IN THIS ISSUE

2017 Law Day Luncheon Announcement and Registration  P. 2

Report on the Mid-Year Meeting of the ABA House of Delegates  P. 16

2016 Combined Campaign for Justice Contribution List  P. 28
The Honorable Collins J. Seitz, Jr. was sworn in as Justice of the Supreme Court of Delaware on April 14, 2015. Prior to his appointment, Justice Seitz was a founding partner of Seitz Ross Aronstam & Moritz LLP, a boutique corporate advisory and litigation firm in Wilmington, Delaware representing clients in high-profile corporate and trust disputes in the Delaware Court of Chancery. Before founding Seitz Ross, Justice Seitz was a partner of Connolly Bove Lodge & Hutz LLP in Wilmington Delaware, where he litigated corporate and intellectual property disputes.

A member of the Delaware Bar since 1983, Justice Seitz served as a board member and chair of the Board of Bar Examiners, and a board member of the Board on Professional Responsibility. Both federal and state courts often appointed Justice Seitz as a Master and Trustee to oversee complex corporate, commercial and intellectual property cases. He is a Fellow of the American College of Trial Lawyers.

Justice Seitz received his undergraduate degree from the University of Delaware and his law degree from the Villanova University School of Law.

Keynote Address by

The Honorable
Collins J. Seitz, Jr.
Justice, Supreme Court of Delaware

Law Day Luncheon 2017 • Monday, May 1, 2017 • 12:00 noon

THE DELAWARE STATE BAR ASSOCIATION PRESENTS

LAW DAY LUNCHEON 2017
MONDAY, MAY 1, 2017 • 12:00 NOON
HOTEL DU PONT • WILMINGTON, DELAWARE
FEATURES

2 2017 Law Day Luncheon Announcement and Registration

16 Report: 2017 Mid-Year Meeting of the ABA House of Delegates
   BY WILLIAM D. JOHNSTON, ESQUIRE

20 The 2017 Blue-Gold High School All-Star Basketball Games
   BY LAWRANCE SPILLER KIMMEL, ESQUIRE

28 2016 Combined Campaign for Justice Contribution List

COLUMNS

4 President’s Corner
6 Editor’s Perspective
10 Tips on Technology
12 Ethically Speaking
14 Highlights from the Courts
18 Access to Justice Spotlight
22 DE-LAP Zone
24 LOMAP for the Delaware Lawyer
26 Book Review
34 Judicial Palate

DEPARTMENTS

7 Side Bar
7 Disciplinary Actions
7 Why I Belong
8 Calendar of Events
9 Section & Committee Meetings
31 In Memoriam
32 Bulletin Board

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The practice of law is extremely generational. The law is living and constantly changing, potentially with every case that is filed. The law that I “inherited” has been carefully constructed by the legislation and case law for several decades before my birth. Even during my practice, the law in certain areas has made some dramatic shifts. I have always tried to be true to the vision of the forefathers whom I have studied and who formulated the Constitution as they began a new world; however, the world has changed drastically since that time (as has the Constitution).

I recently was exposed to the following quote, “We do not inherit the earth from our ancestors; we borrow it from our children.” This is a quote that was used so often, no one really recalls whether it originated with the Native Americans or the Amish. However, it is an extremely insightful perspective on our responsibility on how to handle the world we have been given. While this quote has been interpreted more environmentally, I would like to discuss it more in the context of the legal profession.

I have shifted my thinking about how I approach the law in the last few years. While there is value in upholding the ideals of my ancestors, it is imperative that I understand that I am merely a bridge between generations. As such, I have a responsibility to my profession to prepare and maintain the practice of law for the next generation of attorneys who will have challenges and obstacles that I cannot even imagine.

I have had the privilege to speak and interact on a couple of occasions with the 2016 newly admitted attorneys to the Delaware Bar. My conclusion is that the future of the Bar will be in good hands. These attorneys are bright, optimistic, and have the capacity to uphold traditions while being innovative. I encourage you to welcome these new members of the Delaware Bar, take them out to lunch and make yourself available to them. All of us are interested in making sure that each new attorney succeeds in practicing law in Delaware.

During some of these ceremonies, my mind went back to when I sat in the same seat that they did and listened to Bill Johnston (then Delaware State Bar Association President) welcome and challenge the new attorneys. However, one speech I will never forget was given by Justice Randy Holland on civility and ethics. This year, I was encouraged to hear him get up and speak to the new admittees in 2016 about the importance of civility and ethics.

Justice Randy Holland epitomizes civility and ethics in Delaware. On a personal level, you will never meet more of a gentleman in every sense of the word than Justice Holland. His soft-spoken, kind mannerisms are always a pleasure. I have observed and interacted with him for several years and have never heard an unkind or offensive word or tone come out of his mouth, even when well-deserved. Although he is qualified to do so, he has never been one to grandstand or demand the spotlight for himself. In fact, he only takes center stage when he has a message that needs to be heard or is bestowing honor on another.

Justice Holland understands that although he has earned, through his gentle demeanor as well as his outstanding accomplishments, the right to “use” the legal profession as his possession, that it is merely on loan from the generations of newer attorneys. In his roles within the legal community, most recently as Supreme Court Justice for over 30 years, he has portrayed excellence not only within Delaware, but globally representing Delaware.
The Delaware Bar applauds you, Justice Holland. We are all better because we have known you and we wish you every future success in whatever adventures lie beyond the Delaware Supreme Court. Thank you for leaving your fingerprint on the Delaware legal profession and being instrumental in the Delaware legal community remaining a vibrant, civil, and professional forum to practice law for generations to come.

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 clftom2@nationwide.com.

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Tiger Looks at Forty

Two-on-one sideline drill. Remember: communicate and back the play,” the J.V. coach barked from under his visor. “On my whistle, first group, go!” With a loud tweet, three of us ran from the front of our respective lines of freshmen trying to make the cut. I trapped the ball, advanced toward the defender in an effort to force him to commit, gave a quick head nod toward the left, and put a pass to that side of the defender, a moment after the forward stopped his run to the right and cut back left. “Well done. Next group, on my whistle.” Jogging to the back of the halfbacks’ line, I stopped to introduce myself to the forward. “What’s up. I’m Seth.” “Hey. Tyson.”

To know Ty is to like Ty, the lone caveat being if you are a sports opponent unfamiliar with his competitiveness, focus, and determination. These characteristics shone through immediately. During water breaks in those soccer try-outs, a few players juggled soccer balls individually and then among each other, organically evolving into players competing to keep the ball from touching the grass, using their feet, thighs, heads and the occasional shoulder. Dragging the ball back with his foot, Tyson flipped the ball up onto his thigh and then alternated left and right touches until all other balls hit the ground, kids started counting then lost count, and finally the whistle blew to re-start practice, at which point, he nonchalantly struck the ball with slightly more force, just enough to lift it overhead and strike it with his heel, sending the ball back overhead and toward midfield.

Over the years, that nonchalance, coupled with a sense of adventure, led to some tales that still come up at my family dinners. Ty and I, along with two other senior buddies, set out one Saturday morning to scour garage sales for kitsch to decorate our awaiting dorm rooms. As I rummaged through VHS tapes near the top of the driveway, Tyson casually walked toward the garage, pointed to a polystyrene sailboat, no more than twelve feet in length, and asked the man reading the paper in his lawn chair, “How much for this?” “One sec. Let me check with my wife.” One hundred bucks later, the boat sat on top of Tyson’s Cherokee, four kids each sticking one arm out of the window to hold the boat in place as we drove to the nearest lake that allowed watercraft.1

A few years after the impromptu sailing foray, less than three hours into the long drive back to Purdue the Sunday after Thanksgiving break of junior year, Ty came to a screeching halt on the interstate. His old Honda was the last to stop in time. The truck immediately behind him rear-ended Ty’s car, sending him into the SUV in front. About six other vehicles subsequently piled up. The drivers pulled their vehicles to the shoulder and waited for the trooper’s arrival. At that point, a semi with an unconscious driver drifted onto the shoulder, sideswiping the already damaged automobiles just seconds after Ty and the driver of the truck dove into the ditch. More hours ticked by as the police attempted to sort things out. Needing to get back for a test the next morning and facing at least ten hours of driving, Tyson left his information with the other drivers and hopped back on the road. Both regular-beam highlights were shattered, as was one of the high-beams. Fortunately, the other high-beam headlight had its bulb — which pointed 45 degrees to the Honda’s right, brightly illuminating the mile markers and any litter along the highway, but little of the actual road. After taking the test and completing the semester, Tyson drove to his parents’ house to start the December break. His father stood on the porch awaiting the arrival. When the Honda appeared, smashed on three of its four sides, he hopped down the steps and said in shock, “Tiger, what happened to the car?!” Ty replied, “What, that? Pfft, it’s been like that for a month.”

That sense of confident independence manifested itself again a couple years later. After taking the bar exam, I made plans to meet Tyson in Rehoboth. Ty lived in Park City, Utah, for a few years after college, working for a wilderness therapy program for troubled teens, and then relocated to the Appalachians in northern Georgia to do the same. He mentioned working eight days “in the field,” followed by six days off, during which he would either travel, kayak, or guide groups on whitewater rafting trips.

In need of lodging, I arranged for us to stay with an old summer housemate,
** SIDE BAR **

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**DISCIPLINARY ACTIONS**

**DISBARMENT**

*In the Matter of Leo J. Ramunno, No. 42, 2017.*

Effective Date: January 25, 2017

On January 25, 2017, the Delaware Supreme Court ordered the disbarment of Delaware lawyer, Leo J. Ramunno, based upon his misappropriation of client trust funds.

In December 2016, the Office of Disciplinary Counsel (“ODC”) opened an investigation into Ramunno’s handling of his client trust funds after receiving a complaint from a client regarding Ramunno’s failure to disburse funds due to the client. During the course of its investigation the ODC found several irregularities in Ramunno’s client trust account. Pursuant to the ODC’s request Ramunno produced a copy of his general ledger for his client trust account which reflected receipts, disbursements and balances for three years. Although not requested by the ODC, Ramunno also produced copies of the bank statements for trust account for the same time period. A comparison of the bank statements produced by Ramunno to the original bank statements revealed they were altered prior to Ramunno producing the records to the ODC. The monthly ending balances on Respondent’s bank statements were altered to reflect higher ending balances than indicated on the original bank statements. Additionally, during each month, several electronic transfers from the trust account to the operating account were missing from Ramunno’s bank statements.

Ramunno and the ODC signed and submitted for the Court’s approval a stipulation seeking Ramunno’s disbarment without further proceedings. In the Stipulation Ramunno admitted to the Delaware Supreme Court that he misappropriated Delaware client trust funds.

Donna L. Culver, Esquire has been appointed by the Court of Chancery as receiver for Mr. Ramunno’s law practice.

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**WHY I BELONG**

The Honorable Mary M. Johnston
Superior Court of Delaware
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JUDICIAL MEMBER

“Being a member of the Delaware Bar is an extraordinary honor and privilege. The Delaware State Bar Association is the glue that holds us together, and takes us to the next level of professionalism, ethics, collegiality, and social responsibility.”

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MEMBER-AT-LARGE

“I belong to the Bar Association because I truly believe that Delaware has the best Bar in the nation. I want to be a part of that, and being a member of the Association gives me a place to share and listen to ideas and plans to keep us the best!”

Illustrations by Mark S. Vavala

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.

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**Your Name in Print**

For information on submitting articles for publication in the *Bar Journal*, please contact 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.

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*Certified Practice Monitor

March 2017

Wednesday, March 15, 2017
Fundamentals of Criminal Law and Procedure 2017
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, March 16, 2017
Celebrating the Clover; Getting Pulled Over
2.0 hours of CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Friday, March 17, 2017
Young Lawyers’ Judicial Roundtable for 2015 Admittees
Delaware State Bar Association, Wilmington, DE

Tuesday, March 21, 2017
Personal Privacy Protection 101: Security Tips for Individuals in the Professional World
2.0 hours CLE credit in Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Friday, March 24, 2017
Small Firms and Solo Practitioners Conference 2017
5.0 hours CLE credit including 3.0 hours Enhanced Ethics credit
The Atlantic Sands Hotel and Conference Center, Rehoboth Beach, DE

Tuesday, March 28, 2017
Labor and Employment Update
4.8 hours CLE credit (including 1.5 hours Enhanced Ethics credit)
Delaware State Bar Association, Wilmington, DE
Webcast to Kent County Courthouse, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Wednesday thru Friday, March 29-31, 2017
Superior Court Mediation Training at the DSBA
18.5 hours CLE credit including 1.0 hour Enhanced Ethics credit
Delaware State Bar Association, Wilmington, DE

April 2017

Wednesday, April 12, 2017
Game of Drones, Autonomous Vehicles, and Other Connected Devices
3.0 hours CLE credit including 0.9 hour of Enhanced Ethics credit
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Tuesday, April 18, 2017
Fundamentals of Wills, Trusts, and Estates
6.0 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Thursday, April 20, 2017
Movie Night “Deliberate Intent” with Dean Smolla
1.0 hour CLE credit
Delaware State Bar Association, Wilmington, DE

Visit www.dsba.org/cle for a complete list of upcoming CLE Seminars.
SECTION & COMMITTEE MEETINGS

March 2017

Monday, March 13, 2017 • 12:00 p.m.
Litigation Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, March 14, 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

Thursday, March 16, 2017 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, March 16, 2017 • 4:00 p.m.
Elder Law Section Meeting
Reger Rizzo & Darnall LLP, Brandywine Plaza East, Wilmington, DE

Friday, March 17, 2017 • 12:00 p.m.
Workers’ Compensation Section Meeting
Marshall Dennehey Warner Coleman & Goggin, 1007 North Orange Street, Suite 600, Wilmington, DE

Thursday, March 23, 2017 • 4:00 p.m.
Family Law Section Meeting
Bayard, P.A., 222 Delaware Avenue, Suite 900, Wilmington, DE

Monday, March 27, 2017 • 4:00 p.m.
Taxation Section Meeting
Cooch & Taylor P.A., 3711 Kennett Pike Greenville, DE

April 2017

Monday, April 3, 2017 • 12:30 p.m.
Senior Lawyers Committee Monthly Luncheon Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, April 4, 2017 • 3:30 p.m.
Estate & Trusts Section Meeting
Connolly Gallagher LLP, The Brandywine Building, 1000 West Street, Wilmington, DE

Wednesday, April 5, 2017 • 12:30 p.m.
Women and the Law Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, April 11, 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, April 12, 2017 • 12:00 p.m.
E-Discovery and Technology Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Wednesday, April 12, 2017 • 4:00 p.m.
ADR Section Meeting
Wilson Sonsini Goodrich & Rosati, 222 Delaware Avenue, Suite 800, Wilmington, DE

Wednesday, April 12, 2017 • 4:00 p.m.
Real & Personal Property Section Meeting
The Kirsh Law Firm, 910 South Chapel Street, Suite 202, Newark, DE

Thursday, April 20, 2017 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, April 20, 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.
2015 Changes to the Federal Rules
Are They Making a Difference in eDiscovery?

In December 2015, the Federal Rules of Civil Procedure were amended with a goal to reduce the burden and expense of electronic discovery. The changes emphasized three areas: (i) proportionality in the scope of discovery; (ii) cooperation among counsel; and (iii) early and active judicial case management. It has been over a year since the changes were implemented, so what has been the impact of the changes? Are the amended rules making a difference? Are attorneys doing better jobs of understanding the benefits and risks associated with electronic information in litigation, and counseling their clients? Are judges more competent in understanding technological issues that arise in discovery?

In its 3rd Annual Federal Judges Survey, Exterro, an electronic discovery software development company, asked federal judges for feedback on how, if at all, those rule changes were impacting the manner in which cases are being litigated, and whether attorneys are demonstrating more competence when it comes to technology. The survey was completed by 22 federal judges from across the U.S. The results, which can be found at http://www.exterro.com/judges-survey-17/, are both somewhat encouraging, and underwhelming.

The results show that while judges feel that attorney competence in eDiscovery is improving, none of the respondents felt that the typical attorney appearing before them had “the subject matter knowledge (legal and technical) required to effectively counsel clients on e-discovery matters.” When asked about the general level of eDiscovery competence among the judiciary, the respondents noted that judges are doing better than lawyers in terms of technological competency — 5% of respondents described the judiciary as strong in terms of competency, 41% thought the judiciary was “good” and 41% said the judiciary was “OK.”

According to the results of the survey, the common eDiscovery mistakes occur at the preservation and collection/processing stages, and the primary cause of eDiscovery problems (by a wide margin (77%)), is poor or no cooperation between counsel and the parties. In fact, the only other cause that the judges identified as contributing to the problem was a lack of education about eDiscovery.

One respondent summed up the two problems fairly succinctly — “lack of cooperation is the big problem in big cases, and lack of education is a big problem in small cases.” Coincidentally, the judges overwhelmingly agreed (77%) that applying the principles of cooperation and proportionality in litigating cases offered the greatest potential for improvement. Greater emphasis on Rule 26(f) conferences came in a distant second (18%). The respondents did provide some suggestions for what parties could do better when making proportionality arguments: (i) suggest alternative remedies (tiering or phasing discovery); (ii) use metrics; (iii) cooperate with opposing counsel; and (iv) stop relying on boilerplate arguments about costs.

When asked if lawyers were taking advantage of the option under Rule 34 to send document requests in advance of the Rule 26(f) conference, the results imply that many lawyers are still not familiar with that option under Rule 34. That is not surprising given a number of recent decisions that have criticized lawyers and even some judges for being slow to embrace the 2015 changes to the Federal Rules. In September 2016, Judge David G. Campbell, who chaired the Advisory Committee on the Federal Rules of Civil Procedure when the 2015 amendments were developed, issued a decision in In re: Bard IVC Filters Products Liability Litigation, 2016 WL 4943393 (D. Az. Sept. 16, 2016), in which he criticized judges who were not following the language of amended Rule 26. The court included a footnote in the decision that identified seven decisions (recent at that time) that relied on the “reasonably calculated” language to define the scope of permissible discovery as though it was still part of Rule 26(b)(1). A few days later,
by then a full-time Rehoboth resident. He knew Ty from the summer when he visited during his parents’ weeklong vacation in Rehoboth and just elected to stay with us for the remainder of the summer, using a windowsill as a bed and leaving the Midwest’s birds to track their own feeding and migrating patterns.

When Tyson pulled up in his packed-to-the-gills 4Runner, our host cautiously asked, “Uh, how long are you planning on staying, Tyson? Are you moving or something?” Tyson hopped out, opened the rear door on the driver’s side to let his Golden Retriever, Shawnee, emerge from the piles of clothes surrounding his kayak, and said, “Yeah, I guess I’m like a turtle; wherever I go is my home.”

Last month, amid the countdown-to-Spring Training group texts, Ty sent a message that he left his job of 15 years. It always seemed from the outside like his perfect position: out in nature, with the hope that the light might click for some wayward youth; Shawnee as his constant companion; free time to spend with his wife and two kids, with some left for kayaking and travel.

“Time for a change. Might change fields entirely. Might open up my own shop. At least I know some good lawyers.” So this year, Clearwater may involve discussions of office administration and risk management. Truly, I just hope to be as good a friend. Communicate, and back the play.

Editor's Perspective (continued from page 6)

George C. Govatos, PhD
Professional Engineer
Accident Reconstruction
Building Codes
Forensic Engineering
Animations
302-478-7000
Recent and Noteworthy Ethics Advisory Opinions

In case you missed them, here are digests of noteworthy advisory opinions issued in 2016 by the ABA Standing Committee on Ethics and Professional Responsibility, as well as a few state Bars. As a reminder, advisory opinions are generally not binding, but are almost always informative and persuasive.

**ABA Formal Opinion 476 (December 19, 2016): Noisy Withdrawal**

Lawyers were reminded that the Rule 1.6 duty to maintain a client’s confidences persists even when the attorney seeks leave of the court to withdraw from the client’s matter due to non-payment of fees in civil litigation. The Committee also urged judges to be sensitive to the delicate balance between the attorney’s duty to the client and the attorney’s duty to the court to provide the factual basis for the motion to withdraw.

Citing Rule 1.6(b)(5), the ABA recommended that the moving attorney disclose only such confidential information as is reasonably necessary for the court to make an informed decision on the motion noting that neither the Rule nor the Comments expressly refer to motions to withdraw for unpaid fees. The Opinion suggested a formulaic reference to “professional considerations” in the motion including: (1) initially submitting a motion providing no confidential client information apart from a reference to the client’s failure to meet his obligations to the attorney or some other local colloquialism; (2) if informed by the court that further information is necessary, the attorney should again attempt to persuade the court to rule on the motion without disclosing confidential information by noting that there are confidentiality and privilege issues that hamper a further response; (3) thereafter, on direction of the court, it is recommended that the attorney only submit such information as is reasonably necessary to satisfy the court by requesting that the confidential or privileged information be submitted in camera, under seal or some other procedure designed to minimize disclosure. Finally, if the court expressly orders the lawyer to make the disclosures, the Committee found that the Rule 1.6(b)(6) exception applies permitting the attorney to make the disclosure. See also, *Ethically Speaking*, Nov. 2011, “Withdrawing as Counsel: How ’Noisy’ Do the Professional Conduct Rules Permit You To Be.”

**ABA Formal Opinion 474 (April 21, 2016): Fee Division**

Rule 1.5 allows lawyers who are not in the same firm to divide a fee if the client is advised and does not object. The Opinion notes that such fee arrangements are subject to the Rule 1.7 ban on conflicts of interest. Unless the client gives informed consent, confirmed in writing, a referring lawyer who would be precluded from handling the matter due to a conflict may not accept a fee if the referring lawyer either performs legal services in connection with or assumes joint responsibility for the matter. In such cases, client consent must be completed before or within a reasonable amount of time after the commencement of the representation.

**ABA Formal Opinion 473 (February 17, 2016): Responding to a Subpoena**

The Opinion recommends that upon receiving a subpoena or other compulsory process for information or documents relating to the rep-
presentation of a client (including requests for the client file), lawyers should do the following: if the client is available, the lawyer must consult with the client. If instructed to do so by the client or the client is unavailable, the lawyer must assert all claims against disclosure and seek to limit the subpoena or other demand on reasonable ground. (It should be noted that privilege belongs to the client and not the attorney). If disclosure is ordered and the client is unavailable for consultation, the Committee concluded that the lawyer is not ethically required to appeal the order; nevertheless, the lawyer is required to challenge the demand in the first instance even if the client is unavailable for consultation. The attorney’s disclosure should be only to the extent reasonably necessary to comply with the order.

Alaska Bar Association Ethics Committee Opinion 2016-1 (October 26, 2016): Technology

The Ethics Committee of the Alaska Bar Association advises that a lawyer may not use a “web bug” in emails to opposing counsel. Web bugs, also known as pixel trackers or web beacons, are internet survival tools that tell the sender when and how many times an email was opened and for how long and if it was forwarded. The Committee concluded that such electronic tracking interferes with the lawyer-client relationship and the preservation of confidences and secrets.

Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility Formal Opinion 2016-200 (September 2016): Marketing Fees

Pennsylvania became the third jurisdiction in a four-month period to warn attorneys against participating in an online client referral program which has been described as “the Uberization of legal services.” Although none of the opinions mention Avvo, Avvo Legal Services connects consumers seeking “limited scope” legal services with lawyers willing to do that work for a flat fee. Avvo sets and collects the fee in advance and remits the full fee to the lawyer after the services are completed. Lawyers then pay Avvo a “marketing fee” that is calculated as a percentage of the legal fee, typically between 20% and 30%. All three ethics panels, South Carolina, Ohio, and now Pennsylvania, concluded that lawyers who participate in such a program would violate the ban on fee sharing with non-lawyers, as well as a number of other ethical considerations.

North Carolina State Bar Ethics Committee Formal Opinion 2015-9 (July 22, 2015): Use of the Term “Partner”

The North Carolina Opinion concluded that firms can use the label “Partner” for a lawyer based on other criteria than an equity interest in the firm. The Committee found that a professional corporation with three shareholders could call two other lawyers in the firm “partners” even though the two do not own any interest in the firm and do not vote on corporate governance matters. The Committee noted that even though “partner” technically refers to an owner, the legal profession often uses the designation more broadly including calling shareholders in a professional corporation “partners,” and that non-lawyers and lawyers alike equate that term with a lawyer’s achievement with a certain level of experience, status or authority within a firm. But, see Rule 7.5(d) of the Delaware Professional Conduct Rules states, “Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.”


Noting that other jurisdictions had reached other conclusions, New York advised that a New York lawyer is “ethically permitted to share fees with a lawyer who practices in a law firm that allows non-lawyers to have a financial interest and/or managerial authority, where the law firm is located in a jurisdiction that permits such arrangements. They found that such fee sharing was permitted notwithstanding New York’s Professional Conduct Rule 5.4 which prohibits lawyers from dividing legal fees or forming partnerships with non-lawyers. Examples noted by the Committee of jurisdictions that permit non-lawyer owners included the District of Columbia and some foreign law firms.

Happy Spring! “Ethically Speaking” will be offering beach reading before you know it!

“Ethically Speaking” is intended to stimulate awareness of ethical issues. It is not intended as legal advice nor does it necessarily represent the opinion of the Delaware State Bar Association.

“Ethically Speaking” is available online. The columns from the past three years are available on www.dsba.org.

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.

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Superior Court Rules on Personal Jurisdictional Analysis and Jurisdictional Discovery

By Antranig Garibian, Esquire

In a personal injury action filed against a Chinese medical device manufacturer, the Superior Court recently explained the boundaries of personal jurisdiction over non-resident companies. The Court further explained the limitations of jurisdictional discovery.

In Christine Hedger, et al. v. Medline Industries, Inc., et al., plaintiff Brian Wilhoite sued Allmed Medical Products Co., Ltd. and Medline Industries, Inc., alleging that his wife died as a result of the failure of a tracheostomy care kit used at their home in Dover, DE. Allmed, a Chinese corporation and the manufacturer of the product, filed a motion to dismiss, arguing that no section of Delaware's long-arm statute conferred jurisdiction over it and that "dual jurisdiction" was not viable. Plaintiff responded that the Complaint sufficiently pled allegations to suggest general, specific, and dual jurisdiction over Allmed.

Generally, when a defendant seeks dismissal for lack of personal jurisdiction, plaintiff must demonstrate that there is a basis for the court to exercise jurisdiction over that defendant. That burden, however, is lowered when a plaintiff has not had the benefit of an evidentiary hearing or jurisdictional discovery. Since Plaintiffs do not have to plead facts establishing personal jurisdiction, where a complaint does not plead facts sufficient to establish personal jurisdiction, trial courts may allow jurisdictional discovery.

Two-Step Personal Jurisdiction Analysis

When deciding whether to exercise personal jurisdiction over a nonresident defendant, a court first determines whether 10 Del. C. § 3014, Delaware’s long-arm statute, is applicable. Second, even if the long-arm statute applies, the Court must determine whether the exercise of jurisdiction would violate due process.

Delaware Long-Arm Statute

Under Delaware’s long-arm statute, a court can either assert general jurisdiction over a defendant on the basis of contacts unrelated to the action (the relevant provision being § 3104(c)(4)) or specific jurisdiction when the suit arises out of or relates to the corporation’s contact with the forum, as provided for in §§ 3104(c)(1)-(3).

The Delaware Supreme Court has also adopted a “dual jurisdictional” theory. Where no one subsection of the long-arm statute is satisfied, personal jurisdiction exists where the plaintiff shows that: 1) there is an intent or purpose on the part of the defendant to serve the Delaware market; and 2) that intent/purpose results in the introduction of the product to Delaware and plaintiff’s cause of action arises from injuries caused by that product.

In the instant matter, while Plaintiff had not pled facts to suggest that dual jurisdiction is appropriate, the Court found a basis in the declaration and manufacturing agreement provided by Allmed in its motion to dismiss. Allmed stated that it manufactured all of its products in China, had never done business in Delaware and sold its product to Medline pursuant to a manufacturing agreement and that Medline arranged for shipment to several U.S. locations (not including Delaware). While Allmed put these facts forth to demonstrate no intent to serve the Delaware market or bring its product to Delaware, the Court found that it was arguable that Allmed had an intent to serve the U.S. market in general. Moreover, the Court cited the Delaware District Court’s consistent holdings that a non-resident firm’s intent to serve the U.S. market could establish an intent to serve the Delaware market unless there was evidence of an intention to exclude Delaware.

Due Process

Even if a court finds that there is a statutory basis for jurisdiction, that exercise must comport with the Due Process Clause of the Fourteenth Amendment. This is measured by whether there are minimum contacts between the defendant and the forum state in order to protect a defendant from the burdens of litigating in a distant or inconvenient forum. If a defendant purposefully avails itself of the privilege of conducting activities within the forum state, it is subject to personal jurisdiction there.

In the products liability context, the Court explained “stream-of-commodity” jurisdiction, which arises when
a corporation delivers its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum state. The Superior Court cited the United States Supreme Court plurality and concurring opinions in *J. McIntyre Machinery, Ltd. v. Nicastro*. The plurality opinion held that a defendant might be subject to the jurisdiction of the United States, but not of any particular state. The concurring opinion, on the other hand, focused on the quantity, volume, and flow of a defendant’s products.

**Limits on Jurisdictional Discovery**

Having found that Plaintiff could have articulated their theory of jurisdiction more clearly (and chose not to), the Court limited, but did not bar them from jurisdictional discovery. The Court allowed Plaintiff discovery on the dual jurisdiction theory, holding that plaintiffs are entitled to discovery if their assertion of jurisdiction is “minimally plausible.” Since Plaintiff had rested on their complaint, rather than make a serious attempt to lay out a plausible basis for personal jurisdiction, the Court limited the discovery, reminding the parties that the Court would not permit a “fishing expedition” in search of a jurisdictional hook.

**Antranig Garibian** is the owner of Garibian Law Offices, P.C. He maintains an active litigation practice throughout the state and federal courts of Delaware, New Jersey, New York, and Pennsylvania. Mr. Garibian advises clients ranging from individually held businesses to international companies on issues such as commercial contract disputes, liability claims, corporate governance, loss prevention and general business matters. He can be reached at ag@garibianlaw.com.

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**ABOUT THE AUTHOR**

Randy J. Holland became a Justice of the Supreme Court of Delaware in 1986 and is currently serving a third twelve-year term. He is the past national President of the American Inns of Court. He teaches state constitutional law and is the co-author of a law school casebook on that subject.

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Report: 2017 Mid-Year Meeting of the ABA House of Delegates

By William D. Johnston, Esquire

The 2017 Mid-Year Meeting of the House of Delegates of the American Bar Association took place on February 6, 2017 in Miami, Florida. The House of Delegates, with over 500 members, is the principal policy-making body of the ABA. For the Miami meeting, the “Delaware Delegation” included The Honorable William C. Carpenter, Jr. (member of the ABA Board of Governors), Benjamin Strauss (State Bar Delegate), Mary I. Akhimien (Young Lawyer State Bar Delegate), and yours truly (State Delegate). Judge Carpenter, Ben, and I were especially pleased to welcome Mary to the Delegation. Mary is an associate with Connolly Gallagher LLP and concentrates her practice in corporate litigation, commercial litigation, corporate counseling, and business and employment law. Please see her (impressive) bio at www.connollygallagher.com/attorneys/mary-akhimien.

Remarks by the President of the ABA and Others

As is typical during meetings of the House, members heard from the President of the ABA and others. Speakers included Linda Klein (President), Deborah Enix-Ross (Chair of the House), Michelle Behnke (Treasurer-Elect), President-Elect Nominee Robert M. “Bob” Carlson, and ABA Executive Director Jack Rives. We also had the pleasure of hearing from The Honorable John D. Minton, Jr., Chief Justice of the Kentucky Supreme Court and President of the Conference of Chief Justices. Chief Justice Minton addressed the status of state courts nationally and emphasized those courts’ focus on striving to provide access to justice for all.

A Moving Experience: The Human Rights Luncheon Hosted by the ABA Center for Human Rights

I try to attend, if at all possible, the luncheon that the ABA Center for Human Rights hosts during each meeting of the House. The luncheons are always inspirational, and leaders of the ABA turn out in support.

The luncheon during this Mid-Year Meeting was no exception. Beyond that, it was one of the most incredible experiences I have been privileged to encounter.

The keynote speaker was Benjamin B. Ferencz. Mr. Ferencz is 97 years old. His family and he emigrated to the United States, his father working as a janitor. With scholarship help, he graduated from Harvard Law School in 1943. After graduating, he enlisted in the U.S. Army under General Patton. He came to serve in the Army’s War Crimes Branch to gather evidence of Nazi brutality and to apprehend perpetrators. That led to him serving as the Chief Prosecutor for the United States in the Nuremberg war crimes trials. His efforts continue through today, as he emphasizes “law, not war.”

As an unabashed plug for involvement in and support of the ABA Fund for Justice and Education (which supports the Center for Human Rights, the Working Group on Unaccompanied Minor Immigrants, the Standing Committee on Legal Aid and Indigent Defense, the Commission on Homelessness and Poverty, the Justice Defenders Program, the Human Trafficking Project, and the Business and Human Rights Project), please see https://donate.americanbar.org/ctrhumanrights.

Resolutions Adopted by the House as ABA Policy

During the Mid-Year Meeting, the House of Delegates adopted the following resolutions (with numbers as indicated), among others, the effect of which was to articulate ABA policy that can be advocated throughout the world:

▪ Urging the Supreme Court of the United States to consider racial, ethnic, disability, sexual orientation, gender identity, and gender diversity in the selection process for appointment of amicus curiae, special masters, and other counsel (10A);

▪ Reaffirming and expanding existing policy regarding refugees in light of the January 27, 2017 Executive Order, calling for increased funding and legislation to process and handle refugee applications, and urging Congress to pass legislation that would provide for individualized assessments of refugee applications and that they be conducted expeditiously and justly (10B);

▪ Urging the President to withdraw Executive Order 13769, and follow legal procedures and legal rights in the promulgation of future Executive Orders regarding border security, immigration enforcement, and terrorism (10C);

▪ Urging Congress to enact legislation to repeal the restrictions on federal student aid eligibility contained in Higher Education Act, 20 U.S.C. § 1091(r), which affects eligibility for federal student aid based on certain drug convictions (100);

▪ Urging Congress to amend Title 28 of the United States Code to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district (101);

▪ Urging all state courts to develop and implement civil justice improvement plan to improve the delivery of civil justice guided by the Recom-
mendations of Call to Action: Achieving Civil Justice for All as endorsed by the Conference of Chief Justices and urging bar associations to promote those Recommendations (102);

- Urging the United States to ratify and implement the 2013 Arms Trade Treaty (104);
- Urging the United Nations, the United States and other governments and relevant international actors to develop and implement methodologies to measure and track the prevalence of sexual and gender-based violence (105);
- Adopting the Model Rule for Minimum Continuing Legal Education (MCLE) and Comments dated February 2017, to replace the Model Rule for MCLE and Comments adopted by the American Bar Association in 1988 and subsequently amended (106);
- Urging federal, state, local, territorial and tribal governments to adopt standards, guidance, best practices, programs, and regulatory systems that make communities more resilient to loss and damage from foreseeable hazards and enhance the disaster resilience of communities (108);
- Supporting the adoption of the nominative fair use doctrine as an affirmative defense to claims of trademark infringement and unfair competition (111);
- Urging the United States Department of Justice to continue its accuracy and quality assurance efforts in the area of microscopic hair analysis and urging prosecutors, similarly, to commit to a timely review of all cases in which such erroneous expert testimony was used and to consider adopting the Department of Justice’s policy (112A);
- Urging prosecutor’s offices to adopt and implement internal conviction-integrity policies when an office supports a defendant’s motion to vacate a conviction based on the office’s doubts about the defendant’s guilt of the crime for which the defendant was convicted, or about the lawfulness of the defendant’s conviction (112B);
- Urging law enforcement authorities to develop and use, prior to custodial interrogation of suspects, translations of Miranda warnings in as many languages and dialects as necessary to accurately and fully inform individuals of their Miranda rights (112C);
- Urging the Food and Drug Administration to update its current policy requiring deferment of blood donations from men who have sex with men for one year after the donor’s most recent sexual encounter with a man to a deferral policy based on assessment of the risk posed by an individual based on potential recent exposures rather than on the individual’s sexual orientation (112D);
- Urging the United States Department of State to interpret the Immigration and Nationality Act, 8 U.S.C. § 1401, to recognize those children born to intended parents, even if those legally recognized parents do not have a biological (genetic or gestational) relationship to the child, so long as at least one of the intended parents is a U.S. citizen who is legally recognized as the child’s birth parent by the country of birth or the intended parent’s state of domicile and the relevant resident or physical presence or requirements are met (113);
- Urging governments to enact legislation and implement public policy providing that custody, visitation, and access shall not be denied or restricted, nor shall a child be removed or parental rights terminated, based on a parent’s disability, absent a showing that the disability is casually related to a harm or an imminent risk of harm to the child (114);
- Urging governments and relevant organizations to implement the recommendations set forth in the policy brief, Allies Against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings (May 2016) (115);
- Urging Congress to amend Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y) and urging the Executive Branch to adopt regulations that broaden the scope of Medicare coverage by allowing for coverage for items and services that are reasonable and necessary (116);
- Approving the Uniform Family Law Arbitration Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein (117A);
- Approving the Uniform Wage Garnishment Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein (117C);
- Approving the Uniform Unsworn Domestic Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein (117E);
- Urging lawmakers at all levels to work with the legal profession to collaborate in the identification and removal of legal barriers to veterans’ access to due and necessary assistance, including housing, education, employment, treatment, benefits, and services, particularly those provided by the Department of Veterans Affairs (118);
- Urging states, governmental agencies, territorial, tribal and legislative bodies to review their laws on luring, enticing, or intimidating minors for sexual acts to ensure that such laws explicitly address internet and other electronic means of communication (300); and
- Urging Congress to preserve and develop laws, regulations, policies, and procedures that protect or increase due

ABA Mid-Year Meeting (continued on page 19)
**Pro Bono and Networking**

3. Be selective: You cannot go to everything. You need to have a reason for attending networking events and a strategy in going. Do a little research on the type of people who belong to the hosting organization and see where your research leads. This is the perfect time to put your fact-finding skills to work.

4. Remember to talk about business at least some of the time: Be sure that the people you are talking to know who you work for, what you do, and that you enjoy doing it. No one wants to give work to someone who will not enjoy doing it. Talk about your pro bono work. It is always a plus that you are taking the time to do good for others, and make sure that you give out business cards and get them from your new contacts.

5. Be memorable without being too familiar: There is nothing more annoying than someone you have just met acting like your new best friend. Take time to help others have a good time by moving the conversation forward, inquiring about others, and being gracious.

6. Always follow up: Follow up with the people you meet by phone call or email. Tell them that you enjoyed the conversation and that you look forward to continuing it in the future. This often will require you to make notes on the business cards you collect by the end of the evening and before you forget details.

There are a handful of essential factors to success in the law, and you probably should revisit them every year and perfect them. One of those is networking, and the value of that skill to the future of your practice cannot be overestimated. Pro bono work can lead to networking, networking can lead to clients, clients can lead to upward mobility, and upward mobility can result in leadership positions. Determine to do better with your pro bono efforts and networking:

1. Develop a strategy: Include networking events and other get-togethers in your plans. Pro bono work gives you a great opportunity to network with like-minded lawyers and reflects well to your clients.

2. Reach out: Early in the year is a good time to do that because it is typically a slower time. People have recovered from the holidays and have spent the first part of the next months diving back in. By March, they are ready to meet you for lunch or drinks and reconnect.

Your firm may put emphasis on pro bono work, which in Delaware is not required, but highly encouraged for all attorneys. It is also a great way to get your feet wet as a young lawyer, get involved in the Bar, and give back, all at the same time. In this article from March 2014, I suggest ways to network that are still a great way to get involved.
I was especially pleased to have the opportunity to speak in the House in support of Resolution 101, a matter of vital importance to Delaware. That Resolution, as noted above, urges Congress to amend Title 28 of the United States Code to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district. More specifically, the Resolution urges Congress, as recommended by the Judicial Conference of the United States, to convert certain “temporary” bankruptcy judges to permanent bankruptcy judges in the District of Delaware, the Eastern District of Michigan, the Southern District of Florida, the District of Maryland, the District of Nevada, the Eastern District of North Carolina, the District of Puerto Rico, the Western District of Tennessee, and the Eastern District of Virginia and to authorize the appointment of additional bankruptcy judges in the District of Delaware, the Eastern District of Michigan, and the Middle District of Florida.

In my remarks, I underscored the critical importance to Delaware of converting our temporary bankruptcy judges (the vast majority of the Court) to permanent bankruptcy judges, noting that bankruptcy judges in Delaware carry some of the highest weighted caseloads for bankruptcy judges in the country and that, with the expiration of the temporary bankruptcy judge positions as of May 25, 2017, if any of the temporary bankruptcy judges in Delaware leaves the bench, that position will not be filled and, ultimately, Delaware could be left with one bankruptcy judge.

Ben Strauss also spoke in favor of the Resolution. (Mary Akhimien was prepared to speak in favor but, together with other speakers, waived the opportunity to do so.) The Resolution passed on a voice vote, with no apparent opposition. Key now will be lobbying efforts on Capitol Hill. I respectfully ask that you contact members of Delaware’s Congressional Delegation to urge their support of the amending legislation.

For the complete description of matters that came before the House, please see www.americanbar.org.

**Membership in the ABA**

As always, if you are not currently a member of the ABA, please consider joining (or re-joining). Through its Sections, Divisions, and Forums, the Association provides valuable content, leadership opportunities, and networking. Most significantly, you will forge enjoyable, life-long relationships.

ABA members also can take advantage of numerous product and services discounts as well as other benefits.

Once you are a member of an ABA Section, Division, or Forum, you may join for free one or more committees within these groups and one or more subcommittees within the committees. Those committees and subcommittees are welcoming and empowering “homes” for law students, lawyers, and judge members throughout the world.

For the complete list of offerings, please see www.americanbar.org.

**Next Meeting of the House of Delegates**

The ABA House of Delegates will next meet on August 14-15, 2017 during the 2017 ABA Annual Meeting. In the meantime, if you have any questions or concerns, please contact me at wjohnston@ycst.com or (302) 571-6679.

It continues to be my privilege and pleasure to serve as State Delegate from Delaware.

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**Bill Johnston** is a partner with Young Conaway Stargatt & Taylor, LLP. He is a Past President of the Delaware State Bar Association and serves in the ABA House of Delegates as State Delegate from Delaware, representing all of the ABA members in Delaware. Also, as State Delegate, he is a member of the Nominating Committee of the American Bar Association.
The 2017 Blue-Gold High School All-Star Basketball Games

By Lawrance Spiller Kimmel, Esquire
Chairman, Blue-Gold Board of Trustees

ow in its 19th year, the Blue-Gold All-Star Basketball Games, which benefits Best Buddies Delaware, will be held at the University of Delaware’s Bob Carpenter Center on March 18, 2017. Best Buddies was founded in 1989 by Anthony Kennedy Shriver to benefit children with disabilities. Today, Best Buddies programs are conducted internationally and continue to positively impact the lives of people with and without intellectual developmental disabilities (IDD). Best Buddies Delaware includes almost 1,000 participants in sixteen total chapters throughout the state in middle schools, high schools, and universities.

The Games, which were founded in 1999 by my dad, Morton Kimmel, have come a long way in the last two decades. At the 2016 Blue-Gold Basketball Games, 60 of the best male and female high school basketball players in the state competed before a crowd of more than 4,000 at the University of Delaware’s Bob Carpenter Center. Several Streetballer legends, who are known for their amazing tricks, slam dunks, and dribbling, signed autographs at a VIP Reception and played in the Streetballers vs. Sponsors game. The event raised over $100,000 for Best Buddies Delaware, bringing our total over $2,000,000 raised for Delaware charities since the first Games.

The 19th annual Blue-Gold All-Star Basketball Games promise to be just as exciting. Scheduled for Saturday, March 18, 2017, the Games start with another VIP Reception luncheon, followed by the Girls’ game tip-off at 1:00 p.m., then a brand-new “Band-Fest” featuring four high school bands from across the state. The event will conclude with the Boys’ game starting at 3:30 p.m. We are also very happy to announce that NBC10 reporter Tim Furlong will be emceeing again this year.

Blue-Gold Basketball would not be what it is today without support from the Delaware legal community. Through sponsorships and donations, attorneys contribute extensively to the total amount raised at the Games every year. Many lawyers have also played on the sponsors’ team in the annual Celebrity Sponsors Game, including McCarter & English Chairman Mike Kelly, Young & McNelis founding partner Jeff Young, and Drew Dalton of Dalton & Associates. Superior Court Judge Jane Brady has coached the sponsors’ team every year since the tradition began.

Along with the tremendous support we have received from the legal community, my father and I are lucky to be joined in our passion for Blue-Gold Basketball by a board that includes Former Vice President Joseph R. Biden, Jr., Governor John Carney, Former Governor Jack Markell, Attorney General Matt Denn, U.S. Senators Tom Carper and Chris Coons, and Delaware State University President Dr. Harry Lee Williams, among other prominent Delawareans. Blue-Gold Basketball also relies on the Best Buddies staff and more than 200 police officers, high school coaches, local business people, students, and Best Buddies participants who volunteer their time every year to make sure the Games run smoothly.

With so many people behind the Games, Blue-Gold Basketball has become a vital source of annual funding for Best Buddies Delaware, supporting the nonprofit’s mission to enhance the lives of individuals with intellectual and developmental disabilities through one-to-one friendships. Every year, four high school students who are Best Buddies participants are also invited to attend all of the Blue-Gold Basketball related events as honorary “coaches,” and many more buddies enjoy attending and volunteering at the Games.

The Blue-Gold Basketball board is committed to ensuring that the Games are an equally positive force for the Delaware high school basketball community. We invite a large number of college coaches to the Games each year partly because we believe that Blue-Gold Basketball has the potential to help the student athletes grow not only as players, but also as students and citizens. Unfortunately, in 2015, the NCAA instated a rule that prohibits Division I coaches from attending high school all-star games during the academic year. Although our players will not have the opportunity to be seen by Division I coaches, we are fortunate to have many Division II and III coaches attend the games. We are proud of the fact that over the years, a number of all-star team members have received scholarships and have made the decision to attend college specifically due to recruiting on game day. We would also like to thank UD Men’s Basketball head coach Martin Inglesby and UD Women’s Basketball head coach Tina Martin for the use of their facilities and their continued support of the Games.

The student athletes and Best Buddies coaches are invited to attend a series of meetings with civic and business leaders in the week leading up to the Games. On Wednesday, March 14, the students will attend a Superior Court presentation led by Judge Robert Young, followed by a lunch with Attorney General Matt Denn, and introduce themselves during a live House of Representatives session at Legislative Hall. At the end of the day, the group will meet and take individual
photographs with Governor Carney. More Delaware leaders will speak at the all-star game practices, including Superior Court Judge Vivian Medinilla, orthopaedic surgeon Dr. Eric Johnson, cardiac surgeon Dr. Ray Blackwell, Wilmington City Treasurer Velda Jones-Potter, and others. The Blue-Gold Basketball banquet will take place on March 16 at Del Tech, where the student athletes and Best Buddies participants will be honored in front of an expected crowd of more than 600 people.

The Blue-Gold Basketball Games are always good basketball, but more importantly, they make a huge difference in the lives of children and adults with intellectual and developmental disabilities, as well as the student athletes. Please feel free to join us at one or all of this year’s events — the full schedule and tickets are available at www.bestbuddiesdelaware.org. If you would like to volunteer or make a contribution, please contact Best Buddies Area Director Tom Waite at (302) 691-3187 or at TomWaite@bestbuddies.org. Together, I know we can make 2017 the best year for Blue-Gold Basketball yet.

ataxophobia

n. fear of disorder or untidiness

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A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

Stamina + Success = Wellness

Today, J. Doe, Esquire is a happy, successful lawyer. J. enjoys a modest income, spends time with his friends, and enjoys good food, music, and sports. Bottom line, J., the lawyer, is experiencing a balanced lifestyle. Not so long ago, however, J. struggled with stress, anger, isolation, and negativity. He even questioned whether or not the legal profession was the profession for him.

Lawyers are very busy people. For too many lawyers, working 24/7 is almost a sense of self-importance or bragging rights. While for others, the time pressures, work overload, and inadequate time for themselves, as well as their families and friends, can lead to burnout or worse. It takes fitness and renewed stamina to be a happy, successful attorney and person. Fitness means not just fitness of legal and business expertise, but also those qualities of physical, mental, and spiritual health that enables an individual to carry out his or her responsibilities. Accordingly, stamina, as well as a healthy attitude, is not obtainable by working 24/7 throughout one’s professional life. Conversely, a balanced, meaningful lifestyle is more conducive to long-term energy, wellness and ongoing high performance and success.

Why Wellness?

Evidence supports that hard work is good for the mind, body and soul. In the legal profession, however, the boundaries separating one’s professional and personal life have changed drastically. Today, lawyers contend with time pressures, work overload, billable hours, and inadequate time for a personal life. Long-term, this is unhealthy. In fact, more popular than ever is the use of the catchphrase “body, mind, and spirit” to describe an integrated mode for well-being:

They suggest that each part needs to be individually nurtured, but not at the expense of any other part. If we neglect any aspect of this model, the model itself becomes stunted. When the model is stunted, we often experience that constriction as life being out of balance. Over a prolonged period of time, this imbalance shows up in our bodies as illness, and when illness is sufficiently severe, we pay attention. The quality of attention we pay can have profound effect on future health.

Therefore, wellness, or well-being, is a dynamic process of becoming aware of and making conscious choices toward a more balanced and healthy lifestyle. For example, J. decided to look in the mirror and he saw a man that was a successful attorney; but in his personal life he experienced isolation and loneliness. Yes, J. had an expensive house, expensive cars, and collected “stuff” — but did not have a meaningful personal life. Wellness includes learning new coping and communication skills that address both the positive and negative aspects of your life.

Most of us strive for balance and total wellness in our life, but often fall short. In fact, we want to take responsibility and be good stewards — both personally in regard to our own physical, emotional

THE SEVEN DIMENSIONS OF WELLNESS

- **Social wellness**: Creating and maintaining healthy relationships.
- **Physical wellness**: Having a fit body.
- **Emotional wellness**: Creating and maintaining a positive realistic self-concept and enthusiasm about life.
- **Career wellness**: Making choices that are meaningful and contribute to your personal growth as well as work.
- **Intellectual wellness**: Using your mind to create a greater understanding of yourself and the universe.
- **Environmental wellness**: Making choices to create sustainable human and ecological communities, improving qualities in air, water, land, and space.
- **Spiritual wellness**: Engaging in the process of “experiencing life” while seeking meaning and purpose in human existence. Spirituality allows one to have consistency between values and behaviors.
and mental well-being, as well as professionally. However, for some, we cannot consistently implement the transformation steps alone. Plus, who wants to do it alone?

Why Group Support?

Many individuals, including lawyers and judges, turn to self-help groups while facing life challenges and/or to implement change in their life. In fact, most self-help groups can help people let go of the least effective characteristics of their personality and coping styles and make room for more workable behaviors and self-core techniques.

Self-help groups are a safe, welcome place where an individual can find social support. Many people feel alone or isolated in their attempts to confront problems or make changes in their lives. A self-help group offers insight and support from others as to how you can accept and work through life challenges or changes. In other words, as group members share their stories, concerns, and issues — others may gain a perspective on their own problems. Group members may share new research articles, books, or other developments with members. Also, professionals may be invited to speak — offering new perspectives on managing a problem or changing.

Finding a Solution

Rather than just writing about wellness, while using both the concept of wellness and that of a support group, the Delaware Lawyers Assistance Program has expanded to include the Wellness Factor. This expansion, partnering with the DSBA, is developing supplemental workshops such as an upcoming Breakfast Mindfulness Club for lawyers and new wellness workshops on stress management and how to implement and maintain a blueprint for your personal wellness plan for renewed stamina and success.

So, pencil yourself in now — start designing, planning, and implementing your Wellness Plan. Attend our new workshops if you want coaching or assistance because:

- You work too many hours;
- You look in the mirror and believe that you could easily be cast for the movie “Zombies”;
- You believe that your most meaningful relationship is with the corner deli restaurant;
- You wonder why certain hours are called “rush hours” because you believe every hour is rush hour;
- You think people who do only three things at once are lazy;
- You love the weekends and holidays because you can work while no one bothers you; or
- You are like J. and want a more balanced life.

Remember, a balanced life for anyone, even lawyers, is possible. The book Lawyer Wellness Is Not an Oxymoron: Why Tomorrow’s Top Lawyers Must Embrace Wellness Today — And What You Need To Do To Be One of Them by Andy Clark will be one of the guides in DE-LAP’s workshops. Go to www.de-lap.org and sign up for upcoming information.

And, if you want more information on this topic, or other topics that affect your quality of life and/or quality of professionalism — go to www.de-lap.org or call our confidential line (302) 777-0124 or e-mail cwaldhauser@de-lap.org

Healthy and happy lawyers make for a healthy and happy profession. We do together what you need not do alone. DE-LAP is a free, confidential, non-judgmental program for you!

Carol P. Waldhauser is the Executive Director of the Delaware Lawyers Assistance Program and can be reached at cwaldhauser@de-lap.org.

REFERENCES

2. University of Wisconsin – Stevens Point School of Health Promotion and Human Development. Created by R.A. Abbott, Ph.D. and J. Jones Ph.D. for increasing awareness and use as an educational tool.
As a member of the baby boomer generation, I am keenly aware of the vitality of my generation and the positive outlook most of us have about the many years ahead of us. I just read an article entitled, “More Women in Their 60s and 70s Are Having ‘Way Too Much Fun’ to Retire” in The New York Times about how the arc of women’s working lives is changing. It got me thinking about all the Delaware lawyers of a certain age, both men and women, who have approached me lately to talk about the next step in their post-middle age years of working as a lawyer. A lot of these lawyers want to start their own law firms.

The reasons for transitions such as these are countless. Carol Waldhauser, Executive Director of the Delaware Lawyers Assistance Program, has been running monthly transitioning workshops for months. These workshops can have 40 in attendance and most of the attendees want to stay in the law. They just want a change. Some of the lawyers are mandated by retirement deadlines at their law firms to leave their current positions. Some are choosing to keep active in their later years, but not at the same frenetic pace — with fewer clients. Some are opening small offices for other firms here in Delaware. Some simply want to volunteer time to help those unable to afford legal help and also keep in touch with the law. A small practice is the way to go.

The older new solo practitioner can bring wisdom and experience to the client as well as to his or her peers. These attorneys can afford to be optimistic about the future since they have such a great base of experience. Their credentials are first-rate; they probably have great financial stability; and they offer valuable connections in the legal community.

Do you like to be intellectually challenged? If so, then starting a solo firm after years of working for someone else, can be super intellectually challenging. How many professions are there where you can learn something new every day? In law, you are constantly learning. The law also gives you a sense of purpose which is important for a life well lived. And the business of starting a practice will most certainly add focus and interest to your life!

I read a quote in an April 29, 2014 article, “This Lawyer Rediscovered Herself and Her Career at 60,” in The Huffington Post, about a lawyer who was downsized by her employer, an insurance company. She discovered a satisfying new career in a different kind of law. “The only life it changed was her own, but that’s the point: we don’t have to aim any higher than our own happiness, our own equanimity, to be successful in the reinvention process that many of us are called to at this stage in our lives.” This quote says it all. You do not have to aim any higher than your own happiness. Find a niche that works for you and build around it.

Sure, solo practitioners, young and old, have many challenges, but the rewards are countless. For the vital older lawyer, one-on-one relationships offered in a solo or small practice can provide a kinship for lawyer and client. The solo and small firm practitioners in this small state provide a close, symbiotic community of attorneys who enjoy each other’s company and who appreciate the eclectic di-

By Alison W. Macindoe
There is unharnessed potential in baby boomers and their older peers. The field of law can only improve because of the enthusiasm, knowledge, and vitality of this generation.

versity of that community. The members of this community rely on each other for referrals, information, and support.

A lot of the above might be overgeneralization. But, hey, life is change for everyone. It is not easy making changes, but it can be invigorating and exciting and satisfying. You graduated from high school, then college, then law school. Have kids? Married? Change can be thrust upon you. But for the older attorneys, this can be the time when you can make your own change and keep your passion for the law. We are creatures of habit, so make this transition from middle age to senior the perfect opportunity to create another chapter in your life. It is the same book, but you are moving forward.

Make your own life. Aim for your own happiness! As Shel Silverstein wrote in Where the Sidewalk Ends, “But all the magic I have known, I’ve had to make myself.” The sidewalk does not have to end with complete retirement. It can open to fields of new opportunities in the law. There is unharnessed potential in baby boomers and their older peers. The field of law can only improve because of the enthusiasm, knowledge, and vitality of this generation.

And, remember that DSBA’s LOMAP is here for you for many of your changes! Good luck! 😊

Alison W. Macindoe is the Director of the Law Office Management Assistance Program for the DSBA. She can be reached at amacindoe@dsba.org.
The Right Ideas

Laws of Creation: Property Rights in the World of Ideas

By Ronald A. Cass and Keith N. Hylton (Harvard Univ. Press, 2013)

Ideas are ephemeral things. They have no substance. Yet, we routinely use the term intellectual “property” when referring to patents, copyrights, trademarks, and trade secrets, even though, unlike real and personal property, intellectual “property” is intangible. In Laws of Creation: Property Rights in the World of Ideas, Dean Emeritus Ronald A. Cass and Professor Keith N. Hylton write to defend intellectual property as a type of “property.” They fear that too many in the academic world are attacking the concept of intellectual property rights, and so write in explanation and defense of why a property rights approach makes the most sense when it comes to these ephemeral things.

They begin their defense with a little known quote and a little known fact on the virtues of property. Arthur Young, an Englishman travelling through France in the 1780s, observed:

Give a man the secure possession of a bleak rock, and he will turn it into a garden; give him a nine years’ lease of a garden, and he will convert it into a desert...The magic of property turns sand into gold.

Messrs. Cass and Hylton also point out that at the end of the Soviet Union, “the small amount of land available for individual farmers to produce goods for their own account — less than three percent of the land used for agriculture — generated more than half the produce consumed in the nation.” The experience of the Soviet Union proves Young’s point — give someone secure property rights and they will produce goods. Give them insecure or non-existent property rights, and they will produce nothing (or nearly nothing).

With the foregoing background in mind, Cass and Hylton proceed with an overview of patent, copyright, trademark, and trade secret law. The law governing each regime is different, but as Cass and Hylton demonstrate, each regime is dealing with different concerns and trying to balance difference costs, incentives, and benefits. For example, the protection afforded a patent is twenty years from the date of the patent application, while copyright offers protection for the life of the author plus seventy-five years. Why this difference? In part, Cass and Hylton suggest that the ease of copying with today’s technology accounts for the ever-lengthening period of time for copyright protection, while, with patents, the ability to copy is less of an issue as to term length.

The authors also discuss injunctive relief, compulsory licensing, and other issues affecting modern intellectual property law. With respect to injunctive relief, historically, if one proved patent infringement, one was presumptively entitled to such relief. Thus, when Blackberry was found to have infringed on certain patents, injunctive relief was granted which would have shut down all Blackberry usage. The injunction was stayed during settlement talks, and the case ultimately settled, albeit with Blackberry paying an amount almost twenty times the amount determined by the judge to represent reasonable royalties.

Shortly after the Blackberry case, the Supreme Court eliminated the presumption in favor of injunctive relief and held that successful patent plaintiffs would need to meet the same standards for injunctive relief as other successful plaintiffs, rather than receive injunctive relief automatically (or nearly so).

The concept of fair use and copyrights is also discussed, as is the issue of derivative works. When the publisher of a book on trivia about the TV show Seinfeld was sued for copyright infringement, the publisher claimed that the book simply took “facts” from the show and created a question-and-answer format, with no copying from the show and therefore,
no infringement. The court was not impressed, observing that the “facts” were themselves fictional creations and part of what was protected by copyright. Conversely, when the copyright holder for Gone With the Wind sought to enjoin publication of The Wind Done Gone, a work which told the story of the Civil War and a plantation family through the eyes of the slaves, injunctive relief was denied and the appeals court held that the newer work was a fair use of elements of Gone With the Wind.

Following their overview of the four main intellectual property right regimes, the authors turn to international considerations, treaties, and conventions. How and why do countries respect intellectual property rights arising in other parts of the globe? Why should countries do so?

The authors also examine antitrust issues arising in the intellectual property context. What happens when a patent holder, by virtue of the patent, obtains monopoly power in a market? Or, if the patent holder attempts to use the patent to obtain a monopoly in a related market, by tying use of the patent to a requirement to buy other goods?

Finally, Messrs. Cass and Hylton address various criticisms levelled at current intellectual property structures and suggest revisions and changes which the courts or Congress may wish to consider.

Laws of Creation is not intended as a treatise or to provide answers to all of the various questions surrounding modern intellectual property law. Rather, it provides a basic overview of the law and those issues; but, more importantly, it is intended to defend the concept of “property,” and, more specifically, the concept of intellectual “property.” In their concluding paragraphs, Messrs. Case and Hylton explain:

In looking at the range of intellectual property rules currently in place in advanced economies, and especially in the United States, we have made the case that a property-focused approach best addresses the trade-offs associated with any change in the scope of protection....

Obviously, the existing rules are not perfect; the careful reader will note that we have been less than Panglossian in our outlook. But, admitting that the current framework is imperfect still leaves us far away from those engaged in a broad-based assault on fundamental proposition that support intellectual property....

Our intellectual property laws have helped to create a society that is wealthier by virtually every conceivable measure than those of alternative legal regimes. To maintain the benefits of our laws for future generations, we should try to understand why they have worked. Freedom is a worthy goal, but making what others create and nurture “free” can be the most expensive change.

The authors begin their book with a quote about the magic of property turning sand into gold. By the end of their book, they have demonstrated the magic of intellectual “property” and why making something “free,” may instead make it much more expensive.

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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IN MEMORIAM

The Honorable David P. Buckson
1920 - 2017
By Thomas D. Whittington Jr., Esquire

As I read through the newspapers which had accumulated at home during my stay in Vermont, I came across a small notice that Dave Buckson, a former Delaware Attorney General, judge, and short-term Governor, had passed away at 96. I was struck by the very little notice his passing generated in the upstate press. My search for articles in the papers and online generated an interesting burst of nostalgia and caused me to reflect on the fact that at 74, I would be one of the few folks who knew Dave from his time as a private attorney to his “retirement” as a judge. I was admitted to the Bar in 1971 shortly after Dave finished his second term as Attorney General. This is a rework of a note I sent to legal and political friends and is not written as an obituary or the story of Dave’s life; rather, it is a reflection on the man that I knew and how he fit into my Delaware. For a more factual family-oriented recitation of his accomplishments, I recommend the story in the January 18, 2017 edition of the Delaware State News.

My interest in politics and the law was in part instilled by knowing Dave Buckson. Dave was perhaps the first attorney and politician whom I knew personally — which in part explains my interesting slant on the legal profession and politicians.

Dave, who my father thought of as a “War Hero” because he survived the war in the Pacific and returned a Major, was our family attorney. I first became aware of him in 1952 when I was nine and he represented my parents in a right-of-way dispute. My grandparents owned a farm near Bear with a right-of-way through land owned by Richard Cann McMullen (An American manufacturer and politician from Wilmington, a member of the Democratic Party who served as Governor of Delaware, and founder of Allied Kid. McMullen died in 1944.) My grandfather was active in the Democrat Party and I suspect that helped him get along with Governor McMullen. McMullen had three children, Laura, Richard, and Florence. It is my recollection that he left each child a farm. My father purchased his parents’ farm and Governor McMullen left the farm, burdened with my grandfather’s right-of-way to daughter Laura McMullen Whitfield. The children did not get along as well as the parents and, at some point, a dispute arose between my parents and Mrs. Whitfield about what we thought of as our driveway — from the perspective of my 9 years of age I thought that Mrs. Whitfield was a not a nice person; however, I now suspect that Dad contributed to the problem as over the years, he continually widened and improved the drive. Mrs. Whitfield reasonably wanted him to put the drive back to the original dimensions plus tried to close it entirely because it was no longer a right-of-way by virtue of necessity through her property. Dave worked out the issues and the driveway is in place today.

One of Dave’s signature achievements was Dover Downs. Dave and Dad talked about Dad buying two of the farms on or near where Dover Downs is located, but the business gurus at Wilmington Trust thought that the location was poor and discouraged Dad from getting involved. It is a credit to Dave’s personality and the merit of the idea that he was able to convince a political crony, John Rollins, to bankroll the idea.

Dave had the type of memory that Joe Biden does for names and faces. Dave literally seemed to know everyone in Delaware. I once asked him how he could remember the names of so many people and he responded that he would look at the person’s face as he and the person were squaring up to shake hands and go through the alphabet until he came up with the correct name. During the Celebration of Dave’s Life, one of his law partners confirmed that Dave told him the same story… and agreed that, like me, he could not make it work.

Dave was the first person to serve two terms as Delaware’s Attorney General. He was in office when the Attorney General became head of the “Department of Justice” in 1969. Little has been said of the difficulties in moving the Office to a Department and ending the practice of legal patronage. When Rich
LITIGATION ATTORNEY: The Wilmington office of White and Williams LLP, a large multi-practice law firm, is moving to new expanded offices at Courthouse Square. The office is seeking a litigation associate with 1-4 years of experience to work on cases in the areas of healthcare, professional liability and tort defense, including asbestos and product liability matters. Delaware Bar admission required along with excellent writing skills and academic credentials. We offer a competitive salary, an excellent benefits package and the opportunity for professional growth. Great opportunity to join a growing and busy team in newly renovated office space. Please email resume and cover letter to: Shannon Burgess at burgesss@whiteandwilliams.com.

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In Memoriam (continued from page 31)

Gebelein and I went to work for Laird Stabler in 1971, the process of replacing private attorneys was still ongoing. Attorney General in Delaware is a constitutional office, but it did not become a significant force in the life of Delaware until the Department was established during Dave’s tenure.

Dave was a great story teller, but also a great subject for stories. He was very involved in, perhaps obsessed even, with harness racing. On one occasion, my father and I were at the races and ran into Dave. Dad was always looking for “inside information” and asked Dave to tell him what was the safest bet with the longest odds. Dave took Dad’s Racing Form and quickly marked a horse in almost every race. He said there was no guarantee, but “these look good to me.” I expressed concern that the races were fixed if he could so easily name a winner or near winner in almost every race. He then focused on me with that quizzical look he would shower on people that he thought were confused and said, “Not at all, I know these folks!” grabbed the form out of Dad’s hand and proceeded to go through the races, commenting on the characteristics and capabilities of every horse, every driver, and from time to time commenting on their equipment. Dad got him stopped at about the end of the third race, but it was clear that Dave knew the strong and weak points of every driver, every horse, and understood how those characteristics would determine the winner. I was also left with the distinct impression that Dave liked the horses better than the drivers.

Dave was on a high in 1991, when at the age of 71 and while serving as a judge, he won the prestigious Billings Classic Amateur Driving Championship. Unfortunately, but characteristically, Dave’s next public chapter was a run-in with the Court on the Judiciary when he may have announced he was running for Governor after his term as a Family Court Judge was completed, but while he was still in hold-over status. After an interesting and vigorous contest, the Court found that Judge Buckson, his hold-over status notwithstanding, was engaged in prohibited political activity of a continuing nature. I am not sure what they saw as “prohibited status,” but it is my view that Dave was engaged in political activity from about the first grade on. The Court removed him from his judicial office on April 30, 1992, but did not impose any forfeiture of entitlements that existed prior to its order. Politics aside, he continued as a harness racing driver until the age of 75 when he gracefully retired.

Dave passed away on January 17, 2017, and I suspect is currently in negotiation to commence harness racing between the underworld and the pearly gates.
A few weeks ago, I made a rare purchase — a quart of buttermilk for a batch of pancakes. What better way to escape the winter doldrums than with a short stack of pancakes? The tangy milk created a fluffy pancake when it interacted with the baking soda, yet it left me wondering what to do with the rest of the quart. After some brainstorming and research, I came up with a meal that not only polished off the buttermilk, but also incorporated some March ingredients.

**Buttermilk or Bust!**

**Tangy Roasted Chicken with an Early Spring Salad**

**For the Chicken:**
- 4 skin-on and bone-in split chicken breasts (try D’Artagnan’s air chilled chicken from Amish and Mennonite farms)
- 1 1/2 cup buttermilk
- Fresh ground pepper
- 1/2 cup panko bread crumbs

Place the chicken in a large plastic food storage bag and add the buttermilk and some fresh ground pepper. Move the chicken around to ensure that it is coated with buttermilk. Refrigerate for a couple of hours.

When ready to cook, preheat the oven to 400 degrees. Mix the breadcrumbs and dried herbs in a bowl. (I always prefer fresh herbs; however, in this case, the dried herbs make for a better coating). Remove a piece of chicken from the bag and shake off the excess buttermilk. Dip the skin side of the chicken in the bread crumb mixture and place it in a baking dish skin side up. Repeat with the other pieces.

Season the chicken with salt and pepper and sprinkle with sumac, the lovely red spice that adds a subtle lemony flavor. Bake for about 40 minutes or until the chicken is cooked. Serve alongside the salad below.

**For the Salad:**
- 1 small fennel bulb, very thinly sliced
- 1/4 radicchio head, sliced in strips
- 1 1/2 cup buttermilk
- 2 teaspoons fresh lemon juice
- 1 teaspoon grated lemon zest
- 1 teaspoon rice wine vinegar
- 1 tablespoon chives, finely chopped
- 3 tablespoons extra virgin olive oil
- Sea salt
- Fresh ground pepper
- Marcona almonds

In a salad bowl, place the fennel slices and radicchio. In another bowl, whisk the buttermilk, lemon juice, lemon zest, rice wine vinegar, and chives. While whisking, slowly pour in the olive oil. Then season with salt and pepper. Drizzle over the greens and toss with Marcona almonds.

**Potato Leek Soup**

**Ingredients:**
- 3 leeks, cleaned and sliced up to the dark green section
- 3 tablespoons salted butter
- 2 large Yukon gold potatoes, peeled and chopped
- 1 quart chicken stock
- 2/3 cup whole milk
- 2/3 cup buttermilk
- Sea salt
- Fresh ground pepper
- Fresh chives, chopped

Melt the butter in a large pot over medium low heat. Add the leeks and cook until tender, stirring occasionally. This will take about 20 minutes. Add the potatoes and chicken stock and bring to a boil. Then simmer until you can put a fork through a piece of potato.

Turn off the heat and let cool for a bit. Using a hand blender, or what I call a “wand”, puree the chunky mixture until smooth. Stir in the milk and buttermilk and season with salt and pepper. Either put the soup back on the heat and serve hot, or chill and serve cold. Either way, sprinkle with chives before serving.

By now, you should be at the bottom of your buttermilk...so, bon appetit! 🍴
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Morris James LLP is pleased to announce

**Adam C. Gerber**

has joined the firm as an associate in its

**Tax, Estates and Business Practice**

Adam C. Gerber’s practice focuses primarily on estate planning and administration, elder law, and business matters. Practice chair, Bruce W. Tigani, notes “We are delighted to welcome Adam and his broad-based, state-wide practice to our group.” Prior to joining Morris James, Adam has practiced since 2005 in the areas of estate planning, real estate, and civil litigation including trust and estate litigation.

He began his career clerking in the Superior Court, Kent County, Delaware. Mr. Gerber graduated *cum laude* from Villanova University School of Law in 2004, and received his B.A. from Wheaton College in 2000. Mr. Gerber was admitted to practice law in Delaware in 2005 and the U.S. District Court, District of Delaware in 2006. He can be reached at 302-888-6870 or agerber@morrisjames.com.