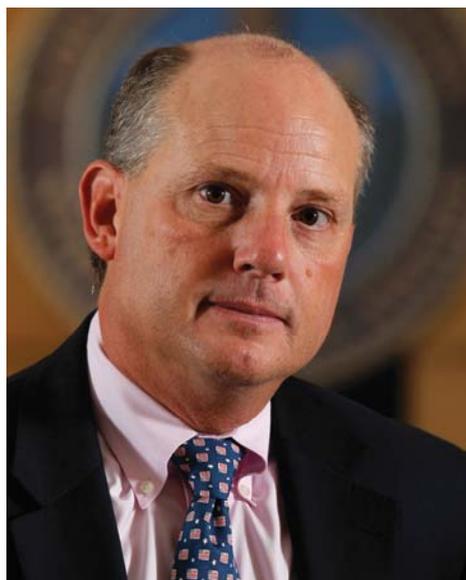


MESSAGE FROM CHIEF JUSTICE LEO E. STRINE, JR.



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During this past year, the Judicial Branch has focused on ways to work “smarter” and more efficiently through using technology wisely and rethinking old processes through innovation. Our courts continue to enjoy a well-earned national reputation of excellence and are consistently recognized for their timely resolution of cases. Delaware remains the state of choice for business entities due, in large part, to our Judiciary’s expert resolution of corporate and commercial disputes. We benefit from an excellent relationship with the Delaware State Bar. And, we have made important progress on our policy goals – despite the fiscal challenges that our State is facing – due to these strengths and the commitment of judges, employees, the Bar, and the other branches of government to improve our justice system. As a framework to guide our efforts to make a strong Judiciary even stronger, long-term Judicial Branch policy goals were developed after extensive discussions with judges, attorneys, and a diverse group of citizens affected by the justice system. This message addresses the Judicial Branch’s progress toward meeting those goals over the past year.

Improving Access to Justice for Delaware Citizens and the Justice System Overall

The Judicial Branch’s long-standing dedication to a just, effective, and efficient system of justice remains strong. The Supreme Court’s Access to Justice Commission, which held its kick-off meeting in December 2014, is looking at ways to make our justice system – both civil and criminal – fairer to all citizens of our state. The Commission was intentionally composed so that distinguished members of the public would be the only voting members and could hold

our justice system accountable for delivery on its full promise. During the past year (and their first year of operation), the committees under the Access to Justice Commission focused on information-gathering. The committees addressing civil reform are exploring ways to fill existing gaps in legal services and eliminate barriers that can make access to justice difficult for our citizens. Early recommendations have proposed transforming underutilized resources by repurposing the law libraries to make them a main location for *pro se* services, putting more information online, as well as engaging our public libraries as partners in putting information in the hands of citizens. Combining resources in this efficient way should be a cost-effective opportunity to support *pro se* litigants.

The Commission’s Committee on Fairness in the Criminal Justice System is examining the causes of the stark disparity between the percentage of Delaware’s prison population who are black and the percentage of Delaware’s overall population who are black, and proposing ways to reduce those disparities and improve public safety. During the past year, the Fairness Committee completed a series of public informational sessions and public forums on such topics as alternatives to incarceration, bail and pre-trial issues, charging and sentencing decisions, policing strategies, and the root causes of racial disparities in the criminal justice system. To give the Committee a strong starting point, nationally recognized experts from the University of Pennsylvania Law School’s Quattrone Center for the Fair Administration of Justice, the Equal Justice Initiative, and the University of Delaware presented detailed papers on policy solutions that have promise. Using that input and the thoughts provided by members of the public, the Fairness Committee is now

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embarking on an exploration of identified problems and potential solutions, with the goal of making specific short and long-term reform recommendations over the next year or so. As Dr. Martin Luther King, Jr. said, “Injustice anywhere is a threat to justice everywhere.” We must continue efforts to deliver fully on the promise that everyone has certain inalienable rights and is equal before the law.

Meeting the Business World’s Need for Cost-Effective and Timely Dispute Resolution

This past April, the Delaware General Assembly passed, and Governor Markell signed into law, the Delaware Rapid Arbitration Act (“the DRAA”). The effort to craft the DRAA was led by the Secretary of State, the Delaware State Bar Association, and the Judiciary, with support from key leaders in the General Assembly. This measure will help Delaware remain competitive in the formation of business entities, both nationally and internationally, by offering entities that form in Delaware access to swift, certain, and cost-effective dispute resolution. The DRAA was drafted by leading Delaware lawyers and judges in consultation with the Corporate Law Section of the Delaware State Bar Association, based on extensive consultation with attorneys and others throughout the country and globe. The new arbitration process is designed for sophisticated business entities that are willing to limit traditional litigation process protections – such as extensive discovery and full appellate review – in favor of a faster, confidential resolution of their disputes. Passage of this Act sent a clear signal that Delaware continues to be committed to meet the ever-changing needs of businesses in a rapidly globalizing economy. The DRAA is a perfect example of our State at its best – showcasing our ability to achieve cooperation among the public and private sectors, all branches of government, and both major political parties.

Consistent with this focus, the Judiciary also recently created a new Chancery mediation center in the New Castle County Courthouse, in space made available next to the Court of Chancery Chambers (and the new location of the Register in Chancery).

Maximizing Limited Resources

November 2015 marked the one-year anniversary of our 10-year agreement with the Alfred Lerner School of Business and Economics at the University of Delaware to work cooperatively on process improvement in the Courts and

strengthen our overall management muscle. Through this partnership, administrative leaders and high-level managers and others from the Courts and all of our partner agencies – including the Attorney General, the Office of Defense Services, the Department of Correction, the Division of Youth Rehabilitative Services, and the Governor’s Office – have been trained in Lean Six Sigma process improvement techniques, which in plain words mean finding ways to remove waste and cut unnecessary steps from our processes. During the first year, the Judicial Branch and partner agencies completed 19 projects, which have saved more than 4,250 staff hours. Highlights of this effort include:

- Replacing the Court of Common Pleas’ manual bail tracking process with a computerized system that will save between 400 and 600 hours annually;
- Improving the Department of Correction (“DOC”)’s processing of sentencing order information, saving an estimated 100 to 160 hours annually, and saving an additional 2,000 staff hours by reducing or eliminating paper filings by DOC, as well as reducing long-term storage space needs;
- Statistically validating the Office of Defense Services’ effort to provide “vertical” representation to their clients;
- Standardizing the Attorney General’s witness data entry processes; and
- Consolidating specific docketing activities at the Court of Common Pleas, which should save 1,000 employee hours annually.

This initiative offers Lean Six Sigma certification training to our employees, benefitting our efforts to improve efficiency and building our employees’ personal skills for the future. We remain committed to investing in our employees and recognize that they have struggled with salaries that lag behind inflation and increasing workload demands, during these difficult fiscal times.

Process improvement has also shaped the Judicial Branch’s efforts over the past year in many other ways. One example is the creation of our comprehensive, user-friendly online guide for Judicial Branch administrative directives and policies. In the spirit of openness and transparency, the new Judicial Branch Operating Procedures, which were issued in August 2015, consolidated and modernized the dozens of

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administrative directives that dated back decades and were extremely difficult to navigate because they were not organized by topic. This new online resource makes the game of “find the policy” a thing of the past by putting all key administrative policies of the Judicial Branch in one place with a clear subject matter index. In that same spirit, the Judicial Branch also established a new Media Working Group, a cooperative effort between the Delaware Courts and the media, to foster stronger communication, avoid misunderstandings, and facilitate thoughtful coverage of the Delaware Judicial Branch and state courts.

Another critical process improvement and technology initiative is our ongoing effort to establish a single e-filing system for all civil and criminal cases in all Delaware courts, which will make us a pioneer among the nation’s state court systems. This unified approach will make the process easier for litigants, maximize sharing and accessibility of information, and eliminate archiving of “paper” court records. Major progress has been made on this project over the last year, and our goal is that every court in this State will be on the same, high-quality e-filing system within the next two years.

The extension of e-filing to criminal cases will be especially important. Components of the docket will be at the fingertips of judges, lawyers, and staff when they need it, which is often not the case now. Storage, printing, and archiving costs will be cut. But, perhaps most critically, e-filing will capture important data early and the e-filing system will be able to help populate the case management systems of partners like DOC. Time will be saved for probation and parole officers, prosecutors, and defense attorneys who will be able to file documents more easily. Clear and understandable sentencing orders should be expected in all cases, because

there will be no excuses, given how easy e-filing will make the generation of clear, printed sentencing orders. E-filing will boost our ability to analyze criminal justice data, saving huge amounts of time and money for litigants and taxpayers in coming decades.

Conclusion

This report on important developments understates the challenges that face us. As this is written, the Judiciary, Bar, and its partners in the other branches of government and public sector are working together to address serious deficiencies in our downstate Family Court facilities, to fix the inequitable pay suffered by New Castle County based employees who work in downtown Wilmington, to improve the performance of our problem-solving courts, and to make sure that the Judiciary has the predictable technology funding it needs to serve future generations of Delawareans well and efficiently. As we move forward, the Judicial Branch will continue to work – both through process improvement and the smart use of technology – to provide the people of Delaware and business litigants with efficient, effective, and equitable ways to resolve their legal disputes. As important, we will continue to seek out the views of those we serve to get their advice about how we can do better, and to reflect constantly on what we can do to make sure we handle our cases as justly and promptly as humanly possible. We are grateful for the support of the other branches of government, the Bar, and our justice system partners for their cooperation and help in our effort to improve the Delaware Courts. Working together – with thoughtfulness, patience, and perseverance – we can build on the solid foundation left us by prior generations and make Delaware’s justice system even stronger.



Standing from left to right is Chief Justice Leo E. Strine, Jr., Dean Bruce Weber from the Alfred Lerner School of Business and Chief Judge Alex Smalls of the Court of Common Pleas.

Photograph taken at first year anniversary event held on November 19, 2015, for the ten year partnership between the Courts and the University of Delaware promoting process improvement in the Courts and the justice system