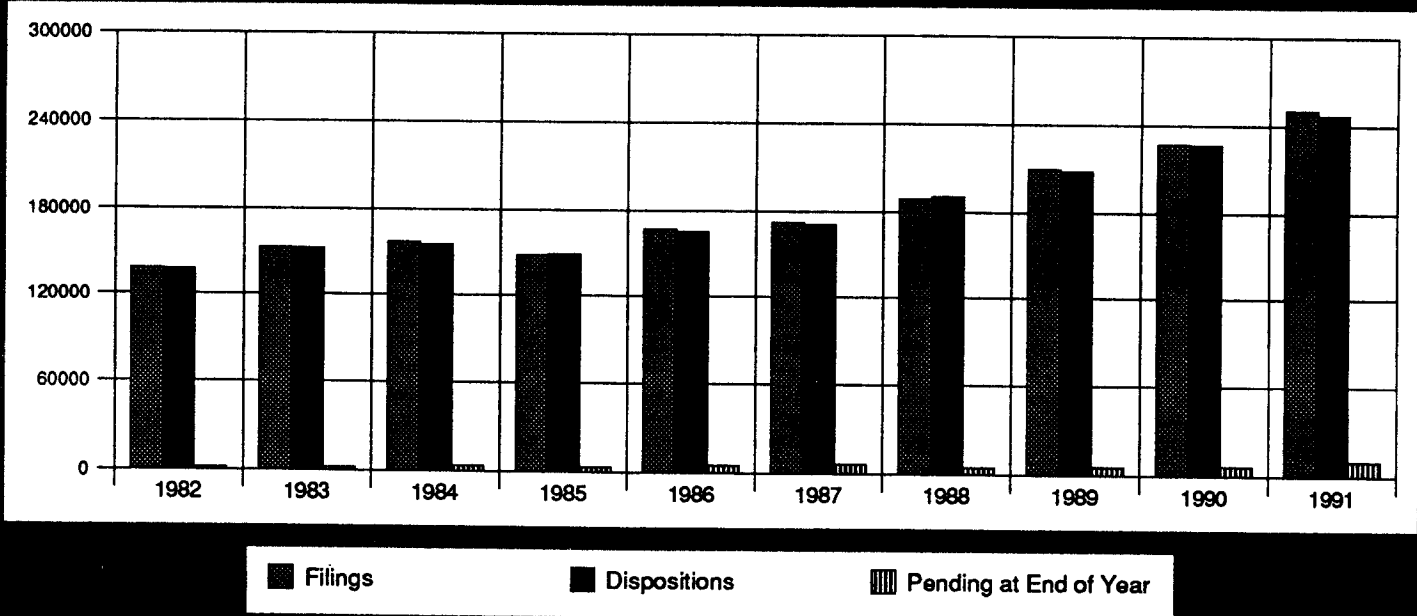
* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, and other cases which are included in the totals for other courts.

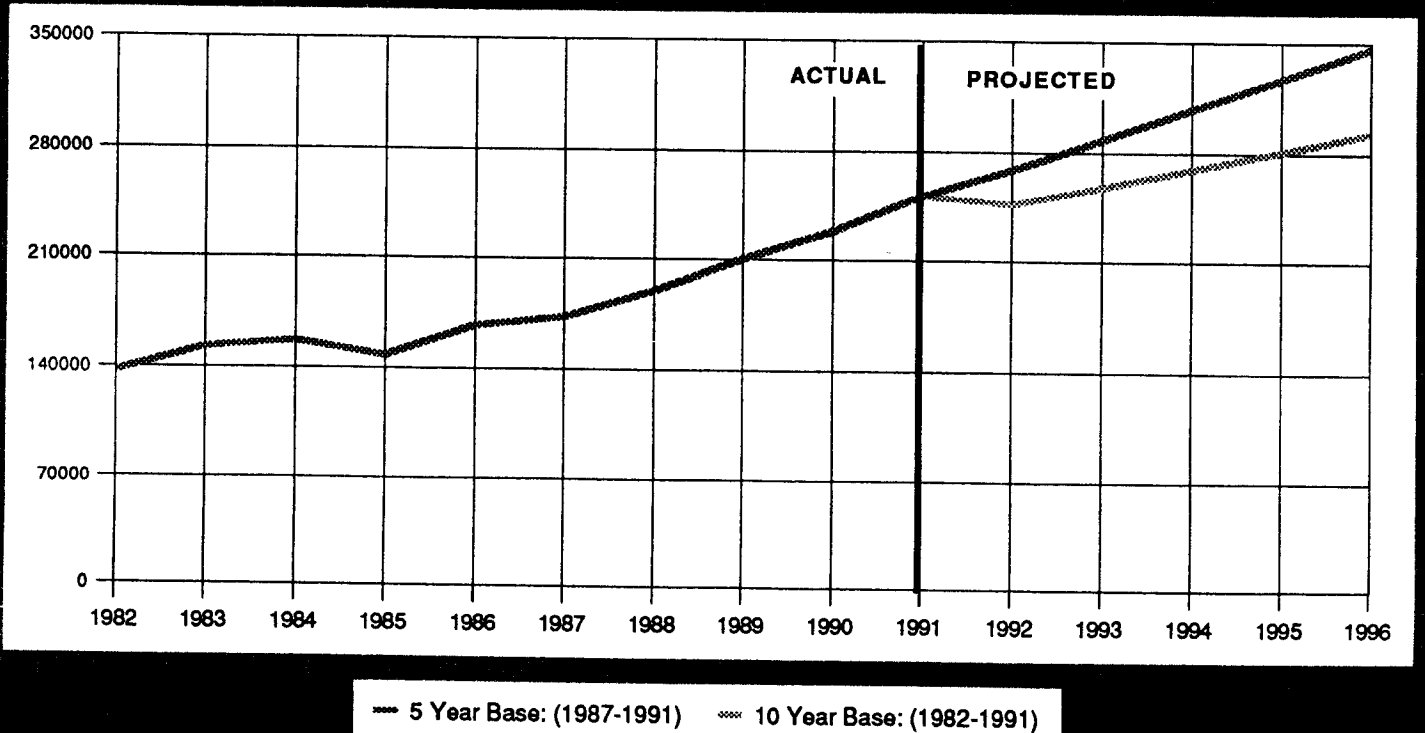
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts-Criminal

10 YEAR CASELOAD TREND



5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1991 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle County						
Court 9	73	389	409	53	- 20	- 27.4%
Court 12	1,355	9,229	9,658	926	- 429	- 31.7%
Court 13	1,057	8,882	7,463	2,476	+ 1,419	+ 134.2%
Kent County						
Court 6	5	3,200	3,199	6	+ 1	+ 20.0%
Court 16	850	3,775	3,809	816	- 34	- 4.0%
Court 8	82	297	364	15	- 67	- 81.7%
Sussex County						
Court 1	102	654	740	16	- 86	- 84.3%
Court 2	64	686	723	27	- 37	- 57.8%
Court 17	208	2,746	2,399	555	+ 347	+ 166.8%
Court 19	167	1,688	1,587	268	+ 101	+ 60.5%
Court 5	677	1,193	1,292	578	- 99	- 14.6%
State	4,640	32,739	31,643	5,736	+ 1,096	+ 23.6%

FISCAL YEAR 1991 CIVIL CASES – CASELOAD BREAKDOWNS

	FILINGS						DISPOSITIONS					
	Complaints		Landlord/Tenant		TOTALS		Complaints		Landlord/Tenant		TOTALS	
New Castle County												
Court 9	301	77.4%	88	22.6%	389	100.0%	317	77.5%	92	22.5%	409	100.0%
Court 12	5,026	54.5%	4,203	45.5%	9,229	100.0%	5,472	56.7%	4,186	43.3%	9,658	100.0%
Court 13	6,337	71.3%	2,545	28.7%	8,882	100.0%	5,148	69.0%	2,315	31.0%	7,463	100.0%
Kent County												
Court 6	3,115	97.3%	85	2.7%	3,200	100.0%	3,115	97.4%	84	2.6%	3,199	100.0%
Court 16	2,733	72.4%	1,042	27.6%	3,775	100.0%	2,705	71.0%	1,104	29.0%	3,809	100.0%
Court 8	247	83.2%	50	16.8%	297	100.0%	313	86.0%	51	14.0%	364	100.0%
Sussex County												
Court 1	435	66.5%	219	33.5%	654	100.0%	515	69.6%	225	30.4%	740	100.0%
Court 2	465	67.8%	221	32.2%	686	100.0%	492	68.0%	231	32.0%	723	100.0%
Court 17	2,567	93.5%	179	6.5%	2,746	100.0%	2,251	93.8%	148	6.2%	2,399	100.0%
Court 19	1,384	82.0%	304	18.0%	1,688	100.0%	1,310	82.5%	277	17.5%	1,587	100.0%
Court 5	1,133	95.0%	60	5.0%	1,193	100.0%	1,237	95.7%	55	4.3%	1,292	100.0%
State	23,743	72.5%	8,996	27.5%	32,739	100.0%	22,875	72.3%	8,768	27.7%	31,643	100.0%

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1991 CIVIL CASES - CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints	Landlord/Tenant	TOTALS
New Castle County			
Court 9	- 16	- 4	- 20
Court 12	- 446	+ 17	- 429
Court 13	+ 1,189	+ 230	+ 1,419
Kent County			
Court 6	0	+ 1	+ 1
Court 16	+ 28	- 62	- 34
Court 8	- 66	- 1	- 67
Sussex County			
Court 1	- 80	- 6	- 86
Court 2	- 27	- 10	- 37
Court 17	+ 316	+ 31	+ 347
Court 19	+ 74	+ 27	+ 101
Court 5	- 104	+ 5	- 99
State	+ 868	+ 228	+ 1,096

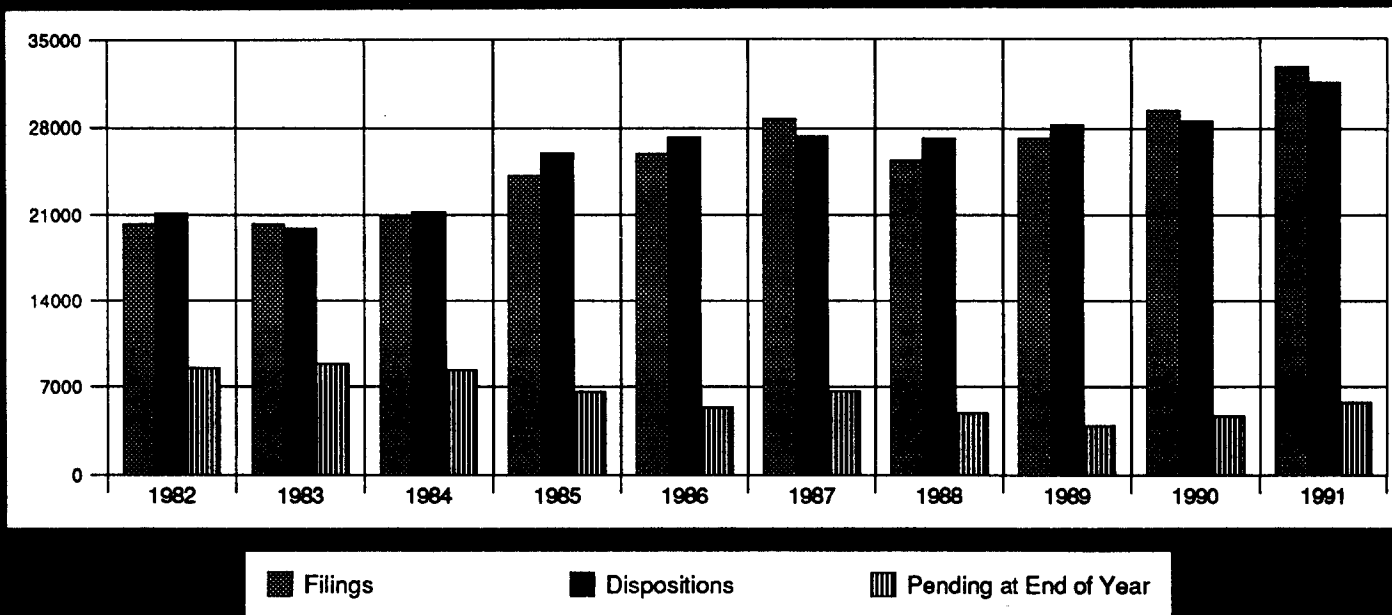
COMPARISON - FISCAL YEARS 1990-1991 CIVIL CASES - CASELOAD

	FILINGS				DISPOSITIONS			
	1990	1991	Change	% Change	1990	1991	Change	% Change
New Castle County								
Court 9	388	389	+ 1	+ 0.3%	323	409	+ 86	+ 26.6%
Court 12	7,980	9,229	+ 1,249	+ 15.7%	8,088	9,658	+ 1,570	+ 19.4%
Court 13	8,643	8,882	+ 239	+ 2.8%	8,243	7,463	- 780	- 9.5%
Kent County								
Court 6	1,472	3,200	+ 1,728	+ 117.4%	1,489	3,199	+ 1,710	+ 114.8%
Court 16	3,760	3,775	+ 15	+ 0.4%	3,591	3,809	+ 218	+ 6.1%
Court 8	519	297	- 222	- 42.8%	520	364	- 156	- 30.0%
Sussex County								
Court 1	703	654	- 49	- 7.0%	692	740	+ 48	+ 6.9%
Court 2	685	686	+ 1	+ 0.1%	657	723	+ 66	+ 10.0%
Court 17	2,113	2,746	+ 633	+ 30.0%	2,116	2,399	+ 283	+ 13.4%
Court 19	1,513	1,688	+ 175	+ 11.6%	1,450	1,587	+ 137	+ 9.4%
Court 5	1,656	1,193	- 463	- 28.0%	1,425	1,292	+ 133	- 9.3%
State	29,432	32,739	+ 3,307	+ 11.2%	28,594	31,643	+ 3,049	+ 10.7%

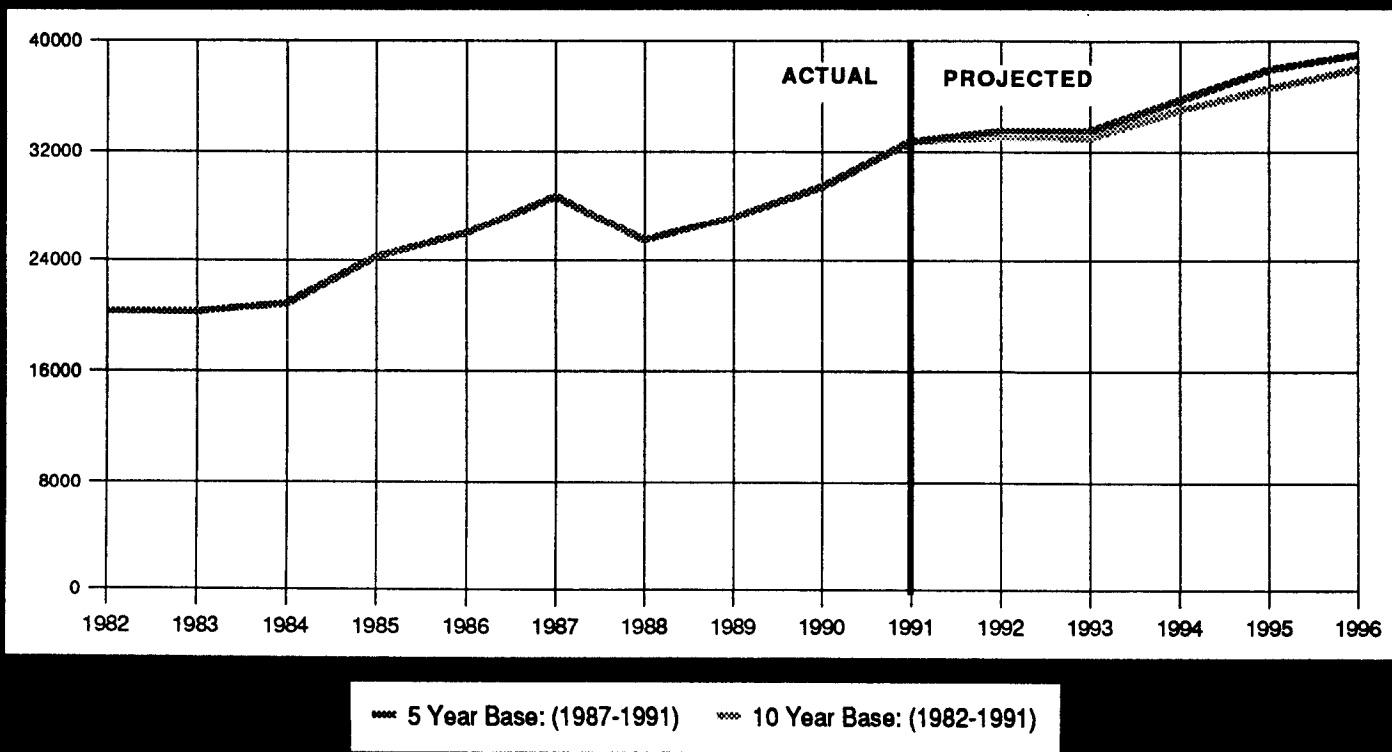
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts-Civil

10 YEAR CASELOAD TREND



5 YEAR PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1991 RANKINGS IN ORDER OF TOTAL CASES FILED

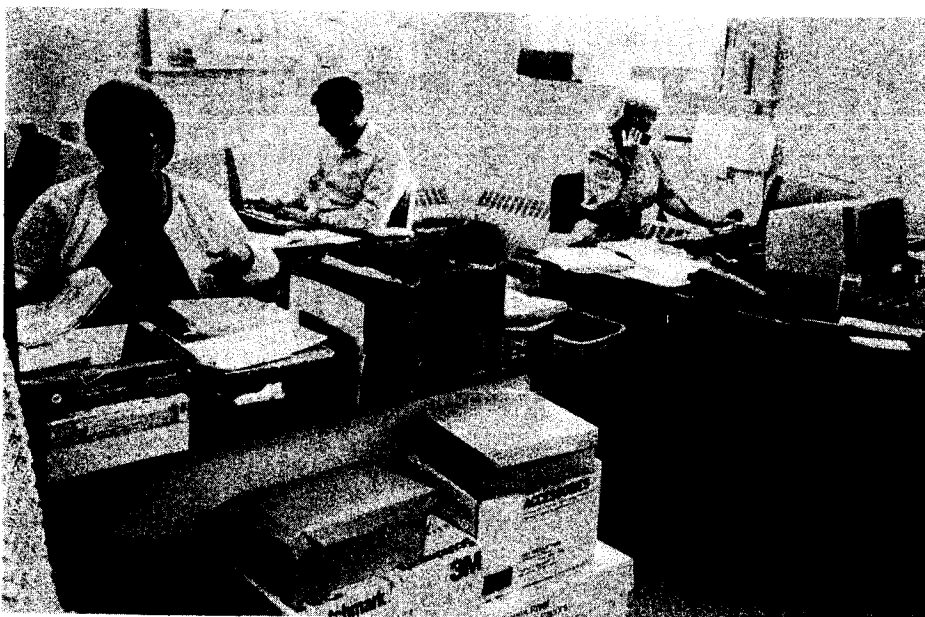
Rank w/o VAC	Rank w/ VAC	Court # Court #	Total Number * of Filings	% of Total w/o VAC	% of Total w/ VAC	FY 1990 Rank
1	1	Court 11	45,091	16.7%	16.0%	1
2	2	Court 7	29,903	11.1%	10.6%	2
3	3	Court 10	29,831	11.1%	10.6%	3
4	4	Court 3	26,955	10.0%	9.6%	4
5	5	Court 2	20,741	7.7%	7.4%	5
6	6	Court 15	19,887	7.4%	7.1%	7
7	7	Court 4	16,141	6.0%	5.7%	6
8	8	Court 9	15,042	5.6%	5.4%	8
9	9	Court 6	14,578	5.4%	5.2%	9
10	11	Court 18	9,719	3.6%	3.5%	10
11	12	Court 12	9,229	3.4%	3.3%	12
12	13	Court 13	8,882	3.3%	3.2%	11
13	14	Court 5	6,238	2.4%	2.3%	14
14	15	Court 1	3,775	2.3%	2.2%	13
15	16	Court 16	2,746	1.4%	1.3%	15
16	17	Court 8	3,001	1.1%	1.1%	16
17	18	Court 17	2,746	1.0%	1.0%	17
18	19	Court 19	1,688	0.6%	0.6%	18
19	20	Court 14**	0	0.0%	0.0%	19
		State w/o VAC	269,930	100.0%	96.1%	
	10	VAC	11,071	—	3.9%	—
		State w/ VAC	281,001	100.0%	100.0%	

VAC = Voluntary Assessment Center

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, and other cases which are included in the totals for other courts.

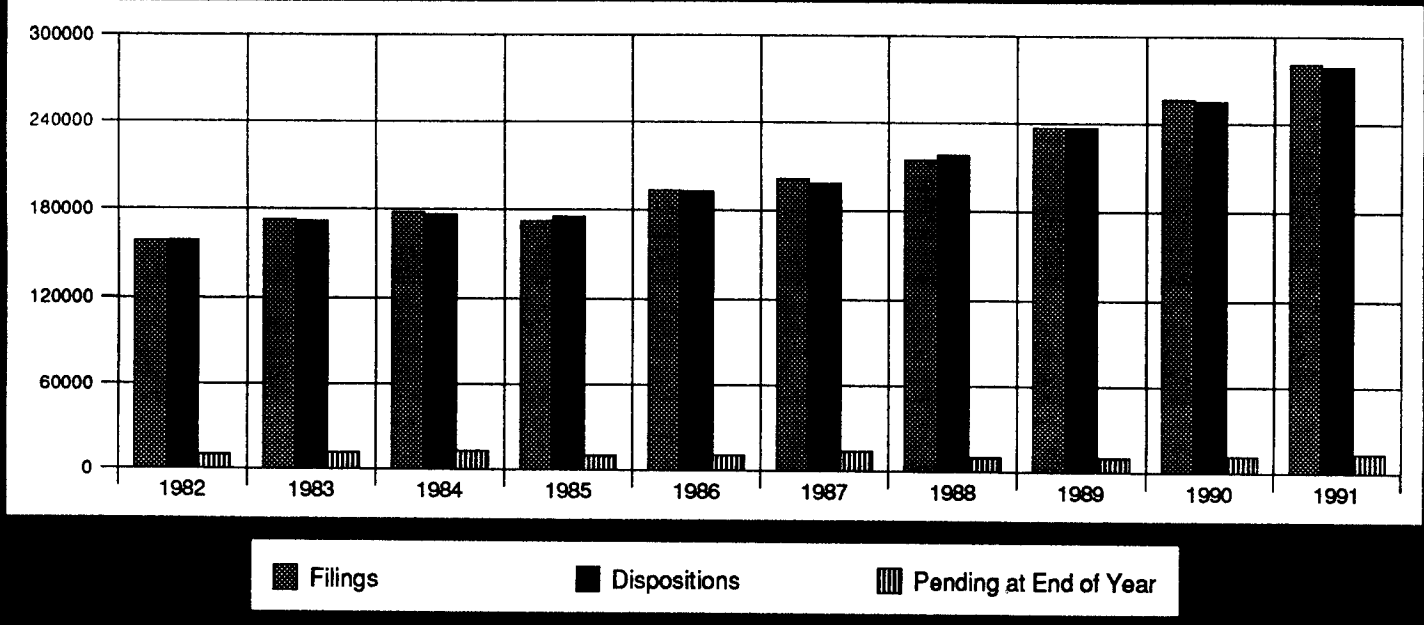
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.



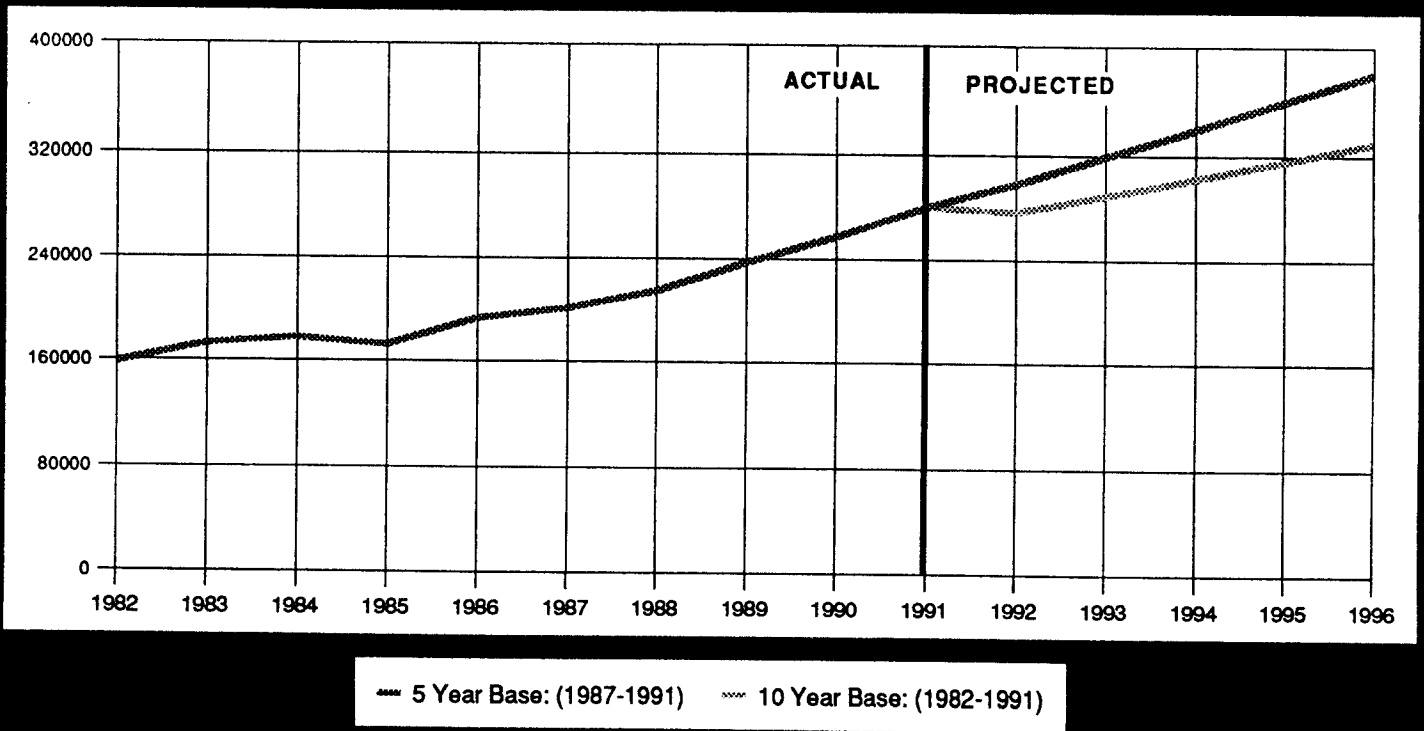
Clerical area for Voluntary Assessment Center — Dover, Delaware

Justice of the Peace Courts-Total

10 YEAR CASELOAD TREND



5 YEAR PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts.

Alderman's Courts

Chief Alderman Thomas B. Ferry (Newark)
Deputy Chief Alderman Richard A. Barton (Fenwick Island)
Alderman Melanie M. Buchanan (Ocean View)
Mayor Charles M. Cavanaugh (Elsmere)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Donald F. Godfrey (Delmar)
Alderman Marvin Guberman (Dewey Beach)
Mayor John F. Klingmeyer (New Castle)
Alderman Annette Leech (Newport)
Alderman Willie A. Robert, Jr. (Bridgeville)
Alderman J. Joseph Tansey (Bethany Beach)
Alderman Edward Walmsley, Jr. (Laurel)

Alderman's Courts

Legal Authorization

Alderman's Courts are authorized by the town charters of their respective municipalities.

Geographic Organization

Alderman's Courts have jurisdiction only within their own town limits. There were 12 active Alderman's or Mayor's Courts at the end of FY 1991; four in New Castle County and eight in Sussex County. When a town is without a Court or an Alderman for any period of time, its cases are transferred to the nearest Justice of the Peace Court.

Legal Jurisdiction

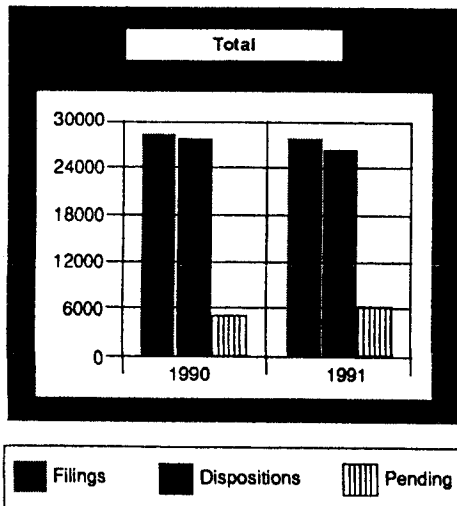
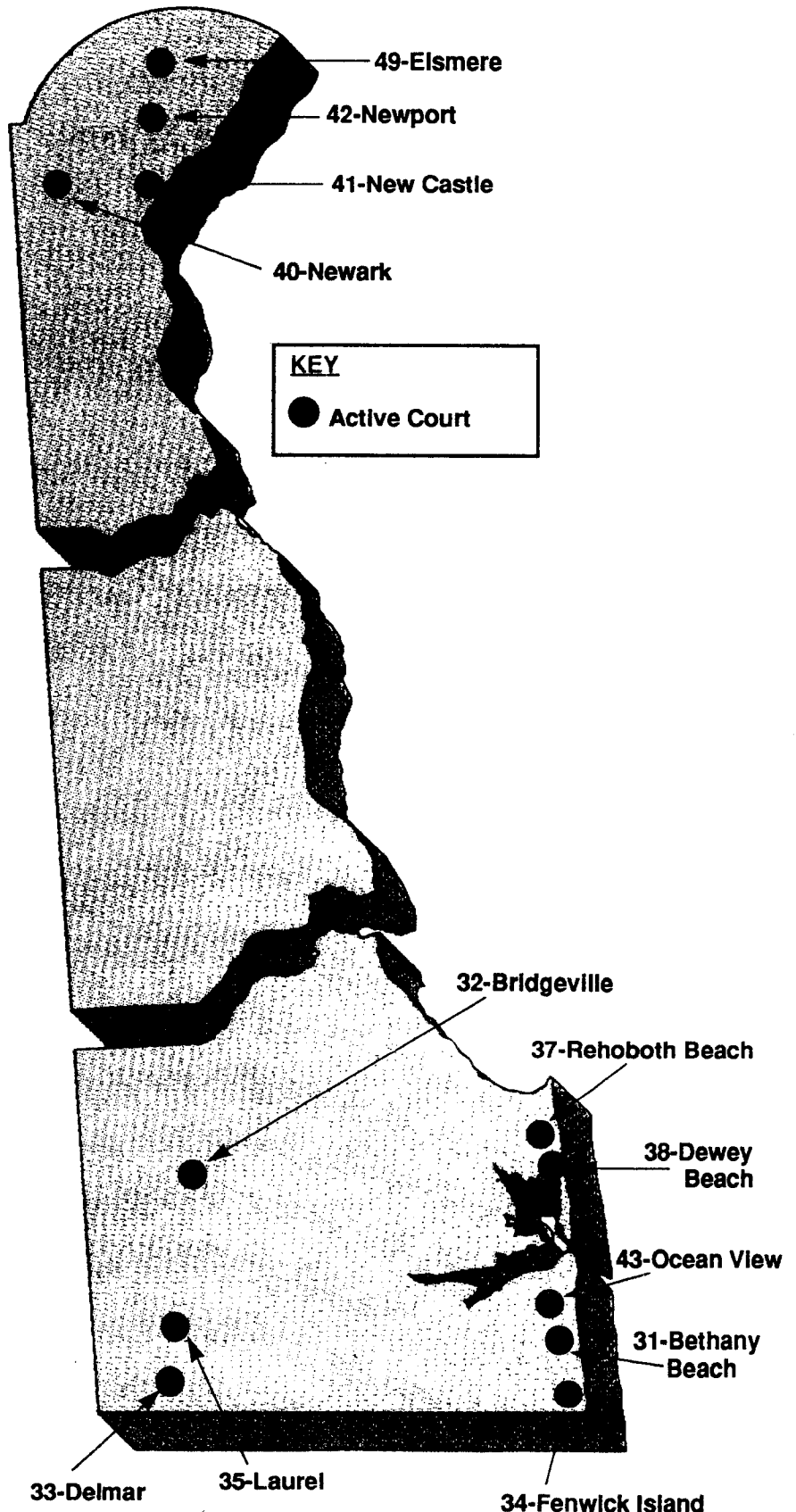
The jurisdiction of an Alderman's Court is limited to misdemeanors, traffic offenses, parking violations and minor civil matters. The specific jurisdiction of each court varies with the town charter (which is approved by the State Legislature). Appeals are taken de novo to Superior Court within 15 days of the trial.

Aldermen

The selection, number, tenure and qualifications of Aldermen are determined by the towns themselves. Some require lawyers while others choose ordinary citizens. A few Aldermen serve full-time, while some are part-time judges. In New Castle, the Mayor serves as Judge of their Court.

Caseload Trends

The total number of filings dropped by 2.0% from 28,307 in FY 1990 to 27,744 in FY 1991. There was a 5.6% decrease in the number of total dispositions from 27,512 in FY 1990 to 25,978 in FY 1991. The greater rate of decrease in dispositions than in filings helped lead to a 29.7% increase in the number of total pending at the end of the year from 5,949 at the end of FY 1990 to 7,715 at the end of FY 1991.



Alderman's Courts

FISCAL YEAR 1991 TOTAL CASES* – CASELOAD SUMMARY

Court	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle County						
Elsmere**	82	3,142	3,141	83	+ 1	+ 1.2%
Newark	4,852	10,177	9,162	5,867	+1,015	+ 20.9%
New Castle	0	648	647	1	- 1	—
Newport**	51	3,191	3,120	122	- 71	+ 139.2%
Sussex County						
Bethany Beach	0	1,777	1,599	178	+ 178	—
Bridgeville	425	2,874	2,459	840	+ 415	+ 97.6%
Delmar	174	302	331	145	- 29	- 16.7%
Dewey Beach	0	1,179	1,179	0	0	—
Fenwick Island	0	1,249	1,249	0	0	—
Laurel	266	1,510	1,368	408	+ 142	+ 53.4%
Ocean View	0	4	4	0	0	—
Rehoboth Beach	99	1,691	1,719	71	- 28	- 28.3%
TOTALS	5,949	27,744	25,978	7,715	+1,766	+ 29.7%

FISCAL YEAR 1991 CRIMINAL CASES* – CASELOAD SUMMARY

Court	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle County						
Elsmere**	0	0	0	0	0	—
Newark	1,607	3,232	3,380	1,459	- 148	- 9.2%
New Castle	0	0	0	0	0	—
Newport**	0	0	0	0	0	—
Sussex County						
Bethany Beach	0	79	79	0	0	—
Bridgeville	0	0	0	0	0	—
Delmar	61	24	58	27	- 34	- 55.7%
Dewey Beach	0	841	841	0	0	—
Fenwick Island	0	23	23	0	0	—
Laurel	129	489	375	243	+ 114	+ 88.4%
Ocean View	0	0	0	0	0	—
Rehoboth Beach	1	252	253	0	- 1	- 100.0%
TOTALS	1,798	4,940	5,009	1,729	- 69	- 3.8%

*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as 3 dispositions.

**The Elsmere Court and the Newport Court only collect fines for traffic cases and do not actually try the case.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts

FISCAL YEAR 1991 TRAFFIC CASES* – CASELOAD SUMMARY

Court	Pending 6/30/90	Filings	Dispositions	Pending 6/30/91	Change In Pending	% Change In Pending
New Castle County						
Elsmere**	82	3,142	3,141	83	+ 1	+ 1.2%
Newark	3,245	6,945	5,582	4,408	+1,163	+ 35.8%
New Castle	0	648	647	1	+ 1	—
Newport**	51	3,191	3,120	122	+ 71	- 139.2%
Sussex County						
Bethany Beach	0	1,698	1,520	178	+ 178	—
Bridgeville	425	2,874	2,459	840	+ 415	+ 97.6%
Delmar	113	278	273	118	+ 5	+ 4.4%
Dewey Beach	0	338	338	0	0	—
Fenwick Island	0	1,226	1,226	0	0	—
Laurel	137	1,021	993	165	+ 28	+ 20.4%
Ocean View	0	4	4	0	0	—
Rehoboth Beach	98	1,439	1,466	71	- 27	- 27.6%
TOTALS	4,151	22,804	20,969	5,986	+1,835	+ 44.2%

COMPARISON – FISCAL YEARS 1990-1991 TOTAL CASES– CASELOAD

Number of Filings*						
COURT	1990	1991	Change	% Change		
New Castle						
Elsmere**	3,422	3,142	- 280	-	-	- 8.2%
Newark	9,422	10,177	+ 755	+	+	+ 8.0%
New Castle	722	648	- 74	-	-	- 10.2%
Newport**	4,548	3,191	- 1,357	-	-	- 29.8%
Sussex County						
Bethany Beach	1,722	1,777	+ 55	+	+	+ 3.2%
Bridgeville	2,189	2,874	+ 685	+	+	+ 31.3%
Delmar	303	302	- 1	-	-	- 0.3%
Dewey Beach	1,551	1,179	- 372	-	-	- 24.0%
Fenwick Island	930	1,249	+ 319	+	+	+ 34.3%
Laurel	1,386	1,510	+ 124	+	+	+ 8.9%
Ocean View	136	4	- 132	-	-	- 97.1%
Rehoboth Beach	1,976	1,691	- 285	-	-	- 14.4%
TOTALS	28,307	27,744	- 563	-	-	- 2.0%

*The unit of count in traffic and criminal cases is the charge. For example, a defendant with three charges disposed of is counted as three defendants.

**The Elsmere Court and the Newport Court only collect fines for traffic cases and do not actually try the case.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts

COMPARISON – FISCAL YEARS 1990-1991 TOTAL CASES– CASELOAD (cont'd.)

Number of Dispositions*

COURT	1990	1991	Change	% Change
New Castle				
Elsmere**	3,356	3,141	- 215	- 6.4%
Newark	8,610	9,162	+ 552	+ 6.4%
New Castle	724	647	- 77	- 10.6%
Newport**	4,645	3,120	- 1,525	- 32.8%
Sussex County				
Bethany Beach	1,928	1,599	- 329	- 17.1%
Bridgeville	1,892	2,459	+ 567	+ 30.0%
Delmar	285	331	+ 46	+ 16.1%
Dewey Beach	1,551	1,179	- 372	- 24.0%
Fenwick Island	930	1,249	+ 319	+ 34.4%
Laurel	1,323	1,368	+ 45	+ 3.4%
Ocean View	136	4	- 132	- 97.1%
Rehoboth Beach	2,132	1,719	- 413	- 19.4%
TOTALS	27,512	25,978	- 1,534	- 5.6%

FISCAL YEAR 1991 — RANKING IN ORDER OF TOTAL CASES FILED

Rank	Total Number of Filings*	Percentage of Total	FY 1990 Rank
1 Newark	10,177	36.7%	1
2 Newport**	3,191	11.5%	2
3 Elsmere**	3,142	11.3%	3
4 Bridgeville	2,874	10.4%	4
5 Bethany Beach	1,777	6.4%	6
6 Rehoboth Beach	1,691	6.1%	5
7 Laurel	1,510	5.4%	8
8 Fenwick Island	1,249	4.5%	9
9 Dewey Beach	1,179	4.2%	7
10 New Castle	648	2.3%	10
11 Delmar	302	1.1%	11
12 Ocean View	4	0.0%	12
TOTALS	27,744	100.0%	

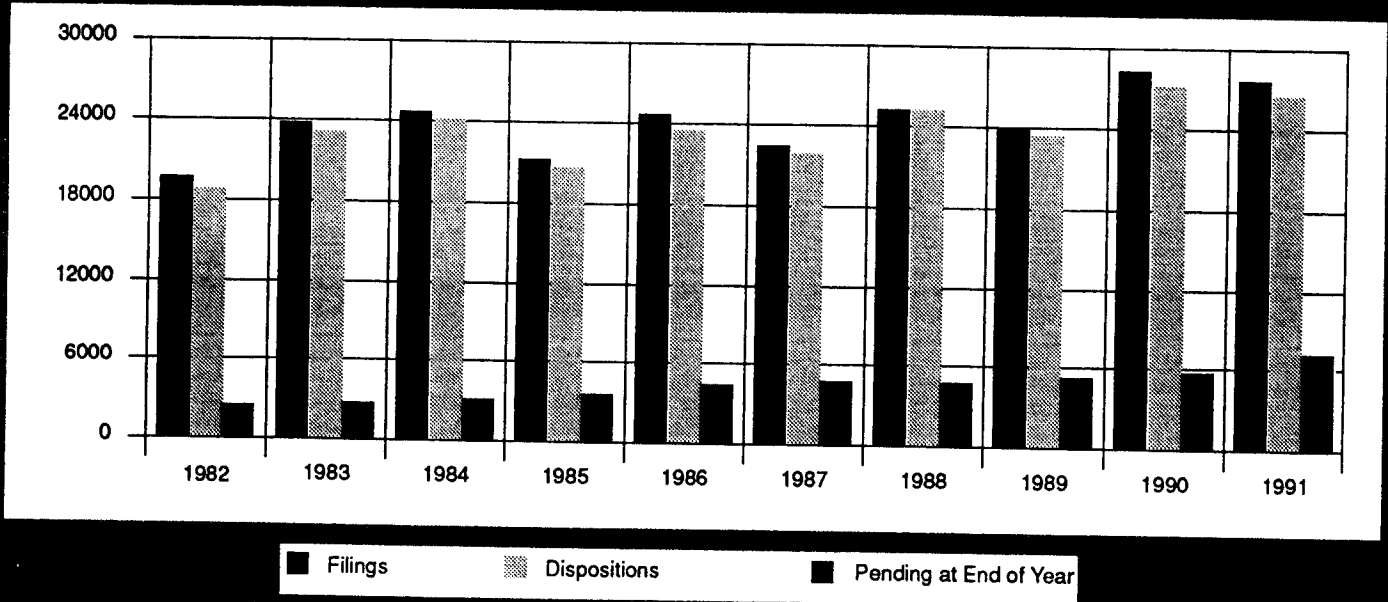
*The unit of count in criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.

**The Elsmere Court and the Newport Court collect fines for traffic cases and do not actually try the case

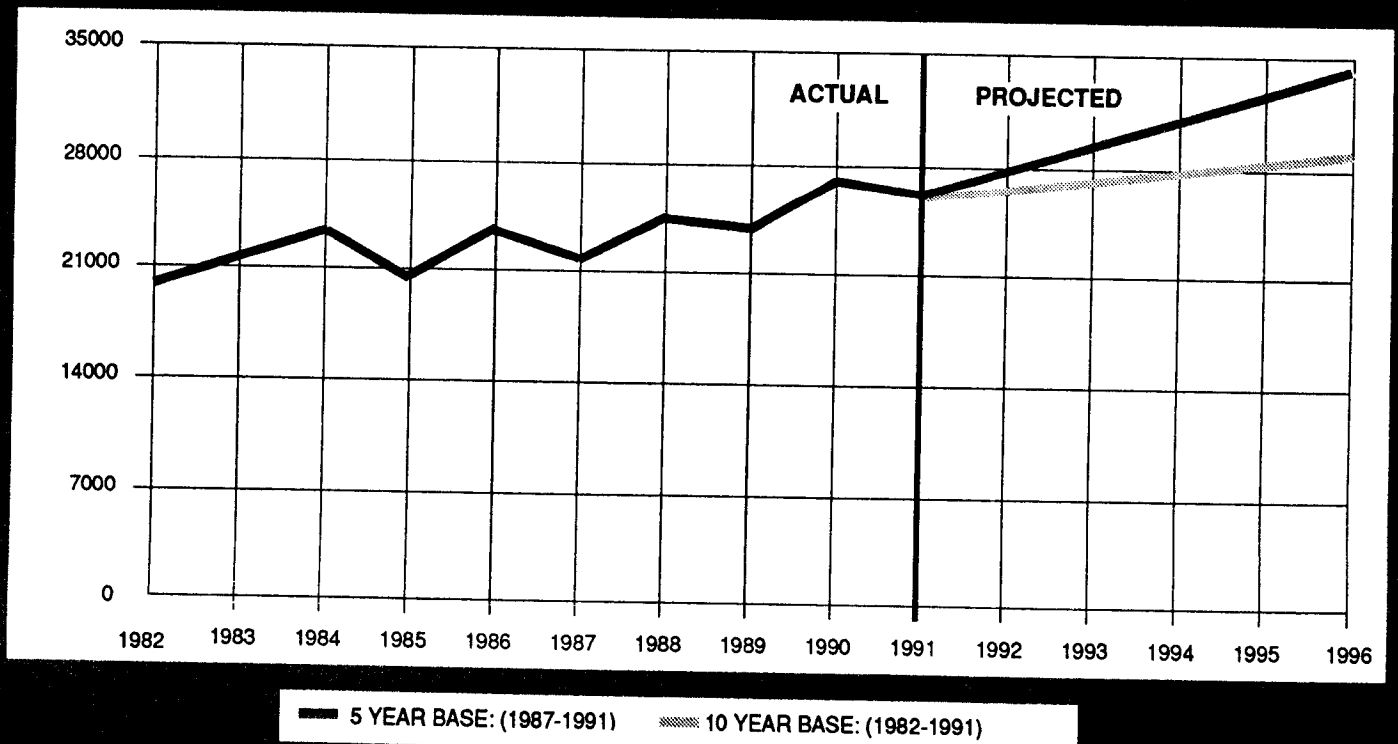
Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Court - Total

10 YEAR CASELOAD TREND



5 YEARS PROJECTED FILINGS BASED ON 10 YEARS ACTUAL FILINGS



Trend lines computed by linear regression analysis.
 Source: Administrative Office of the Courts

Judicial Agencies and Bodies

Judicial Agencies and Bodies

Administrative Office of the Courts

Legal Authorization

The Administrative Office of the Courts was established by 10 *Delaware Code*, §128.

Personnel

The Director of the Administrative Office of the Courts is appointed by

and serves at the pleasure of the Chief Justice of the Supreme Court of the State of Delaware.

The Director may, with the approval of the Chief Justice, appoint such assistants and support personnel as required.

Duties

A description of the duties of the Administrative Office of the Courts is provided in the chapter, "The Administration of the Delaware Judicial System."

Law Libraries

The standards for the control and supervision of the three Law Libraries are set in 10 *Del. C.* §1941.

There are three Law Libraries located in the State of Delaware, staffed and maintained by state funds and each presided over by a law librarian. The Libraries are named after the counties in which they are situated.

The primary function of the Law Libraries is to provide a legal information center for the Judiciary, Public Defender's Office, legal representatives of counties and municipalities, city solicitors and members of the Delaware Bar. They are also the official depositories for state laws, administrative regulations and court rules. The libraries are made available to registered law students to assist them in preparation for state bar examinations and in their legal education. All three Libraries are designated as official depository libraries by the U.S. Government Printing Office. As state-supported agencies, the Libraries are available

to the general public during normal working hours although use of the Kent County Law Library has sometimes been limited to court-related users. Assistance is given to persons wishing to use the facilities whenever possible.

The New Castle County Law Library, located in the Public Building, Wilmington, Delaware, is the busiest of the three Libraries. It houses about 25,000 books and there is presently seated working space for about 32 persons at one time. The recent purchase of a reader-printer which can make positive printouts from both microfiche and microfilm records has been a help to the Law Library and its users. The facility is maintained and administered by a law librarian and a library assistant. The Kent County Law Library, due to its location, is designated as the State Library. It houses the largest legal library maintained by the State with about 35,000 volumes and is staffed by one law librarian. The Sussex County Law Library is staffed by one law librarian

and houses about 14,000 volumes.

The Law Libraries are responsible for administrative library work as well as maintaining the bookkeeping records required by the State. These duties and responsibilities include but are not limited to the following: insertion of pocket parts, maintenance of loose leaf service bookkeeping for the agency's accounts, preparing invoices for library expenditures, filing and indexing reported and unreported opinions from the several courts, obtaining and filing copies of rules and regulations promulgated by the governmental agencies, maintaining of books and their monetary values, obtaining and filing statutes from the Legislative Council and other states, handling requests from various persons for information contained in the Library, handling special requests for research work from the judges, planning and recommending development and improvement of services, writing reports and performing other duties associated with library work.

Judicial Agencies and Bodies

Judicial Conference

Legal Authorization

The Judicial Conference is authorized by Supreme Court Rule 81.

Duties

The Judicial Conference studies the judicial business of the courts with a view towards improving the administration of justice in the State. The Conference also considers improvements in procedure, considers and recommends legislation,

considers and implements the Canons of Judicial Ethics, holds symposia of the Bench and Bar and reviews continuing judicial education programs.

Membership

The membership of the Conference includes the judges of the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and the Municipal Court of

Wilmington as well as the Chief Magistrate of the Justice of the Peace Courts. The Chief Justice presides over the Conference. The Director of the Administrative Office of the Courts serves as secretary for the Conference. Meetings of the Conference are held during the months of December and June as selected by the Chief Justice. Additional meetings may be called by the Chief Justice or by the senior Justice if he is absent.

Long Range Courts Planning Committee

The Long Range Courts Planning Committee was created by Chief Justice Daniel F. Wolcott on December 15, 1970. At that time, Chief Justice Wolcott appointed nine members to the Committee which was composed of seven judges from the various courts and two members of the Bar. The initial charge of the Committee was to consider "long range planning for the needs of the Courts."

Under the leadership of Chief Justice Daniel L. Herrmann, the Committee was reorganized with a broader charge in May, 1977. A formal "Statement of Purpose" was then adopted:

"The Long Range Courts Planning Committee shall be composed of judges, attorneys and court administrators. The purpose of the Committee is to provide an opportunity for the thoughtful formulation and active support of plans and programs for the improvement of the Delaware Court System which will enable it to better perform its task of administering justice in this State, and to undertake such other tasks as may be assigned to it by the Chief Justice. It is expected that this group will initiate new plans and programs, where appropriate, and will support plans and programs initiated by others, or initiated by this group in the past, which to this group appear worthy of such support. The group is in-

tended not only to provide input from the standpoint of thoughtful ideas, but also to provide active and, where necessary, aggressive impetus at all levels of state government where support for the court system is needed and appropriate."

At present, the Committee consists of twenty-eight members, with judicial representation from every court and lawyers statewide. Justice Joseph T. Walsh and Victor F. Battaglia, Esq., serve as Co-Chairmen. The other members are: Justice Andrew G.T. Moore, II, Vice Chancellor Maurice A. Hartnett, III, Vice Chancellor Carolyn Berger, President Judge Henry duPont Ridgely, Judge Susan C. DeIPesco, Chief Judge Robert D. Thompson, Judge Jay Paul James, Judge Arthur F. DiSabatino, Chief Judge Alfred Fraczkowski, Chief Magistrate William F. Richardson, Attorney General Charles M. Oberly, III, Sidney Balick, Esq., O. Francis Biondi, Esq., Thomas J. Capano, Esq., Edmund N. Carpenter, II, Esq., Howard M. Handlerman, Esq., Joseph M. Kwiatkowski, Esq., Roderick R. McKelvie, Esq., Nancy Jane Perillo, Esq., Richard E. Poole, Esq., John F. Schmutz, Esq., Carl Schnee, Esq., Dennis L. Schrader, Esq., W. Laird Stabler, III, Esq., Gerald I. Street, Esq., and Rodman Ward, Esq. Lowell L. Groundland, Director of the

Administrative Office of the Courts, serves as Secretary to the Committee.

Working with the cooperation of the executive and legislative branches of government for the betterment of our court system, the accomplishments of the Committee to date have been significant. These include the enlargement of the Supreme Court, additional judges for the Court of Chancery and Superior Court, the provision of adequate court facilities and making the Prothonotaries appointed rather than elected officials. The Committee is currently engaged in a continuing study of the jurisdiction of the component courts of the Delaware judicial system in order to promote efficiency and eliminate congestion. Courthouse security, adequate court facilities and court consolidation remain areas of continuing special concern.

In recognition of the Committee's outstanding contribution to the administration of justice for 20 years, Chief Justice Andrew D. Christie views its role as essential to dealing with all important issues confronting the courts. The Chief Justice desires to keep the Committee actively engaged in its pursuit of measures which will be advantageous for the court system and to the administration of justice in Delaware.

Judicial Agencies and Bodies

Court on the Judiciary

Article IV, Section 37 of the *Constitution of the State of Delaware* created this Court, consisting of the Chief Justice and the Justices of the Supreme Court, the Chancellor of the Court of Chancery, and the President Judge of Superior Court.

Any judicial officer appointed by the Governor may be censured, removed or retired by the Court on the Judiciary for willful misconduct in office, willful and persistent failure to perform

duties, commission of an offense involving moral turpitude after appointment or other misconduct in violation of the Canons of Judicial Ethics. A judicial officer may be retired because of permanent mental or physical disability interfering with the proper performance of his duties.

No censure, removal or retirement can be effective until the judicial officer has been served with written charges and has had the opportunity to be

heard in accordance with due process of law.

The Court on the Judiciary has the power to:

- (a) summon witnesses to appear and testify under oath and to compel production of other evidence, and
- (b) adopt rules establishing procedures for the investigation and trial of a judicial officer.

Judicial Education Committee

The Delaware Supreme Court adopted the Mandatory Continuing Legal Education Rule for members of the Bar, including judges, effective January 1, 1987. The Chief Justice appoints judges from each of the State courts and the Chief Magistrate to serve on the Judicial Education Committee with the charge to design and direct the implementation of educational programs which will permit members of the Judiciary to meet the requirements of the Rule.

Through funds provided by the General Assembly, the Committee plans in-state continuing judicial education programs at an annual seminar and arranges for judges to travel out of state to pursue educational programs at the National Judicial College or to attend seminars offered by other prominent judicial education organizations. Justice Joseph T. Walsh has served as Chairman of the Judicial Education Committee since its inception. Other members of the Committee are Vice

Chancellor Carolyn Berger, Judge Jerome O. Herlihy, Judge Jay Paul James, Judge William C. Bradley, Jr., and Chief Magistrate William F. Richardson. The Training Administrator of the Administrative Office of the Courts is the coordinator of the judicial education programs. Guest lecturers and speakers at each seminar have included distinguished jurists, legal scholars, and others having expert knowledge in matters of importance to the judicial function.

Judicial Agencies and Bodies

Public Guardian

Legal Authorization

The authority for the Office of the Public Guardian is derived from Title 12, §3991, of the *Delaware Code*, which states that:

"There is established the Office of the Public Guardian. The Chancellor shall appoint the Public Guardian, who shall serve at his pleasure."

Geographic Organization

The Office of the Public Guardian has responsibility for the entire State and presents its petitions for guardianships in the Court of Chancery in all three counties.

Legal Jurisdiction

The powers and duties of the Public Guardian are stated in Title 12, §3992, of the *Delaware Code*;

"The Public Guardian, when appointed as guardian by Court order, shall:

1. Serve as a guardian for the property of aged, mentally infirm or physically incapacitated persons, pursuant to §3914 of this title;

2. Serve as a guardian for the person of aged, mentally or physically incapacitated persons where such persons are in danger of substantially endangering their health, or of becoming subject to abuse by other persons or of becoming the victim of designing persons; or

3. Serve as both guardian of the person and of property of such person."

The legislation creating the Office of the Public Guardian creates a guardianship capability for a person needing a guardian but who does not have a relative, friend, or other person interested in and capable of serving as a guardian, whose estate is insufficient to purchase the services of a private guardian or who would best be served by a neutral guardian. This has resulted in the Office of the Public Guardian serving as consultant to agencies, attorneys or families about guardianship matters.

Personnel

The Public Guardian is aided by a Deputy Public Guardian; an administrative officer, one full-time and two part-time caseworkers, and an accounting clerk in providing guardianship services.

Caseload

The Office of the Public Guardian received 184 referrals during FY 1991, 57 of which were deemed to need the services of the Public Guardian as a guardian. It was determined that the remaining 127 referrals during FY 1991 were not in need of guardianship to resolve their problems and were served by utilizing the resources of other state and private agencies.

The 27.8% increase in total referrals from 144 in FY 1990 to 184 in FY 91 is attributable almost entirely to the number of guardianships more than doubling in this period. Total dispositions rose by 40.0% from 105 in FY 90 to 147 in FY 91, due solely to a 47.7% increase in the number of investigations disposed of.

FISCAL YEAR 1991 PUBLIC GUARDIAN - CASELOAD BREAKDOWNS

	Pending 6/30/90	New Referrals	Cases Closed	Pending 6/30/91	Change In Pending	% Change In Pending
Guardianships	65	57	17	105	+ 40	+ 61.5%
Investigations	<u>53</u>	<u>126</u>	<u>130</u>	<u>50</u>	- 3	- 5.7%
TOTALS	118	184	147	155	+ 37	+ 31.4%

COMPARISON - FISCAL YEARS 1990-1991 PUBLIC GUARDIAN - CASELOAD

	1990	1991	Change	% Change
Guardianships	18	57	+ 39	+ 216.7%
Investigations	<u>126</u>	<u>127</u>	+ 1	+ 0.8%
TOTALS	144	184	+ 40	+ 27.8%

CASES CLOSED

	1990	1991	Change	% Change
Guardianships	17	17	0	+ 0.0%
Investigations	<u>88</u>	<u>130</u>	+ 42	+ 47.7%
TOTALS	105	147	+ 42	+ 40.0%

Judicial Agencies and Bodies

Foster Care Review Board

Legal Authorization

The Foster Care Review Board is authorized by 31 *Del. C.*, C. 38.

Purpose

The mission of the Foster Care Review Board is to provide and administer a volunteer-based citizen Review Board, which acts as an independent monitoring system charged with identification and periodic review of all children in placement throughout the State of Delaware. Periodic reviews of children in out-of-home placement are conducted to ensure that continuing efforts are being made to obtain permanent homes for children; to provide stability in the lives of children who must be removed from their homes; to make the needs of a child for physical, mental, and emotional growth the determining factors in permanency planning; and to ensure that foster care remains a temporary status consistent with a child's sense of time.

Periodic reviews for children in out-of-home placement conducted by independent citizen review committees are assisting the State to comply with federal review requirements. The purpose of the Board's child review program is to monitor the case plans made for children and families involved in the State's out of home programs.

Geographic Organization

The Board is organized into 12 review committees, in order to conduct reviews of children. These 12 review committees meet twice a month at various locations — Wilmington, Dover, Milford and Georgetown.

Personnel

Approximately 86 citizen volunteers comprised the Foster Care Review Board in Fiscal Year 1990. Board members are appointed by the Governor and serve terms of not more than three years. Not more than a

simple majority of the Board may be members of either major political party. The Governor designates one member who serves at his pleasure as Chairman of the Board. The Board has an Executive Director who employs additional support personnel.

Performance

During FY 1991, the Board conducted 1,334 reviews of children in foster care. As of June 1991, the Board's inventory of children in placement identified 675 children. The Board's volunteer based program generates about 10,000 volunteer hours annually

The Board also administers the Ivayne Davis D.F. Memorial Scholarship. Over \$17,000 was distributed to colleges in FY 1991 on behalf of four deserving Delaware residents who have been in foster care.

Violent Crimes Compensation Board

Legal Authorization

The Violent Crimes Compensation Board is authorized by 11 *Delaware Code*, Chapter 90.

Purpose

It is the purpose of the Violent Crimes Compensation Board to "promote the public welfare by establishing a means of meeting the additional hardships imposed upon the innocent victims of certain violent crimes and the family and dependents of those victims". The Board may offer up to \$25,000 in compensation to those who are victimized in the State of Delaware. The Board receives an 18% penalty assessment which, by law, is added onto every fine, penalty and forfeiture assessed by the courts. The Fund is also replenished through court ordered restitution and through federal assistance.

Geographic Organization

The Board is responsible for handling requests for compensation throughout the State of Delaware.

Hearings on these requests may be held anywhere in the State at the convenience of the victim, with the Administrative Office of the Board located in Wilmington.

Personnel

The Violent Crimes Compensation Board consists of five members: a chairwoman, a vice-chairman and three additional Board members. Each member is appointed by the Governor and must be approved by the Senate before serving on the Board. The term of each Board member is three years so long as no more than two Board members have their terms expire at the end of any given year. The Board must be composed of not more than three members of any single political

party. The Board may appoint an Executive Secretary and other employees as needed up to a maximum of eight at one time. The Board currently employs an executive director, an administrative officer, two claim investigators, one administrative secretary, and one senior secretary.

Caseload Trend

In Fiscal Year 1991, the Board received 360 applications for compensation. During this operational period a total of 503 claims were processed. The Board disbursed \$1,605,700 to a total of 341 successful applicants. From FY 1975 through FY 1991, the Board has received 3,012 personal injuries/death benefits claim forms and has awarded almost \$8,000,000. Revenue receipts for FY 1991, which consisted mostly of \$1,676,219.25 from the 18% penalty assessment, totalled \$1,795,136.75.

Judicial Agencies and Bodies

Educational Surrogate Parent Program

Legal Authorization

The Educational Surrogate Parent (ESP) Program is authorized by 14 *Del.C.*§3132.

Purpose

P.L. 94-142, the Federal special education law, requires that each state have a system for providing trained volunteers to represent the interests of special education children in State custody whose parents are not available. The ESP has authority to act on the child's behalf in all decision-making processes concerning the child's educational placement and services. Enough volunteers must be

recruited, trained, and supported to ensure that every eligible child as an ESP.

Geographic Organization

The program is statewide. ESPs are available in all school districts. Each eligible child is matched with an appropriate volunteer in his/her geographical area.

The Coordinator's office is located in Wilmington.

Personnel

In FY 1991, 102 ESPs were appointed or available. ESPs are certified by the Department of Public

Instruction and serve as long as they are willing and continue to meet the certification requirements. The program is administered by a Coordinator.

Caseload

During FY 1991, 21 new ESPs were trained, 35 appointments were processed and 100 children were represented by an ESP.



Interior of Sussex County Courthouse.

SUPREME COURT

General Information: 739-4155

Judiciary

Chief Justice Andrew D. Christie
Justice Henry R. Horsey
Justice Andrew G.T. Moore, II
Justice Joseph T. Walsh
Justice Randy J. Holland

Court Administrator

Stephen D. Taylor

Clerk of the Court/Staff Attorney

Margaret L. Naylor, Esquire

COURT OF CHANCERY

General Information: 577-2440

Judiciary

Chancellor William T. Allen
Vice-Chancellor Maurice A. Hartnett, III
Vice-Chancellor Carolyn Berger
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Master in Chancery

Richard C. Kiger, Esquire

Registers in Chancery

New Castle County

John D. Kelly, III

Kent County

Loretta L. Wooten

Sussex County

Harvey F. Donovan, Sr

Registers of Wills

New Castle County

Joseph F. Flickinger, III

Kent County

Sandra W. Dean

Sussex County

Howard Clendaniel

SUPERIOR COURT

General Information: 577-2380

Judiciary

President Judge Henry duPont Ridgely
Associate Judge Vincent A. Bifferato
Associate Judge Clarence W. Taylor
Associate Judge Bernard Balick
Resident Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge Susan C. Del Pesco
Resident Judge Myron T. Steele
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves
Associate Judge Charles H. Tolliver, IV
Associate Judge Carl G. Goldstein

Asbestos Litigation Master

Bernard Conaway

Court Administrator

Thomas J. Ralston

Deputy Court Administrator

Felicia Jones - New Castle County

Jesse Williams - Kent/Sussex Counties

Prothonotaries

New Castle County

Deborah H. Capano

Kent County

Emily G. Morris

Sussex County

Carrol W. Cordrey

FAMILY COURT

General Information: 577-2200

Judiciary

Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Robert W. Wakefield
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Jay Paul James
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman
Vacant

Masters

D. Thomas Reardon, Chief Master

Mark Buckworth

John R. Carrow

S. Courtney Collier

Gary E. Grubb

Mary Ann Herlihy

Pamela Deeds Holloway

Andrew Horsey, Jr.

Frederick Kenney

Susan Paikin

Patricia Tate Stewert

H. Kemp Vye, III

Court Administrator

James T. Glessner

Directors of Operations

Randall E. Williams

Harry H. Hill, III

Robert F. Stuart

COURT OF COMMON PLEAS

General Information: 577-2430

Judiciary

Chief Judge Robert H. Wahl

Judge Arthur F. DiSabatino

Judge Merrill C. Trader

Judge Paul E. Ellis

Judge William C. Bradley, Jr.

Court Administrator

Carole B. Kirshner

Clerks of the Court

New Castle County

Frederick Kirch

Kent County

Teresa Lindale

Sussex County

Doris Wilkins

MUNICIPAL COURT

General Information: 571-4530

Judiciary

Chief Judge Alfred Fraczkowski

Associate Judge Leonard L. Williams

Associate Judge Alex J. Smalls

Clerk of the Court

T. Roger Barton

JUSTICE OF THE PEACE COURTS

General Information: 323-4530

Judiciary

Chief Magistrate William F. Richardson
Justice of the Peace David R. Anderson
Justice of the Peace Robert A. Armstrong
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace William L. Boddy
Justice of the Peace Richard L. Brandenburg
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Deputy Chief Magistrate Ronald E. Cheeseman
Justice of the Peace Thomas B. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Wayne R. Hanby
Justice of the Peace William W. Henning, Jr.
Justice of the Peace William J. Hopkins, Jr.
Justice of the Peace Barbara C. Hughes
Justice of the Peace Virginia W. Johnson
Justice of the Peace Vivian K. Kleinman
Justice of the Peace James C. Koehring
Justice of the Peace Bonita N. Lee
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Joseph W. Maybee
Justice of the Peace John P. McLaughlin
Justice of the Peace Joseph B. Melson, Jr.
Justice of the Peace Howard W. Mulvaney, III
Justice of the Peace Barry B. Newstadt
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Bier
Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace William S. Rowe, Jr.
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Justice of the Peace Alice W. Stark
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Toulson
Justice of the Peace Abigayle E. Truitt
Deputy Chief Magistrate Sheila G. Wilkins
Justice of the Peace William C. Wright
Vacant
Vacant
Vacant
Vacant

Court Administrator

Thomas W. Nagle

Operations Manager

New Castle County
Ann A. Lewis
Kent/Sussex County
Edward G. Pollard, Jr.

Clerks of the Court

Wanda Abbott (Court 19)
Barbara Adams (Court 3)
Joanne Ash (Court 2)
Linda Chapman (Court 18)
Mildred Dorris (Court 10)
Ann Marie Ellingsworth (Court 12)
Sheila Fox (Court 16)
Ethel Iacono (Court 13)
Gaile Kerrigan (Court 11)
Mary Lee Lowe (Court 4)
Jill Magee (Court 6)
Marjorie Nolette (Court 7)
Linda Parton (Court 8)
Eunice Ridgeway (Court 17)
Betty Thompson (Court 9)
Cindy Veal (Court 15)
Debbie Vickers (Court 1)
Vacant (Court 5)

ALDERMAN'S COURTS

Chief Alderman Thomas B. Ferry (Newark)
Deputy Chief Alderman Richard A. Barton
(Fenwick Island)
Alderman Melanie M. Buchanan
(Ocean View)
Mayor Charles M. Cavanaugh (Elsmere)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Donald F. Godfrey (Delmar)
Alderman Marvin Guberman (Dewey Beach)
Mayor John F. Klingmeyer (New Castle)
Alderman Annette Leech (Newport)
Alderman Willie A. Robert, Jr. (Bridgeville)
Alderman J. Joseph Tansey (Bethany Beach)
Alderman Edward Walmsley, Jr. (Laurel)

ADMINISTRATIVE OFFICE OF THE COURTS

Director

Lowell L. Groundland

Deputy Director

Michael E. McLaughlin

LAW LIBRARIES

Law Librarians

New Castle County
Rene Yucht
Kent County
Vacant
Sussex County
Mary Tylecki Dickson

OFFICE OF THE PUBLIC GUARDIAN

Public Guardian

Mary Bergstrom

FOSTER CARE REVIEW BOARD

Executive Director

Barbara A. Brown

VIOLENT CRIMES COMPENSATION BOARD

Executive Secretary

Edward Stansky



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