

# **OUTLINE FOR LAW DAY PRESENTATION TO HIGH SCHOOL STUDENTS**

## I. INTRODUCTION

- A. Name, present employment, law school attended, years in practice, and area of practice.
- B. I am speaking today on behalf of Delaware State Bar Association, Law Day Program.
- C. The theme for this year's Law Day presentation is:
  - 1. "Protecting the Best Interests of Our Children"
  - OR
  - 2. Your teacher has requested a special presentation on:
    - a. The Bill of Rights
    - b. Constitutional Law
    - c. Democracy and Diversity
    - d. Environmental Law
    - e. Jury Trials
    - f. other: \_\_\_\_\_

## D. Now, to begin the presentation:

- 1. **(OPTIONAL)** I will give you a brief overview of the federal, state, and local courts that comprise the Delaware legal system.

**AND/OR**

- 2. **(OPTIONAL)** I will tell you about my experience practicing law.

**AND**

- 3. I will give you a Pop Quiz (that we can work through together).

E. This will also be a great opportunity for you to ask me your questions about the legal system.

## II. FEDERAL, STATE, AND LOCAL COURT SYSTEM IN DELAWARE:

### A. Federal Courts:

1. United States District Court for the District of Delaware: this court hears federal criminal cases and civil suits based on federal law or that involve residents of different states where the amount in controversy exceeds \$75,000. Examples include interstate bank robbery trials, cases involving patents or copyrights, admiralty cases (maritime), civil rights litigation, and personal injury cases like serious auto accidents occurring on the interstate highways between motorists who live in different states. This court also hears appeals from the United States Bankruptcy Court. This court presently has eight judges plus one Magistrate. The District Court sits in the Federal Building in Wilmington.
  - a. Appeals: Appeals from the U.S District Court are heard by the United States Court of Appeals for the Third Circuit, which sits in Philadelphia. The Third Circuit Court of Appeals is one of 13 intermediate federal appellate courts across the nation. It hears appeals from the U.S. District Courts in Delaware, New Jersey, Pennsylvania and the Virgin Islands. The court's three judges sit in Philadelphia.
    - (1) Appeals: Appeals from the Third Circuit are heard by the United States Supreme Court in Washington, DC. This is the highest court in the land. There is no appeal from the decisions of this court. It is a court of last resort. This court has nine judges, who are called "justices."
2. The United States Bankruptcy Court for the District of Delaware: this court is an arm of the U.S. District Court. Its two judges hear bankruptcy cases for individual debtors and for many national companies that are incorporated in Delaware. The Bankruptcy Court sits in Wilmington.
  - (1) Appeals: Appeals from the U.S. Bankruptcy Court are heard by the U.S. District Court.

B. State Courts:

1. Justice of the Peace Courts – these 20 courts located throughout the state handle arraignments (which are held to make sure that a newly arrested prisoner has not been taken into custody without being charged and to give the accused an opportunity to enter a plea in the case), traffic tickets, certain misdemeanors that are heard without a jury, and minor civil matters involving less than \$15,000 in controversy (such as rent disputes between a landlord and tenant or disputes between neighbors over the placement of a fence). This court has 57 judges, who are called “magistrates”: 27 in New Castle County, 12 in Kent County, and 18 in Sussex County.
  - a. Appeals: Appeals from the Justice of the Peace Court are to the Court of Common Pleas (*de novo*), then to the Superior Court (on record), then to the Supreme Court (on record).
  
2. Family Court – this Court handles misdemeanor (crimes that are punishable by up to one year in prison) criminal offenses committed between family members or committed against juveniles. The Family Court also handles all crimes committed by juveniles, except for certain serious offenses which are tried in Superior Court. Delaware law considers a juvenile to be a person under the age of 18. It also hears divorces, child support and alimony cases, child custody and visitation cases, and adoptions. The Court has thirteen judges, plus fifteen commissioners. Nine of the judges are located in New Castle County, with two each in Kent and Sussex counties.
  - a. Appeals: Appeals from the Family Court are to the Supreme Court (on record) in civil matters or, in criminal matters, to the Superior Court (*de novo*), then to the Supreme Court (on record).
  
3. Court of Common Pleas – This is the lowest court in which a trial by jury is available in a criminal case. This court handles misdemeanors, traffic offenses, and preliminary hearings for felony cases (which are held to determine whether there appears to be sufficient evidence to hold the suspect for trial). The Court of Common Pleas also hears civil disputes valued at \$50,000 or less which do not occur within the boundaries of any city or town which has its own court for such matters. This court presently has nine judges, and three commissioners. Five judges are located in New Castle County, with two each in Kent and Sussex counties.
  - a. Appeals: Appeals from the Court of Common Pleas are to the Superior Court (on record), then to the Supreme Court (on record).

4. Superior Court – this is the state’s main trial court. It handles criminal offenses, felony traffic offenses, and civil disputes involving any amount of money. This is the court where there is the right to trial by jury. This court has 19 judges, plus three commissioners and two masters. Thirteen of the judges are located in New Castle County, three in Kent County and three in Sussex County. The Superior Court hears appeals from the decisions of state agencies, like the State Board of Education.
  - a. Appeals: Appeals from the Superior Court are to the Supreme Court (on record).
  
5. Chancery Court: this civil court is a court of equity. That means it can fashion relief that is not generally available in courts of law. It does not handle criminal cases, but is the state’s main trial court for disputed corporate governance issues (like shareholder complaints against a decision of the board of directors or a proposed merger). Civil matters in the Court of Chancery are not decided by a jury, but by a judge, who is called a “chancellor.” As distinguished from a court of law, the Chancery Court does not award money to compensate the prevailing party for its damages, although in rare cases it may award money damages to punish a party. Instead, litigants often ask the chancellor to issue a court order or injunction to prevent someone from doing something (for instance, preventing the city from cutting down beautiful trees in a public park). Or a vice chancellor might order someone to do something he or she is required, but refuses, to do (for instance, compelling a government official to carry out his or her public duty). The Court of Chancery also has jurisdiction over appointing guardians for the elderly, mentally infirm, and the estates of deceased persons. This court has five judges plus one master.
  - a. Appeals: Appeals from the Court of Chancery are to the Supreme Court (on record).
  
6. Supreme Court – this is Delaware’s highest court. It only hears appeals of lower courts’ decisions. You have no doubt heard that emergency appeals are often decided by the Supreme Court in state death penalty cases, but any final decision of the Family Court, Superior Court, or Chancery Court can be appealed to this Court. The Supreme Court has five judges, called “justices.” The Supreme Court also hears disciplinary matters concerns members of the bench and bar. This is a court of last resort.

- C. State Administrative Agencies: Many state agencies perform an adjudicative function by deciding controversies. For example, the State Board of Professional Responsibility can award and revoke professional licenses.
1. Appeals: Appeals from state agencies' decisions are to the Superior Court (on record), then to the Supreme Court (on record).
- D. Courts of Cities and Towns:
1. Alderman's Court for the City of Newark: This court considers all minor misdemeanors, traffic offenses, and violations of City ordinances such as underage consumption or possession of alcohol, excessive noise, and public drunkenness. There are two judges on this court, known as the Alderman and the Assistant Alderman.
  2. Other cities and towns in Delaware having Courts which are known as Alderman's Courts or Mayor's Courts are: Bethany Beach, Bridgeville, Delmar, Dewey Beach, Fenwick Island, Laurel, New Castle, Newport and Rehoboth Beach.
    - a. Appeals: Appeals from decisions of the town courts are to the Court of Common Pleas (*de novo*), then to the Superior Court (on record), then to the Supreme Court (on record).

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