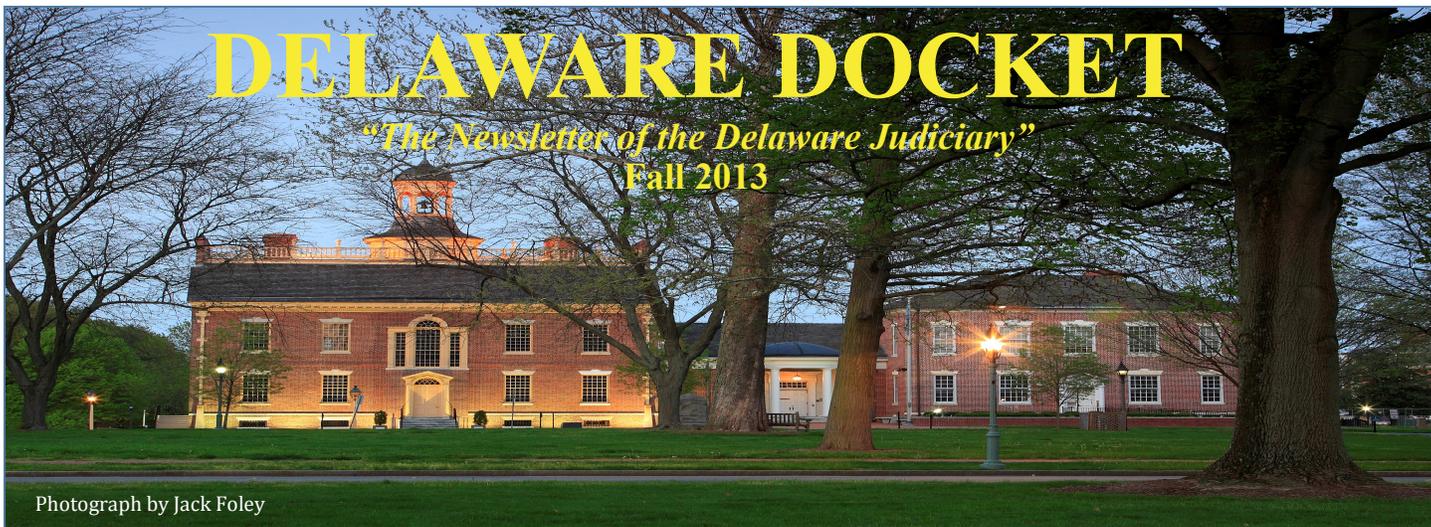


# DELAWARE DOCKET

"The Newsletter of the Delaware Judiciary"

Fall 2013



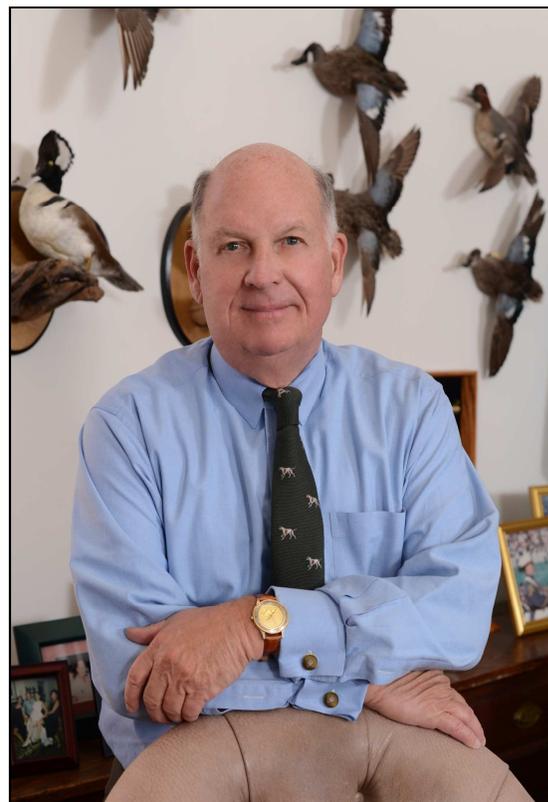
Photograph by Jack Foley

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## CHIEF JUSTICE MYRON T. STEELE

Supreme Court Chief Justice Myron T. Steele will retire on Nov. 30, 2013 after serving 25 years on the Delaware bench. Appointed Chief Justice in 2004, he joined the Supreme Court as a Justice in 2000 and previously served on both the Superior Court and the Court of Chancery. Most recently, the Chief Justice completed a term as President of the Conference of Chief Justices and Chairman of the Board of Directors for the National Center for State Courts in August 2013. He is a graduate of the University of Virginia and received both his law degree and his masters of law degree from the University of Virginia School of Law. His legal career has spanned more than four decades, including eighteen years in private litigation practice prior to taking the bench. He has presided over major corporate litigation, and limited liability companies and limited partner governance disputes, and frequently writes on issues of corporate document interpretation and corporate governance. He has published over 400 opinions resolving disputes among members of limited liability companies and limited partnerships, and between shareholders and management of both publicly traded and close corporations.



Following his penchant for teaching, the Chief Justice is an Adjunct Professor of Law at the University of Pennsylvania Law School, the University of Virginia School of Law and the Pepperdine University School of Law. He has received professional accolades throughout his career and his reputation extends well beyond state and national borders. The *Directorship* Magazine consistently ranks Chief Justice Steele as one of the 100 most influential people in corporate governance in the United States. He has been continually placed on *Lawdragon's* list of "Leading Lawyers in America" and "Top Judges in America."

Chief Justice Steele was awarded the 2012 Judicial Achievement Award by the U.S. Chamber Institute for Legal Reform which recognized his leadership and the "efficiencies he has instilled" as Chief Justice, as well as his role in solidifying the Delaware Supreme



Court's "reputation as the exemplar for direction and sound management." In accepting the award, the Chief Justice remarked, "It is very generous of you to personalize this Judicial Achievement Award, but please allow me to accept it on behalf of all the women and men in the Delaware Judicial Branch, who work with limited resources and take enormous pride in their work product."

The Administrative Office of the Courts recently sat down with Chief Justice Steele to reflect on his time as Chief Justice and his thoughts on the future.

*(AOC): You served as the Chief Justice during some particularly difficult times. What was the most difficult situation that you faced?*

**(CJ): There were two events that come to mind. The first would be the shooting at the New Castle County Courthouse and the impact on employees. One doesn't often think about something like that happening, but it did. The tragic event will have a rippling effect for years to come. Employees who once thought they were safe coming to work now doubt their own security and that of their loved ones. We must continue to do everything within our power to make sure that an event like this does not happen again in the Delaware Courts, without sacrificing access to justice.**

The second most difficult situation would be the emasculation of the Delaware Compensation Commission. That Commission's failure to provide an objective assessment of public officers' compensation in the last eight years represents a reneging on the promise to Delaware judges, when that system was created, that there would be a fair review of judicial compensation every four years. The effective loss of the Commission as a viable vehicle to address judicial pay inadequacies, combined with the minimal state employee pay increases over the last ten years, have meant that the compensation rates paid to judges and Judicial Branch employees have fallen further and further behind inflation and benefit cost increases. I regret that the limitations placed on my position in our current system and, effectively, on the operation of the Judicial Branch as a separate, co-equal branch of government, prevented me from addressing these rising pay inadequacies.

*(AOC): What do you feel have been some of your most important accomplishments and decisions as Chief Justice?*

**(CJ): I am very pleased that we continue to be viewed as the nation's top court system. I am not sure that people realize the pressure not to break that string. I am also extremely proud of my colleagues' decision during the state's fiscal crisis in FY 2010 to voluntarily share in the judicial branch employees' pain of the 2 ½% salary reduction, even though they were not legally obligated to do so. In addition, although it took a few years, I believe that the decision to faithfully follow the empirical formula for determining when to request additional judicial positions was, ultimately, key to our success in obtaining two new, and much needed, judgeships in the Superior Court.**

*(AOC): Do you have any frustrations about goals that you were unable to complete?*

**(CJ): Yes. The Judicial Branch needs its own personnel system. As a separate and equal branch of government, it only makes sense that we would have a separate system since the Judicial Branch, itself, is in the best position to understand what we do, how we do it, and what we need to accomplish our mission.**

*(AOC): What surprised you the most in your role as Chief Justice?*

**(CJ): I have been pleasantly surprised by how easy it turned out to be to work with my colleagues on the Court. I hear from other jurisdictions dreadful stories about judges not getting along. We have a genuine respect for one another. It has been a pleasure to work alongside these very talented men and women.**



Chief Justice Steele is a wonderful mentor and teacher to all of his clerks, which have been named his “Knuckleheads.” With the Chief Justice’s guidance, my writing skills improved immensely during my clerkship. His advice continues to carry with me today as I prepare briefs and motions in my law practice. The Chief Justice encourages his clerks to do everything they can to get the most out of the clerkship, and he does everything he can to make that happen. Before and after every oral argument he took the time to meet with the clerks to talk about the legal arguments. He treats the clerks as his colleagues, which is something that was much appreciated. He told us many times that he values the different perspectives and fresh ideas of his clerks, and he instilled in us that everyone deserves an even playing field. I have so many fond memories of my clerkship, and I am so grateful to have had the opportunity to clerk for Chief Justice Steele. Not only was it a fabulous clerkship experience, the relationship with the Chief Justice and his Knuckleheads extends well beyond the year of clerking. The Chief Justice treats his Knuckleheads like family. I have truly enjoyed being friends with so many of the Knuckleheads, and I always look forward to our gatherings with the Chief Justice.

**Allyson Britton DiRocco, Esq.**  
**Attorney at Morris James LLP**

*(AOC): What do you perceive as being the greatest issues facing the judiciary and the justice system generally?*

**(CJ): It continues to be a challenge to secure sufficient resources to fairly compensate all employees and to keep up to date with technology and infrastructure needs. Despite the many innovations and court efficiencies which the Courts have instituted, the widening chasm between court resources and workload demands has impacted the Courts’ ability to efficiently provide constitutionally-mandated services. There is a critical need to ensure that courthouses are both accessible and secure. That means looking at much needed updates to (or replacement of) courthouse facilities such as Family Court in Kent and Sussex Counties.**

*(AOC): Do you have any words of caution/encouragement for the Judicial Branch as a whole going forward?*

**(CJ): I hope that people will look on the new Chief Justice as a leader of a team of responsible, professional, dedicated employees and that they will allow him or her to build consensus on resource needs, and make changes in court processes as the future demands. As for caution, although it is likely unnecessary to mention, we need to always remember that the Judicial Branch’s independence is the foundation of our success. We cannot allow ourselves to be governed by the other branches of government.**

*(AOC): What changes (if any) have you observed in the way law is practiced in Delaware?*

**(CJ): The Bar is radically more diverse with many more views and new ideas based on cultural/historical backgrounds. Also, there has been a breakdown of firm loyalty, both associates to partners and vice versa. I am amazed at how frequently lawyers change firms,**

**which contrasts with my experience of 18 years with one firm. The economic pressures on law firms and partners affect training of associates and billing practices. These economic demands would appear to be much more pressurized than they used to be and, no doubt, have changed the way law is practiced.**

*(AOC): What do you think have been the qualities that have made you such an effective leader?*

**(CJ): Over the years, I have come to recognize that I am but one voice. There is enormous talent in the Judicial Branch at every level and I have listened to and learned from all of them. I did not individually set our mission. We came together to speak with one voice.**

*(AOC): What advice would you give to a new Delaware attorney?*

**(CJ): It would be the same advice that I give to my laws clerks – find a niche that a firm needs to have filled and work hard to be irreplaceable.**



(AOC): *Do you have any parting thoughts for Judicial Branch employees?*

(CJ): **I believe the General Assembly is going to work towards a pay raise at the end of this next legislative session. There is hope for better working conditions and pay. Do not be discouraged. Without a doubt, the exceptional efforts and commitment of the judges and Judicial Branch employees are the reason for the Delaware Judiciary's reputation and achievements. I will continue to marvel at the Judicial Branch employees' remarkable resilience and dedication in making sure that the job "gets done," while confronting exponentially increasing workloads and declining resources.**

(AOC): *What will you look forward to most as you leave the bench?*

(CJ): **I am looking forward to being out of the public eye and the ability to manage my personal schedule better than I have for the past 9 ½ years.**

*We are very thankful for Chief Justice Steele's inspirational leadership and his strong and thoughtful guidance throughout his tenure as Chief Justice, particularly during the difficult times resulting from the New Castle County Courthouse shooting and the State's fiscal challenges in recent years. The benefits we have gained through his efforts and accomplishments will be felt for many years to come. Thank you, Chief Justice Steele!*

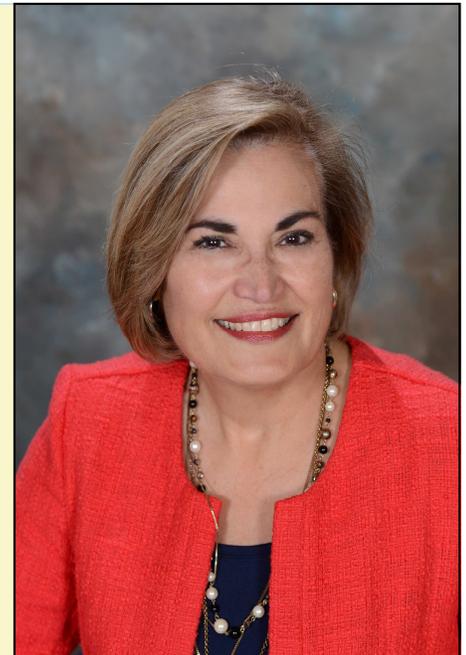
## **A FOND FAREWELL TO ROYLENE MARVEL**

From the beginning, Roylene Marvel, Judicial Assistant to Chief Justice Steele, remembers wanting to be a legal secretary -- Della Street of Perry Mason fame to be exact. Born and raised in California, Roylene fed her love of the law by attending a local business school where she honed her skills as a legal assistant taking a job with a California law firm after graduation. Roylene met her husband, who was just finishing a tour in Vietnam, while vacationing in Hawaii. They returned to his native Delaware where she has lived for 43 years.

Her first legal job in Delaware was with the former Justice Henry R. Horsey at Morris, James, Hitchens & Williams, LLP, followed by a brief stint at Schmittinger & Rodriguez, P.A. Roylene left the legal profession to work at the Delaware Technology Community College where she also attended classes. But it wasn't long before she answered an ad in the paper for the position of legal secretary at Prickett, Jones, Elliott, Kristol & Schnee where she first met Chief Justice Myron T. Steele. Except for a brief hiatus when Chief Justice Steele joined the Delaware Superior Court, Roylene has worked with the Chief Justice for over 30 years. With the Chief Justice's moves from Superior Court to the Court of Chancery and on to the Supreme Court, first as Justice and then Chief Justice, Roylene states that she's loved the challenge of each move. With each new role came new responsibilities.

Roylene laments that there have been plenty of changes in the practice of law since those first days in Dover when the use of carbon paper and typing erasers were all the rage. She received her CAP Certification (Certified Administrative Professional) in 1980 and has been a Charter Member of First State Chapter, IAAP (International Association of Administrative Professionals) since 1979; she credits this organization with helping her keep abreast of the latest trends.

As for the Chief Justice, Roylene notes that she has enjoyed working with him every step of the way. Roylene describes the Chief Justice as a patient teacher and says that fact alone made the various transitions so much easier. She notes that one of the things she admires most about the Chief Justice is his ability to teach and mentor others, adding **"He has always encouraged me to ask questions when I needed to."** The Chief Justice's "open door policy" extends to his law clerks as well. Roylene notes that she has learned so much over the years and enjoyed each



**“The Chief Justice’s relationship with his clerks (fondly referred to as the Knuckleheads) is extraordinary. He treats them like they are family and the relationship continues on well beyond the clerkship. Being part of that is one of the things I will miss most about the job.”**

Roylene Marvel



and every challenge. “One of the most important things that I have learned from the Chief Justice is to acknowledge one’s mistakes as opposed to hiding from them....He has always emphasized the importance of facing one’s responsibilities head on, asking for guidance when necessary and admitting mistakes. These three things are critical to doing any job well.” Roylene looks forward to the next leg of the journey with the Chief Justice, wherever that may take her.

## GOVERNOR MARKELL RECOGNIZES CHIEF JUSTICE STEELE AT THE CONFERENCE OF CHIEF JUSTICES

At the invitation of Chief Justice Myron T. Steele, Delaware Governor Jack Markell gave a luncheon address at the Conference of Chief Justices (CCJ)’s Annual Meeting on July 30, 2013 in Burlington, Vermont. The CCJ is comprised of the top judicial officer of each state, commonwealth, the District of Columbia, and U.S. territories. This year’s CCJ annual conference focused on “Collaborative Justice: Interbranch Relations in the New Century.” Governor Markell spoke about the importance of collaboration among the judicial, executive and legislative branches of government. In his comments, he praised Chief Justice Steele’s “unsurpassed dedication, passion and judgment” and thanked him for “building and maintaining...the finest state judiciary in the nation.” He noted that while the Chief Justice “is someone who knows that the strength of our courts depends on their independence...., he is also someone who knows that independent branches of government do not exist in silos; and that in the real world the different branches of government work best when they work together.”

Referring back to the February 11, 2013 shooting at the New Castle County Courthouse, the Governor noted the

Acknowledging Chief Justice Steele’s leadership on a national level and his position as President of CCJ and Chair of the National Center for State Courts’ Board of Directors from August 2012 through August 2013, Governor Markell remarked that:

***“A judiciary is only as good as the men and women who serve in it — and quite simply, Chief Justice Steele is as good as they get....He is a tireless and forceful advocate for our state’s judiciary and, indeed, for the entire State of Delaware.”***

an obligation to respect “each other’s independent role in the democratic process, while working together to earn the people’s trust...our ultimate obligation is to give the people we work for a fair chance to make the most of their abilities.”

For more information, contact [patricia.griffin@state.de.us](mailto:patricia.griffin@state.de.us)

## Superior Court Establishes Listserv

Members of the public and the legal community can now subscribe to the Superior Court Listserv to receive e-mailed notification of Superior Court’s Orders & Opinions, Administrative Directives, Order and Plans, e-Litigation, News, and more. Those interested in subscribing can do so on the Superior Court of Delaware Official Web Site.

For more information, contact [margaret.fredrick@state.de.us](mailto:margaret.fredrick@state.de.us)



## Court Security Personnel Receive Training On Workplace Violence

Training on preventing and mitigating workplace violence, with an emphasis on dealing with active shooter attacks, was presented to 118 court security personnel and Capitol Police officers in two day-long sessions held October 24 and October 25, 2013. By the nature of their work, security personnel are often at the frontline of workplace violence. The training was organized by the Administrative Office of the Courts, in collaboration with Capitol Police, and presented by John Rose of Holston International Training and Consulting, LLC.

The training session commenced with a brief update provided by Jim Wright, Deputy State Court Administrator, on new security initiatives, and a general question and answer session. The presenter, John Rose, was then introduced by Captain John Horsman of Capitol Police. The training focused on the characteristics and appropriate response to each of the four categories of workplace violence; the need to institute workplace policies and strategies that can reduce instances of workplace violence; and tactics and responses to an active shooter attack. In particular, the speaker stressed the importance of implementing and practicing a response plan for both security personnel and civilian personnel. Training should include external partnering agencies so that outside agencies can be familiar with the physical layout and internal security procedures. An assessment of the workplace's vulnerabilities should be conducted to anticipate and prepare for a rapid response should violence occur.

Examples of real life incidents, such as the 1999 Columbine High School massacre in Colorado, the 2007 Virginia Tech massacre and the 2011 Crawford County Courthouse

*"In speaking with a number of the court personnel who attended the seminar, it was quite obvious from their comments that the information and lessons learned were extremely informative and worthwhile. Additionally, the Administrative Office of the Courts should be commended for their efforts in both recognizing the need and for their willingness to fund such training".*

**Lieutenant Lee C. Clough**  
Regional Supervisor, Delaware Capitol Police

shooting in Arkansas, were used to illustrate the responses in place at the time and the "lessons learned" from each event. Participants had the opportunity to ask questions throughout the training and discussions were lively and engaged.



Presenter John Rose addressing court security and Capitol Police officers on preventing and mitigating workplace violence.

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## Delaware Representatives Participate in National Courthouse Violence Project

On August 22, 2013, the National Center for State Courts (NCSC) conducted a two-day meeting in Denver, Colorado with representatives from six states who have encountered serious violent incidents in their courthouses in the last two years. Deputy State Court Administrator Jim Wright and Capitol Police Lt. Lee Clough joined representatives, including judges, court officials and law enforcement officers, from South Carolina, Minnesota, Arkansas, Washington and Oklahoma. Participants discussed the "lessons learned" from the shootings and stabbings that occurred in their courthouses and shared the knowledge and experience gained from the incidents - what it takes to endure, recover from, and prepare for these types of catastrophic events. NCSC staff conducted the meeting and will prepare and publish a practical users' guide on handling serious, violent incidents in courthouses.

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Jim Wright (AOC) and Lee Clough (Capitol Police) with other participants in NCSC's National Courthouse Violence Project.

## FAMILY COURT JUDICIARY HOSTS PROMINENT FACULTY FOR TECHNOLOGY TRAINING



Family Court Judges and Commissioners completed their third training session on issues related to electronically stored information (“ESI”) on September 12, 2013. This session, entitled “Challenges and Benefits of Technology in Achieving Justice,” was led by Judge Ralph Artigliere, Judge Paul W. Grimm, and Kevin Brady, Esquire. Family Court Judges and Commissioners discussed the qualities and characteristics of ESI that make it a valuable source of evidence, as well as the strategies for courts and counsel to meet the challenges posed by ESI evidence. The Judges and Commissioners explored the role of the judicial officer in establishing guidelines for litigants and attorneys. The panel also addressed and discussed ethical responsibilities related to technology and ESI, including the recent amendments to the Delaware Lawyers’ Rules of Professional Conduct. To close out the day, Judge Grimm gave an excellent primer on ESI and the rules of evidence.

The September 2013 session followed earlier training sessions:

- On January 12, 2012, the first training was held at Delaware State University and Family Court Judges and Commissioners received instruction on electronic evidence, including essential digital technology and prominent admissibility issues related to ESI.
- Judge Artigliere and Mr. Brady returned on November 1, 2012 to present “Digital Evidence 2.0: Emerging Issues in Information Technology.” Topics discussed included ethical changes and current issues with ESI, including spoofing.
- Judge Artigliere and Mr. Brady made a similar presentation to the Family Law Section of the Delaware State Bar Association on November 2, 2012 at the annual Family Law Update.

The Family Court expresses its sincere appreciation for the amount of time and quality of instruction that these three selflessly provided to the Court. It is the Family Court’s hope that this “series” will continue.

- Judge Artigliere served as a Circuit Judge for Florida’s 10th Judicial Circuit from 2001 until 2008, is a frequent lecturer at the Florida Judicial College, the Florida College of Advanced Judicial Studies, and the Florida Bar Advanced Trial Advocacy Course, and a member of the American College of Trial Lawyers. Judge Grimm was appointed to the Maryland District Court on December 10, 2012. Previously, he served as a Magistrate Judge from 1997 until 2006 and as a Chief Magistrate Judge from 2006 to 2012.
- Judge Grimm was recently recognized by The American Lawyer as one of five pioneer judges who have shaped the evolution of e-discovery. He is author of the decision, *Lorraine v. Markel American Ins. Co.*, 214 F.R.D. 534 (D. Md. 2007), and a recent law review article entitled the “Authentication of Social Media Evidence,” which was published in the Journal of Trial Advocacy.
- Kevin Brady, Esquire, Delaware’s own, is a nationally recognized expert on e-discovery and technology issues. He is a litigation partner at Eckert, Seamans, Cherin & Mellott, LLC., and is a founding member, and current President, of the Richard Herrmann Technology Inn of Court. He was recently named co-chair of the Delaware Supreme Court’s Commission on Law and Technology.

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## Jurisdiction to Certify Questions of Delaware Law to the Delaware Supreme Court Expanded

The Delaware Supreme Court recently amended its Rule 41 to reflect the constitutional amendment, enacted in June 2013, authorizing the United States Bankruptcy Courts to certify questions of Delaware law to the Delaware Supreme Court prior to the entry of final judgment in a case if (1) there is an important reason for immediate determination of the question, and (2) the certifying court has not yet decided the question in the case. This jurisdiction, which expands on similar jurisdiction provided to the Securities and Exchange Commission in 2007 to certify questions of law to the Delaware Supreme Court, allows for a more efficient and cohesive development of Delaware-related law in the federal context.

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## Family Court Judges Take On Issues Faced by Youth Aging Out of Foster Care System

### Jim Casey Youth Opportunities Initiative, Success Beyond 18

On May 6, 2013, Family Court Chief Judge Chandlee Johnson Kuhn and Judges Peter Jones and Barbara Crowell traveled to Washington, D.C., to join with child welfare officials from around the country and youth who have experienced foster care to help launch the **Jim Casey Youth Opportunities Initiative, Success Beyond 18**. Governor Jack Markell delivered the keynote address, underscoring his commitment to youth aging out of foster care.

The purpose of the initiative is to increase public understanding, to mobilize communities to take action, and to promote improved policies and practices aimed at creating a better path for all young people transitioning from foster care to adulthood. In sixteen sites, including Delaware, the Jim Casey Youth Opportunities Initiative is providing financial and staff support to develop programs and enhance resources for young adults exiting the foster care system. Active since January 2011, Delaware's initiative (Delaware Youth Opportunities Initiative) is administered by the Delaware Center for Justice in cooperation with the Delaware Department of Services for Children, Youth, and Their Families and assists young people transitioning out of the state's foster care system to manage life as an adult. The initiatives work to develop partnerships in the communities and resources for the youth to improve the systems of support for these youth. Family Court judges routinely monitor all children and youth in foster care in Delaware and the Court has extended jurisdiction to continue monitoring such youth past their eighteenth birthday when requested by the youth.



Family Court Judges Peter Jones and Barbara Crowell, along with representatives of the Youth Advisory Council, at the Jim Casey Youth Opportunities Initiative, Success Beyond 18.



Delaware Family Court Judges and others with Governor Markell, who delivered the keynote address at the Jim Casey Youth Opportunities Initiative, Success Beyond 18.



## Ready by 21 – Delaware's Success Beyond 18



In the spring of 2012, after hearing compelling testimony from former foster care youth about the obstacles they encountered after leaving foster care at age 18, the Delaware General Assembly passed a resolution establishing a task force to study the issues facing youth exiting the foster care system in Delaware. Family Court Judges Jones, Crowell and Pyott were appointed by the Governor to serve on that task force along with six foster care youth. Following frequent meetings, the task force submitted a program proposal to Governor Jack Markell during the summer of 2012. In the fall of 2012, he designated \$515,000 in his budget for programs to support youth aging out of foster care. Those funds became available this fiscal year to the **Ready By 21-Success Beyond 18 Program**.

A Ready By 21 Summit, attended by over 400 people, was held at Dover Downs in August 2013 to highlight the successful implementation of this program. Youth, Family Court Judges, lawyers, social workers, social service pro-

viders, and advocates came together to reflect on work performed to date; integrate youth and adults in decision-making; celebrate recent successes; and recommend additional improvements to the legal and social systems affecting youth aging out of foster care. The engagement of youth in the development and planning as well as their participation in the event was key to the success of the Ready by 21 Summit. Participants listened to national speakers from the Jim Casey Youth Opportunities Initiative, Legal Aid Society of New York, Build Social LLC, and the Child Welfare Court Improvement Project at New York State. Thirty different workshops were offered for both youth and professionals and focused on topics such as financial literacy programs, car insurance, employment training, independent living benchmarks, transition plans and youth involvement in court, post secondary education scholarships and aid, housing alternatives, juvenile expungements and many others. The event concluded with a talent show featuring the varied and extensive talents of members of the Youth Advisory Council, an organization for youth who have experienced foster care.

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## SUPPORT FOR NEW COMMUNITY COURT INITIATIVE

The Justice of the Peace Court's work towards establishing the State's first Community Court continues. The proposed new court will combine two existing Justice of the Peace Courts into one location within the City of Wilmington and introduce community court principles in the new court building. In January 2012, the Court began working with the Center for Court Innovation (CCI) to accomplish this goal and has conducted strategic planning sessions.

On June 19, 2013, the Court convened a meeting for local community members and other potential stakeholders to introduce them to the Community Court concept. The town hall meeting was held in the Northeast State Service Center in Wilmington and was attended by approximately 60 community members, justice system stakeholders, and community organizations. CCI's Danielle Malangone and Carmen Facciolo presented on the community court model, its replication around the world, and community court results. After the presentation by CCI, Chief Magistrate Alan Davis and Court Administrator Marianne Kennedy provided an overview of the Justice of the Peace Court's efforts and answered questions from members of the audience. The reaction from the local community members was positive and overwhelmingly supportive for the new court.



Chief Magistrate Davis speaking with community members and others at the town hall meeting about the Justice of the Peace Court's plans for a community court.

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## Visitors Tour Kent County Courthouse Courtroom No. 1

The Kent County Courthouse Courtroom No. 1 was recently added as one of the many fascinating historical stops on the First State Heritage Park Trail at Dover. The park is Delaware's first urban "park without boundaries" and includes historic and cultural sites in the city. A much anticipated addition to the trail, Courtroom No. 1 is open on the first Saturday of the month from 1:30 p.m. to 4:00 p.m. Visitors receive information about the history of Delaware's judicial system and hear stories about the judges who have presided in that courtroom.

The Kent County Courthouse has been in the same location since 1874 and has undergone a series of renovations. In 1918, the Courthouse's fourth floor was removed and the exterior was redone in Colonial style. In 1983, changes included a third-story addition, air conditioning and accommodations for the handicapped. The most recent renovation addressed crumbling walls, basement flooding, leaking roof, outdated electrical wiring, and major security updates. Courtroom No. 1 was re-painted in the pre-1918 color scheme and reopened on June 13, 2013.

The response to the renovated Courthouse has been overwhelmingly positive. Many who worked at, or visited, the old courthouse are pleased to learn of its recent inclusion as a site on the First State Heritage Park Trail.

Lisa Robinson, Kent County Superior Court Deputy Court Administrator, has special memories of the old Courthouse – she has worked at the Courthouse for 22 years and was married in Courtroom No. 1 in 2006.

*"I like the character of the courtroom. It's got that historic feel,"* said Lisa.

*"Those of us who remember the old Courthouse do not even recognize it when inside the building now that it is so clean and pretty. It's amazing. It doesn't look like the same place. The Judges are very happy with the renovations and are enjoying using the courtrooms again,"* Lisa said proudly. *"It really is worth the time to stop in and have a look at our beautiful new old Courthouse."*

Lisa Robinson, Kent County Deputy Court Administrator, Superior Court, in newly renovated Courtroom No. 1 in the Kent County Courthouse



For more information, contact [lisa.robinson@state.de.us](mailto:lisa.robinson@state.de.us)

### Courthouse Wireless Access You Are Now Free to Move About the Courthouse

The Judicial Information Center announced on September 26, 2013 that wireless internet access has been established for all major courthouses statewide (New Castle County Courthouse, Kent County Courthouse, Sussex County Courthouse, and Kent and Sussex Family Court Courthouses). State employees and members of the public authorized to bring electronic devices into the courthouses now have wireless access in those courthouses for their laptops, smartphones, and mobile devices. The Justice of the Peace Court will be piloting wireless internet access in the near future.

The JIC Help Desk distributed instructions to connect to the wireless networks and answers to FAQs in an email to courthouse employees. Instructions on using state.net or guest.net are available on the Courts website at <http://courts.delaware.gov/docs/WirelessFAQforCourtUsers.pdf> or on the JIC Helpdesk intranet page at <http://judicial.state.de.us/aoc/helpdeskhome.stm>.

For more information, contact [dale.matthews@state.de.us](mailto:dale.matthews@state.de.us)

## THE JUSTICE OF THE PEACE COURT ROLLS OUT NEW PRETRIAL RISK ASSESSMENT TOOL



The Justice of the Peace Court will begin using the pretrial risk assessment tool developed in response to Senate Bill 226, which was enacted on August 8, 2012. SB 226, which seeks to promote informed decision-making by institutionalizing the use of a pretrial risk assessment for release decisions, is based on recommendations issued by the Governor's Justice Reinvestment Task Force. The Task Force, established by executive order on July 25, 2011, was created to examine the state's criminal justice system and find ways to reduce costs, improve public safety and prevent recidivism. The Justice of the Peace Court has worked closely with DELJIS, the Criminal Justice Council, the Vera Institute (a non-profit center for justice policy and practice that focuses on justice reform initiatives), and other criminal justice agencies to create the tool and implementation plan. Roll out of the pretrial risk assessment tool is targeted for December, 2013.

The new pretrial risk assessment instrument applies research-based objective criteria to assist the court in identifying the likelihood that a defendant will fail to appear and/or pose a danger to the community during the pretrial stage. The new law also requires that the instrument must be responsive to the needs of victims of domestic violence and sexual assault. To support this mandate, the instrument will include a section identifying whether the offense included domestic violence, sexual assault or the use of firearms and/or deadly weapons. The instrument will also include flags for persons convicted of breach of release, violation of no contact, or protection from abuse orders. Once it is put into place, the tool will undergo a validation process conducted by the Criminal Justice Council and the Vera Institute, to determine whether the risk factors are statistically significant in driving outcomes for release that strengthen community safety.

*"I very much appreciate all the hard work by our Judges, staff and system partners in creating the pretrial risk assessment tool. I am hopeful that the tool will assist us to make more informed bail decisions that weigh the rights of the accused, protect public safety and assure orderly court process."*

Chief Magistrate Alan Davis,  
Justice of the Peace Court

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## Delaware Capitol Police Participate in Security Exercise at Kent County Courthouse

On July 24, 2013, Delaware Capitol Police participated in a joint security exercise with the Dover Police Department and SWAT Team, the Delaware Department of Correction and the Community Emergency Response Team (CERT) Team, and Kent County Superior Court bailiffs. The exercise, organized to orient the Dover Police Department and the Department of Correction with the Kent County Courthouse, took place in the Kent County Superior Courthouse.

The participants were given a scenario and were tasked with working together to reach a common security goal. In the fictional scenario, a "judge" was taken hostage in the courtroom at the same time a Department of Correction Officer in the Courthouse cell block was held captive during an attempt to escape. The training exercise provided an important opportunity for "live" practice and collaboration among the participants.

**"The training was a success and we are looking forward to additional scenario based training statewide."**

Capt. John E. Horsman, Operations Commander, Delaware Capitol Police

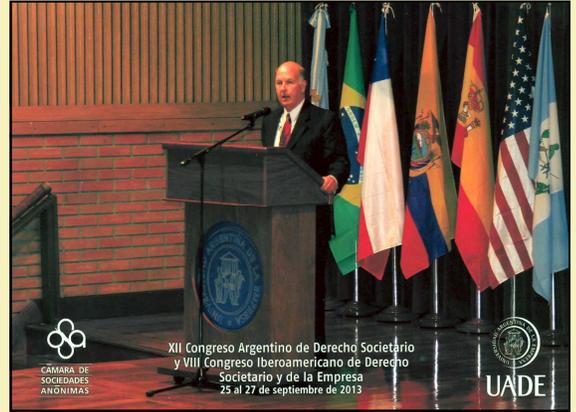
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# Delaware Judiciary Recognized

**Supreme Court Chief Justice Myron T. Steele, Court of Chancery Chancellor Leo E. Strine, Jr. and Vice Chancellor Donald F. Parsons, Jr.** were among the esteemed group of panelists at the 2013 Mergers and Acquisitions Roundtable held in New York City in May 2013. The panel included leaders from law firms, investment banking, private equity, hedge funds, academia and government.

**Chief Justice Steele** additionally participated as a panel member at several recent conferences, including the American Bar Association (ABA) Minority Counsel Program and the ABA Annual Meeting, where he spoke on topics such as *Key Issues in Negotiating Preferred Stock Investments and Exits* and *International Mergers and Acquisitions*. He also provided the keynote address at the Uniform Law Commission's Annual Meeting and the Society of Corporate Secretaries where he spoke on the topic of *Developments in Delaware Corporate Law*, and gave a presentation on *Multi-Jurisdiction Complex Litigation* to the American College of Business Courts Judges. **Chief Justice Steele** also recently completed a series of international speaking engagements. In July, he joined Governor Jack Markell in Tel Aviv, Israel, where he gave a presentation on corporate law to Israeli officials and business leaders. He also attended the National & Iberoamerican Conference on Corporate Law in Buenos Aires, Argentina, where he was a panelist and presented on the topic of *Fiduciary Duties*.



Chief Justice Steele speaking at the National & Iberoamerican Conference on Corporate Law in Buenos Aires.

**Justice Randy J. Holland** of the **Delaware Supreme Court** was recently the featured speaker at programs in three Australian cities. He gave a keynote address in Canberra to the national meeting of the Australian Law Council's Business Law Section, presenting a comparative analysis of fiduciary duties of corporate directors under Delaware and Australian law. Justice Holland also gave a lecture in Melbourne at a program sponsored by the Melbourne Law School and the Monash Law School, where he spoke about the Delaware business judgment rule and the important role of independent corporate directors. Justice Holland's final appearance in Australia was at the Sydney Law School. He made a panel presentation with Chief Justice Bathurst and Justice McColl of the New South Wales Supreme Court, during which they compared how similar factual cases would be decided differently under the corporate laws of Delaware and Australia.



**Justice Jack B. Jacobs** of the **Delaware Supreme Court** was the honored guest at the Seventh Joint Conference of Ono Academic College and Columbia University which was held on June 25-26, 2013 in Tel Aviv, Israel. Justice Jacobs joined panelists in discussions about the *Regulation and the Supervision of Controlling Shareholders in Public Companies*. Justice Jacobs discussed current corporate law issues and provided an historical overview of the development of Delaware corporate law and the role of Delaware courts in establishing Delaware's status as a world leader in the area of corporate law. Justice Jacobs' comments were the subject of an article in *Globes*, an Israeli business newspaper.

**Superior Court President Judge James T. Vaughn, Jr.** has been appointed chair of the Justice Reinvestment Oversight Group established by Governor Markell's Executive Order 40 on June 7, 2013. The Group will implement the recommendations of the Justice Reinvestment Task Force which were enacted into law in 2012. Its goals are to establish and review agency reporting; monitor and measure effectiveness and costs; identify any needed statutory changes; and reallocate savings. Savings are to be reinvested in programs, supervision, and support to increase public safety and reduce recidivism. Other committee members include **Court of Common Pleas Chief Judge Alex J. Smalls** and **Justice of the Peace Court Chief Magistrate Alan G. Davis**, as well as members of the Governor's administration, the State Senate, and the State House of Representatives.



Judge Rocanelli receiving the oath of office. Pictured from left to right, Theresa Rocanelli, her mother; Simone Rocanelli Veale, her daughter; Elena Rocanelli Veale, her daughter; Governor Jack Markell; Judge Rocanelli; Todd Veale, her husband; Superior Court Judge Mary M. Johnston, administering the oath; Louis Rocanelli, her father; and Olivia Rocanelli Veale, her daughter.



The **Superior Court of the State of Delaware** welcomes the **Honorable Andrea L. Rocanelli** who was appointed to the **Superior Court** on June 5, 2013. Judge Rocanelli served as a **Court of Common Pleas** judge since April 21, 2009. She received her J.D. from Harvard Law School, and her B.A., *summa cum laude*, from Boston College. After several years of private practice in Boston, she practiced law in Delaware with the firm of Morris, Nichols, Arsht & Tunnell LLP., and served as Chief Counsel of the Office of Disciplinary Counsel for the Delaware Supreme Court. **Judge Rocanelli** was recently recognized with the *Judicial Partnership Award* by the Delaware Division of Substance Abuse and Mental Health, which is awarded to a leader who advances the causes of individuals challenged with mental health and/or substance abuse disorders.

**Family Court Chief Judge Chandlee Johnson Kuhn** presented as a plenary panelist at the Advancement Project's *We Can Do Better: Collaborating to Reform School Discipline and Accountability* conference. The conference focused on sharing and identifying collaborative ways to reduce suspensions and arrests of students to achieve safe, quality schools. As a member of the Judicial Leadership Group of the Coalition for Juvenile Justice Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth Project, **Chief Judge Kuhn** is working to develop national practice standards that will help divert status offending youth from the juvenile justice system and create community-based programming for the youth. **Chief Judge Kuhn** also participated in the International Association of Chiefs of Police Law Enforcement Leadership in Juvenile Justice National Summit. The team to which Chief Judge Kuhn is assigned is making recommendations for a policy manual for state and local police agencies working with youth with trauma histories and behavioral health conditions.

**Chief Judge Kuhn** and **State Court Administrator Patricia Griffin** are serving in advisory capacities to the Council of State Governments' Consensus Project: Supporting Schools to Improve Students' Engagement and Juvenile Justice Outcomes. The Project is exploring the impact of school-based discipline on juvenile justice and the courts, and has convened experts in the fields of school safety, behavioral health, education, juvenile justice, social services, law enforcement and child welfare. **Chief Judge Kuhn** serves on the Law Enforcement Advisory Group, and **Pat Griffin** serves as the Conference of State Court Administrators' representative on the Juvenile Justice Advisory Group. The final report of the Project, which will be disseminated to local and federal lawmakers, is scheduled to be released in December 2013.

The **Court of Common Pleas** sat in special session in the New Castle County Courthouse for the investiture of the **Honorable Sheldon K. Rennie** on July 19, 2013 as a Judge of the Court of Common Pleas. Judge Rennie received his J.D. from Villanova University School of Law where he currently serves as an Adjunct Professor. Prior to his appointment, Judge Rennie was a partner in the Wilmington office of Fox Rothschild LLP and focused on commercial litigation.

On July 26, 2013, the **Court of Common Pleas** sat in special session in the Sussex County Courthouse for the investiture of the **Honorable Abby L. Adams** as a Commissioner of the Court of Common Pleas. Commissioner Adams was a deputy in the criminal appeals section of the Delaware Department of Justice for almost six years. From 1998-2006, she served as an attorney at the U.S. Securities and Exchange Commission in Washington, D.C.



Judge Rennie signing his oath of office with Supreme Court Justice Randy J. Holland, who administered the oath.



## DELAWARE TAKES HOME PRESTIGIOUS AWARDS FROM MAACM

On October 1, 2013, the Administrative Office of the Courts' Court Interpreter Program received the **2013 John Neufeld Court Achievement Award**. The John Neufeld Award recognizes the achievements of an individual, a group of individuals, or a court system that have developed or implemented a significant or innovative court program in the Mid-Atlantic region.

The award was presented at the Mid-Atlantic Association for Court Management (MAACM) Annual Conference's banquet luncheon in Atlantic City, New Jersey and accepted by the Court Interpreter Program team: Patricia Griffin, State Court Administrator, Maria Perez-Chambers, Court Interpreter Program Coordinator, and Franny M. Haney, Manager, Judicial Branch Education.

Delaware has played a leadership role in the language access area at the national level through its activities following the 2012 National Summit on Language Access in the Courts and by the work of its State Court Administrator, Patricia Griffin, who served on the advisory committee for the 2012 National Summit on Language Access in the Courts. The Court Interpreter Program has implemented many initiatives in Delaware to serve Limited English Proficient (LEP) litigants and track those services so that it can

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The AOC's Pat Griffin, Maria Perez-Chambers and Franny Haney accepting the John Neufeld Court Achievement Award.

respond to present needs and anticipate future demands. The greatest linguistic needs in Delaware courts are currently Spanish (92%), French Creole (2%) and Mandarin (.4%) services.

Far from resting on its laurels, the Court Interpreter Program continues to seek new ways to improve the services offered to LEP individuals through ongoing translation of critical documents, expansion of the Limited Legal Assistance Program to Family Court

litigants who speak Spanish, and enhanced tools for staff at first points of contact with court litigants.

Patricia Griffin expressed her gratitude for the award bestowed upon the program and acknowledged her team's hard work, commitment and dedication to promoting language access in the courts since the program's inception in 1996. She also noted that this achievement was, in reality, recognition of the **"collective efforts of all state courts working individually and collaboratively in concert with the Conference of Chief Justices and State Court Administrators, and the National Center for State Courts"** that have long **"recognized the importance of preventing language access issues from intruding into the process of justice."**

The Mid-Atlantic Association for Court Management also presented the Association's **Outstanding Service Award** to Franny M. Haney of the Administrative Office of the Courts in recognition of her many years of service to the organization. Franny accepted the award at MAACM's annual conference luncheon on October 1, 2013, in Atlantic City, New Jersey.



## Summer Youth Volunteer Program Celebrates Five Years



Established in 2009 by Robin Jenkins, Manager of Support Services at the Administrative Office of the Courts (AOC), the Summer Youth Volunteer Program (SYVP) celebrated its fifth successful year this past summer. For six weeks, SYVP pairs participating courts and state agencies with young Delawareans (many of whom are in the State's foster care system) seeking work experience. A first time participant to the program, the Court of Chancery noted that "it was an absolute pleasure working with these bright and very talented youth. The Summer Youth Program gets our 5 Star Approval rating," Neith D. Ecker, Court of Chancery Chief Realtime Court Reporter.



James Stewart, Assistant Director, Division of Revenue; Patricia Griffin, State Court Administrator; Kierra Jenkins, Summer Youth Volunteer; Robin Jenkins, Manager, Support Services (AOC); Patrick Carter, Director, Division of Revenue; and Barbara Banks, Division of Revenue, at the SYVP farewell ceremony.

The youth perform a variety of tasks that can include filing, scanning documents, data entry, or software installation. Kierra Jenkins has volunteered with the program since its inception and had the opportunity to work in the law library and the Superior Court's Investigative Services. "Overall, this program has taught me punctuality, responsibility, how to conduct myself in a professional atmosphere and how to interact with others" stated Kierra. But it was the people she met during the program that impacted Kierra the most. In her third year, she met a fellow volunteer, a sixteen year old pregnant girl, who worked steadily and without complaint. As the summer wore on, it became apparent that this girl had no real family; by the end of the six weeks, however, "being part of the program showed her and the rest of us that we had certainly become a family."

To conclude the summer experience, the AOC staged a presentation of the Dos and Don'ts of Interviewing. This was an opportunity for the youth to learn how to translate practical experience into resume material and interview talking points that would enhance their ability to enter the job market. The importance of proper demeanor and composure were stressed in a presentation by James Wright, AOC Deputy State Court Administrator, and mock interviews staged by AOC volunteers. Best practices for writing a resume, which included tailoring the resume to the job and keeping it concise, were presented by Jean Butler, Ed.D. Sergeant Michael Hertzfeld of the Delaware Capitol Police explained the importance of a constructive social media presence and privacy settings as employers

now view online postings to gain an impression of a candidate. Discussions were lively and questions thoughtful as the students engaged with the various speakers and participated in mock interviews. The SYVP concluded with a mock trial presentation and a farewell ceremony.

The AOC would like to welcome the Delaware Department of Revenue to the program and thank them for their participation. In addition, a special thank you to the following for their continued support of the program: Colonial Parking; Herbert Casalena; Dunkin' Donuts; GA Blanco &

Sons, Inc.; the Ladies of Dover and Dover Elk Lodge No. 1903; the Newark Lodge No. 2261; PepsiCo; Rodney Grille; ShopRite; Season's Pizza; Frances Crenshaw; Karen Barns; Buena Denise Anthony; Sandra Snider; Maria Perez-Chambers; participating courts and agencies; and the many individuals from the AOC, courts, and agencies who gave their time and effort to make this another successful year for the Summer Youth Volunteer Program.



Sharon Jenkins, volunteer with the program, and Shayron Jenkins and Chantel Jenkins, summer youth volunteers, at the SYVP farewell ceremony.

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## Supreme Court Creates Innovative Commission of Law and Technology

On July 1, 2013, the Delaware Supreme Court created a new Arm of the Court, the Commission on Law and Technology (Commission). The first of its kind nationwide, the Commission's purpose is to ensure that Delaware lawyers are provided with guidance and education in the aspects of technology and the practice of law that impact their professional obligations to effectively represent their clients while safeguarding their clients' confidentiality.

Consistent with recent amendments to the Delaware Lawyers' Rules of Professional Conduct, the Commission will assist in efforts to ensure that Delaware attorneys know what technology is necessary to safeguard their clients' information from hacking attacks, dishonest or disgruntled employees, or lost or stolen mobile devices or laptops, and how to use that technology. Working with Justice Henry duPont Ridgely, Liaison Justice to the Commission, Commission members were appointed on September 15, 2013 and include representatives from all sizes of law firms, corporate counsel, the Delaware Department of Justice, law firms' chief information officers, and members of the Judiciary. The Commission will meet to discuss trends and issues affecting lawyers' ethical obligations related to technology and the law, compile related resources and develop and publish best practices and guidelines, and create educational programs for Delaware's legal community.

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## Delaware Supreme Court Launches Free Online Access to Video Recorded Proceedings

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**SUPREME COURT ORAL ARGUMENTS VIDEO RECORDINGS**

Only recordings of non-confidential cases argued in the Delaware Supreme Court are available. All Family Court appeals and lawyer disciplinary proceedings are confidential and not open to the public; therefore, recordings of oral arguments in such cases are not available. Video and audio of oral arguments will be posted within two business days after the oral arguments have concluded and will be available for one year.

Please refer to your video player and browser settings for any issues related to video and audio playback. Comments and issues can be submitted via the [Supreme Court Feedback form](#).

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329, 2013	Pellicone v. NCC	Opening Brief Answering Brief Reply Brief Oral Argument (MP4 Video) Order
Wednesday, November 06, 2013		Documents and Media
Case Number	Caption	
332, 2013	SFX Corp. v. Garda USA	Opening Brief Answering Brief Reply Brief Oral Argument (MP4 Video) Order

The Supreme Court recently updated its website to provide additional content to the public. Thanks to the hard work of staff from the Judicial Information Center, including Kevin Bowers and Ken Thompson, as of November 8, 2013, video recordings of oral arguments and related Supreme Court briefs and opinions are available online, free of charge, through the Supreme Court's website. The video recordings date back to October 9, 2013 and future videos may be viewed one to two days after the argument date. Audio recordings of Supreme Court arguments have been accessible on the website since 2004. Future website enhancements include possible plans to live stream arguments and other upgrades which would make information available closer to real time. Only recordings of non-confidential cases are available on this web page. On-demand video or audio of oral arguments may be accessed on the website for one year from the date of the argument.

*"We are providing free of charge video of oral arguments to significantly improve global access to Delaware Supreme Court proceedings. Audio of oral arguments before the Court has been available online since 2004, but now links to the written briefs, the video of the oral argument, and ultimately the Court's final decision in the case will be available on one page of the Court's website. This convenient access to the cases on appeal will foster public understanding of the work of the Court and also provide educational opportunities for lawyers, professors, teachers, students and the general public to learn about appellate advocacy and appellate decision making in Delaware."* Justice Henry duPont Ridgely, Delaware Supreme Court.

For more information, contact [steve.taylor@state.de.us](mailto:steve.taylor@state.de.us)

## INNOVATIVE CROSS-COURT PROJECT OFFERS TRAUMA INFORMED APPROACH TO JUSTICE-INVOLVED DOMESTIC VIOLENCE OR SEXUAL ASSAULT VICTIMS



A project to offer a trauma-informed approach for justice-involved victims of domestic violence or sexual assault, the Victim Advocacy and Safety Enhancement Project (VASE), recently opened in New Castle County Superior Court Mental Health Court and the Court of Common Pleas Trauma Informed Probation Court (TIP Court). Superior Court Mental Health Court, led by Judge Jan Jurden and her staff, welcomed participants into the program in late August 2013. Commissioner McDonough and the TIP Court opened their doors to VASE in November, 2013.

The project, funded by a 24-month grant awarded to the Administrative Office of the Courts by the Office on Violence against Women (OVW), is the first cross-court initiative of its kind. VASE creates a "specialized track" within Superior Court Mental Health Court and the Court of Common Pleas TIP Court to identify justice-involved victims of domestic violence, sexual assault, dating violence, or stalking, and to provide those victims with tools to end the cycle of violence and abuse, address the root cause of the problem that may have led to their involvement with the criminal justice system, and help reduce recidivism.



Superior Court Judge Jurden (second row, far right), Commissioner Mary McDonough (second row, second on right) and others involved in the VASE project visiting the Hazel D. Plant Women's Treatment



Pictured left to right, Kate Brookins, Project Coordinator, VASE Project; Valerie Marek, Executive Director, Survivors of Abuse in Recovery, Inc. (SOAR); Cathy Johnson, Assistant Public Defender, Office of the Public Defender; Krista Griffith, Deputy Attorney General, Department of Justice; Honorable Mary McDonough, Commissioner, Court of Common Pleas.

As part of OVW's nationwide efforts to educate the judiciary and other court and community stakeholders on the needs of justice-involved victims of domestic violence, sexual assault, dating violence, and stalking, VASE hosted a one-day Symposium on Trauma and the Justice System at the New Castle County Courthouse on November 1, 2013.

The Symposium included presentations on using a trauma-informed approach in the justice system, by Dr. Janine D'Anniballe, a counseling psychologist and national trainer from Boulder, Colorado, and on the sociological inter-connection of offenses and trauma, by Dr. Susan Miller, a Professor of Sociology and Criminal Justice at the University of Delaware. In addition, attorneys from the National Judicial Education Program discussed the intersection of sexual assault and domestic violence, including how the descriptive language used related to domestic violence and sexual assault shapes our response to the issue. Finally, Judge Jurden moderated a panel discussion among VASE project partners to explore how the VASE project impacts participating litigants.

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## Delaware Supreme Court Establishes Delaware Access to Justice Commission

The Delaware Supreme Court entered an Order on November 13, 2013 establishing a Delaware Access to Justice Commission effective as of January 1, 2014. The Commission, established for an initial two-year period, is charged with providing a coordinated approach to investigating the gaps and critical needs related to access to justice in Delaware, and developing effective comprehensive solutions to access to justice barriers that may exist. The Commission was established based on recommendations issued by the Access to Justice Exploratory Committee convened by Justice Jack B. Jacobs, on behalf of the Delaware Supreme Court, to consider whether Delaware would be best served by the creation of an Access to Justice Commission. Across the nation, Access to Justice Commissions have been created to identify barriers to access to justice for low to moderate income persons in a state and develop coordinated and comprehensive approaches to eliminate access to justice impediments. The importance of the work of Access to Justice Commissions has been recognized nationally, including by the Conference of Chief Justices and Conference of State Court Administrators. The Delaware Access to Justice Commission shall be appointed by the Supreme Court and include representatives from each of the courts, the Department of Justice, the Office of the Public Defender, the Delaware State Bar Association, the Delaware Bar Foundation, Delaware Volunteer Legal Services, Inc., the Community Legal Aid Society, Inc., Legal Services Corporation of Delaware, Inc., the State Court Administrator, and other community stakeholders.

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## Hablas español?

The Limited Legal Assistance Program (LLAP) has been providing unrepresented litigants with assistance on family law matters for the past several years. Offered by the Administrative Office of the Courts (AOC) in partnership with Delaware Volunteer Legal Services, Inc., the LLAP offers program participants fifteen minutes of free legal advice from a Delaware attorney on a specific family law question.

Over 95% of participants report that the program provides a valuable service. With the numbers of self-represented litigants on the rise, calls for assistance continue to increase. In addition to the program's long-time volunteer attorneys, including Richard Hannum, William Sudell Jr., Curtis Crowther, and Shana Pinter, the AOC welcomes new additions including Tabatha Castro, Dana Reynolds, and Kara Swasey.

### What are LLAP participants saying about the program?

"[The program] really helped as it gave me a chance to know my rights before making a decision."

"Found out what I am entitled to and the best way to proceed."

"[This was] an amazing resource which was much needed. I sincerely appreciate the assistance and would recommend to others in my predicament."

Not one to rest on her laurels, Program Coordinator Karen Antonelli, with assistance from AOC Court Interpreter Coordinator, Maria Perez-Chambers, made the move to expand the program to include interpretive services to Spanish-speaking litigants beginning July 1, 2013. Spanish-speaking program participants work with AOC bilingual staff to complete the program materials prior to meeting with the attorney. Attorney consultations are conducted with the assistance of program interpreter Arturo Schubert. An interpreter will now be available for the LLAP on the first Monday of every month. Although still in its infancy, Spanish-speaking participants report a 100% satisfaction rate.

Attorneys interested in volunteering for the program, as well as litigants interested in participating in the program, should contact Karen Antonelli at (302) 255-0477. Appointments are made on a first-come, first-served basis.

Through another access to justice initiative, the Delaware Supreme Court and the Fairness for All Task Force video *An Introduction to Civil Cases in the Delaware Courts* is now available online to the public in Spanish. After a short introduction, the video highlights the steps of a civil lawsuit, how to start, file and/or respond to a lawsuit, as well as how to prepare for, and what to expect on, the day of the hearing. The video walks the audience through two sample civil matters: a claim for non-payment in the Justice of the Peace Court and a custody modification in Family Court. The video may be found at [http://courts.delaware.gov/Help/civilvideos\\_spanish.stm](http://courts.delaware.gov/Help/civilvideos_spanish.stm) in Spanish and at <http://courts.delaware.gov/Help/civilvideos.stm> in English.

## REGISTER OF WILLS JOINS THE COURT OF CHANCERY IN E-FILING INITIATIVES



Working with the Court of Chancery, the Register of Wills offices have been moving incrementally to electronic filing of documents on a statewide basis. On October 1, 2013, the Kent County Register of Wills began requiring all matters to be electronically filed. Electronic filing has been in place at the New Castle County Register of Wills since December 2012. Sussex County Register of Wills is on track to implement e-filing in 2014. The standard practices and procedures of e-filing in effect with the Court of Chancery extend to the Office of the Register of Wills.

E-filing offers a cost efficient alternative to paper filing, with the benefit of improved efficiencies. For instance, with the implementation of e-filing in the Register of Wills, the Court of Chancery has online access to the estate docket for cases with pending litigation, which eliminates the need for Register of Wills staff to copy files or send original documents to the Court.

**The Court of Chancery would like to extend its congratulations to the New Castle County Register of Wills, winner of the National Association of County Recorders Best Practices Award.**

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Dianne M. Rager, Kent County Deputy Register of Wills, says,

*"[E-filing] is going to allow us the ability to rapidly communicate with attorneys, and reduce or eliminate the use of actual paper for many transactions."*

## JUSTICE OF THE PEACE COURT SELECTED TO PARTICIPATE IN NATIONAL PROCEDURAL FAIRNESS TRAINING PROGRAM

The Justice of the Peace Court was recently selected as one of three sites in the nation to receive training from the Center for Court Innovation entitled, "**Enhancing Procedural Fairness.**" This initiative is the result of a partnership between the Center for Court Innovation, the National Judicial College and the Bureau of Justice Assistance. This is a national effort to help judges and court staff improve perceptions of fairness in the criminal courts.

Yale Law School professor Tom Tyler and others have published research showing that defendants are more likely to comply with the law when they believe they are treated fairly and have a clear understanding of the process. This new training curriculum was designed by a team of scholars, judges, court administrators and communication specialists. It is designed to improve courtroom communication techniques and offers practical tools for achieving better court outcomes based on current research in the field of procedural fairness.

This training will build on previous in-house training conducted with judges and staff on the issue of procedural fairness and provides a particularly exciting opportunity to use the newly learned techniques when the Justice of the Peace Court opens its community court in Wilmington. As a high volume, entry-level court, the Justice of the Peace Court serves a diverse population, many of whom represent themselves or have limited English proficiency. With

these populations in mind and with a consistent focus on efficiency, training for Justice of the Peace staff and judges must necessarily focus on communication and perceptions of fairness.

*"The Justice of the Peace Court is very pleased to have been selected as one of the sites for training by the Center for Court Innovation. Our selection speaks to the impact that the concepts of procedural fairness have upon our litigant base. We have the ability every day, through the way we interact with and treat our litigants, to profoundly change their perception of, not just the Justice of the Peace Court, but the judicial system and process as a whole. As the place where justice starts, we treat this responsibility with great respect. This training will help us to continue to build upon the procedural fairness training that we have already begun. It's a benefit to both our court and the justice system as a whole."*

**Hon. Alan Davis, Chief Magistrate, Justice of the Peace Court**

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## Court of Chancery Transfers Guardianship Monitoring Program to the Office of the Public Guardian



The Court of Chancery adopted Rule 180-D (effective October 1, 2013) to address the transfer of the Guardianship Monitoring Program from the Court of Chancery (“Court”) to the Office of Public Guardian (“OPG”). The OPG provides guardianship services to adult citizens of Delaware who are severely mentally or physically disabled; are unable to manage their personal and financial affairs; are at risk for neglect, abuse and victimization; and have no one else able or willing to serve as a guardian.

The Guardianship Monitoring Program was developed by the Court in 2009 to fill a critical need for additional oversight of complex guardianship cases throughout the state. The Guardianship Monitor consists of one person who is responsible for visiting wards at private homes and facilities throughout the state; making recommendations regarding case action; writing fact-finding reports; and carrying out recommendations as required by the Court. Transferring the program from the Court to the Public Guardian will allow it to grow and develop under the management of the Public Guardian and use the Public Guardian’s resources, including its staff, in order to enhance the services the Guardianship Monitor provides the Court and the public. The transfer also will provide the Public Guardian with enhanced resources, so that the resources used for the educational efforts currently undertaken separately by the Guardianship Monitor and the Public Guardian, which can be deployed in a more effective, cohesive statewide manner.

The rule formalizes how monitoring will be conducted and provides the Public Guardian with necessary access to various records in order to perform the required monitoring. Importantly, the Rule clarifies how cases should be referred by the Guardianship Monitor to other state agencies with responsibility for protecting vulnerable persons when such referral becomes necessary. To that end, the rule was drafted with input from the Public Guardian, the Department of Health and Social Services (the Adult Protective Services Program and the Division of Medicaid and Medical Assistance), and the Department of Justice (Medicaid Fraud Control Unit) after several discussions regarding the statutory responsibilities of each agency and proposed interagency protocols.

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We are pleased to present the Fall 2013 issue of the **Delaware Docket**, the Newsletter of the Delaware Judiciary, which is published semi-annually to provide updates on activities and events in the Judicial community. All are welcome to suggest topics, contribute articles for future editions, and provide suggestions on the newsletter. The Delaware Docket is available on line at <http://courts.delaware.gov/AOC/publications.stm>.

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