

# JUSTICE OF THE PEACE COURT



## JUSTICE OF THE PEACE COURT

### CHIEF MAGISTRATE ALAN G. DAVIS



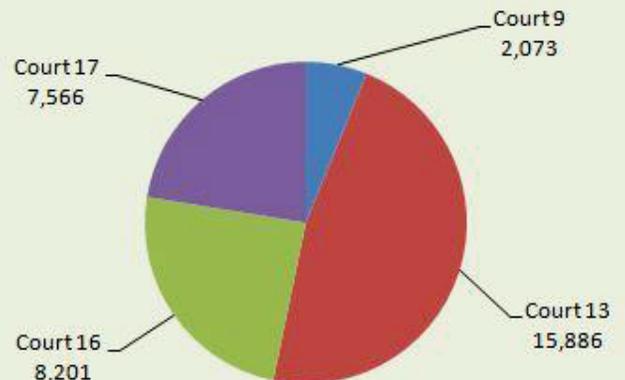
Calendar year 2016 marks the 50th anniversary of the modern iteration of the Justice of the Peace Court in Delaware. The position of Justice of the Peace has existed going back to the Dutch colonial days of the 1600's, but its establishment as a unified court within the state's Judiciary is of relatively recent vintage. The actions and foresight of those who helped recreate the Justice of the Peace system in the period between 1964 and 1966 established a foundation upon which the entire judiciary of the State of Delaware now rests. The Justice of the Peace Court is now in many ways the epitome of a strong and vital limited jurisdiction court. It is innovative in its approach to both civil and criminal case processing; it boasts a bench of wide experience and deep commitment to legal excellence; and it continuously works to improve the conditions under which it provides entry level access to Delaware's criminal and civil justice systems.

It was not always this way. The Justice of the Peace system in this state had long been plagued by twin problems. First, not only were its members not typically educated in the law, their path to appointment and their lack of a support system provided no incentive to improve their understand-

ing of the requirements of the positions that they held and the importance of their role in the justice system. Justice of the Peace positions were often treated as political plums to be doled out and there was no supervision or encouragement for self-improvement once in office. Second, the system itself created incentives for bad behavior. Justices of the Peace were paid through the costs and fines that they collected, which for some of lesser morals meant that finding in favor of the wrong party could take money out of their own pocket. As a result there were often calls to reform or eliminate the positions altogether.

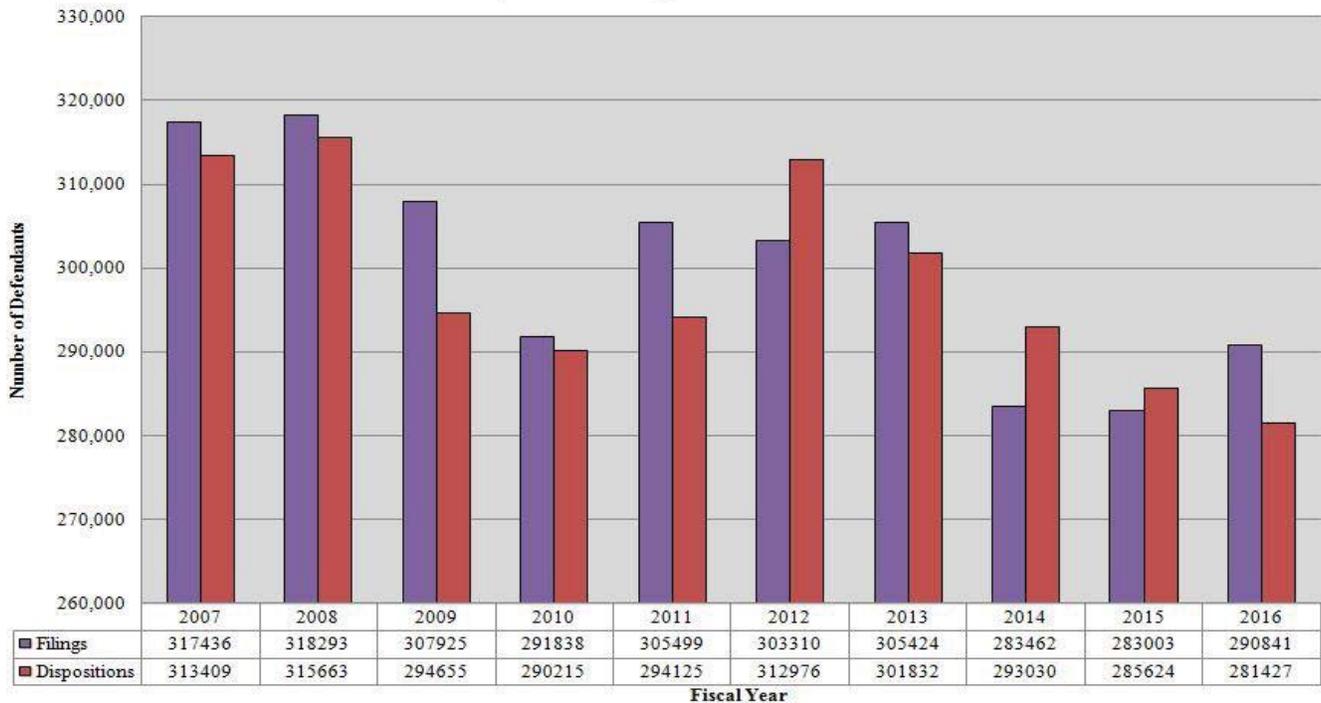
But for a twist of historical fate, the Justice of the Peace Court might not even exist today. In

**TOTAL JUSTICE OF THE PEACE COURT CIVIL CASES FILED BY COURT FY 2016**



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**Justice of the Peace Court Civil & Criminal/Traffic Filings and Dispositions by Fiscal Year\***



\* Criminal filings & dispositions are by defendant

1964, Charles Terry was serving as Chief Justice of the Delaware Supreme Court. Tiring of his structural inability to address the failings of the Justice of the Peace system and the constant calls for him to do something, he established oversight of the independent judges by putting a Deputy Court Administrator in charge of monitoring, coaching and general wrangling of the Justices of the Peace. He did so with no clear authority, since the system fell outside the purview of the state judiciary.

Later that year, Terry’s political party came to call asking that he consider running for Governor. He agreed, resigned as Chief Justice and made part of his platform the reform of the Justice of the Peace system. He won the election, and, true to his promise, in the 1965 legislative session Governor Terry, along with a number of supporters in the General Assembly and the Bar, proposed and won passage of reform legislation that addressed many of the issues facing the system.

No longer would Justices of the Peace get any portion of their pay from the fines and costs; they were awarded a small salary paid by the State. They also were given better accommodations. Holding court in living rooms and garages and on back porches was out; the State

would provide office space for the administration of justice. Perhaps most importantly, the legislation brought the system into the state’s Judiciary, providing the opportunity for administrative control, educational opportunities and access to better understanding of the role in the overall justice system. The legislation did, however, retain the lay character of the bench, highlighting the need for this level of court to be closely aligned with the people it served.

In the years since 1966, when the first judges were put in place under the new, unified court system, the Justice

### Sponsored Service Projects Commemorating the 50th Anniversary

- March – Food Bank of Delaware
- April – Faithful Friends Animal Shelter
- May – Salvation Army Clothing Drive
- July – Project Journey Bags – DSCYF
- August – School Supply Drive
- September – Delaware Mud Run for Leukemia Research
- October – Juvenile Diabetes Research Foundation
- November – Shoe Drive
- December – Toys for Tots

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of the Peace Court has seen continuous efforts to improve and make itself into a standard-bearer limited jurisdiction court. In 1980, the Court got its first presiding judge when Norman Barron was appointed Chief Magistrate. A statewide mandatory judicial education program has been established, with an extensive basic legal education curriculum for newly appointed judges and continuing legal education credit requirements exceeding those of Delaware attorneys. The Court has improved its facilities incrementally and consolidated locations regularly to improve the experience of those who use the Court and avoid the cost of increasing staffing. Case management improvement has been a constant effort. From the establishment of the judiciary's first electronic case management system to the creation of a voluntary assessment center, to the advancement of the use of videophone technology, to the development of our police prosecution process, we have always had an eye on innovating and capitalizing on the strengths of the organization.

The stature and standing of this Court has done nothing but improve since its reform in 1966. To commemorate these fifty years of growth and success, the Court has come together for the entire year to learn about the history of the Court, to celebrate our experiences and to give something back to the community we serve. We have "branded" our fiftieth anniversary, shared fun facts about our history, engaged in court-wide events and games, and conducted service projects supporting local and national charities. To that end, our staff and judges have contributed tens of thousands of dollars worth of money, goods and time to such worthy causes as the Food Bank of Delaware, providing transition bags for youth going to foster care, and helping fund a cure for Type 1 diabetes. A lot of

## Post-Reform Highlights of Justice of the Peace Court

- 1965 – Legislation is introduced and enacted reforming the Justice of the Peace Court system
- 1966 – New statewide Justice of the Peace Court becomes operational
- 1980 – Norman A. Barron, Delaware's first Chief Magistrate, takes office
- 1987 – First purpose-built Justice of the Peace Court is completed in Milford
- 1990 – First case management system is implemented
- 1991 – Wearing of judicial robes is required; Voluntary Assessment Center (VAC) is opened
- 1993 – Videophone communication systems for warrants and arraignments are first installed
- 1994 – Twelve-week Basic Legal Education program for new judges is created
- 1995 – Jurisdiction in civil cases is increased from \$5,000 to \$15,000
- 1996 – Statewide truancy court is created
- 1998 – Filings in the City of Wilmington come under the jurisdiction of the Justice of the Peace Court
- 2002 – Statewide videophone court is established
- 2006 – Police prosecution program is established to resolve traffic cases more expeditiously
- 2009 – Court Security assessment is implemented to fund the hiring of additional security officers
- 2013 – New risk assessment tool is launched to help provide greater consistency in bail decisions
- 2015 – Audio recording of all court proceedings begins

us even got really wet and muddy at the Delaware Mud Run to help advance leukemia research.

Just because we are celebrating fifty years of progress in the advancement of justice does not mean we are resting on our laurels. As the Court with the largest and arguably most diverse caseload in the Delaware Judiciary, we must constantly work toward improving our processes and ensuring that we provide high-quality justice. Not only do we have to provide expeditious and cost-effective resolution of matters, but we must do so while remaining fair to all of those who rely on our service.

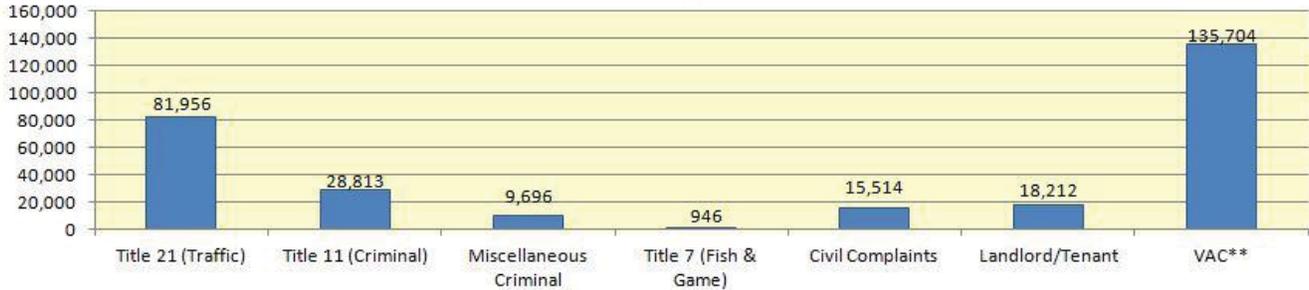
Just as the last fifty years must be our example in how to keep improving, we must also embrace a lesson from before the reform - a court that does not serve the public with actual and perceived fairness is not a court at all. ♦

## CAPIASES CLEARED BY JUSTICE OF THE PEACE COURT FOR OTHER COURTS FY 2016



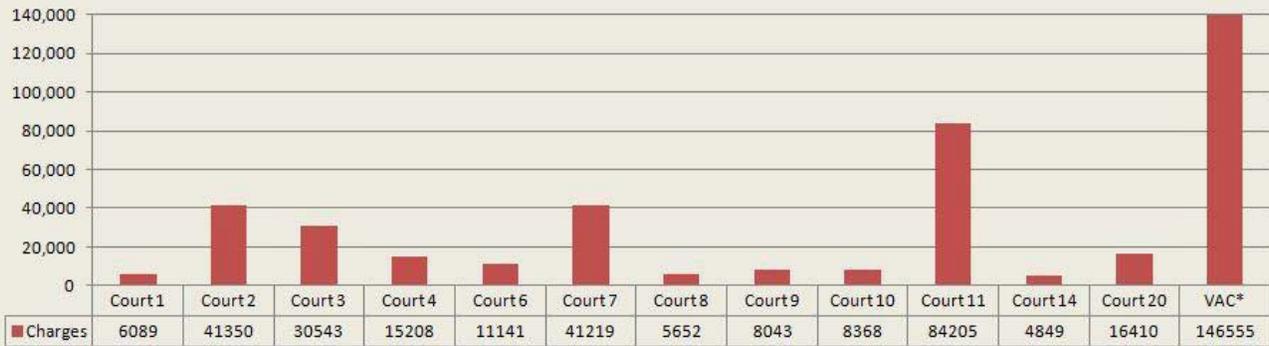
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**NUMBER OF JUSTICE OF THE PEACE COURT FILINGS\* BY TYPE  
FY 2016**



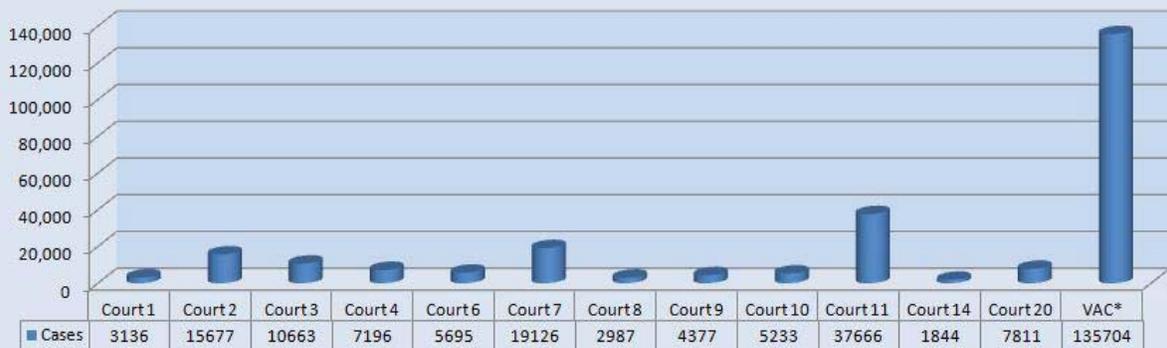
\*Criminal filings are by defendant.  
\*\*Voluntary Assessment Center.

**JUSTICE OF THE PEACE COURT CRIMINAL & TRAFFIC CHARGES BY COURT FY 2016**



\*Voluntary Assessment Center.

**JUSTICE OF THE PEACE COURT CRIMINAL & TRAFFIC CASES BY DEFENDANT BY COURT FY 2016**



\*Voluntary Assessment Center.

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# JUSTICE OF THE PEACE COURT



## NEW CASTLE COUNTY JUDGES

***Sitting, front row (left to right):***

Susan Cline; Cheryl Stallmann; Rosalie Rutkowski; Bonita Lee, Deputy Chief Magistrate; Nina Bawa; Kathy Gravell; Marie Page; Amanda Moyer.

***Standing, middle row (left to right):***

Nancy Roberts; Katherine Ross; Roberto Lopez; Marilyn Letts; Beatrice Freel.

***Standing, back row (left to right):***

Carman Jordan-Cox; Thomas Brown; Thomas Kenney; James Hanby, Sr.; Emily Ferrell; David Skelley; William Moser; Gerald Ross, III; William Young, III; Sean McCormick; James Tull; Christopher Portante.

***Not pictured:***

Vincent Kowal; Cheryl McCabe-Stroman; Deborah McNesby; John Potts; Kerry Taylor; Susan Ufberg.

# JUSTICE OF THE PEACE COURT



## KENT COUNTY JUDGES

***Sitting, front row (left to right):***

W. G. Edmanson, II; Michael Sherlock; D. Ken Cox.

***Standing, back row (left to right):***

Dana Tracy; Alexander Montano; William J. Sweet; James Murray; Kevin Wilson.

***Not pictured:***

Ernst Arndt, Deputy Chief Magistrate; Pamela Darling; Cathleen Hutchison.

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# JUSTICE OF THE PEACE COURT



## SUSSEX COUNTY JUDGES

***Sitting, front row (left to right):***

Deborah J. Keenan; Michelle Jewell; Sheila Blakely, Deputy Chief Magistrate; Jana Mollohan; Rochelle Knapp.

***Standing, middle row (left to right):***

Nicholas Mirro; James Horn; John McKenzie.

***Standing back row (left to right):***

John Hudson; Christopher Bradley; William J. Wood; John Martin; William Boddy, III; John Adams; Richard Comly.

***Not pictured:***

Stephani Adams; Jennifer Sammons; Larry Sipple; Scott Willey.