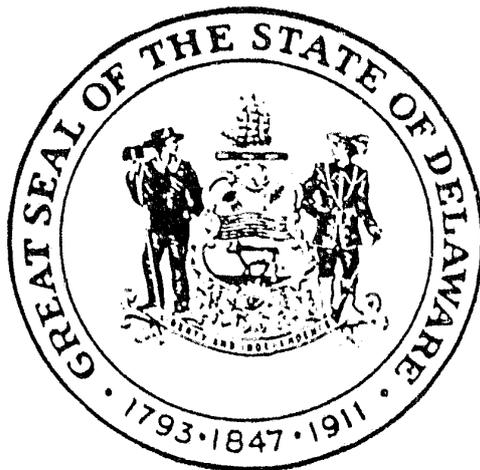


THE JUDICIARY STATE OF DELAWARE



1975 ANNUAL REPORT

31250



ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF DELAWARE

JOHN R. FISHER
Director
DAWN BOWMAN
Supervisor - Accounting

1112 KING STREET
WILMINGTON, DELAWARE 19801
571-2480

November 24, 1975

The Honorable Daniel L. Herrmann
Chief Justice
Public Building
Wilmington, Delaware 19801

Dear Mr. Chief Justice:

I tender herewith the fifth Annual Report of the Judiciary, containing reports from all the courts.

This year's Report differs from those of previous years in several significant respects. First, the statistical analyses included in the Report have been expanded to reflect case load trends in the various courts during fiscal 1975. Hopefully, this change will permit longer range planning.

Further, the Report this year includes new sections on amendments to court rules made during the past fiscal year, and on major legislative changes effecting the entire court system.

Both of these changes were made possible through increased manpower in the Administrative Office of the Courts provided by federally funded projects.

It is anticipated that next year's Report will include more sophisticated information as to the productivity, performance and workload of each court. Several factors will make that change possible. First, the personnel of the Administrative Office will become more skillful as the relatively new federal projects' staff becomes integrated into the Office. Also, the new Case Scheduling Office of the Superior Court will be a resource for new types of statistical data, in addition to its normal calendaring function. Finally, the study on the information systems' needs of the courts will be completed during fiscal 1976, preliminary to the implementation of computerization within the criminal justice system. The kinds of information capable of being generated by this Office will therefore be increasingly more varied and complete.

It is hoped that these improvements in the Administrative Office of the Courts will better enable the State Judiciary to fulfill its duties and functions under the law.

Respectfully submitted,

John R. Fisher

John R. Fisher
Director

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ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

DIRECTOR
John R. Fisher, Esquire
(571-2480)
ASSISTANT TO DIRECTOR
Edward B. Carter, Jr.

SECRETARY
Carolyn Walker

TRIAL COURT ADMINISTRATOR
(Superior Court)

Frederick Kirch

ADMINISTRATIVE ASSISTANT
Sarah Jones

SECRETARY
Alexandra Haczynski

CASE SCHEDULING OFFICE
J. Gary Dean, Chief

CLERKS
Donald Marston
Carol Thomas

SUPERIOR COURT ADMINISTRATIVE OFFICE
(Federally Funded)

SUPERVISOR
E. Jean Hurley

ADMINISTRATIVE ASSISTANT
Maureen Golden

DEPUTY ADMIN. J.P.
(Justice of the Peace System)

James J. Horgan, Esquire

SECRETARY
Sharon Cooper

ASST. DEPUTY ADM. J.P.
Arthur Carello
Thomas W. Nagle

SECRETARY
Ethel Jaremchuk
Pamela Manista

ACCOUNTING SUPERVISOR
Mary E. Cooper

ASST. ACCOUNTING SUPV.
Sandra Cummings

CLERK
Georgia Purse

ACCOUNTING DEPT.

SUPERVISOR
Dawn Bowman

SECRETARY
Maria Cook

CLERKS
Christine Creegan
Lynn Deramo

COURTS CONSORTIUM PLANNER
(Federally Funded)

Honey F. Golby

ADMINISTRATIVE ASSISTANT
Vincent P. Meconi

COURTS COORDINATOR
(Federally Funded)

Marsha Kramarck

ADMINISTRATIVE ASSISTANT
Kelly P. Leone

ADMINISTRATIVE OFFICE OF THE COURTS

Legislative Authority: Created by Legislation in the 1971 General Assembly, 10 Delaware Code, Chapter 1.

Duties: The duties of the Director of the Administrative Office of the Courts include the organization and administration of the non-judicial activities of the Delaware Courts, the appointment, assignment and supervision of all non-judicial personnel except the personal staffs of the Judges. The Director is also charged with the preparation of the budget and planning and allocation of space. He will also collect, compile and analyze statistics in connection with research and evaluation of Court business and administration and at least annually prepare and submit a report of the activities of the Court to the Chief Justice. In addition the Director will establish procedures for management of the jury system and the assignment of Judges and attend their administrative meetings. He will maintain liaison with agencies, both public and private, interested in the Courts' activities and assist in preparation of proposed Legislation.

Support Personnel: The Director of the Administrative Office of the Courts shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Court of the State of Delaware.

The Director may, with the approval of the Chief Justice appoint such Deputies, Administrative Assistants and Clerical Personnel as are required.

SUMMARY OF Administrative Office of the Courts BUDGET 02 17 000

	1975	1976	1977	1978	1979	1980	1981	1982
	GENERAL FUND DISBURSEMENT	APPROP.	GENERAL FUND REQUESTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED
<u>EXPENSES</u>								
1. Employees	142,194.	103,378.	120,225.	126,236.	132,548.	139,175.	146,134.	153,442.
EMPLOYMENT COSTS	-0-	20,202.	22,868.	24,011.	25,212.	26,473.	27,797.	29,187.
PERSONAL SERVICES:								
Jury Fees	424,557	264,917.	450,000.	450,000.	450,000.	450,000.	450,000.	450,000.
Witness Fees	15,802.	18,690.	25,000.	25,000.	25,000.	25,000.	25,000.	25,000.
TRAVEL	1,765.	1,800.	5,000.	5,150.	5,305.	5,464.	5,628.	5,797.
CONTRACTUAL	15,085.	34,702.	26,335.	26,335.	26,335.	26,335.	26,335.	26,335.
Court Rental	125,779.	1,332,057.	936,221.	964,308.	993,237.	1,023,034.	1,053,725.	1,085,337.
SUPPLIES & MATERIALS	2,501.	3,040.	5,308.	5,467.	5,631.	5,800.	5,974.	6,153.
CAPITAL OUTLAY	253.	1,775.	-0-	-0-	-0-	-0-	-0-	-0-
DATA								
PROCESSING	50,000.	63,000.	75,000.	75,000.	75,000.	75,000.	75,000.	75,000.
JUDICIAL PENSION	120,000.	120,000.	120,000	120,000.	120,000.	120,000.	120,000.	120,000.
<u>TOTAL</u>	897,936.	1,963,561.	1,785,957.	1,821,507.	1,858,268.	1,896,281.	1,935,593.	1,976,251.



SUPREME COURT

1943

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COURT OF LAST RESORT

Supreme Court (1)

Legal Authorization: The Supreme Court is created by the Constitution of Delaware, Article IV, Section I.

Geographic Organization: The Supreme Court has state-wide jurisdiction and sits in Dover.

Legal Jurisdiction: This Court has final appellate jurisdiction in criminal cases where the penalty exceeds certain minimums and in civil cases as to final judgments and certain interlocutory decrees of Superior Court and Chancery Court. Appeals are heard on the record from the Superior Court and Court of Chancery. The Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari and mandamus.

Judges:

Number - The Supreme Court consists of a Chief Justice and two Associate Justices.

Appointment - The Justices are appointed by the Governor on a bi-partisan basis with the consent of the Senate.

Tenure - The Justices are appointed for a 12 year term.

Qualifications - Justices must be learned in the law.

Other Judicial Personnel:

Administrative Authority - The Chief Justice has the authority to designate one or more of the State Constitutional Judges (including the Justices of the Supreme Court) to sit in the Court of Chancery or the Superior Court or the Statutory Courts to hear and determine causes in such courts and for such period of time as designated.

Support Personnel: The Chief Justice is responsible for the administration of all courts in the State and appoints a Director of the Administrative Office of the Courts to handle the non-judicial aspects of courts management as well as secretaries, clerk, court reporter, law clerks, and a crier.

Case Load Trend: The number of appeals filed in the Court continues to increase. On an annual basis, a total of 273 civil and criminal appeals were filed during the period shown -- an increase of some 300% over the same period ten years ago. But the Court still has the same number of Justices, and the staff in the office of the Clerk of the Court has not increased since 1965. The Court urgently needs 2 additional Justices, a staff attorney and a calendaring clerk in order to cope with its responsibilities under the Delaware Constitution.



SUPREME COURT

JUDICIARY

Chief Justice Daniel L. Herrmann
Jane Obold, Secretary
(571-2428)

Justice John J. McNeilly
Ida Mae Ellis, Secretary
(856-5364)

Justice William Duffy
Ruth Laird, Secretary
(571-2427)

SUPREME COURT

JUDICIARY
SUPPORT PERSONNEL

Clerk of Court

T. E. Townsend
Ann Ayrey, Secretary
(678-4155)

Bailiff

Wesley Adkins
(678-4155)

Administrative Secretary
Lois DeWolfe

Law Clerks

Thomas L. Ambro
Christopher G. Townsend
(571-2429)
Daniel H. Krapf
(856-5364)

ADMINISTRATIVE OFFICE OF THE COURTS
(571-2480, 571-2481)

John R. Fisher, Director
Carol Walker, Secretary

Edward B. Carter, Assistant to Director
Marsha Kramarck, Courts Coordinator
Kelly P. Leone, Administrative Assistant

Dawn Bowman, Supervisor
Maria Cook, Secretary
Christine Creegan, Clerk
Lynn Deramo, Clerk

SUPREME COURT

FY '75

CIVIL

	<u>July 1</u>	<u>Oct. 1</u>	<u>Jan. 1</u>	<u>April 1</u>	<u>June 30</u>	<u>Change</u>
PENDING	109	117	124	129	112	+3
	<u>July-Sept.</u>	<u>Oct.-Dec.</u>	<u>Jan.-March</u>	<u>April-June</u>	<u>Totals</u>	
FILINGS	40	37	55	44	176	
DISPOSITIONS	32	30	50	61	173	

CRIMINAL

	<u>July 1</u>	<u>Oct. 1</u>	<u>Jan. 1</u>	<u>April 1</u>	<u>June 30</u>	<u>Change</u>
PENDING	57	56	62	61	71	+14
	<u>July-Sept.</u>	<u>Oct.-Dec.</u>	<u>Jan.-March</u>	<u>April-June</u>	<u>Totals</u>	
FILINGS	18	23	20	36	97	
DISPOSITIONS	19	17	21	26	83	

TOTAL CIVIL & CRIMINAL CASES

	<u>July 1</u>	<u>Oct. 1</u>	<u>Jan. 1</u>	<u>April 1</u>	<u>June 30</u>	<u>Change</u>
PENDING	166	173	186	190	183	+17
	<u>July-Sept.</u>	<u>Oct.-Dec.</u>	<u>Jan.-March</u>	<u>April-June</u>	<u>Total</u>	
FILINGS	58	60	75	80	273	
DISPOSITIONS	51	47	71	87	256	

SUPREME COURT
FY '74-'75 COMPARISON

CIVIL

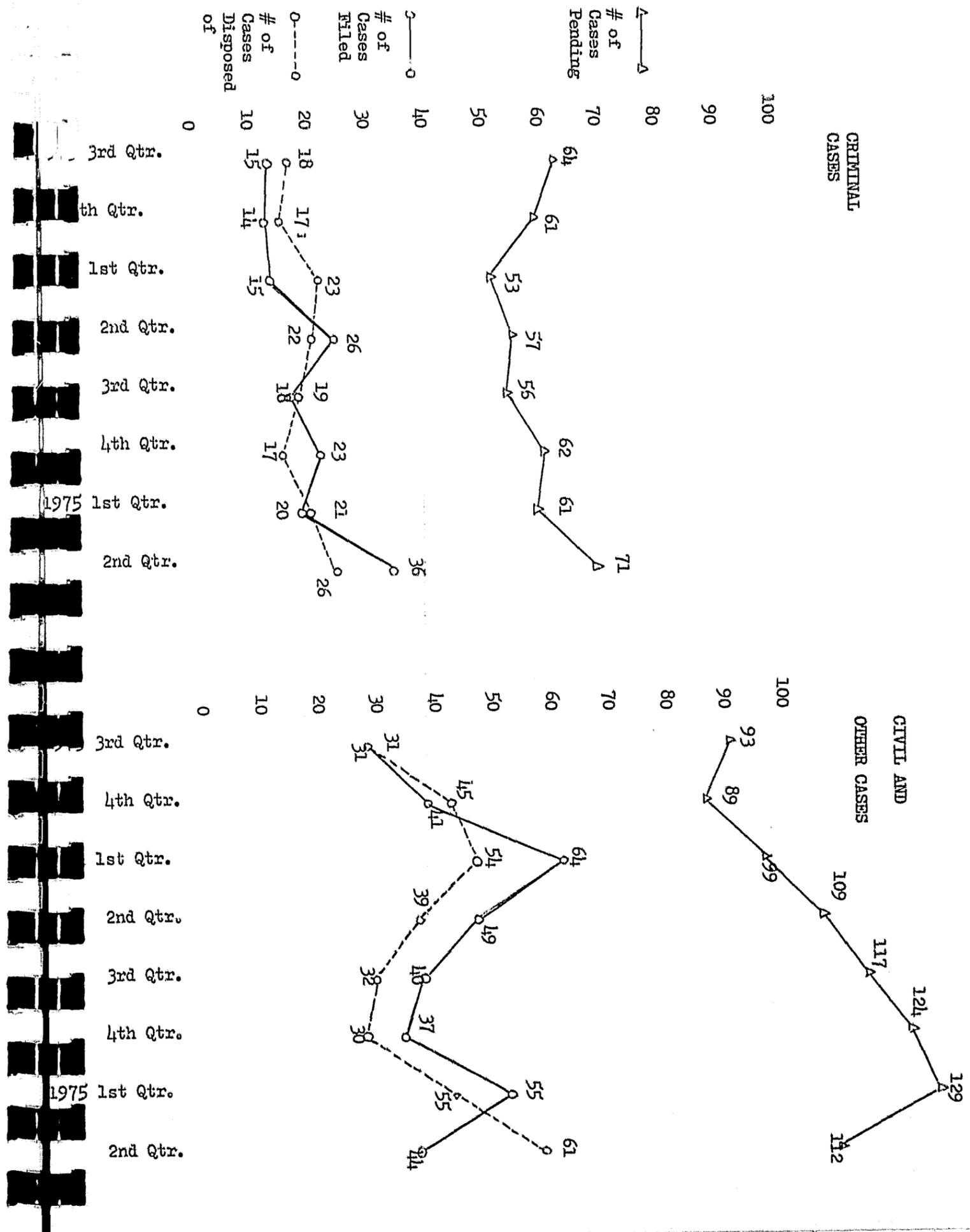
	'74	'75	CHANGE
FILINGS	185	176	- 9
DISPOSITIONS	169	173	+ 4

CRIMINAL

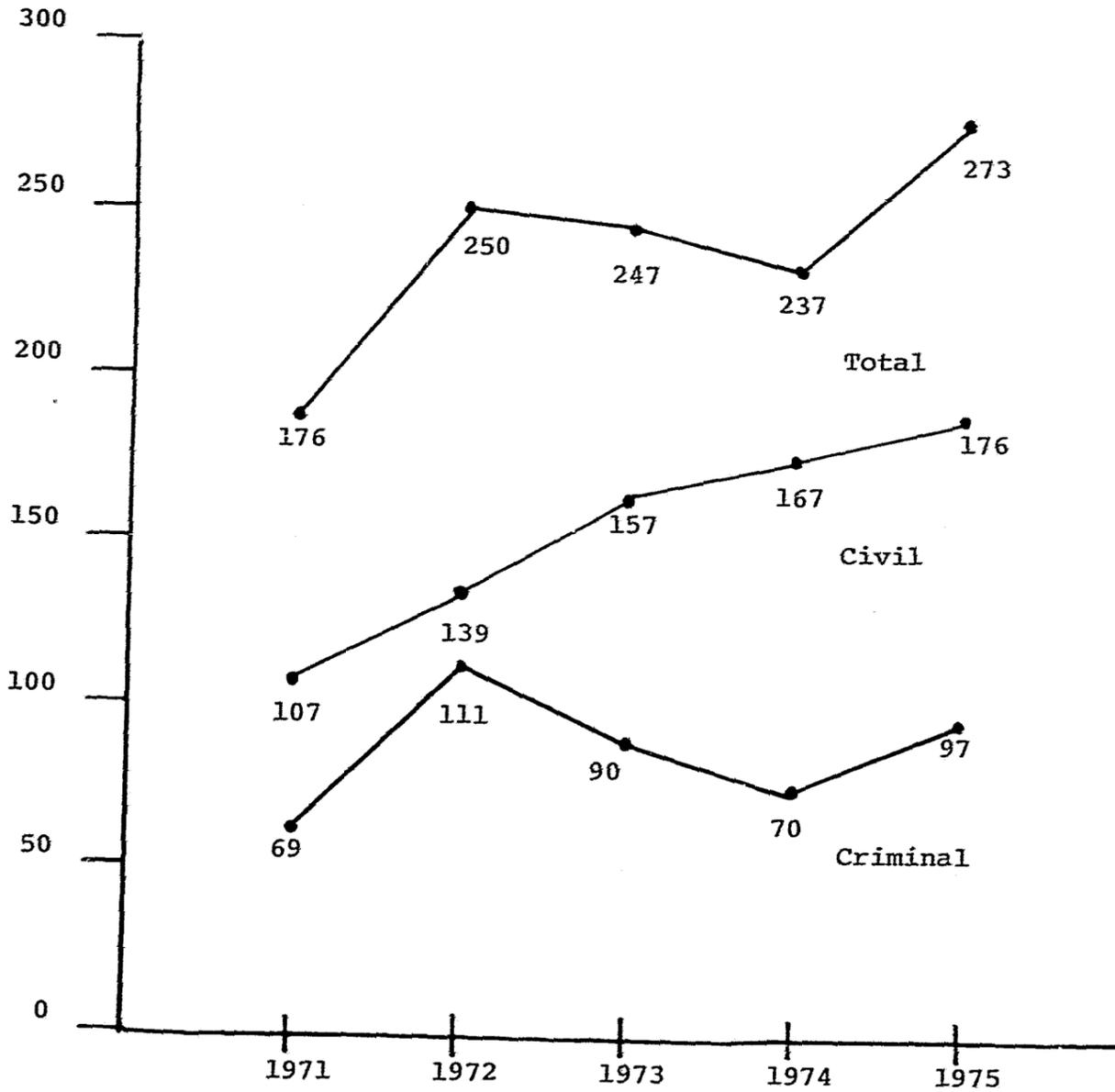
	'74	'75	CHANGE
FILINGS	70	97	+27
DISPOSITIONS	80	83	+ 3

TOTAL CIVIL & CRIMINAL CASES

	'74	'75	CHANGE
FILINGS	255	273	+18
DISPOSITIONS	249	256	+ 7



SUPREME COURT - CASES FILED - 5 YEAR PERIOD



Note:
Percent of increase of cases filed over last 5 years: 55.1%

SUMMARY OF Supreme Court BUDGET 02 01 00

	1975	1976	1977	1978	1979	1980	1981	1982
	GENERAL FUND DISBURSEMENT	APPROP.	GENERAL FUND REQUESTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED
SALARIES								
1. Judicial	102,561.98	126,500.00	126,500.00	126,500.00	126,500.00	126,500.00	126,500.00	126,500.00
2. Employees	83,915.98	100,224.76	125,792.00	132,081.60	138,685.68	145,619.00	152,900.95	160,545.99
EMPLOYMENT COSTS	-0-	24,349.38	30,845.00	32,387.25	34,006.61	35,706.94	37,492.28	39,366.89
PERSONAL SERVICES	-0-	-0-	1,000.00	1,030.00	1,060.90	1,192.72	1,125.50	1,159.26
TRAVEL	2,673.09	2,500.00	6,747.00	6,949.41	7,157.89	7,372.62	7,593.79	7,821.60
CONTRACTUAL SERVICES	14,955.92	13,210.00	17,285.00	17,803.55	18,337.55	18,887.77	19,454.40	20,038.03
SUPPLIES & MATERIALS	5,854.26	7,777.00	8,650.00	8,909.50	9,176.78	9,452.08	9,735.64	10,027.70
CAPITAL OUTLAY	907.50	3,400.00	5,565.00	5,731.95	5,903.90	6,081.01	6,263.44	6,451.34
DEBT SERVICE:								
Principal	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00
Interest	10,615.00	9,670.00	8,725.00	8,225.00	7,725.00	7,225.00	6,725.00	6,225.00
FUND TOTAL	186,477.00	251,074.14	283,137.00	359,618.26	368,554.41	377,938.10	387,791.00	398,135.81



COURT OF CHANCERY

COURTS OF GENERAL JURISDICTION

Court of Chancery (1 court system, 3 court locations)

Legal Authorization: The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

Geographic Organization: The Court of Chancery holds court in Wilmington, Dover, and Georgetown, Delaware, in each county in the county seat. 10 Del. C. §301.

Legal Jurisdiction: The Court of Chancery has jurisdiction to hear and determine all matters in equity. 10 Del. C. §341. The general equity jurisdiction is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American Colonies. The Constitution of Delaware, Article IV, Section 10; *Glanding v. Industrial Trust Co.*, 28 Del. Ch. 499, 45 A. 2d 553 (supr. Ct. 1945); *DuPont v. DuPont*, 32 Del. Ch. 413, 85 A. 2d 724 (Supr. Ct. 1951). The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. The Constitution of Delaware, Article IV, Section 17. In today's practice, the litigation in the Court of Chancery largely consists of: corporate matters; petitions concerning trusts, estates, and other fiduciary matters; disputes involving real property such as boundary and title disputes; and commercial and contractual matters. When issues of fact to be tried by jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court. 10 Del. C. §369.

Judges:

Number - There are one Chancellor and two Vice-Chancellors who hold the Court of Chancery. The Constitution of Delaware, Article IV, Section 2 and 10, 10 Del. C. §307.

Appointment - The Chancellor and Vice-Chancellors are appointed by the Governor with the consent of the majority of the Senate's elected members. The Constitution of Delaware, Article IV, Section 3.

Tenure - The Chancellor and Vice-Chancellors serve 12 year terms. The Constitution of Delaware, Article IV, Section 3.

Qualifications - The Chancellor and Vice-Chancellors must be learned in the law. The Constitution of Delaware, Article 10, Section 2.

Support Personnel: The Chancellor may appoint Court Reporters, Bailiffs, Criers of Pages, and Law Clerks. 10 Del. C. §§322, 326, 329. Each of the Judges may appoint one office secretary. 10 Del. C. § 323.

An elected Register in Chancery of each County is Clerk of the Court of Chancery for the County. The Constitution of Delaware, Article 3, Section 22 and 23. The Judges appoint one Chief Deputy Register in Chancery in each County. 10 Del. C. s2503 (a).

New Probate Code: By the terms of 59 Del. Laws, Ch. 384, effective December 25, 1974, the Register of Wills acts as a Clerk of the Court of Chancery. The majority of the Register's judicial and quasi-judicial powers are transferred to the Court of Chancery. A Register of Wills is elected in each County for that County. The Constitution of Delaware, Article 3, Sections 22 and 23. The new Code provides that the Chancellor shall name a Chief Deputy Register of Wills & Estates for each County. 12 Del. C. s2507 (a).

Public Guardian: By the terms of 59 Del. Laws, Ch. 579 at 12 Del C. s3991, effective July 1, 1974, the Chancellor has the duty to appoint the Public Guardian. The Public Guardian serves, when appointed by the Court, as the guardian of the person and/or property of the aged, the mentally infirm and the physically incapacitated. Under the law, the Public Guardian is intended to be the guardian of last resort.

Case Load Trend: While the number of civil actions filed during fiscal 1975, 384 did not reach the peak achieved in fiscal 1974, it was the second highest total in the Court's history. The decline was probably attributable to the economy and to the transfer of separate maintenance jurisdiction to the Family Court. If the first quarter statistics for fiscal 1976 are a proper index, the decline is temporary as the fiscal 1976 statistics are running at a level which will equal fiscal 1974. The high number of dispositions in the third quarter of the fiscal year is due to an annual review of the caseload by the Court and counsel in relation to the annual calendar call. It should be remembered that these figures are only civil actions and do not include any of the regular Court work in regard to guardians, trustees, partition sales, administrator's sales to pay debts, etc. It should also be noted that the Court was last enlarged on 1961 and that in fiscal 1961 the number of civil actions filed was 210. Moreover, it has been since 1961 that the bulk of the jurisdiction of the Orphans Court was transferred to the Court of Chancery. Finally, as noted above, due to the new Probate Code and the creation of the Office of the Public Guardian, the work load of the Court can be expected to increase. The impact of the Probate Code will not be fully felt until the second half of fiscal 1976. It continues to be apparent that enlargement of the Court is necessary.

JUDICIARY

Vice Chancellor
 Grover C. Brown
 Sussex County Courthouse
 Georgetown, Delaware 19947
 Telephone: 865-5338
 Mary Lou Wilcoxson, Secretary
 134 Public Building
 Wilmington, Delaware 19801
 Telephone: 571-2442

COURT OF CHANCERY

Chancellor
 William T. Quillen
 134 Public Building
 Wilmington, Delaware 19801
 Telephone: 571-2441
 Peggy J. Papilli, Secretary

Vice Chancellor
 William Marvel
 134 Public Building
 Wilmington, Delaware 19801
 Telephone: 571-2443
 Carolyn Hazen, Secretary

COURT OF CHANCERY

JUDICIARY
SUPPORT PERSONNEL

Sec/Receptionist/Bailiff

Carole S. Chmura
134 Public Building
Wilmington, Delaware 19801
Telephone: 571-2440

Court Reporters

Henry D. Skogmo, Chief
J. Edward Varallo
135 Public Building
Wilmington, Delaware 19801
Telephone: 571-2447
Marian Wagner, Secretary
Dorothy Cordell, Secretary

Law Clerks

Peggy L. Ableman
William E. Kirk, III
Public Building
Wilmington, Delaware 19801
Telephone: 571-2444

NOTE: The Administrative Office of the Courts headed by John R. Fisher, Director, 1112 King Street, Wilmington, Delaware 19801, Telephone 571-2480, serves as The State Administrator for the Court of Chancery

Registers In Chancery
(Elected County Officials)

New Castle County

Mr. Basil R. Battaglia
M 32 Public Building
Wilmington, Delaware 19801
Telephone: 571-7540

Kent County

Mr. Stanley Wayne Anthony
Kent County Courthouse
Dover, Delaware 19901
Telephone: 678-3100 X205

Sussex County

Mr. Harvey F. Donovan
Sussex County Courthouse
Georgetown, Delaware 19947
Telephone: 856-7702 X229

COURT OF CHANCERY

FY '75

CASES

FILINGS

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
New Castle	74	74	68	60	281
Kent	28	15	10	12	65
Sussex	4	13	15	6	38
State	106	107	93	78	384

DISPOSITIONS

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
New Castle	28	32	207	79	346
Kent	8	10	26	18	62
Sussex	7	6	22	8	43
State	43	48	255	105	451

PENDING

	July 1	Oct. 1	Jan. 1	April 1	June 30
New Castle	571	617	664	525	506
Kent	59	79	84	68	62
Sussex	68	65	72	65	63
State	698	761	820	658	631

ADDITIONS TO PENDING

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
New Castle	+46	+47	-139	-19	-65
Kent	+20	+5	-16	-6	+3
Sussex	-3	+7	-7	-2	-5
State	+63	+59	-162	-27	-67

COURT OF CHANCERY		COMPARISON		CHANGE
CASES		FY '74	FY '75	
		FY '74 - FY '75		
STATE				
FILINGS		452	384	-15.0%
<u>DISPOSITIONS</u>				
New Castle		225	346	+53.8%
Kent		35	62	+77.1%
Sussex		35	43	+22.9%
State		295	451	+52.9%

COURT OF CHANCERY

FY '75

MISCELLANEOUS MATTERS

	Pending July 1, 1974	Filings	Dispositions	Pending June 30, 1975	Change
<u>New Castle:</u>					
Guardians for Minors	629	91	136	584	-45
Guardians for Infirm	336	78	5	409	+73
Trustees for Mentally Ill	127	5	6	126	-1
Other Matters	223	38	22	239	+16
Trusts	<u>1,559</u>	<u>74</u>	<u>69</u>	<u>1,564</u>	<u>+5</u>
TOTAL	2,874	286	238	2,922	+48
<u>Kent:</u>					
Guardians for Minors	148	15	13	150	+2
Guardians for Infirm	53	10	5	58	+5
Trustees for Mentally Ill	9	0	0	9	0
Other Matters	9	23	19	13	+4
Trusts	<u>96</u>	<u>4</u>	<u>4</u>	<u>96</u>	<u>0</u>
TOTAL	315	52	41	326	+11
<u>Sussex:</u>					
Guardians for Minors	274	28	27	275	+1
Guardians for Inform	50	16	14	52	+2
Trustees for Mentally Ill	15	2	1	16	+1
Other Matters	12	62	64	10	-2
Trusts	<u>198</u>	<u>19</u>	<u>8</u>	<u>209</u>	<u>+11</u>
TOTAL	549	127	109	567	+13

COURT OF CHANCERY

FY '75

MISCELLANEOUS MATTERS

State:	Pending July 1, 1974	Filings	Dispositions	Pending June 30, 1975	Change
Guardians for Minors	1,051	134	171	1,014	-37
Guardians for Infirm	439	104	24	519	+80
Trustees for Mentally Ill	151	7	7	151	0
Other Matters	244	123	105	262	+18
Trusts	<u>1,853</u>	<u>97</u>	<u>81</u>	<u>1,869</u>	<u>+16</u>
TOTAL	3,738	465	388	3,815	+77

REGISTER OF WILLS

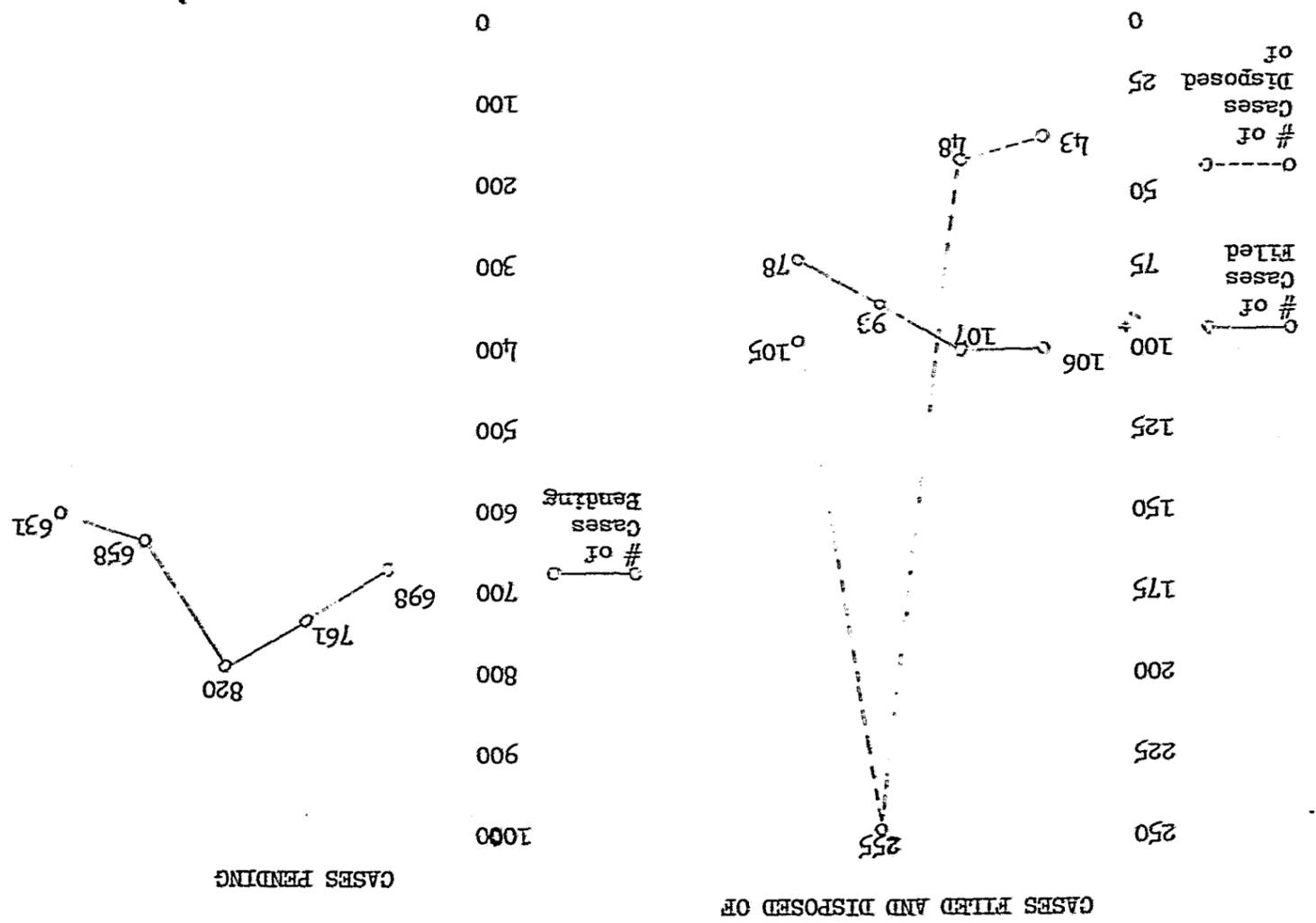
New Castle County *

Estates remaining open as of June 20, 1974	1638
Estates Opened during fiscal 1975	<u>975</u>
TOTAL	2613
Estates closed during fiscal 1975	731
Estates remaining open as of June 30, 1975	<u>1882</u>

* This information was developed by the Court of Chancery in cooperation with the New Castle County Register of Wills Office immediately prior to publication. There was insufficient time to develop similar data for Kent and Sussex Counties. However, future annual reports will include the data for all three counties.

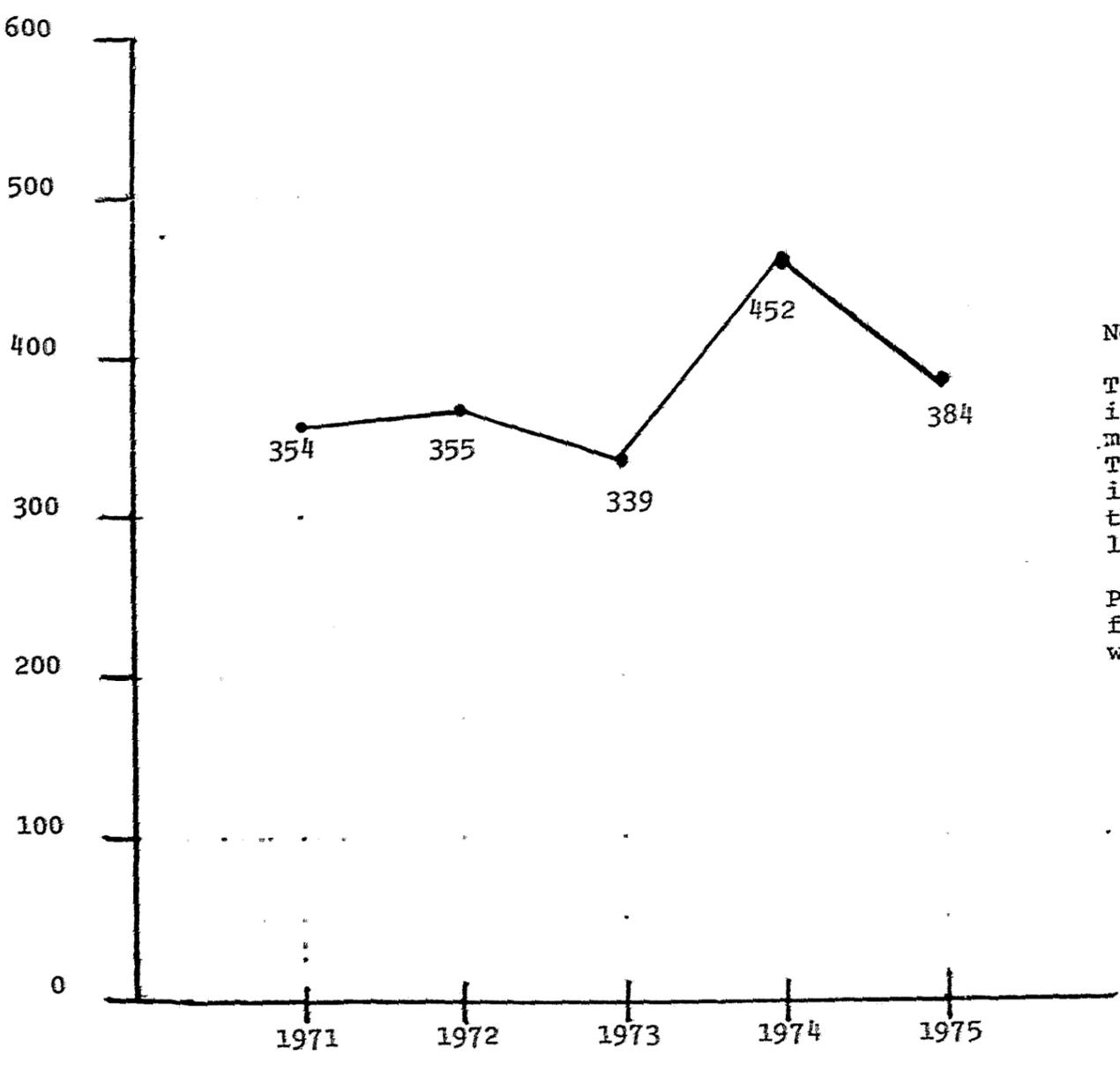
July 1, 1974
 Oct. 1, 1974
 Jan. 1, 1975
 April 1, 1975
 July 1, 1975

1974 3rd Qtr.
 4th Qtr.
 1975 1st Qtr.
 2nd Qtr.



COURT OF CHANCERY - FY '75
 CASES (STATEWIDE)

COURT OF CHANCERY - CASES FILED - 5 YEAR PERIOD



Notes:
 The case figures do not include many miscellaneous matters handled by the court. There were 1401 hearings involving misc. matter during the year, or an increase of 13% over FY 1974.
 Percent of increase of cases filed over last five years was: 8.8%

Superior Court (1 court system, 3 court locations)

Legal Authorization: The Constitution of Delaware, Article IV, Section 1, created the Superior Court.

Geographic Organization: Sessions of the Superior Court are held in each of the three counties at the county seat.

Legal Jurisdiction: This Court has state-wide original jurisdiction over criminal and civil causes, except equity causes, over which the Court of Chancery has exclusive jurisdiction. Effective November 21, 1975, divorce jurisdiction will be transferred from Superior Court to Family Court. The Court has exclusive jurisdiction over felonies and drug offenses (excepting most felonies and drug offenses involving minors) and jurisdiction over termination of parental rights and adoptions. The Superior Court hears appeals on the law from the Court of Common Pleas. Appeals from Alderman's Courts, Justices of the Peace Courts, and Municipal Court of Wilmington are heard as second trials (de novo) in this Court. Appeals from Superior Court are argued on the record in the Supreme Court.

Judges:

Number: There are eleven judges; one is a President Judge with administrative responsibility for the Court.

Appointment: The Governor appoints Superior Court Judges with the consent of the Senate.

Tenure: The Judges' appointment is for 12 year terms.

Qualifications: The Judges must be learned in the law.

Support Personnel: The Superior Court may appoint court reporters, law clerks, bailiffs, presentence officers and a secretary for each Judge.

An elected Prothonotary for each county serves as Clerk of the Superior Court for that county. The Prothonotary is the recordkeeper of the Superior Court and, as such, the Prothonotary is directly involved with the civil court calendar. The office also handles the jury list, court exhibits, property liens, registering law students and attorneys, and is the custodian of fees for the courts and for the Attorney General. Functions of the Prothonotary's office are divided into seven categories: Administrative, Civil, Judgments-Executions, Criminal, Terminations, Adoptions, and indicting of Judgments. Further, the Prothonotary's office is charged with the security, care and custody of Court exhibits.

Case Load Trend: During this past fiscal year, the Superior Court decided to assume control of the criminal case calendar, a responsibility formerly held by the Attorney General's Office. This decision was prompted by a continued rising case load as well as a desire to meet the Chief Justice's 120-day standard for processing criminal cases. An independent consultant was hired to study calendaring problems and develop a procedures manual. A Case Scheduling Office was established and began operations in September, 1975.

Two criminal case "blitzes" were held in the past fiscal year during the months of March and June in an attempt to reduce the backlog of pending criminal cases. The civil calendar was shut down and the Court concentrated exclusively on moving criminal cases. These efforts are not only reflected in the increase in dispositions of criminal cases, but they are also reflected in the substantial increase of civil cases waiting adjudication. (There was an increase of 66.5% in the number of civil cases pending over the past fiscal year.) Therefore, despite the loss of divorce jurisdiction, the problem of rising civil case activity must also be addressed. The final solution may lie in adding new judgeships to the Court.

An important caveat must accompany the Superior Court data. The Prothonotary's Offices as of January 1, 1975, adopted a new procedure for numbering criminal actions. Under the new numbering system data has been reduced to the lowest common denominator in that each charge against a defendant receives a separate number. Therefore, any generalizations about the data should not be drawn at this time. Summary figures for the first six months and the second six months of the fiscal year are included in this report but they are not added together. Next year, we should be able to better chart trends in criminal case activity.

It should be emphasized that the trial data is not a totally accurate picture of trial activity in Superior Court. Civil trials are not included in the figures. Also, criminal trials usually take more than one day, so figures for trials are smaller than the number of trial days.

JUDICIARY

Hon. Andrew D. Christie
Vickie Lally, Secretary
(571-2358)

Associate Judges

Hon. Robert C. O'Hara
Doris Myers, Secretary
(571-2370)

Hon. Vincent A. Bifferato
Betty Gilson, Secretary
(571-2361)

Hon. Clarence W. Taylor
Carol Edwards, Secretary
(571-2374)

Hon. Joseph T. Walsh
Linda Flohr, Secretary
(571-2369)

Hon. Bernard P. Balick
Judith Ferrara, Secretary
(571-2367)

Hon. Joseph J. Longobardi
Anne Marie Brown, Secretary
(571-2544)

SUPERIOR COURT

Hon. Albert J. Stiftel

President Judge

Ann Lafferty, Secretary
(571-2355)

New Castle County Resident Judge

Hon. Andrew D. Christie
Vickie Lally, Secretary
(571-2358)

Associate Judges

Hon. Robert C. O'Hara
Doris Myers, Secretary
(571-2370)

Hon. Vincent A. Bifferato
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Carol Edwards, Secretary
(571-2374)

Hon. Joseph T. Walsh
Linda Flohr, Secretary
(571-2369)

Hon. Bernard P. Balick
Judith Ferrara, Secretary
(571-2367)

Hon. Joseph J. Longobardi
Anne Marie Brown, Secretary
(571-2544)

Kent County Resident Judge

Hon. George R. Wright
Janet L. Case, Secretary
(678-5331)

Associate Judge

Hon. William G. Bush, III
Eileen Masino, Secretary
(678-5331)

Sussex County Resident Judge

Hon. Claud L. Tease
Mary Ellen Greenly, Secretary
(856-5256)

JUDICIARY
SUPPORT PERSONNEL

Pre-Sentence Office

Frank T. Miller, Chief
Gregory Fullhart, Assistant Chief
Linden Ballance
William G. Echols
Ronald Keen
Ralph D. Knotts, Jr.
Horace B. Willey
Charles G. Allen
Robert D. Downes
Barbara P. Holloway
Mona Bayard
J. Milton Messick

Ivone Marvel, Secretary
Norma Jean Tribbett, Secretary
Kathleen Lucas, Secretary
Romona Monsen, Secretary
Catherine Palmatary, Secretary
Emily Williams, Secretary
Edna Snowden, Secretary
Barbara Flynn, Secretary

Jury Commissioners

John N. McDowell
Wallace F. McFaul, Jr.
Ralph L. Swain
Thomas F. Bayard, III
Walter M. Betts
John R. McDonald

SUPERIOR COURT

Trail Court Administrator

Frederick Kirch (571-2380)
Alexandra Haczynski, Secretary
Michael Indellini, Accountant
Irma Whittington, Receptionist

Case Scheduling Office

J. Gary Dean, Chief
Donald Marston
Carol Thomas

Court Reporters

Morris D. Pearson, Chief
Dolores Blevins, Secretary
Betty J. Gleason
Gary S. Kivelowitz
Donald M. Matthews
David G. Meedings
Jack P. White
Thomas Aitken
Edward N. Hawkins
Robert F. Marshall
Joel Leibow
Debra A. Mitchell
William Colvin
John White, Jr.
Theodore Roloff

George Ackerman, Secretary
Priscilla Stuchlik, Secretary

Bailiffs

William Davis, Sr., Chief
Walter G. Darrell
Constance H. Harding
William A. Landon
Jean L. Luff
Rita McCaffery
Michael Tyrawski
John R. Whittington
Stanford V. Williams
Earl E. Clark
Thomas Rogers
John Garrity
Madeline Powell
Sydney Hitchens
William Marvel
Arnold Williams

Law Clerks

Kenneth Blythe
Henry Gallagher
Richard Galperin
Edward Eaton
Charles Lucy
John Maziarz

Superior Court Data

Explanatory Notes

1. The Administrative Office of the Courts has made certain assumptions in compiling all statistical data beginning in January of 1975, when the Superior Court and the Prothonotary's Office installed their new criminal case numbering system. An "open case" is defined as any pending criminal charge that is between arrest and trial. This distinction is based upon the fact that every charge that comes before the Court falls into this category while not every charge goes into a post-trial stage.
2. A Criminal Action Number (CRA) is theoretically assigned to every criminal charge that comes before Superior Court. However, in certain instances, a CRA will contain more than one charge. A CRA is defined as "open" if even one charge against one defendant is still pending in a pre-trial stage before the Court, even though co-defendants or other charges may have already been disposed of, or the charge still "open" is to be Nolle Prossed at some future date.
3. A defendant is any individual named in a Criminal Action Number. If the same individual is named in more than one CRA, that individual is counted only once if the charges were filed on the same date.
4. A "charge" is one count of one CRA against one defendant. In determining the actions of the Court, and the extent of the backlog, the charge has been the focus of our attention. Admittedly, focusing on charges will distort the percentage of cases Nolle Prossed, but it is felt to be the only way to keep track of the Court's activities, given our present recordkeeping system.
5. For purposes of reporting trial information only, a defendant is considered as an individual, no matter how many charges he was tried on at one time. In a similar matter, the number of trials reflects just that, and not the number of CRAs or charges that were brought to trial.
6. In the results column of the trial information, if a defendant was found guilty of at least one charge, he was included in the line for those found guilty in the appropriate manner, even if he was acquitted on other charges. Thus it is possible to find an entry indicating that actions occurred to charges but not to individuals. The charges, however, are recorded as they were decided. This action was done to avoid counting one person more than once.
7. The total number given for "Trial-Guilty" and "Trial-Not Guilty" in Section III will always be less than or equal to the number of "Charges Tried" in Section IV. This is because all charges brought to trial are not always finally disposed of in that fashion. For example, a jury trial which resulted in a hung jury would be counted as trial activity but not as final disposition of the charges.

SUPERIOR COURT

FY '75

CIVIL

<u>PENDING</u>	July 1	Oct. 1	Jan. 1	April 1	June 30	Change
New Castle	2,888	Not Available			4,810	+1922
Kent	687	755	827	891	919	+232
Sussex	556	616	675	689	704	+148

<u>FILINGS</u>	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Totals
New Castle	1,344	1,034	1,303	1,273	4,954
Kent	260	239	250	307	1,056
Sussex	197	236	189	192	814
State	1,801	1,509	1,742	1,772	6,824

<u>DISPOSITIONS</u>	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Totals
New Castle	Quarterly Totals Not Available				3,032
Kent	192	158	186	279	815
Sussex	137	177	175	177	666
State					4,513

SUPERIOR COURT

New Castle County

Civil Cases

July 1, 1974 - June 30, 1975

FILINGS

	SUMMONS	DIVORCES	MECH. LIENS & MORT.	MISC.
July	116	217	43	67
August	94	218	46	37
September	100	346	39	21
October	113	172	45	36
November	88	193	40	23
December	115	131	49	29
January	120	190	159	27
February	133	146	62	14
March	167	208	44	33
April	140	222	63	39
May	134	175	35	57
June	134	204	26	44
TOTAL	1454	2422	651	427

TOTAL CASES FILED: 4,945

DISPOSITIONS

SUMMONS	428
DIVORCES	1,786
MECH. LIENS & MORT.	475
MISC.	353
TOTAL	3,032

SUPERIOR COURT

FY '75

CIVIL

PENDING

ADOPTIONS

	July 1	Oct. 1	Jan. 1	April 1	June 30	Change
Kent	32	32	28	37	38	+ 6
Sussex	32	39	32	30	23	- 9
New Castle	74	79	73	58	64	-10
State	138	150	133	125	125	-13

TERMINATIONS

	July 1	Oct. 1	Jan. 1	April 1	June 30	Change
Kent	1	1	1	3	4	+ 3
Sussex	11	11	14	10	15	+ 4
New Castle	26	23	23	22	25	- 1
State	38	35	38	35	44	+ 6

FILINGS

ADOPTIONS

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
Kent	18	15	20	24	77
Sussex	14	8	15	8	45
New Castle	38	35	37	45	155
State	70	58	72	77	277

TERMINATIONS

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
Kent	1	1	4	4	10
Sussex	4	4	1	7	16
New Castle	17	14	17	7	55
State	22	19	22	18	81

SUPERIOR COURT

FY '75

CIVIL

DISPOSITIONS

ADOPTIONS

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
Kent	17	19	11	23	70
Sussex	7	15	17	13	52
New Castle	35	32	46	58	171
State	59	66	74	94	293

TERMINATIONS

	July-Sept.	Oct.-Dec.	Jan.-March	April-June	Total
Kent	1	1	2	3	7
Sussex	4	1	5	4	14
New Castle	13	14	14	10	51
State	18	16	21	17	72

SUPERIOR COURT
MONTH-BY-MONTH SUMMARIES (CRIMINAL)

FY '75

	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
DISPOSITIONS												
NC CRA	191	131	148	192	153	210	308	196	208	358	391	430
K CRA	45	28	74	45	14	25	71	53	60	59	56	48
S CRA	27	7	30	15	17	22	28	24	42	93	39	67
State CRA	263	166	252	252	184	257	407	273	310	510	486	545
NC Def.	217	160	171	218	202	254	341	234	196	327	161	246
K Def.	51	31	78	48	14	32	67	51	47	39	44	37
S Def.	37	8	33	15	17	23	33	22	38	56	40	49
State Def.	305	199	282	281	233	309	441	307	281	422	245	332
NC Chgs.	372	252	254	350	322	427	577	533	407	616	541	583
K Chgs.	58	37	102	72	15	50	143	84	93	69	67	71
S Chgs.	50	9	56	19	19	41	47	40	59	111	63	73
State Chgs.	480	298	412	441	356	518	767	657	559	796	671	727

SUPERIOR COURT
MONTH-BY-MONTH SUMMARIES (CRIMINAL)

FY '75

	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
ADDITIONS TO PENDING												
NC CRA	+19	+107	+ 77	+89	+43	+47	+325	+412	+459	+372	+237	+159
K CRA	-39	- 18	+ 20	-38	+55	+11	+ 13	+ 44	+ 24	+ 12	+ 10	+ 20
S CRA	-13	+ 5	+ 45	+10	-15	+13	+ 55	+ 78	+ 1	- 38	+ 9	+ 42
State CRA	-33	+ 94	+142	+61	+83	+71	+393	+534	+484	+346	+256	+221
NC Def.	+32	+109	+ 77	+142	+23	+48	+ 77	+ 65	+ 69	- 66	+146	+ 19
K Def.	-45	- 21	+ 32	- 41	+52	+ 4	- 26	+ 7	+ 5	- 1	- 3	+ 14
S Def.	-23	+ 4	+ 50	+ 11	-15	+16	+ 39	+ 28	- 11	+ 1	- 17	+ 2
State Def.	-36	+184	+159	+112	+70	+68	+ 90	+100	+ 63	- 66	+126	+ 35
NC Chgs.	+24	+208	+166	+397	+ 83	+187	+346	+ 79	+261	+116	+ 89	+ 6
K Chgs.	-52	- 27	+ 68	- 65	+156	+ 29	- 59	+ 17	- 8	+ 2	- 1	- 2
S Chgs.	-32	+ 3	+ 60	+ 15	- 17	+ 14	+ 56	+ 62	- 13	- 32	- 11	+ 39
State Chgs.	-60	+184	+294	+347	+222	+230	+343	+158	+240	+ 86	+ 77	+ 43

SUPERIOR COURT

MONTH-BY-MONTH SUMMAREIS (CRIMINAL)

FY '75

	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
FILINGS												
NC CRA	210	238	225	281	196	257	633	608	667	730	628	589
K CRA	6	10	94	7	69	36	84	97	84	71	66	68
S CRA	14	12	75	25	2	35	83	102	43	55	48	109
State CRA	230	260	394	313	267	328	800	807	794	856	742	766
NC Def.	249	269	248	360	225	302	418	299	265	261	307	265
K Def.	6	10	110	7	76	36	41	58	52	38	41	51
S Def.	14	12	83	26	2	39	72	50	27	57	23	51
State Def.	269	291	441	393	303	377	531	407	344	356	371	367
NC Chgs.	396	460	420	747	405	614	923	612	668	732	630	589
K Chgs.	6	10	170	7	171	79	84	101	85	71	66	69
S Chgs.	18	12	116	34	2	55	103	102	46	79	52	112
State Chgs.	420	482	706	788	578	748	1110	815	799	882	748	770

SUPERIOR COURT

MONTH-BY-MONTH SUMMARIES (CRIMINAL TRIALS)

FY '75

	JULY	AUGUST	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MARCH	APRIL	MAY	JUNE
TRIALS HELD												
NC JURY	18	8	19	20	11	7	38	23	30	30	31	26
K JURY	0	1	6	5	0	1	1	1	0	2	1	3
S JURY	5	0	1	4	2	0	3	3	5	3	0	5
State JURY	23	9	26	29	13	8	42	27	35	35	32	34
NC NJ	3	3	4	4	1	0	7	2	2	8	4	6
K NJ	0	0	0	0	0	2	0	0	0	0	0	0
S NJ	0	0	0	0	1	0	1	0	2	4	0	8
State NJ	3	3	4	4	2	2	8	2	4	12	4	14
NC TOTAL	21	11	23	24	12	7	45	25	32	38	35	32
K TOTAL	0	1	6	5	0	3	1	1	0	2	1	3
S TOTAL	5	0	1	4	3	0	4	3	7	7	0	13
State TOTAL	26	12	30	33	15	10	50	29	39	47	36	48

TOTAL ACTIONS: July 1 - December 31, 1974

1. FILINGS:

	<u>Statewide</u>	<u>Sussex</u>	<u>Kent</u>	<u>New Castle</u>
Indictments	1792	163	222	1407
Defendants	2074	176	245	1653
Charges	5722	237	443	3042

2. DISPOSITIONS:

	<u>Statewide</u>	<u>Sussex</u>	<u>Kent</u>	<u>New Castle</u>
Indictments	1393	118	233	1042
Defendants	1629	133	256	1240
Charges	2532	194	339	1999

3. ADDITIONS TO PENDING :

	<u>Statewide</u>	<u>Sussex</u>	<u>Kent</u>	<u>New Castle</u>
Indictments	+ 399	+45	-11	+365
Defendants	+ 445	+43	-11	+413
Charges	+1190	+43	+104	+1043

STATEMENT OF YEAR TO DATE ACTIONS (CONTINUED):
July 1 - December 31, 1974

4. BREAKDOWN OF DISPOSITIONS BY TYPE (CHARGES ONLY):

<u>Type</u>	<u>Statewide</u>	<u>Sussex</u>	<u>Kent</u>	<u>New Castle</u>
Nolle Prossed	1388	82	159	1146
* Pled Guilty	813	74	123	616
Disposed of at Trial	195	11	29	155
ADRR	44	9	4	31
NGMI	8	2	1	5
Remanded to Lower Court	7	1	3	2
Decision Reserved-Decided	1	0	1	0
Appeals Decided	2	0	0	2
Appeals Dismissed	3	0	0	3
Dismissed	8	0	3	5
Commitment Quashed/ Bond Dismissed	13	0	13	0
Certiorari Denied	1	0	1	0
Returned to CCP	0	0	1	0
Rule to Show Cause Heard	1	0	0	1
Petition Pursuant to 11 D.C. §3913 - Granted	1	0	1	0
Mtn to withdraw Guilty Plea- Granted	1	0	0	1
Decision Affirmed	1	0	0	1
Pled Nolo Contendre	1	1	0	0
PG-LIO	44	14	0	30

*PG-LIO's not distinguished from PG's until December

STATEMENT OF YEAR TO DATE ACTIONS (CONTINUED):
July 1 - December 31, 1974

5. BREAKDOWN OF CRIMINAL TRIAL ACTIVITY:

a. TRIALS HELD:

	<u>Statewide</u>	<u>Sussex</u>	<u>Kent</u>	<u>New Castle</u>
Total	126	13	15	100
Jury	108	12	13	85
Non-Jury	18	1	2	15

b. DEFENDANTS TRIED:

	<u>Statewide</u>	<u>Sussex</u>	<u>Kent</u>	<u>New Castle</u>
Total	134	13	16	105
Jury	116	12	14	90
Non-Jury	18	1	2	15

c. RESULTS:

	<u>Statewide</u>		<u>Sussex</u>		<u>Kent</u>		<u>New Castle</u>	
	<u>Def</u>	<u>Chgs</u>	<u>Def</u>	<u>Chgs</u>	<u>Def</u>	<u>Chgs</u>	<u>Def</u>	<u>Chgs</u>
Trial-Jury-Guilty	71	129	6	6	13	25	52	98
Trial-Jury-Not Guilty	20	28	0	0	0	0	20	28
Trial-Jury-Mistrial	13	17	2	2	1	1	10	14
Trial-Jury-Dismiss	2	4	2	2	0	0	0	2
Trial-Jury-Directed Verdict of Acquittal	1	5	0	0	0	2	1	3
Trial-Non-Jury-Guilty	12	14	1	1	1	1	10	12
Trial-Non-Jury-NG	3	3	0	0	0	0	3	3
Trial-Non-Jury-Dismiss	2	2	0	0	0	0	2	2
Trial-Jury-PG during Trial	6	7	2	2	0	0	4	5
Trial-Jury-Pass	0	3	0	0	0	0	0	3
Trial-Jury-Hung Jury (PG to LJO after trial)	2	2	0	0	0	0	2	2
Trial-Non-Jury Dec. Res.	1	1	0	0	1	1	0	0

TOTAL ACTIONS: January 1, 1975 - June 30, 1975

A. FILINGS:

	<u>Criminal Action Numbers</u>	<u>Defendants</u>	<u>Charges</u>
New Castle	3855	1815	4154
Kent	470	281	476
Sussex	440	280	494
Statewide	4765	2376	5124

B. DISPOSITIONS:

	<u>Criminal Action Numbers</u>	<u>Defendants</u>	<u>Charges</u>
New Castle	1891	1505	3257
Kent	347	285	527
Sussex	293	238	393
Statewide	2531	2028	4177

C. ADDITIONS TO PENDING:

	<u>Criminal Action Numbers</u>	<u>Defendants</u>	<u>Charges</u>
New Castle	+1964	+310	+897
Kent	+ 123	- 4	- 51
Sussex	+ 147	+ 42	+101
Statewide	+2234	+348	+947

BREAKDOWN OF DISPOSITIONS BY TYPE, YEAR TO DATE:

January 1, 1975 - June 30, 1975

New Castle Kent Sussex Statewide

Disposition of Charges

Pled Guilty	584	158	63	805
Pled Guilty-LIO	347	72	68	487
Pled Guilty-NI	13	0	1	14
Pled Guilty-AI	5	0	5	10
Nolo Contendere	16	2	0	18
Nolo Contendere-LIO/NI	3	5	8	16
Trial-Guilty	267	7	36	310
Trial-Not Guilty	84	9	14	107
Dismissed	77	13	19	109
Not Guilty-Mental Illness	5	3	3	11
AG Probation	2	0	0	2
Nolle Prosequi	1817	235	128	2180

Appeals

Appeal Dismissed	35	8	6	49
Remanded to Lower Court	0	2	1	3
Decision Affirmed	1	1	1	3
Decision Reversed	0	3	0	3

Motions

Certiorari Granted/Denied	0	1	0	1
Hearing Granted/Denied	1	0	0	1
Rule to Show Cause	0	0	0	0
Indicia of Arrest Destroyed	0	3	0	3

Miscellaneous

Bond Dismissed	0	2	40	42
Ignored by Grand Jury	0	3	0	3

Totals 3257 527 393 4177

BREAKDOWN OF ORIGINAL TRIALS, YEAR TO DATE

January 1, 1975 - June 30, 1975

A. NUMBER OF TRIALS HELD:

	New Castle	Kent	Sussex	Statewide
Jury	178	8	19	205
Non-Jury	29	0	15	44
Total	207	8	34	249

B. NUMBER OF DEFENDANTS PROVED:

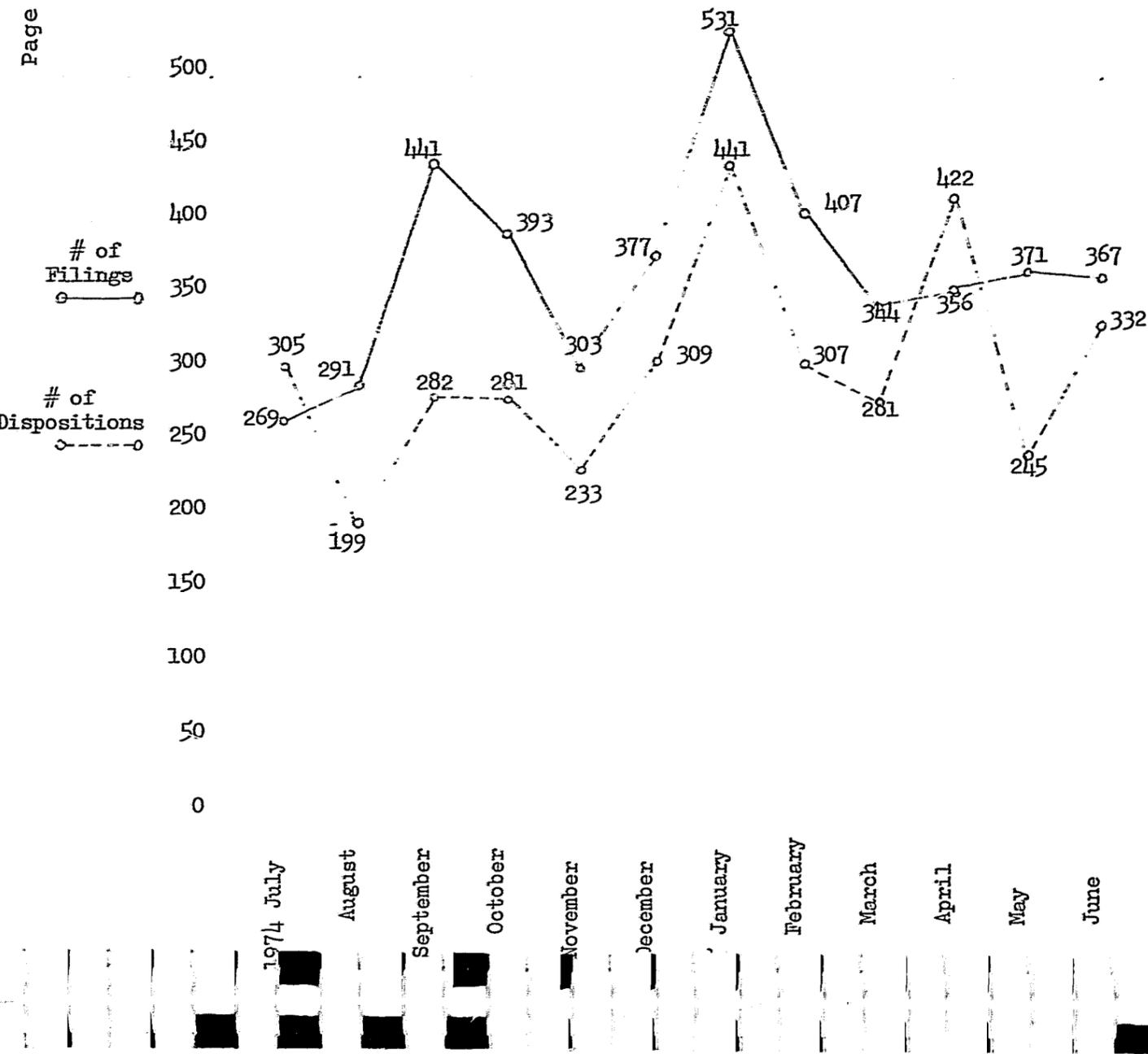
	New Castle	Kent	Sussex	Statewide
Jury	200	10	22	232
Non-Jury	29	0	18	47
Total	229	10	40	279

C. RESULTS:

	New Castle		Kent		Sussex		Statewide	
	Def's	Chgs	Def's	Chgs	Def's	Chgs	Def's	Chgs
Jury/Guilty	141	222	5	7	13	19	159	248
Jury/Guilty-LIO	15	18	0	0	5	6	20	24
Jury/PG at Trial	0	0	0	0	2	3	2	3
Jury/Not Guilty	33	59	5	9	3	4	41	72
Jury/DVA	6	14	0	0	1	5	7	19
Jury/Dec Blocked	3	4	0	0	0	0	3	4
Jury/Ristrial	0	0	0	0	1	3	1	3
Non-Jury/Guilty	19	27	0	0	8	8	27	35
Non-Jury/Not Guilty	8	11	0	0	3	5	11	16
Non-Jury/Decision Reserved	4	4	0	0	4	5	8	9
Totals	229	359	10	16	40	58	279	433

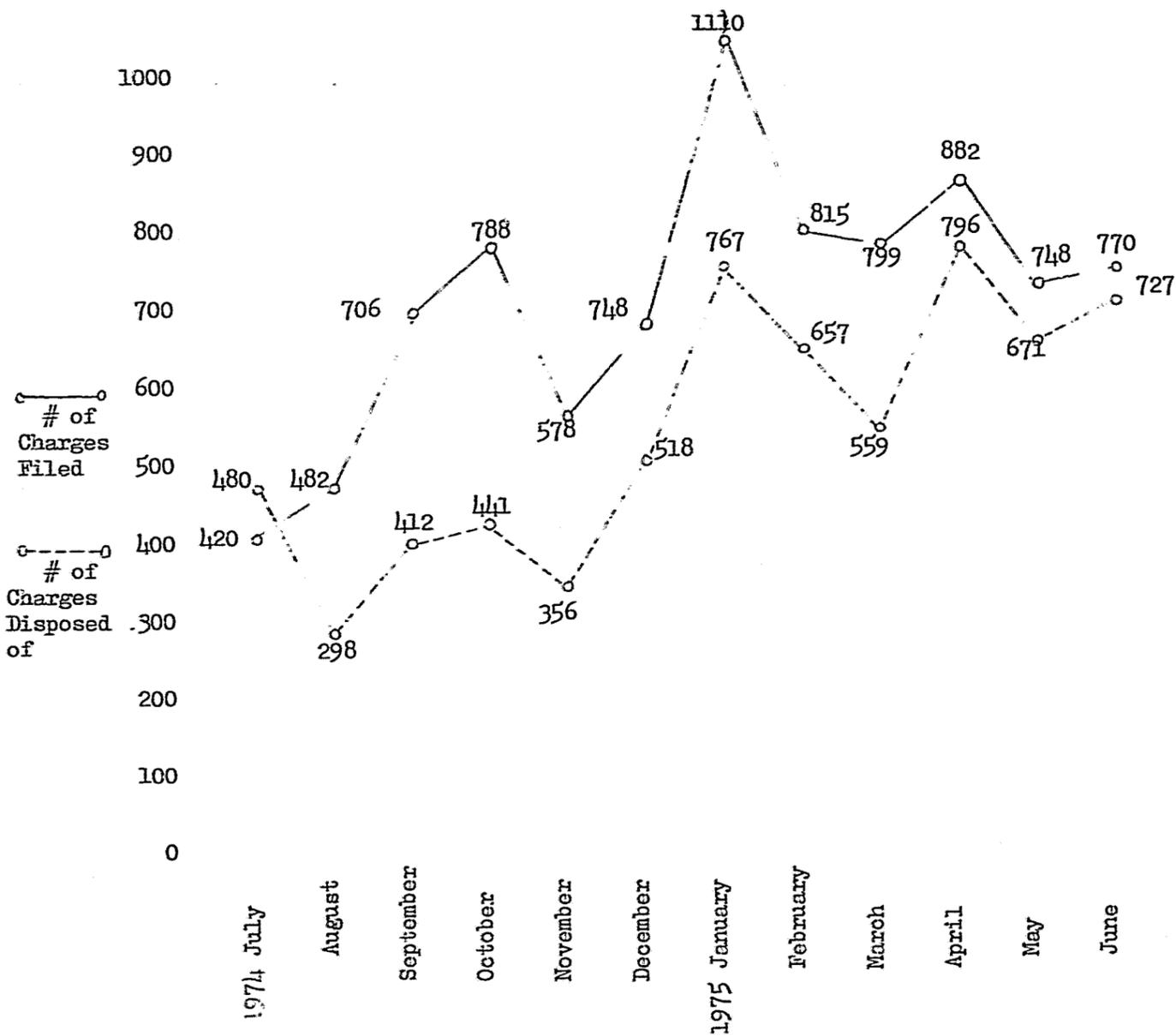
SUPERIOR COURT - FY '75

DEFENDANTS-FILINGS AND DISPOSITIONS (STATEWIDE)

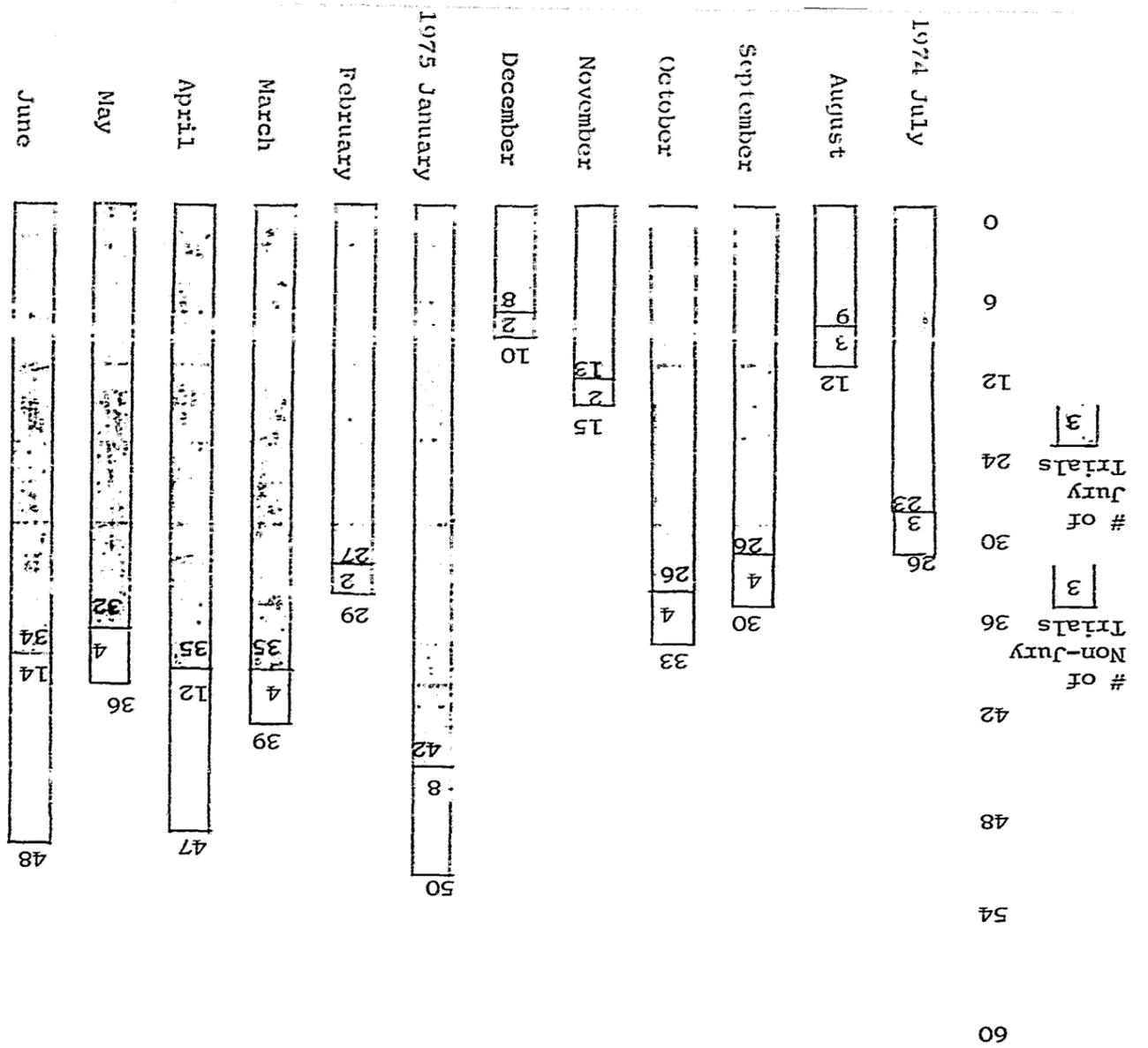


SUPERIOR COURT - FY '75

CRIMINAL CHARGES-FILINGS AND DISPOSITIONS (STATEWIDE)



SUPERIOR COURT - FY 1975
CRIMINAL TRIALS HELD-JURY AND NON-JURY (STATEWIDE)



SUMMARY OF Superior Court BUDGET 02 02 000

	1975	1976	1977	1978	1979	1980	1981	1982
	GENERAL FUND DISBURSEMENT	APPROP.	GENERAL FUND REQUESTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED
SALARIES								
1. Judicial	384,042.	429,500.	429,500.	429,500.	429,500.	429,500.	429,500.	429,500.
2. Commission	6,000.	6,000.	6,000.	6,000.	6,000.	6,000.	6,000.	6,000.
3. Employees	745,950.	847,880.	1,037,193.	1,089,053.	1,143,506.	1,200,681.	1,260,715.	1,323,751.
4. Part-time	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
EMPLOYMENT COSTS								
PERSONAL SERVICES	8,299	42,000.	43,000.	44,290.	45,619.	46,988.	48,398.	49,850.
TRAVEL	11,073.	9,500.	19,100.	19,673.	20,263.	20,871.	21,497.	22,142.
CONTRACTUAL SERVICES	59,520.	56,000.	74,753.	76,996.	79,306.	81,685.	84,136.	86,660.
SUPPLIES & MATERIALS	19,780.	17,250.	19,050.	19,622.	20,622.	20,817.	21,442.	22,085.
CAPITAL OUTLAY	18,117.	15,000.	98,610.	101,568.	104,615.	107,753.	110,985.	114,315.
GRAND TOTAL	1,252,781.	1,609,687.	1,928,262.	1,997,811.	2,070,684.	2,147,042.	2,227,057.	2,310,912.

COURTS OF COMMON PLEAS

Courts of Limited Jurisdiction

Court of Common Pleas (1 court system, 3 courts locations)

Legal Authorization: This statewide Court of Common Pleas was created by 10 Delaware Code, Chapters 13, 15 & 16, effective July 5, 1973.

Geographic Organization: There is a Court of Common Pleas held in each of the three counties at the respective county seats.

Legal Jurisdiction: The Court of Common Pleas has concurrent jurisdiction with the Superior Court in civil actions here the amount involved, exclusive of interest, does not exceed \$5,000 on the complaint but is unlimited on counterclaim. It has jurisdiction of all misdemeanors (except drug-related) occurring outside the City of Wilmington. In New Castle County all cases are tried without a jury. Upon demand for trial by jury the action is sent to the Superior Court. In Kent and Sussex Counties there is a right to trial by jury in the Court of Common Pleas.

Appeals from the Court of Common Pleas are on the record to the Superior Court.

Judges:

Number - There are four Judges of the Court of Common Pleas. One (1) Chief Judge and three (3) resident Judges.

Appointment - The Judges are appointed by the Governor with the consent of the Senate.

Tenure - The Judges serve 12 year terms.

Qualifications - The Judges must have been actively engaged in the general practice of law in the State of Delaware for at least five (5) years and no more than a majority of one from the same political party.

Support Personnel: The Judges of the Court of Common Pleas may appoint clerks, bailiffs, court reporters and secretaries.

Case Load Trend: The number of cases filed in this Court, both civil and criminal, has continued to rise which has been apparent year after year. There has been an increase this year of 14.44% in the number of criminal actions filed and an increase of 42.51% in the number of civil actions filed. All indications seems to be that these numbers will continue to rise. The Court has been successful in keeping fairly current in disposition of these cases and prides itself in the absence of a "backlog". The most severe problem is the limited clerical help and the limitation of space within which to keep these people. A very serious condition exists in the limitation of the space for clerical employees and the necessity that they work in such close proximity to each other. The Court desperately needs additional clerical space and personnel.



JUDICIARY

COURT OF COMMON PLEAS

Hon. Robert H. Wahl, Chief Judge

Beulah Goldsborough, Secretary
(571-2410)

Hon. Arthur F. DiSabatino

New Castle County Resident Judge
Carol Schatzman, Secretary
(571-2410)

Hon. Merrill C. Trader

Kent County Resident Judge
Mary Elyn Massey, Secretary
(678-4617)

Hon. Paul E. Ellis

Sussex County Resident Judge
Katherine Truitt, Secretary
(856-5333)

COURT OF COMMON PLEAS

JUDICIARY
SUPPORT PERSONNEL

New Castle County

Court Clerks

Carole Kirshner
Ann Pineault
Maryanne Hairsine

Court Reporters

David Rudney
Lloyd Adams
Cecilia M. Fontello (Typist-Transcriber)

Accounts Clerk

Mary T. Eckridge

Clerk/Typist

Julia Giacomma
Helen Omlor
Phyllis Feingold
Ellen M. Sullivan
Patricia A. Aiello

Bailiffs

Richard Hurst
James O'Brien
Robert McGee

Kent County

Court Clerks

Joyce Burnett
Ruth Biddle
Terry Chippie

Court Reporter

Eileen Murawski

Bailiffs

Mary McFaul
George Manlove

Sussex County

Court Clerks

Doris F. Wilkins
Jean G. Henry

Court Reporter

Raymond Kenney
Vera Elliott (Typist -
transcriber)

Bailiff

Charles E. Riley

COURT OF COMMON PLEAS

CIVIL CASES
FY '75

<u>PENDING</u>	July 1	Oct 1	Jan 1	April 1	June 30	Total Change
New Castle	1,102	1,265	1,507	1,596	1,726	+624
Kent	40	53	59	59	74	+ 24
Sussex	267	271	353	301	256	- 11
State	1,409	1,589	1,919	1,956	2,056	637

<u>FILINGS</u>	July-Sept	Oct-Dec	Jan-March	April-June	Total
New Castle					
Auto	70	54	65	98	287
Other	492	629	431	510	2,062
Kent					
Auto	8	4	5	3	20
Other	24	29	27	60	140
Sussex					
Auto	6	9	7	6	28
Other	122	212	145	98	577
State	722	937	680	775	3,114

<u>DISPOSITIONS</u>	July-Sept	Oct-Dec	Jan-March	April-June	Total
New Castle					
Court	27	34	62	47	170
Counsel	372	407	345	431	1,555
Kent					
Court	2	7	13	6	28
Counsel	17	19	20	42	98
Sussex					
Court	38	61	65	51	215
Counsel	86	78	139	98	401
State	542	606	644	675	2,467

COURT OF COMMON PLEAS

CRIMINAL CASES

FY '75

PENDING

	July 1	Oct 1	Jan 1	April 1	June 30	Total Change
New Castle	429	527	522	554	579	+150
Kent	97	51	121	92	96	- 1
Sussex	136	177	210	131	152	+ 16
State	662	755	853	777	827	+165

FILINGS

	July-Sept	Oct-Dec	Jan-March	April-June	Total
New Castle	796	889	948	1,056	3,689
Kent	213	209	191	160	773
Sussex	194	210	170	225	799
State	1,203	1,308	1,309	1,441	5,261

DISPOSITIONS

	July-Sept	Oct-Dec	Jan-March	April-June	Total
New Castle					
Jury	0	0	0	0	0
Non Jury	731	763	946	1,028	3,468
Kent					
Jury	16	9	22	6	53
Non Jury	243	130	198	150	721
Sussex					
Jury	4	4	3	2	13
Non Jury	149	173	248	202	772
State	1,143	1,079	1,417	1,388	5,027

COURT OF COMMON PLEAS

CASELOAD COMPARISON

CRIMINAL

FILINGS

	'74	'75	Change
New Castle	3,200	3,689	+489
Kent	689	773	+ 84
Sussex	708	799	+ 91
State	4,597	5,261	+664

DISPOSITIONS

	'74	'75	Change
New Castle	3,253	3,468	+215
Kent	660	774	+114
Sussex	838	785	- 53
State	4,751	5,027	+276

CIVIL

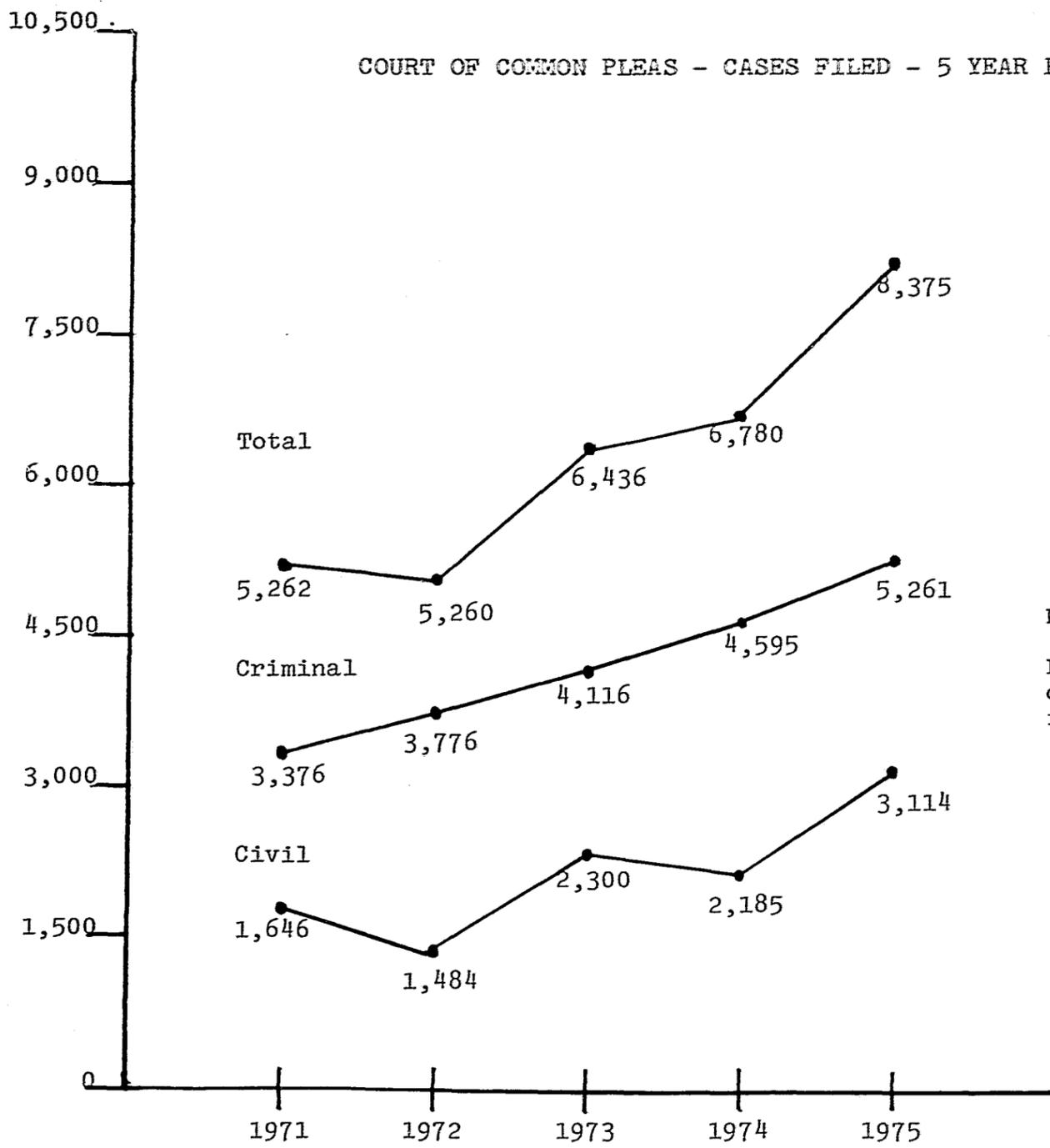
FILINGS

	'74	'75	Change
New Castle	1,643	2,349	+706
Kent	83	160	+ 77
Sussex	459	605	+146
State	2,185	3,114	+929

DISPOSITIONS

	'74	'75	Change
New Castle	1,364	1,725	+361
Kent	44	126	+ 82
Sussex	448	616	+168
State	1,856	2,467	+611

COURT OF COMMON PLEAS - CASES FILED - 5 YEAR PERIOD



Note:

Percent of increase of cases filed over last five years: 55.1%

SUMMARY OF Court of Common Pleas BUDGET 02 06 000

	1975	1976	1977	1978	1979	1980	1981	1982
	GENERAL FUND DISBURSEMENT	APPROP.	GENERAL FUND REQUESTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED
SALARIES								
1. Chief Judge	34,500.00	38,500.00	38,500.00	38,500.00	38,500.00	38,500.00	38,500.00	38,500.00
2. Judge	101,999.68	114,000.00	114,000.00	114,000.00	114,000.00	114,000.00	114,000.00	114,000.00
3. Employee	240,081.33	264,310.60	281,488.00	295,562.00	310,340.10	325,857.10	342,149.95	359,257.44
4. Part-time	10,208.12	6,500.00	6,500.00	5,775.00	6,063.75	6,366.93	6,685.27	7,019.53
EMPLOYMENT COSTS	-0-	59,725.11	66,661.00	69,994.05	73,493.75	77,168.43	81,026.85	85,078.19
PERSONAL SERVICES								
	9,498.95	10,870.90	19,000.00	19,570.00	20,157.00	20,761.71	20,384.56	22,026.09
TRAVEL								
	2,085.81	2,980.00	7,700.00	7,931.00	8,168.93	8,413.99	8,666.40	8,926.39
CONTRACTUAL SERVICES								
	35,817.54	26,793.26	30,640.00	31,559.20	32,505.97	33,481.14	34,485.57	35,520.13
SUPPLIES & MATERIALS								
	9,012.01	5,868.65	9,650.00	9,939.50	10,237.68	10,544.81	10,861.15	11,186.98
CAPITAL OUTLAY								
	7,788.17	7,621.50	6,540.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00
GRAND TOTAL								
	450,991.61	537,170.02	581,179.00	598,830.75	619,467.18	641,094.11	663,759.75	687,514.75

10,500.



FAMILY COURT

FAMILY COURT

Legal Authorization: Family Court Act, Title 10, Chapter 9, Delaware Code.

Geographic Organization: The Family Court is a unified state-wide Court with branches in New Castle County at Wilmington, Kent County at Dover, and Sussex County at Georgetown.

Legal Jurisdiction: The Family Court has original civil and criminal jurisdiction over family and child matters except felonies. Family matters include non-support; custody and visitation of children; divorce and annulment proceedings, including property dispute settlements; paternity denials; actions involving family discord; and separate maintenance for spouses. Child matters include neglected and dependent children; actions relating to ill treatment -- abuse, abandonment or contributing to the delinquency of children; children held in detention; delinquent children; and those children in need of services.

Appeals may be made de novo to the Superior Court and in non-support and separate maintenance cases directly to the Supreme Court.

Judges:

Number - There are eleven judges of equal judicial authority. One of the judges is the Chief Judge, who is the chief executive officer of the Court with power and authority over the administrative business and affairs of the Court. The remaining ten are Associate Judges.

Appointment - The judges are appointed by the Governor with the approval of the Senate.

Tenure - The judges serve a 12-year term.

Qualifications - Judges must be duly admitted to the practice of law before the Supreme Court of the State at least five years prior to their appointment and shall be selected because of their knowledge of the law and interest in and understanding of family and child problems. They shall not practice law during their tenure and may be reappointed.

Other Judicial Personnel: The Chief Judge appoints and commissions suitable persons to act as Masters in the Court, who shall hold office at his pleasure and shall be residents of the State for at least five years prior to their appointment. The Master may hear any matter properly before him, announce his conclusion and transmit to the Chief Judge his findings and recommendations in writing, which shall become judgments of the Court unless disapproved by the Chief Judge within fifteen days, in which case the matter will be reviewed de novo by a judge.

Support Personnel: The Court employs a staff of approximately 185 persons, including clerks of court, judicial secretaries, counselors, an accounting department, clerks, clerk-typists, bailiffs, and process servers.

Caseload: Ten courtrooms are operating throughout the state on a daily basis in order to provide services to clients. Currently, the Court is disposing of 22,000 cases annually.

JUDICIARYFAMILY COURT

Robert D. Thompson, Chief Judge
Grace Davis, Secretary
(571-2205)

ASSOCIATE JUDGESNew Castle County

Joseph P. Hurley
Mary Mowday, Secretary

Elwood F. Melson, Jr.
Ann Botto, Secretary

Herbert L. Cobin
Nancy Kaper, Secretary

Roxana C. Arsht
Shelley Schwanker, Secretary

Robert W. Wakefield
Evelyn Barkovic, Secretary

Daniel F. Kelleher
Irma Schock, Secretary

Hiram W. Warder
China Cafini, Secretary

Kent County

Roger D. Kelsey
Karen Price, Secretary

David P. Buckson
Ruth Potter, Secretary

Sussex County

James M. Faulkner
Lynn Berryman, Secretary

MASTERS

Kenneth W. Singleton, Chief Master
Harvey Black
David K. Brewster
Charles E. Evans
William S. Lee
Nathan Rosbrow

NOTE: Family Court judges may sit in any of the three Court locations. Judges are listed above according to their county of residence.

FAMILY COURT

State Office

- 1 Administrator
- 1 Director of Counseling
- 1 Personnel Officer
- 1 Assistant Administrator
- 2 Program & Staff Development Officers
- 2 Administrative Assistants
- 2 Secretaries
- 1 Accountant
- 1 Assistant Accountant
- 2 Accounting Clerks
- 1 Statistician
- 1 Clerk Typist

JUDICIARY
SUPPORT PERSONNEL

New Castle County

- 1 County Supervisor
- 2 Clerks of Court
- 3 Deputy Clerks of Court
- 1 Chief of Family Ct. Services
- 4 Social Service Administrators
- 2 Administrative Assistants
- 3 Counselor Supervisors
- 12 Counselors
- 1 Support Officer
- 2 Social Service Specialists
- 15 Counselor Trainees
- 2 Community Workers
- 3 Juvenile Group Leaders
- 1 Accountant
- 3 Accounting Clerks
- 1 Secretary
- 1 Senior Clerk
- 3 Legal Stenographers
- 3 Clerk Stenographers
- 27 Clerk Typists
- 1 Telephone Operator
- 1 Receptionist
- 5 Clerks
- 1 Custodial Worker
- 10 Bailiffs
- 2 Process Servers

Kent County

- 1 County Supervisor
- 1 Clerk of Court
- 2 Deputy Clerks of Court
- 2 Social Service Administrators
- 2 Counselors
- 4 Counselor Trainees
- 1 Support Officer
- 1 Accounting Clerk
- 3 Legal Stenographers
- 3 Clerk Stenographers
- 4 Clerk Typists
- 2 Bailiffs
- 2 Process Servers

Sussex County

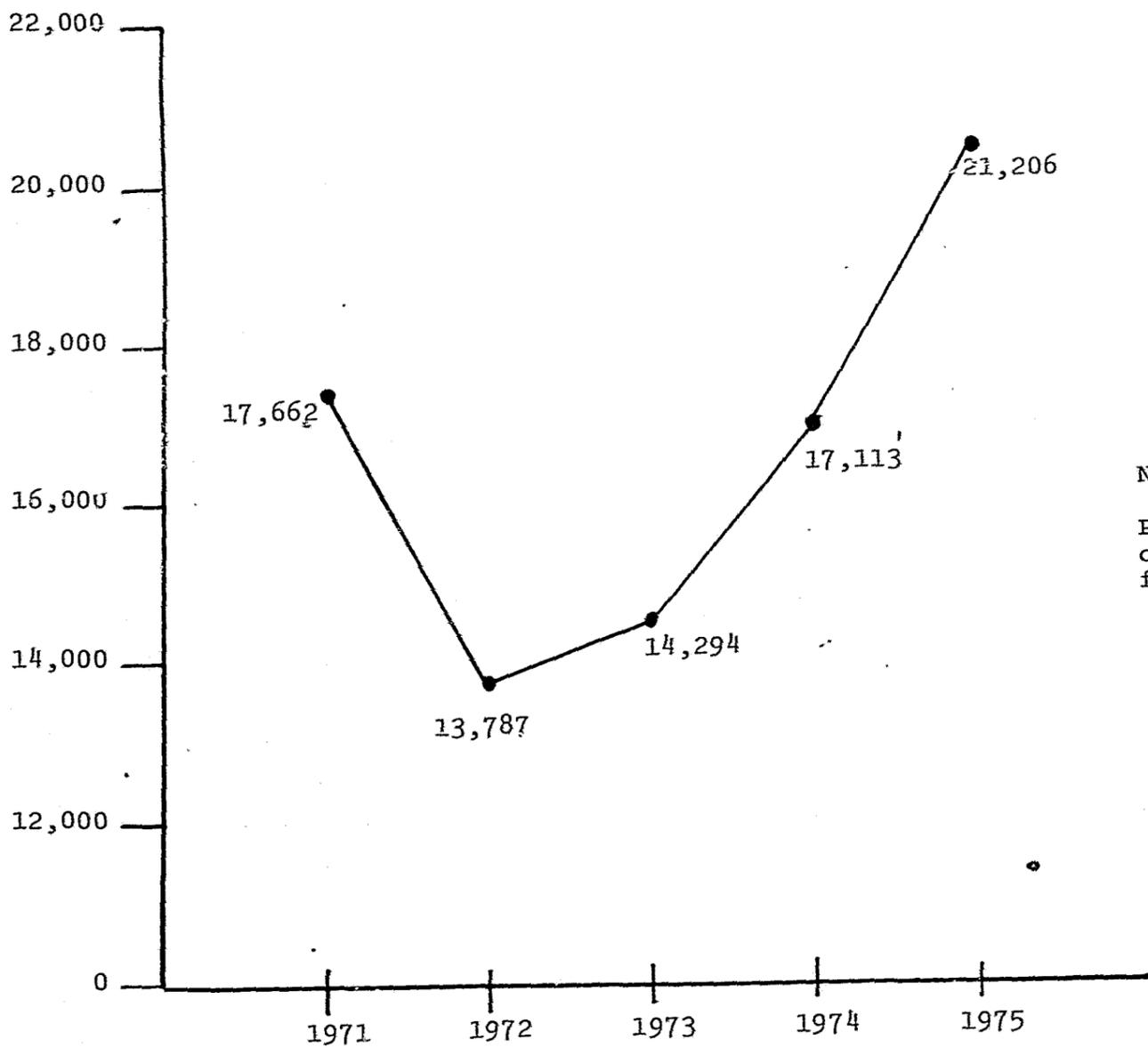
- 1 County Supervisor
- 1 Clerk of Court
- 1 Deputy Clerk of Court
- 1 Administrative Services Officer
- 1 Secretary
- 5 Counselors
- 4 Counselor Trainees
- 2 Social Service Administrators
- 1 Social Service Specialist
- 1 Legal Stenographer
- 2 Clerk Stenographers
- 6 Clerk Typists
- 1 Accounting Clerk
- 2 Bailiffs
- 1 Process Server

THE FAMILY COURT

FISCAL YEAR 1975 JUDICIAL ACTIVITY STATISTICS

New Petitions and Informations filed 21,206
 Terminated 17,580
 Cases Continued and Pending June 30, 1975 3,626

FAMILY COURT - CASES FILED - 5 YEAR PERIOD



Note:

Percent of increase of cases filed over last five years: 20.1%

SUMMARY OF Family Court BUDGET 02 08 000

	1975 GENERAL FUND DISBURSEMENT	1976 APPROP.	1977 GENERAL FUND REQUESTED	1978 PROJECTED	1979 PROJECTED	1980 PROJECTED	1981 PROJECTED	1982 PROJECTED
<u>SALARIES</u>								
1. Judicial	309,955.	418,500.	418,500.	439,425.	439,425.	439,425.	439,425.	439,425.
2. Employees	1,274,881.	1,631,332.	1,654,061.	1,736,764.	1,823,602.	1,914,782.	2,010,521.	2,111,048.
3. Part-time	4,567.	5,000.	10,000.	10,500.	11,025.	11,576.	12,155.	12,763.
4. Overtime	14,252.	10,000.	15,300.	15,759.	16,202.	16,688.	17,189.	17,705.
EMPLOYMENT COSTS	292,603.	312,298.	358,125.	376,031.	394,833.	414,575.	435,304.	457,069.
PERSONAL SERVICES	54,658.	45,500.	89,350.	89,350.	89,350.	89,350.	89,350.	89,350.
TRAVEL	10,009.	16,850.	51,092.	52,625.	54,204.	55,830.	57,505.	59,230.
CONTRACTUAL SERVICES	363,715.	112,330.	175,041.	180,292.	185,701.	191,272.	197,010.	202,920.
SUPPLIES & MATERIALS	33,003.	42,050.	54,740.	56,382.	58,073.	59,815.	61,609.	63,457.
CAPITAL OUTLAY	19,958.	28,100.	57,349.	59,069.	60,841.	62,841.	64,546.	66,482.
DEBT SERVICE:								
Principal	12,000.	12,000.	12,000.	12,000.	12,000.	12,000.	12,000.	12,000.
Interest	9,990.	9,282.	8,616.	7,916.	7,216.	6,516.	5,816.	5,116.
SPECIAL	9,761.	61,562.	-0-	-0-	-0-	-0-	-0-	-0-
GRAND TOTAL	2,409,352.	2,709,804.	2,904,174.	3,024,113.	3,140,472.	3,262,495.	3,390,430.	3,524,565.

JUSTICE OF THE PEACE

Courts of Limited Jurisdiction

Justice of the Peace Courts (15)

Legal Authorization: These Courts are authorized by the Constitution of Delaware, Article IV, Section 1.

Geographic Organization: The jurisdiction of the Courts is state-wide and sessions are held throughout the State, 3 in Kent County, and 6 each in New Castle and Sussex Counties. Fifteen Courts are authorized and all are operative.

Legal Jurisdiction: The Justice of the Peace Courts have jurisdiction over civil cases in which the amount in controversy does not exceed \$1,500. In all Justice of the Peace Courts except one in Wilmington, criminal jurisdiction is exercised. These Courts are authorized to hear minor misdemeanors and motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Since Justice of the Peace Courts are not Courts of record, appeals may be taken de novo to the Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Courts of Common Pleas.

Judges:

Number - There are 53 magistrates authorized, 52 presently serving full time.

Appointment - The magistrates are appointed by the Governor with Senate approval.

Tenure - The magistrates are appointed for a four year term.

Qualifications - The Justice of the Peace must be at least 21 years of age and a resident of the State of Delaware and the county where he serves.

Support Personnel: A Deputy Administrator for the Justice of the Peace Courts is appointed by the Governor with Senate approval. Two Assistant Deputy Administrators serve the Deputy. The State provides Chief Clerks, Deputy Clerks, Constables, and Bailiffs for each Court.

Case Load Trend: Criminal cases filed in the Justices of the Peace Courts have increased for many and varied reasons. First, police-apprehending capabilities have dramatically increased by additional financial resources from Federal funds. Second, all police forces, particularly the New Castle County Police, have dramatically increased the number of policemen who are now patrolling the streets. Thus, more arrests are made. Third, the level of competency among the Justices of the Peace has dramatically increased, and the service provided by this advantage has correspondingly increased. Therefore, more individuals are utilizing the Justices of the Peace System in order to expeditiously dispose of their cases.

Civil cases have increased for reason three which is listed above. It should also be noted that the Justices of the Peace Courts offer plaintiffs an inexpensive forum for litigating their minor legal matters. More litigants are also due to the increase of population within the counties, and this is particularly true in the landlord-tenant situation. Parenthetically, it might be added that the recession could have had a significant effect upon the number of civil cases filed in the Justices of the Peace Courts.

Organization
Justices of the Peace Court System of Delaware

Deputy Administrator

James J. Horgan
(571-2485)

Assistant Deputy Administrators

Arthur R. Carello
Thomas W. Nagle

Chief Judges
Sussex County

William J. Hopkins, Jr.
Thomas J. Orr

Court No. 1 - Dagswood
Court No. 1a - Bethany Beach
Court No. 2 - Lewes
Court No. 3 - Georgetown
Court No. 4 - Seaford
Court No. 5 - Milford

Chief Judge
Kent County

Russell T. Rash

Court No. 6 - Harrington
Court No. 7 - Dover
Court No. 8 - Smyrna

Chief Judge
New Castle County

Morris Levenberg

Court No. 9 - Middletown
Court No. 10 - Kirkwood Hwy.
Court No. 11 - New Castle
Court No. 13 - King Street, Wilm.
Court No. 14 - King Street, Wilm.
Court No. 15 - Concord Pike, Wilm.

JUSTICES OF THE PEACE

New Castle County

Kent County

Sussex County

Brothers, Louise T.
 Cheeseman, Ronald E.
 English, Mable M.
 Flynn, Francis, Jr.
 Garfinkel, William T.
 Hammett, Charles A.
 Harris, Doris E.
 Hewes, Clayton W., Jr.
 Jaremchuk, John, Jr.
 Kenny, Frederic H.
 Killen, William M.
 Laffey, Phyllis H.
 Lenderman, John F.
 Levenberg, Morris
 Malm, Ruth P.
 McLaughlin, John P.
 McMullen, William
 Newell, Thomas J.
 Richeson, Elizabeth O.
 Ruskowski, Joseph A.
 Stevenson, James R.
 Walsh, James F.
 Weldin, Hildegrade M.
 Wood, R. Spencer

Cohee, A. Tyson
 Henry, Elizabeth C.
 Holler, John D.
 Houston, Courtney P.

Baker, Norman D.
 Booth, William A.
 Brittingham, Emory B.
 Davis, Edward G.
 Dill, Walter G., Jr.
 Farlow, Carroll B.
 Handy, Robert F.
 Hill, Henry F.
 Hopkins, William J., Jr.
 Hudson, Aubrey T.
 Hutson, Thomas W., Jr.
 Jones, William L.
 McIlvaine, Clarence L.
 Murray, Almetia J.
 Orr, Thomas J.
 West, Emory R., Sr.
 Yerkes, Donald F.

Individual Justices of the Peace Court	
Justice of the Peace	
Chief Clerk	
Constable	Deputy Clerk
Bailiff	

Knussman, Joseph A.
 Miller, Barbara L.
 Neeman, Paul
 Rash, Russell T.
 Stump, Charles M.
 Thompson, Harry M.
 Wootten, Wallace P.

JP COURTS - FY '74/FY '75
 CIVIL Cases

	FILING		Difference	DISPOSITIONS		Difference
	FY '74	FY '75		FY '74	FY '75	
Court 1A	430	362	-15.9%	428	346	-19.2%
Court 2	0	0	0.0%	0	0	0.0%
Court 3	144	211	+46.5%	125	172	+37.6%
Court 4	320	384	+20.0%	431	475	+10.2%
Court 5	591	610	+3.2%	598	553	-7.6%
Court 6	385	287	-25.5%	372	271	-27.2%
Court 7	421	521	+23.7%	258	533	+106.5%
Court 8	1,542	1,692	+9.7%	2,278	1,644	-27.9%
Court 9	372	326	-12.4%	391	441	+12.7%
Court 10	71	161	+126.7%	146	157	+7.5%
Court 11	1,309	1,923	+46.9%	1,392	1,923	+38.1%
Court 12	888	1,171	+31.8%	759	834	+9.8%
Court 13	3,286	3,849	+17.1%	3,188	3,477	+9.0%
Court 14	0	0	0.0%	0	0	0.0%
Court 15	991	1,112	+12.2%	995	1,108	+11.3%
TOTALS	10,750	12,609	+17.2%	11,361	11,934	+5.0%

JP COURTS - FY '75
Criminal Cases

	FILINGS				Prelim. Hearings	Total
	Title 7	Title 11	Title 21	Other		
Court 1	170	201	1,019	12	0	1,402
Court 1A	69	10	942	27	3	1,051
Court 2	55	395	3,181	147	204	3,982
Court 3	130	1,150	5,404	207	245	7,136
Court 4	184	1,082	6,548	170	0	7,984
Court 5	91	65	474	12	9	651
Court 6	55	330	2,070	74	54	2,583
Court 7	275	1,695	8,040	683	480	11,173
Court 8	101	228	843	88	0	1,260
Court 9	74	114	936	55	0	1,179
Court 10	309	4,760	9,396	683	66	15,214
Court 11	265	2,980	10,922	820	0	14,987
Court 13	0	0	0	0	0	0
Court 14	0	0	0	0	1,899	1,899
Court 15	119	3,803	9,180	206	0	13,308
TOTALS	1,897	16,813	58,955	3,184	2,960	83,809

JP COURTS - FY '75
Criminal Cases

	DISPOSITIONS			ADDITIONS TO PENDING CASES	
	By Court	By Counsel	Total	Total	
Court 1	1,397	0	1,397	+ 5	
Court 1A	1,027	29	1,056	- 5	
Court 2	3,975	0	3,975	+ 7	
Court 3	7,117	0	7,117	+ 19	
Court 4	7,982	0	7,982	+ 2	
Court 5	646	4	650	+ 1	
Court 6	2,526	36	2,562	+ 21	
Court 7	11,173	0	11,173	0	
Court 8	1,263	0	1,263	- 3	
Court 9	1,179	0	1,179	0	
Court 10	14,927	239	15,166	+ 48	
Court 11	14,893	0	14,893	+ 94	
Court 13	0	0	0	0	
Court 14	1,899	0	1,899	0	
Court 15	13,312	0	13,312	- 4	
TOTALS	83,316	308	83,624	+185	

JF COURTS - FY '74/FY '75
Criminal Cases

	FELINGS		Difference	DISPOSITIONS		Difference
	FY '74	FY '75		FY '74	FY '75	
Court 1	990	1,402	+41.6%	993	1,397	+40.6%
Court 1A	1,048	1,051	+ 0.2%	1,049	1,056	+ 0.6%
Court 2	2,916	3,982	+36.5%	2,911	3,975	+36.5%
Court 3	5,500	7,136	+29.7%	5,486	7,117	+29.7%
Court 4	5,486	7,984	+45.5%	5,479	7,982	+45.6%
Court 5	672	651	- 3.2%	673	650	- 3.5%
Court 6	1,851	2,583	+39.5%	1,853	2,562	+38.2%
Court 7	10,882	11,173	+ 2.6%	10,665	11,173	+ 4.7%
Court 8	1,285	1,260	- 2.0%	1,280	1,263	- 1.4%
Court 9	1,526	1,179	-22.8%	1,530	1,179	-23.0%
Court 10	12,659	15,214	+20.1%	12,564	15,166	+20.7%
Court 11	11,926	14,987	+25.6%	11,802	14,893	+26.1%
Court 13	0	0	0.0%	0	0	0.0%
Court 14	1,715	1,899	+10.7%	1,715	1,899	+10.7%
Court 15	8,829	13,308	+50.7%	8,826	13,312	+50.8%
TOTALS	67,285	83,809	+24.5%	66,826	83,624	+25.1%

CONTINUED

1 OF 2

1
Court 1A
Court 2
Court 3
Court 4
Court 5
Court 6
Court 7
Court 8
Court 9
Court 10
Court 11
Court 13
Court 14
Court 15
TOTALS

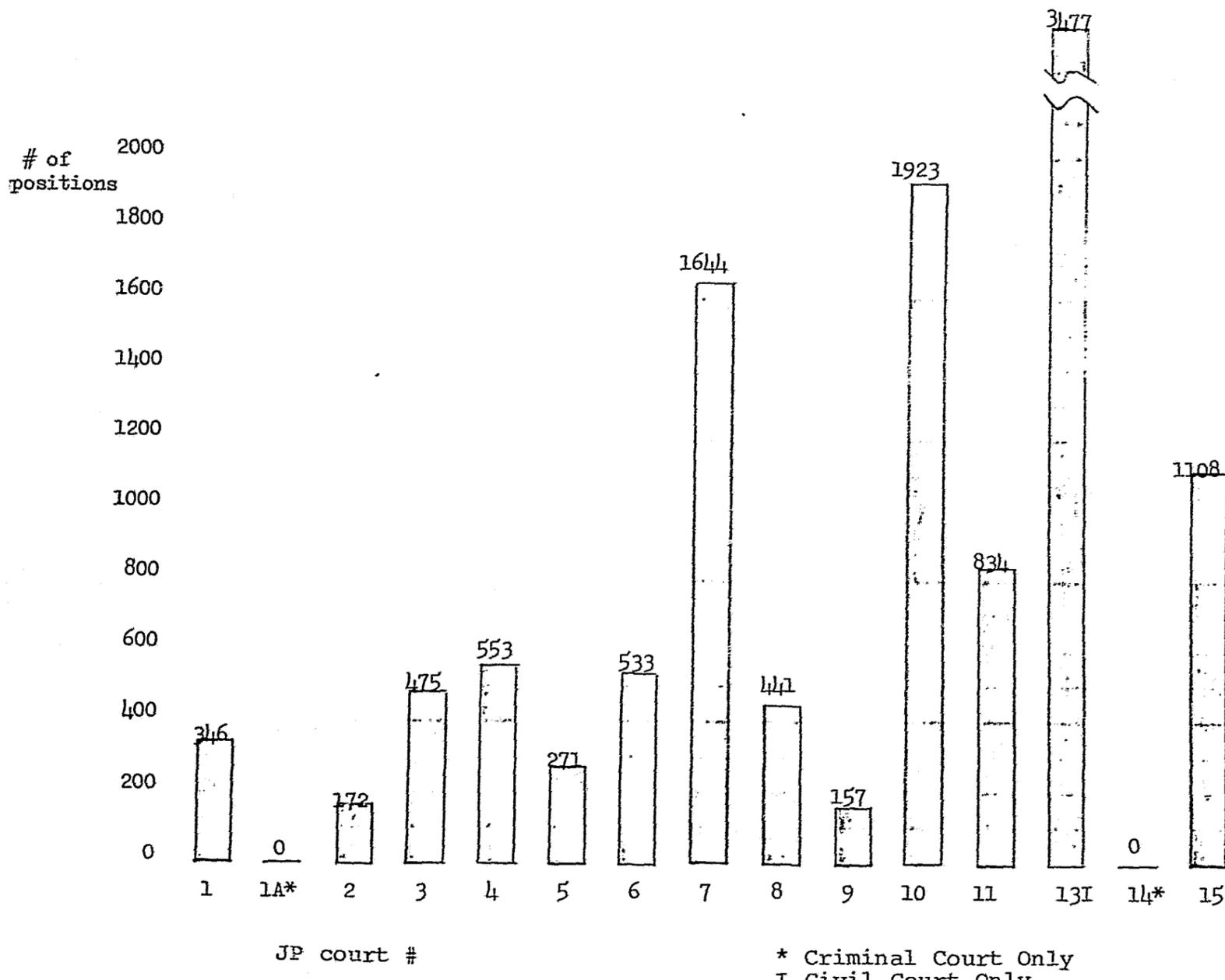
JP COURTS - FY '74 / FY '75
Criminal Cases

	FILINGS			DISPOSITIONS		
	FY '74	FY '75	Difference	FY '74	FY '75	Difference
Court 1	990	1,402	+41.6%	993	1,397	+40.6%
Court 1A	1,048	1,051	+ 0.2%	1,049	1,056	+ 0.6%
Court 2	2,916	3,982	+36.5%	2,911	3,975	+36.5%
Court 3	5,500	7,136	+29.7%	5,486	7,117	+29.7%
Court 4	5,486	7,984	+45.5%	5,479	7,982	+45.6%
Court 5	672	651	- 3.2%	673	650	- 3.5%
Court 6	1,851	2,583	+39.5%	1,853	2,562	+38.2%
Court 7	10,882	11,173	+ 2.6%	10,665	11,173	+ 4.7%
Court 8	1,285	1,260	- 2.0%	1,280	1,263	- 1.4%
Court 9	1,526	1,179	-22.8%	1,530	1,179	-23.0%
Court 10	12,659	15,214	+20.1%	12,564	15,166	+20.7%
Court 11	11,926	14,987	+25.6%	11,802	14,893	+26.1%
Court 13	0	0	0.0%	0	0	0.0%
Court 14	1,715	1,899	+10.7%	1,715	1,899	+10.7%
Court 15	8,829	13,308	+50.7%	8,826	13,312	+50.8%
TOTALS	67,285	83,809	+24.5%	66,826	83,624	+25.1%

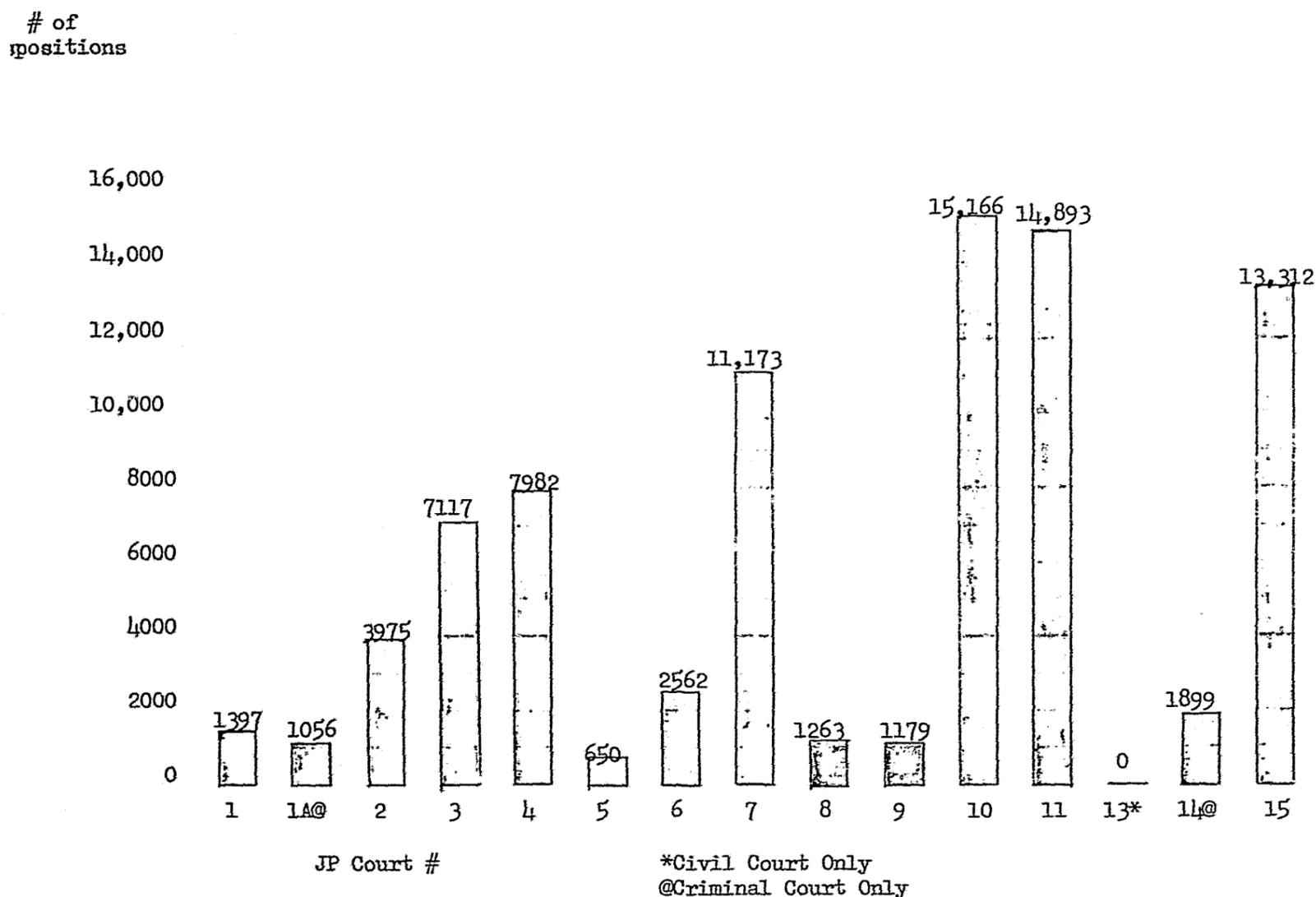
JP COURTS - FY '75
Civil Cases

	Pending Cases		Filings	Dispositions		Pending Cases At End of Year	Additions to Pending Cases
	At Start of Year	At End of Year		By Court	By Counsel		
Court 1	23	362	340	6	346	39	+ 16
Court 1A	0	0	0	0	0	0	0
Court 2	87	211	172	0	172	126	+ 39
Court 3	182	384	475	0	475	91	- 91
Court 4	14	610	553	0	553	71	+ 57
Court 5	62	287	271	0	271	78	+ 16
Court 6	950	521	512	21	533	938	- 12
Court 7	461	1,692	1,644	0	1,644	509	+ 48
Court 8	193	326	306	135	441	78	-115
Court 9	4	161	157	0	157	8	+ 4
Court 10	0	1,923	1,912	11	1,923	0	0
Court 11	342	1,171	834	0	834	679	+337
Court 13	989	3,849	2,847	630	3,477	1,361	+372
Court 14	0	0	0	0	0	0	0
Court 15	6	1,112	1,108	0	1,108	10	+ 4
TOTALS	3,313	12,609	11,131	803	11,934	3,988	+675

JP COURTS - FY ' 75
 CIVIL CASES - DISPOSITIONS



JP COURTS - FY '75
 CRIMINAL CASES - DISPOSITIONS

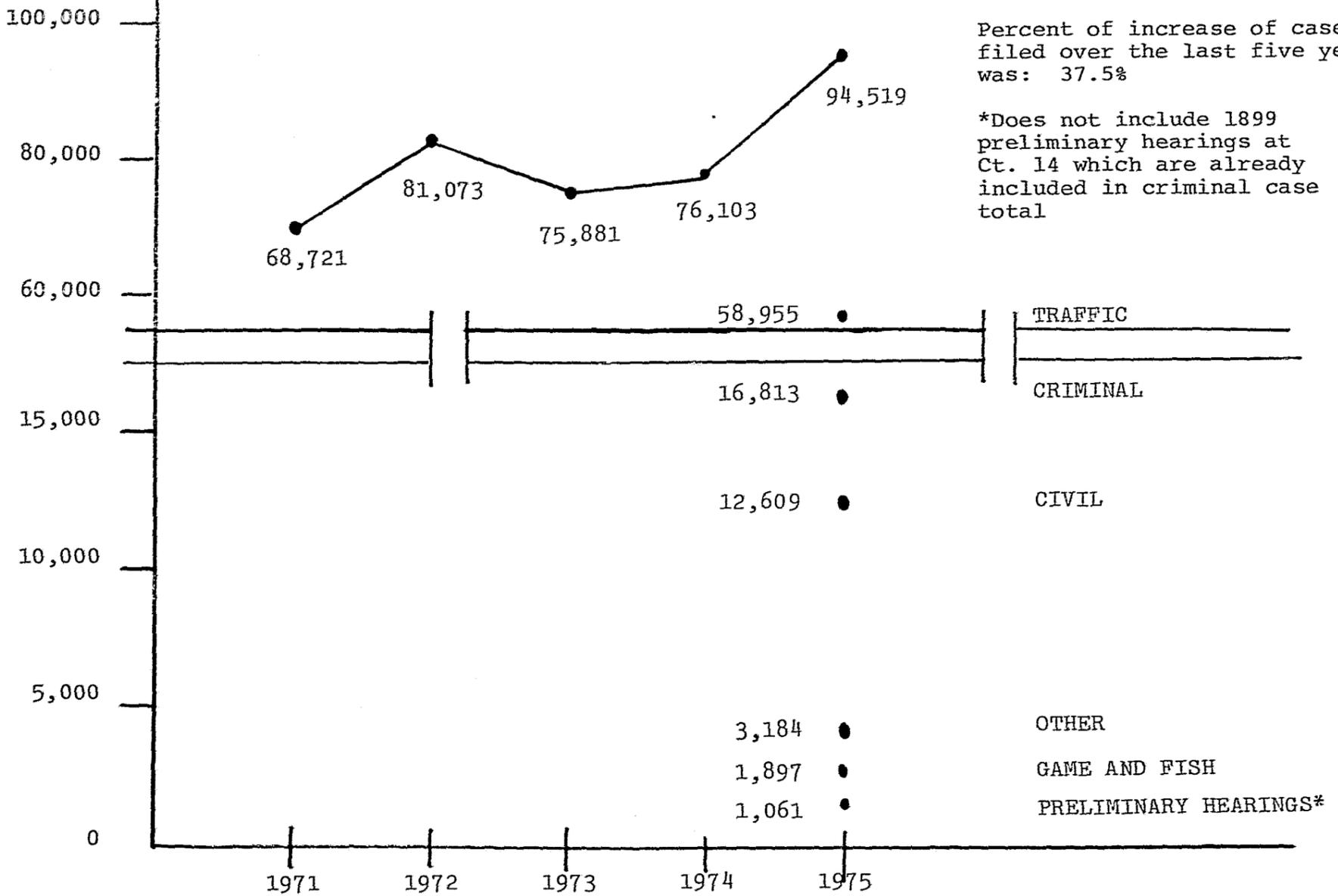


JUSTICE OF THE PEACE COURTS - CASES FILED - 5 YEAR PERIOD

Note:

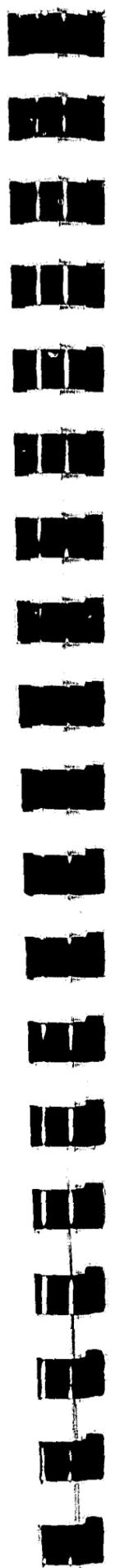
Percent of increase of cases filed over the last five years was: 37.5%

*Does not include 1899 preliminary hearings at Ct. 14 which are already included in criminal case total



SUMMARY OF Supervisor, Justice of the Peace BUDGET 02 13 000

	1975	1976	1977	1978	1979	1980	1981	1982
	GENERAL FUND DISBURSEMENT	APPROP.	GENERAL FUND REQUESTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED
SALARIES								
1. Magistrates	514,686.86	689,000.00	689,000.00	792,350.00	792,350.00	792,350.00	792,350.00	792,350.00
2. Employees	651,042.82	836,949.00	836,949.00	878,796.45	878,796.45	878,796.45	878,796.45	878,796.45
EMPLOYMENT COSTS		328,374.00	342,270.00	359,383.50	377,352.67	396,220.30	416,031.31	436,832.87
PERSONAL SERVICES	1,492.50	5,700.00	17,400.00	17,922.00	18,459.66	19,013.44	19,583.84	20,171.35
TRAVEL	5,525.06	6,500.00	8,100.00	8,343.00	8,593.29	8,851.08	9,116.61	9,390.10
SPECIFIC TRAVEL	65,146.33	68,300.00	68,300.00	70,349.00	72,459.47	74,633.25	76,872.24	79,178.40
CONTRACTUAL SERVICES	68,422.26	98,200.00	235,346.00	242,406.38	249,678.57	257,168.92	264,883.98	272,830.49
SPECIFIC COURT RENTAL	55,281.60	76,463.00	85,000.00	87,550.00	90,176.50	92,881.79	95,668.24	98,538.28
SPECIFIC REP. BLDG. & GDS	10,362.44	5,000.00	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES & MATERIALS	38,892.99	36,320.00	45,000.00	46,350.00	47,740.50	49,172.71	50,647.89	52,167.32
SPECIFIC BLDG. ALTER	3,951.33	-0-	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL OUTLAY	9,295.19	18,550.00	18,900.00	19,467.00	20,051.01	20,652.54	21,272.11	21,910.27
REIMBURSE CHANGE FUND	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
GRAND TOTAL	1,424,098.88	2,179,356.00	2,346,265.00	2,522,917.33	2,555,658.12	2,588,750.48	2,625,222.67	2,662,165.53



MUNICIPAL COURT

Municipal Court (1)

Legal Authorization: This Court is authorized by 10 Delaware Code Section 1701.

Geographic Organization: This Court has jurisdiction within the geographic boundaries of Wilmington. The Court has a Violations Division which processes all moving and parking citations.

Legal Jurisdiction: The Municipal Court has criminal jurisdiction over traffic, misdemeanor, and municipal ordinances concurrent with the Justices of the Peace and the Court of Common Pleas. The Court conducts preliminary hearings for both felonies and drug-related misdemeanors. Jury trials are not available.

Judges:

Number - There are 3 Judges of the Municipal Court of Wilmington.

Appointment - The Judges are appointed by the Governor, with approval by the Senate.

Tenure - Judges are appointed for 12 year terms.

Qualifications - The Judges must be licensed to practice law in the State of Delaware for 5 years preceding appointment.

Support Personnel: The Senior Judge of the Municipal Court appoints a Chief Clerk who may in turn appoint Deputies.

Caseload Trend: The caseload figures for Municipal Court demonstrate graphically a pronounced increase in the work of the Court. There was an increase of more than 2,000 criminal cases in the last year. Although the Court was able to dispose of 600 more cases than in the previous year, the dramatic rise of new criminal cases has placed a great burden upon the Municipal Court.

It is also apparent that there is a heavy increase in the already voluminous traffic cases heard in this Court. Together with these figures the Court has noticed an increase in the number of legal issues presented to the Court which require briefing, research and decision. The Court has been able to keep apace with these developments only through more efficient deployment of personnel and a more sophisticated scheduling procedure. It should also be noted that figures from the first quarter fiscal of 75-76 confirm a continuing rise in the case load of Municipal Court.

MUNICIPAL COURT
(571-4530)

JUDICIARY

HON. ALFRED FRACZKOWSKI

CHIEF JUDGE
KATHERINE O'ROURKE, Secretary

HON. CARL GOLDSTEIN

ASSOCIATE JUDGE
Joyce Vietri, Secretary

HON. LEONARD WILLIAMS

Associate Judge

COURT COMMISSIONERS

Charles R. Lee, Chief
T. Roger Barton
Richard O. Douglas
Thomas P. Murray
Elizabeth A. Keller, Secretary

MUNICIPAL COURT
FOR THE CITY OF WILMINGTON

JUDICIARY
SUPPORT PERSONNEL

ASSISTANTS TO CLERK

Beverly Matthews
Frank Larry

BAILIFFS

Benjamin Ellegood, Jr.
David Dempsey
Ada Baker

CRIMINAL CLERICAL STAFF

Furio Casale, Supervisor
Catherine Sexton - Receptionist
Mary Grello
Debra Flowers
Darthia Brinson
Josephone Smulski
Carlis Tate
Mary Dale
Denise Reason

ACCOUNTING CLERK

Dorothy Monero

TRAFFIC VIOLATION STAFF

Shirley Cohen, Supervisor
Mildred Ward
Carolyn Ward
Carolyn Duncan
Liza Farren
Carolyn Wooten
Ann Collins
Bernadette Kusz

TRAFFIC CASES

<u>PENDING</u>	'73-'74	'74-'75	Difference
July	2,545	2,061	- 484
August	2,765	1,714	-1,051
Sept.	2,771	1,964	- 807
Oct.	2,969	1,761	-1,208
Nov.	2,045	1,559	- 486
Dec.	2,035	1,354	- 681
Jan.	2,047	1,150	- 897
Feb.	2,102	946	-1,156
March	2,033	742	-1,291
April	1,676	538	-1,093
May	1,755	563	-1,192
June	1,800	485	-1,315
TOTAL	26,543	14,837	-11,706

<u>DISPOSED</u>	'73-'74	'74-'75	Difference
July	954	1,138	+ 184
August	667	1,327	+ 660
Sept.	829	1,164	+ 335
Oct.	1,115	2,467	+1,352
Nov.	1,775	1,018	- 757
Dec.	945	1,358	+ 413
Jan.	972	756	- 216
Feb.	982	850	- 132
March	1,149	2,513	+1,364
April	1,103	1,136	+ 33
May	898	975	+ 77
June	855	796	- 99
TOTAL	12,244	15,498	+3,254

<u>RECEIVED</u>	'73-'74	'74-'75	Difference
July	785	1,399	+ 614
August	887	980	+ 93
Sept.	835	1,415	+ 580
Oct.	1,308	1,094	- 214
Nov.	856	934	+ 78
Dec.	935	922	- 13
Jan.	984	708	- 276
Feb.	1,037	937	- 100
March	1,080	1,054	- 26
April	746	1,004	+ 258
May	977	1,492	+ 515
June	900	718	- 182
TOTAL	11,330	12,657	+1,327

MUNICIPAL COURT

CRIMINAL CASES

<u>PENDING</u>	'73-'74	'74-'75	Difference
July	697	721	+ 24
August	765	897	+132
Sept.	660	869	+209
Oct.	677	861	+184
Nov.	598	863	+265
Dec.	637	545	- 92
Jan.	434	536	+102
Feb.	463	528	+ 65
March	585	467	-118
April	452	448	- 4
May	287	528	+241
June	399	678	+279
TOTAL	6,654	7,941	+1,287

<u>DISPOSED</u>	'73-'74	'74-'75	Difference
July	683	537	-146
August	931	526	-405
Sept.	644	784	+140
Oct.	710	771	+ 61
Nov.	498	621	+123
Dec.	620	865	+245
Jan.	538	827	+289
Feb.	564	691	+127
March	797	775	- 22
April	714	843	+129
May	670	661	- 9
June	506	600	+ 94
TOTAL	7,875	8,501	+626

<u>RECEIVED</u>	'73-'74	'74-'75	Difference
July	381	864	+483
August	367	702	+335
Sept.	533	756	+223
Oct.	517	763	+246
Nov.	550	623	+ 73
Dec.	450	547	+ 97
Jan.	539	818	+279
Feb.	593	683	+ 90
March	918	714	-204
April	581	824	+243
May	505	741	+236
June	613	750	+137
TOTAL	6,547	8,785	+2,238

JUDICIAL CONFERENCES AND COMMITTEES

JUDICIAL CONFERENCES AND COMMITTEES

Council on the Administration of Justice

Legislative Authority: The Council is authorized by 10 Delaware Code, Section 2001.

Duties: The Council is charged with the continuous study of the administration of Justice in the State, and of the organization, procedure, practice, rules and methods of administration and operation of each and all the Courts of the State, whether of record or not of record. The Council collects and uses statistical and other information concerning the work of the Courts and makes recommendations to the Governor, the General Assembly, the Courts or the Bar.

Membership: There are 15 members including the Chief Justice, the Chancellor, the President Judge of the Superior Court, the President pro-tem of the Senate, the Speaker of the House, the minority leaders of the House and Senate, the Attorney General, the President of the Bar Association, the President of the University of Delaware, and five non-lawyers appointed by the Governor for a term co-extensive with that of the appointed Governor.

Judicial Conference

Legal Authorization: The Judicial Conference is authorized by Supreme Court Rule 35.

Duties: The Judicial Conference studies the Judicial business of the various Courts with a view of improving the Administration of Justice in the State. The Conference will also consider improvements in procedure, consider and recommend Legislation, consider and implement the canons of judicial ethics and hold symposia of the Bench and Bar.

Membership: The membership of the Conference includes the members of the Supreme Court, the Court of Chancery, the Superior Court, the various Courts of Common Pleas, the Family Courts and the Municipal Court of Wilmington. The Chief Justice is presiding officer of the Conference. The Director of the Administrative Office of the Courts serves as secretary for the Conference. Stated meetings of the Conference are held on the first Wednesday of December and June.

COURT ON THE JUDICIARY

COURT ON THE JUDICIARY

Article 4, Section 37, of the Constitution of the State of Delaware created this Court consisting of the Chief Justice and the Associate Justices of the Supreme Court, the Chancellor and the President Judge of the Superior Court.

Any Judicial Officer appointed by the Governor may be censured or removed or retired by the Court on the Judiciary for wilful misconduct in office, wilful and persistent failure to perform duties, for commission of an offense involving moral turpitude, other misconduct in violation of the Canons of Judicial Ethics, or for permanent mental or physical disability interfering with the proper performance of these duties.

No censure or removal or retirement will be effective until the Judicial Officer has been served with written charges and had the opportunity to be heard in accordance with due process of law.

The Court on the Judiciary has:

- (a) - the power to summon witnesses to appear and testify under oath and to compel production of other evidence, and
- (b) - the power to adopt rules establishing procedures for the investigation and trial of a Judicial Officer.

Therefore, it is necessary to request funds to enable the Court to operate. If no trials are necessary, all funds will revert at the end of each fiscal year.

LAW LIBRARIES

There are three Law Libraries located in the State of Delaware. They are staffed and maintained by State funds and each is presided over by a Law Librarian. They are named respectively after the county in which they are situated.

The primary function of the Law Libraries is to provide a legal informational center for the Judiciary, Public Defender's Office, Legal representatives of County and Municipalities, City Solicitors and members of the Delaware Bar. They are also the official depositories for State Laws, Administrative Regulations and Court Rules. The libraries are made available to registered law students to assist them in preparation for State Bar Examinations and in their legal education. New Castle and Kent are designated as official depository libraries by the U.S. Government Printing Office. As State supported agencies the libraries are available to the general public during normal working hours. Aid and assistance is rendered to persons wishing to make use of the facilities.

The Kent County Law Library, due to its location, is designated as the State Library. It houses the largest legal library maintained by the State and is staffed by one full time librarian and one part time assistant.

The Sussex County Law Library is staffed by one Law Librarian and houses approximately 11,000 volumes.

The New Castle County Law Library, being located in the Public Building, Wilmington, Delaware, is the busiest of the three libraries. It houses in excess of 18,500 books and there is presently seated working space for 26 persons at one time. This library was recently enlarged in size by taking over space formally occupied by the Department of Justice. Shelving and carpeting was recently installed in the newly acquired space and it is hoped that the older section will conform with the new in decor. Even with this newly acquired space, the facilities will become inadequate within two years unless additional space, shelving, tables and chairs are provided. Books are still stored in the Judge's quarters due to the lack of storage space. The entire facility is maintained and administered by one full time Law Librarian and one part time assistant.

The Law Librarians are responsible for administrative library work as well as maintaining the bookkeeping records required by the State. These duties and responsibilities include but are not limited to the following: insertion of pocket parts; maintenance of loose leaf services; bookkeeping for the agency's accounts; preparing invoices for library expenditures; filing and indexing reported and unreported opinions from the several courts; obtaining and filing copies of rules and regulations promulgated by the governmental agencies; maintaining of books and their monetary values; obtaining and filing statutes from legislative council and other States; handling requests from various persons for information contained in the library; handling special requests for research work from the Judges; planning and recommending development and improvement of services; writing reports and in general performing duties associated with library work.

SUMMARY OF

New Castle County Law Library

BUDGET

02 11

	1975 GENERAL FUND DISBURSEMENT	1976 APPROP.	1977 GENERAL FUND REQUESTED	1978 PROJECTED	1979 PROJECTED	1980 PROJECTED	1981 PROJECTED	1982 PROJECTED
SALARIES								
1. Judicial	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
2. Employees	9,471.00	10,102.28	10,229.00	10,740.45	11,277.47	11,841.34	12,433.40	13,055.07
3. Part-time	-0-	2,304.00	2,700.00	2,835.00	2,976.75	3,125.58	3,281.85	3,445.94
EMPLOYMENT COSTS	-0-	2,360.16	2,506.00	2,631.30	2,765.86	2,904.15	3,049.35	3,201.81
PERSONAL SERVICES	-0-	500.00	500.00	515.00	530.45	546.36	562.75	579.63
TRAVEL	-0-	130.00	490.00	504.70	519.84	535.43	551.49	568.03
CONTRACTUAL SERVICES	2,931.50	3,711.00	2,485.00	2,559.55	2,636.33	2,715.41	2,796.87	2,880.77
SUPPLIES & SERVICES	355.94	250.00	250.00	257.50	265.22	273.17	281.36	289.80
CAPITAL OUTLAY	19,082.66	28,916.54	39,000.00	40,170.00	41,375.10	42,616.35	43,894.84	45,211.68
GRAND TOTAL	31,841.10	48,273.98	58,160.00	60,213.50	62,347.02	64,557.79	66,851.91	69,232.73

SUMMARY OF

Kent County - Law Library

BUDGET

02 09

	1975 GENERAL FUND DISBURSEMENT	1976 APPROP.	1977 GENERAL FUND REQUESTED	1978 PROJECTED	1979 PROJECTED	1980 PROJECTED	1981 PROJECTED	1982 PROJECTED
SALARIES								
1. Judicial	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
2. Employees	9,471.00	10,102.28	10,229.00	10,740.45	11,277.47	11,841.34	12,433.40	13,055.07
3. Part-time	2,398.00	2,694.60	5,000.00	5,250.00	5,512.50	5,788.12	6,077.52	6,381.38
EMPLOYMENT COSTS		2,383.03	2,641.00	2,773.05	2,911.70	3,057.16	3,210.01	3,370.51
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	539.00	555.17	571.82	588.97	606.63	624.82
CONTRACTUAL SERVICES	1,178.00	2,185.00	2,540.00	2,616.20	2,694.68	2,775.52	2,858.75	2,944.51
SUPPLIES & SERVICES	380.86	400.00	475.00	489.25	503.92	519.03	534.60	550.63
CAPITAL OUTLAY	20,145.66	24,535.38	31,553.00	32,499.59	33,474.57	34,478.80	35,513.16	36,578.46
GRAND TOTAL	33,573.52	42,300.29	52,997.00	54,923.71	56,946.66	59,048.94	61,234.07	63,505.38

SUMMARY OF

Sussex County Law Library

BUDGET

02 10

	1975	1976	1977	1978	1979	1980	1981	1982
	GENERAL FUND DISBURSEMENT	APPROP.	GENERAL FUND REQUESTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED	PROJECTED
SALARIES								
1. Judicial	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
2. Employees	-0-	7,857.30	8,988.00	9,437.40	9,909.27	10,404.73	10,924.96	11,471.20
3. Part-time	2,205.00	-0-	-0-	-0-	-0-	-0-	-0-	-0-
EMPLOYMENT								
CONTRACTS	-0-	1,766.92	2,101.00	2,206.05	2,316.35	2,432.16	2,553.76	2,681.44
PERSONAL SERVICES	-0-	-0-	500.00	515.00	530.45	546.36	562.75	579.63
TRAVEL	-0-	-0-	490.00	504.70	519.84	535.43	551.49	568.03
CONTRACTUAL SERVICES	2,250.00	2,800.00	2,925.00	3,012.75	3,103.13	3,196.22	3,292.10	3,390.86
SUPPLIES & MATERIALS	68.20	125.00	200.00	206.00	212.18	218.54	225.09	231.84
CAPITAL EXPENDITURE	12,351.96	13,808.04	17,500.00	18,025.00	18,565.75	19,122.72	19,696.40	20,287.29
GRAND TOTAL	16,875.16	26,357.26	32,704.00	33,906.90	35,156.97	36,456.16	37,806.55	39,210.29

PUBLIC GUARDIAN

PUBLIC GUARDIAN

Legal Authorization

The authority of the office of the Public Guardian derives from 12 Del. Code, §3991:

"There is established the Office of the Public Guardian. The Chancellor shall appoint the Public Guardian, who shall serve at his pleasure. The salary of the Public Guardian shall be \$18,500.00 per annum, to be paid from the General Fund. The Chancellor, in his discretion, may require the Public Guardian to post bond.

Geographic Organization

The Office of the Public Guardian has responsibility for the entire State and presents its Petitions for guardianships in the Court of Chancery in all three counties.

Legal Jurisdiction

The powers and duties of the Public Guardian are spelled out in 12 Del. Code, §3992:

"The Public Guardian, when appointed as guardian by Court Order, shall:

1. Serve as guardian for the property of aged, mentally infirm or physically incapacitated persons, pursuant to §3914 of this Title;
2. Serve as a guardian for the person of aged, mentally infirm or physically incapacitated persons where such persons are in danger of substantially endangering their health, or of becoming subject to abuse by other persons, or of becoming the victim of designing persons; or,
3. Serve as both guardian of the person and of property of such person."

The intent of the legislation creating the Office of the Public Guardian was to create a guardianship capability for those situations in which a person needing a guardian does not have any relative, friend or anyone interested in or capable of serving as a guardian; whose estate is insufficient to purchase the services of a private guardian, or who would be best served by a neutral guardian.

Personnel

The Public Guardian is assisted by an Administrative Assistant and a Secretary.

Case Load

In the one year of operation ending November 1, 1975 the Office of the Public Guardian received 113 referrals, of which 83 were from New Castle County, 15 from Kent County and 15 from Sussex County. A total of 16 Petitions for guardianship were presented to the Court of Chancery; 4 were withdrawn prior to hearings for various reasons, and there are 12

active guardianships at the present time. The remainder of the cases were served by mobilizing the resources of other State and private agencies to aid the client, involving the family of the client, helping the client to take some voluntary action on his own behalf, or simply offering counselling to help the client solve his own problem. Approximately 1100 interviews or contacts were made during the year with client, referring persons and agencies, family, and others.

PROJECTS SUPPORTED
BY FEDERAL FUNDS

PROJECTS SUPPORTED BY FEDERAL FUNDS

During the past fiscal year, Delaware courts received significant support in their effort to improve the criminal justice system from the Delaware Agency to Reduce Crime, (DARC) the State Planning Agency (SPA) that administers Delaware's Law Enforcement Aid Administration (LEAA) block grant.

DARC subgrants were awarded for the following purposes:

1. To employ a law clerk in the Supreme Court. This clerk joins two-state funded clerks, each of whom assist a justice through research, the preparation of memoranda and draft opinions and orders.
2. To provide a courts-coordinator within the Administrative Office of the Courts. The coordinator and an administrative assistant work closely with the Director and the Courts Consortium Planner, lending support to their varied duties. The coordinator also has primary responsibility for the development of uniform requirements for statistical reporting among all the courts in the Delaware system.
3. To provide statistical data for Superior Court. A four member data collection team produces regular reports on detentioners and prisoners awaiting criminal trial, and prepares quarterly reports for the "Speedy Trial" committee in order to enable the court to measure its performance in meeting its speedy trial guidelines.
4. To provide additional personnel for the Pre-Sentence Office. This grant has enabled the Superior Court Pre-Sentence Office to hire one officer and three secretaries in order to meet the standard of 30 days from the ordering of an investigation to sentencing date. Current efforts of the staff are concentrated in New Castle County.
5. To provide in-service training for judicial personnel. This grant supports the special training needs of new members of the judiciary by enabling them to attend classes at the National College of the Judiciary in Reno and at the American Academy of Judicial Education in Boulder, Colorado.
6. To provide supplemental support personnel for Municipal Court. Through this grant, Municipal Court has been able to employ a process server to cut down on delays due to non-service and to use law clerks to aid the judges in research and preparation of opinions.

7. To provide an intake-screening unit in Family Court to promote pre-adjudicatory settlement of disputes. A staff of seven counselors, five in New Castle County and two in Sussex, have successfully adjusted about half of the cases that go through "Intake Services" in the course of the year.
8. To enable Magistrates' Courts to increase the amount collected through deferred payment fines. This grant has supported one clerk in New Castle County, who monitors the deferred payments files to insure the speedy issuances of capiases for those persons who are delinquent in the payment of fines.

With the exception of the JP capias clerk, each of these subgrants has been renewed for the current fiscal year.

In addition, LEAA funds have played an important role in enabling Superior Court to effect a smooth transition in the transfer of the criminal calendaring function from the office of the Attorney General to the newly established Central Scheduling Office (CSO) of the Court. A DARC subgrant enabled the Administrative Office of the Courts to employ a consultant who designed a calendaring system tailored to the specific requirements of Delaware's criminal justice system and produced a manual describing the procedures to be utilized in implementing the new design. DARC has also provided the funds to employ an Administrative Assistant for the Criminal Office Judge (the latter is a rotating assignment) to insure needed coordination and continuity between the activities of the CSO and the responsibilities of the Criminal Office Judge.

The Courts are also a major participant in a recently awarded 18-month discretionary grant for "misdemeanant case processing". This project will permit the screening of cases, with the diversion of defendants suitable for an alternative to incarceration to an intensive probation program. As a result, courts and prosecution will be able to concentrate their efforts on the swift processing of serious misdemeanants.

COURTS RULES CHANGES

COURT RULES

The following amendments, deletions or additions were made to the Rules of the respective courts during Fiscal 1975. The material contained herein represents a synopsis or summary of the changes, rather than a duplication of the Rules themselves. The changes noted reflect only those promulgated after July 1, 1974, and prior to July 1, 1975.

SUPREME COURT

RULE 3(2)

Rule 3(2) was amended by creating two subsections, effective March 3, 1975, providing that where an order of the court will be made over the objection of a party, or will terminate an appeal, such order must be entered with the concurrence of a majority of members of the Court. Previously, only one justice could enter an order in such a matter. The new subsection two(2) permits one justice to enter an order in any case other than those mentioned above.

RULE 9A

A new rule, 9A, was created to permit the Court, on its own motion and by unanimous action, to affirm an order of a lower court based only on the opening brief of the appellant. By the terms of this Rule, the court need not wait for the completion of an entire briefing schedule, where: (1) the issue is well settled under Delaware law, (2) the appeal contests the factual support for the verdict or findings below, which the Court finds to be sufficient, or, (3) the appeal asserts an abuse of discretion, and the Court finds none. The effective date of this Rule was March 3, 1975.

RULE 10

Previously, this Rule required that an appellant's brief filed more than fifteen days prior to a stated Court session would be heard at that session; and similarly, a brief filed within fifteen days of the opening of a session would be set for hearing at the following session. Rule 10, changes that period to thirty(30) days, effective March 12, 1975.

RULE 12(A)

A new Rule 12A was added to Rule 12, effective March 3, 1975. The new section provides for the Court to enter a "judgment order", rather than issuing a formal opinion. The criterion for a decision to enter such an order requires unanimous action by the Court based on the following determinations:

- (A) the judgment below should be affirmed; and
- (B) a formal opinion by the Court would have no precedential value; and
- (C) one or more of the following circumstances is dispositive of the issues submitted:
 - (1) the law on the issue is well settled
 - (2) the appeal contests factual support for the verdict or findings below, which the Court finds to be adequate
 - (3) the appeal asserts an abuse of discretion, and the Court finds none
 - (4) no error of law appears

The Rule also provides that such a judgment order in a criminal case must include a statement of the issues considered by the Court. Any judgment order entered pursuant to this section must include a reference to the portion of this rule which controls the Court's decision.

RULE 32(1)

The membership of the Censor Committee was expanded by certain amendments to Rule 32, which created subparagraphs (a), (b), and (c), in place of subsection one(1).

The president-elect of the Delaware Bar Association will serve as an ex officio, non-voting member of the Committee, with no duties to perform Committee assignments. He is, however, entitled to receive notice of meetings and copies of all communications distributed among members, and to have access to Committee files, with attendant responsibilities of confidentiality, etc.

Other non-voting, associate members added to the Censor Committee include five members of the Delaware Bar Association. Three(3) such members shall be residents of New Castle County, and one(1) each a resident of Kent and Sussex counties. These five associate members are charged with all of the powers, other than voting privileges, and duties of voting Committee members. The effective date of this Rule is May 28, 1975.

RULE 32A

The new subparagraph (3)(a)(10) of Rule 32A provides the authority for the Censor Committee's enforcement of Disciplinary Rule 9-102. It permits the Trustees of the Client's Security Trust Fund to require each member of the Delaware Bar to submit, on request, financial and accounting data relative to claims filed under this section. The Trustees are further empowered to inspect any books and records which the Court requires to be maintained, under guidelines determined by the Court, and to report violations of DR 9-102 or failure to furnish information under this section to the Censor Committee. This Rule is effective May 31, 1975.

RULE 33(2)

This Rule adds a new subsection, DR 1-103(C), to Canon 1 of the Delaware Lawyer's Code of Professional Responsibility. It provides that the Censor Committee may require a lawyer under investigation to make available all books, records and other documents pertinent to the investigation, and not otherwise privileged, to the Committee, any of its members, and any subcommittee and its agents. The effective date of this Rule was December 10, 1974.

RULE 41(2)

Subsection two (2), effective April 9, 1975, was added to Rule 41 to define the precise style of citations of all reported Delaware cases, so as to provide uniformity. The following were cited as examples:

Melson v. Allman, Del. Supr., 244 A.2d 85 (1968)
Prince v. Bensinger, Del.Ch., 244 A.2d 89 (1968)
State v. Pennsylvania Railroad Co., Del.Super., 244 A.2d 80 (1968)

This section calls for the elimination of any reference to a State Reporter system. Further, the Rule authorizes the Committee on Publication of Opinions to reject for publication, and to return to its author, any opinion which does not conform to these specifications.

NOTE: The Supreme Court of Delaware approved Rules 50 through 55, regarding the Rules of the Board of Bar Examiners, to be effective January 1, 1975, and to be applied prospectively (except as to persons already studying under approved reading law programs, begun prior to that date). Rules 30 and 31 were thereby superceded by Rules 50 through 55. Only the specific changes as they relate to sections or subsections are noted below.

RULE 50

Formerly, the defined duties of the Secretary of the Board of Bar Examiners were limited to the keeping of minutes of the meetings of the Board. The duties of the Secretary are now those as may be prescribed by the Board.

RULE 51

While previously it was necessary, for registration as a student of law, that the registrant be a resident of Delaware at the time of such registration, it is now required that he "intends to become such prior to taking the bar examination".

RULE 52

(3) Where it was formerly necessary that a registered student of law be a Delaware resident for at least six months, that requirement has been amended to a period of "not less than five months prior to his admission" to the Bar.

(4) The law school from which a registered student of law is graduated must appear on the ABA list of approved schools "at the time of conferring..." the law degree. It should be noted that this section no longer permits a course of study other than at an ABA approved law school as a prerequisite to admission to the Bar. The former "Reading Law" Program is hereby abolished.

(6) The requirement of six months' clerkship has been reduced to a period "aggregating at least five months' duration...".

RULE 53

(a) (2) An attorney admitted to practice in another state is now required to be a bona-fide resident of Delaware for a period of five (5) rather than six (6) months prior to the time the applicant will prospectively be admitted to the Delaware Bar.

(b) Attorneys admitted to practice in other states may now be admitted pro hac vice in Delaware in the discretion, and at the pleasure of, the Court. It is no longer necessary to be so admitted on the motion of an active member of the Delaware Bar.

RULE 54

It is now possible for application for admission to practice as an attorney in Delaware to be made in the chambers of any Justice of the Court. It was formerly required that such application be made in open court.

RULE 55

(b) Application for permission to practice before Delaware courts and administrative tribunals under subsection (a) of Rule 55 may now be made in the Chambers of any Justice, rather than exclusively in open Court.

(b) II. Rule 55 specifically states that the foregoing Rules are to be applied prospectively only, after the effective date of January 1, 1975, subject to certain exceptions for approved study under former sections. Admission of applicants under formerly existing rules is governed by such former rules and guidelines, "until such programs have been completed, disapproved, discontinued or abandoned...".

CHANCERY COURT

RULE 88

Effective December 25, 1975, Rule 88 was specifically defined to be inapplicable to petitions for the allowance of additional commissions or fees permitted under Rule 192.

RULE 184

Effective December 25, 1974, Rule 184 was specifically defined as inapplicable to proceedings concerning estates of persons deceased on or after that date.

RULE 187

Rule 187 rendered the new probate code, Chancery Rules 187 through 202, inapplicable to proceedings concerning estates of persons dying prior to December 25, 1974.

RULE 188

(a) Effective December 25, 1974, representation in proceedings before the Register of Wills was limited to personal representatives, or attorneys representing the personal representative, admitted to practice in the Supreme Court of Delaware.

(b) The Court of Chancery was given discretion in Rule 188 (b) to admit attorneys pro hac vice, if the same were not admitted to practice in the Supreme Court. Such admission pro hac vice, however, was conditioned on association with an attorney who is admitted to practice in the Supreme Court, and who maintains in this State an office which regularly transacts business.

All notices, orders, pleadings and other papers filed in the proceeding before the Register of Wills must be served on the practicing, associate attorney.

RULE 189

Effective December 25, 1975, petitions for Letters of Administration with Will Annexed will not be accepted for filing with the Register of Wills until the will has been approved.

RULE 190

Upon a showing that:

- 1) the personal representative is represented in the probate proceeding by an attorney admitted to practice before the Supreme Court of Delaware, or that the personal representative serves as a co-fiduciary with a personal representative who will appear, or who is so represented; and
- 2) for reason of illness, distance of travel, unusual inconvenience or expense, the personal representative should not appear,

the personal representative at the Office of the Register of Wills may be excused from appearance at a grant of Administration or Letters Testamentary, or the filing of an interim or final account. If such application is granted, an affidavit of such personal representative that all statements contained in the previously mentioned documents filed are true and correct, and that the duties of such personal representative are or will be performed with honesty and integrity, must be attached to the petition or account.

RULE 191

The following information must be provided to the Register of Wills by one asserting a claim against an estate, pursuant to 12 Del. C. §104 (a):

- 1) name of deceased
- 2) name and address of claimant
- 3) amount of claim
- 4) statement as to basis of claim
- 5) copy of any available written obligation signed by decedent

- 6) statement that the debt is due or not yet due (if not yet due, date when debt falls due)
- 7) statement that claim is either contingent or unliquidated,
- 8) statement that claim is secured or unsecured; description of security if secured,
- 9) statement that the claim is timely filed under 12 Del. C. §102

RULE 192

Commissions and Fees

The maximum allowable combined commission and fee for the personal representative and attorney, subject to increase or decrease by the Court for good cause, are set forth below. The minimum fee, in any case, is \$200.00.

<u>Gross Estate</u>			
\$ 0 -	\$ 1,999.99	\$ 200	
2,000. -	4,999.99	200 + 10%	of Amount over \$ 2,000
5,000. -	9,999.99	500 + 6%	" " " 5,000
10,000. -	19,999.99	800 + 5%	" " " 10,000
20,000. -	29,999.99	1,300 + 4.5%	" " " 20,000
30,000. -	39,999.99	1,750 + 4%	" " " 30,000
40,000. -	59,999.99	2,150 + 3.5%	" " " 40,000
60,000. -	79,999.99	2,850 +	" " " 60,000
80,000. -	99,999.99	3,500 + 3%	" " " 80,000
100,000. -	124,999.99	4.0%	of the Gross Estate
125,000. -	149,999.99	3.8%	" " " "
150,000. -	174,999.99	3.6%	" " " "
175,000. -	199,999.99	3.4%	" " " "
200,000. -	249,999.99	3.2%	" " " "
250,000. -	299,999.99	3.0%	" " " "
300,000. -	349,999.99	2.9%	" " " "
350,000. -	399,999.99	2.8%	" " " "
400,000. -	449,999.99	2.7%	" " " "
450,000. -	499,999.99	2.6%	" " " "
500,000. or over		2.5%	" " " "

Total combined commissions and fees must not be less than the maximum amount allowable in the next preceding gross estate bracket. Gross estate is computed as the sum of 1) Inventory of Appraisement, 2) one-half of jointly owned personal property, and 3) additional assets received.

Request for allowance of additional fees must be set forth in a petition to the Court, attached to an accounting, and stating the

grounds therefor, including a detailed description of services and time expended. Where detailed time records are unavailable, the Court may consider ordinary or customary time expenditures for services rendered.

RULE 193

No one employed in the Office of Register of Wills may receive fee compensation for individual or personal services rendered.

RULE 194

Any account filed with the Register of Wills by a personal representative, accompanied by a statement of beneficiaries names and addresses, must, after adjustment and settlement by the Register of Wills, be open for inspection and exception by such beneficiaries for three months. That period begins to run when written notice of the filing and of the inspection period is mailed to each beneficiary. Such notice is to be given in the name of the personal representative.

Where names and addresses of beneficiaries are unknown, the Court may direct publication of the notice of filing of the account.

Any beneficiary, not named in the statement of beneficiaries, entitled to share in the distribution of the estate may except to the account, notwithstanding any approval thereof by the Court.

Any beneficiary entitled to such notice of filing may waive formal notification by written consent to the waiver, and to approval by the Court of the account. Copies of any such waivers must be filed with the Register of Wills.

On filing of an account with the Register of Wills, the personal representative must, at the same time, certify in writing the date when notices to beneficiaries under this Rule were mailed, and that he, having compared disbursements and verified calculations, finds the account to be correctly adjusted and settled.

RULE 195

After three(3) months from the date of mailing of notice of the filing of an account, the Court may, upon presentation of the account, approve it, provided all eligible beneficiaries, their guardians, trustees, or parents of beneficiaries under a legal incapacity have consented there to in writing. The Court may not finally approve any account in the absence of a tax clearance form, filed by the Division of Revenue with the Register of Wills.

RULE 196

Approval by the Court of an account will not relieve the personal representative of liability for loss to the probate estate occasioned by the act, neglect or default, fraud, deception or concealment of such personal representative.

RULE 197

Any exception to an Inventory may be filed with the Register of Wills within three(3) months after the mailing of the notice of the final account. Exceptions filed must contain the following information:

- (1) name of exception
- (2) nature of beneficiaries' interest in the estate
- (3) list of specific exceptions and grounds for each

After filing of any exceptions, notice that such exceptions will be heard by the Court after 15 days must be mailed to the personal representative by the Register of Wills.

RULE 198

The personal representative is to be heard first in any hearing of exceptions, followed by the exceptant, and Rebuttal by the personal representative. However, if the exceptant seeks to surcharge the

personal representative, the exceptant shall be heard first, followed by the personal representative and rebuttal by the exceptant.

RULE 199

A master may be assigned by the Court to examine and report on an inventory and account within the time specified in the order of appointment.

RULE 200

After receipt of a master's report on an inventory and account, the personal representative and all interested parties must be heard by the Court on any matter determined therein adversely to the personal representative. Thereafter, the Court may initiate such further proceedings as it deems appropriate.

RULE 201

The Court, or any masters to whom exceptions have been referred, may examine a personal representative under oath on any matters contained in an exception.

RULE 202

Testimony as to exceptions must be taken by the Court or a master in the same form as in all other causes.

RULE 203

Each surety company must, each January, file a power of attorney for the execution of bonds by the attorney -in-fact named therein, in each county where such company is engaged in business. No surety company may be approved by the Court as surety, in the absence of such power of attorney annually filed. This Rule does not prohibit proper execution of any bond within the state, as required by law.

No attorney, or other officer of the Court, may be accepted by the Court as surety in any pending case or probate proceeding .

RULE 204

Section 2510 of Title 12 of the Delaware Code fixes charges allowable for the Register of Wills. The Court may fix charges for matters not provided for by statute.

RULE 205

The Rules and general practices of the Court of Chancery control proceedings not governed by statute or probate procedure. The Court may, absent a controlling Rule or Statute, proceed in any lawful manner.

SUPERIOR COURTCRIMINAL RULES

RULE 10

A new subsection, (b), was added to Rule 10, effective September 1, 1974, allowing for "Arraignment by Prior Pleading." This section eliminates the requirement of a formal arraignment when a response to the indictment or information is filed within two days prior to the scheduled arraignment. The response must assert: (1) an acknowledgement that the defendant has read the indictment or information, and that he understands the nature of the accusations, (2) a waiver of the reading in open Court of the indictment or information, (3) a plea of not guilty, and (4) the defendant's current address. If such response is accepted by the Court, the arraignment date is the day of filing of the pleading.

RULE 16 Discovery and Inspection

Subsection (a) of Rule 16 was amended, effective September 1, 1974, to permit a defendant to serve a motion to inspect directly upon the Attorney General, rather than directing such a motion to the Superior Court. The Rule was also expanded to permit "someone acting in his [the Attorney General's] behalf" to inspect, copy or photograph written or recorded material. Conversely, the State may make a request directly of a defendant to permit the Attorney General to inspect, copy or photograph written or recorded material. So long as each party cooperates in the discovery, there is no need to involve the Court directly.

It is required that the request for inspection describe or identify the item for which discovery is sought "with reasonable

particularity", which was not previously directed, and must specify a reasonable time, place and manner of inspection.

The procedure for obtaining the inspection requires the party upon whom the request is served to respond within 20 days. A response specifically granting the discovery as requested must be made, unless there is objection, for which reasons must be cited. Objections must be specific as to the part of an item or category for which discovery is denied.

Where objection is directed only to the time, place or manner of inspection, the response must set an alternative time, place, or manner of inspection, not less than 10 days prior to trial.

In the absence of a response granting discovery as requested, or upon objection, the moving party must move the Court for an order to compel discovery. Such a motion to compel must be made within 10 days of the time allowed for the original response.

RULE 35(b)

Effective January 16, 1975, the Court is authorized to modify costs, fines, and conditions of probation at anytime.

RULE 41.1

A new procedure is made available by Rule 41.1, through which the state may forfeit property allegedly used for unlawful purpose. Effective April 1, 1975, the State may file a motion of forfeiture, served on the defendant or his attorney of record, at least twenty(20) days prior to trial. The defendant may, at his election, demand a jury trial on the issue of the unlawful use of such property, by filing a written demand therefore, at least ten(10) days prior to trial. The right to demand a jury

trial on this issue is deemed waived if not asserted in a timely manner.

In a jury trial to determine unlawful use, the burden of proof rests with the State, although both parties may adduce evidence. The standard of proof is the preponderance of the evidence. The Court is required to provide appropriate instructions for the jury, following a full hearing. A verdict in the defendant's favor requires that the property seized be returned. A determination that the property was used unlawfully entitles the State to dispose of the property at the Court's direction.

Should the defendant fail to demand a jury trial on the issue of unlawful use, a separate proceeding to determine this issue must be held immediately following a guilty verdict. As noted previously, a defendant who fails to demand trial by jury on the use issue is deemed to have waived that right.

Public notice of forfeiture must be posted for a thirty day period following an order of forfeiture by the Court. Direct notice of forfeiture for appropriate parties is required. Such public notice must contain information from the Court as to the manner and time for any assertion of claim by third parties to the property. The Rule requires that the Court protect a party interest which it finds to be valid in any final disposition of property.

COURT OF COMMON PLEASCIVIL RULE 81

A new Rule 81 was adopted, effective January 24, 1975, to provide that, on a petition for the change of name of a minor, the signature of at least one parent, if one is living, must appear. If one or both parents are deceased, the petition shall so state.

Also, in the case of a minor over 14 years of age, the consent of such minor is necessary, evinced by his or her signature.

Finally, where such a petition is signed by only one parent, and both are living, the parent who did not join in the petition must be served with a copy of such petition, by personal or substituted service.

CRIMINAL RULE 10

A new subparagraph was added to Rule 10, effective October 1, 1974. The New Rule is identical to the new Superior Court (Criminal) Rule 10, allowing for "arraignment by prior pleading". This section eliminates the requirement of a formal arraignment when a response to the indictment or information is filed within two days prior to the scheduled arraignment. The response must assert: (1) an acknowledgement that the defendant has read the indictment or information, and that he understands the nature of the accusations, (2) a waiver of the reading in open Court of the indictment or information, (3) a plea of not guilty, and (4) the defendant's current address. If such response is accepted by the Court, the arraignment date is the day of filing of the pleading.

RULES OF THE BOARD OF BAR EXAMINERS

The Supreme Court approved a revised set of the Rules of the Board of Bar Examiners, by its order of December 30, 1974. The changes were, by terms of the order, to be applied prospectively only, effective January 1, 1975. Because numerous changes in the Rules were made during fiscal 1975, some new portions had become effective on July 29, 1974. Similarly, other revisions were implemented effected May 13, 1975.

Only changes from the former Rules, and their respective sections, are noted below. References are made to Supreme Court Rule 50 through 55, which superceded Rules 30 and 31 effective January 1, 1975.

A.

1. (a) The requirement of oral examinations for applicants for registered student at law is deleted.
2. The Board is empowered, by this subsection, to determine the scoring method of the bar examinations, and relationship of the multistate examination, if any, to the essay portion of the examination. The entire method of scoring is made wholly discretionary with the Board.

Reexamination may be had for eligible examinees on the multistate portion of the examination in February following the July or August examination.

B.

2. The filing date for registration as a student of law, which had been changed to April 1 by amendment of July 29, 1974, was reinstated as March 1. Additionally, the fee for an out-of-state applicant was increased from \$125.00 to \$135.00.
3. The requirement that an applicant possess specific diplomas or degrees in order to qualify for candidacy as a registered student at law was deleted to allow for the Board, in its discretion, to determine the adequacy qualifications of an applicant.

4. Any applicant who lacks a college or university degree must take an examination, the scoring of which is wholly determined by standards set by the Board.

C.

1. The date for filing of applications for leave to take the bar examination was changed from May 1 to June 1 of each year. The fee for such application was increased from \$25.00 to \$40.00.
4. The practice of qualifying to sit for the bar examination through independent study in a "Reading Law" program is hereby abolished. Further, the requirement of graduation from an ABA approved law school was amended to require that the law school must appear on the ABA list of approved schools at the time of conferring of the law degree.

D.

1. The requirement of testing in specific areas of the law on the bar examination has been deleted, to permit that the Board, in its discretion, may determine which of the given list of subject areas the bar examination will cover.
2. The Board is granted discretion to determine in each year, whether or not to participate in the Multistate Examination (MBE), and which subject areas will be covered by the MBE and essay portions of the examination, respectively.
3. The Board is granted complete discretion as to the "scoring method" used for the bar examination. Disclosure of the scoring methods in a given year is required prior to administration of the bar examination. Failure to disclose a new scoring method automatically renders the scoring method of the previous year operative.
4. The bar examination is required to be administered and scored on an anonymous grading system, to be determined by the Board.
5. An unsuccessful applicant may obtain his or her respective scores on the MBE and essay portions of the examination. Disclosure of scores achieved need not be made to a successful examinee.
6. Unsuccessful applicants who assert computational errors in scoring may petition for recomputation not later than ten (10) days following announcement of examination results.

F.

1. Applications for re-examination must be submitted prior to June; rather than May 1, of each year.
2. The fee for re-examination is increased from \$25.00 to \$40.00 per applicant.

G.

2. The filing date for application for leave to take the bar examination by attorneys admitted to practice in other states was changed from March 1 to April 1.

H.

1. (a) Employees in the Office of the United States Attorney for The District of Delaware were included among those members of Bars of other states eligible to practice in Delaware Courts, other than the Supreme Court, under this Rule.
1. (b) (i) The requirement that applicants for admission to practice under this Rule provide certification of their membership in the Court of last resort of another state is deleted. Such an applicant need only submit certification of membership in good standing of the court where such applicant is admitted.
- (d) Permission to practice under this Rule may now be "terminated", rather than "revoked or suspended" by the Board, without notice, hearing, or any showing of cause to the applicant.
- (e) The provisions of Rule H2 (h) are included by reference in this section, permitting automatic termination of permission to practice for an unsuccessful applicant, immediately upon the posting of the results of the Bar examination.
2. (a) Permission for eligible law students to practice in certain courts and administrative tribunals is made discretionary with the Board, deleting the former language automatically entitling a qualified applicant to such permission, effective May 13, 1975.
2. (a) (i) Reference in this section to Rule 52 was changed to Rule 51, effective May 13, 1975. The same amendment added the disjunctive "or" at the end of the section.
2. (b) Eligible employees of the Office of the United States Attorney, or the Department of Justice are exempted from the condition of clients affirmative consent to their representation.
- (f) Eligible persons may engage in specified activities under the supervision of a practicing attorney, where such person would be entitled to appear in such a matter. The signature of the supervising lawyer, however, must appear on the pleadings or documents.
- (g) A "supervising lawyer" is newly defined as a person who:
 - (i) is a member in good standing of the bar of the Supreme Court,
 - (ii) will assume professional responsibility for

the work and the quality of work undertaken by the eligible law student or law school graduate.

(b) Amendments to this section which specifies that the maximum duration of certification to practice under this Rule is 18 months, include statements: that such certificate may, in the discretion of the Board, be renewed after 18 months, unless administration of the bar examination shall have intervened. In the case of an unsuccessful applicant, authority to practice is immediately terminated. Thus, strictly, the Board has discretion only to renew those certificates of successful examinees.

RULE OF THE DELAWARE CENSOR COMMITTEE

RULE 5

Effective December 10, 1974, Rule 5 was amended to permit any subcommittee of the Censor Committee to subpoena witnesses and direct interrogatories to attorneys under investigation or other witnesses. Any person subpoenaed under this Rule may apply to the Censor Committee at any time prior to the time specified in the subpoena, for a protective order.

The Censor Committee is also granted authority, under this Rule, to quash or modify a subpoena for good cause shown, or to grant protective relief from interrogatories.

RULES OF THE COURT ON THE JUDICIARY

The following amendments were made, in the sections noted, to the Rules of Procedure of the Court on the Judiciary, effective December 10, 1974:

RULE 3

- (a) The requirement of membership in the Delaware Bar Association was deleted as a criterion for appointment to a Preliminary Investigatory Committee of the Court on the Judiciary.
- (c) Whereas the former §(c) permitted that Committee submit a written report to the Chief Justice regarding an investigation of a complaint at the "earliest practicable time", such report must now be submitted within 30 days.
- (f) Service of any subpoena issued by a Committee of the Judiciary was expanded to require the sheriff of any County to make such service, rather than limiting it to the sheriff of Kent County.
- (h) A provision for stenographic or other assistance, approved by the Chief Justice, as required by any Committee was created in a new subsection, (h).

RULE 4

- (b) Suspension is added to censure, removal and retirement as a possible penalty to be imposed on a judicial officer by the Court on the Judiciary.

RULE 5

- (a) Where formerly a minimum of two(2) members were required to form a Board appointed by the Court to receive an investigating Committee's report, such a Board may now be composed of only one(1) member. Further, where such a Board is composed of more than one(1) member, the Chief Justice, and not the Court, must designate one(1) member as chairman.

RULE 6

- (b) Suspension is added to censure, removal or retirement as a possible remedy for sanction of a judicial officer found guilty of incompetence or misconduct. Such a judicial officer is entitled to a hearing on a report of an investigatory Committee, at a time defined as "the earliest

practical time, but not later than 30 days after the appointment of an examining Board". The respondent is now entitled to notice of hearing at least 15, rather than 30, days from the hearing date.

- (c) The respondent's answer to the Order to Show Cause must be filed within 15, rather than 20 days, after service of such order.

RULE 7

- (b) Service of subpoenas issued by Court may now be made by any county's Sheriff, rather than only by the Sheriff of Kent County.

RULE 8

- (a) The Examining Board must now prepare a draft report for the Court, containing findings of fact and conclusions of law as to the complaint, at the earliest practicable time, within a period of 30 days after final hearing. It is required that the Board include a recommendation as to possible action by the Court, with its draft report.
- (c) A respondent's time for objection to the draft report is reduced from twenty(20) to ten(10) days.

RULE 9

- (c)(1) The time for the respondent's filing of exceptions to the final report is also reduced from twenty(20) to ten(10) days after the filing of the final report.
- (c)(3) This subsection amends the requirement of appointment of a "State judge" to represent the complainant before the Examining Board, to permit appointment of "a member of the Delaware Bar."

- (c)(6) Suspension is added to censure, removal or retirement as a possible penalty for a judicial officer found guilty of the complaint charged. This concurrence of two-thirds of the members of the Court is required for censures, suspensions, removal or retirement. Formerly, concurrence of a simple majority was needed to dismiss a complaint, and concurrence of two-thirds of the membership was needed for any other action.

RULE 10

- (g) This new subsection provides that service upon Counsel for the respondent is tantamount to service on the respondent himself.

(h) A new subsection, (h), permits an extension of time periods specified, by authority of the Chief Justice, or Senior Associate Justice of the Supreme Court, for good cause shown.

LEGISLATION

LEGISLATION

The following represents a general summary of legislation passed during fiscal 1975, by the first session of the 128th General Assembly. The list reflects only that legislation signed by the Governor which has major impact on the jurisdiction or operation of the courts in Delaware. It is not intended to be exhaustive, since it includes only those bills signed prior to July 1, 1975, and does not describe every bill affecting the courts.

HOUSE BILL 301

This bill adds the crime of rape to those crimes (e.g. murder, and the manufacture and delivery of certain drugs) for which incarceration is mandatory after conviction, pending a presentence investigation by the Court. Time spent by the offender in custody is to be credited against any prison term to which he may be sentenced.

HOUSE BILL 499

Certain amendments made to Chapters 9 and 11 of Title 13, concerning adoption and termination of parental rights are the subject of this bill. First, consistent with the constitutional amendment, "child" was redefined as any male or female who has not yet attained his or her eighteenth birthday.

Section 902 was amended to allow the court of competent jurisdiction to retain jurisdiction over a petition for the termination of parental rights, not only where the petitioner(s)

move into another county of the State during the pendency of the action, but also when the petitioner(s) move into a different jurisdiction entirely.

Section 906 was amended to require the filing of an affidavit, rather than merely a statement, by the mother of a child born out of wedlock. Such affidavit must include, among other things, an assertion by the mother, where appropriate that she does not know the name of the natural father of the child, and/or that she has never known his address.

Another amendment to section 906 requires that, where the name and/or address of the natural father are unknown, the efforts made to identify and locate him must be detailed for the Court.

Section 913 was amended to exclude the previous allowance for a petition for adoption to be filed after 6 months continuous residence, rather than one year, for a child to be adopted by a stepparent or blood relative. The minimum period of supervision by the Division of Social Services was increased to one year from time of filing of a petition for adoption.

Section 915 now requires a formal hearing on the Court's denial of entry of a decree of adoption only upon the request of the petitioner, rather than in all cases.

A new section, 1103, was included to prohibit termination of the parental rights of a natural parent by the other, absent extraordinary circumstances, if the effect will be to leave parental rights exclusively in one natural parent, and unless adoption is contemplated.

Under section 1105, the petitioner must now furnish, as part of the petition, a statement of the efforts made to identify

and locate the natural father, if his name and/or address be unknown.

HOUSE BILL 661

Previously, a hearing to determine the existence of any known heirs of a decedent who dies intestate was held with a 12 person jury of inquest. House Bill 661 changes that procedure to require only a "hearing" on that issue in the Court of Chancery.

Further, the period for the filing of claims against the escheated estate was reduced from seven(7) to two(2) years.

The Secretary of the Department of Finance, or his delegate, is retained as the Escheator of the State.

A new section permits not only the sale, but also the lease, or retention for public use, by the State Escheator, of any lands escheated to the State.

SENATE BILL 65

This act makes it illegal for any person to carry or smoke a lighted cigarette, cigar or pipe on any public conveyance, including a trackless trolley or a gasoline or diesel propelled bus. The penalty for a conviction under this section is a fine of from \$5.00 to \$25.00.

SENATE BILL 100

The number of judges in the Family Court was increased by this legislation from one Chief Judge and nine associate judges to ten associate judges. This brings the total number of Judges of the Family Court to eleven. A supplementary appropriation was provided for the accomplishment of the purposes of this statute.

SENATE BILL 110

The Chief Justice of the Supreme Court is required by this bill to provide information regarding the State of the Judiciary, periodically, to the General Assembly.

SENATE BILL 133

This bill provides that, in a prosecution for rape, attempt to commit rape, solicitation for, or conspiracy to commit rape, evidence of the sexual conduct of the complaining witness may be admitted only where, after hearing on motion of the defendant, outside the presence of the jury, the Court shall determine that such evidence is relevant and admissible.

Further, except as to conduct with the defendant, no opinion or reputation evidence, or evidence of specific instances of the sexual conduct of the complaining witness will be admissible. This section is, however, inapplicable to such evidence as may be sought to be introduced to attack the credibility of the complaining witness.

This act applies only to those crimes committed after the effective date of the bill.

SENATE BILL 186 (Senate Substitute 1)

This bill creates a new chapter 50 of Title 16, which provides for a new procedure for involuntary commitment to Delaware State Hospital. The procedure implemented beginning in April of 1975 required that each involuntary commitment could be ordered only upon a Superior Court hearing, prior to any detention for commitment purposes. Senate Bill 186 returns to the former procedure of commitment through the written certification of a psychiatrist, based on a psychiatric examination, without any involvement of Superior Court prior to the commitment.

Thus, the requirement of finding by the Court of probable cause for an involuntary commitment is hereby abolished. The new statute requires that the psychiatrist's certificate state with particularity the behavior and symptoms upon which the decision for commitment is based. The Delaware State Hospital may not admit a person alleged to be mentally ill without such written certification. Moreover, such admission is termed to be "provisional" only, at that stage. Upon admission, the Hospital is granted authority to re-examine and treat an involuntary patient, pending judicial proceedings. The patient must be discharged within three working days from admission, unless the Hospital examining psychiatrist certifies in writing that treatment is necessary, and that such involuntary patient is a "mentally ill person". Mentally ill person is defined as a "person suffering from a mental disease or condition which requires such person to be observed and treated at a mental hospital for his own welfare, and which either (a) renders such person unable to make responsible decisions with respect to his hospitalization or (b) poses a real and present threat, based upon manifest indications, that such person is likely to commit or suffer serious harm to himself or others or to property if not give (sic) immediate hospital care and treatment".
16 Del.C. 5001(a).

The involuntary patient is entitled to be advised of his rights under this act following the certification of the Hospital examining psychiatrist that he or she is a mentally ill person.

The following procedural rights must be afforded to an involuntary patient:

- (1) written notice of the reasons for confinement and hospitalization
- (2) private, non-jury hearing before either Superior or Family Court with attendant judicial determinations as to whether the involuntary commitment is based on probable cause and whether the involuntary patient is a mentally ill person. Such hearing shall follow adequate notice to the involuntary patient, who is entitled to be present at all hearings.
- (3) representation by counsel, either private or appointed, at all judicial proceedings, and examination by an independent expert who will testify as a witness in his or her behalf. Such expert witness will be appointed by the Court if the involuntary patient cannot afford to retain one.
- (4) discovery, summoning and cross examining witnesses, presenting evidence in his own behalf, and "all other procedural rights afforded to litigants in civil causes". The involuntary patient is also entitled to exercise his or her privilege against self-incrimination.
- (5) full confidential record of the proceedings, including findings by the Court.

Following the determination by the Hospital that the involuntary patient is a mentally ill person, it is the responsibility of the Hospital to file, forthwith, a verified complaint in Superior Court, or in Family Court, if the involuntary patient is otherwise amenable, or subject to the jurisdiction of that Court. The complaint must aver that the mentally ill person should be continued as a patient at the Hospital, and that the involuntary patient has been advised of his procedural rights. Copies of certificates of examining psychiatrists must be attached to the complaint. This section does not preclude any person, acting in behalf of the involuntary patient, from filing a complaint to determine the patient's mental status,

with the Hospital named as respondent.

The Court is required to hold a hearing within twelve (12) working days from the filing of the complaint to determine whether there exists probable cause to confine the involuntary patient. Notice of such hearing must be provided to the involuntary patient, his counsel, his spouse or nearest relative, etc. If, at such hearing, no probable cause for confinement is found, the involuntary patient must be discharged. If probable cause is found, a second hearing must be held, at the earliest practicable date, to determine whether the involuntary patient is a mentally ill person.

If, at any time, the Hospital determines that the involuntary patient is no longer a mentally ill person, it must so certify in writing, and discharge the patient.

In any action to determine mental illness, the Court must find clear and convincing evidence. Such a finding of mental illness authorizes the Court to order confinement for a period of six months only. Thus, review of the mental status of an involuntary patient must be accomplished by the Court every six months. The Court is under a duty, in making disposition, to order such disposition as "imposes the least restraint upon the involuntary patient's liberty and dignity".

Any involuntary patient may waive any rights under this section, pursuant to a finding by the Court that such waiver is voluntary, knowing and intelligent. Similarly, counsel for the involuntary patient may move the Court to acknowledge such a waiver, to be approved by the Court for good cause shown. If, prior to a court hearing, the involuntary patient

knowingly and voluntarily applies for, and is accepted for, hospitalization, no hearing to determine mental status is necessary.

Appeals of orders of disposition may be made by any party to the Supreme Court within thirty (30) days of entry of the order. The Court may, in its discretion, grant a stay pending appeal. Relief through a petition of habeas corpus is available to an involuntary patient at any time after an order of disposition becomes final.

The effective date of this act is July 1, 1975.

SENATE BILL 210

This bill brings section 2301 and 2304 of Title 12 into conformity with the Delaware Constitution, Article IV, §32. Whereas the Constitution requires that time for objection to a final probate account by a beneficiary must be a minimum of 3 months from notice to such beneficiary of the filing of the account, §2302(b) of Title 12 allowed for only a sixty(60) day period. Senate Bill 210 amends that period to make it three(3) months.

Also, §2304 of Title 12 is amended to change the word "final" from a position modifying "approval" to one modifying "account". The effect of this change is to clarify the legislative intent that the Court may approve final account on an interim basis, pending receipt of a tax clearance form from the Division of Revenue.

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