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The Delaware State Bar Association is looking for a number of talented members to join the 2017-2018 Executive Committee and lead DSBA to continued success.

The following positions on the Executive Committee of the Association must be filled for the year 2017-2018:

Vice President-at-Large; Vice President, New Castle County; Secretary; Assistant Secretary; Treasurer; Assistant Treasurer; Six Members-at-Large

Note: The Vice President, Kent County and the Vice President, Sussex County will be those persons selected by, respectively, the Kent County Bar Association and the Sussex County Bar Association.

The following position must be filled for the term as noted:

One (1) DSBA Representative to the Delaware Bar Foundation Board for a four-year term

The Nominating Committee wants to consider all interested candidates. If you are interested in serving on the Executive Committee or would like to recommend a candidate, please send your name or the candidate’s name along with a CV and at least one letter of nomination to Mark S. Vavala, Executive Director (Interim), by e-mail at: mvavala@dsba.org or by mail at: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE 19801 by February 14, 2017.

WE NEED YOUR HELP TO FIND STRONG LEADERS FOR THE FUTURE!

The Nominating Committee consists of:

Yvonne Takvorian Saville, Chair
Richard A. Forsten, Vice-Chair

New Castle County


Kent County


Sussex County

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Cover Photo Credit: © istockphoto.com/ MarinaMariya
Pursuing Joy

So, this is it! This is the holiday season we have been waiting for all year. The season when peace and joy surround us and take us off to our happy place...or is it?

All of us are well aware of the United States Declaration of Independence endowing us with three inalienable rights: life, liberty, and the pursuit of happiness. However, many Americans mistakenly believe that we have an inalienable right to happiness. Wouldn’t that be great? For all of the speedbumps that life so freely bestows, we could just pull out our copy of the United States Declaration of Independence and invoke happiness.

With all levity aside, we are extremely blessed to be living in a country that gives its individual citizens a right to pursue happiness within the bounds of the law. So, since happiness is not a constitutional guarantee, how can we pursue happiness? The first step is to figure out what truly makes us happy. Understanding what makes us happy takes time and a variety of life experiences. Obviously, we all have activities that make us happy, but a life only full of activities that bring pleasure is a shallow life. When we finally figure out what truly makes us happy, we can pursue that happiness.

One of the unique characteristics of America is that we truly have free choice. We can freely pursue happiness in this atmosphere of free choice (so long as it is legal). What defines happiness for me does not define happiness for you. We are all individuals and different activities, loyalties, loves, accomplishments, and securities bring happiness and a state of well-being to each of us. I am free to pursue what brings me joy and you are free to take a different path in life to bring you joy. Strangely enough, as I get older, I am finding that often it is the act of the pursuit of happiness that brings more joy than the attainment of what I am seeking.

Joy is a deeper concept than mere happiness. While happiness is a state of mind, it is usually tied into circumstances and emotions. You can usually answer the question, “Why are you so happy?” However, joy is something rooted much deeper that is not dependent on your life circumstances, bank account, or mood.

With all of this talk of pursuing joy, I would be remiss not to mention that something magical often occurs in your pursuit. Joy may overtake you. Sometimes in the pursuit of joy, when you least expect it, you will find joy in a place that you were not expecting to find it. Seize those moments.

Again, I understand that the holiday season is not a time of pleasure and joy for everyone. I am cognizant of anniversaries of tragedies and loss that have occurred over the holidays that bring sadness during this time of year. I am also not ignorant to the fact that even everyday struggles do not go away during this time of year. However, this is a time of year that somehow, you can rise above your daily issues and struggles and find happiness, even joy.

As we enjoy the holiday season, do not forget to put something on your to-do list that falls under the heading of pursuing joy. Pursuing joy may include experienc-
Miranda “Mindy” Clifton has graduated from every college and university beginning with a “W” including Wesley (BS), Widener (JD) and Wilmington (MBA). She is the current President of the Delaware State Bar Association. In her spare time, Mindy is a Trial Attorney for Nationwide Mutual Insurance Company and represents its customers in almost every court in all three counties throughout the State. Mindy is also an adjunct professor for Wilmington University in their Graduate Business Studies. She can be reached at cliftom2@nationwide.com.

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Peggy Kruza
Steven Kruza

This December, we’ve got an opportunity to get those ethics credits fulfilled. Each Thursday, DSBA will offer a free one-hour video from past ethics and professionalism courses to all members. On the seminar day, pack a lunch and enjoy the show. Popcorn will be provided. No pre-registration necessary!

Thursday, December 15, 2016
Healthy Lawyers Make for a Healthy Profession
Originally presented as part of 4 hour seminar on April 15, 2015
12:00 p.m. to 1:00 p.m  |  1.0 hour Enhanced Ethics credit

Thursday, December 22, 2016
Cyber Security for Law Firms: Ignorance is Not a Defense
Originally presented September 30, 2015
12:00 p.m. to 1:00 p.m  |  1.0 hour Enhanced Ethics credit

ing something, visiting someone, or giving something to someone that will give you pleasure and satisfaction. So many times we are checking off boxes to bring happiness to others without taking any satisfaction from the act ourselves. Pursuing joy will take the obligation out of your holiday and replace it with an enjoyment that comes from an understanding of why you celebrate. So, whatever you celebrate this season, Merry Christmas, Happy Hanukkah or Kwanza, and may you pursue and find joy.
STARTING (AGAIN)... NOW.
IN-HOUSE RESOLUTION NO. 2017-001
RELATING TO A(NOTHER) NEW YEAR.

WHEREAS, a New Year’s resolution is a Western tradition in which a person promises to engage in some act or acts of self-improvement commencing January 1st; and
WHEREAS, common goals revolve around health, finances, organization, and time allocation; and
WHEREAS, about half of Americans usually make New Year’s resolutions; and
WHEREAS, less than one in ten are successful in achieving their resolution, but people who explicitly make resolutions are approximately ten times more likely to achieve their goals than those who do not explicitly make resolutions; and
WHEREAS, Plato is credited with saying, “Music is the movement of sound to reach the soul for the education of its virtue”; and
WHEREAS, Albert Einstein once said, “I see my life in terms of music”; and
WHEREAS, sound reaching soul may make for a better, brighter 2017, which would surely deserve a soundtrack;

NOW, THEREFORE, in my 40th year, I resolve to:

1. For crying out loud, learn the lyrics to “Auld Lang Syne” beyond the first line (Googling them at 11:59 p.m. and reading from a phone really undercuts the moment);
2. Send out holiday cards before it is time to sing “Auld Lang Syne”;
3. Go caroling — but only if the group agrees to sing at least once, “I get knocked down, but I get up again; you’re never going to keep me down”;
4. Take the long way (home) — at least on occasion;
5. Take the long view — always;
6. Recognize that it’s not always rainbows and butterflies; it’s compromise that moves us along;
7. But, don’t exchange a walk-on part in a war for a lead role in a cage;
8. Continue to use short, declarative sentences;
9. Let it go;
10. Keep it simple;
11. Ring a sound that’s true;
12. Realize that, while a person might like to eat caviar or might like to eat bread, and a person may be sleeping on the floor or sleeping in a king-sized bed, we’re all going to have to serve somebody;
13. If I bite off more than I can chew, when there is doubt, eat it up and spit it out;
14. Be the small axe;
15. Keep chopping and that tree will eventually fall;
16. Don’t forget, some will win, some will lose;
17. Nobody gets out without singing the blues;
18. Lift myself up off the floor and move like today never happened;
19. Keep in mind, some of it’s magic, some of it’s tragic, but I’ve had a good life all the way;
20. Just take time to see the blue skies and the clouds of white, the bright blessed day, the dark sacred night, and think to yourself, what a wonderful world.

IN-HOUSE RESOLUTION NO. 2017-002
RELATING TO A(NOTHER) NEW YEAR.

WHEREAS, a New Year’s resolution is a Western tradition in which a person promises to engage in some act or acts of self-improvement commencing January 1st; and
WHEREAS, common goals revolve around health, finances, organization, and time allocation; and
WHEREAS, about half of Americans usually make New Year’s resolutions; and
WHEREAS, less than one in ten are successful in achieving their resolution, but people who explicitly make resolutions are approximately ten times more likely to achieve their goals than those who do not explicitly make resolutions; and
WHEREAS, Plato is credited with saying, “Music is the movement of sound to reach the soul for the education of its virtue”; and
WHEREAS, Albert Einstein once said, “I see my life in terms of music”; and
WHEREAS, sound reaching soul may make for a better, brighter 2017, which would surely deserve a soundtrack;

NOW, THEREFORE, in my 40th year, I resolve to:

1. For crying out loud, learn the lyrics to “Auld Lang Syne” beyond the first line (Googling them at 11:59 p.m. and reading from a phone really undercuts the moment);
2. Send out holiday cards before it is time to sing “Auld Lang Syne”;
3. Go caroling — but only if the group agrees to sing at least once, “I get knocked down, but I get up again; you’re never going to keep me down”;
4. Take the long way (home) — at least on occasion;
5. Take the long view — always;
6. Recognize that it’s not always rainbows and butterflies; it’s compromise that moves us along;
7. But, don’t exchange a walk-on part in a war for a lead role in a cage;
8. Continue to use short, declarative sentences;
9. Let it go;
10. Keep it simple;
11. Ring a sound that’s true;
12. Realize that, while a person might like to eat caviar or might like to eat bread, and a person may be sleeping on the floor or sleeping in a king-sized bed, we’re all going to have to serve somebody;
13. If I bite off more than I can chew, when there is doubt, eat it up and spit it out;
14. Be the small axe;
15. Keep chopping and that tree will eventually fall;
16. Don’t forget, some will win, some will lose;
17. Nobody gets out without singing the blues;
18. Lift myself up off the floor and move like today never happened;
19. Keep in mind, some of it’s magic, some of it’s tragic, but I’ve had a good life all the way;
20. Just take time to see the blue skies and the clouds of white, the bright blessed day, the dark sacred night, and think to yourself, what a wonderful world.
NOTES:
3. “She Will Be Loved,” Maroon 5.
5. “Let It Go,” James Bay.
6. “By and By,” Brett Dennen.
7. Id.
13. Adventures in Babysitting, leading up to the “Baby sitting Blues.”

Bar Journal Editor Seth L. Thompson is a shareholder with Sergovic Carmean Weidman McCartney & Owens, P.A., 406 S. Bedford St., Suite 1, Georgetown, Delaware. He may be reached at seth@sussexattorney.com.

FAQS

1. What is the purpose of the law office?
   The law office provides legal services in various areas such as family law, criminal defense, divorce and separation, adoption, custody/guardianship, termination of parental rights, embryo & egg donation, gestational surrogacy, domestic violence/PPAs, drunk driving/DUI, misdemeanors, felonies, expungements & pardons, juvenile offenses, motor vehicle offenses, post-conviction relief, and appeals.

2. How can I contact the law office?
   The law office can be contacted at 30C Trolley Square • Wilmington, DE 19806, 302.428.8900, or www.danareynoldsllc.com.

3. What are the legal services offered?
   The law office offers a wide range of legal services including family law, criminal defense, divorce and separation, adoption, custody/guardianship, termination of parental rights, embryo & egg donation, gestational surrogacy, domestic violence/PPAs, drunk driving/DUI, misdemeanors, felonies, expungements & pardons, juvenile offenses, motor vehicle offenses, post-conviction relief, and appeals.

Let an expert explain all of your insurance options before making your final judgment.

Delaware State Bar Insurance Services, Inc. (DSBIS) has been powered by the same team of insurance experts since its inception. You have known us by various names including PLI, Zurn Insurance Group, HRH, Willis, and now USI Insurance Services.

DSBIS continues to bring a proprietary risk analysis process and a personalized local team, all supported by more than 4,400 USI professionals nationwide. The result? Economically-vetted, completely customized risk management solutions designed to reduce cost and lower risk for your firm.

Since 1940, our Wilmington office has provided the insurance solutions and services that you count on to protect you, your family, your firm, and your employees. At DSBIS, we’ve got you covered.

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Personal Risk Services | Retirement Consulting
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Our new feature, Section Connection, will highlight DSBA’s Sections each month. Sections cover a wide array of practice areas and membership in DSBA Sections provides networking opportunities, social events, and CLE opportunities. Learn what your Sections are up to here at the Section Connection!

TORTS & INSURANCE SECTION

Chair
Samuel D. Pratcher, III
Weik, Nitsche & Dougherty
spratcher@attys4u.com

Regular Meeting
The Section meets every other month on the second Tuesday of the month at 5:30 p.m.

Goals
The goal of the Torts and Insurance Section is to provide periodic reports to our membership with respect to matters relating to tort law. Our Section’s goal is to also provide continuing legal education and to expand and foster relationships on both the plaintiff and defense side of litigation.

What Can Members Expect?
Members can expect a relaxed atmosphere as we discuss issues relating to our practice area. Members are free to provide updates on recent developments that other members may find beneficial in their practice.

Upcoming Events
Our next meeting is Tuesday, December 13, 2016 at 5:30 p.m. at Weik, Nitsche & Dougherty.

Recent Events
Our first event this year was on October 19, 2016 at Oyster House.

Previous Events
End of the year Happy Hour at Firestone on the Riverfront.

Section Membership is a great way to connect at DSBA!

From Family Law to E-Discovery & Technology to Corporation Law to Environmental Law, there are all sorts of ways to get involved and informed through our 27 sections.

| Alternative Dispute Resolution | Estates & Trusts | Multicultural Judges & Lawyers |
| Bankruptcy | Family Law | Real & Personal Property |
| Commercial Law | Government & Consumer Law | Small Firms & Solo Practitioners |
| Corporate Counsel | Health Law | Social Security Disability |
| Corporation Law | Intellectual Property | Taxation |
| Criminal Law | International Law | Torts & Insurance |
| E-Discovery & Technology | Labor & Employment Law | Women and the Law |
| Elder Law | LGBT | Workers’ Compensation |
| Environmental Law | Litigation | Young Lawyers |

For information on how to join a Section, contact Janice Myrick, Director of Bar Services & Membership, at jmyrick@dsba.org.

YOUNG LAWYERS SECTION

Chair
Kyle Evans Gay
Connolly Gallagher LLP
kgay@connollygallagher.com

Regular Meeting
Each Fall and Spring the YLS has Section meetings. Our next regular meeting will be February 22, 2017. Each month the Section holds a happy hour in and around Wilmington.

Goals
To provide newly admitted attorneys the opportunity to become acclimated to the practice of law in Delaware, meet their colleagues, and learn about the activities of the Delaware State Bar Association.

What Can Members Expect?
The YLS sponsors informative seminars relevant to the issues facing attorneys new to Delaware practice, provides resources to help them establish roots in the legal community, and promotes collegiality through a variety of social gatherings in all three counties. The YLS is non-practice specific, so its events present unique opportunities to work with attorneys from all areas of the legal spectrum.

Upcoming Events
Our December happy hour and fundraiser in support of Toys for Tots is always a hit! On April 1, 2017, the Section will hold the 12th annual Race Judicata 5K fun run. We’re excited to announce that this year the race will move to Trolley Square.

Previous Events
Every June we head to the beach for our annual “YLS at the Beach” happy hour. On June 10, 2016, the Section partnered with the LGBT Section for a well-attended happy hour at the Green Turtle in Lewes. It was a terrific opportunity to connect with our colleagues from Kent and Sussex counties. On April 2, 2016 the Section held another successful Art Connolly Race Judicata 5k Run/Walk, an annual event that raises funds to support the Delaware Law Related Education Center. We look forward to the 12th Annual Race Judicata on April 1, 2017.
WHY I BELONG

Victoria Watson Counihan
Department of Justice
ASSISTANT TO PRESIDENT

“The Bar Association is my place to meet and network with lawyers from across the state and across practice areas, and my go-to place for career advice, learning more about legal issues, and camaraderie with other Delaware lawyers.”

Richard A. Forsten
Saul Ewing LLP
PAST PRESIDENT (2015-2016)

“I belong to the Bar Association for the book reviews in the Bar Journal. Membership in the Bar Association is a great way to meet and stay in contact with lawyers you wouldn’t otherwise come across.”

Michael W. Arrington
Parkowski Guerke & Swayze, P.A.
SECRETARY

“The DSBA is an enriching, inspiring, and relaxing haven for Delaware lawyers. You can float ideas, open your mind, and let go of pressure with colleagues who understand where you are and how you got there.”

Victoria Watson Counihan
Department of Justice
ASSISTANT TO PRESIDENT

“The Bar Association is my place to meet and network with lawyers from across the state and across practice areas, and my go-to place for career advice, learning more about legal issues, and camaraderie with other Delaware lawyers.”

Serving Those Who Serve

On the day before Veterans Day, DSBA held the seminar, “Serving Those Who Serve,” providing three hours of instruction on areas of the law which most affect veterans and those still active in the military. The tone was set by the opening remarks given by Major General Francis Vavala, who identified himself as the oldest active member of the United States military and who challenged attorneys to seek solutions for veterans’ personal and legal problems. The distinguished panel included Amber A. Baylor, Esquire, and Susan W. Saidel, Esquire, from the Veteran’s Law Clinic at Widener University Delaware Law School and Richard V. Spataro, Esquire, the Director of Training for the National Veterans Legal Services Program who discussed global health issues affecting men and women in uniform. The panel also included moderator, R. Craig Martin, Esquire, and focused on understanding health issues, but also maximizing a military client’s results through representation and litigation. Judge Paul R. Wallace updated attendees on the activities of Superior Court’s Veterans Court. A panel which included Dr. Carol A. Tavani, a psychiatrist with Christiana Psychiatric Services, focused on crises facing military personnel such as a significantly high suicide rate and other mental health issues. Albert H. Manwaring IV, Esquire, and Professor Thomas Reed spoke on pro bono opportunities and ways to assist those in uniform with complicated VA matters.

TOP 5 THINGS YOU DIDN’T KNOW ABOUT THE DELAWARE BAR FOUNDATION

1. The Foundation manages the IOLTA program for the Supreme Court of Delaware – please call us with your questions at (302) 658-0773.

2. Your donations allow the Foundation to support programming such as murals in Kent and NCC Family Court, a Job Shadowing program for Howard Tech, the Senior Lawyer Video Project, and many more!

3. Since 1983, the Foundation has awarded over $26 million to civil legal services to the poor.

4. The Delaware Bar Foundation supports programs that improve the administration of justice in Delaware. As a 501c(3), your donations are tax deductible!


CALL FOR BAR JOURNAL PARTICIPATION

The DSBA Bar Journal is looking for brief announcements about DSBA Members for a new feature called DSBA Happenings. We welcome brief news items and photos about your activities and accomplishments — examples include Honors, Appointments, Marriages, and Births. Notices are printed at no cost and must be submitted by email to Rebecca Baird at rbaird@dsba.org. If sending a photo, please send a high resolution photo (300 dpi).

Talks, speeches (unless they are of national stature), CLE presentations, political announcements, and announcements for new associates or firm changes are not accepted. In addition, the DSBA Bar Journal will not print notices of honors determined by other publications (e.g., Super Lawyers, Chambers USA, etc.). Paid professional announcements are also available. Contact Rebecca Baird at rbaird@dsba.org for a rate sheet.

Would you like to share why you belong to DSBA? Please let us know what DSBA membership means to you! Email Rebecca Baird at rbaird@dsba.org.
Professional Guidance Committee

This committee provides peer counseling and support to lawyers overburdened by personal or practice-related problems. It offers help to lawyers who, during difficult times, may need assistance in meeting law practice demands. The members of this committee, individually or as a team, will help with the time and energy needed to keep a law practice operating smoothly and to protect clients. Call a member if you or someone you know needs assistance.

New Castle County
Karen Jacobs, Esquire, Co-Chair*
Victor F. Battaglia, Sr., Esquire
Dawn L. Becker, Esquire
Mary C. Boudart, Esquire*
Ben T. Castle, Esquire
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Elizabeth Y. Olsen, Esquire*
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Yvonne Takvorian Saville, Esquire
R. Judson Scaggs, Esquire*
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Gregory Brian Williams, Esquire
Hon. William L. Witham, Jr.

Kent County
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Edward Curley, Esquire
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Mary E. Sherlock, Esquire

Sussex County
Larry W. Fifer, Esquire
Eleanor M. Kiesel, Esquire
Dennis L. Schrader, Esquire

Carol P. Waldhauser, Executive Director
DSBA/DE-LAP Liaison

*Certified Practice Monitor

CALENDAR OF EVENTS

December 2016

Tuesday, December 13, 2016
When the Injury Is Personal
6.0 hours CLE credit (including 1.0 hour Enhanced Ethics credit)
Delaware State Bar Association, Wilmington, DE
Webcast to Kent County Courthouse, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Thursday, December 15, 2016
FREE ETHICS SEMINAR VIDEO
Healthy Lawyers Make for a Healthy Profession
1.0 hours CLE credit in Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Link to video sent to Kent County Courthouse, Dover, DE
Link to video sent to Tunnell & Raysor, Georgetown, DE

Friday, December 16, 2016
Family Law Update
6.3 hours CLE credit
Christiana Ballroom, Christiana Hilton, Newark, DE

Thursday, December 22, 2016
FREE ETHICS SEMINAR VIDEO
Cyber Security for Law Firms: Ignorance Is Not a Defense
1.0 hour CLE credit in Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Link to video sent to Kent County Courthouse, Dover, DE
Link to video sent to Tunnell & Raysor, Georgetown, DE

January 2017

Wednesday, January 4, 2017
What I Wish I Learned in Law School about...Annual Reviews
1.0 hour CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Kent County Courthouse, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Wednesday, January 11, 2017
Beyond Brock Turner: Where Things Stand on Campus Sexual Abuse
1.5 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Kent County Courthouse, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Monday, January 16, 2017
Dr. Martin Luther King, Jr. Breakfast and Statewide Day of Service
Chase Center on the Riverfront, Wilmington, DE

Wednesday, January 18, 2017
Workers’ Compensation Breakfast Seminar 2017
3.0 hours CLE credit
Chase Center on the Riverfront

Thursday, January 19, 2017
Business Divorce 101
3.0 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Kent County Courthouse, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE
SECTION & COMMITTEE MEETINGS

December 2016

Monday, December 12, 2016 • 12:00 p.m.
Litigation Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, December 13, 2016 • 12:15 p.m.
Small Firms & Solo Practitioners Section Meeting
The Law Offices of Denise D. Nordheimer, Esquire, LLC, 2001 Baynard Boulevard, Wilmington, DE

Tuesday, December 13, 2016 • 5:30 p.m.
Torts & Insurance Section Meeting
Weik, Nitsche & Dougherty, 305 North Union Street, Second Floor, Wilmington, DE

Wednesday, December 14, 2016 • 12:00 p.m.
ADR Section Meeting
Wilson Sonsini Goodrich & Rosati, 222 Delaware Avenue, Suite 800, Wilmington, DE

Wednesday, December 14, 2016 • 4:00 p.m.
Real & Personal Property Section Meeting
The Kirsh Law Firm, 910 South Chapel Street, Suite 202, Newark, DE

Thursday, December 15, 2016 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, December 15, 2016 • 4:00 p.m.
Elder Law Section Meeting
Doroshow Pasquale Krawitz & Bhaya, 1202 Kirkwood Highway, Wilmington, DE

Thursday, December 15, 2016 • 4:00 p.m.
Family Law Section Meeting
Bayard, P.A., 222 Delaware Avenue, Suite 900, Wilmington, DE

Monday, December 19, 2016 • 4:00 p.m.
Taxation Section Meeting
Cooch and Taylor P.A., 3711 Kennett Pike Greenville, DE

January 2017

Tuesday, January 3, 2017 • 3:30 p.m.
Estates & Trusts Section Meeting
Connolly Gallagher LLP, The Brandywine Building, 1000 West Street, Wilmington, DE

Wednesday, January 4, 2017 • 12:30 p.m.
Women and the Law Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Monday, January 9, 2017 • 12:30 p.m.
Senior Lawyers Committee Monthly Luncheon Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, January 10, 2017 • 4:00 p.m.
Small Firms & Solo Practitioners Section Meeting
The Law Offices of Denise D. Nordheimer, Esquire, LLC, 2001 Baynard Boulevard, Wilmington, DE

Wednesday, January 11, 2017 • 4:00 p.m.
ADR Section Meeting
Wilson Sonsini Goodrich & Rosati, 222 Delaware Avenue, Suite 800, Wilmington, DE

Wednesday, January 11, 2017 • 4:00 p.m.
Real & Personal Property Section Meeting
The Kirsh Law Firm, 910 South Chapel Street, Suite 202, Newark, DE

Thursday, January 19, 2017 • 4:00 p.m.
Elder Law Section Meeting
Doroshow Pasquale Krawitz & Bhaya, 1202 Kirkwood Highway, Wilmington, DE

Please contact Janice Myrick at jmyrick@dsba.org or (302) 658-5279 to have your Section or Committee meetings listed each month in the Bar Journal.

EXECUTIVE COMMITTEE

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David A. Felice
Mary Kathryn Hodges Harmon
Laina M. Herbert
Christofer C. Johnson
James Darlington Taylor, Jr.
Thomas A. Uebler
David A. White
Members-at-Large

Mark S. Vavala
Interim Executive Director
Drones
New Technology-Related Litigation for the Next Decade

Since the Rules of Professional Responsibility require me to maintain a current understanding of technology so as to remain competent under Rule 1.1, I concluded that was a sufficient reason to buy myself a drone. After all, someone has to do it; and if I need to spend a little money to keep you all focused on the future of law and technology, that is the least I can do.

I started with a tiny indoor/outdoor drone, the kind you see in the malls being flown around the kiosks during the holidays. Mine is for ages 10 and up. I thought I would master this before moving up. I have had it for two months and hope to get to the 10-year-old level before the first of the year.

While I sit here waiting for the battery to charge, I have been doing some research on the state of the law regarding drones. You would not believe where we are headed. Putting aside the FAA rules and regulations — which are very important, but not for this column — the legal issues are fascinating. There have already been injuries and shootings causally related to drones; and lawyer advertising of specialties in drone law are rampant. Let me give you a sense of where we are.

The Future of Drones

As any industry develops, the anticipated growth gives us a sense as to its significance in society and in the courts. The White House reports, “in the next decade, the burgeoning commercial drone industry is projected to generate more than $82 billion for the U.S. economy and, by 2025, could support as many as 100,000 new jobs.” According to a report from the Federal Aviation Administration, sales are expected to grow from 2.5 million drones in 2016 to 7 million in 2020.

Personal Injury

Of course, on the civil side, this is one of the first issues lawyers consider. There have already been a number of drone-related personal injuries. For example, in September 2015, in Pasadena, CA, an 11-month-old infant was struck by shrapnel from a shattered drone as her mother pushed her down the street in a stroller. In April 2016, a Port Huron, Michigan man fell into the river after a drone he was flying crashed. Personal injury lawyers from New Hampshire to Florida are beginning their advertising campaigns.

We have all heard, true or not, that one day our Amazon deliveries will be dropped on our doorstep by drones. What if someone is standing on the doorstep at the time? Just last month, Domino’s delivered its first pizza in New Zealand by drone.

Privacy

Stalking can be an issue whether you are a celebrity or not. Drones are being used in many forms of journalism. In 2015, Florida enacted the “Freedom from Unwanted Surveillance Act” to prevent the use of a drones for the purposes of taking pictures or video without the private property owner’s written consent.

In 2016, California passed legislation which makes a person liable for the physical invasion of someone’s privacy when that person knowingly enters “into the airspace” above the land of another without permission. This new law is known as the “Paparazzi” law. Even Bethany Beach passed a drone law in June of this year, due to complaints of UAV’s hovering over sunbathers.

These privacy issues have led to a number of disputes resulting in drones being shot out of the air. This happened as close to home as southern New Jersey. Of course it is illegal, but some are calling it a trend. The better approach is the one taken by The Netherlands police who are training hawks and eagles to take down drones.

It is not clear how far this will go, but it is clear it will not stop. It is only a question of time before we in Delaware are faced with our first drone lawsuit. I am in the process of drafting my first set of drone form interrogatories. I will want to know who flew it, how long they flew it, and were they certified.

I do not know whether this eye opening research has tampered my interest in purchasing a larger drone but I can tell you I am going to be certain I am insured before I do.

Richard K. Herrmann is partner at Morris James LLP, handling many forms of complex litigation, including intellectual property, commercial, and technology. He can be reached at rherrmann@morrisjames.com.

“Tips on Technology” is service of the E-Discovery and Technology Law Section of the Delaware State Bar Association.


It is only a question of time before we in Delaware are faced with our first drone lawsuit.

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DSBA Bar Journal | December 2016 13
NOMINATIONS SOUGHT FOR LAW DAY AWARDS

The Delaware State Bar Association and the Awards Committee are seeking nominations for the Liberty Bell Award and the Community Service Award to be presented at the 2017 Law Day Luncheon. Below is the form and the criteria for these awards.

Liberty Bell Award – The Liberty Bell Award is given annually to an individual, who is not a judge or lawyer, who has rendered outstanding service to his or her community. The award is designed to promote a better understanding of government, a greater respect for the rule of law or a deeper sense of individual responsibility which contribute to the effective functioning of our governmental institutions.

Community Service Award – The Community Service Award recognizes annually a member of the judiciary or the Delaware Bar who has rendered meaningful service to the community and who has contributed significant time and effort to the greater Delaware community. Nominees should have demonstrated a commitment to leadership and service in activities that enrich and strengthen our community over a substantial period of time.

Myrna L. Rubenstein Professional Support Recognition Award – This Award recognizes long and dedicated service to the Bench and Bar of the State of Delaware, to the Bar Association, and to the Members thereof, which has contributed in a significant way to them and to the high ideals of the legal profession.

The DEADLINE for receiving nominations for the Liberty Bell Award, Community Service Award, and Myrna L. Rubenstein Professional Support Recognition Award is February 3, 2017.

DELAWARE STATE BAR ASSOCIATION LAW DAY AWARDS NOMINATION FORM

Name of Candidate: ____________________________________________
Title/Occupation of Candidate: __________________________________
Award: _______________________________________________________
Date: _________________________________________________________
Nominator: ____________________________________________________
Phone: ________________________    Fax: ________________________   E-Mail: _______________________________
Firm:   _______________________________________________________________________________________________
Address: _____________________________________________________________________________________________
Brief statement of reasons that candidate is deserving of Award (see above Award criteria):
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Send Responses by February 3, 2017 to:
Mark S. Vavala, Executive Director (interim), DSBA
E-Mail: Mark S. Vavala at mvavala@dsba.org • Fax: (302) 658-5212
Honors

Bartholomew J. (Bart) Dalton, Esquire, of Dalton & Associates, P.A. has been installed as the 67th President of The American College of Trial Lawyers, a professional organization composed of pre-eminent trial lawyers from the United States and Canada. Mr. Dalton will lead the College during its new fiscal year, which runs from October 2016 to September 2017.

Tara Lattomus, Esquire, of Eckert Seamans was recently recognized by the Office of Child Advocate in commemoration of her 10 years serving as a Guardian Ad Litem. In this role, Lattomus is a volunteer attorney who commits her time and energy to representing Delaware’s abused, neglected, and dependent children in civil family court proceedings.

Congratulations to Mary I. Akhimien, Esquire, of Connolly Gallagher LLP, who was selected to represent DSBA as the Young Lawyer Delegate to the American Bar Association. Mary will be joining three other DSBA delegates to the ABA, Judge William C. Carpenter, Jr. (Superior Court), William D. Johnston, Esquire (Young Conaway Stargatt & Taylor LLP), and Benjamin Strauss, Esquire (Pepper Hamilton LLP).

WORKERS’ COMPENSATION BREAKFAST SEMINAR

WEDNESDAY, JANUARY 18, 2017
8:30 A.M. – 12:00 P.M.
Chase Center on the Riverfront
815 Justison St., Wilmington, DE

REGISTRATION AND BREAKFAST: 8:00 A.M. – 8:30 A.M | CLE SEMINAR: 8:30 A.M. – 12:00 P.M.
3.3 hours CLE credit for Delaware and Pennsylvania attorneys | 3.0 hours DE Insurance Continuing Education Licensee credits

PROGRAM HIGHLIGHTS:
- Keynote Address by The Honorable Robert B. Young
- Subrogation – Who Pays Who and When
- Making Appeals Appealing

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Something To Share?
Send brief member news and notices for DSBA Happenings to Rebecca Baird at rbaird@dsba.org. Please send announcements by the 15th of the month prior to publication to guarantee inclusion.
Once again “Ethically Speaking” closes another column year (my 26th!) by offering a holiday gift to my readers while giving myself a pre-holiday rest. As a reminder, copies of the full texts are available on the Delaware State Bar Association website under “Publications” at www.dsba.org.

2016

Ethics Bites: Communicating with Unrepresented Parties (January 2016) In a Q&A format, we dealt with the application of the Rule 4.3 prohibition on communicating with a represented party in light of ABA Formal Opinion 472 (November 30, 2015) which concludes that lawyers may communicate with parties receiving limited scope representation.

What Were They Thinking? A Survey of Recent Questionable Conduct (February 2016) We returned to a familiar and popular format, a review of attorneys in the news for all the wrong reasons, including attorneys sanctioned for sexist behavior, frivolous litigation, using paid plaintiffs and even an attorney disciplined for trying to smuggle a loaded gun into Disney World.

To BCC or Not to BCC (March 2016) Another risk based on using technology was discussed. Specifically, the practice of blind copying a client or others on emails was explored. In case you don’t recall, if the client responds by selecting “Reply All,” client confidences may be exposed and attorney-client privilege may be waived.

Litigation Lending in Delaware (April 2016) We returned for the third time to this topic to reflect a then-recent Superior Court opinion dismissing the complaint filed by a defendant alleging that plaintiff’s counsel had engaged in Champerty and Maintenance by assisting the plaintiff in obtaining a litigation loan.

Rampant Ransomware (May 2016) The risks of opening questionable attachments were discussed. An unwise click can result in a hijacked computer or network necessitating a difficult choice between payment of a ransom to cyber-thieves or loss of client data and disruption of services.

Ethics News You Can Use (June 2016) “Ethically Speaking” returned to the topics of debt collecting prosecutors, a possible change to the advertising rules, a new ABA Formal Opinion (474) dealing with fee sharing, and the impermissibility of hiring a lawyer in order to cause a disqualification of the trial judge.

Where Are They Now? (July/August 2016) “Ethically Speaking” offered a review and follow up on attorneys and judges who had been in the news (and “Ethically Speaking”) for past questionable conduct.

New ABA Rule Prohibiting Discrimination and Harassment (September 2016) Changes to ABA Model Rule 8.4(g) were previewed and reviewed.


Getting Ready for T-CLE (November 2016) The implication of Delaware’s amendment to Rule 2(h) of the Rules of the Commission on Continuing Legal Education to add technology competence programs to the definition of “Enhanced Ethics” was covered.

2015

Ethics in the News: Prosecutors as Debt Collectors and Intra-Firm Attorney-Client Privilege (January 2015) “Ethically Speaking” began the year with a two-fer. The highly controversial practice of prosecutors permitting debt collectors to use prosecutorial letterhead in dunning letters to debtors was discussed. The topic included threats of criminal prosecution in order to collect on the debts. Are inter-firm communications with in-house ethics and compliance counsel privileged? California is the latest jurisdiction to say “yes,” joining Massachusetts, Oregon, and the Federal District Court for Ohio.

Lawyers on the Hook for Online Content (February 2015) The dangers of social media were explored, including tales of a blogging public defender, an attorney revealing confidential information as vengeance on a client for a bad online review, a lawyer who waged an online campaign against a trial judge, a judge who had an ex parte Facebook communication with a lawyer in trial before the judge, and a lawyer who had Facebook communications with a pro se party opponent.

Ethics Online (March 2015) An exploration of various issues relating to
social media following the issuance of ABA Formal Opinion 466 regarding the permissibility of lawyers viewing juror internet postings.

**Lawyers Behaving Badly** (April 2015)
Everyone’s favorite roundup of examples of attorney conduct rode the coattails of the March 2015 column *Ethics Online* by providing examples of attorneys sanctioned for internet conduct.

**New Threats to Your Escrow Account** (May 2015)
Delaware real estate practitioners were hit with a new scam in which hackers posed as the sellers or their agents in real estate transactions to re-direct the wire proceeds of the settlement.

**Lawyers Still Behaving Badly in 2015** (June 2015)
Attorney misconduct across the nation, including Delaware, were described — purely for educational purposes.

**Still More Threats to Your Escrow Account** (July/August 2015)
Risks to escrow accounts and attorney files continued. This time “Ethically Speaking” described the use of “ransomware,” “malware” and “data kidnapping” in which attorneys and their staff are lured into clicking on attachments or downloading infected programs which hijack or block access to the computers until a fee is paid to the hackers.

**Ethics Bites** (September 2015)
The following topics received mini-discussions: Do I have to report my own misconduct?; May I threaten another attorney with a disciplinary complaint?; Does a disciplinary complaint create a conflict of interest?

**Paper or Plastic: Credit Cards for the Payment of Legal Fees** (October 2015)
The practical and professional issues arising from attorneys accepting credit card payments were explored.

**Lawyers Behaving Badly** (November 2015)
More educational examples of attorney misconduct drawn from across the country.

2014

**The Use, Selection and Compensation of Experts from an Expert’s Perspective: Part 2** (January 2014)
Guest columnist Brett Margolin, Ph.D., an economist and testifying expert, presents anecdotes of common, but questionable, expert selection and management practices.

**Bona Fide Office Requirement Update** (February 2014)
From traditional to cyber to virtual, how jurisdictions, including Delaware, define a *bona fide* office in the changing landscape of technology and the practice of law.

**Musings** (April 2014)
A contemplation of the role of the attorney as “Advisor” as inspired by former Delaware Disciplinary Counsel Mike McGinniss’ Texas A&M Law Review article, “Virtue and Advice: Socratic Perspectives on Lawyer Independence and Moral Counseling of Clients.”

**Liability for Non-Lawyer Ads** (June 2014)
A discussion of attorney liability for the conduct and claims of third-party marketing services using television, the internet and social media.

**Can I Get a Witness?: The Propriety of Calling Opposing Counsel as a Witness** (July/August 2014)
The use and misuse of subpoenas to create a conflict of interest for opposing counsel.

**Ethics Medley** (September 2014)
A collection of ethics, professional responsibility and disciplinary news items including the pitfalls of social media, deposition misconduct, and an answer to the question, “Does a complaint create a conflict?”

**What is a Proper Law Suit? A Retrospective of Attorney Attire** (October 2014)
If not wearing socks is wrong, I don’t want to be right. Can attorneys be disciplined (or kept out of court) for what they wear — and what they don’t.

**Ethics and Professional Responsibility in the News** (November 2014)
Searching the globe to bring you the freshest and finest examples of ethics in the news.

2013

**Virtual Law Offices** (January 2013)
A discussion of how some states are changing *bona fide* office requirements to accommodate new technologies and modes of practice.

**New Professional Conduct Rules!** (February 2013)
A January 15, 2013 Order of the Delaware Supreme Court put into effect changes to the rules relating to technology, confidentiality, prospective clients, advertising, outsourcing, co-counsel, conflicts, and disclosure.

**The Bona Fide Office is CLOSED (In New Jersey)** (March 2013) New Jersey had a brick and mortar *bona fide* office requirement much like Delaware’s. A January 2013 New Jersey Supreme Court rule change permits virtual offices.

**Disciplinary Believe It or Not** (April 2013)
Disciplinary decisions from across the country provide a mixture of humor and cautionary tales.

**Ethics in the Cloud** (May 2013)
Changes to Rule 1.1 of the Delaware Lawyers’ Rules of Professional Conduct require a lawyer to keep abreast of changes in the law including the benefits and risks associated with emerging technology. Cloud computing or storage of data by outside vendors is discussed.

**Delaware Supreme Court Resolves an Important Disciplinary Issue** (June 2013)
The highly litigated issue of the scope of what constitutes disciplinary conduct as a result of criminal conduct occurring outside the practice of law was significantly narrowed in a case involving a rare loss by the Office of Disciplinary Counsel.

**Summer Reading** (July/August 2013)
Fiction and non-fiction summer readings were suggested.

**Conflict by Association** (September 2013)
The risks and extent of imputation of conflicts under Rule 1.10 including conflicts arising from the retention of experts is discussed.

**Or Else: The Propriety of Threatening Criminal Charges to Leverage a Civil Settlement** (October 2013) “Ethically Speaking” returns to a familiar topic for its readers.

**The Use, Selection and Compensation of Experts from an Expert’s Perspective: Part I** (November 2013) Guest columnist Brett Margolin, Ph.D., an economist and testifying expert, shares the issues and problems experts face when retained by attorneys.

**Happy Holidays!**

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Charles Slanina is a partner in the firm of Finger & Slanina, LLC. His practice areas include disciplinary defense and consultations on professional responsibility issues. Additional information about the author is available at www.delawgroup.com.
Several hundred attorneys attended a luncheon featuring Justice Stephen Breyer of Supreme Court of the United States on November 3, 2016. The Supreme Court of Delaware and the Delaware State Bar Association hosted the event at the Hotel du Pont. After the luncheon, Justice Breyer signed copies of his book, *The Court and the World.*

1. Justice Breyer addressed a crowd of over 300 attendees at the Hotel du Pont.
2. L to R: DSBA President Miranda D. Clifton, Esquire; DSBA Executive Director (interim) Mark S. Vavala, Esquire; The Honorable Randy J. Holland; The Honorable Collins J. Seitz, Jr.; The Honorable Stephen Breyer; The Honorable Karen L. Valihura; The Honorable James T. Vaughn, Jr.; DSBA Past-President Richard A. Forsten, Esquire.
And, the Miracle Continues

By Richard K. Herrmann, Esquire

On December 13, 2016, Kris Kringle will begin his series of 12 competency hearings in the Superior Court throughout the State. For more than 10 years, the Miracle Team has been recreating the Courtroom scene from *Miracle on 34th Street* for thousands of school children. Judge M. Jane Brady will preside, keeping order for the rest of the Miracle Team. This is a rare opportunity for third, fourth, and fifth graders throughout the State to experience the real courtroom in a very positive way. More than 15,000 children have participated in the hearings. We thought we would share with you a few of the comments.

---

Dear Hanseroth, the Wishing courtroom,
I recently loved the film and it helped me understand that the cause of your legal case is not as simple as one would think. I learned that the primary reason for hiring a lawyer is not to win, but to help clients. In the long run, I learned that people go to court to change if they have the power to change it. If I have any questions, I will be more respectful of a lawyer’s decision. At the end of the day, the outcome is important, but the journey is just as important. I hope to one day serve as a lawyer. Thank you.

---

When I was 11, I went to the courtroom for the first time. I was alone, but I was not scared. I was determined to make a difference. The judge told me that I could always make a difference. He said, "You are the future of our society." I will never forget those words. I will always remember that I can make a difference.

---

Melissa Flynn
Executive Director
Phone: (302) 658-0773
www.delawarebarfoundation.org
THE DELAWARE STATE BAR ASSOCIATION PRESENTS

DR. MARTIN LUTHER KING, JR.
Annual Breakfast & Statewide Day of Service

Monday, January 16, 2017
Breakfast: 8:00 a.m.
Chase Center on the Riverfront
815 Justison Street, Wilmington, DE 19801
$35.00/person

Keynote Speaker
Dr. Clarence B. Jones
Advisor & Speechwriter for Dr. Martin Luther King, Jr.

Please visit the DSBA Website at www.dsba.org to purchase tickets or to volunteer for a service project.
To become a sponsor, please complete the sponsorship form and return to the DSBA.
Please direct all questions to the DSBA or event co-chairs, Wali W. Rushdan II, Esquire, at wrushdan@foxrothschild.com and Mary I. Akhimien, Esquire, at makhimien@connollygallagher.com.

Service Projects

Ronald McDonald House (Wilmington - 1:00 p.m. to 3:00 p.m.)
Help the Ronald McDonald House assemble Family Care Kits for families in need. The Ronald McDonald House is located at 1901 Rockland Road, Wilmington, DE 19803.
DSBA Team Leader: The Honorable Danielle Blount

Ronald McDonald House (Wilmington - 6:00 p.m. to 8:00 p.m.)
Help the Ronald McDonald House put on an evening of fun for deserving families, including an “Ice Cream Social” and “Bingo.” The Ronald McDonald House is located at 1901 Rockland Road, Wilmington, DE 19803.
DSBA Team Leader: The Honorable Para K. Wolcott

Food Bank of Delaware (Newark - 1:00 p.m. to 4:00 p.m.)
Help serve families in need by assisting in the Food Bank of Delaware's volunteer room. The Food Bank's Newark site is located at 14 Garrfield Way, Newark, DE 19713.
DSBA Team Leader: Wali Rushdan II, Esq.

Food Bank of Delaware (Milford - 1:00 p.m. to 4:00 p.m.)
Help serve families in need by assisting in the Food Bank of Delaware's volunteer room. The Food Bank's Milford site is located at 1040 Mattlind Way, Milford, DE 19963. (Children who wish to participate must be at least 7 years old.)
DSBA Team Leader: Tasha M. Stevens, Esq.

Wills for Seniors (Wilmington - 10:00 a.m. to 1:30 p.m.)
Help the Delaware State Bar Association aid Delaware seniors in need of estate planning services. NOTE: An optional estates training session for CLE credit will be held on January 9, 2017 at the DSBA at 405 N. King Street, Wilmington, DE 19801 from 9:00 a.m. - 11:00 a.m. Contact Jacki Chacona at jchacona@dvlx.org to register.
DSBA Team Leaders: Jacquelyn A. Chacona, Esq., Laina M. Herbert, Esq., and Susan Simmons

Sunday Breakfast Mission (Wilmington - 11:30 a.m. to 1:00 p.m.)
Help serve lunch to the residents at the Sunday Breakfast Mission. This service project will take place at the Sunday Breakfast Mission, located at 110 N. Poplar Street, Wilmington, DE 19801.
DSBA Team Leaders: Mary I. Akhimien, Esq. and Funke O. Fagbami, Esq.

Emmanuel Dining Room West (Wilmington - 11:15 a.m. to 1:00 p.m.)
Help serve families in need at Emmanuel Dining Room West, located in Wilmington at 2nd and Jackson Street.
DSBA Team Leaders: George R. Tsakataras, Esq. and David B. Anthony, Esq.

Emmanuel Dining Room East (Wilmington - 11:15 a.m. to 1:00 p.m.)
Help serve families in need at Emmanuel Dining Room East, located in Wilmington at 4th and Walnut Streets.
DSBA Team Leaders: George R. Tsakataras, Esq. and David B. Anthony, Esq.

Meals on Wheels (Wilmington - 11:30 a.m. to 1:30 p.m.)
Help provide hot, nutritious meals to homebound senior citizens throughout the state. This service project will take place at St. Anthony's Community Center, Inc., located at 1703 W. 10th Street, Wilmington, DE 19805. NOTE: Please note that volunteers will need their own transportation to complete this service project.
Team Leaders: Mary Kathryn Hodges Harmon, Esq. and Mark S. Vavala, Esq.

Habitat for Humanity (Wilmington - 11:00 a.m. to 4:00 p.m.)
Help build affordable housing for families in need at Habitat for Humanity's new Walnut Ridge location, located in Wilmington at 14th and Walnut Streets.
Team Leaders: Christofer C. Johnson, Esq. and Samuel D. Pratcher III, Esq.
# SPONSORSHIP RESERVATION FORM

## SPONSORSHIP LEVELS

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### PLEASE INDICATE PARTICIPATION LEVEL:
- Platinum ($5,000)
- Gold ($3,500)
- Silver ($2,500)
- Bronze ($1,500)
- Friend ($500)

### CONTACT INFORMATION

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  CVV: ____________ Billing Zip Code: ____________________________

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_Please include name, firm, and DE ID numbers of all attendees with response. Refunds issued if cancellation is received no later than one week prior to an event. All refund requests must be in writing. Unpaid registrants who fail to attend the event are responsible for the full registration fee. Call DSBA at (302) 658-5279 for more information._  
_COMPLETED SPONSORSHIP FORMS AND CHECKS FOR SPONSORSHIPS ARE DUE BY DECEMBER 30, 2016._  
_Please make a copy of the sponsorship form for your records!_  
_Return to: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, Delaware 19801 or Fax: (302) 658-5212_  
_Individual tickets are available for purchase for $35 per person. Visit www.dsba.org for online registration._
Improving Access to Justice Through Legal Education
By Justice (Retired) Henry duPont Ridgely

Access to justice is an international issue. In Delaware, we are fortunate to have a justice system that is considered a role model for other jurisdictions. The fact that Delaware is consistently ranked first among the states for providing a fair and reasonable litigation environment gets attention. When I recently taught East African judges about commercial litigation through DLA Piper’s New Perimeter, I learned about the international interest in, and the importance of, legal education in building and strengthening legal systems abroad. When the seminar was complete, the East African judges made it clear that what they learned from me and other DLA Piper lawyers would help in their daily work. In the words of one judge, “I’m grateful for this opportunity, which has broadened my knowledge!”

More than 10 years ago, DLA Piper established New Perimeter as a nonprofit organization focused on providing long-term pro bono legal assistance in under-served regions around the world. A one-of-a-kind initiative in the legal industry, New Perimeter leverages DLA Piper’s global network of lawyers, as well as partnerships with clients, academic institutions and non-governmental organizations, to develop projects that support access to justice, social and economic development, and sound legal institutions.

Since 2014, New Perimeter has partnered with the East African Development Bank to conduct training seminars that level the playing field and build the capacity of government lawyers in East Africa to negotiate transactions and draft agreements on behalf of their countries. The seminar I participated in was the first workshop to focus on training East African judges on issues related to the fair and just resolution of complex commercial disputes. Over the course of a week, I worked in Nairobi, Kenya, alongside partners in DLA Piper’s London and Abu Dhabi offices and DLA Piper staff from Washington, DC, to lead a training seminar for about a dozen judges from Burundi, Kenya, Tanzania, and Uganda.

I will never forget this experience. During my visit, I was able to spend five days with the East African judges, allowing us to share and learn from our collective experiences. It quickly became clear that judges face similar legal issues regardless of where they serve.

East Africa is a fast-growing economic region and, as a result, judges are increasingly involved in commercial litigation and commercial contracts. With foreign investment opportunities rising, our workshop focused on the skills judges need to manage commercial disputes and foster economic development consistent with the rule of law. The topics ranged from case management and electronic filing, to trial preparation and trial management techniques, to typical investment and project structures.

We also focused on legal principles for the proper resolution of commercial disputes. During our semi-
Henry duPont Ridgely is Senior Counsel in DLA Piper’s Wilmington office, where he counsels corporations, boards, special committees and individual directors and officers. He previously served as a Justice of the Delaware Supreme Court and as the President Judge of the Delaware Superior Court. Justice Ridgely can be reached at henry.ridgely@dlapiper.com.

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The Traditional End of Year Self-Audit: Great Expectations vs. Realistic Expectations

As a practicing attorney, what better time than now to reflect on the past year, both professionally and personally, as to where you have been, where you are presently, and where you plan to be in 2017. This may become an annual tradition for you. Or, you may ask, why take the time for a self-audit?

Lawyers are referred to as great problem-solvers. It is important, however, for lawyers to realize that even when they are highly successful in treating a client’s dilemma, it is often difficult for them to address their own concerns, goals, plans, wellness, and stamina. I refer to this as the “Shoemaker Syndrome,” recalling the tale growing up of the shoemaker who had time to fix everyone else’s shoes but his or her own. The day-to-day pressures and deadlines of practicing law, coupled with the ongoing responsibilities of life itself, often do cause a lack of time for lawyers to take time for themselves.

This lack of time is unfortunate because it is important for all of us to pencil ourselves into our calendars. It is important that we realize success takes foresight, patience, courage, and excellent legal skills, plus personal wellness and stamina. It takes planning, implementation, and management for a successful business and life.

Stop, sit down now and ask yourself these master questions:

- Do I have realistic short-term, as well as long-term plans for my law office and career goals?
- Do I have a written budget and accounting practices in place for the coming year both professionally and personally? Am I in compliance with The Professional Rules of Conduct? If not, now is the time to implement the changes needed.
- Do I monitor the types of cases that are most and least profitable? Is my billing up-to-date? Remember, it is not wise for lawyers to sue for fees.
- Do I have an updated checklist for Lawyers Planning to Protect Client’s Interest in the event of my death, disability, impairment, or incapacity? Do I have a succession plan in place for my business (Solo and Small Firm)?
- Do I have a manual with an updated checklist with passwords (especially if I pay bills online) so that my designated attorney can protect the interest of my clients, my phone line, my rent, etc.? (Go to www.de-lap.org and the DSBA’S Law Office Management page and click on the transition page for boilerplate forms.)
- Do I feel that I work too many hours? If so, can I design a plan to add more balance to my life and learn to implement it? Bottom line: Do I have a personal wellness plan to maintain stamina and fitness to practice law successfully?

Susan Cariter Liebel, Founder & CEO of Solo Practice University, has sound advice in her article, “6 Steps to Propel You Forward” for the ALPS blog:

Too many lawyers live in yesteryear. Remember, you can’t keep practicing law the way you “have always done it.” You can’t build today’s practice looking in the rear view mirror. There is only one time, and one time only, that you should be looking in the rearview mirror. It is to see what you’ve done wrong, where you’ve possibly failed, so you don’t continue this practice or process into the future and guarantee future failure. Otherwise, keep your eyes on the road in front of you.
All firms, small or large, new or old, need a written budget especially in today’s rocky economic climate. This budget should be implemented and reviewed regularly. You should work with an accountant or financial advisor familiar with law firms of your size. Your budget should include all fixed expenses for the coming year on a month-to-month basis. This allows you to keep an eye on spending, billing, etc. If you are a solo or small firm lawyer, your financial advisor or accountant should be someone who works with solo and small firm lawyers.

Monitor the types of cases that are most and least profitable. Stop doing work that is not profitable. (This does not include your pro bono work.) It does include, however, those cases that take a lot of your time and the clients either do not pay, will not pay, or the case is just a bow-wow. Many hard-working, honest lawyers find that their expectations about getting paid are not shared by their clients. The result is stress, frustration, and problematic cash flow. Therefore, weed them out.

Remember, life events happen. Most individuals (lawyers included) will deal with loss, trauma, and change at some point in their lives. It is part of being human. Although for many lawyers, it is a frequent trait to ignore unpleasant thoughts such as disaster, unexpected illness, misfortune, or even death. By ignoring these events, we fail to prepare for the day the unexpected illness, disaster, or even death may prevent us from executing our responsibilities as lawyers: the law office, the clients, the existing deadlines and the staff.

Blueprint for Short-Term and Long-Term Planning in Your Professional and Personal Life

A lawyer, like other business people, should write a business plan that includes short-term and long-term goals. This written plan allows for focus on what you need to do today, next week, and next month in order to position yourself so you and your business are traveling in the right direction and do not end up somewhere else. A lawyer also needs to have a personal wellness plan.

Then, once you have the written plan, you should implement it. Implementation is action and action converts your business and personal visions. Call this implementation “action or baby” steps. Equally as important is management. Through both business and personal management, you build the foundation and framework that unifies purpose and meaning, while maintaining balance in your personal life. Bottom line, it allows you to be aware of great expectations versus realistic expectations.

Fortunately, most lawyers are passionate about being lawyers. Unfortunately, some lawyers may not devote enough time to their personal well being. For that reason, it is not too late to review some simple personal procedures that can contribute to time, money and the establishment of habits that can enhance you and your professional life.

No matter what, prioritize your personal wellness — if there are changes you should (or want to) make — take small realistic steps in achieving those changes.

Many of us love being a legal professional. Generally, the profession has met our great expectations upon entering law school. Most lawyers take great pleasure and pride in their work. Realistically, however, it is the planning, implementation, management, and annual self-audit that may be the difference between success and failure.

For more information on the topics discussed above and for free checklists call The Delaware Lawyers Assistance Program (DE-LAP) or e-mail cwaldhauser@de-lap.org. Remember too, if you, or someone you know, is having problems that are affecting your/their ability to practice law or quality of life, call DE-LAP or (302) 777-0124.

Carol P. Waldhauser is the Executive Director of the Delaware Lawyers Assistance Program and can be reached at cwaldhauser@de-lap.org.
Client Protection:
Lawyers’ Fund for Client Protection
By Bunny J. Christopher, Executive Director, Lawyers’ Fund for Client Protection

What do you know about Delaware’s Lawyers’ Fund for Client Protection? Other than the annual required Certificate of Compliance, did you know that it was created to protect the public from financial losses caused by misappropriation of funds by a lawyer?

Per Rule 66 of Delaware’s Supreme Court Rules, the Fund was formed “to establish, as far as practicable, the collective responsibility of the profession in respect to losses caused to the public by defalcations of members of the Bar, acting either as attorneys or as fiduciaries (except to the extent to which they are bonded, or to the extent such losses are otherwise covered).”

The Fund provides monetary relief to clients who have suffered financial losses as a result of the dishonest conduct of lawyers. While acts of attorney dishonesty are the exceptions and not the rule, the Fund was established to show the good faith of all members of the Delaware Bar.

Of any law office management duty to the practice of law, this is one of the most important. The legal profession depends upon the trust of clients and although very few attorneys breach that trust, it is important that the profession’s reputation for honesty be maintained and protected. The Lawyers’ Fund for Client Protection serves this function.

As you know, Delaware lawyers are obligated to file an Annual Registration Statement with the Supreme Court of Delaware. That registration statement includes a Certificate of Compliance and is filed by all active members of the Delaware Bar beginning February 1 and ending March 1 of each year.

The Executive Director of the Fund looks at all questions in those Certificates of Compliance, paying close attention to:

1) Whether the firm’s taxes are paid; and
2) Whether the banking and titling information concerning the escrow/trust accounts and the operating/business accounts is in compliance with Rule 1.15.

If any answers indicate non-compliance, then the Executive Director will contact the attorney, asking for an explanation. If an explanation is not given or is inadequate, the issue is directed to the Chair of the Fund for determination of a referral to the Office of Disciplinary Counsel.

In keeping with its mission, the Lawyers’ Fund for Client Protection also conducts 60 compliance audits throughout the year. Rule 11 of the Rules of the Trustees of the Lawyers’ Fund for Client Protection mandates that selected attorneys be subject to an audit by an independent certified public accountant in order to determine that the attorneys’ books and records are in compliance with the recordkeeping requirements of Rule 1.15 of the Delaware Lawyers’ Rules of Professional Conduct. The cost associated with the audits is paid by the Lawyers’ Fund unless the Trustees of the Fund decide to require the attorney involved to pay the costs.

The entire audit process is not accusatory, but is used only to confirm compliance.

Here is a recommendation if you are unsure about your books being in compliance or just want that extra level of comfort: The Lawyers’ Fund has approved nine local accounting firms who can provide a pre-certification for the attorney. These pre-certified accountants can audit your books and help you with discrepancies, providing a pre-certification for filing with your Certificate of Compliance. The pre-certification does not preclude being among the audit selection, but shows the Lawyers’ Fund of your interest in complying.
The list of pre-certification providers can be found at http://courts.delaware.gov/lfcp/rulesatts.aspx. Click on Approved Pre-certification Provider List near the bottom of the list of links.

There is a lot more information about the Lawyers’ Fund: approved financial institutions for trust accounts, overdrafts, account designations, etc. When you click on the above referenced link, check out the other lists and Rules.

If an attorney was negligent, the client may be able to sue him or her in civil court for losses. The Lawyers’ Fund for Client Protection is set up to pay only when lawyers commit dishonest acts such as theft or embezzlement. The Trustees do not have the authority to discipline attorneys for misconduct, resolve fee disputes or determine legal malpractice claims. Persons involved in fee disputes with their attorneys should contact Fee Dispute Conciliation and Mediation, c/o Delaware State Bar Association. Complaints of misconduct should be directed to the Office of Disciplinary Counsel. Visit the website of each for contact info.

Questions? Contact the Lawyers’ Fund for Client Protection Executive Director, Bunny Christopher, at (302) 651-3942 or bunny.christopher@state.de.us. As usual, contact Alison if you have any questions about law office management at amacindoe@dsba.org.

Bunny J. Christopher is the Executive Director of the Lawyers’ Fund for Client Protection. She can be reached at bunny.christopher@state.de.us.

The views from the Senior Lawyer

By Daniel M. Kristol, Esquire

Since 2009, the Senior Lawyers Committee has been recording in partnership with the Bar History Committee video transcriptions of interviews of Delaware lawyers who have made major contributions to the history of law in Delaware. Funding has generously been provided by the Delaware Bar Foundation and the Delaware State Bar Association.

Hear about legendary Ned Carpenter’s experiences behind Japanese lines during World War II, and later being “dropped in” to receive the surrender of certain Japanese army units at the end of the war.

Learn that Bill Prickett was a merchant seaman during World War II and then a Marine before his distinguished career leading to presidency of the Delaware State Bar Association.

How about the incredible personal sacrifices Joe Walsh and Frank Biondi endured in pursuit of their respective dreams of becoming a lawyer? They persevered to become a justice of the Delaware Supreme Court in Joe’s case, and Frank becoming one of Delaware’s most influential business law attorneys.

Try moving from California to Delaware; raise a family; squeezing in a law school education; and, having done that, becoming a member of the Delaware Bar in a unique manner leading to a successful private practice, presidency of the DSBA, and then an outstanding record as a Superior Court judge, breaking “glass ceilings” along the way. Hear Susan Del Pesco tell about it.

Or Maynard Turk, as general counsel for Hercules, getting a phone call reporting that a Hercules powder keg had blown up causing extensive damage. Maynard tells of the phone call he made that enabled him to sleep soundly that night.

To search for these informative stories, go to the DSBA website, find “About the DSBA”, and then scroll down to the images of Delaware lawyers whose stories are now recorded for posterity.

For instance, Bill Quillen served as a Superior Court judge, Chancery judge and a Justice of the Delaware Supreme Court, as well as engaging in private practice and serving as head of the Howard Hughes Foundation. Bill was interviewed by John Small.

Bar presidents, public interest lawyers, general counsel to the Du Pont Company, legal representation in unforgettable cases…it is all there if the time can be found to take a look.

Many of those interviewed are no longer with us, but their image, memories, and experiences are preserved for us to ponder and enjoy.
forecasts. True enough, government programs often do real good. But the programs very quickly reach a point of diminishing returns, and begin to suffer multitudes of new and unforeseen problems. If you add up all the money Congress has designated for the relief of the poor since 1965, the total money spent is far more than would be required simply to have given each poor family some $30,000 in cash per year.

But clearly, not every poor family in the United States is receiving that $30,000 per year. For that would put every poor family of four in America comfortably above the 2010 Federal Poverty Level of $22,350 per year, and poverty would have been eradicated, as a statistical matter, years ago.

As the foregoing quote suggests, for Professors Novak and Adams, social justice is something not to be practiced by government, but by individuals, associations, and charitable organizations:

Although it seems to many of today’s progressives that the best way to create wealth and bring poor people out of poverty is socialism implemented through a network of government programs, human experience from ancient times until today has not borne this out. To the contrary, experience shows that personal responsibility for private property actually raises the common prosperity. It especially raises the well-being of the poor more reliably than collective ownership does....Testimonies to this human propensity go far back in recorded history (including the reports of Julius Caesar from Gaul and Germany), and in recent times have been refreshed by vast experience under socialist nations all around the world. Compare the prosperity of South Korea with the inertia of North...
Korea, West Germany with East Germany, socialist Cuba with capitalist Chile, precapitalist India and China with the rapid victories over poverty during the past twenty or so years. ...Whatever socialist dreams may promise, human experience shows that collectivization retards economic progress. By vivid contrast, having all individuals in a nation take responsibility for their own property better raises the common good of all.

Yet, despite what the foregoing quotes might suggest, Novak is not anti-government. He recognizes that government has a role to play in assisting the poor: “Some government policies impede this growth [that is, the growth of economic prosperity for the poor]. Others make it more likely.” He goes on:

It does seem, based on the record, that political policies that encourage business activities, new job formation, new inventions and discoveries, as well as personal habits of enterprise and economic creativity, help the poor mightily. These are what enable more and more of the poor to work in the first place. Further, political regimes that measure the well-being of the poor solely by government money spent on them overlook two things: first, the fact that they accrue immense public debts to be paid off not by those who feel compassion today, but by their children and grandchildren. ...Second, they overlook the fact that they condemn the poor to habits of dependency, lack of self-fulfillment, and low economic achievement. The costs to the sense of personal dignity in the lives of the poor are immense. Besides, by this path poverty is never overcome, only perpetuated.

For Novak, government is not the answer. Rather: “[i]t is in the space between the state and the individual that social justice must flourish — or fail. Social justice is a practice learned and lived by free persons in their associations large and small. Its practices spring from the habits of individual citizens, working in unison with many other free persons, sometimes in international associations that circle the entire world (the Catholic Church, the Red Cross, Doctors Without Borders).” Novak tells us that social justice “...is not inherently hostile to the state.” Instead, it is about caring individuals, coming together, through various local, state and national organizations, taking responsibility and working to make their communities better.

Professor Adams is an emeritus professor of social work. His contribution to the book is more practical and focuses on implementation and strategies. Ultimately, though, he too recognizes that social justice is a spirit and habit that arises within individuals:

A free society needs majorities with the habit of forming effective associations to accomplish tasks that improve the common good. This common good may be very modest and local (together digging a new well in a village) or it may be international (as in contributing microloans that might launch millions of new enterprises around the world, each of them employing five to ten persons). By these sorts of manifestations of social justice, world poverty has been cut in half in the last twenty-five years.

Social justice, then, starts with all of us, as individuals, wanting to make our world a better place. We can do that any number of ways — for many lawyers it may be as simple as providing pro bono legal services — but do it we must. Social justice should not be an ambiguous or chameleon-like term and the source of division in our politics. It is not what you may think it is. Instead, social justice is simply the recognition that we all bear some responsibility for the condition of our world and must strive to make it better.

Richard “Shark” Forsten is a Partner with Saul Ewing LLP, where he practices in the areas of commercial real estate, land use, business transactions, and related litigation. He can be reached at rforsten@saul.com.
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If I aspire to be the best lawyer I can be, I must first try to be the best person I can be. I am fortunate to know many lawyers who have succeeded in their work, in part, because they are excellent people. This column in The Bar Journal will feature an article on one such lawyer. Each featured lawyer will exemplify the art of balance in life. I have learned much from these people. Perhaps readers will also benefit.

- The Honorable James G. McGiffin, Former “Profiles in Balance” Columnist

When Stephen W. Spence left his hometown of Abington, Pennsylvania for his freshman year at the University of Delaware, he had no idea that the First State would play a pivotal role in his life and the life of his future family. Steve was a two-sport varsity athlete (soccer and lacrosse) and proudly graduated in the “bottom of his class” (a result of having too many excellent stories to tell about his time at UD — many with longtime friend and fellow Delaware lawyer Craig Karsnitz as an accomplice). An unsatisfying stint with Prudential Insurance Company led him to Delaware Law School. Early in his first year, he got a letter from a high school classmate, Susan, and the two began dating and soon married between Steve’s 1L and 2L years.1

During law school, Steve clerked for Schnee and Castle, the firm of longtime criminal lawyer Carl Schnee and future Governor and Representative Michael Castle. Around Steve’s graduation, the firm broke up because then-Lieutenant Governor Castle’s position as Chair of the Board of Pardons made his law partnership with Schnee a conflict. As Castle was running for governor in 1984, Susan gave birth to twin boys, Stephen A. (NOT junior!) and Sumner. They were born substantially premature and both had significant health problems in their early months; both boys spent their first 33 days in the hospital. The family suffered a further devastating blow when Susan’s mother was killed by a drunk driver near the Phoenix Steel plant in Claymont as she drove to baby-sit Steve A. and Sumner so that Steve and Susan could attend Governor Castle’s inaugural ball. By the time the boys were two, it was clear that although Steve A. had struggled initially, it was Sumner — who had suffered severe oxygen deprivation at birth — who was diagnosed with severe Cerebral Palsy and would be unable to walk.

After trying his hand at a solo practice built around Governor Castle’s former clients, and then briefly practicing at two smaller firms, Steve helped form the firm at which he would practice for the next 25 years, Phillips, Goldman & Spence in 1990. For the next five years, the family (which had expanded to five with the addition of daughter Kelsey in 1988) lived in North Wilmington and prospered.

As the boys grew, it became clear that although Sumner had significant physical disabilities, he was cognitively very sharp, had a quick wit, and was very engaging. Quickly, the family fought to have Sumner mainstreamed in the Brandywine School District. After two years of bussing from

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1. Like “attorneys” or “surgeons” general, the plural of “Steve Spence” can only be “Steves Spence”.

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A PROFILE IN BALANCE

By Achille C. Scache, Esquire

The Steves Spence

Team Spirit

Photo credit: A Day in A LIFE Designs
North Wilmington to P.S. DuPont, the family began looking for a setting that would allow Sumner to thrive without the physical demands of riding the bus a long distance daily. Fortunately, the family had purchased an undeveloped lot in Cape Shores in Lewes. Steve and Susan began meeting with Cape Henlopen School District officials and soon found themselves a district that was enthusiastic to enroll Sumner. The district “rolled out the welcome ramp” in many ways, including building a handicap-accessible ramp for the High School football stadium when Sumner was about to enter ninth grade.

The move to Sussex County was a blessing for the family even if it continued to pose challenges — Steve still maintained a (very) active practice in New Castle County and commuted from Cape Shores almost daily — often sleeping in the basement of his firm’s historical building in the Cool Spring area of Wilmington on Monday and Thursday nights to cut down on the driving. In the early days of cell phones, Steve took client calls up and down Route 1 (“except for that spot near Middletown where I still lose service”). Cape Henlopen continued their tremendous support — a bus picked up Sumner and Steve A. together every morning and drove them the five minutes to school where they attended together. Susan stayed home and quarterbacked the team — driving an endless parade of conversion vans — and advocating for Sumner at every step of the way. Not only did the district provide resources for Sumner, including a personal aide for nearly every period, but the entire school community rallied around him. Shortly after moving to Sussex County, Sumner was nominated and selected to carry the Olympic torch in Wilmington as part of the lead-up to the 1996 Atlanta Games. Two busses of students traveled from Lewes to support their classmate.

At the same time, both boys developed their father’s love for sports. Despite Sumner’s challenges, backyard sports were inclusive. Sumner would play soccer, floor hockey, and catch in the backyard right alongside his brother. Sumner was first the wheelchair bound child to play regular tee-ball, and there was not a dry eye in the stands when Sumner would swim the 25 yards (and swallow half the pool) at his local swim meets. By the time the boys got to high school, their teamwork continued. Steve A. played soccer and lacrosse and Sumner was at every game watching his brother and often serving as the manager of the team.

The boys graduated from Cape Henlopen and started their freshman year living together at Smyth Hall at the University of Delaware. The transition was hard on Sumner, who did not have the level of support he had at Cape Henlopen. But, it did not take long for a group of graduate physical therapy students to coalesce around Sumner to help provide him additional support in navigating the campus. Through an affiliation with the Easter Seals program, “Sumner’s Angels” (as they became known) continued to support Sumner through his sophomore year, after which Sumner returned to Sussex County to eventually get his associate’s degree at the Del Tech campus in Georgetown.

Steve A. continued on, got a degree in Political Science, and moved on to Widener Law School, taking a clerkship with then-President Judge Vaughn after graduation. The band got back together when Steve A. went to work for his dad at Phillips Goldman & Spence (an opening created when Judge Farnan retired and formed a firm with both of his sons) and Sumner began working as a law clerk, using his computer ability to sort pleadings and keep the firm abreast of new filings during the height of the bankruptcy boom in Delaware. In the Spring of 2016, Team Spence moved their practices to Baird Mandalas Brockstedt, allowing Steve W. to spend more time at home and less time on Route 1 and Steve A. to finally return to Lewes.

Sumner, who has had a love of sports (except NASCAR and bowling) since childhood, also writes an online column for the Cape Gazette that is another display of teamwork: Sumner dictates the article each week; Dad Steve and Susan edit it on Thursday night; and Brother Steve shares the published work all over Facebook on Saturday mornings.

In recent years, the team has expanded. Kelsey has been married to Brian Murphy for five years, Steve A. to Jessica for two, and the family has their fourth and fifth Labrador Retrievers (in addition to “pretty much always having a cat”). They all live within five miles of one another in the Rehoboth and Lewes areas. This recent consolidation of the Spence family in Sussex County has allowed them to continue their family mission; doing whatever it takes to meet the challenges they face — as a team.

Achille C. Scache is an attorney at Giordano, DelCollo, Werb & Gagne where he practices exclusively family law. He can be reached at Ash@gdwlawfirm.com.
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OF NOTE

Condolences to the family of Raymond J. Otlowski, Esquire, who died on November 5, 2016.

Condolences to Josette D. Manning, Esquire, on the death of her mother, Doris T. DelleDonne, who died on November 6, 2016.

If you have an item you would like to submit for the Of Note section, please contact Rebecca Baird at rbaird@dsba.org.
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One of my go-to cookbooks is not one filled with glossy photos of haute cuisine. Rather, it is bound with a plastic coil, and its pages were typed on a typewriter in 1974. It is *The Golden Spoon: A treasure of recipes published on the occasion of the golden jubilee of St. Anthony’s Church*, Wilmington, Delaware.

Many in the tri-state area are familiar with St. Anthony of Padua Parish, founded in 1924 by Reverend John Francis Tucker, OSFS. Father Tucker built a community for the residents of Wilmington’s Little Italy, and under the leadership of the Oblates of St. Francis de Sales, the parish went on to construct St. Anthony of Padua Grade School and the beautiful Padua Academy where I teach.

It seems only fitting that I consult recipes from *The Golden Spoon* for holiday dishes, such as Easter Bread, and weekend breakfasts, such as eggs in purgatory. Many of the recipes are intended for the Christmas season, and in this month’s column I share two. The first, baked manicotti, can be served as a pasta course or a main course with meatballs. This is the manicotti recipe that I have been using for years. The second is for the Milanese sweet bread, Panettone.

These featured recipes along with the majority in *The Golden Spoon* belong to Mary Ciaffi, the chef at St. Anthony’s rectory. Mary spent decades cooking for the Oblates and, according to the cookbook, helped neighbors and friends with all sorts of culinary questions from “Mary, how much?” to “Mary, how can you tell?” I am grateful to Mary for sharing her recipes and preserving them for generations of home cooks.

### baked manicotti

**For the Crêpes:**
- 2 cups water
- 4 eggs
- 1/2 cup flour

**For the Filling:**
- 2 pounds ricotta
- 1 package Mozzarella cheese (diced)
- 1/3 cup grated cheese (I suggest Parmesan)

Lightly beat the eggs and water, and add the cornstarch. Mix well. Add the butter and salt, and blend well. In a small frying pan greased with butter, pour about 3 tablespoons of batter, and tilt the pan so the batter completely covers the bottom. (I use a nonstick griddle, spoon on the batter with a nonstick ladle, and spread around the batter with the bottom of the ladle). When light brown, turn and lightly brown the other side. This should only take a couple of minutes. Stack the crêpes on a plate separated with pieces of parchment paper. Continue to use all batter, and grease the pan when needed.

Add the first 7 ingredients, and beat well with a wooden spoon. Place about 1/4 cup of filling in the center of each crêpe and roll up. When all crêpes are filled, spoon some of your red sauce of choice on the bottom of two 12 X 9 baking dishes. Place the crêpes seam side down in a single layer, cover with the remaining sauce, and sprinkle with grated cheese. Bake uncovered 30 minutes in a pre-heated 350 degree oven until bubbly. Makes 8 to 10 servings.

### panettone

- 2 packages yeast (dry or compressed)
- 1 cup lukewarm water
- 1/2 cup melted butter
- 2 teaspooms salt
- 1/2 cup sugar
- 2 whole eggs and 3 egg yolks, well beaten

Add the first 7 ingredients, and beat well with a wooden spoon. Place about 1/4 cup of filling in the center of each crêpe and roll up. When all crêpes are filled, spoon some of your red sauce of choice on the bottom of two 12 X 9 baking dishes. Place the crêpes seam side down in a single layer, cover with the remaining sauce, and sprinkle with grated cheese. Bake uncovered 30 minutes in a pre-heated 350 degree oven until bubbly. Makes 8 to 10 servings.

Mix yeast with lukewarm water and stir until dissolved. Mix butter, salt, sugar, eggs, and egg yolks together. Add yeast and egg mixture to 5 cups of the flour. Stir until well blended.

Turn out on floured board and knead until smooth and free from stickiness, add additional 1/2 cup flour if needed. This will take from 10 to 15 minutes, and the dough will be soft. Then knead in citron and raisins. Handle the dough as little as possible after you have added the raisins and citron or it will discolor.

Place in a greased bowl, grease top of dough, and let rise in a warm, draft-free place for about two hours, or until it is double in bulk. Punch down, and knead until smooth. Put into a greased three-quart pan or two small loaf pans. Butter the top surface.

Let rise again until double in bulk - about 40 minutes. Using a sharp knife, cut a deep cross in the top of the loaf. Preheat oven to 400 degrees. Bake Panettone until surface starts to brown - about 8 minutes. Reduce heat to 325 degrees and bake about an hour longer. Yield: 1 large loaf or 2 small loaves. Glaze and decorate with candied fruits.

Susan E. Poppiti is a mathematics teacher at Padua Academy High School and managing member and cooking instructor for La Cucina di Poppiti, LLC and can be reached at spoppiti@hotmail.com. Other recipes and cooking tips are available on Susan’s food blog at www.cucinadipoppiti.com.
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Morris James LLP is pleased to announce

Brenna A. Dolphin

has joined the firm effective November 1, 2016 as an associate in its Bankruptcy and Creditors’ Rights Practice Group

Brenna A. Dolphin routinely appears in court to advocate on behalf of secured and unsecured creditors in cases governed by Chapters 7, 11 and 15 of the United States Bankruptcy Code. Her representation extends to corporate debtors, creditors’ committees, and trustees in bankruptcy matters filed in Delaware. Prior to joining Morris James, Ms. Dolphin worked for the Delaware Department of Justice and the bankruptcy departments of two Delaware law firms. Ms. Dolphin is a member of the American Bankruptcy Institute, the International Women’s Insolvency & Restructuring Confederation, the Delaware Bankruptcy Inn of Court and the Delaware State Bar Association.

She graduated from Villanova University School of Law with honors in 2011 and received her B.A. from Franklin & Marshall College in 2007. She served as a judicial intern for The Honorable Mary F. Walrath, United States Bankruptcy Court, District of Delaware. Ms. Dolphin was admitted to practice law in Delaware in 2011. She can be reached at 302.888.6959 or bdolphin@morrisjames.com

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