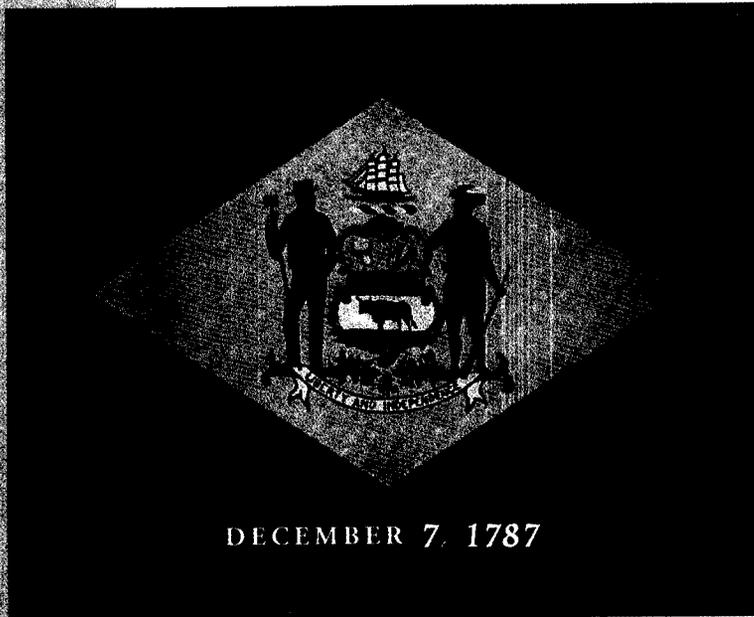


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Delaware Judiciary Annual Report

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NOTE: The Administrative Office of the Courts also prepares the 1998 Statistical Report of the Delaware Judiciary.

1998

ANNUAL REPORT
OF THE
DELAWARE JUDICIARY

(July 1, 1997 – June 30, 1998)

The Honorable E. Norman Veasey
Chief Justice of Delaware Supreme Court

Prepared by the
Administrative Office of the Courts



SUPREME COURT OF DELAWARE

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December 21, 1998

Governor Thomas R. Carper, Members of the General Assembly, and Citizens of the State of Delaware:

It is a pleasure to present the 1998 Annual Report of the Delaware Judiciary. In the past fiscal year, judicial branch accomplishments have been tremendous, owing in large part to the excellent working relationship between the courts, the governor's office, and the General Assembly.

Perhaps the most significant achievement of the year was the approval of initial funding for the New Castle County Courthouse; a facility destined to be a symbol of justice in Delaware in the new millennium. This new courthouse will be a model of efficient and effective service to the public, one that inspires trust, respect, and confidence in the rule of law and principles of democracy. It will be both beautiful and practical, representing simultaneously the dignity of public institutions and the wisdom of government officials in selecting the least expensive long-term approach to providing a place where the disputes of Delaware's citizens can be resolved quickly and fairly.

Growth in the number and complexity of cases filed in Delaware's courts continues to be a significant issue. The General Assembly, noting this need, approved two additional judgeships for the Superior Court, and an additional commissioner for the Court of Common Pleas. These actions were appropriate first steps in ensuring that Delawareans receive prompt and effective resolution of matters brought to the judiciary. We thank the leaders of the other branches for their cooperation and assistance with this and other important matters.

As we look to a bright future, it is important to thank members of the judiciary for their dedication to justice and tireless service this past year. As we continue together to strive for excellence, the national reputation of the Delaware courts will continue to grow.

A handwritten signature in cursive script that reads "E. Norman Veasey".

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 route 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 \$15,000. 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. The cases which were part of the Municipal Court's jurisdiction are now filed in the Justice of the Peace Courts as well. Appeals from the Justice of the Peace Courts may be taken to the Court of Common Pleas. Over one-half of all cases are disposed of rapidly at the Justice of the Peace Courts level without further impact on the remainder of the judicial system.

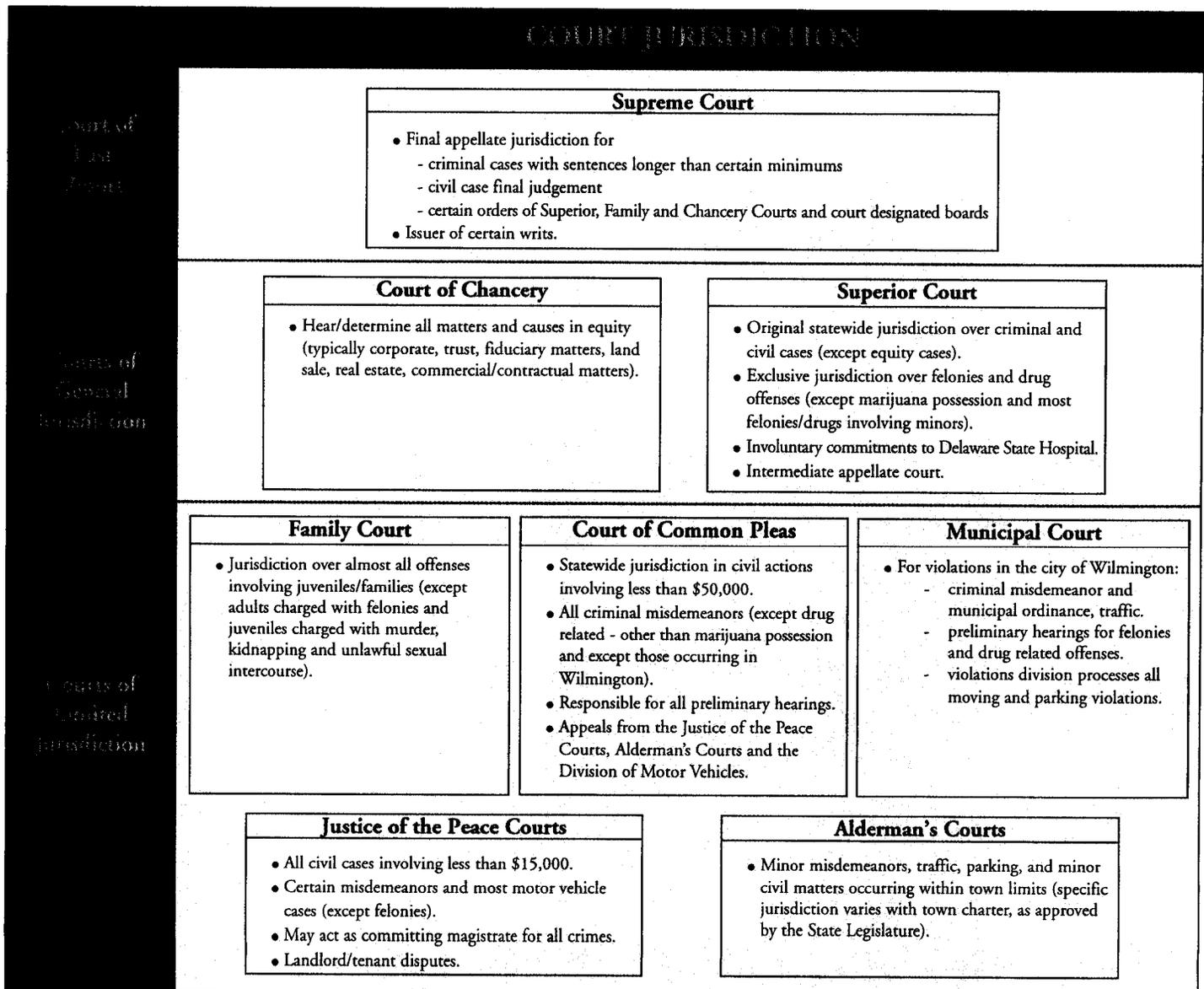


Figure 1

Note: Municipal Court merged with the State Courts on May 1, 1998.

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Court of Common Pleas has jurisdiction in civil cases where the amount involved, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas handles all misdemeanors occurring in the State except drug-related cases (other than possession of marijuana). 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 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 a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

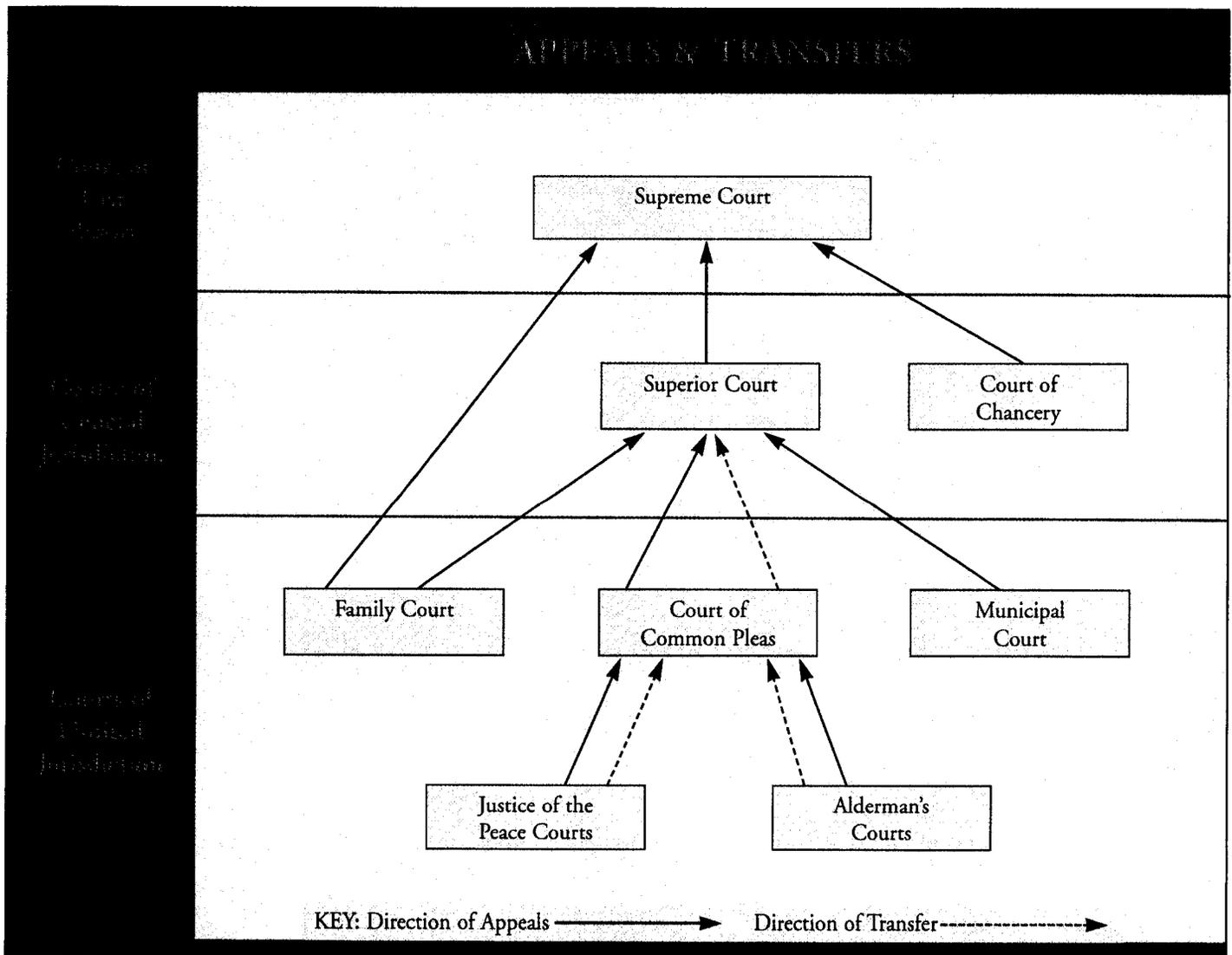


Figure 2

INTRODUCTION TO THE DELAWARE COURT SYSTEM

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 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 and the Office of State Court Collections Enforcement, 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 as seen on the figure below are for funding purposes only.

As seen on Figure 3, the majority of the parts of the Delaware judicial system are funded by the State. Exceptions to this are the Alderman's Courts, the registers in chancery and the registers of wills for the Court of Chancery, and the sheriffs for the Superior Court.

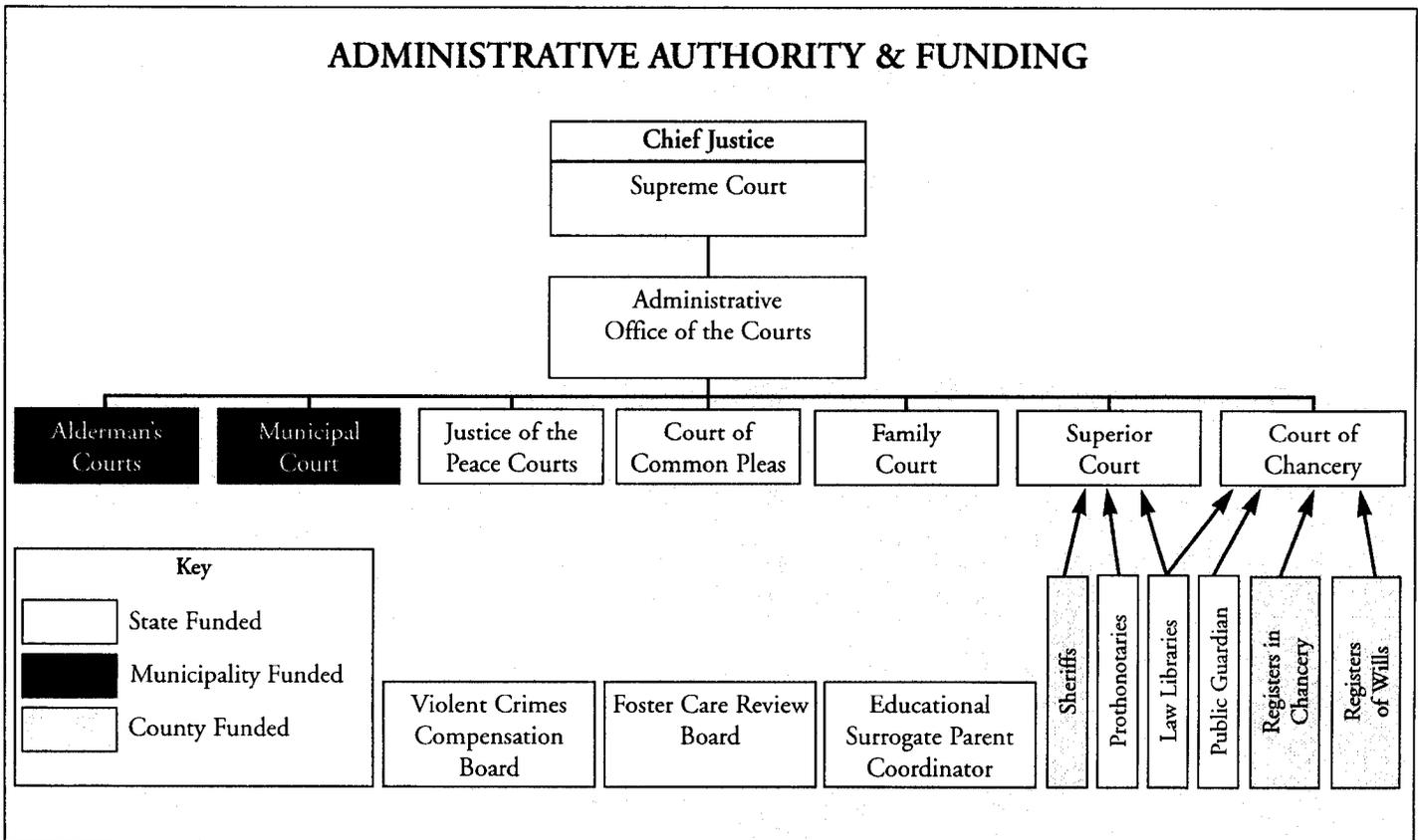


Figure 3

Note: Municipal Court merged with the state courts on May 1, 1998.

FISCAL YEAR 1998

HIGHLIGHTS AND DEVELOPMENTS

CHIEF JUSTICE'S STATE OF THE JUDICIARY MESSAGE

On May 7, 1998, Chief Justice E. Norman Veasey delivered his State of the Judiciary message to the 139th General Assembly. The message focused on continuing to build public trust and confidence in the judiciary. The Chief Justice praised Delaware's executive and legislative branches for their judicial selection system. In particular, he highlighted the feature of Delaware's Constitution that mandates a bipartisan judiciary which appears to be unique in this nation and has helped ensure merit selection for the judiciary.

The Chief Justice noted that it is the job of the judicial branch to build trust and confidence in the judiciary at all levels and in all cases. He cited four areas identified by the Trial Court Performance Standards including access to justice; timeliness and efficiency; equality, fairness and integrity; and independence and accountability as areas on which to focus. "It is only when the court system is functioning well and is understood and trusted that it will have the necessary respect for our citizens. Courts do not have the taxing or law-making powers of the legislative branch or the police powers of the executive branch. Courts must rely on the understanding, trust, and confidence of the citizens."

The Chief Justice also thanked the legislative and executive branches for working together. "It is a Delaware tradition that the three branches pull together with mutual respect and interdependence when it comes to enhancing the service of the judicial branch to the citizens of Delaware."

INTRODUCTION

The following sections recognize accomplishments of the judicial branch as well as individual accomplishments in introducing new programs, and expanding and enhancing existing programs.

**CHIEF JUSTICE'S AWARD
FOR OUTSTANDING JUDICIAL SERVICE**

Chief Justice E. Norman Veasey presented the Third Annual Chief Justice's Award for outstanding judicial service to President Judge Henry duPont Ridgely on December 12, 1997 at the Judicial Conference held at Buena Vista State Conference Center, New Castle.

In making the award, the Chief Justice recounted the multitude of accomplishments of President Judge Ridgely. In addition to extensive service within the state of Delaware, Judge Ridgely is a member of the Executive Committee of the National Conference of State Trial Judges and president of the Terry-Carey American Inns of Court. The Chief Justice, in his remarks, called Judge Ridgely "one of the most quietly effective leaders I know."

**JUDICIAL BRANCH
EMPLOYEE OF THE YEAR AWARD**

Since FY 1991, the Judicial Branch Employee of the Year Award has been presented annually to one staff member selected for his or her outstanding public service. This year, the award went to Kenneth R. Lewis, mediation/arbitration officer for Sussex County Family Court. Mr. Lewis was the 1997 recipient of this honor for distinguished and dedicated service to litigants and customers of the court. Among other contributions to the Family Court, Mr. Lewis contributed significantly to public information brochures, fact sheets, and other service issues while maintaining a cheerful and motivating disposition.

Justice Randy J. Holland presented the award to Mr. Lewis at a ceremony held on May 1, 1998 in Georgetown.

JUDGESHIPS

Justice Joseph T. Walsh was reappointed as a justice of the Supreme Court for the state of Delaware in October 1997. He took the oath of office for another twelve-year term on November 21, 1997.

Vice Chancellor Stephen P. Lamb took the oath of office on July 28, 1997 joining the bench on the Court of Chancery.

Vice Chancellor Jack B. Jacobs was reappointed to a second term in the Court of Chancery in October 1997, and took the oath of office on November 13, 1997.

Associate Judge John E. Babiarz, Jr. was reappointed to a second term on the Superior Court in October 1997. He took the oath of office on November 25, 1997.

Associate Judge Chandlee Johnson Kuhn took the oath of office on February 27, 1998, joining the bench on the Family Court.

Judge Jay Paul James took the oath of office for Associate Judge for the Court of Common Pleas on December 1, 1997. Prior to that, he had served as a judge on the Family Court since August 1978.

Municipal Court Judges Alfred Fraczkowski and John K. Welch both joined the Delaware judiciary as members of the Court of Common Pleas effective May 1, 1998.

Associate Judge Leonard L. Williams retired effective May 1, 1998 with the merger of the Municipal Court with the Court of Common Pleas.

COURT FACILITIES

NEW WILMINGTON COURTHOUSE

Work which began in earnest in FY 1997 towards building a new court facility in Wilmington continued to make major progress in Fiscal Year 1998. The Executive Committee established by the FY 1998 bond bill continues to oversee all aspects of this building program. The committee consists of co-chairs to the Joint Legislative Committee on Capital Improvement Programs, respective chairs of the House and Senate Judiciary Committees, two members of the judiciary appointed by the Chief Justice, and three members of the executive branch including the Secretary of Administrative Services, the Director of Division of the Facilities Management and the State Budget Director. Particularly encouraging was the FY 1999 capital improvement bond bill, which appropriated \$35,400,000 towards the construction and design of the new Wilmington Justice Center. The aforementioned Executive Committee worked diligently to secure professional services in the area of space planning and retained Justice Planning Associates Inc. to assist them in the planning of this major new facility. Additional significant milestones achieved during FY 1998 included site selection for the new Justice Center at 4th and Walnut Streets in downtown Wilmington. The Executive Committee received final planning numbers which indicated that the total cost of effort would be approximately \$120,000,000 to secure a structure of approximately 550 to 560 thousand square feet. Next steps include solicitation and review of architectural/design proposals which have been requested. Current estimates indicate groundbreaking for the new court facility will be held in March 1999.

KENT COUNTY COURTHOUSE

The judiciary received a \$50,000 appropriation in FY 1999 Capital Budget for space evaluation, program planning, cost estimates for renovations to the courts and related agencies which occupy the Kent County Courthouse. The analysis is necessary to determine the near and long-term needs of the courts which have been and continue to be confronted with serious space problems.

SUSSEX COUNTY COURTHOUSE

The FY 1999 bond bill appropriated \$3,000,000 for the continued renovation of the Sussex County Courthouse which was purchased by the State in 1997. Key officials from the Department of Administrative Services and the Courthouse Space Planning Committee, chaired by Resident Judge William Swain Lee, worked diligently with space planners in trying to allocate space within the existing facilities for all courts within Sussex County. As of this date, it appears that in addition to the Courthouse, the State will be, pursuing the purchase of additional property to meet the court's needs in the next fiscal year.

JUSTICE OF THE PEACE COURTS

There was significant progress during FY 1998 for a number of Justice of the Peace Court building projects.

A new state-owned facility for Justice of the Peace Courts 7 and 16 and the Voluntary Assessment Center commenced construction in August 1997. This facility is expected to be completed in early 1999. Justice of the Peace Court 13 was officially relocated from the Carvel State Office Building in Wilmington to the Professional Building at Concord Avenue on June 1, 1998.

Two additional Justice of the Peace Court facilities, Court 20 in Wilmington and Court 2 in Lewis, are expected to be completed in early FY 1999.

The Justice of the Peace Courts received an appropriation of \$92,000 in the FY 1999 bond bill in order to merge Courts 5 and 6 currently located in Milford and Harrington, respectively.

COURT CONSOLIDATIONS

The Court of Common Pleas and the Justice of the Peace Courts successfully merged the operations of the former Wilmington Municipal Court into the State court system as of May 1, 1998. Both the Court of Common Pleas and the Justice of the Peace Courts made major investments in planning which helped ease the many transitional problems associated with the merger. This included construction, setting up and staffing, and operating a completely new Justice of the Peace Court 20 facility.

MINOR CAPITAL IMPROVEMENTS

Once again, although there were not sufficient monies to meet all the pressing needs of the Courts, the FY 1998 bond bill did provide \$250,000 for minor capital improvements. Projects funded included enhancements to security to the Supreme Court in Dover, enhancements to Family Court security in Kent and Sussex Counties including additions for x-ray equipment, renovations to space formerly occupied by the Municipal Court and the Court of Common Pleas along with new carpeting in Kent County, and bench modifications and additional security equipment for the Justice of the Peace Courts.

TECHNOLOGY

Important changes occurred in the technology program in FY 1998. At the request of the Chief Justice, the National Center for State Courts completed a study on August 4, 1997 of the judicial branch's automation program which included numerous recommendations to improve the quality of court information services. Many of the recommendations in the report are being pursued. The author of the report, Larry Webster, was hired in May 1998 as the director of the AOC, in part, to implement the kind of changes discussed in the report.

On September 24, 1997, the Chief Justice issued a temporary moratorium on most new projects to help the courts and the Judicial Information Center focus limited resources on current technology priorities. This moratorium has allowed the courts and the Judicial Information Center to make major progress on the projects summarized below.

Judicial Information Center's mainframe computer was taken out of service in October 1997, and mainframe-based systems were transferred to the Office of Information Systems mainframe computer in Dover. This move provides many strategic advantages for the State and the courts. For example, system response time problems were addressed, future large cost increases associated with mainframe operations were avoided, the Judicial Information Center staff resources have been realigned to focus on case management systems and networks. Some of the cost savings resulting from the mainframe merger are being used to phase-in client-server technologies.

**SEVERAL KEY PROJECTS WERE COMPLETED
IN FY 1998 INCLUDING:**

- As part of the Court of Common Pleas-Wilmington Municipal Court merger, the Court of Common Pleas and the Judicial Information Center modified the Court's Criminal Case Management System and made significant changes to the Court's LAN configuration. This was part of a larger and successful effort to merge Municipal Court and the Court of Common Pleas.
- New networks were installed at ten Justice of the Peace Court locations which allowed these locations to access civil and criminal case management systems and the State e-mail system.
- Major network hardware upgrades were installed at the Herrmann Courthouse and the Kent County Supreme Court. The operating system on all banyan servers statewide were upgraded and made compatible with other State and judicial branch systems.

Major progress was made on the following projects in FY 1998:

- Ad hoc reporting,
- Automated Sentence Order Project,
- Family Court Civil Case Management Modifications,
- Family Court Criminal Case Management,
- Justice of the Peace Court Civil Case Management System,
- Civil Video Conferencing.

In FY 1998, the technology program will continue to focus on the issues discussed in the National Center for State Court's report and move the courts and the Judicial Information Center towards client-server technologies.

EDUCATION

THE RELEASE DATE TASK FORCE

The Release Date Task Force was convened pursuant to the "Memorandum of Understanding between the Executive and Judicial Branches for the Development and Implementation of an Automated System to Calculate Offender Release Dates," which was dated June 30, 1997 and signed by Governor Thomas R. Carper and Chief Justice E. Norman Veasey. The Governor and Chief Justice each appointed one co-chair and four members to the Task Force in accordance with the Memorandum of Understanding.

The Task Force was directed to develop the guidelines and procedures for the calculation of offender release date information and to implement an automated system to manage this information on a real-time basis for immediate use by the judiciary, the Department of Correction, and other appropriate criminal justice agencies. The Task Force was charged, in part, with completing a development plan for the project, including:

- (1) a statement outlining the problems, issues, and events that impact on the calculation of release dates;
- (2) recommendations on policy, procedure, and data requirements to permit offender release dates to be calculated as accurately and efficiently as possible under all conditions where such information is needed;
- (3) proposed solutions to all needs and problems involved with automating release date calculations, particularly those associated with the resolution of business issues internal to and between both branches; and
- (4) proposed solutions with a specific action plan designating branch/agency responsibilities for specific release date calculation components, resource requirements for implementation, and milestones for project implementation.

The Task Force met frequently and convened several subcommittees to review manual processes, legal issues, and rules affecting processes. In addition, a subcommittee to address technical requirements was formed.

Numerous recommendations were made in the final report including the processes for the development of a release date calculation system. The technical subcommittee of the Task Force will be responsible for ensuring that a project leader is hired and the calculation system proceeds to development during FY 1999.

CONTINUING JUDICIAL EDUCATION

Through the Continuing Judicial Education Program administered by the Administrative Office of the Courts, the judiciary continued the practice of attending conferences on both a national and local level.

A Judicial Education Retreat was held September 24 - 26, 1997 at the Boardwalk Plaza Hotel, Rehoboth Beach, Delaware. Dr. R. Dale LeFever of Michigan State University and Ohio Chief Justice Thomas J. Moyer conducted the 1.5 day program on "Leadership and Management Issues in the Courts".

The Judicial Conference met December 12, 1997 at Buena Vista State Conference Center, New Castle, for an educational program. Professor Jeffrey Shaman of the American Judicature Society presented a new program entitled, "When Judges Speak Up: Ethics, The Public and The Media;" and Professor Charles H. Whitebread of the University of Southern California Law School guided the judiciary through recent decisions of the United States Supreme Court.

The annual Bench and Bar Conference was held June 5, 1998 at the Sheraton Hotel, Dover, and featured a presentation of Clarence Darrow Tonight by noted actor Laurence Luckinbill. The dinner speaker was Robert S. Bennett, Esquire, counsel to President William Jefferson Clinton in the Paula Jones lawsuit.

STAFF TRAINING

In October 1997, the Administrative Office of the Courts filled the newly acquired position of staff training & development officer. Over 500 court employees attended the various staff training programs planned and sponsored by the Administrative Office of the Courts during FY 1998. These programs include Telephone Skills, Diversity, the 1st Annual Court Clerks Conference, and the twice a year New Court Employee Orientation. Computer courses are offered to court staff through the Judicial Information Center and through Delaware Technical and Community College.

Additional training opportunities available to court staff include the programs offered by the State Personnel Office. These programs include the Career Enrichment Program and Front Line Leadership.

DIVERSITY TRAINING

The Administrative Office of the Courts received a grant from the Edward R. Byrne Drug Funding via the Criminal Justice Council in the amount of \$20,000 to conduct training for court staff on issues of diversity. Diversity workshops were held for 100 court staff throughout the State as part of a three-year training initiative. A consultant, Farzana McCormick of Progressive Human Resources, Inc., served as the trainer/discussion leader. Funding in the amount of \$15,000 has been awarded through the same grant process for continuation of this training during FY 1998.

CERTIFIED COURT INTERPRETERS' PROGRAM

During FY 1998, the Administrative Office of the Courts received a grant in the amount of \$12,000 from the Criminal Justice Council to expand the Certified Court Interpreters' Program. Two orientation sessions were held statewide for 50 prospective interpreters. Two tests were administered for Spanish interpreters: phase I, which was for sight and simultaneous interpreting; and phase II, which consisted of consecutive interpreting. Twenty applicants were tested in phase I and six passed. During phase II, six applicants were tested and five passed.

The Court Interpreters' Advisory Board established new classification levels for court interpreters. These levels allowed applicants who attained a 50% or better score in each part of the testing and obtained an overall average of at least 60% on the test to become conditionally certified in Delaware. The interpreters who passed the testing with a minimum of 65% on each part of the test and have obtained an overall average of at least 70% are classified as advanced and are certified by the National Center for State Courts. The advisory board has also drafted court interpreter rules which are currently before the Supreme Court for review.

A final grant has been submitted to the Criminal Justice Council in the amount of \$10,000 to continue to expand the program.

DOMESTIC VIOLENCE CONFERENCE

The Administrative Office of the Courts during FY 1998 received funding from the Criminal Justice Council to conduct a conference on issues surrounding domestic and family violence for the judiciary, court staff, police, probation and parole, deputy attorneys general, public defenders, and victims' advocates. Two one-day conferences were held October 23 and October 24, 1997 at the Sheraton Hotel, Dover for 650 participants.

Workshops included: The Dynamics and Context of Domestic Violence; Forms of Victimization; Safety Issues in Domestic Violence; False Allegations; Cultural Diversity; Victim Non-Participation; and Lethality Assessment. Nationally prominent speakers included Judge Ida Chen of the Philadelphia Court of Common Pleas, Judge Michael Valentine of the Fairfax County, VA Juvenile and Domestic Relations Court, and Judge Ronald Adrine of the Cleveland, Ohio Municipal Court. The featured speaker at lunch on October 23 was Sheila Wellstone, the wife of Senator Paul Wellstone of Minnesota and an advocate for victims' rights.

A request for funding future domestic violence training was submitted to the Criminal Justice Council in the amount of \$25,000 for FY 1998.

DRIVING UNDER THE INFLUENCE CONFERENCE

A grant from the Delaware Office of Highway Safety enabled the Administrative Office of the Courts to sponsor two one-day conferences, April 20 and 21, 1998 at the Sheraton Hotel, Dover, for the judiciary, court staff, police, treatment community, Probation and Parole, deputy attorneys general, public defenders, and motor vehicle officials. Over 300 participants attended workshops on Establishing Probable Cause, Understanding the Division of Motor Vehicle Process, Treatment Issues, and D.U.I. Issues with both national and local perspectives. This grant also enabled three Delaware magistrates to attend the nationally recognized American Bar Association's Traffic Court Seminar in October 1998.

Applications have been submitted to the Office of Highway Safety for continued funding for training on highway safety and under-age drinking issues.

AOC STRATEGIC PLANNING/REORGANIZATION/SEARCH COMMITTEE

The Strategic Planning/Reorganization/Search Committee, with Justice Joseph T. Walsh as chair, was appointed by Chief Justice E. Norman Veasey in his Administrative Directive No. 111 of February 1, 1998. The committee continued work through FY 1998. The interim report issued in April 1998, outlined recommendations for the goals and objectives for the Administrative Office of the Courts. The committee also conducted a national search for a new director to replace Lowell L. Groundland who retired, effective May 1, 1998.

FAMILY COURT AND COURT OF COMMON PLEAS STUDY COMMITTEE

On May 18, 1998, Chief Justice Veasey appointed a seven member committee to study the Family Court and the Court of Common Pleas and to make a recommendation with respect to whether they were adequately staffed with judges, commissioners, and masters to effectively exercise the jurisdiction vested in these courts. In specific terms, the committee's charge was to develop a sound methodology for evaluating the caseloads of the two courts (a methodology that would be applicable to other courts as well) and to determine whether additional judicial officers were required by either or both courts. A report of the committee's findings is expected in early F Y 1999.

PRO SE LITIGATION COMMITTEE

The Delaware State Bar Association's Pro Se Assistance Committee was formed approximately two years ago at the behest of Chief Justice E. Norman Veasey. The Chief Justice requested the assistance of the Bar Association in preparing concise, understandable manuals for pro se litigants in Delaware courts. The Chief Justice noted that some courts already had handouts available and requested the committee's assistance in reviewing the materials for improvement.

The Pro Se Assistance Committee includes representatives from each of the State courts, as well as representatives from the legal community. It has focused on (i) confirming what pro se assistance materials (manuals, forms, etc.) already are in place in the respective courts, (ii) where materials are in place, determining what enhancements may be desirable; and (iii) where materials are not already in place, determining what would be helpful to pro se litigants (and the courts). A subcommittee has been formed within each court to pursue these objectives.

Existing manuals and forms have been revised; new manuals and forms are being developed; established websites have been enhanced and new websites are being put in place; certain 'mock case' videos already have been completed and others are in the works; certain written materials are being translated into Spanish; a Speakers' Bureau has been established; pro se assistance personnel are being included in court budgets; and court administrative personnel will receive training directed to how best to provide assistance to pro se litigants without engaging in the unauthorized practice of law. In addition, and of obvious significance, all courts are placing emphasis on ensuring uniform assistance efforts statewide. Finally, the ongoing tracking of pro se activity in the courts is confirming that there is an increasing need for pro se assistance, again to the benefit of both litigants and court personnel.

CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

On January 5, 1998, Chief Justice E. Norman Veasey issued Administrative Directive No. 115 "Code of Conduct for Court Employees", which became effective February 1, 1998. The Code of Conduct sets forth standards of personal conduct required for employees of the Delaware court system. All Court employees are expected to act in a manner that promotes public confidence in the integrity of the judiciary.

SPECIAL COMMITTEE ON FAMILY COURT INTERNAL OPERATING PROCEDURES

On November 17, 1997, Chief Justice E. Norman Veasey issued Administrative Directive No. 112 which created a special committee on Family Court Internal Operating Procedures chaired by R. Franklin Balotti, Esquire.

Recognizing the need to review the methods used by Family Court to process cases as a result of changes in statutes, practices and technologies, the review is intended to ensure that all matters within the jurisdiction of Family Court are resolved as expeditiously as possible commensurate with the obligation of the court to provide litigants with the highest quality of justice.

The administrative directive sets forth that a report shall be filed by FY 1999.

1998

FISCAL
OVERVIEW

FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS - FISCAL YEARS 1997 - 1998 - 1999 - 2000

STATE*	FY 1997 Actual Disbursement	FY 1998 Actual Disbursement	FY 1999 Appropriations	FY 2000 Request
Administrative Office of the Courts	\$ 2,468,700	\$ 2,905,500	\$ 3,138,600	\$ 3,199,000
Judicial Information Center	2,200,500	2,760,800	1,947,100	2,298,900
State Court Collections Enforcement Office	346,500	384,700	398,000	404,900
Supreme Court	2,698,900	3,060,400	2,097,900	2,179,400
Continuing Judicial Education**	51,700	50,800	53,300	127,000
Court of Chancery	1,752,300	1,904,800	1,942,800	1,977,600
Public Guardian	315,200	365,600	373,400	412,200
Superior Court	12,922,200	13,804,500	14,266,900	15,330,900
Law Libraries	434,200	452,200	456,000	476,000
Family Court	13,146,000	13,678,600	14,077,500	15,085,100
Court of Common Pleas	4,634,600	4,993,300	5,110,800	5,432,100
Justice of the Peace Courts	13,016,900	13,570,200	11,544,100	12,215,400
Violent Crimes Compensation Board	1,800,900	1,527,800	2,175,700	2,189,900
Foster Care Review Board	404,500	386,300	487,900	503,600
Educational Surrogate Parent Program	57,200	62,100	66,700	67,500
STATE TOTALS	\$ 56,250,300	\$ 59,907,600	\$ 58,136,700	\$ 61,899,500

NEW CASTLE COUNTY	FY 1997 Actual Disbursement	FY 1998 Actual Disbursement	FY 1999 Appropriations
Register in Chancery	\$ 753,488	\$ 766,935	\$ 751,140
Register of Wills	843,166	931,385	917,836
Prothonotary	76,930	73,756	79,295
Sheriff	1,426,900	1,177,981	1,112,865
NEW CASTLE COUNTY TOTALS***	\$ 3,100,484	\$ 2,950,057	\$ 2,861,136
KENT COUNTY			
Register in Chancery	\$ 138,938	\$ 166,019	\$ 155,000
Register of Wills	133,795	145,489	148,000
Sheriff	222,887	253,707	250,500
KENT COUNTY TOTALS	\$ 495,620	\$ 565,215	\$ 553,500
SUSSEX COUNTY			
Register in Chancery	\$ 107,450	\$ 119,224	\$ 123,220
Register of Wills	131,035	163,085	158,157
Sheriff	241,219	296,294	276,105
SUSSEX COUNTY TOTALS	\$ 479,704	\$ 578,603	\$ 557,482
MUNICIPALITIES****			
Municipal Court	\$ 1,196,047		
GRAND TOTALS JUDICIAL BRANCH	\$ 61,522,155	\$ 64,001,475	\$ 62,108,818

* Figures include State governed funds, federal funds, and other funds.

** Continuing judicial education is funded as part of the Administrative Office of the Courts' budget, but is shown separately for informational purposes.

*** 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 1998

	Fees and Costs	Fines	Interests**	Miscellaneous	TOTALS	Revenue as a % of Disbursement #
Administrative Office of the Courts	\$ 4,200	\$ 0	\$ 0	\$ 0	\$ 4,200	0.1%
Judicial Information Center	0	0	0	0	0	0.0%
State Court Collections Enforcement Office	600	0	0	0	600	0.2%
Supreme Court	57,600	0	0	0	57,600	1.9%
Continuing Judicial Education	0	0	0	0	0	0.0%
Court of Chancery	0	0	210,300	4,800	215,100	11.3%
Public Guardian	0	0	0	0	0	0.0%
Superior Court	1,511,900	285,300	6,600	214,400	2,018,200	14.6%
Law Libraries	0	0	0	0	0	0.0%
Family Court	576,500	53,500	0	29,300	659,300	4.8%
Court of Common Pleas	1,215,500	743,500	0	13,500	1,972,500	39.5%
Justice of the Peace Courts	1,682,700	459,600	0	23,900	2,166,200	16.0%
Foster Care Review Board	0	0	0	0	0	0.0%
Educational Surrogate Parent Program	0	0	0	0	0	0.0%
Alderman's Courts	0	0	0	15,877	15,877	N/A
STATE GENERAL FUND TOTALS##	\$5,049,000	\$1,541,900	\$ 216,900	\$ 285,900	\$7,093,700	11.8%

COURT GENERATED REVENUE* - FISCAL YEAR 1998

	Fees and Costs	Fines	Interests**	Miscellaneous	TOTALS	Revenue as a % of Disbursement #
Superior Court	\$ 0	\$ 361,471	\$ 0	\$ 0	\$ 361,471	0.0%
Family Court	0	16,530	0	0	16,530	0.0%
Court of Common Pleas	0	533,394	0	0	533,394	0.0%
Municipal Court	0	116,862	0	0	116,862	0.0%
Justice of the Peace Courts	0	1,136,773	0	0	1,136,773	0.0%
Alderman's Courts	0	157,885	0	0	157,885	0.0%
Restitution	0	75,745	0	0	75,745	0.0%
Other	0	2,553	26,204	39,634	68,391	0.0%
VICTIMS COMPENSATION FUND TOTALS	\$ 0	\$2,401,213	\$ 26,204	\$ 39,634	\$ 2,467,051	161.5%

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

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

FY 1998 Revenue divided by FY 1998 Actual Disbursement, which includes State general, federal, and other funds.

Source: Administrative Office of the Courts.

COURT GENERATED REVENUE* - FISCAL YEAR 1998

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement #
Register in Chancery	\$ 585,202	\$ 0	\$ 207,459	\$ 0	\$ 792,661	103.4%
Register of Wills	1,991,551	0	0	640	1,992,191	213.9%
Prothonotary	51,467	2,235	0	0	53,702	72.8%
Sheriff	1,105,399	0	7,500	5,509	1,118,408	94.9%
Justice of the Peace Courts	0	432,830	0	0	432,830	3.2%
NEW CASTLE COUNTY TOTALS	\$ 3,733,619	\$ 435,065	\$ 214,959	\$ 6,149	\$4,389,792	134.1%

COURT GENERATED REVENUE* - FISCAL YEAR 1998

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement #
Register in Chancery	\$ 15,407	\$ 0	\$ 0	\$ 0	\$ 15,407	9.3%
Register of Wills	304,268	0	0	0	304,268	186.6%
Sheriff	400,200	0	0	0	400,200	135.1%
Justice of the Peace Courts	0	10,118	0	0	10,118	0.1%
KENT COUNTY TOTALS	\$ 719,875	\$ 10,118	\$ 0	\$ 0	\$ 729,993	127.4%

COURT GENERATED REVENUE* - FISCAL YEAR 1998

	Fees and Costs	Fines	Interest**	Miscellaneous	TOTALS	Revenue as a % of Disbursement #
Register in Chancery	\$ 32,642	\$ 0	\$ 2,249	\$ 0	\$ 34,891	29.3%
Register of Wills	570,504	0	0	0	570,504	349.8%
Sheriff	294,251	0	0	0	294,251	99.3%
Justice of the Peace Courts	0	455	0	0	455	0.0%
SUSSEX COUNTY TOTALS	\$ 897,397	\$ 455	\$ 2,249	\$ 0	\$ 900,101	155.5%

* 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.

FY 1998 Revenue divided by FY 1998 Actual Disbursement, which includes State general, federal, and other funds.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 1998

	Fees and Costs	Fines	Interest**	Misc.	TOTALS	Revenue as a % of disbursement#
Court of Common Pleas	\$ 0	\$ 617,242	\$ 0	\$ 0	\$ 617,242	12.4%
Municipal Court	N/A	N/A	N/A	N/A	N/A	N/A
Justice of the Peace Courts	0	2,790,441	0	0	2,790,441	20.6%
Alderman's Courts	233,788	567,725	0	0	801,513	N/A
TOTAL	\$ 233,788	\$3,358,166	\$ 0	\$ 0	\$3,591,954	N/A

COURT GENERATED REVENUE* - FISCAL YEAR 1998

	Fees and Costs	Fines	Interest**	Misc.	TOTALS	Revenue as a % of disbursement#
TOTALS	\$10,633,679	\$ 7,746,917	\$ 460,312	\$ 331,683	\$19,172,591	30.0%

RESTITUTION - FISCAL YEAR 1998

	Restitution Assessed	Restitution Collected	Restitution Disbursed
Supreme Court	\$ 0	\$ 0	\$ 0
Court of Chancery	0	0	0
Superior Court	4,169,842	1,053,698	1,191,602
Family Court	599,597	163,054	181,523
Court of Common Pleas	430,972	242,600	255,589
Justice of the Peace Courts	179,271	93,060	96,520
TOTALS	\$ 5,379,682	\$ 1,552,412	\$ 1,725,234

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

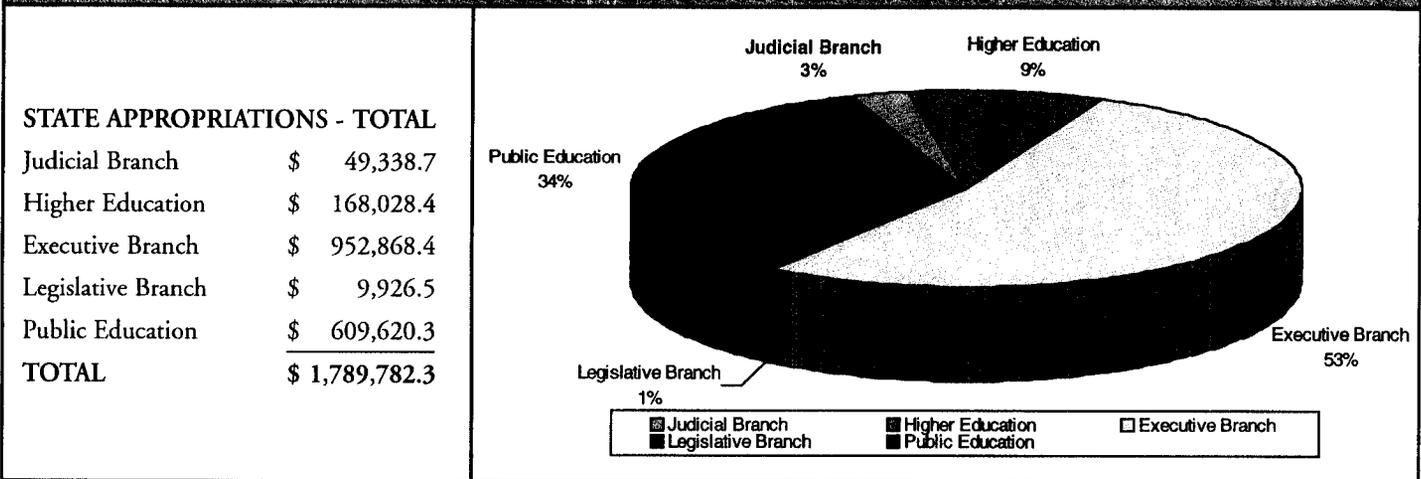
** Counties receive 50% of all Court of Chancery interest money.

FY '98 Revenue divided by FY 1998 Actual Disbursement, which includes State general, federal, and other funds.

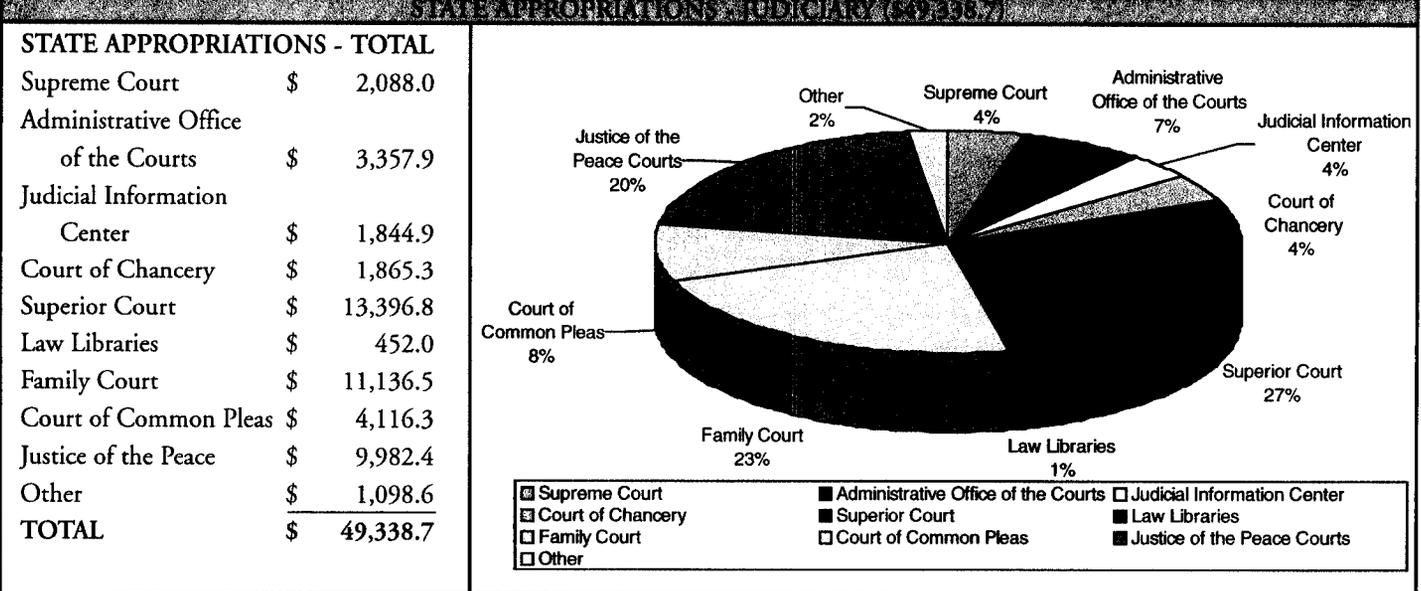
N/A - Not Available.

Source: Administrative Office of the Courts.

DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) - FISCAL YEAR 1998



DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) - FISCAL YEAR 1998

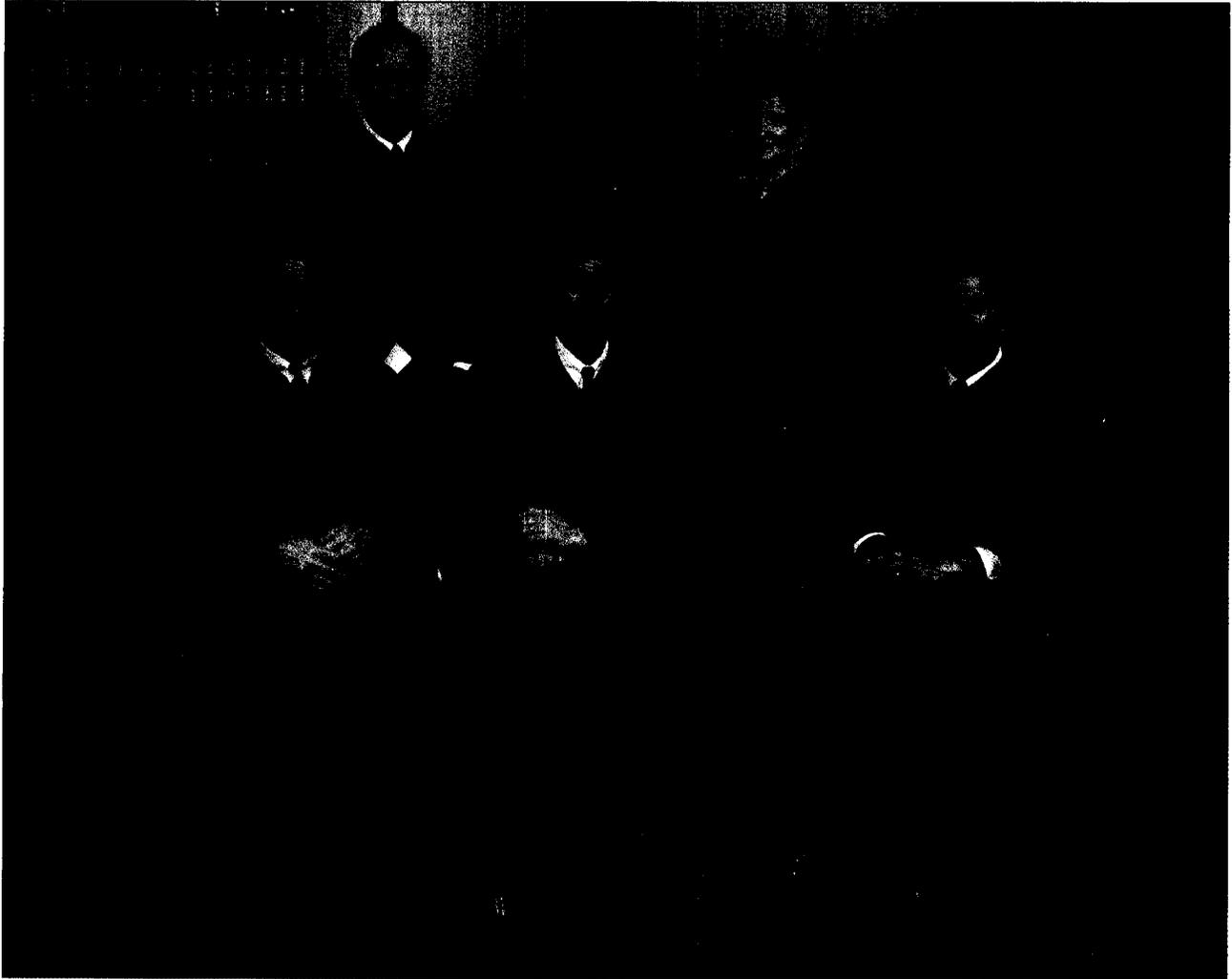


* State general fund monies only.

Other: Public Guardian 0.7% (\$359.5), Office of the State Court Collections Enforcement 0.7% (\$363.8), Foster Care review Board 0.6% (\$313.2), Educational Surrogate Parent Program 0.1% (\$62.1).

Source: 139th General Assembly, House Bill 375.

THE SUPREME COURT



SUPREME COURT

Seated (Left to Right)
Justice Joseph T. Walsh
Chief Justice E. Norman Veasey
Justice Randy J. Holland

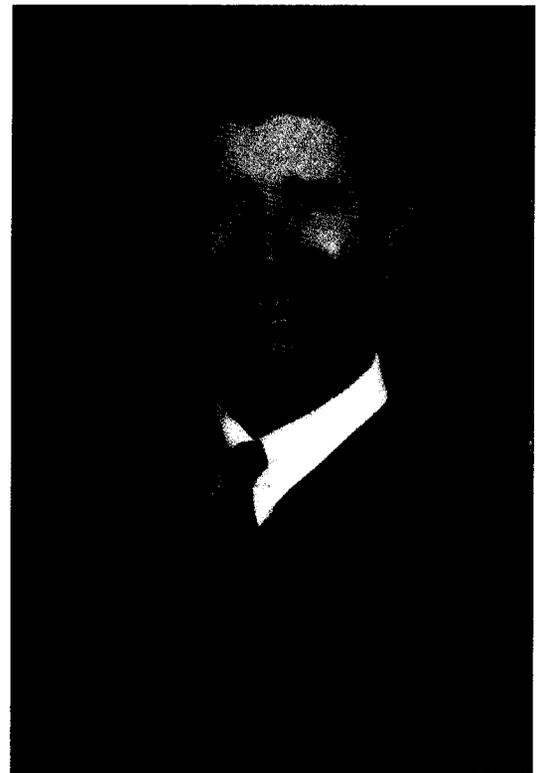
Standing (Left to Right)
Justice Maurice A. Hartnett, III
Justice Carolyn Berger

MESSAGE FROM THE CHIEF JUSTICE

During the last Fiscal Year, the Delaware Supreme Court continued to maintain its excellent record for deciding cases in a prompt manner. The national standard based on American Bar Association standards for deciding cases from date of submission for decision to date of final decision is 90 days. The Delaware Supreme Court issues final decisions in most cases within 30 days from date of submission.

Under Administrative Directive No. 111, a Strategic Planning/Reorganization/Search Committee was established to recommend goals and objectives for a recognized Administrative Office of the Courts and to recommend a person to become the new Director of the Office. For the Director's position, the Committee recommended Lawrence P. Webster who accepted the position effective May 4, 1998. On April 21, 1998, the Committee issued its interim report which was circulated to the members of the Judicial Conference and Court Administrator for comment. A meeting with the Judicial Conference is scheduled for the fall to discuss the report. After receiving comments, the Committee is to issue its final report in late 1998.

On April 30, 1998, the Court received the report of the Mandatory Continuing Legal Education Review Committee. This comprehensive report recommended numerous changes to improve the effectiveness of the Continuing Legal Education program. To solicit comments from the Bar, the report was placed in each county law library for lawyers to request a copy. After reviewing the Bar's suggestions, the Court began the process of reviewing the recommendations with a proposed implementation for the year 2000 reporting period.



Chief Justice E. Norman Veasey

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.

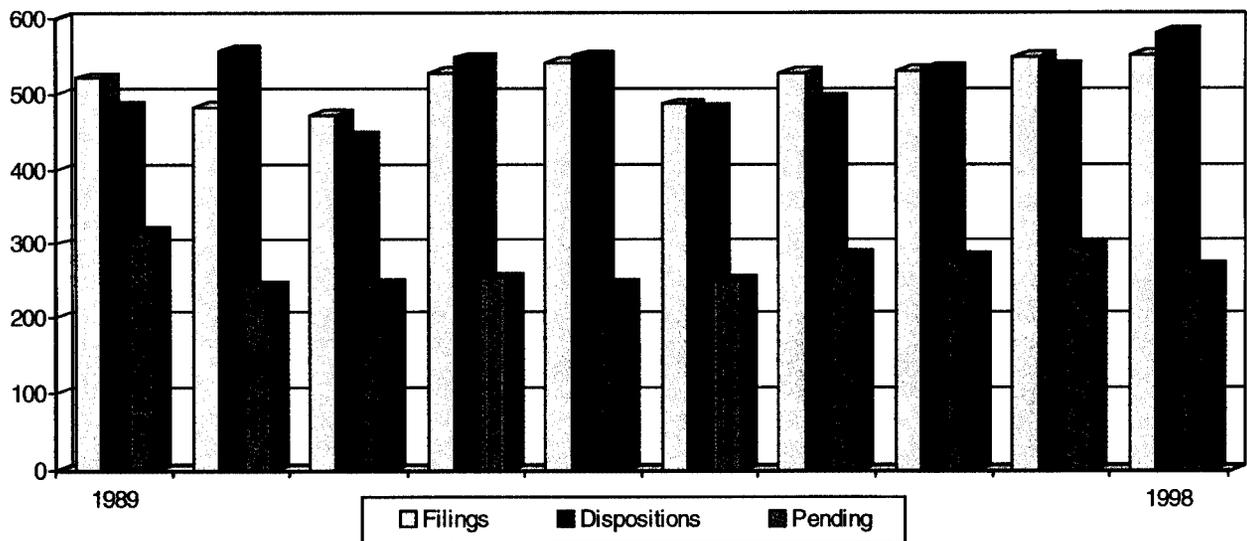
Administration

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 attorneys, an assistant clerk, law clerks, secretaries, court clerks.

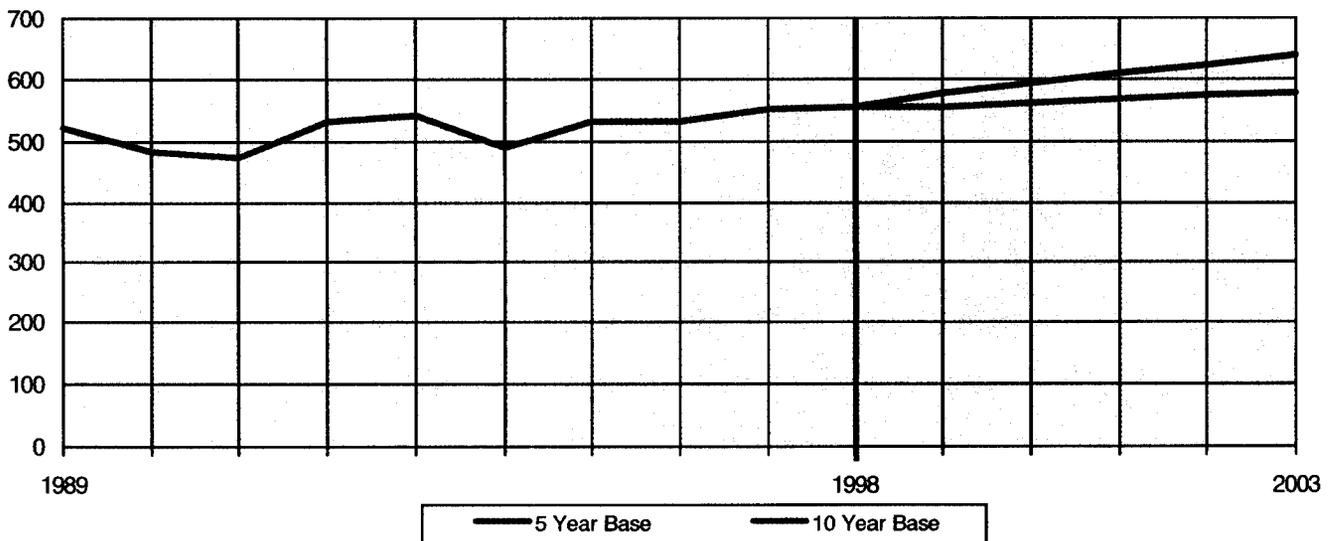
FISCAL YEAR 1998 TOTAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
Criminal Appeals	128	186	201	113	- 15	- 11.7%
Civil Appeals	155	307	314	148	- 7	- 4.5%
Original Applications*	14	61	67	8	- 6	- 42.9%
TOTALS	297	554	582	269	- 28	- 9.4%

10 YEAR CASELOAD TRENDS



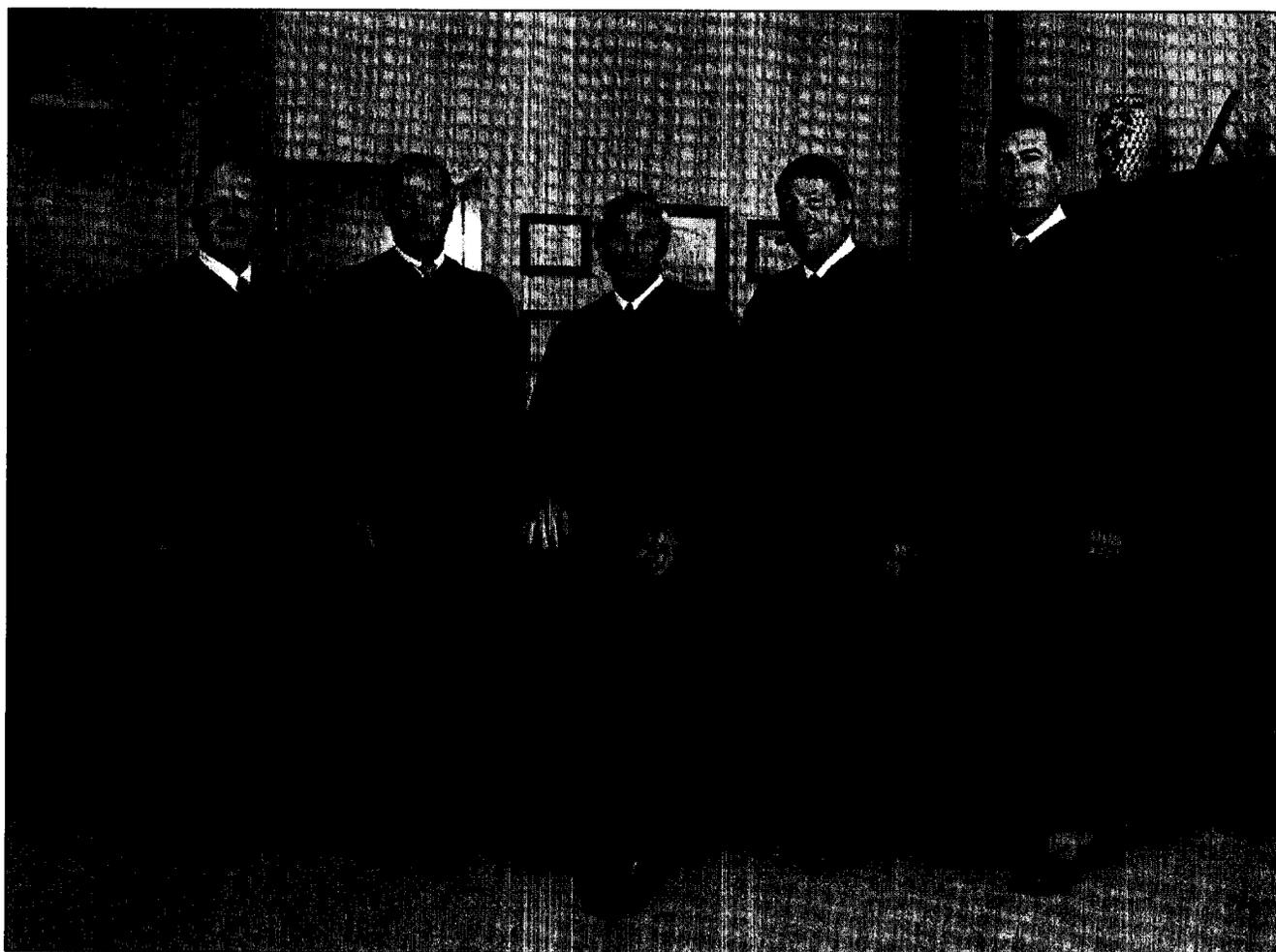
5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



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

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

THE COURT OF CHANCERY



COURT OF CHANCERY

(Left to Right)

Vice Chancellor Bernard Balick

Vice Chancellor Myron T. Steele

Chancellor William B. Chandler, III

Vice Chancellor Jack B. Jacobs

Vice Chancellor Stephen P. Lamb

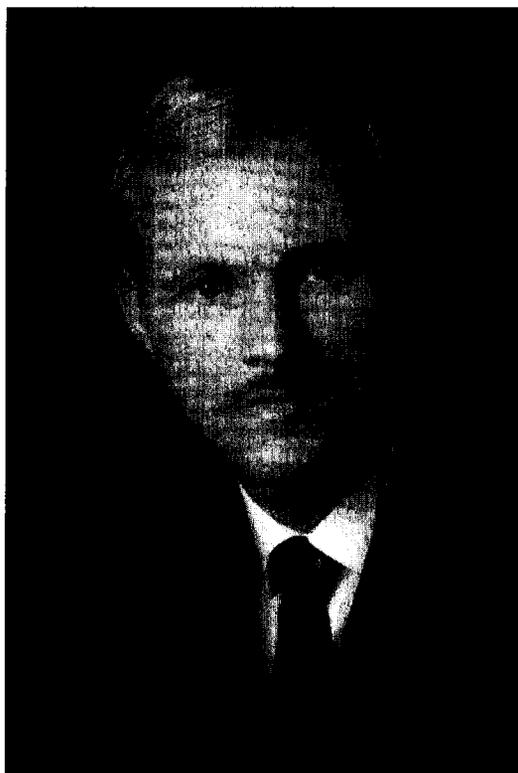
MESSAGE FROM THE CHANCELLOR

The last year has been an eventful one for the Court of Chancery. The General Assembly provided the means for the Court to move forward on videoconferencing. The equipment was installed in early summer and was an immediate success. This technology already allows the Court to make more efficient use of its time, and because of the added convenience to litigators, helps the Court of Chancery continue to be the foremost center for corporate litigation in the United States. Progress was also made on the efforts to acquire more appropriate quarters for the Court in Sussex County, and important steps were taken to create a Court of Chancery Website; a place where the opinions of the Court and important litigation documents can be made available to a wider audience.

Under the auspices of the Chief Justice's Committee on Pro Se Litigation, the Court has completed its own internal study of what is needed to make the Court more accessible to those members of the public who cannot afford, or who choose not to retain, a lawyer. The materials created to help unrepresented litigants in the Court of Chancery became available in the fall of 1998.

Due to the increasing workload on the Court, the General Assembly created a new law clerk position, and at the end of the term, authorized a new secretarial position which was filled early in Fiscal Year 1999. The addition of these badly needed positions will help the Court to remain current with its caseload, despite the increase in new case filings.

The Court of Chancery will miss Vice Chancellor Bernard Balick, who in June, announced his intention to retire after twenty-five years as a judge in the Delaware Judiciary. The Court and all those associated with it wish him and his wife, Helen, Delaware's Former Chief Bankruptcy Judge, many long years of happy retirement. In November, Vice Chancellor Leo E. Strine, Jr., former counsel to Governor Carper, joined the Court. All the members of the Court look forward to working with Vice Chancellor Strine in the future.



Chancellor William B. Chandler, III

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 the Court. The Court consisted solely of the chancellor until 1939 when the position of vice chancellor was added. The increase of the Court's workload, since then, has led to further expansions to its present complement of a chancellor and four vice chancellors, with the addition of the fourth vice chancellor being made in 1989.

Geographic Organization

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

Judges

The Court of Chancery consists of one chancellor and four vice chancellors. 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.

Legal Jurisdiction

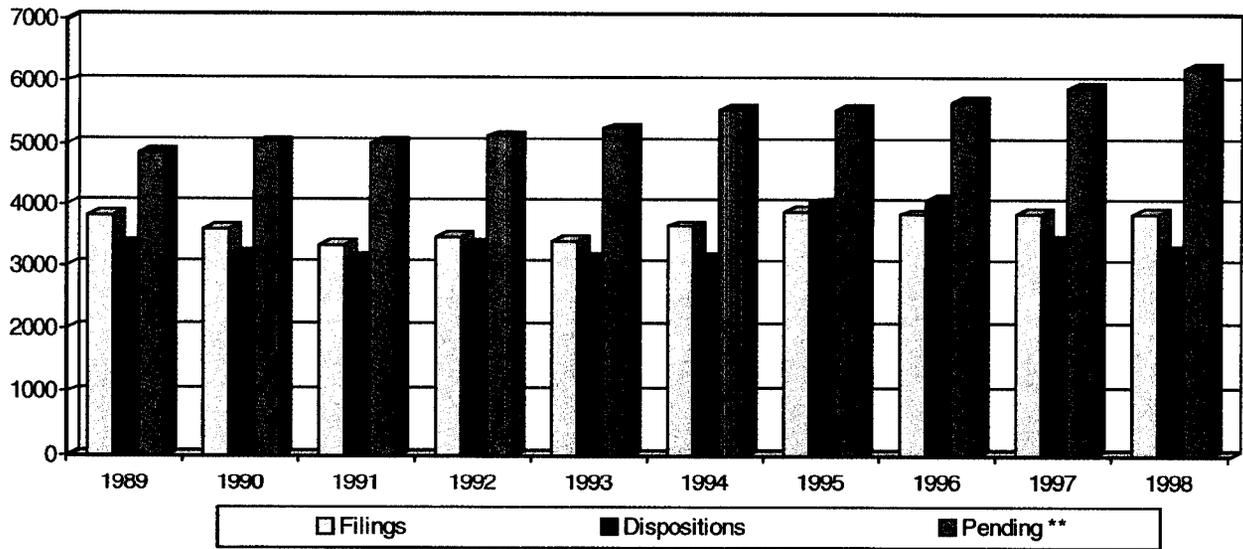
The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. 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).

FISCAL YEAR 1998 TOTAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	6,976	2,518	2,082	7,403	+ 436	+ 6.3%
Kent	2,500	479	434	2,545	+ 45	+ 1.8%
Sussex*	3,142	864	734	3,272	+ 130	+ 4.1%
STATE*	12,609	3,861	3,250	13,220	+ 611	+ 4.8%

* Pending as of 6/30/97 adjusted.

10 YEAR CASELOAD TRENDS



** Includes civil cases and estates.

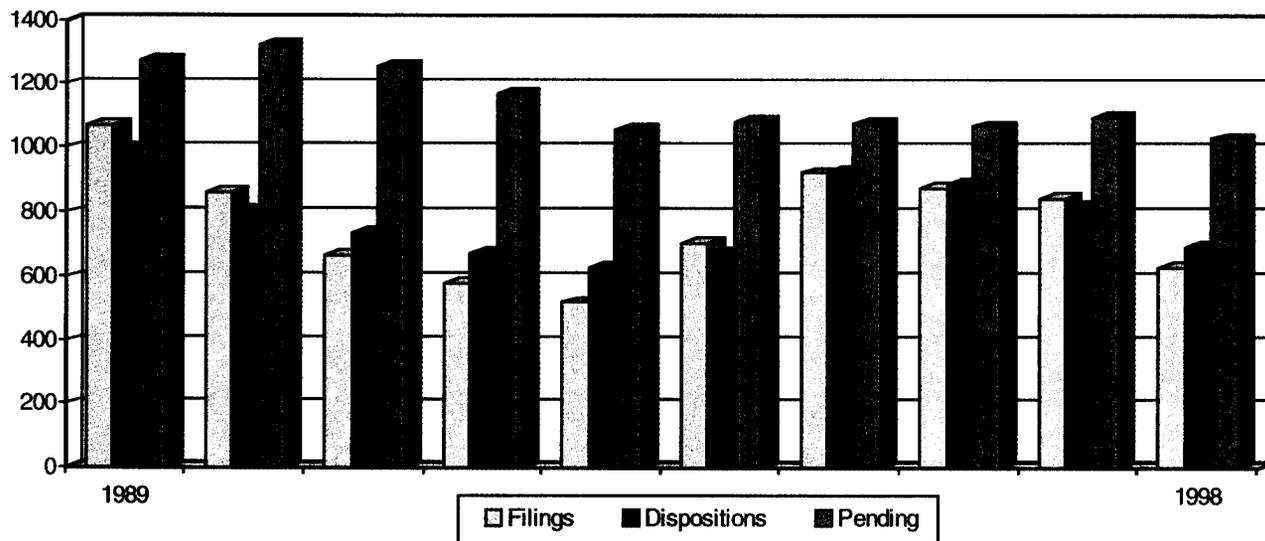
Projections are not possible due to large fluctuations in caseload in recent years.

Source: Registers in Chancery; Administrative Office of the Courts.

FISCAL YEAR 1998 CIVIL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	919	545	601	863	- 56	- 6.1%
Kent	74	35	43	66	- 8	- 10.8%
Sussex*	103	52	53	102	- 1	- 1.0%
STATE*	1,096	632	697	1,031	- 65	- 5.9%

10 YEAR CASELOAD TRENDS

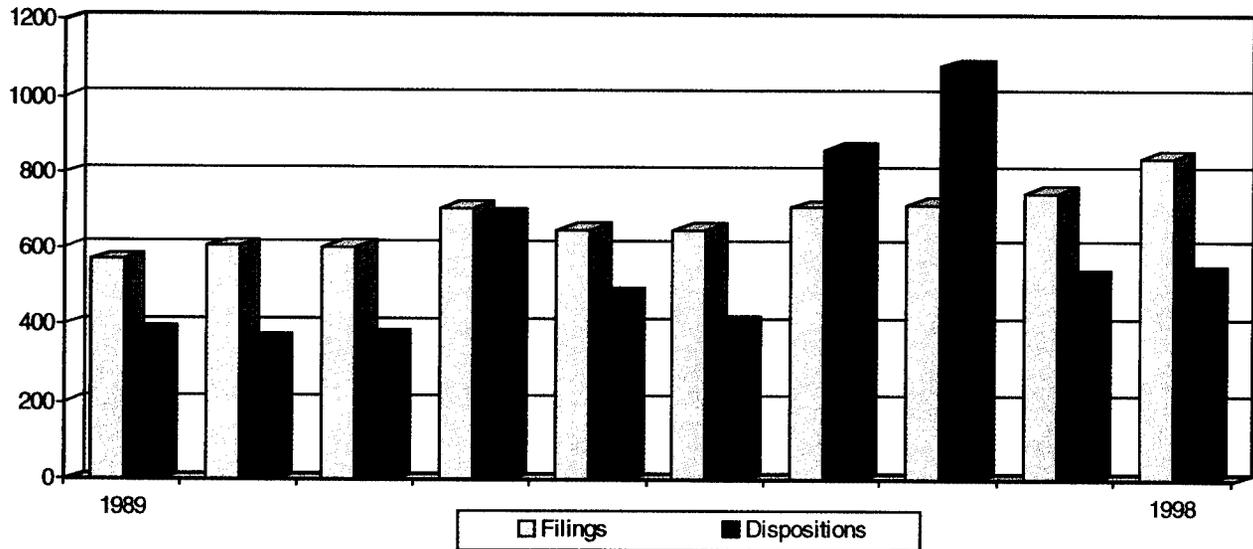


* Pending as of 6/30/97 adjusted.
 Projections are not possible due to large fluctuations in caseload in recent years.
 Source: Registers in Chancery; Administrative Office of the Courts.

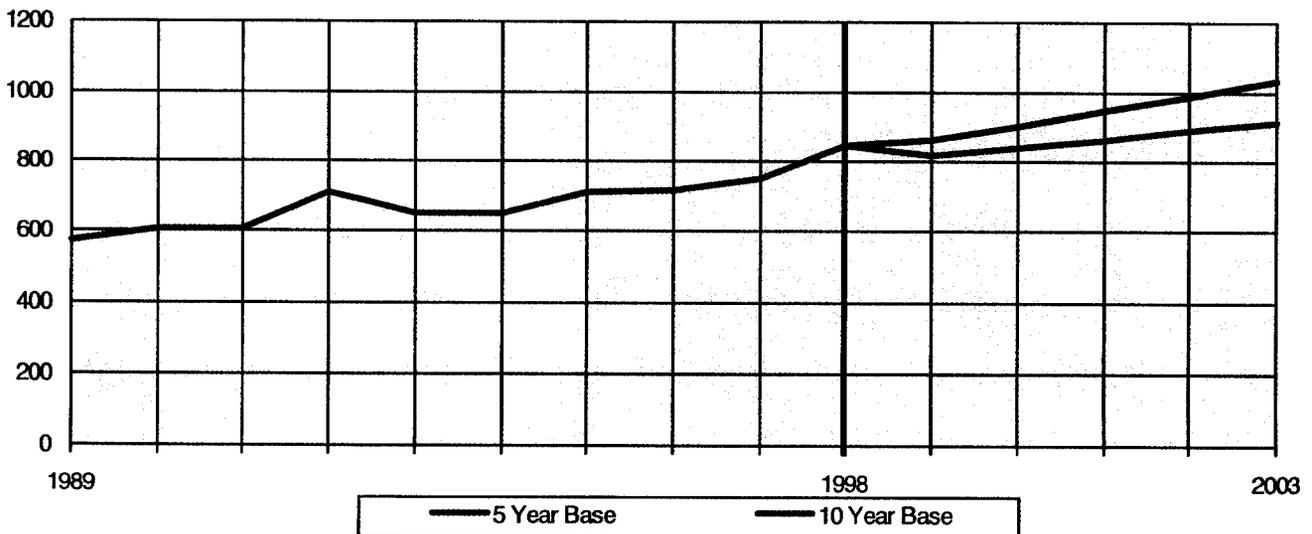
FISCAL YEAR 1998 MISCELLANEOUS MATTERS

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	3,373	469	238	3,604	+ 231	+ 6.8%
Kent	1,058	105	55	1,108	+ 50	+ 4.7%
Sussex	2,250	270	246	2,274	+ 24	+ 1.1%
STATE	6,681	844	539	6,986	+ 305	+ 4.6%

10 YEAR CASELOAD TRENDS



5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS

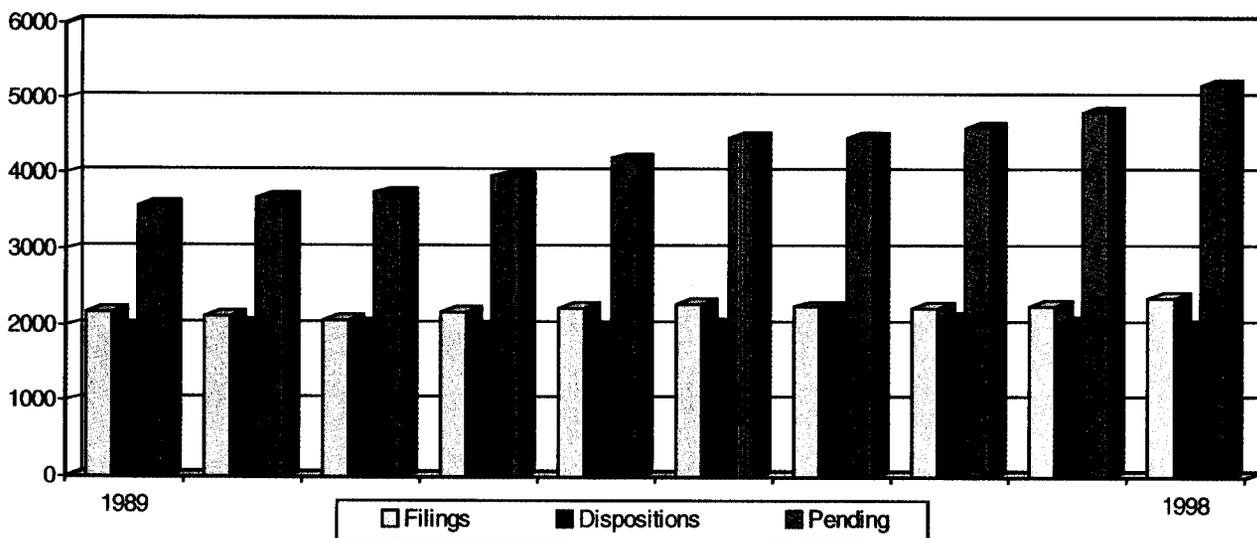


Trend lines computed by linear regression analysis.
Source: Registers in Chancery; Administrative Office of the Courts.

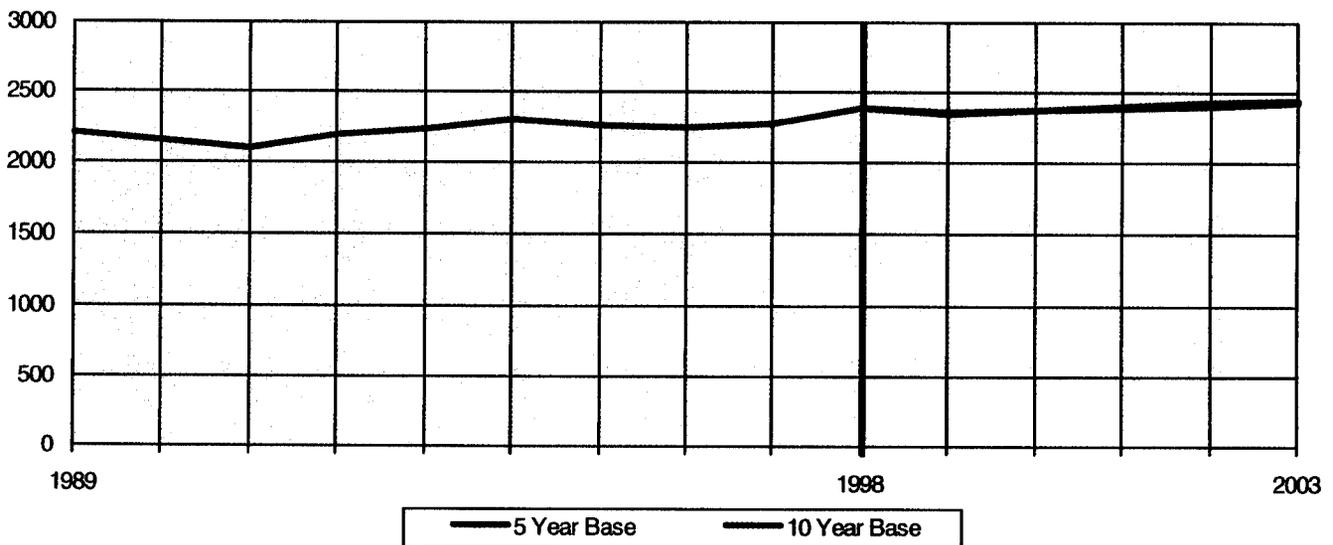
FISCAL YEAR 1998 ESTATES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	2,675	1,504	1,243	2,936	+ 261	+ 9.8%
Kent	1,368	339	336	1,371	+ 3	+ 0.2%
Sussex	789	542	435	896	+ 107	+ 13.6%
STATE	4,832	2,385	2,014	5,203	+ 371	+ 7.7%

10 YEAR CASELOAD TRENDS

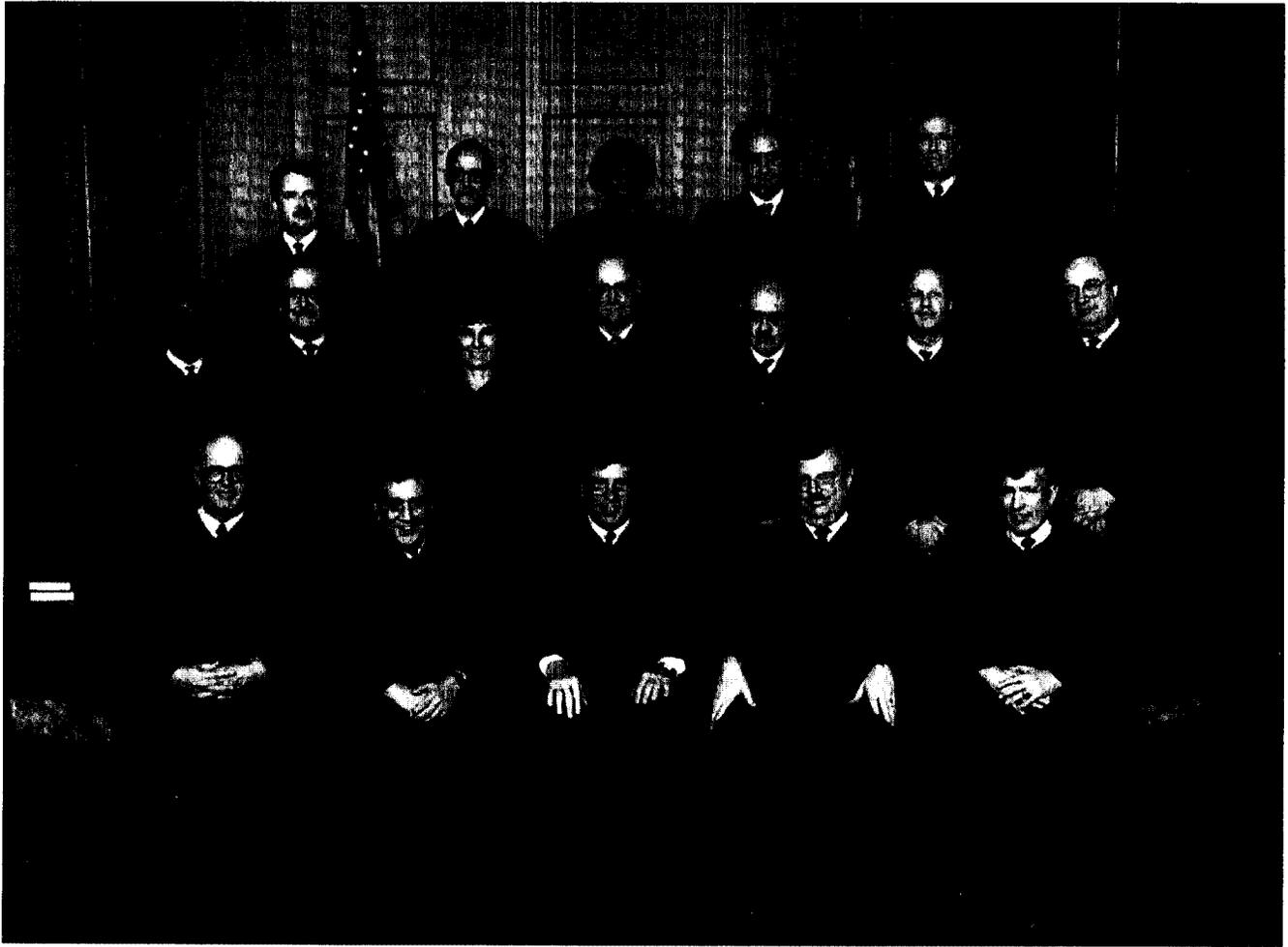


5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



Trend lines computed by linear regression analysis.
Source: Registers in Chancery; Administrative Office of the Courts.

THE SUPERIOR COURT



SUPERIOR COURT

Seated (Left to Right)
Associate Judge John E. Babiarz, Jr.
Resident Judge Vincent A. Bifferato
President Judge Henry duPont Ridgely
Associate Judge Richard S. Gebelein
Resident Judge William Swain Lee

Middle (Left to Right)
Associate Judge Charles H. Toliver, IV
Associate Judge Jerome O. Herlihy
Associate Judge Susan C. Del Pesco
Associate Judge William T. Quillen
Associate Judge Norman A. Barron
Associate Judge T. Henley Graves
Associate Judge Carl Goldstein

Back (Left to Right)
Associate Judge William C. Carpenter, Jr.
Associate Judge Richard R. Cooch
Associate Judge Haile L. Alford
Associate Judge Fred S. Silverman
Resident Judge N. Maxson Terry, Jr.

MESSAGE FROM THE PRESIDENT JUDGE

The Superior Court of Delaware is busier than ever. For the fifth year in a row, the total number of new cases filed exceeded the previous year's all-time record. During fiscal year 1998, there were more than 16,000 filings in the court, with a notable growth of 700 civil cases in New Castle County in just one year. More cases were resolved in one year than at any other time in the Court's history – more than 15,000 of them.

We manage our growing caseload through differentiated case management, alternative dispute resolution methods, and a "customer service" focus in order to serve the public in pursuit of justice. Our strategic planning is based upon the Trial Court Performance Standards which emphasize the needs of those who are served by the Court, in addition to what the Court itself should accomplish as an organization. There are several projects this year which exemplify our methods.

The Court has revised the civil jury instructions to juries to provide a more clear and understandable language. A similar project was initiated for the jury instructions in criminal cases. These initiatives will improve jury comprehension and help demystify the language of trials.

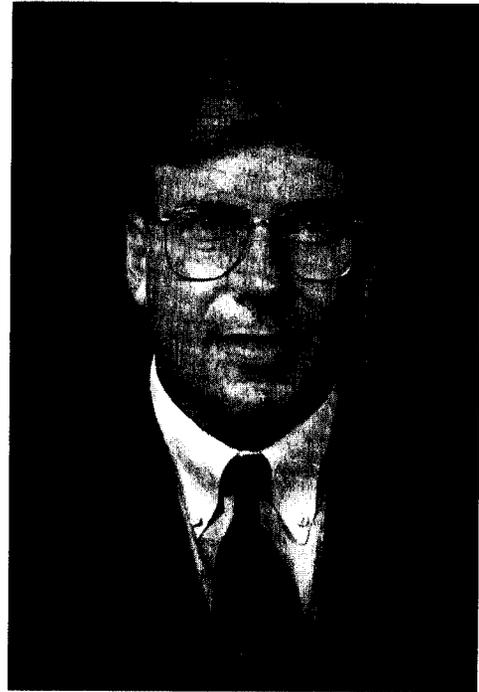
The Court established a public information desk in the lobby of the Herrmann Courthouse. It provides a place for litigants, jurors, witnesses, attorneys, defendants, and other courthouse visitors to report for specific instructions about what courtroom they will be in and to answer other routine questions. Information desks will also be established in the Kent and Sussex County courthouses as renovations create space to accommodate this important function.

Our Drug Court continues to receive national and international attention. To manage these cases even better, the Court completed a functional analysis for a new Drug Court Information System (DCIS). DCIS will bring electronic filing to the Drug Court. With unprecedented funding support from three federal agencies, this project will establish an electronic network for the prompt exchange of offender performance and other decision support information between the Court, Probation and Parole, TASC and treatment providers. It will also create a central database of information about all Drug Court referral clients which will be used to evaluate and quantify program performance.

Criminal rules were amended to provide for restitution procedures to set the amount due and its apportionment among multiple defendants. We improved enforcement of the collection of restitution and fines by scheduling contempt of court hearings to provide an accessible forum for the prompt prosecution of these claims. A combination of intercepts of tax refunds and lottery winnings, contempt hearings, and the entry of civil judgements resulted in the collection of more than half a million dollars.

Civil rules were amended to broaden the availability of summary proceedings for commercial disputes to all claims not subject to mandatory arbitration. Litigants in all commercial disputes in excess of \$100,000 may now agree to this streamlined process.

The Court continued to engage in joint initiatives with Executive Branch agencies. The video phone network was expanded to the Kent and Sussex County courthouses. The number and variety of video proceedings have been increased with the objective to reduce cellblock overcrowding, prisoner transport costs and security risks at each Courthouse.



**President Judge
Henry duPont Ridgely**

Operation Safe Streets continues to succeed. This program, which brings certain probation violators before the Court within one day, has been credited this year for a substantial reduction in the number of shootings in Wilmington.

The Court coordinated a two year project to automate the process for issuing Rule 9 Warrants. Under the new system, warrants are electronically transmitted for use by all Delaware police agencies instead of being mailed. This project will also help eliminate duplicate charges in the system and improve the accuracy of the criminal history database.

The Court received Byrne Grant funds to install digital audio recording equipment and a bar code-based case file labeling and tracking system.

The Court again expanded its capacity for alternative dispute resolution by conducting its fourth three-day mediation training program for 55 Delaware attorneys. This year we amended our civil rules to provide for the payment of mediators by the parties just as arbitrators are paid. A total of 140 Delaware attorneys have now completed this training program.

Public understanding of the work of the Court was improved through an open house in Kent County in cooperation with other courts, the Chief Justice's Task Force on Citizen Involvement in the Judicial System, and the Criminal Justice Council.

In conclusion, as President Wilson said, "So far as the individual is concerned, a Constitutional government is as good as its courts. No better, no worse." The credit for our accomplishments this year on the front line of Constitutional government is shared by the Judges, staff, and the many others who have helped us improve the administration of justice.

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 seventeen 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 Superior Court are argued on the record before the Supreme Court.

Judges

Number: There may be seventeen judges appointed to the Superior Court bench, which will increase to nineteen judges as of January 1, 1999. One of the seventeen judges is appointed president judge with administrative responsibility for the Court. 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.

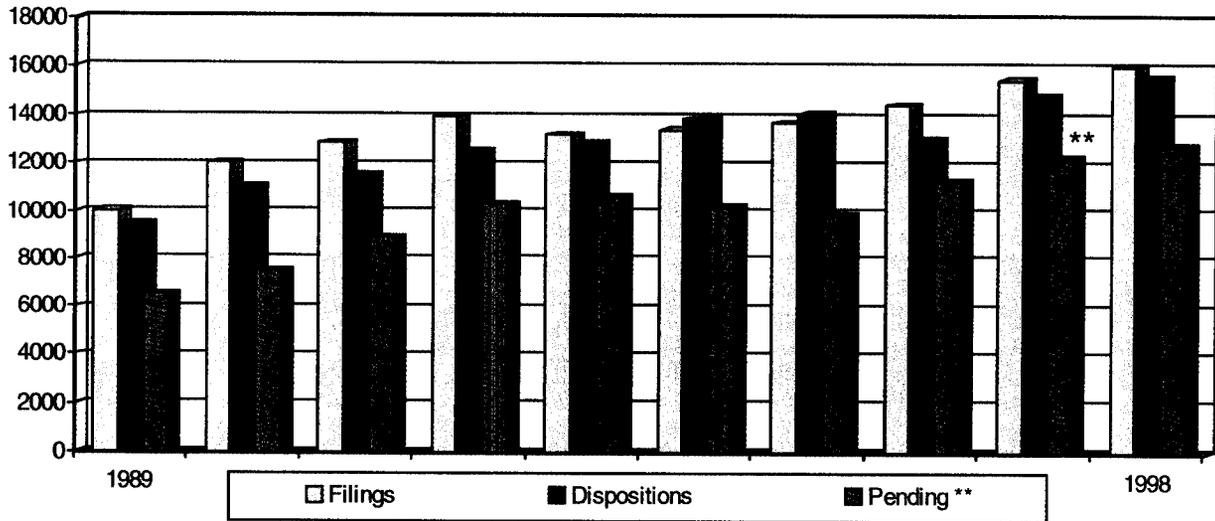
An appointed prothonotary for each county serves as clerk of the Superior Court for the county. The prothonotary is the record keeper for the Superior Court and is directly involved with the daily operations of the Court. The office handles the jury list, property liens, registration of law students 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 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 security, care, and custody of court's exhibits.

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

FISCAL YEAR 1998 TOTAL CASES*

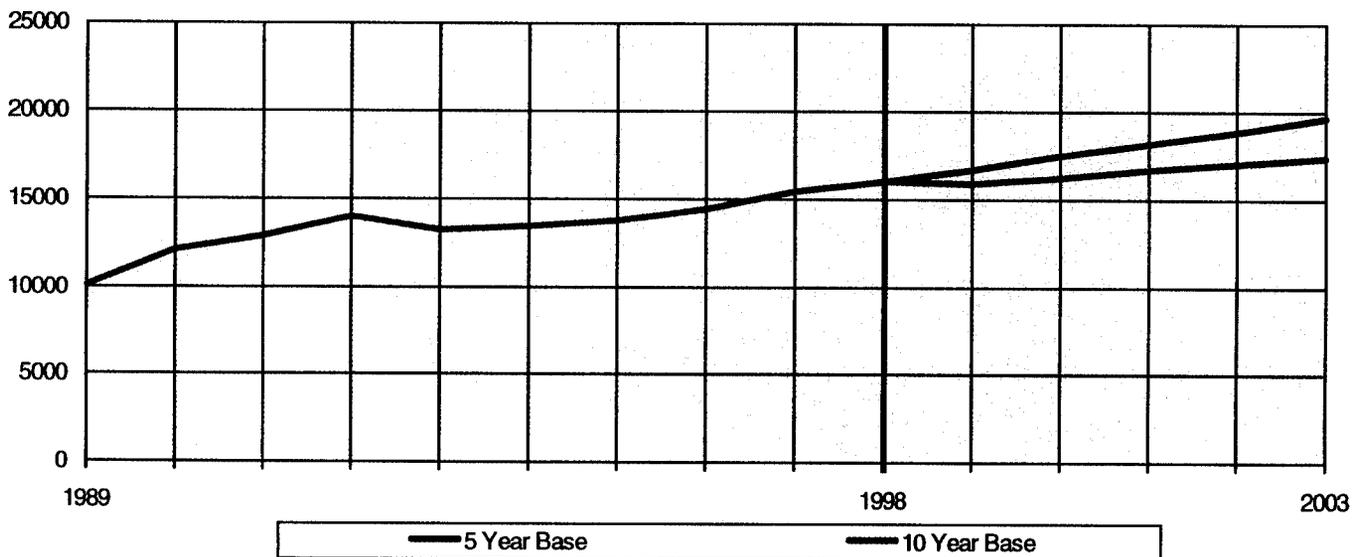
	Pending** 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	9,374	10,677	10,528	9,523	+ 149	+ 1.6%
Kent	1,557	2,706	2,390	1,873	+ 316	+ 20.3%
Sussex	1,370	2,677	2,674	1,373	+ 3	+ 0.2%
STATE	12,301	16,060	15,592	12,769	+ 468	+ 3.8%

10 YEAR CASELOAD TRENDS*



** Amended from the 1997 Annual Report.

5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



* Involuntary Commitments not included with caseloads.

** Amended from 1997 Annual Report.

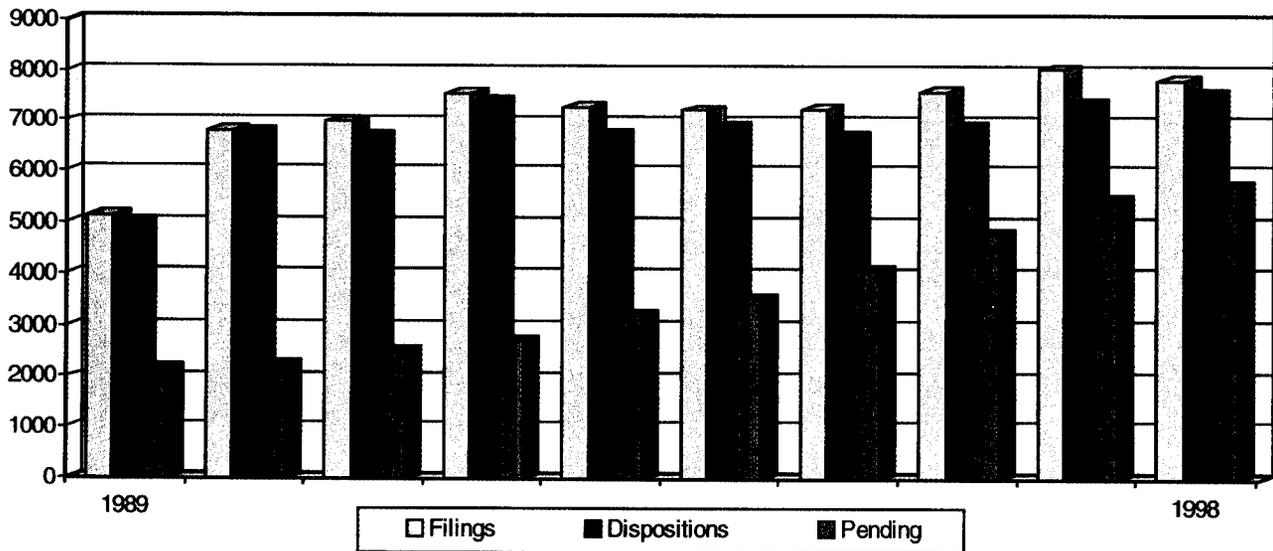
Trend lines computed by linear regression analysis.

Source: Court Administrator and Case Scheduling Office, Office of Prothonotary, Superior Court; Administrative Office of the Courts.

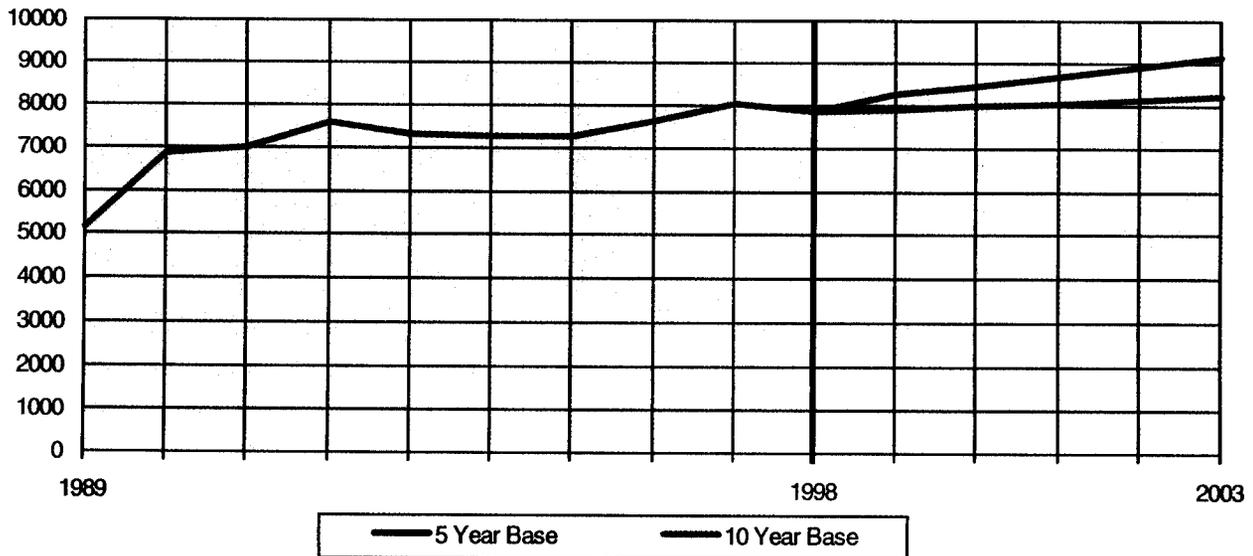
FISCAL YEAR 1998 CRIMINAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	3,924	4,389	4,410	3,903	- 21	- 0.5%
Kent	803	1,633	1,402	1,034	+ 231	+ 28.8%
Sussex	740	1,823	1,758	805	+ 65	+ 8.8%
STATE	5,467	7,845	7,570	5,742	+ 275	+ 5.0%

10 YEAR CASELOAD TRENDS



5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



Trend lines computed by linear regression analysis.

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

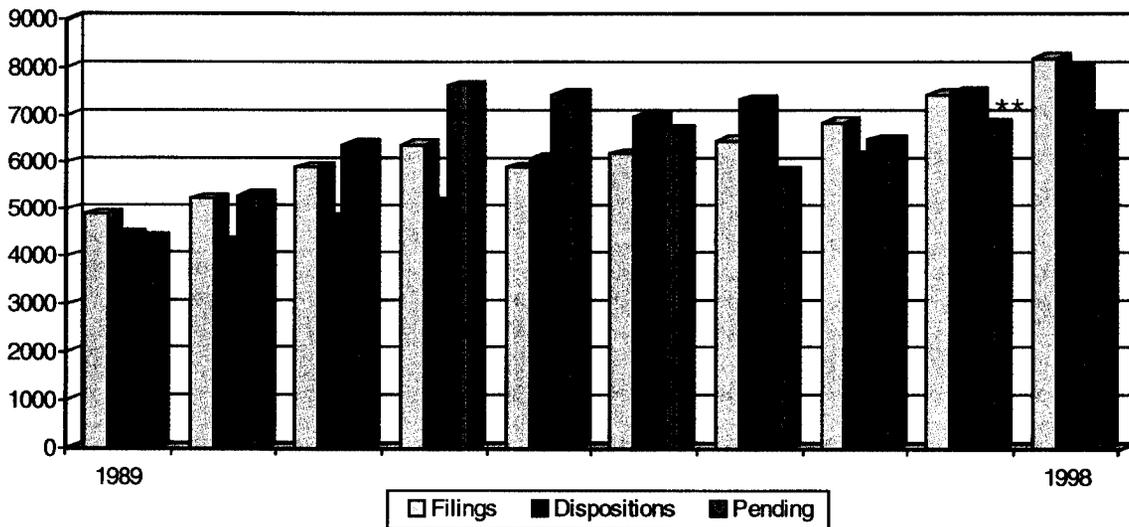
Fiscal Year 1998 Criminal Cases Explanatory Notes

1. The unit of count in Superior Court criminal cases is the defendant. A defendant is defined as an individual named in a indictment, so that an individual named in three (3) indictments is counted as three (3) defendants. An individual with a consecutively-numbered series of information, appeals, or transfers filed on the same day is counted a one defendant.
2. Informations are filed if defendants waive indictment.
3. Transfers were defendants brought before the Court of Common Pleas in New Castle County who requested jury trials before January 15, 1995. After January 15, 1995, the Court of Common Pleas began to hear jury trials.
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 a 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 noi-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. This 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 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.
14. A triable criminal case is one in which there has been an indictment, information, or notice of appeal de novo filed with the Court. Defendants who have capiases or rule 9 warrants for summonses outstanding or who have been judged to be incompetent to stand trial are not triable and are not included in the triable pending cases.

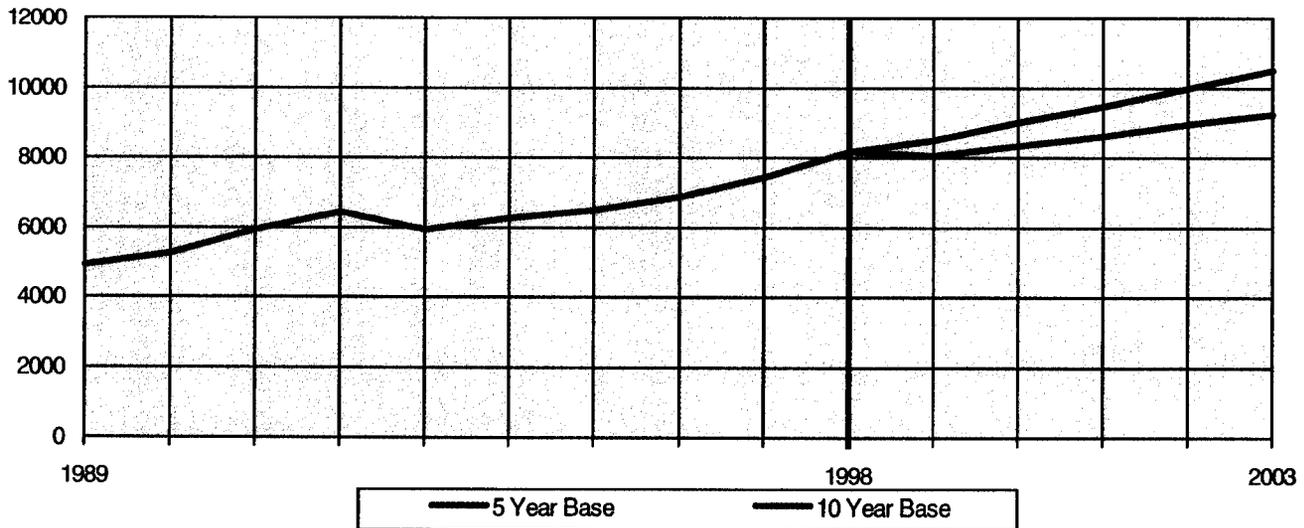
FISCAL YEAR 1998 CIVIL CASES

	Pending** 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	5,450	6,288	6,118	5,620	+ 170	+ 3.1%
Kent	754	1,073	988	839	+ 85	+ 11.3%
Sussex	630	854	916	568	- 62	- 9.8%
STATE	6,834	8,215	8,022	7,027	+ 193	+ 2.8%

10 YEAR CASELOAD TRENDS



5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



* Involuntary commitments not included in the caseload summary.
 ** Amended from 1997 Annual Report.
 Trend lines computed by linear regression analysis.
 Source : Prothonotary's Offices, Superior Court; Administrative Office of the Courts.

Fiscal Year 1998 Arbitration Cases - 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 \$100,000
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,
 - 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.

FISCAL YEAR 1998 - ARBITRATION						
	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	2,612	3,775	2,938	3,449	+ 837	+ 32.0%
Kent	458	594	497	555	+ 97	+ 21.2%
Sussex	266	341	279	328	+ 62	+ 23.3%
STATE	3,336	4,710	3,714	4,332	+ 996	+ 29.9%

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

FAMILY COURT



FAMILY COURT

Seated (Left to Right)

Associate Judge Alison Whitmer Tumas
Associate Judge Peggy L. Ableman
Chief Judge Vincent J. Poppiti
Associate Judge Kenneth M. Millman
Associate Judge Barbara D. Crowell

Standing (Left to Right)

Associate Judge William J. Walls, Jr.
Associate Judge William N. Nicholas
Associate Judge Aida Wasserstein
Associate Judge William L. Chapman, Jr.
Associate Judge Battle R. Robinson
Associate Judge Jay H. Conner
Associate Judge Mark D. Buckworth

MESSAGE FROM THE CHIEF JUDGE

In this past year, I estimate that between 175,000 and 200,000 people were involved one way or another in matters that drew them into legal proceedings that required resolution by the Judges, Commissioners, and Masters of the Family Court. Stated differently, the 57,811 cases that were filed in 1998 represent not some abstract collection of legal actions, but people who are all too often the victims of the problems associated with family conflicts in life in the 1990's.

Since 1992, decision-makers and staff have struggled to keep pace with a caseload that has grown by 29.9%. Over the last 12 to 18 months, it has been made ever more apparent that the court's ability to keep pace with growth has reached its limits. Simply stated, we have reached the point of diminishing returns. Several efforts were begun in FY 1998 which focused on how the court was fulfilling its mandate; how we could best achieve our mission in the years to come; and what had to be done to provide justice of the highest quality in a timely fashion.

Trial Court Performance Standards: The Court held a three day retreat for judges, commissioners, masters, managers, and key officials on the Trial Court Performance Standards and their applicability as a planning tool. Later in the year, a grant from the State Justice Institute was awarded to the Family Court to work with Dr. Ingo Keilitz, one of the authors of the Trial Court Performance Standards, on the development of standards that could be applied for use in all domestic relations courts. The work will be completed by June, 1999.

Internal Operating Procedures: The Chief Justice established a committee chaired by R. Franklin Balotti, Esq. to develop internal operating procedures for the Family Court. The committee, which is composed of select judges, commissioners, community leaders, and lawyers, is developing standards and best practices to be utilized by the judges in managing their caseloads. A preliminary report is anticipated in January, 1999.

Family Court and Court of Common Pleas Study Committee: In an effort to develop a systematic and standardized methodology to assess the need of the various courts for judicial officers, the Chief Justice formed a committee chaired by Henry Herndon, Esq. For FY 1999, the committee focused its attention on the Family Court as well as the Court of Common Pleas analyzing caseloads and developing some recommendations on assessing appropriate caseload levels.

At the same time, the Court has continued the work begun previously under other planning processes:



**Chief Judge
Vincent J. Poppiti**

The Court Improvement Project: Through a federal grant to the Delaware Supreme Court, this multi-year project represents a comprehensive, interagency process of revising the manner in which dependency/neglect, termination of parental rights, and adoption cases are handled. The Assessment Report, culminating 18 months of study, was released in FY 1998. The project currently is developing implementation plans for each of the 22 recommendations contained in the Assessment Report.

Courting quality continued its focus on employee training and development, customer service, pro se litigants, public education, facilities, and operations. This employee-driven program has been instrumental in achieving numerous improvements while categorizing those successes as small wins upon which major victories toward quality are won.

These combined efforts represent an unprecedented attempt by the Court to examine its workload, assess strengths and weaknesses, and plan for the future. I appreciate the work and support of all within and from outside the Family Court who are committed to making our Court better tomorrow than it is today.

Legal Authorization

The Family Court Act, Rule 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, orders of protection from abuse, and intra-family misdemeanor crimes.

The Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first and second 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 five 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

Family Court uses masters and commissioners to hear specific types of cases. Masters are appointed by the chief judge and serve at his pleasure, while commissioners are appointed for four-year terms by the Governor with the consent of a majority of the Senate.

Support Personnel

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

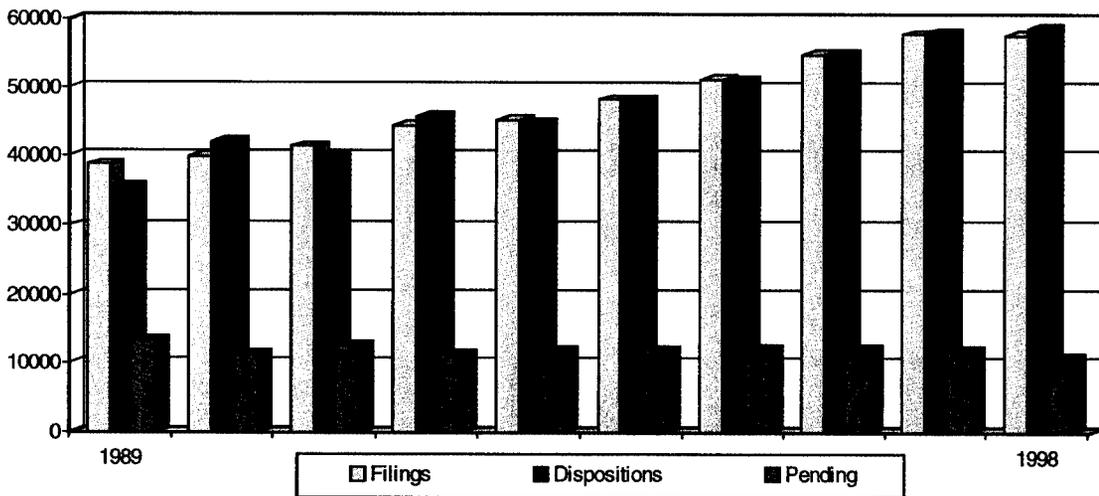
The Family Court has a staff of more than 270 persons in addition to the judiciary. The Court has a court administrator and a director of operations in each county, as well as clerks of the court, secretaries, typists, accountants, clerks, data entry operators, judicial assistants, mediation/arbitration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

Fiscal Year 1998 Total Cases Workload Explanatory Notes

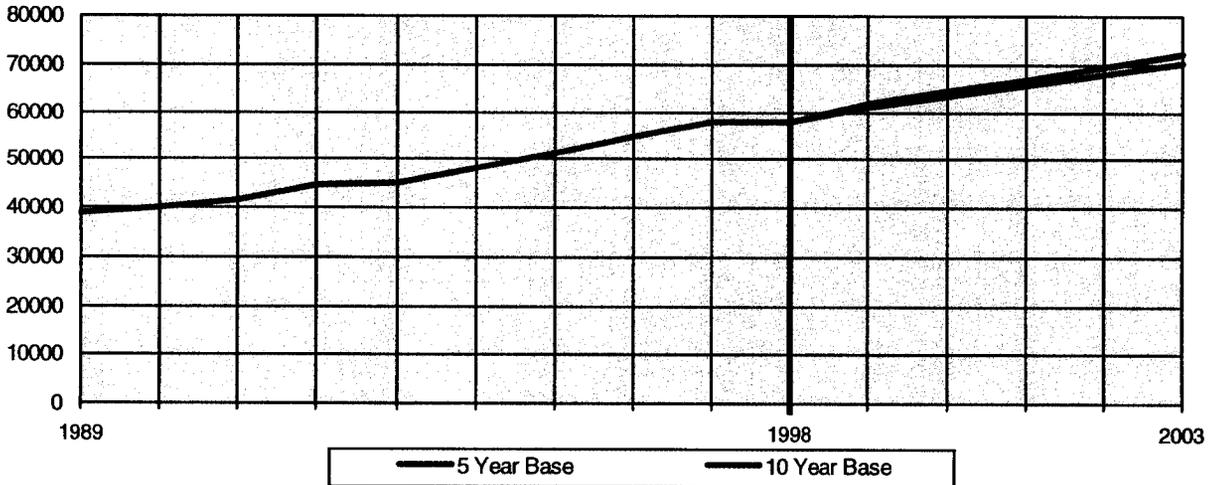
1. The unit of count in the Family Court adult criminal, juvenile delinquency, and civil cases is the filing.
2. A criminal or delinquency filing is defined as one incident filed against one individual. Each incident is counted separately, so that three (3) incidents brought before the Court on a single individual are counted as three (3) criminal or delinquency filings or multiple charges.
 - a. A single criminal or delinquency filing may be comprised of a single or multiple charges relating to a single incident.
 - b. 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.
3. 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 person is counted as one filing.

FISCAL YEAR 1998 TOTAL CASES						
	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	6,956	33,694	35,014	5,636	- 1,320	- 19.0%
Kent	2,017	11,676	11,303	2,390	+ 373	+ 18.5%
Sussex	3,076	12,441	12,533	2,984	- 92	- 3.0%
STATE	12,049	57,811	58,850	11,010	- 1,039	- 8.6%

10 YEAR CASELOAD TRENDS



5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



Trend lines Computed by linear regression
 Source: Court Administrator, Family Court; Administrative Office of the Courts.

FAMILY COURT

FISCAL YEAR 1998 - ADULT CRIMINAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	672	3,217	3,328	561	- 111	- 16.5%
Kent	167	1,095	1,095	167	0	0.0%
Sussex	402	1,384	1,588	198	- 204	- 50.7%
STATE	1,241	5,696	6,011	926	- 315	- 25.4%

FISCAL YEAR 1998 - JUVENILE DELINQUENCY CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	1,301	6,849	7,394	756	- 545	- 41.9%
Kent	378	2,106	2,021	463	+ 85	+ 22.5%
Sussex	848	2,412	2,667	593	- 255	- 30.1%
STATE	2,527	11,367	12,082	1,812	- 715	- 28.3%

FISCAL YEAR 1998 CIVIL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	4,983	23,628	24,292	4,319	- 664	- 13.3%
Kent	1,472	8,475	8,187	1,760	+ 288	+ 19.6%
Sussex	1,826	8,645	8,278	2,193	+ 367	+ 20.1%
STATE	8,281	40,748	40,757	8,272	- 9	- 0.1%

Source: Court Administrator, Family Court; Administrative Office of the Courts.

Fiscal Year 1998 Arbitration Explanatory Notes

1. Arbitration is an informal proceeding in which a specially trained arbitration officer attempts to resolve juvenile delinquency cases involving minor charges 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 manner should go to a formal hearing.

FISCAL YEAR 1998 - ARBITRATION CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	203	1,330	1,286	247	+ 44	+ 21.7%
Kent	15	568	578	5	- 10	- 66.7%
Sussex	48	673	668	53	+ 5	+ 10.4%
STATE	266	2,571	2,532	305	+ 39	+ 14.7%

Fiscal Year 1998 Mediation Explanatory Notes

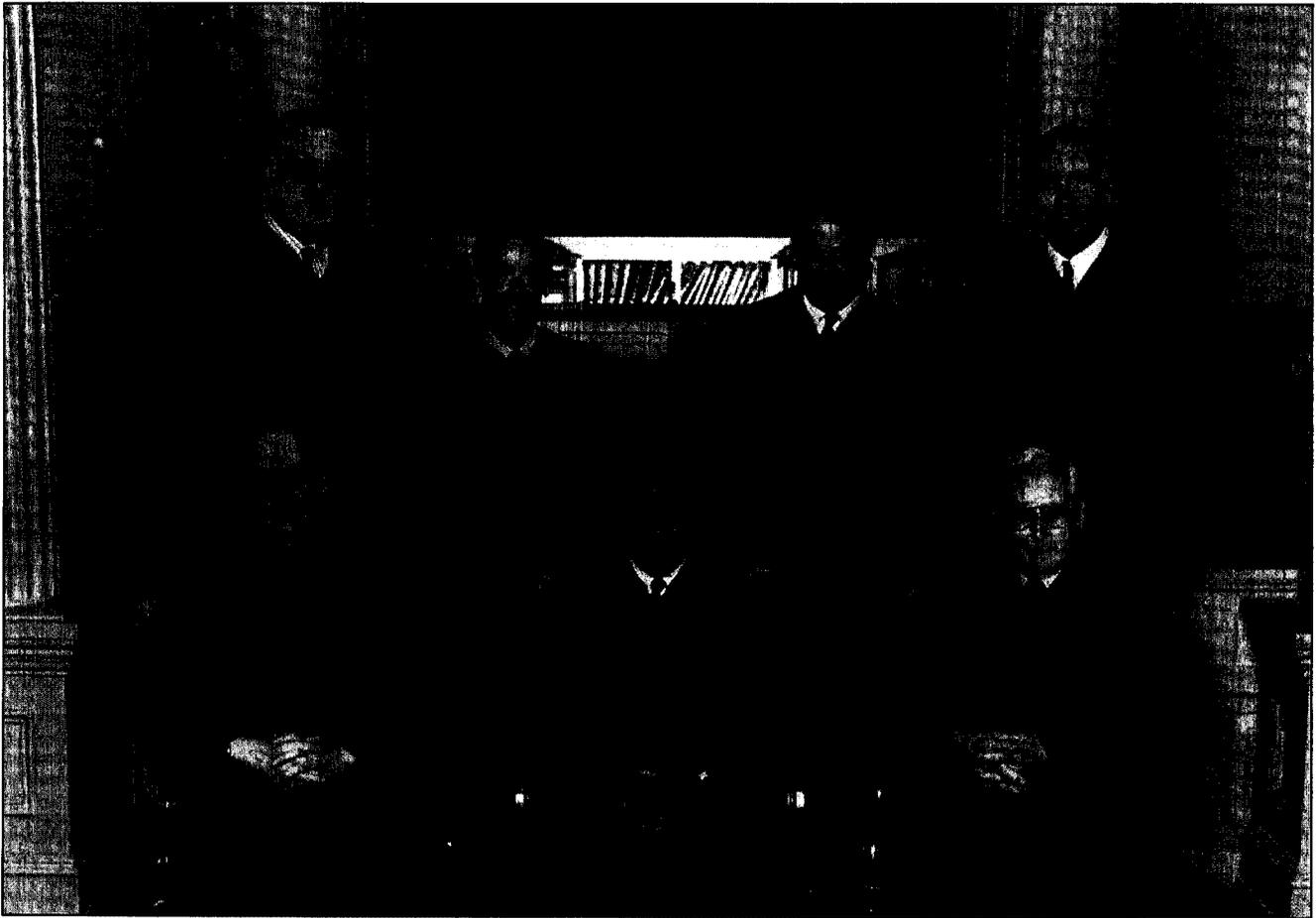
1. Mediation is a pre-adjudicatory proceeding where a trained mediator attempts to assist the parties in reaching an agreement in disputes involving child custody, support, visitation, guardianships, imperilling family relations, and rules to show cause. Mediation is mandatory in child custody, visitation and support matters.
2. If the parties are unable to reach an agreement, the matter is scheduled for a hearing before a master or a judge.

FISCAL YEAR 1998 MEDIATION CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	183	8,137	8,173	147	- 36	- 19.7%
Kent	189	2,936	2,791	334	+ 145	+ 76.7%
Sussex	240	3,084	3,180	144	- 96	- 40.0%
STATE	612	14,157	14,144	625	+ 13	+ 2.1%

Source: Court Administrator, Family Court; Administrative Office of the Courts.

THE COURT OF COMMON PLEAS



COURT OF COMMON PLEAS

Seated (Left to Right)
Judge Merrill C. Trader
Chief Judge Alex J. Smalls
Judge Alfred Fraczkowski

Standing (Left to Right)
Judge William C. Bradley, Jr.
Judge Jay Paul James
Judge John K. Welch
Judge Richard F. Stokes

MESSAGE FROM THE CHIEF JUDGE

FY 1998 was a busy year for the Court of Common Pleas. The Court spent much of the year planning for the merger with the Municipal Court which took place May 1, 1998.

Prior to May 1, the Court was successful in reducing the time from arraignment to trial in spite of an increased caseload. The Court continued to take a proactive role in managing its caseload through the use of Case Review calendars and specialized Trial calendars.

The Court welcomed the appointment of Alex Smalls as Chief Judge as well as the two full-time Municipal Court Judges, Alfred Fraczkowski and John Welch, to the Court in New Castle County.

The Court experienced caseload growth throughout the State, with the greatest impact on Judicial resources being felt in the lower counties. The Court needs additional Judicial help to manage the caseload downstate. The Municipal Court merger doubled the Court's caseload in New Castle County and put a strain on Court staff. Court calendars had to be reduced to allow for processing of the work contributing to the development of a backlog.

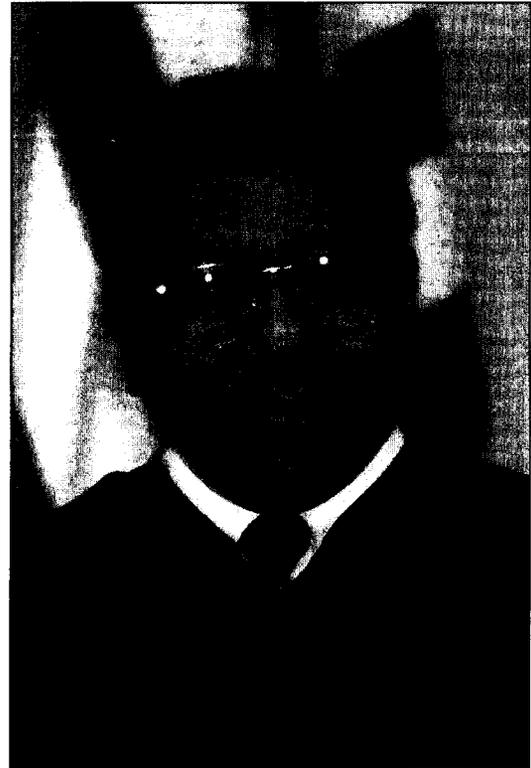
A statewide Strategic Planning Committee began implementation of the Trial Court Performance Standards. The Committee developed a series of action plans for implementation in FY 1999 endorsed by the Judges at the annual Court Retreat.

Court Collections reached an all-time high in FY 1998. More than \$1.1 million was collected in the first three months following the merger. Additional staff resources would allow the Court to aggressively pursue the large amount of outstanding money transferred from Municipal Court.

The Court furthered its use of the videophone which is now routinely used in all three counties. In New Castle County, the Court handles all in custody capias returns by videophone, eliminating the need to transport 100 - 150 prisoners each week. Preliminary hearings waivers are also accepted in Kent and New Castle counties by videophone.

The Court completed its transition from Court Reporters to Audio Monitors in FY 1998, providing greater flexibility and efficiency in the courtroom.

Serious space problems exist in all three counties. Additional space is needed to accommodate Court Commissioners and Court Clerks. Rental space will be needed in Kent County. Space constraints will continue in New Castle and Sussex Counties until building construction and renovations are completed.



Chief Judge
Alex J. Smalls

Legal Authorization

The statewide Court of Common Pleas was created by Rule 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. The Court of Common Pleas was later established in Kent County in 1953.

In 1969, the three County Courts of Common Pleas became State Courts. In 1973, the Statewide Court of Common Pleas was established.

In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995.

On May 1, 1998, the Municipal Court was merged with the Delaware court system, and the pending cases were transferred to the Court of Common Pleas.

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 \$50,000 on the complaint. There is no limitation in amount on counterclaims and crossclaims. 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. It is also responsible for all preliminary hearings. Jury trial is available to all defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles.

Judges

There are seven judges of the Court of Common Pleas, of which five 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.

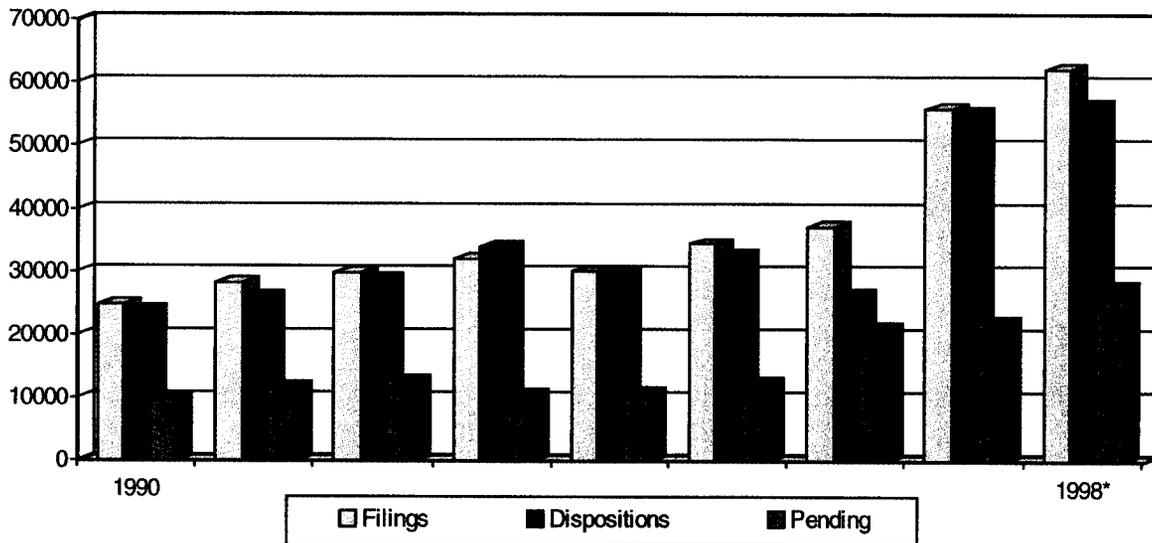
Support Personnel

Personnel is 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.

FISCAL YEAR 1998 TOTAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	13,648	28,153	23,746	18,055	+ 4,407	+ 32.3%
Kent	3,865	14,567	13,993	4,439	+ 574	+ 14.9%
Sussex	4,699	19,471	18,740	5,430	+ 731	+ 15.6%
STATE	22,212	62,191	56,479	27,924	+ 5,712	+ 25.7%

9 YEAR CASELOAD TRENDS

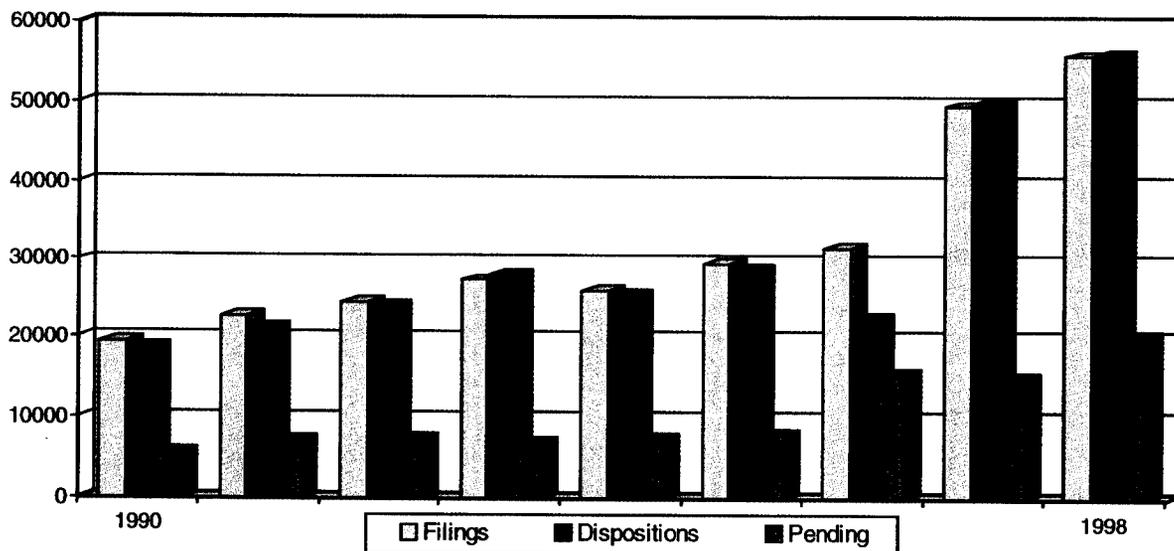


* An additional 9,007 cases transferred from the Municipal Court on May 1, 1998, are not included. Projections are not possible due to large fluctuations in caseload in recent years. Source: Court Administrator, Court of Common Pleas; Administrative of the Courts.

FISCAL YEAR 1998 CRIMINAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	8,197	24,009	20,037	12,169	+3,972	+ 48.5%
Kent	3,249	13,512	12,819	3,942	+ 693	+ 21.3%
Sussex	3,674	18,439	17,782	4,331	+ 657	+ 17.9%
STATE	15,120	55,960	50,638	20,442	+5,322	+ 35.2%

9 YEAR CASELOAD TRENDS

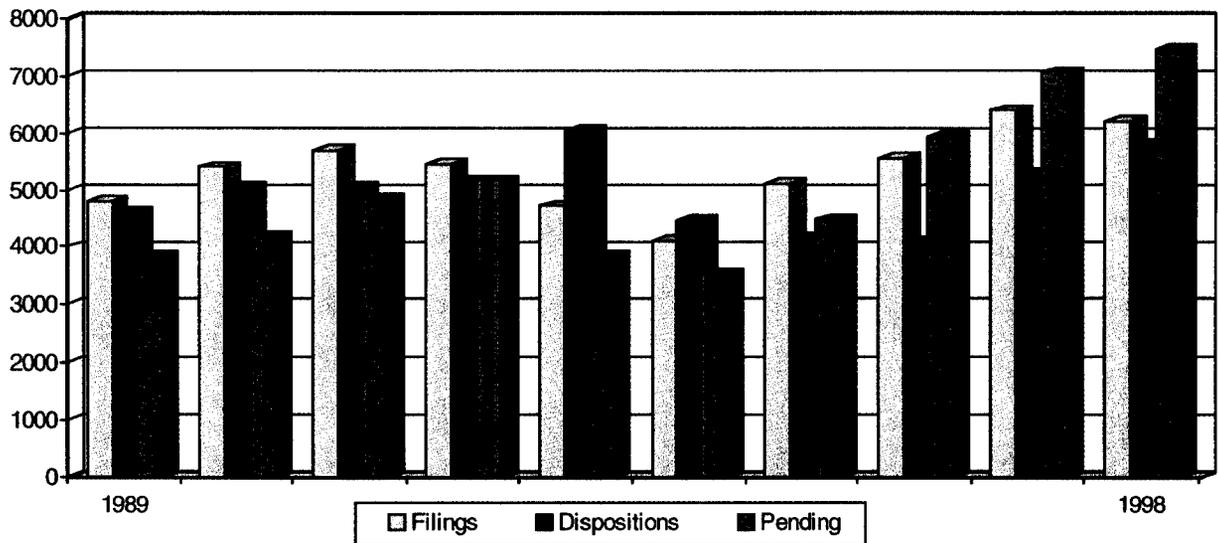


* An additional 9,007 cases transferred from the Municipal Court on May 1, 1998, are not included. Projections are not possible due to large fluctuations in caseload in recent years. Source: Court Administrator, Court of Common Pleas; Administrative of the Courts.

FISCAL YEAR 1998 CIVIL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
New Castle	5,451	4,144	3,709	5,886	+ 435	+ 8.0%
Kent	616	1,055	1,174	497	- 119	- 19.3%
Sussex	1,025	1,032	958	1,099	+ 74	+ 7.2%
STATE	7,092	6,231	5,841	7,482	+ 390	+ 5.5%

10 YEAR CASELOAD TRENDS



Projections are not possible due to large fluctuations in caseload in recent years.
 Source: Court Administrator, Court of Common Pleas; Administrative of the Courts.

THE MUNICIPAL COURT



MUNICIPAL COURT

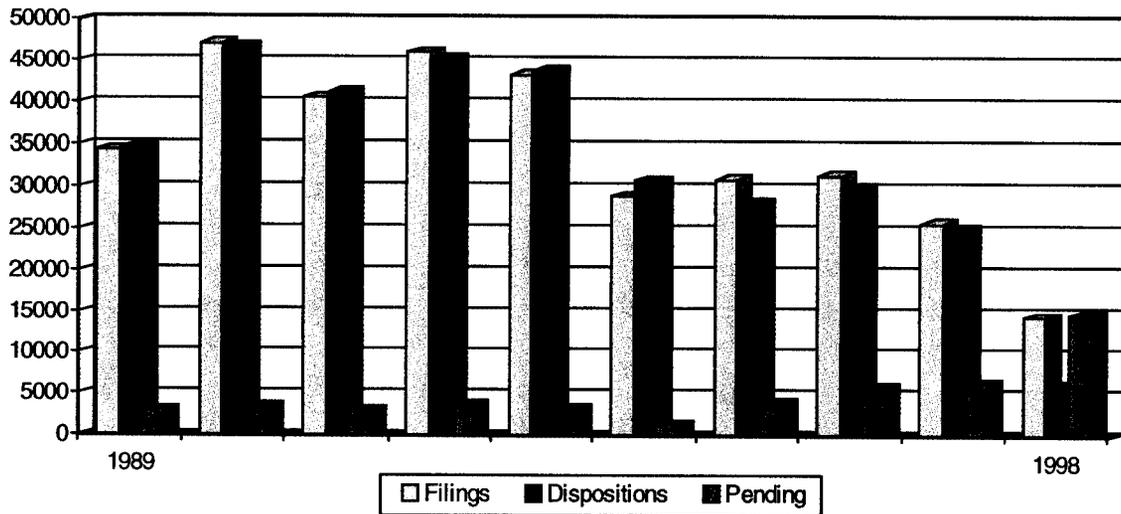
(Left to Right)
Associate Judge John K. Welch
Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams

* Municipal Court merged with the state courts on May 1, 1998

FISCAL YEAR 1998

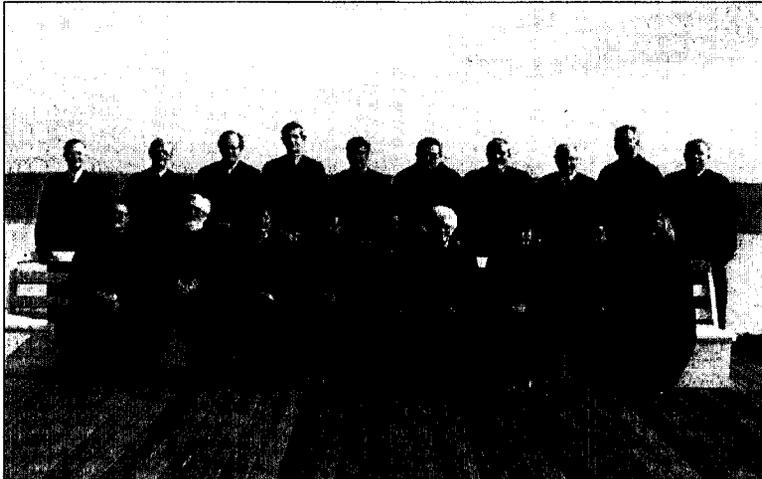
	Pending 6/30/97	Filings	Dispositions	Pending 4/30/98	Change in Pending	% Change in Pending
Criminal	2,342	5,522	N/A	N/A	N/A	N/A
Traffic	4,115	8,998	N/A	N/A	N/A	N/A
TOTAL	6,457	14,520	6,217	14,760	8,303	+ 128.6%

10 YEAR CASELOAD TRENDS



Projections are not possible due to large fluctuations in caseload in recent years.
 Municipal Court merged with the state courts on May 1, 1998
 Source: Administrative Office of the Courts.

JUSTICE OF THE PEACE COURTS



NEW CASTLE COUNTY

Seated (Left to Right):

Judge Petraschuk, Judge Armstrong, Judge Griffin,
Judge Toulson, Judge Lee, Judge Nolan, Judge Lucas,
Judge Ross, Judge Roberts

Standing (Left to Right):

Judge Rash (Kent County), Judge Barton, Judge Fitchett,
Judge Skelley, Judge Shiavi, Judge Smith, Judge Cole,
Judge Hanby, Judge Brown, Judge Moser

Not Pictured:

Judge Bennett, Judge Douglas, Judge Kenney, Judge Poling,
Judge Rutkowski, Judge Terry Smith, Judge Taylor, Judge Tull

KENT COUNTY

Seated (Left to Right):

Judge Barrett, Judge Murray, Judge Maybee, Judge Griffin

Standing (Left to Right):

Judge Wall, Judge Arndt, Judge Stump, Judge Parrott

Not Pictured:

Judge Rash (pictured with NCC Judges), Judge Bundeck,
Judge Dewey, Judge Lord, Judge Penella



SUSSEX COUNTY

Seated (Left to Right):

Judge Ruffin, Judge Griffin, Judge Blakely,
Judge Davis, Judge Wood

Standing (Left to Right):

Judge Melson, Judge Hopkins, Judge Hagan,
Judge O'Bier, Judge Hudson, Judge Comly, Judge Boddy

Not Pictured:

Judge Brittingham, Judge Coffelt, Judge McKenzie,
Judge Mollohan, Judge Mulvaney, and
the late Judge Truitt

MESSAGE FROM THE CHIEF MAGISTRATE

Fiscal Year 1998 proved to be another busy year for the Justice of the Peace Court. In addition to ongoing operations, we continued our work on strategic planning initiatives, including implementing technology initiatives and the building project for Justice of the Peace Courts; developing an orientation/training program for new support staff and a process for filling staff vacancies more expeditiously; as well as obtaining a grant to work with the National Center for the State Courts in assessing the efficient use of staff and facilities.

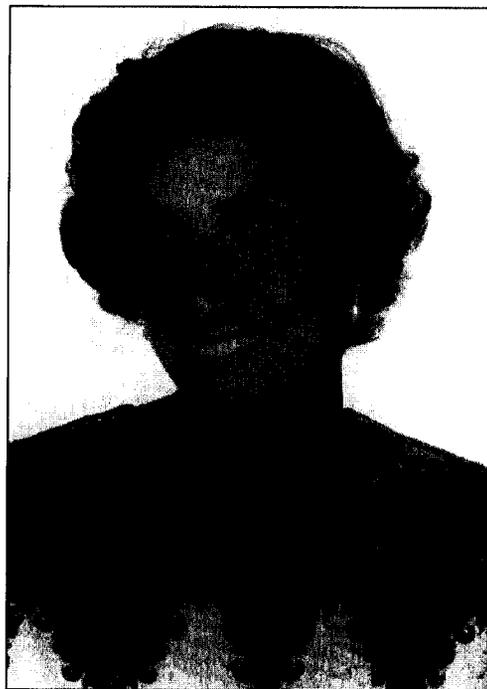
Technology initiatives, including the networking of all Justice of the Peace Courts, installation of computers at all workstations, and development of the automated civil case management, were highlights of FY 1998. The availability of e-mail communications among courts and access to computer-based legal research (Westlaw) will greatly enhance the court's operations. The arrival of the new civil case management system, which graduated from testing to usage in pilot courts in August 1998, will cause incalculable benefits as compared to our existing system of "doing everything by hand".

After eight years without any new court buildings, the Justice of the Peace Court Building Project jumped into "full gear" with four new court facilities - J.P. Court Nos. 2, 7/16/VAC, 13/14, and 20 - in FY 1998. The new state-owned facility for J.P. Court Nos. 7/16/VAC commenced construction in August 1997 and is expected to be completed in early 1999. J.P. Court Nos. 13/14 officially opened for business at the Concord Professional Building in Wilmington on June 1, 1998. New J.P. Court No. 20 opened on July 13, 1998 at the Wilmington Public Safety Building in Wilmington. In addition, J.P. Court No. 2 moved to its new location in Rehoboth Beach on August 12, 1998.

The Justice of the Peace Court, the Court of Common Pleas and the Municipal Court of Wilmington faced a huge task in FY 1998 - to merge the operations of the Municipal Court into the other courts. Advance planning helped ease many transitional problems associated by the merger, which included the major task of constructing, setting up, staffing and operating a completely new Justice of the Peace Court facility.

Efforts by all those involved - court staff, judges, Wilmington police officers and others - continue as persons unfamiliar with the Justice of the Peace Court, work to gain an understanding of how the Court operates and the Court tries to accommodate the huge workload increase. Staff and judges assigned to Court No. 15 (which was relocated to Court No. 11 on a temporary basis in July, 1998 due to the loss of the court's lease) have helped Court No. 11 manage the substantial increase in its caseload caused by the Municipal Court merger. In fact, Court No. 11 experienced a 27% increase in its caseload from April through July 1998 as compared to the same time period in 1997.

The Truancy Court was expanded to Sussex County in October, 1997 while the New Castle County Truancy Court continued in "full swing" throughout the year. In the New Castle County Truancy Court, the recidivism rate (additional cases filed after original filings are closed) for truant students has been extremely low - approximately 3.5%. Counseling, medical and educational assistance available in New Castle County beginning in the spring of 1998 from Children and Families First through a federal grant and from the Division of Child Mental Health Services of the Department of Services for Children, Youth & their Families in Sussex County has greatly contributed to the Truancy Court's success. With the establishment of a Truancy Court in Kent County in the fall of 1998, the Truancy Court will operate statewide.



**Chief Magistrate
Patricia Walther Griffin**

Enhanced efforts to provide the public with effective access to the court, through public information, continued in FY 1998. Two videos showing general civil and criminal procedures in the Justice of the Peace Court were completed and are available for purchase in the courts by individuals at cost (\$2.00 per video). Additionally, a booklet containing sample civil complaint forms (and instructions on filling out those forms) has been prepared and is available at no cost from the civil courts. Grants were obtained in FY 1998 to fund the development of a video outlining court procedures in landlord/tenant cases and a landlord/tenant brochure. The Court's recently established Speaker's Bureau provides volunteer judges to speak to members of the public about the Court. In addition, work has begun on the development of a Website designed to assist the public in using the Justice of the Peace Court.

The credit card payment project (to make it easier for persons to pay and the court to collect fines and costs) started as a pilot project several years ago. As of March 1, 1998, it was expanded to all J.P. Criminal Courts. More and more Justice of the Peace Court users are taking advantage of this convenience, with total credit card payments of \$255,000 in FY 1998 -- more than double those received in FY 1997.

Other initiatives include: the adoption of amendments to the Justice of the Peace Criminal Rules and continued work on revising the Justice of the Peace Civil Rules; development of a handbook which will provide guidance to constables in the performance of their duties; presentation of staff training programs in conjunction with the Administrative Office of the Courts; and, finally, the on-going work of the Basic Legal Education Committee and the BLE instructors - 23 out of 55 sitting Justices of the Peace currently sitting (or 42%) have completed the criminal BLE classes, with eight of those judges scheduled to complete the civil BLE program in the fall of 1998.

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, eight are in New Castle County, four are in Kent County and seven are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.

Justice of the Peace

The Delaware Code authorizes a maximum of 56 justices of the peace. The maximum number of justices of the peace permitted in each county is 27 in New Castle County, 12 in Kent County, and 17 in Sussex County. All 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 56 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.

Legal Jurisdiction

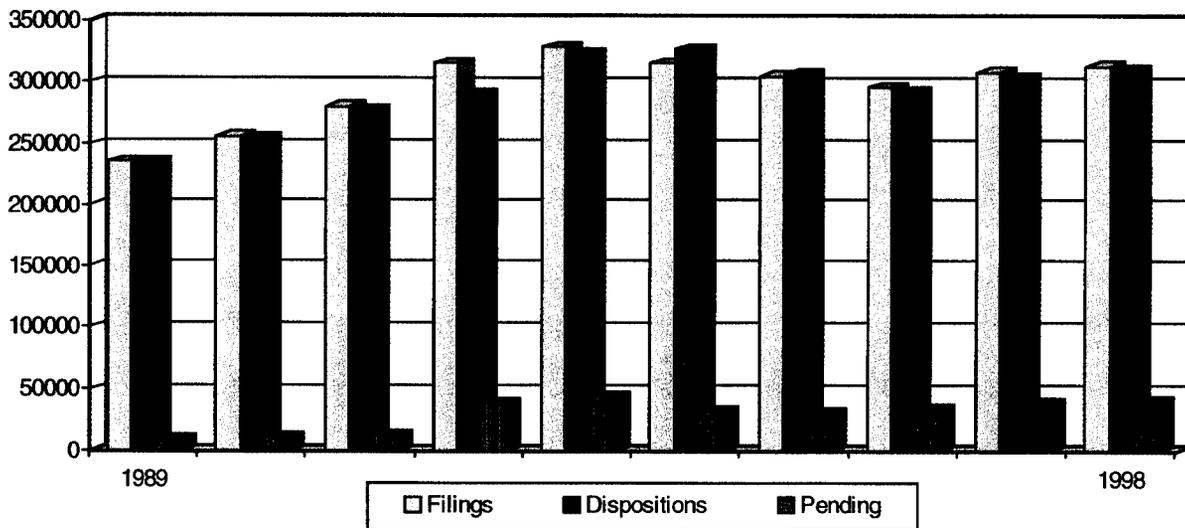
The Justice of the Peace Courts have jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000. This increased from \$5,000 in January 1995. Justice of the Peace Courts are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals may be taken to the Court of Common Pleas effective January 1995. In the past, these appeals were taken to the Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Court of Common Pleas.

The Court's jurisdiction was increased on May 1, 1998, to include filings in the city of Wilmington as a result of the Municipal Court merger.

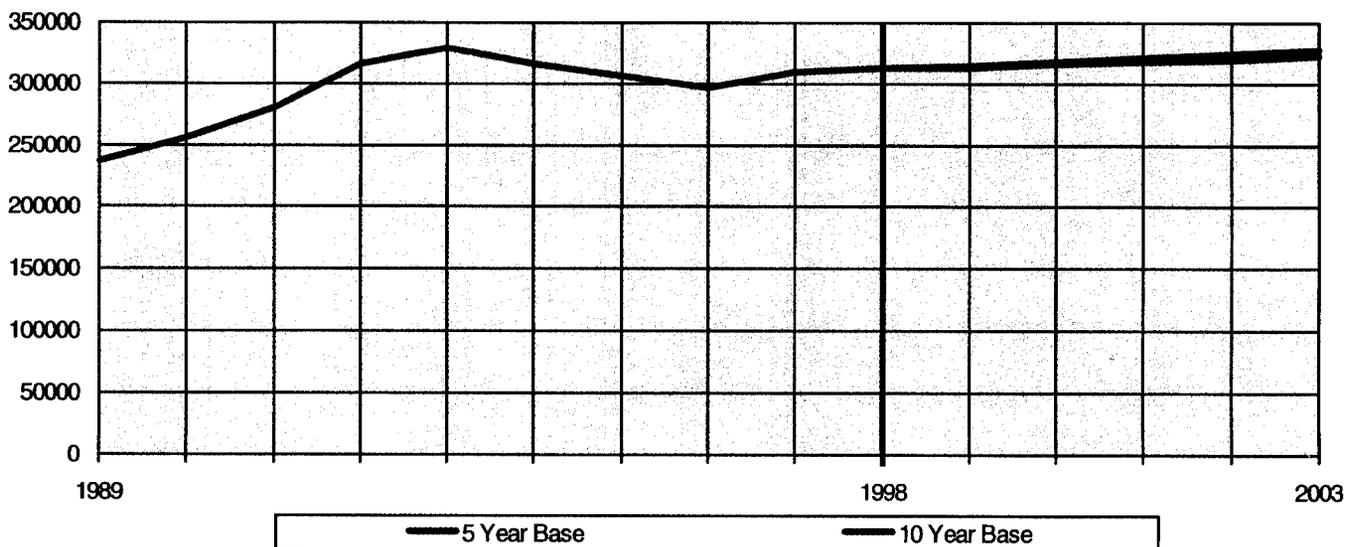
FISCAL YEAR 1998 TOTAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
Criminal	32,736	282,082	278,283	36,535	+ 3,799	+ 11.6%
Civil	6,172	31,558	32,145	5,585	- 587	- 9.5%
TOTAL	38,908	313,640	310,428	42,120	+ 3,212	+ 8.3%

10 YEAR CASELOAD TRENDS



5 YEAR PROJECTED FILINGS BASED ON 10 YEAR ACTUAL FILINGS



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

JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1998 CRIMINAL AND TRAFFIC CASES*

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
NEW CASTLE COUNTY						
Court 9	1,846	2,563	2,675	1,734	- 112	- 6.1%
Court 10	2,602	15,302	15,226	2,678	+ 76	+ 2.9%
Court 11	8,593	34,073	31,512	11,154	+ 2,561	+ 29.8%
Court 14	965	1,922	1,933	954	- 11	- 1.1%
Court 15	2,515	12,663	11,875	3,303	+ 788	+ 31.3%
Court 18	165	12,962	12,565	562	+ 397	+ 240.6%
Court 20	0	1,617	1,088	529	+ 529	---
KENT COUNTY						
Court 6	890	5,325	5,145	1,070	+ 180	+ 20.2%
Court 7	1,934	32,686	32,377	2,243	+ 309	+ 16.0%
Court 8	332	1,892	1,963	261	- 71	- 21.4%
SUSSEX COUNTY						
Court 1	539	3,513	3,687	365	- 174	- 32.3%
Court 2	746	9,287	9,346	687	- 59	- 7.9%
Court 3	3,308	24,330	23,680	3,958	+ 650	+ 19.6%
Court 4	1,218	13,909	13,049	2,078	+ 860	+ 70.6%
Court 5	736	3,428	3,471	693	- 43	- 5.8%
TOTAL	26,389	175,472	169,592	32,269	+ 5,880	+ 22.3%
VAC	6,347	106,610	108,691	4,266	- 2,081	- 32.8%
STATE	32,736	282,082	278,283	36,535	+ 3,799	+ 11.6%

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 three charges would be counted as three cases.

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

JUSTICE OF THE PEACE COURTS

COMPARISON - FISCAL YEARS 1997 - 1998 CRIMINAL AND TRAFFIC CASES*

NEW CASTLE COUNTY	1997	1998	Change	% Change
Court 9	3,268	2,563	- 705	- 21.6%
Court 10	16,223	15,302	- 921	- 5.7%
Court 11	33,189	34,073	+ 884	+ 2.7%
Court 14	1,872	1,922	+ 50	+ 2.7%
Court 15	10,371	12,663	+ 2,292	+ 22.1%
Court 18	11,572	12,962	+ 1,390	+ 12.0%
Court 20	0	1,617	+ 1,617	---
KENT COUNTY				
Court 6	4,651	5,325	+ 674	+ 14.5%
Court 7	29,401	32,686	+ 3,285	+ 11.2%
Court 8	2,571	1,892	- 679	- 26.4%
SUSSEX COUNTY				
Court 1	3,931	3,513	- 418	- 10.6%
Court 2	8,862	9,287	+ 425	+ 4.8%
Court 3	23,917	24,330	+ 413	+ 1.7%
Court 4	11,672	13,909	+ 2,237	+ 19.2%
Court 5	4,307	3,428	- 879	- 20.4%
TOTAL	165,807	175,472	+ 9,665	+ 5.8%
VAC	113,741	106,610	- 7,131	- 6.3%
STATE	279,548	282,082	+ 2,534	+ 0.9%

COMPARISON - FISCAL YEARS 1997 - 1998 CRIMINAL AND TRAFFIC CASES*

NEW CASTLE COUNTY	1997	1998	Change	% Change
Court 9	3,185	2,675	- 510	- 16.0%
Court 10	15,656	15,226	- 430	- 2.7%
Court 11	32,214	31,512	- 702	- 2.2%
Court 14	1,718	1,933	+ 215	+ 12.5%
Court 15	9,755	11,875	+ 2,120	+ 21.7%
Court 18	11,557	12,565	+ 1,008	+ 8.7%
Court 20	0	1,088	+ 1,088	---
KENT COUNTY				
Court 6	4,460	5,145	+ 685	+ 15.4%
Court 7	28,837	32,377	+ 3,540	+ 12.3%
Court 8	2,554	1,963	- 591	- 23.1%
SUSSEX COUNTY				
Court 1	3,932	3,687	- 245	- 6.2%
Court 2	8,633	9,346	+ 713	+ 8.3%
Court 3	23,211	23,680	+ 469	+ 2.0%
Court 4	11,221	13,049	+ 1,828	+ 16.3%
Court 5	4,222	3,471	- 751	- 17.8%
TOTAL	161,155	169,592	+ 8,437	+ 5.2%
VAC	113,054	108,691	- 4,363	- 3.9%
STATE	274,209	278,283	+ 4,074	+ 1.5%

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 three charges would be counted as three cases.

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

JUSTICE OF THE PEACE COURTS

FISCAL YEAR 1998 CIVIL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending	Executions Filed
NEW CASTLE COUNTY							
Court 9	40	1,073	932	181	+ 141	+ 352.5%	374
Court 12	1,358	9,401	8,772	1,987	+ 629	+ 46.3%	1,976
Court 13	313	8,242	7,898	657	+ 344	+ 109.9%	1,914
KENT COUNTY							
Court 8	4	16	13	7	+ 3	+ 75.0%	0
Court 16	2,362	6,595	7,596	1,361	-1,001	- 42.4%	2,665
SUSSEX COUNTY							
Court 2	4	0	0	4	0	0.0%	0
Court 17	974	3,797	3,925	846	- 128	- 13.1%	1,617
Court 19	1,117	2,434	3,009	542	- 575	- 5.5%	960
STATE	6,172	31,558	32,145	5,585	- 587	- 9.5%	9,506

FISCAL YEAR 1998 CIVIL CASELOAD BREAKDOWNS

NEW CASTLE COUNTY	Complaints		Landlord/ Tenant		TOTALS		Complaints		Landlord/ Tenant		TOTALS	
Court 9	895	83.4%	178	16.6%	1,073	100.0%	768	82.4%	164	17.6%	932	100.0%
Court 12	5,339	56.8%	4,062	43.2%	9,401	100.0%	4,647	53.0%	4,125	47.0%	8,772	100.0%
Court 13	4,820	58.5%	3,422	41.5%	8,242	100.0%	4,231	53.6%	3,667	46.4%	7,898	100.0%
KENT COUNTY												
Court 8	16	100.0%	0	0.0%	16	100.0%	13	100.0%	0	0.0%	13	100.0%
Court 17	4,795	72.7%	1,800	27.3%	6,595	100.0%	5,357	70.5%	2,239	29.5%	7,596	100.0%
SUSSEX COUNTY												
Court 2	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Court 17	2,877	75.8%	920	24.2%	3,797	100.0%	2,986	76.1%	939	23.9%	3,925	100.0%
Court 19	1,920	78.9%	514	21.1%	2,434	100.0%	2,475	82.3%	534	17.7%	3,009	100.0%
STATE	20,662	65.5%	10,896	34.5%	31,558	100.0%	20,477	63.7%	11,668	36.3%	32,145	100.0%

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

ALDERMAN'S COURT

ALDERMAN'S COURT

Alderman Harold Britton Barber (Bethany Beach)
Alderman David B. Striegel (Delmar)
Alderman Marvin Guberman (Dewey Beach)
Alderman Paul H. Sheridan (Laurel)
Chief Alderman Loreto P. Rufo (Newark)
Alderman James R. Folsom (Newport)
Alderman Melanie M. Buchanan (Ocean View)
Alderman Michael J. DeFiore (Rehoboth Beach)

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 eight active Alderman's Courts at the end of 1998, two in New Castle County and six 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 the Court of Common Pleas within 15 days of trial.

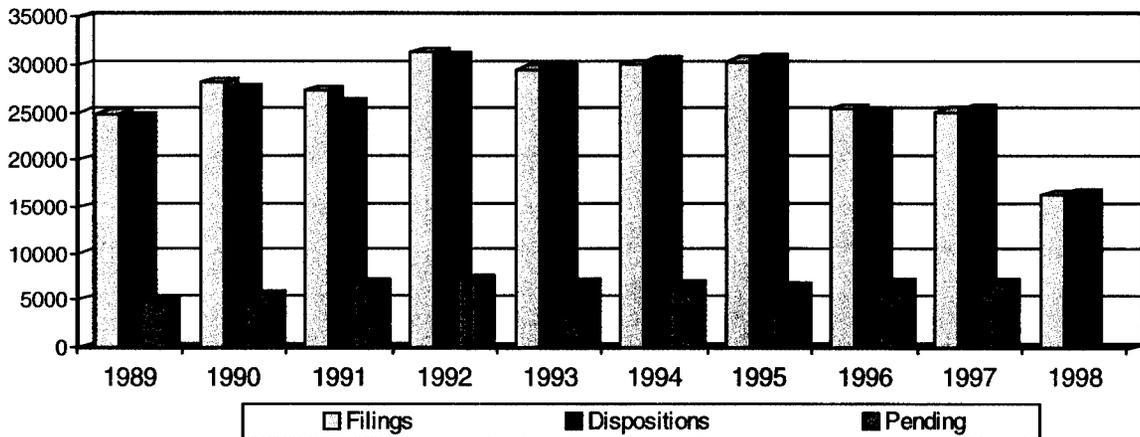
Aldermen

The selection, number, tenure and qualifications of Aldermen are determined by the town themselves. Some require lawyers while others choose ordinary citizens. A few aldermen serve full-time, while some are part-time judges.

FISCAL YEAR 1998 TOTAL CASES

	Pending 6/30/97	Filings	Dispositions	Pending 6/30/98	Change in Pending	% Change in Pending
NEW CASTLE COUNTY						
Newark	4,897	10,805	10,866	4,836	- 61	- 1.2%
Newport	340	N/A	N/A	N/A	N/A	N/A
SUSSEX COUNTY						
Bethany Beach	693	N/A	N/A	N/A	N/A	N/A
Delmar	748	1,313	1,654	407	- 341	- 45.6%
Dewey Beach	0	1,225	1,225	0	0	---
Laurel	105	1,312	1,351	66	- 39	- 37.1%
Ocean View	0	0	0	0	0	---
Rehoboth Beach	163	1,758	1,583	338	+175	+ 107.4%
STATE	6,946	16,413	16,679	N/A	N/A	N/A

10 YEAR CASELOAD TRENDS



* The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.
 Note: Data not available for Newport and Bethany Beach Courts for FY '98.
 Projections are not possible because of the large changes in caseload in recent years.
 Source: Alderman's Courts, Administrative Office of the Courts.



State of Delaware
ADMINISTRATIVE OFFICE OF THE COURTS

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Wilmington, Delaware 19801
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