

**FOR IMMEDIATE RELEASE
MAY 18, 2016**

**State Leaders Celebrate the 50th Anniversary of Justice of the Peace Court
Joining the Delaware Court System**

On May 11, 2016 at the Delaware Public Archives in Dover, Court officials including Delaware Supreme Court Chief Justice Leo E. Strine Jr. and Delaware Chief Magistrate Alan Davis, along with Governor Jack A. Markell and leaders from the Delaware General Assembly, gathered to commemorate the 50th Anniversary of the Justice of the Peace Court formally joining the Delaware State Court system.

In honor of the 50th Anniversary, the Delaware Public Archives unveiled an exhibit on the history of the Justice of the Peace Court that features photographs and rare documents related to the history of the Court, including an arrest warrant signed by Caesar Rodney in 1767.

The Justice of the Peace is one of the oldest offices in Delaware, tracing its roots back through English and Dutch colonization to the 1600s. The role of the Justice of the Peace has evolved significantly over the years but has maintained its general purpose as a “middle term” between citizens and the Courts. Just as at their founding, Justices of the Peace are not required to be attorneys (except for the Chief Magistrate) but are to be “well-informed citizens” with “good sense and integrity.”

Until the newly-created Justice of the Peace Court began its operations in 1966, Justices of the Peace were paid based on fees imposed. This and other standard practices that had existed for hundreds of years had long been rightfully critiqued.

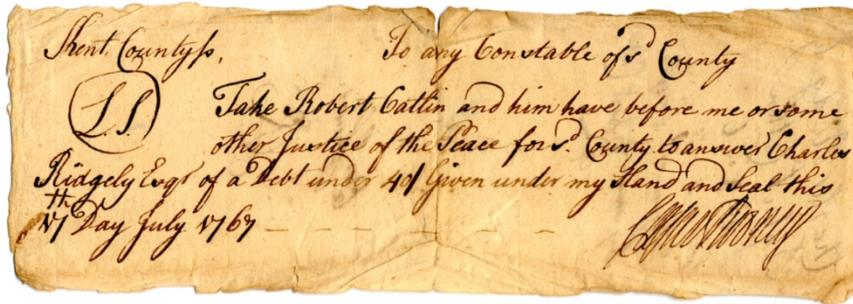
At the request of the Delaware Bar Association and others – and with the strong support of Governor Charles L. Terry Jr. – legislation was enacted in 1965 and implemented in 1966 to reform the Justice of the Peace Court and bring it formally into the Delaware State Judiciary. As a result, Justices of the Peace – also often known as magistrates – became salaried employees. While a law degree is still not required, Justices of the Peace as a result of joining the Delaware Judiciary began to receive training to provide for a more professional Court that emphasizes procedural fairness and consistency in its rulings. Justices of the Peace are currently trained in criminal and civil law, as well as judicial ethics and other critical topics.

“We are not only celebrating fifty years of the statewide Justice of the Peace Court, but also centuries of judicial history and a spirit of reform in the name of justice for all that has not ceased since 1966,” said Chief Magistrate Alan Davis.

In Fiscal Year 2015, the sixty Justices of the Peace across the state handled a total of 250,622 criminal cases and 32,381 civil cases. They also review approximately 99 percent of all search and arrest warrants authored in the State of Delaware and act as committing magistrates on all crimes up to and including Murder in the First Degree.

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Warrant signed by Caesar Rodney (1767) (image courtesy of the Delaware Public Archives)

In addition to his more well-known roles, Caesar Rodney also served as a Justice of the Peace in Kent County. This warrant, signed by Rodney on July 17, 1767, orders the arrest of a man to answer to a debt he allegedly owes.



Georgetown Justice of the Peace at his court (1925) (image courtesy of the Delaware Public Archives)

Justice of the Peace William Wilson is seated at his desk at his court in Georgetown in September 1925.



The signing of the legislation reforming the Justice of the Peace Court (1965) (image courtesy of the Delaware Public Archives)

The modern-day Justice of the Peace Court was created with the signing of legislation by Governor Charles L. Terry, Jr. on March 31, 1965. The newly-reformed court began its operation in January, 1966.



Delaware Supreme Court Chief Justice Leo E. Strine, Jr., (at podium) speaks at the Delaware Public Archives at the May 11, 2016 event marking the 50th Anniversary of the Justice of the Peace Court joining the Delaware State Court system. Looking on from left to right are Justice of the Peace Court Chief Magistrate Alan G. Davis, Governor Jack A. Markell (partially obscured) and House Speaker Peter C. Schwartzkopf.



Governor Jack A. Markell (at podium) speaks at the May 11 ceremonies at the Delaware Public Archives in Dover commemorating the 50th Anniversary of the Justice of the Peace Court joining the Delaware State Court System. Behind the Governor, from left are Justice of the Peace Court Chief Magistrate Alan G. Davis, Supreme Court Chief Justice Leo E. Strine, Jr. and House Speaker Peter C. Schwartzkopf.

PHOTO: Courtesy Governor Markell's office.



Delaware Speaker of the House Peter C. Schwartzkopf (at podium) addresses the crowd at ceremonies marking the 50th Anniversary of the Justice of the Peace Court joining the Delaware State Court System at the Delaware Public Archives in Dover on May 11, 2016. Seated behind Speaker Schwartzkopf, from left to right, are Justice of the Peace Court Chief Magistrate Alan G. Davis, Supreme Court Chief Justice Leo E. Strine, Jr. and Senate President Pro Tempore Patricia M. Blevins.

PHOTO: Courtesy Speaker Schwartzkopf's office.

**Remarks at the Delaware Public Archives marking the
50th Anniversary of the Justice of the Peace Court
Joining the Delaware Judiciary**

Delaware Public Archives
Dover, Delaware
May 11, 2016

**Leo E. Strine, Jr.
Chief Justice
Delaware Supreme Court**

Good Afternoon.

I am honored to say a few words on behalf of my colleagues on the Supreme Court. I am going to start with a few words our excellent staff assures me are true. The Justice of the Peace Court traces its roots back to before the founding of both Delaware and the nation, to the 1600s and the Dutch colony at New Amstel on the Delaware River. Back then and for the centuries that have followed, the magistrates who served on that court did not have to be learned in the law, or even have a formal courthouse or courtroom, they just had to have good sense and integrity.

Some of those early proceedings were held on porches, in garages or in — not necessarily unoccupied — stables. Now, my staff claims they were always shoveled out, but I confess to doubts. Even if so, there was a bit of an odor in the air for other reasons. After all, the magistrates were paid based on the fees and fines they collected. Sometimes proceedings were about as dignified and respectful as the settings in which they were held.

The system had its rough-and-ready charms, but it needed to be reformed and held to a higher level of professionalism, which is what happened 50 years ago when the Justice of the Peace Court became a part of the Delaware Judiciary.

No system is so good that it cannot benefit from periodic review and improvement. We are striving to do just that today in the Delaware Judiciary in our ongoing efforts with the University of Delaware in process improvement and through our

recent survey of members of the Delaware Bar, conducted by the American College of Trial Lawyers, to evaluate the operations of the Delaware Courts and to solicit suggestions on how we might operate better.

In looking for a role model for this self-improvement effort, we need look no further than the example set by the Justice of the Peace Court over the past 50 years. The positive changes in the Justice of the Peace Court have been tremendous.

From the 95 loosely affiliated Justices of the Peace who handled about 57,000 criminal cases in the mid-1960s, we now have 60 magistrates who handle more than 250,000 criminal cases and 32,000 civil cases every year.

Just like in the 1600s and the 1960s, the Justices of the Peace of today, with the exception of the Chief Magistrate, do not have to be attorneys. But now — in addition to having “good sense and integrity” — Delaware magistrates receive training in criminal and civil law to help them ensure consistency and fairness in proceedings.

And the Justice of the Peace Court worked to make the experience of dealing with the Court as efficient and professional as possible, by constructing safe, secure, and dignified courthouses and more recently by creating a centralized call Information Center, where all calls to the Justice of the Peace Court are routed and where 90 percent of inquiries are resolved without the need to involve court staff. This has freed up frontline staff to focus on serving the public in the courthouse without the constant interruption of the phone.

The Justice of the Peace Court is also at the forefront of a number of innovations including the Smart Pretrial Demonstration Initiative that is looking at how we handle bail in this state and ways that we might do it better. The goal is to give magistrates access to a validated risk assessment tool to help them determine if the person brought before them is a danger who needs to be taken off the streets or, if he is not a threat to society, whether he should go free on his own recognizance and receive regular reminder notices of court appearances, saving the taxpayers money while preserving public safety.

The Justice of the Peace Court is the busiest court system in the state, taking in and clearing between 310,000 and 280,000 civil and criminal cases every year. Most of those cases do not involve great questions of law or the futures of giant corporations. The Court's cases don't make headlines and usually involve things like traffic charges, disputes among neighbors, or landlord-tenant disputes. The work of the Justice of the Peace Court may seem small, but to the people involved in those disputes, the cases are anything but minor. Small problems become huge ones when they are not resolved fairly and expeditiously. They fester and erode community confidence and safety. The Justice of the Peace Court's diligence in treating all with fairness and respect helps keep our society together and yes, at "peace."

As the Chief Magistrate is fond of saying, the Justice of the Peace Court is "the place where justice starts" in Delaware, and the Delaware Judiciary would not be as vital without it.

So today we all owe a debt of gratitude to Gov. Charles L. Terry, attorney (and later Supreme Court Justice) Joseph Walsh, then-Representative (and later Superior Court Judge) Vincent Bifferato and all those who worked so hard to bring the Justice of the Peace Court into the Delaware Judiciary 50 years ago. As important, let us all thank the hardworking magistrates and employees of the Justice of the Peace Courts for all they do to serve our citizens and state. On behalf of my colleagues on the Supreme Court, please know how grateful we are for your service.