The Delaware State Bar Association gratefully recognizes Delaware State Bar Insurance Services, Inc. (DSBIS) as the Sponsor of the 2017 Bench and Bar Conference on June 9, 2017.

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n a couple of weeks, we will be celebrating Memorial Day, which incidentally has more meaning than just an extra Monday off to springboard us into summer. Memorial Day commemorates people who died while serving in our armed forces. Following the Civil War, both the north and the south would celebrate their fallen soldiers on different days. While both sides fought hard to protect the America that they believed in, obviously their visions clashed, which resulted in a bloody and horrible war. Even post-civil war, each side honored their heroes separately. Memorial Day was actually created to merge the once separate commemoration days of the lost union and confederate soldiers into one day.

The title of this article comes from the last few words of our Pledge of Allegiance that many of us recited on a daily basis in elementary school. These were words that we stumbled over in our early years, but became rote as we repeated them over and over. I am afraid we have forgotten what they actually mean.

Indivisible is an interesting word. In a math context it refers to a number than cannot be broken down by another number. In a social context, however, it means that no outside forces can divide a common bond. Within the Pledge of Allegiance, it is a pledge that no matter what we face as an established country, we will carry on with a united front. Interestingly enough, the Pledge of Allegiance was composed by Francis Bellamy in 1892, post-civil war. We understand that we will not always agree on politics, policy, religion or many other subjects. What is vital is that we agree that no matter our disagreements, our strength is in our unity. We can agree to disagree. When our disagreements become larger than our collective vision, we become vulnerable.

Liberty is an important American concept. America has one of the most expansive constitutions granting liberty to its citizens. I am grateful beyond words to live in the United States of America and daily take advantage of the liberty that has been given to me. I still must understand that my liberty is not limitless and that my liberty ends where it infringes on someone else’s liberty. I do not have complete carte blanche to live my life with reckless abandon and expect no repercussions or consequences for my actions. That being said, how privileged are we to live under the liberties that we enjoy every day of our lives? To fully understand the liberty under which we live, you have to travel to areas of the world that do not share the same emphasis on liberty for all to comprehend how oppressed people can be.

Now to the concept that is vital to every one of us — justice. Justice is simply fairness. Justice is not always winning (there is no constitutional guarantee of that). We have an excellent judicial system in which fairness is the priority. All Americans have the right to the Court system and the right to be heard. To further this concept, fact finders are
a jury of peers in many cases, not just one individual (with one set of biases and pre-conceived perceptions). Where inequality of justice may lie in some instances is in the ability to retain competent representation due to economic reasons. However, even then, especially in Delaware, our judges are compassionate and mindful of that inequality. Further, although grossly underfunded, we have three excellent agencies with a passion for representing those who do not have the resources to retain attorneys: Community Legal Aid Society (CLASI), Delaware Volunteer Legal Services, Inc. (DVLS), and Legal Services Corporation of Delaware.

I would be remiss if I did not pause to reflect on the sacrifices of our armed service members who have given so much so that we can enjoy the liberty and justice we have so easily received and take for granted every day of our lives. We pause to remember them and honor them individually and collectively. Without their courageous and continued efforts, the United States of America would have fallen years ago.

Even though I cannot serve at this point in my life in the military, I am not powerless. I resolve that I will have an indivisible mindset. Even though I may not agree with decisions that are made on a state or federal level, the unity of my nation and community is more important than my opinion. Further, I can promote liberty and justice for all daily. Memorial Day is not just an excuse to wear white. We can reflect on the sacrifice of those who paid the ultimate price for our freedom and to live to promote it for the next generation.

Miranda “Mindy” Clifton has graduated from every college and university in the state of Delaware beginning with the letter “W” including Wesley (BS), Widener (JD) and Wilmington University (MBA). She is the current President of the Delaware State Bar Association. She has recently moved back to Dover to practice at Young & McNeelis and continues to represent clients in all three counties. Mindy is also an adjunct professor in Wilmington University’s Graduate Business program. She can be reached at mclifton@youngandmcneelis.com.

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EDITOR’S PERSPECTIVE

By Jason C. Powell, Esquire

THANK YOU, LORD, FOR WHAT YOU’VE DONE FOR ME.
THANK YOU, LORD, FOR WHAT YOU’RE DOING NOW.
THANK YOU, LORD, FOR EV’RY LITTLE THING, YEAH!
THANK YOU, LORD, FOR YOU MAKE ME SING.

— BOB MARLEY

It seems only fitting that I begin this column with a quote from Bob Marley as I write this overlooking the ocean from the south coast of where else — Jamaica. Born in Jamaica, Marley is the country’s proudest export and one of the greatest musicians of all time. It is a little-known fact that he and his wife, Rita, moved to Wilmington in 1966 and lived mere blocks from my current law office. Marley worked at the Chrysler plant in Newark, while his wife raised their young children in the “Mid-Town Brandywine” neighborhood in the shadow of Wilmington’s corporate center. The Marleys returned to Jamaica and his musical career took off, first in Jamaica and then on to worldwide acclaim. He wrote “Thank You” after his first number one hit in Jamaica, and his gratitude continued as he went on to sell millions of records and scored many hits. When I planned this trip, I could have booked a “Bob Marley tour and lunch” for $75.00 per person. These types of excursions are typical of the many Caribbean resorts that provide all-inclusive services. That is not the type of vacation we chose. Instead of the safe and reliable resort, my family opted for an adventure miles and miles from the nearest manicured lawn.

We are 65 bumpy miles from the airport, at a house on Treasure Beach. What would take an hour on I-95 can take more than three hours here. It takes that long to navigate potholes large enough to swallow small cars, packs of goats, and an occasional stray cow on the path, and oncoming traffic determined not to share the one-lane road. Our host provided detailed directions and descriptions for the journey. About 90 minutes in, after wondering how much a new set of tires and possibly a new axle would cost, I grinned when I read that the roads ahead were “far more inferior.” The author explained, “[y]ou are now in the country, enjoy.” My family truly was on the road less travelled.

Many times during my legal career, I have journeyed down a road less travelled, despite the obstacles ahead. Too often, prospective clients have suffered a wrong; when you hear their tale of woe, you know they deserve representation, but you are uncertain how to address it. Or, you immediately recognize the time and risk their case will demand. It’s easy to empathize with their plight, but it’s also easier to refer them to other attorneys who may better be able to help them. They may get referred out several times before an attorney takes the case, or the individual gives up trying to find a lawyer.

There are certainly appropriate, if not mandatory, reasons not to accept representation in certain instances — the case lacks merit or it may be outside your practice area, for example. But, if the case is going to be challenging, or novel, it seems more likely that it will be declined. The hope is that the case eventually will be accepted by another attorney who can assist in righting this wrong, on a pro bono basis or otherwise. But, in choosing to accept the case instead of passing it on, there is a distinct possibility that not only will you help someone who desperately needs legal assistance, you may also make it easier for the next attorney to more readily accept and pursue a similar case. I will give you an example.

In law school, I took a class called (I think) State Constitutional Law, taught by Justice Randy J. Holland. I remember Justice Holland commending an attorney in Delaware who crafted a legal argument based on the Delaware Constitution, in aid of a tenant in a dispute with the landlord. I do not remember the exact argument or frankly, the facts. But, what I do clearly remember is being inspired by some unnamed attorney in Delaware who took a novel legal approach to get positive results for his client, and won the acclaim of a renowned Delaware jurist. What’s more lasting though, is that the attorney’s success,

1. “Greatest of all time” lists vary and are always subjective, but see “The Immortals: The First Fifty,” Rolling Stone. Jann Wenner (946) (January 6, 2007).
and how it was achieved, serves now as a template for other attorneys. And maybe because of that, other individuals in similar dire circumstances did not get passed along. Because of that attorney’s work, a subsequent case wasn’t so novel, so difficult, and not so easily dismissed. Novels and Hollywood movies are filled with grand tales of attorneys taking the “road less travelled.” The reward can be great — although you probably should not spend too much time wondering which famous actor will be cast to play you.

A few years back, I took a “tough” case. My clients: devoted parents of a grown son with a disability, who was accused of wrongdoing by a formidable Delaware institution. It was clear to me there was an injustice that needed to be remedied, but how to do it was less than clear. Getting results would not be easy. It took lengthy litigation against excellent and prominent attorneys, and a Chancery Court trial that lasted several days. In the end, a positive outcome was achieved for this young man. His mother hugged me tight and told me I saved her son’s life. The gratitude from my client and his family will stick with me for the rest of my life.

As I sit here in Jamaica, watching my kids chasing lizards on the veranda at our remote house overlooking the ocean, I am thankful we took the “road less travelled” to get here for these lasting memories.

Bar Journal Editor Jason C. Powell is the managing member of The Powell Firm, LLC, in Wilmington, Delaware. He may be reached at jpowell@delawarefirm.com and more information is available at delawarefirm.com.

Report of the Nominating Committee

The Nominating Committee met on March 7, 2017 and nominated the following for officers and membership on the Executive Committee for the year July 1, 2017 to June 30, 2018:

- **Vice President-at-Large:** William Patrick Brady
- **Vice President, New Castle County:** Michael F. McTaggart
- **Secretary:** Kathleen M. Miller
- **Assistant Secretary:** Ian Connor Bifferato
- **Treasurer:** Michael W. Arrington
- **Assistant Treasurer:** Kate Harmon
- **Members-at-Large:** Crystal L. Carey, Charles J. Durante, Reneta L. Green-Streett, Christofer C. Johnson, Francis J. Murphy, Jr., James Darlington Taylor, Jr.

In addition, the Committee nominated:

- Denise Del Giorno Nordheimer to a 4-year term as the Delaware State Bar Association representative to the Delaware Bar Foundation.
- Benjamin Strauss as the Delaware State Bar Association representative to the ABA House of Delegates.
- Mary I. Akhimien as the Delaware State Bar Association Young Lawyer Delegate to the ABA House of Delegates.

This report is being filed pursuant to Section 6.16(e) of the Association bylaws. Section 6.16(f) of the Bylaws of the Association provides:

“All ten members of the Association may nominate other members in good standing of the Association for any office for which nominations have been made by the committee by filing a signed written petition with the Secretary of the Association within ten days after the report of the Committee has been published. If a petition nominating other candidates be duly filed the Secretary shall publish notice, in a Bar Association publication or by any other reasonable means of notification, of the petition with the name(s) of the candidate(s) proposed so that the membership has notice of at least fourteen days prior to the election of the names of all candidates so nominated. There shall be no other nominations.”

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

**ALTERNATIVE DISPUTE RESOLUTION SECTION**

**Co-Chairs**
Suzanne Hill Holly
suzanne_holly@yahoo.com
Ian R. Liston
Wilson Sonsini Goodrich & Rosati
iliston@wsgr.com

**Regular Meeting**
The second Wednesday of each month alternating between 12:00 p.m. and 4:00 p.m. at Wilson Sonsini Goodrich & Rosati, 222 Delaware Avenue, Suite 800, Wilmington, DE.

**Goals**
To advance alternative dispute resolution in Delaware, and to help members deepen their knowledge and skills in that area.

**What Can Members Expect?**
Our meetings are about an hour long. We do try to have an educational portion of the meeting, either by inviting a guest speaker or asking a section member to relate an experience.

**Recent Events**
The Arbitration Training CLE Courses in February, March, and April and three-day Superior Court Mediation Training in March, both at the Delaware State Bar Association.

**Section Membership is a great way to connect at DSBA!**
From Family Law to E-Discovery & Technology to Corporation Law to Environmental Law, there are all sorts of ways to get involved and informed through our 27 sections.

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

David A. White
McCarter & English, LLP
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MEMBER-AT-LARGE

“Being a member of the DSBA is a privilege. I believe Delaware has the best Bar Association in the country and I continue to want to be a part of that. The DSBA gives me an opportunity to share ideas with my professional colleagues and members of the Bench, mentor younger members of the DSBA, and it enables me to participate in excellent CLE opportunities throughout the year.”

Miranda D. Clifton
Young & McNelis
DSBA PRESIDENT

“One of the many reasons I value my DSBA membership is that I love meeting lawyers in different practice areas and learning from their experiences.”

Featured Online CLE of the Month:
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Open Call for Articles!

Do you have a great idea?

For information on submitting articles for publication in the Bar Journal, please contact Rebecca Baird at rbaird@dsba.org.

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

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

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Dennis L. Schrader, Esquire

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

*Certified Practice Monitor

CALENDAR OF EVENTS

May 2017

Wednesday, May 17, 2017
Appraisal: Before & After
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Tuesday, May 23, 2017
Money Stuffed Under the Mattress: A Discussion with the Principals of Sealy Mattress v. Sealy Inc. on Its 30th Anniversary
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Thursday, May 25, 2017
Government and Consumer Law
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Wednesday, May 31, 2017
Arbitration Training and Certification in Probate and Estates
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James, LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

June 2017

Thursday, June 1, 2017
Fundamentals of Civil Litigation
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James, LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Friday, June 9, 2017
Bench and Bar Conference
Chase Center at the Riverfront

Thursday, June 15, 2017
Environmental Law
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James, LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Wednesday, June 21, 2017
Arbitration Training and Certification in Employment Law
Delaware State Bar Association, Wilmington, DE
Webcast to Morris James, LLP, Dover, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Visit www.dsba.org/cle for a complete list of upcoming CLE Seminars.

FOOD TRUCK FRIDAYS
DSBA MEMBER APPRECIATION MONTH
MAY 5 IN NEW CASTLE COUNTY
MAY 12 IN SUSSEX COUNTY
MAY 19 IN KENT COUNTY
SECTION & COMMITTEE MEETINGS

May 2017

Wednesday, May 10, 2017 • 12:00 p.m.
ADR Section Meeting
Wilson Sonsini Goodrich & Rosati, 222 Delaware Avenue, Suite 800, Wilmington, DE

Wednesday, May 10, 2017 • 4:00 p.m.
Real & Personal Property Section Meeting
The Kirsh Law Firm, 910 South Chapel Street, Suite 202, Newark, DE

Thursday, May 18, 2017 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, May 18, 2017 • 4:00 p.m.
Elder Law Section Meeting
Reger Rizzo & Darnall LLP, Brandywine Plaza East, Wilmington, DE

Monday, May 22, 2017 • 12:00 p.m.
Litigation Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Monday, May 22, 2017 • 4:00 p.m.
Taxation Section Meeting
Cooch and Taylor P.A., 3711 Kennett Pike Greenville, DE

Thursday, May 25, 2017 • 4:00 p.m.
Family Law Section Meeting
Bayard, P.A., 222 Delaware Avenue, Suite 900, Wilmington, DE

Tuesday, May 30, 2017 • 12:30 p.m.
Labor & Employment Law Section Meeting
Connolly Gallagher LLP, The Brandywine Building, 1000 North West Street, 14th Floor, Wilmington, DE

June 2017

Monday, June 5, 2017 • 12:30 p.m.
Senior Lawyers Committee Monthly Luncheon Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, June 6, 2017 • 12:00 p.m.
Estate & Trusts Section Meeting
Connolly Gallagher LLP, The Brandywine Building, 1000 North West Street, 14th Floor, Wilmington, DE

Tuesday, June 13, 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, June 14, 2017 • 4:00 p.m.
Real & Personal Property Section Meeting
The Kirsh Law Firm, 910 South Chapel Street, Suite 202, Newark, DE

Thursday, June 15, 2017 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, June 15, 2017 • 4:00 p.m.
Elder Law Section Meeting
Reger Rizzo & Darnall LLP, Brandywine Plaza East, Wilmington, DE

Wednesday, June 21, 2017 • 4:00 p.m.
ADR Section Meeting
Wilson Sonsini Goodrich & Rosati, 222 Delaware Avenue, Suite 800, Wilmington, DE

Monday, June 26, 2017 • 4:00 p.m.
Taxation Section Meeting
Cooch and Taylor P.A., 3711 Kennett Pike, Greenville, 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.
Technology: Meeting the Expectations of the Bench

A Judge’s Perspective: The Honorable Paul R. Wallace

We have been discussing the impact of technology on the Bench and Bar for a number of years. It occurred to us, it would be helpful to share the insights and opinions of members of the Bench. After all, experience demonstrates the understanding and use of technology by the Bar is often driven by the expectations from the Bench.

The Honorable Paul R. Wallace was appointed to the Superior Court in 2013. Before coming to the Bench, Judge Wallace served for more than two decades with Delaware’s Department of Justice, handling cases at every level, state and federal, trial, and appellate.

As a judge, what is it that interests you most about technology and the law?

It is a challenge to referee disputes that regularly have technology-born issues thrown into them. Lawyers are now trying to cope with increasing use of technology in society generally and the complexities it introduces into the law. The law is basically a human interaction discipline and more and more of that interaction involves the use of tools of technology. There are just so many devices used by all of us every minute of every day. So, we as judges are learning how to balance the presentation of cases arising from this interaction. There is an incredible mass of information in our daily lives today. And, it is true that this information now has to be gathered, sifted through, and made presentable in all sorts of court proceedings whether in Superior Court, Chancery, or Family Court — whether criminal or civil. The general public’s expectation is that lawyers and judges are expert communicators and that we will wrangle technology issues to present effective cases and to use courtroom technology to do so.

What is your perception of the trial Bar’s use of technology in the Courtroom and what do you suggest that lawyers do differently?

I think the Bar is generally much further behind than it ought to be. Obviously, there are those who are far better than others; but since there is an expectation that we are communicators, it is unfortunate that the majority of the Bar has not advanced further when it comes to the use of technology. The younger generations have and will grow up with technology in daily use. They’ll expect that how they receive information in the outside world will be mirrored in the courtroom. We’re not even close in too many instances. Other industries — for example business and medicine — are much further advanced. Overall, as a group, we in the law ought to be further along.

If funding were available, what would you consider the best use of the funds in expanding technology in the Courtroom?

While audio technology was really the first to be introduced, the quality of audio technology and its presentation lags far behind. We have very sophisticated recordings being generated all the time that need to be introduced in legal proceedings, such as those from body cameras, surveillance recordings to medical devices, but to get them into the courtroom we are still holding microphones up to laptops. That needs to be addressed because it’s almost embarrassing. I also think greater use of integrated whiteboards would be very effective.

What is your perception of the Bar’s competency in eDiscovery? Has it improved over the last five years and if so, why?

I think it is improving but this is an area where the gap is wide between those few who are expert and the vast majority of us — those who are still learning.

Has eDiscovery become so complicated that it requires a specialty or some form of education more structured than CLE for lawyers to be considered competent?

Yes. The mass of information and the technology issues in gathering, storing, and accessing it has become so complicated,
that it is clear to me this is one area where we will have to have specialized training rather than simply an hour or two of continuing legal education.

What are your thoughts on whether your court should have additional structured education in eDiscovery?

Having a Commissioner available or use of Masters with advanced training in eDiscovery would be ideal. If you have to deal with eDiscovery issues only every few months, it is difficult to recall all of the information that you as a judge had absorbed previously in the last eDiscovery case you dealt with. This is particularly true where the technological advancements are continuing to occur so quickly.

What mistakes have you seen lawyers make when it comes to dealing with technology and why do you think those mistakes are made?

The mistakes I generally see come from a lack of preparation. This is true in eDiscovery, for example, when a lawyer will try to argue an eDiscovery motion without a firm grasp of the technology and the issues. You can’t simply talk your way through it. The same is true in the use of technology in proceedings, where too many times we see attorneys haven’t spent the necessary time to learn how it works and practice in advance.

What do you see on the horizon for lawyers in terms of handling technology and discovery?

I see a massive wave of digital information headed our way very quickly, without the current ability to keep up with it. Simply look at what any device in our pockets can do and store now, compared to what its predecessor did and stored just ten years ago. We need to get ahead of this wave.

How can lawyers enhance their competency in technology?

Lawyers need to spend the time to understand just how much information is being generated by their clients and how it is being accessed. To be competent, a lawyer needs to immerse him or herself so as to ask the right questions when preparing a case and understand what is there. When they know that, their presentation of these issues to the Court will be much more effective.

•     •     •

Our thanks to Judge Wallace for his time and his insights.

Kevin F. Brady is Of Counsel at Redgrave LLP in Washington D.C. and can be reached at kbrady@redgravellp.com.

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

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

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Technology Competence and Basic Information Gathering

By Bruce E. Jameson, Esquire

The mission of the “Basic Skills” working group of the Commission on Law & Technology is to help educate the Delaware Bar on basic technology skills, particularly for solo and small firm practitioners. This article focuses on a fundamental area where legal competence and technology intersect: the gathering of information.

Improvements in technology and, in particular the growth of the internet, have provided lawyers with easy and relatively cheap access to vast amounts of information that were not available to prior generations of lawyers.

The Most Basic Requirement of Competence Is Being Adequately Informed

As a result of the 2013 amendments to the Delaware Lawyers’ Rules of Professional Conduct, comment [8] to Rule 1.1 now states that competence in the practice of law includes having the requisite knowledge to understand “the benefits and risks associated with relevant technology.” Comment [5] to Rule 1.1 provides that “[c]ompetent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation.” In other words, to competently represent a client, a lawyer must first prepare by gathering all relevant factual and legal information using tools generally used by lawyers.

Improvements in technology and, in particular the growth of the internet, have provided lawyers with easy and relatively cheap access to vast amounts of information that were not available to prior generations of lawyers. Historically, lawyers paid significant amounts of money to third-party services for information that is now readily and cheaply available through basic technology. While lawyers can still pay third parties to gather information for them, small matters may not be able to bear the costs of such services, and if the information sought is available directly to the lawyer, and he or she fails to find it, questions may arise regarding the lawyer’s competence.

Basic Information Gathering

Here are some thoughts on basic information gathering with technology.

Google it

Every information gathering project should include a Google search. The amount of information that can be obtained regarding a person, company or matter through a general internet engine search is sometimes staggering. That applies to both factual and legal information. Memoranda, articles, and papers written by other lawyers, but never formally published, often can be located through a general internet search and provide valuable legal analysis in unfamiliar legal areas.

1. “Google” as used here means searching the internet with an internet search engine. I do not mean to suggest that Google® is better than Bing®, Yahoo® or any other search engine. In fact, at times it is useful to run your search using several different search engines as they may yield different results.

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Sometimes a Google search yields too many irrelevant results. If that happens, utilize Google’s advanced search features, which is available under the “settings” tab on a Google search results page. The advanced feature accommodates more complex searches that should yield fewer irrelevant results.

Simple Google searches are also useful before taking on a client. In addition to clearing conflicts, lawyers should consider running a Google search on prospective clients. Such a simple search will sometimes yield information that may cause the lawyer to decline the representation, or to better gauge if the client is being completely candid in disclosing information. "Unworthy" clients are a significant source of malpractice claims against lawyers.

Public Records

Many government repositories of public records now make them available online. The site publicrecords.onlinesearches.com, for example, provides information on the availability of property records, vital records, criminal records, licensing records and similar public records organized by state and permits free searches of many of the available records. Alternatively, you can simply go to the particular government agency’s website directly which you can locate utilizing a Google search.

Social Media

Searching for information on people in Facebook, LinkedIn, and Twitter is a must. Searching on Google+, YouTube, and Instagram is a probably. Searching other sites such as Flickr, Reddit, Snapchat, and others depends on the circumstances. Users often have the option to keep their information private on these sites so that it is available only to people they designate. However, many people often fail to restrict their information. In searching these sites, be careful not to engage in any communication that would violating other Rules of Professional Conduct.3

Business Information

Corporationwiki.com and muckety.com are examples of free sites that can provide insight into the relationships that exist between companies and individuals. For public companies, vast amounts of information are available for free on the SEC website.

Conclusion – Don’t Forget the Basics

Technology provides access to vast amounts of information at little or no cost. Don’t ignore these basic sources of information when conducting your background inquiries.4


Bruce Jameson is a Director at Prickett Jones & Elliott, PA. He can be reached at bejameson@prickett.com.
I know that many Bar Journal readers turn to the Attorney Discipline pages each month in the same way that many of us check out the obituaries in the morning paper. I am certain that we do so for the educational value rather than out of any sense of schadenfreude. To put the Delaware disciplinary cases in perspective, “Ethically Speaking” has surveyed legal publications and case law from around the country to show that non-Delaware attorneys (and others) have exhibited much worse behavior.

Depositions continue to be the forum of choice for much attorney misconduct and allegations of attorney misconduct. A Texas federal judge was asked to impose sanctions against two attorneys defending executives of American Realty Investors, Inc. accused of diverting money through bankruptcy to avoid paying a $63M judgment. Plaintiffs alleged that Texas attorneys Gregory Shamoun and Stephen Khoury engaged in “outrageous, shocking and offensive behavior” in a motion seeking sanctions for deposition misconduct.

The motion alleged that the defense attorneys objected more than 500 times during a seven-hour session. Defense counsel were also alleged to have made an unauthorized video recording of plaintiffs’ counsel during the deposition. But, the crown jewel of the allegations was the claim that Messrs. Shamoun and Khoury engaged in “outrageous, shocking and offensive behavior” in a motion seeking sanctions for deposition misconduct.

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The Florida Bar alleges that Roman’s nut-allergic assistant had a reaction after the nuts were actually left in the conference room by a judge. But, for the intervention of the trial judge, Mr. Roman’s opposing counsel would have been arrested. The complaint also noted that Roman fired his assistant after she refused to back up his story.

There is also deposition trouble brewing in Boston. In a case involving San Francisco tech start-up Loop AI Labs, Inc. and Alma Wave SRL, an Italian tech company, attorney Valeria Calafiore Healy is accused of cursing at opposing counsel and throwing her coffee toward him during a heated deposition exchange in Boston. Before this brew-haha, Healy had been accused of videotaping the deposition with her cell phone and complaining that opposing counsel was harassing her witness. In her reply to the motion for sanctions, Healy complained that the motion filed against her unfairly omitted the fact that she was drinking iced coffee rather than the more dangerous hot variety.

Not all attorney misconduct occurred during a deposition. Indiana attorney James M. Robertson II, apparently never made it into the courtroom. Mr. Robertson was recently suspended for one year (with all but ninety days of the suspension stayed for two years of probation) after he made “repeated physical sexual advances” toward the court’s receptionist. He was also found to have a blood alcohol content of .15 after he was arrested and charged with criminal contempt, battery, and public intoxication. The disciplinary charges against him included violations of Rule 8.4(d) (conduct prejudicial to justice) and 8.4(b) (criminal act that reflects badly on a lawyer’s fitness to practice). In re Robertson, 2016 BL 336473, Ind., No. 36500-1511-DI-641 (10/7/16).

Attorneys have also managed to commit misconduct in the courtroom. An assistant public defender in Florida received a public reprimand for pretending to gag while a prosecutor questioned a witness against her murdered client. In an unusual departure from the standard Florida disciplinary process, the complaint against Assistant Public Defender Elizabeth Ramsey was handled as a civil matter before a trial judge. That judge dismissed a criminal contempt charge against Ramsey while finding her guilty of misconduct and placing her on proba-
tion after noting that her clients needed her legal services. She was ordered to take ethics classes and write a letter of apology to the judge who filed the complaint.

Not all attorney misconduct took place in a courthouse. An Arizona criminal defense lawyer received a four-year suspension for publishing a book about the trial of his high-profile client, Jodi Arias. Attorney L. Kirk Nurmi was the author of *Trapped with Ms. Arias* in which he revealed client conversations and evidence found to be inadmissible. The prosecutor previously published a book called *Conviction: The Untold Story of Putting Jodi Arias Behind Bars*. That publication also resulted in complaints being filed which have not yet been resolved.

Under the category of digging the hole deeper, a Minnesota attorney was well on his way to resolving a relatively minor and technical violation of Professional Conduct Rule 1.5(e) for fee sharing with lawyers in a different firm without obtaining written consent or notice to the clients. While that matter was pending, attorney Michael John Riehm was accused of stabbing a fellow bar patron with a steak knife during a New Year’s Eve celebration. Riehm was convicted of first degree assault and suspended from the practice of law for five years for the criminal conduct — and the Rule 1.5(e) — violation.

Not all misconduct is committed by attorneys. A Chicago judge was removed from the bench after it was determined that she let a lawyer wear her robe and preside over at least two cases. Judge Valerie Turner permitted the chief judge’s law clerk to take the bench and rule on traffic cases.

Finally, Kimberly Kitchen spent ten years practicing law in Huntingdon County, Pennsylvania, handling estate matters. During her distinguished legal career, she made partner at her firm and served as the County Bar President. She claimed to have graduated from law school summa cum laude. Unfortunately, she was not in fact a lawyer, had never been admitted to the practice of law and was not a law school graduate. Instead, Ms. Kitchen had employed a bar identification number belonging to Delaware lawyer Brian Funk of New Castle to forge her law license, bar exam results, and law school attendance records.

The maximum sentence for such fraud and deception is thirteen years imprisonment. She was convicted of forgery, the unauthorized practice of law, and felony records tampering.

As always, with these examples of attorney misconduct, don’t try this at home.
Focus on Outcomes When Evaluating Pro Bono Programs

Outputs are important metrics for any company to capture — they are easy to measure and are helpful indicators of the work that takes place during a Pro Bono project. But, by relying on measurement of outputs alone, you miss a big opportunity to measure outcomes and better understand the value of your investment.

Most organizations tackling social problems through pro bono help, do not have access to the marketing, design, technology, management, or strategic planning resources they need to succeed. Without this talent, few are able to have their intended impact on critical issues like access to justice, the environment, health, and education.

Recognizing the lack of pro bono program measurement standards and common confusion over how to measure the effects of pro bono service, Legal Services Corporation (lsc.gov) suggests the following:

- Clearly articulate the goals and objectives of the project
- Identify the project activities and strategies that will be implemented to achieve the goals and objectives
- Specify the methodologies and data sets that will be used to evaluate the project’s progress and accomplishments

The true aspired outcome of Pro Bono service is to make business and legal talent available to organizations working to improve society. We envision a day when pro bono service will enable all organizations with promising solutions to successfully take on urgent social challenges.

Others may look at pro bono from an “outcome” point of view, on the part of the attorney, and use words like:

- Career enhancing
- Commitment
- Effective advocacy
- Expanded network
- Improved skills
- Professional pride
- Access to training and technology
- Personal
- Valuable mentoring
- Development
- Confidence building
- Opportunities
- Development of paying clients
- Inspiring
- Recognition

Certainly beneficiaries of pro bono services also look at the services from an “outcome” point of view, and use words like:

- Protected civil rights,
- Humanitarian relief
- Civil liberties or public rights
- Compliance assurance
- Gratitude
- Counter the negative impression of lawyers
- Transformative experience

Susan Simmons is the former Director of Development & Access to Justice Coordination and the new Director of Continuing Legal Education at the Delaware State Bar Association and can be reached at ssimmons@dsba.org.
So, why should you be a member of DSBA? Put aside the fact that this is the Bar Association of some of the great names you remember or read about, men and women who saw membership as an honor to participate in a group dedicated to a profession we all chose. And, not just a membership dedicated to a particular area of law, or a subgroup of practice, but to the entire Delaware Bar, dedicated to the proverbial “Delaware Way.” No, it is not enough to look at the past or to rest on the history of great things the DSBA has done. Despite the fact that membership in the DSBA means you are part of a powerful presence in Delaware, a body that can help you be heard by the legislature, a group that can help you develop a network of colleagues, most of us want to know, “What else can the DSBA do for us?”

**CLE Series**

Membership in our Bar Association opens the door to many opportunities. For example, we have developed some great series of CLEs including the Certification in Arbitration programs. Where once, there was no training for an arbitrator, members have had the opportunity to hear from the best arbitrators in their prospective field of practice. There is the Young Lawyers’ Series, “What I Wish I Learned in Law School About...” which has treated our younger attorneys (and some not so young) to a brown-bag lunch seminar on depositions, oral argument, annual reviews and the upcoming one on jury selection. (Seminars on interviewing and complaint drafting are in the works.) We have also created the Anniversary Series which seeks to highlight important corporation law cases and allow attendees to benefit from those who made history such as the lawyers and justice who gave us the Revlon case which we all remember from Business Organizations class. This month, we will present a similar seminar on Sealy Mattress v. Sealy, Inc., (Money Stuffed Under the Mattress on May 23) featuring former Justice Jacobs, Rod Ward, Clark Furlow, and others who helped shape the laws on director duties and valuation of stock.

With another series, we are trying something new by offering Movie Night at DSBA. The hope is that we will show a law-related movie and provide a CLE with a knowledgeable instructor in that particular area of law. On April 20, we showed Deliberate Intent, a movie about a triple homicide inspired by a how-to book on murder. Attendees heard from Dean Rod Smolla, of Widener University Delaware Law School, whose own book about this murder case was the basis for the movie. Supreme Court Justice Karen Valihura who came to Movie Night said, “The movie discussion format was a creative way to present some difficult and fascinating First Amendment issues, and Dean Smolla’s insights from his first-hand litigation experience with the case added a valuable perspective.”

**Online CLE**

In addition to what I believe are great seminars, we have now offered most of our CLEs online for your convenience. In just two months, a large number of members have logged in to the website and conveniently watched dozens of seminars. Reaction to this new benefit has been very positive.

**Member Benefits**

Plus, we are not just satisfied with providing great CLEs. DSBA continues to provide members with an ever-growing list of benefits. SoFi, a school loan refinancing company, has already saved members about $28,000 each. That is not a bad return on one’s money considering the amount of dues you pay to DSBA. We have other benefits such as LawPay, which helps provide credit card payment to your firm and Ruby Receptionists, which can give you that extra help you need — all for a low membership rate. On July 1, DSBA will be offering all members access to a free Legal Research program which works as well as other more expensive research tools and is more user-friendly and potentially more up-to-date. Fastcase will be a members-only benefit provided to you for free.

**Here to Serve You**

I get complaints sometimes about “too many emails” (although truthfully, I don’t send all that many...they’re just fun and memorable), but I never get complaints about the people who serve you at DSBA. In just the short time I’ve been with these dedicated people, I have marveled at their interest in “serving our members.” Each one of them wants to provide excellent service to you. Your relatively inexpensive dues provide the opportunity for that service and, in my opinion, that is the best thing DSBA has to offer.
Twenty-Sixth Delaware High School Mock Trial Program

By The Mock Trial Committee

Over 300 students from 28 public, private, parochial, and charter schools throughout Delaware competed in the 26th Annual Delaware High School Mock Trial Competition. The event, sponsored by the Delaware Law Related Education Center (DELREC), took place in the courtrooms of Leonard L. Williams Justice Center in Wilmington on February 24 and 25, 2017.

Students in each school spent two days arguing both sides of a simulated civil case involving an alleged fraud, presenting opening statements, closing arguments, and questioning “witnesses.” Two finalists emerged after four rounds of competition.

Justice James T. Vaughn, Jr. of the Delaware Supreme Court presided over the finals. The final round matched Wilmington Friends School against Sussex Central High School, marking the second time in a row that these two schools competed against each other in the Finals. After an extremely close round, Wilmington Friends emerged as the Champion, with Sussex Central in second place. Due to scheduling conflicts with Wilmington Friends, Sussex Central will represent Delaware at the National High School Mock Trial Competition in Hartford, Connecticut on May 10 – 13. At the National Championship Awards Banquet, Francis J. “Pete” Jones, Jr. will be receiving the Justice Gene Franchini Golden Gavel Award for his years of dedicated service to the National High School Mock Trial Program.

Archmere Academy, the Charter School of Wilmington, and Cab Calloway High School earned third through fifth place respectively. Four students also received ceremonial gavels for exemplary performance as the “best witness” or “best attorney.”

At the banquet following the competition, DELREC presented its Pete Jones Award for outstanding service to the mock trial program to the Honorable James Horn and his wife, Joan Horn. For the second year, GE Capital and DELREC Board Member Anthony Iannini sponsored the Mock Trial Competition Essay Contest. This year’s $500 scholarship was won by Olivia O’Dwyer from Archmere Academy.

The 2017 Mock Trial Case Committee, chaired by Jason C. Jowers, Esquire, included The Honorable M. Jane Brady, Judge, Superior Court and President of the Board of Trustees of DELREC; Daniel M. Attaway, Esquire, N. Christopher Griffiths, Esquire; Lisa M. Grubb, Esquire; Francis “Pete” J. Jones, Jr., Esquire; Kathryn S. Keller, Esquire; Paul Sunshine, Esquire; and Andrew Vella, Esquire. The Committee organized the case material and helped coordinate the competition. The Honorable Paul R. Wallace, Judge, Superior Court, served as the Committee’s Liaison to the Court. Pat Quann, Executive Director of the Delaware Law Related Education Center, Inc. coordinated registration and lunches for both days. Thanks also to our Scoring Room volunteers, DELREC Board Member Eileen Wilkinson, Chris Kenton, Kimberly Anthony-Thompson, Carol Anderson, and Mary Ann Miller.

Organizers thank the Delaware Supreme Court for their support, along with the Administrative Office of the Courts, including Amy Arnott Quinlan, Esquire, Kathryn Coombes, and Ashley Tucker, Esquire, Capitol Police, bailiffs and security officers for providing assistance during the two-day event, and the Delaware Bench and Bar, as well as the Delaware Paralegal Association, for providing many of the volunteers that helped organize and operate the competition. DELREC also thanks GE Capital and Grotto Pizza for donating lunch for the teams on Friday and Saturday.

We are very grateful for the commitment of the following Attorney Advisors who gave so much help to our Mock Trial teams:

| Michelle Akenbrand, Esquire | Kristin Giakas, Esquire |
| Arturo Bagley, Esquire | David Goldberg, Esquire |
| Jody Barillare, Esquire | Deborah Gottschalk, Esquire |
| Nathan Barillo, Esquire | R. Eric Hacker, Esquire |
| Matthew Bartkowski, Esquire | Shauna Hagan, Esquire |
| Dean Betts, Esquire | Brian G. Hauck, Esquire |
| April Betts, Esquire | Kevin Healy, Esquire |
| Ashley M. Bickel, Esquire | Randolph Herndon, Esquire |
| Connor Bifferato, Esquire | Vera M. Holmes, Esquire |
| Karen Bifferato, Esquire | George Horn, Esquire |
| Kevin Carroll, Esquire | Timothy Jadick, Esquire |
| Shawn Carver, Esquire | Ericka Johnson, Esquire |
| Phillip Casale, Esquire | Keri Morris Johnson, Esquire |
| Ryan Connell, Esquire | Patrick Jordan, Esquire |
| Donna Culver, Esquire | Kyle Kemmer, Esquire |
| Catherine Damavandi, Esquire | Judge Felice Kerr |
| Mark Denney, Esquire | John Malik, Esquire |
| Larry Filer, Esquire | Carolyn Mack, Esquire |
| Adam Geloff, Esquire | Eugene Maurer, Esquire |
| Kelly Geloff, Esquire | Douglas E. McCann, Esquire |
| Jim McGiffin, Esquire | Linda McKinstry, Esquire |
| Michael Mitchell, Esquire | Steven Morrow, Esquire |
| Stephen P. Norman, Esquire | Dan O’Connell, Esquire |
| Stephanie Riley, Esquire | Katie Rimpfel, Esquire |
| Janna Schflen, Esquire | Joseph Sheridan, Jr. Esquire |
| Kelly Sheridan, Esquire | Gregory Skolnik, Esquire |
| Tami Soltow, Esquire | David Soldo, Esquire |
| Judge Monte Squire | Thomas A. Uebler, Esquire |
| Neilli Mullen Walsh, Esquire | Bob Whetzel, Esquire |
| Chandra Williams, Esquire |
The Competition would not be possible without the support from our scoring and presiding judges from the Bench and the Bar. We also appreciate the law student volunteers from the Delaware Law School at Widener University. We are very grateful to Margie Touchton of Morris James LLP for recruiting and coordinating the following volunteers:

The Honorable John J. Adams
Roger A. Akin, Esquire
Olabisi Alabi
Christina Albertson, Esquire
Daniel M. Attaway, Esquire
Barzilai K. Axelrod, Esquire
John D. Balaguier, Esquire
DeJonna Bates
David L. Baumberger, Esquire
Dawn L. Becker, Esquire
Brett F. Bendistis, Esquire
Briana Berry
CaneeL Radinson Blasucci
Arthur R. Bookout, Esquire
Leo J. Boyle, Esquire
Matthew C. Buckworth, Esquire
The Honorable Charles E. Butler
Rebecca L. Byrd, Esquire
Justin P. Callaway, Esquire
Rae S. Campagnola, Esquire
The Honorable William C. Carpenter
Matthew Casale
Alberto E. Chavez, Esquire
Charles P. Coates III, Esquire
Lisa L. Coggins, Esquire
Jessica Colon
John J. Conly, Esquire
David Cook, Esquire
The Honorable Barbara D. Crowell
Curtis J. Crowther, Esquire
Johnna M. Darby, Esquire
Ashley Davoli, Esquire
Meryem Dedde, Esquire
William T. Deely, Esquire
Kristan K. Deeney, Esquire
Elizabeth A. DeFelice, Esquire
Brian V. DeMott, Esquire
Shivangi Desai
Mark L. Desgrosseilliers, Esquire
Catherine Di Lorenzo, Esquire
Kenneth M. Doss, Esquire
Kathleen Duffy Smith, Esquire
Charlisa Edelin
Helene Episcopo, Esquire
Alex Faris, Esquire
G. Kevin Fasic, Esquire
Stephen M. Ferguson, Esquire
Brian J. Ferry, Esquire
Richard A. Forsten, Esquire
Sarah A. Fruehauf, Esquire
Daniella Gibbs, Esquire
Jason A. Gibson, Esquire
Andrew W. Gonser, Esquire
William A. Gonser, Jr., Esquire
L. Katherine Good, Esquire
N. Christopher Griffiths, Esquire
Norman D. Griffiths, Esquire
Charles Gruber, III, Esquire
Wilson A. Gualpa, Esquire
James J. Haley, Jr., Esquire
Ronald W. Hartnett, Jr, Esquire
Laura T. Hay, Esquire
The Honorable Julia Heaney
Lauren Hoffman, Esquire
Candance Holmson
The Honorable James G. Horn
Antoinette D. Hubbard, Esquire
The Honorable Mary M. Johnston
Francis J. Jones, Jr., Esquire
Lee F. Kaufman, Esquire
Shaun M. Kelly, Esquire
Andrew G. Kerber, Esquire
John F. Kirk, IV, Esquire
Julia B. Klein, Esquire
Maria T. Knoll, Esquire
Nicolas Krawitz, Esquire
Alexander M. Krischik, Esquire
Jessica R. Kunz, Esquire
Jennifer Larson Cree, Esquire
Enrique Lawrence
Abby R. Layton, Esquire
Lewis H. Lazarus, Esquire
Sonrisa Lewis
Bradley Leyman, Esquire
David L. Lieberman, Esquire
Michael J. Logullo, Esquire
Irina N. Luzhatsky, Esquire
Lesley Manuh
Timothy S. Martin, Esquire
The Honorable James J. Maxwell
The Honorable Katherine L. Mayer
Elizabeth M. McGeever, Esquire
The Honorable James G. McGriffin, Jr.
Allison McGowan, Esquire
Madison McGuirk
John D. McLaughlin, Jr., Esquire
The Honorable Vivian L. Medinilla
Shari L. Milwski, Esquire
Tim Mitchell
Frederick Mitsdarfer, Esquire
Gene Morton, Esquire
James A. Natalie, Esquire
R. Stokes Nolte, Esquire
Matthew E. O’Byrne, Esquire
Amy L. O’Dell, Esquire
Angelique Okita
The Honorable Janell Schoenbeck Ostroski
Darryl A. Parson, Esquire
Donald F. Parsons, Esquire
Deval Patel-Lennon, Esquire
Allison Patterson
Michael A. Pedicone, Esquire
Jordan J. Perry, Esquire
Anne Podczasy, Esquire
Laura M. Poppiti, Esquire
Samuel D. Pratcher, III, Esquire
Jillian M. Pratt, Esquire
Cynthia H. Pruitt, Esquire
Leigh-Ann Raport, Esquire
Sarah M. Reedy, Esquire
Hayley J. Reese, Esquire
Seth J. Reidenberg, Esquire
Jeremy Rhoades
Patrick G. Rock, Esquire
Michael C. Rosendorf, Esquire
Kelly E. Rowe, Esquire
Roopa Sabesan, Esquire
Kathryn M. Sanchez, Esquire
Karime Sarkislian, Esquire
William Scarpato, Esquire
Achille C. Scache, Esquire
Dennis L. Schrader, Esquire
Jillian Schroeder, Esquire
Devera B. Scott, Esquire
Phyllis R. Scully, Esquire
Misty A. Seemans, Esquire
Coln M. Shalk, Esquire
Aman K. Sharma, Esquire
Michelle R. Skoranski, Esquire
The Honorable Joseph R. Slights III
Carol-Lori Smith
Gregory C. Strong, Esquire
Christine H. Suddei, Esquire
Joanna S. Suder, Esquire
Paul D. Sunshine, Esquire
Lisa B. Tancredi, Esquire
Courtney Tibbett
Bryan Townsend, Esquire
Lilianna Ann P. Townsend, Esquire
The Honorable James T. Vaughn, Jr.
Nicolas T. Verna, Esquire
Charles B. Vincent, Esquire
Karim M. Volker, Esquire
The Honorable Paul R. Wallace
Marc J. Wienkowitz, Esquire
Paula C. Witherow, Esquire
John Legare Williams, Esquire
Paula C. Witherow, Esquire
Cheneise Wright
Julie H. Yeager, Esquire
Lydia E. York, Esquire

Additional volunteers served as runners and bailiffs in the courtrooms. We are grateful to Rose Green, DCP of the Delaware Paralegal Association for her coordination of the program, as well as Stacey Sawa and Patricia Brennan from the University of Delaware, and Amy L. Odell, Esquire, from Wilmington University for their help in recruiting volunteers. Volunteers came from the Delaware Paralegal Association, the Courts, Wilmington University, the University of Delaware and the Delaware Law School at Widener University. Thank you to the following individuals who volunteered:

Hanna Arce
Michelle Ashby
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Bria Burton
Torey Chambers
Marion Chandler
Inez Charles
Alaina Cassel
Jason Day
Debbie Grossman
Stephanie McConaghy
Michelle McGee-Soloman
Cassandra Obermuller
Annette Raiford
Jeanette Raiford
Karen Raison
Porsche Reuschling
Linda Rogers
Rodnita Sewell
Claudine Smith
Susan Smith
Kiara Stallings
Kay Tamone
Edna Tucker
Ebony Young
Contessa Walker
Harold Wheeler
**The Citizen Lawyer: Exploring the Ever-Changing Role of the Lawyer in Society**

**Breakout Session I**

8:30 A.M. - 10:00 A.M. | 1.5 HOURS CLE CREDIT

**So Called Judges?**
The parameter of free speech in criticizing courts and their decisions and the lawyer's role in the process.

*Panel*
Joshua W. Martin III, Esquire, Moderator
The Honorable Randy J. Holland
The Honorable Christopher A. Coons
Professor Lawrence A. Hamermesh
Richard D. Kirk, Esquire

A discussion of instances where the integrity and independence of the judiciary is politicized and jeopardized by unfair criticism will be examined. Given the fact that judges are unable to respond themselves, the panel will focus on how lawyers can work to protect the integrity of the courts from increasing attacks.

**Confessions and Interrogations in Criminal Cases**

*Panel*
The Honorable Natalie J. Haskins, Moderator
Professor Thomas J. Reed
Cathy A. Johnson, Esquire
Sean P. Lugg, Esquire

A look at how confessions are legally obtained and the ramifications of various interrogation practices which may result in evidentiary issues at trial. Included in this discussion will be the viability of *Miranda* and current case law related to this topic.

**The Ever-Changing Face of the American Family and Its Effect on Delaware Family Law**

*Panel*
The Honorable Felice Glennon Kerr, Moderator
Curtis P. Bounds, Esquire
Gretchen S. Knight, Esquire
The Honorable Collins J. Seitz, Jr.
The Honorable Leo E. Strine, Jr.
The Honorable Natalia J. Haskins, Moderator

This Seminar will touch on various relevant Family Law subjects including, but not limited to, single parent families, grandparent guardianship, substance abuse and criminal cases, evolving immigration laws and the effect on Family Law issues, how ICE may be stifling PFAs.
Beyond the Courthouse – The Lawyer as a Citizen in Service to the Community

Panel
Ian R. McConnel, Esquire, Moderator
The Honorable Karen L. Valihura
Mayor Michael S. Purzycki
Professor James Teufel
Derek C. Abbott, Esquire
Luke W. Mette, Esquire

This seminar looks at the role of the attorney in service to the community at large, focusing on various outreach venues and exploring the role of the attorney in the success of Delaware. A discussion on Access to Justice initiatives/report.

What Judges Do Well and What They Can Do Better in Helping Litigators Litigate

Panel
William M. Lafferty, Esquire, Moderator
The Honorable Collins J. Seitz, Jr.
The Honorable Tamika R. Montgomery-Reeves
Bartholomew J. Dalton, Esquire
Richard Galperin, Esquire
Kathi A. Karsnitz, Esquire
Kathleen Furey McDonough, Esquire
Edward P. Welch, Esquire

This panel explores the best practices of courts in allowing litigation to run smoothly and efficiently.

The Camera Doesn’t Lie...or Does It?
A Discussion on the Legal, Evidentiary, and Ethical Impact of Body Cameras and Other Devices

Panel
The Honorable Mary M. Johnston, Moderator
The Honorable Arlene Minus Coppadge
Matthew B. Frawley, Esquire
Robert M. Goff, Jr., Esquire

Cameras in police cars and on officers are becoming “witnesses” to crime. This seminar looks at the way police camera evidence will be used and defended against in criminal trials.

BBQ-STYLE RECEPTION
Relax and catch up with your colleagues and make new acquaintances while enjoying regional BBQ-style food and beverages. Casual dress encouraged!

Hosted by
The Honorable Leo E. Strine, Jr., Chief Justice of the Supreme Court of Delaware, Justices Karen L. Valihura, James T. Vaughn, Jr., Collins J. Seitz, Jr., The Delaware Judicial Conference, and the Delaware State Bar Association

CONFERENCE PROGRAM AT-A-GLANCE

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Bench and Bar Conference and CLE • Chase Center on the Riverfront • June 9, 2017
Please return by June 2, 2017 • DSBO6092017BENCH • Seating is limited. Registration is on a first-come, first-served basis.
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Refunds issued only if cancellation is received no later than one week prior to seminar.
The Delaware Fellows of the American College of Trial Lawyers are proud to announce the induction of the following lawyers as new Fellows of the College:

Thomas A. Foley
David E. Ross
of Ross Aronstam & Moritz LLP

The American College of Trial Lawyers is a professional association of lawyers skilled and experienced in the trial of cases and dedicated to improving the standards of trial practice, the administration of justice, and the ethics, civility and collegiality of the trial profession.

Fellowship in the College is limited to not more than one percent of the practicing bar in any state or province; is by invitation only after rigorous, confidential investigation and review; and is only offered to those lawyers whose professional careers have demonstrated the highest standards of trial advocacy, ethical conduct, professionalism, civility and collegiality. To be considered for Fellowship, a lawyer must have a minimum of 15 years of trial experience with significant lead attorney experience.

The Delaware Fellows of the College congratulate and welcome these new Fellows.

Bartholomew J. Dalton, President
John D. Balaguer, State Committee Chair
Donald J. Wolfe, State Committee Vice Chair

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Hon. Richard G. Andrews
Sidney Balick
Victor F. Battaglia, Sr.
Hon. Andre G. Bouchard
Steven P. Casarino
Beth H. Christman
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Kathleen Jennings
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Nicholas H. Rodriguez
Robert S. Saunders
Hon. Collins J. Seitz, Jr.
Kevin R. Shannon
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Bernard A. Van Ogtrop
E. Norman Veasey
Rodman Ward, Jr.
Hon. Ferris W. Wharton
Gregory P. Williams
Steven P. Wood
Chairing a 400 attorney law firm has its challenges. However, it can be very rewarding if you stick to your principles. Below are some I have developed over the years:

1. **What Is the Goal? You Have to Have a plan.** Where do you want to go? Set specific goals for net profits, proposed expansion, charitable giving and whatever else you want to achieve. Explain how you will get there. Knowledge of your competition is essential. Then publish a company-wide plan. Let each division head set more specific goals within each division. To succeed, everyone has to be on the same page. Each member of the organization has to be focused on achieving the same goals.

2. **Hire the Best.** This is still an “employer’s market.” There are droves of highly qualified people looking for work. Hire the best. Don’t compromise; and get rid of people who feel threatened by hiring great candidates. “First class people hire first class people. Second class people hire third class people.”

3. **Be Principles-Based – Integrity Above All Else.** Never compromise your integrity. It is the only way to live. And, you owe integrity to your fellow employees. Promote a strong moral code within. Not only success, but honesty and character will be rewarded. You and your organization will be better for it.

“The supreme quality for leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in an office.” – General Dwight D. Eisenhower

4. **All about the Team.** The goal is to have employees put the organization first. If you can succeed in accomplishing that, you are a great leader. It is essential.

“Individual commitment to a group effort – that is what makes a team work, a company work, a society work, a civilization work. People who work together will win, whether it be against complex football defenses, or the problems of modern society.” – Vince Lombardi

5. **Be Benevolent but Firm.** Love your employees, and instill confidence. But, be strict and enforce whatever rules/guidelines you set. Everyone must be treated the same, and all must play by the same rules.

“The commander stands for the virtues of wisdom, sincerity, benevolence, courage, and strictness.” – Sun Tzu

6. **Be Decisive.** A leader’s job is to make decisions. A failure to decide is a failure to lead. Get all of the information you can and decide. If you need to consult someone else, do it. Don’t let things drag on; and don’t be afraid to make tough calls – tough, unpopular decisions always have to be made.

7. **Lead by Example.** Never lead by force. The worst directive is “Do it because I said so.” That is a failure of leadership. If you want your employees to be honest, you must be honest. If you want them to work hard, you must work hard. If you want them to be generous to the community, you should be overly generous. And, if you want loyalty, show it.

“I can’t expect loyalty from my army if I don’t give it.” – General George Marshall

8. **Empower.** You can’t do it alone. All good leaders find the best people and delegate to them. Leaders who do not delegate almost always fail. The corollary to this rule is that you must hold accountable those to whom you delegate. If he or she fails, get someone else.

9. **Be Excellent and First-class.** Quality is everything. Your brand is everything. Nobody wants the JV and you have a duty to make your organization the best it can be. You need to instill a culture of excellence.

“The quality of a person’s life is in direct proportion to their commitment to excellence regardless of their chosen field of endeavor” – Vince Lombardi

10. **Be Passionate and Take Risks.** Organizations do not promote risk-taking. Throw that rule out the window if you want to succeed. Progress can be made ONLY if risks are taken. Encourage your employees to be innovative and to think “outside the box.” It is true that “fortune favors the brave.”

“You’ll always miss 100 percent of the shots you don’t take.” – Wayne Gretzky

“Success Secrets” is curated by Emilie R. Ninan, Esquire. If you have a success secret to share, please contact her at ninane@ballardspahr.com.
Take the Time to Reflect and Prepare Now

As John Doe checked into the hotel where the Solo and Small Firm Conference was taking place, the hotel clerk inquired, “Do you intend to use your senior discounts today?” Momentarily, John was startled and refused to acknowledge the question. In fact, John thought to himself, “Should I sue the hotel for having their employees even ask such a question?”

Within a minute, John quickly decided against a suit and instead, his next reaction was to look to his left, then to his right, and finally turn-around to see if others were in line. Realizing that he was the only individual in line, John sharply replied to the hotel clerk, “No!”

Once John entered his room, still agitated, he sat on the bed and looked carefully into the mirror. Undoubtedly, to the young hotel clerk, John could understand that he might look middle age at the very least — but senior? Of course, we all change. Suddenly and without warning, John’s denial melted and he accepted that he had become one of them — a senior. In fact, as he looked at his reflection in the mirror, John wondered, “When did I become my father?”

It comes to all of us in a variety of ways, for each of us at different times, our senior years. Generally, denial is commonplace. Most of us feel it; but we do not want to accept it. Plus, as Americans — we are living longer, healthier lives and many of us are choosing to work well past the traditional age of retirement. Moreover for many, the economy is dictating when, if ever, we will retire.

Lawyers are no exception. Some stay on for purely financial reasons, but a growing number of lawyers continue to work because it is their lifeline and their identity. For them, being forced to give up their practices because of senior years would be equivalent to giving up their lives. This is a multi-dimensional topic with many steps to be taken and pitfalls to avoid. As lawyers, however, we must remember that practicing law is a privilege, not a right.

To Practice Law Is a Privilege Not a Right...

Most lawyers want to live long, live well, and even continue to work at their profession. But, lawyers must realize that practicing law is a privilege, not a right. To retain that privilege, lawyers, especially those entrepreneurs who practice solo, have the responsibility to plan to protect clients’ interests in the event of their death, disability, impairment or incapacity. This is a difficult topic to approach, particularly if the older person does not see the need to plan.

Clifton Barnes, in his article, “Time to Go: Helping Lawyers Retire with Dignity” writes: “An experienced, well-regarded attorney has given his heart and soul to the profession and his clients — and served them well. He’s not yet ready to retire. But, due to aging, his hearing is going, his memory is spotty, and he’s...
Bar counsel in every state I’ve talked to have at least one, and usually many more such stories about a very experienced attorney with a great reputation who has been put in a situation where he/she have harmed the public. You certainly have to look at it on a case-by-case basis. There are some lawyers very active at 75 and practicing better than those in their 40s. But, then again there are some in their 50s who are burned out.

In researching this topic, one law student, who prefers not to be named, still wishes more information was available when the solo practitioner for whom she worked became chronically ill at age 70 and subsequently died at age 72. The law student stated that “the lawyer was healthy all of his life and thought that he would practice until he was 90 years old.” Ironically, the law student added that she found the courage to tell the attorney to stop trying cases and even to stop driving to the office, but so many other problems might have been avoided had detailed planning been done ahead of time. In fact, the law student emphasized that the entire experience changed drastically the lives of the parties involved both prior to and after the attorney’s death.

Of course, we do not live in a perfect world and there are many lawyers who do not plan ahead and for some it is too late to do so. In many instances, the lawyer continues to attract clients, but is unable to keep up with the pace of his/her practice. Whether because of illness or senility, the lawyer may forget to appear in court, miss meetings and fail to respond to pleadings, letters e-mails and/or voicemails. Then, when and if death occurs, the lawyer may leave behind stacks of files and boxes without any semblance of organization or information as to where files may be found.

Realistically, the most important gift we can give ourselves relative to retirement is the gift of being prepared. Unfortunately, while natural aging dictates that at some point the deterioration of mind and body may require a lawyer to call it quits, a lawyer may also become chronically ill or disabled. Often this happens before he or she is otherwise ready — financially or mentally — to stop practicing. Subsequently, a peer or friend may be left with closing a law practice due to an untimely health problem or unplanned retirement. Or worse, disciplinary counsel may have no alternative but to file Court papers for a conservator to be appointed to protect the clients when a lawyer dies or is incapacitated.

Plan to Say Good-Bye While You Are Able...

Unfortunately, anxiety and avoidance are among the primary reasons that many attorneys fail to plan for retirement. Fortunately, however, for the astute attorney there is ample information and support available for you to take time now and prepare for the future while you are able.

Guides and checklists specific to the Delaware Bar and Rules of Professional Conduct are available to help guide attorneys on how to retire from the practice of law. Also, basic generic forms are available through DE-LAP either in hard copy or on the website (go to www.de-lap.org and click on Law Office Management “Transition”) such as:

- Checklist for Lawyers Planning to Protect Clients Interest in the Event of the Lawyers Death, Disability, Impairment or Incapacity;
- Checklist for Closing Another Attorney’s Office
- Checklist for Closing Your Own Office
- Sample Forms
- Articles, Rules, Formal Opinions, links, and other resources.

Remember John? As soon as he returned from the conference, planning and implementation was on his mind. Although John was not ready to retire, he put into motion plans that would not only protect his clients; but would allow him to eventually say goodbye to the practice of law with dignity. Other strategies John decided on:

- He would start some volunteer work with pro bono.
- He would meet with a financial planner to form realistic expectations about income, expenses, and lifestyle.
- He would build up his social network prior to retiring, e.g. by joining an organization or group of people with similar interests or even mentor younger attorneys.
- He would develop a repertoire of ways to spend his time (hobbies, interests, accomplishments, etc.) for if and when he does retire.

DE-LAP is instituting a Lunch and Learn Workshop once per month and an on-going support group to design a blueprint for retirement from the law. For more information, I encourage you to use DE-LAP’s confidential, free services. Call (302) 777-0124 or email cwaldhauser@de-lap.org. Remember, DE-LAP is here to provide you, the lawyers in Delaware, and the profession in general, with whatever support and education we can.

And, watch for notices for our lunch and learn retirement program.

This article is an update to the version originally appearing the January 2016 Bar Journal.

Carol P. Waldhauser is the Executive Director of the Delaware Lawyers Assistance Program and can be reached at cwaldhauser@de-lap.org.
The 2nd Annual Small Firms and Solo Practitioners Conference was held on March 24, 2017 at the Atlantic Sands Hotel and Conference Center in Rehoboth Beach. What a wonderful day it was! There was no better time and place to hear about what’s going on in small firm practice than on that Friday. The Conference had a great mix of speakers and attendees who shared law practice stories, gave advice, asked questions, and best of all, enjoyed the day.

After DSBA President Mindy Clifton’s Welcome, and Small Firms and Solo Practitioners Section Chair Denise Nordheimer’s Opening Remarks, the day began with a talk about an everyday subject that affects all of us: technology. Speaker Brooke Miles from Delaware Shoutout suggested using social media posting services to get the word out about your law practice. Those services post info to multiple sites for you and save you the time and work. Rob Kleiner with Kleiner and Kleiner urged caution about advertising that you are a Super Lawyer or advertising your work with a former law firm, or using shared computers. Kyle Evans Gay from Connolly Gallagher spoke about password managers, using mobile scanning, and, if you use texting to communicate with a client, making sure it is encrypted.

Then, Disaster Planning. Just like technology, setbacks and disasters are part of our personal and professional lives. David Ferry from Ferry & Joseph and Ellen Freedman, Law Practice Management Coordinator for the Pennsylvania Bar Association, talked about preparedness. Did you know that 40% of companies which suffer a major business disruption go out of business within two years and that those companies that experience a significant disaster never reopen. If that isn’t an eye-opener, I don’t know what is. Emergencies range from extended power outages to violence in the workplace. Remember that employee safety is critical: have an alarm service, motion detectors, secure elevators and stairs after hours, and have fire drills.

One of the breakout sessions was about practicing and parenting. Here’s another statistic for you: “According to a Harvard Business School survey, 94% of working professionals work more than 50 hours per week and almost half of those surveyed work more than 65 hours per week.” So, how much time do you have for your family? Attorneys Denise Nordheimer and Jen Mensinger plus DE-LAP’s Carol Waldhauser, had great advice, starting with “Pursue excellence not perfection!” Words to live by for everyone. Lawyers are overachievers, so cut yourself a break.
The second breakout session topic, litigation, can bring chills to those who don’t practice it. Shauna Hagan started out talking about one of the most important parts of litigation that staves off many complications: organization. Scan and keep files including mail correspondence online so you can retrieve all your information wherever you are, but especially when you need it in court!

On to a fine lunch that included a short talk about disability insurance by Aaron Mitchell of Delaware State Bar Insurance Services. A topic that goes with preparedness!

After lunch was a tough after-lunch topic, financial management, but Ellen Freedman made it interesting and invigorating. Those interesting and invigorating topics were Financial Planning, Forecasting & Budgeting, Financial Analysis, Reporting, & Benchmarking, Fraud Prevention, Receivable Management/Getting Paid, and Should You Sue? The talk was loaded with information such as pay your expenses first, then yourself.

A powerful talk from Jeff Wasserman during Kate Aaronson’s Office of Disciplinary Counsel’s presentation followed financial management. A surprise guest at the Conference, he spoke about how he used gambling as a coping mechanism while in his firm and knew he was overdoing it — but ignored his own red flags. A lesson well learned.

The CLE portion of the Conference concluded with Suzanne Holly talking about negotiation skills. Follow this procedure: plan, execute, follow-up. When planning, what’s your client’s desired outcome? What’s your client’s BATNA or Best Alternative to a Negotiated Agreement? When executing, build rapport, ask questions so you can postulate the opposing party’s desired outcome and BATNA. When following up, make sure you have appropriate documentation and that your client understands the import of every section to the agreement.

After Rob Kleiner’s concluding remarks, the day closed perfectly with a wonderful social at Salt Air with fine wine and beer, great conversation, delicious food, and plenty of camaraderie.

The above remarks, in no way, convey all the valuable information that was provided by the speakers, the experiences shared among participants, nor the important data supplied by vendors. It was information galore, conviviality, casual, and enjoyable!

Comments included, “This conference exceeded my expectations! Shuttle bus was great!” “Ellen Freedman was great!” “Jeff Wasserman’s story was very moving.” “Liked the Atlantic Sands. Great seminar!” The Conference is definitely worth your while both professionally and personally!

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

athazagoraphobia

n. fear of being forgotten or ignored

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Context Is Everything


By Oren Bracha (Cambridge Univ. Press, 2016)

To take but one example, the scope of copyright protection was initially very limited, but has expanded tremendously over time. Today, for instance, copyright protection for a novel would include translations, as well as stage and movie adaptations — none of which were initially protected. _Uncle Tom's Cabin_ was one of our country’s first best sellers. Published in 1852, it sold over 300,000 copies its first year (a great feat even by today’s standards) and over a million copies before the Civil War. Yet, when the publisher of a German newspaper in Pennsylvania came out with a German translation of the novel, Harriet Beecher Stowe lost her infringement action against the paper. At the time, copyright protected only the actual expression of the author — it prohibited only copying (hence, “copy” “right”). Because a translation involved expression on the part of the translator, and was not a literal (or near literal) copying, there was no protection for Ms. Stowe.

To take but one example, the scope of copyright protection was initially very limited, but has expanded tremendously over time. Today, for instance, copyright protection for a novel would include translations, as well as stage and movie adaptations — none of which were initially protected. _Uncle Tom's Cabin_ was one of our country’s first best sellers. Published in 1852, it sold over 300,000 copies its first year (a great feat even by today’s standards) and over a million copies before the Civil War. Yet, when the publisher of a German newspaper in Pennsylvania came out with a German translation of the novel, Harriet Beecher Stowe lost her infringement action against the paper. At the time, copyright protected only the actual expression of the author — it prohibited only copying (hence, “copy” “right”). Because a translation involved expression on the part of the translator, and was not a literal (or near literal) copying, there was no protection for Ms. Stowe.

Copyright protection expanded slowly, and in fits and starts, over the course of the latter half of the nineteenth century; but, by 1911, the United States Supreme Court recognized a 15-minute film adapta-

tion of _Ben-Hur_ as violating the novelist’s copyright, and the protection of derivative works would become established.

Patent law developed dramatically over the course of the nineteenth century as well, but because it had different antecedents in the common law and laws of England than those of copyright, patent law developed differently. Patents, originally, were simply exclusive rights (or monopolies) granted by the Crown, and did not always involve new inventions. In the colonies, the English practice continued, and obtaining a patent was a legislative process full of discretion. There was no right to a patent, and no law regulating the process.

The First Congress passed America’s first patent law in 1790. It vested authority to grant patents to a board consisting of the Secretary of State (Thomas Jefferson), the Attorney General (Edmund Randolph) and the Secretary of War (Henry Knox), who were to review patent applications and grant them for “useful and important” inventions. The 1790 Act, though, proved too unwieldy and time-consuming, and so it was quickly replaced three years later with a registration system that granted
patents upon the mere filing of a certified application that the invention met the requirements for patentability. Courts were then left, in infringement actions, to determine whether a registered patent was valid and met the legal requirements. Such a system came with obvious flaws, but it was not until 1836 that Congress created the patent system with patent examiners that is the basis for the patent system today. Yet, even though the patent system is a creature of statute, much of its reach and scope was determined by the courts.

For example, it was not until 1851 that the Supreme Court added “inventorship” to the requirements for a patent. Prior to that time, it was enough for a patent if the thing was new and useful, even though the patented invention might have been somewhat obvious to someone familiar with the particular industry. The mere fact it had never been done before and was useful was enough. The concept of “inventorship” would eventually become the requirement for “non-obviousness,” and Bracha describes how certain industries (railroads in particular) pushed for the non-obvious requirement because so many patents were being granted for modest, obvious improvements that patent litigation was becoming a drag on business growth and development. With non-obviousness as an element for a patent, the proliferation of patents for trivial or inconsequential improvements that nevertheless could lead to litigation was arrested (at least in part).

Other areas of patent law changed over the course of the nineteenth century as well. Originally, the inventor was the owner of the patent. Period. Even if the inventor was working for someone else at the time of invention. However, as companies more regularly employed individuals to engage in research and improve products, the courts gradually came to recognize the right of employers to an advance assignment of any patent rights to which their employees might become entitled. Another gradual change to patent law involved the “doctrine of equivalents” (that is, that the alleged infringement is not identical to the patent, it nevertheless performs substantially the same function in substantially the same way to achieve substantially the same results), which grew in scope and protection afforded over the course of time.

The concept of “owning” an “idea,” is a truly fascinating concept in the abstract. Unlike real or personal property, ideas have no physical form. If someone “copies” something you have created, whether a written passage or a new machine, they have not “taken” any physical object from you. In the history of the world, “intellectual” property is still a very very new concept, and much of the early law of intellectual property only developed in the nineteenth century. The concepts we take for granted today were, in many instances, unheard of only two centuries ago. Professor Bracha has traced the development of intellectual property law in a very interesting history — a history which is continuing to unfold today.

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.
If I aspire to be the best lawyer I can be, I must first try to be the best person I can be. I am fortunate to know many lawyers who have succeeded in their work, in part, because they are excellent people. This column in The Bar Journal will feature an article on one such lawyer. Each featured lawyer will exemplify the art of balance in life. I have learned much from these people. Perhaps readers will also benefit.

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

Mary C. “Mimi” Boudart
I Think You Could Do This

In an age of law school classes with equal numbers of men and women, it is hard to believe that Mary “Mimi” Boudart was only the 32nd woman admitted to practice law in Delaware. It is remarkable to think that when she was admitted in 1976, she and the twelve other women with whom she was admitted (including household names such as retired Justice Carolyn Berger, retired Family Court Judge Aida Was erstein, Barbara James, and Nan Mullin) nearly doubled the number of women who had ever been admitted in Delaware.

Mimi was born in Chester, Pennsylvania, and moved to Delaware at age 11, the daughter of a customs inspector who “worked with a lot of attorneys” in the Customs House building immediately adjacent the Leonard L. Williams Justice Center. Mimi attended St. Peter’s Cathedral school and then Padua Academy. From there she went on to study International Relations at the University of Delaware. Somewhere along the way, Mimi’s father encouraged her to attend law school, telling her that he had watched lawyers work every day and “I think you could do this.” That was all the encouragement Mimi needed and she enrolled at Temple University in Philadelphia. Her time at Temple invigorated two passions that stuck with Mimi through her practice as a Delaware lawyer — devotion to public service and devotion to pro bono work. Mimi was heavily involved in the clinical programs at Temple and found time to help found the school’s Women’s Law Caucus at a time when women were joining the profession in record numbers.

Mimi returned to Delaware to practice and shortly thereafter founded a “Committee” of the DSBA focused on women in the profession with Aida Waserstein — the origin of the Women in the Law Section we have today (Mimi and Judge Waserstein were honored at the 2017 Women in the Law Section Retreat in Rehoboth Beach for their work founding the Section). The first meeting was held at the Grille at the Hotel DuPont and Mimi hosted the first annual reception for newly admitted lawyers at her apartment.

By 1978, Mimi was extremely active in local Democratic politics, running for the General Assembly in her mid-20s and losing by only 228 votes. In 1981, mutual friend Carol Rogers introduced Mimi to her boss at the Greater Wilmington Convention and Visitor’s Bureau, Don Callender. He invited her to a kick-off event at the Hotel’s Gold Ballroom and, “loving any party,” Mimi could not turn him down. They were married a year later during what can only be described as a frenetic summer — Mimi had decided to run for New Castle County Council, and
between September and November, Mimi campaigned for office, tried a federal sex discrimination case against the DuPont Company in federal court, and married Don (with the reception in the Gold Ballroom he had invited her to when they first met). So busy was their year that the couple’s honeymoon had to be postponed while Mimi and law partner Vivian Houghton completed post trial briefing. Later that year, after the couple had returned from their Canadian honeymoon, Mimi joined New Castle County Council, serving alongside current Wilmington Mayor Mike Purzycki for four years.

Throughout the years, Mimi has served on countless boards of directors and volunteered her legal skills representing children and victims of domestic violence. Mimi served on the board of the Delaware Zoological Society for more than twenty years (including a four-year stint as Chair), as well as the United Way of Delaware and Wilmington Women in Business. Early in her career she served on the board of the YMCA Battered Spouse Shelter and has continued working with vulnerable Delawareans through the Office of the Child Advocate and Delaware Volunteer Legal Services. Countless young family law attorneys consider Mimi a mentor, with one in particular relating; “It was our first meeting. We didn’t even have a case together yet, but Mimi came up to me, let me know that she was here if I ever wanted to talk and reminded me that ‘us girls have to stick together.’”

In July 1984, Mimi and Don welcomed their first son, Sam, who was followed four years later by another boy, Joe. Also in 1984, Mimi transitioned to Doroshow & Pasquale where she would practice for the next twenty years. Longtime friends Eric (Doroshow) and Bob (Pasquale) had mentioned bringing her aboard in the past, but finally made it happen. Mimi liked the hours (she worked four and a half days per week off Friday, but working every other Saturday) seeing clients first in New Castle, then on Philadelphia Pike, and eventually at the firm’s current location in Elsmere. Although she has touched other areas of the law, Mimi’s focus has always been domestic relations. Mimi left Doroshow, Pasquale in 2007, opening her own firm with law partner Jennifer Mensinger focusing exclusively on family law. Mimi had flirted with leaving the firm previously, but took the plunge when Mensinger agreed to do all the bookkeeping and finance work. Mimi and Jen are in year 11 of a 10 year commitment, with Mimi scheduled to retire at the end of December 2017.

Outside of Family Court, Mimi prefers the clay tennis courts of Bellevue State Park where she has played tennis since 1977. Mimi continues to play Ladies Doubles twice per week in the winter and three or four times per week in the summer on three different USTA teams, including one Cup team in addition to regular lessons with local tennis pros (because “for all the tennis I play, I really should be much better”) and competing regionally. An avid skier, Mimi has great stories to tell about trips to Colorado and New Hampshire through the years. Mimi continues to get together with friends from high school for a monthly “guilt-free” book club. Mimi, Don, and their children love to travel and have done so extensively in recent years with two Viking River Cruises through Europe and a family trip to Barcelona under their belts.

Don retired as a Justice of the Peace in 2015. When Mimi joins him in December 2017, she looks forward to more time on the slopes, more time on the tennis court, and splitting time between Wilmington and family retreats in New Hampshire and Ocean City, New Jersey. She still loves a party. Her career has proven her father’s prediction accurate — Mimi Boudart certainly can “do this.”

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

George C. Govatos, PhD
Professional Engineer
Accident Reconstruction Forensic Engineering
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2017 BRUCE M. STARGATT LEGAL ETHICS WRITING COMPETITION

The Delaware Bar Foundation invites original, unpublished scholarly papers of fewer than 2500 words concerning ethical issues in the practice of law. Beyond this general description, the precise issue to be dealt with is in the author’s discretion.

Prizes and Publication: Cash prizes of $3000, $1000 and $500 will be awarded to the top three papers (judges reserve the right to not award prizes based on quality of the submissions). The first place paper will be published in “Delaware Lawyer” magazine.

The competition is open to: (i) students enrolled in, and 2017 graduates of any ABA accredited law school, (ii) individuals who have registered for or have taken the 2017 Delaware Bar Examination, (iii) law clerks currently employed by a member of the Delaware judiciary, and (iv) Delaware attorneys admitted to the Delaware Bar for no more than five years.

For additional information and complete rules, please visit www.DelawareBarFoundation.org/Stargatt
By Sara Beth A.R. Kohut, Esquire

“Okay, we’ll wait to see your revisions on the brief and circle back to you,” Sheila said to her co-counsel before hitting the red button to end the call on her cell phone. As she stood up, Jenny lifted her head from the floor, her eyes brightening at the prospect of finally getting a walk.

It was 2:30 p.m. “Time to get Otto,” Sheila said to the dog. “Do you want to get Otto?” her voice raising in pitch. The dog stood up at the sound of “Otto,” her tail creating large circles in the air.

“And then go to the park?” Now Jenny’s ears perked and she leapt up, paws landing on Sheila’s thighs before bouncing back to the ground.

By the time Sheila said, “Let’s go!” the dog was already at the door. As Sheila started the engine, the radio announced the day’s news, keeping her company until she reached the head of the car line at Otto’s school. She watched the children file out of the building and climb into vehicles as the newscaster reported the latest on the legislature, the traffic, the weather, and local crime. “Authorities still have no answers on the whereabouts of the missing 23-year-old woman from Hockessin, Delaware. Family reported the woman missing one year ago today. Neighbors reported hearing Alice Southern arguing with her live-in boyfriend the evening she was last seen. . . .” Sheila pushed the power button off as the backdoor opened and a teacher helped Otto into his seat. As Sheila reached back to fasten his car-seat harness, Jenny licked her cheek.

“Hey, buddy. How was your day?”

“Good, mommy,” said Otto. “We had library today and I got a new book.” He smiled with excitement.

Jenny began whining and pacing from one side of the back seat to the other. “Ow! She scratched me!” Otto yelped as the dog stood with her front legs in his lap, back legs on the middle of the seat so she could reach her nose to the window. Sheila cracked the window down on the opposite side of the car, drawing the dog away from Otto.

“Jenny’s desperate for a walk, Otto,” Sheila explained. “I was on the phone most of the day, so she hasn’t really gone anywhere today. And, you know she needs a lot of exercise.”

As she turned off the school entrance onto the main road, she said, “I thought we’d go to the White Clay Creek Preserve today and walk through the woods for a change.” Otto was silent. In the rear-view mirror, she could see Otto’s fingers curved in front of his mouth, eyes looking out the window as he enjoyed the security of sucking his thumb.

Jenny whined as they passed a horse farm and drew closer to the wooded thickness of the preserve. No animals were in sight, but Jenny remembered where she’d previously seen (or smelled) them.

“Only one car here,” Sheila said to the boy and the dog as they passed the first parking lot near the sign declaring it the “White Clay Creek Preserve of Pennsylvania and Delaware.” The roof of the old London Tract meeting house was covered in a blue tarp, apparently getting some needed attention. It was the only sign of modernity around the old building, surrounded by a yard of frail tombstones encircled by an old stone wall, half crumbled at certain points. The adjacent park office looked closed, save for a porch light glowing despite the afternoon daylight.

The old Yeatman mansion came into view. Sheila drew in her breath as she noticed buzzards were perched on the rafters where the roof had collapsed. “What a shame! That used to be such a nice house. Just ten years ago, a family lived there,” Sheila explained to Otto.

“Mommy, that looks like a swing-set,” Otto noted.

“Yes, it is. I’m amazed you can tell with all the invasive vines growing on it.” She pulled into the second parking lot. Jenny was ready to leap out the door, but Sheila quickly got the leash attached to her harness before she could bolt for the woods. Jenny pulled the leash taut as Sheila rounded the car to help Otto out.

“Let’s go that way!” Otto pointed to an opening connecting the parking lot with the trail along the creek.
“Okay,” agreed Sheila, as if she had any choice. Both the dog and Otto were already on the path.

Once they reached the dirt trail by the creek, Jenny made a beeline to the left. Otto headed straight towards the creek’s edge. Sheila whistled and the dog turned around. “Let’s go this way,” Sheila urged, heading to the right. “This goes along the creek. The other way goes back to the road. Otto, come away from the edge of the creek. We don’t how stable it is and it’s too cold for you to get wet.”

He ran past her down the trail. “And don’t run!” She shouted. “There are all kinds of tree roots and rocks you could trip on.” Otto slowed momentarily at her caution, but quickly resumed his pace. It was a battle between the boy and the dog for the lead.

Sheila had chosen this path because it had less obstacles than others, but any kind of tumble by Otto was sure to lead to drama and interruption of what she hoped would be a peaceful, relaxing walk in the woods.

She could neither see nor hear anyone else around. That was a rare treat for this park. With trails for hikers, trail bikes, and horses, Sheila almost never felt isolated here. In the summer, this trail would be crawling with families enjoying the cool waters of the creek. But now, the cold of winter kept the throngs away. The solace of the lonely woods gave Sheila a feeling of comfort and renewal.

The creek was partially frozen, leaving just a slow trickle. But, its sound was just enough to block out the thoughts in her head, transporting her from suburbia, with all its noise, traffic, demanding clients, and endless emails, and phone calls. All she had to worry about here was keeping the dog on the leash and dry, and her son from tripping on a tree root into the mud, which was sure to be the cause of tears and shrieks until the thumb sucking took on a new fury of comfort.

“Mommy... mmhhhmmhmm,” She heard Otto’s voice, his words gurgled by the thumb in his mouth.

“Otto, I told you to stay on the main trail,” she chastised him as she headed toward the side-path onto which he had ventured. The creek’s edge had worn away in the middle, leaving only a narrow path around a tree, too thin for even Otto’s comfort. “Ouch!” A thorny branch penetrated through her jeans to strike her shin. “Here, take my hand!” She led Otto around the tree, trampling the thorny branch to spare him from its barbs.

Jenny pulled toward every side-path, nose twitching intensely. Nearly every tree received a good sniff-down, as the dog traced the paths of other visitors to this trail. Despite the cold, the dog kept pulling toward the water’s edge, the urge to swim irresistible. But, Sheila had no intention of dealing with a muddy, wet dog in the car and kept her from connecting with the water.

The path curved as the creek did. Jenny was torn between battling Otto for the lead and investigating the various scents she detected. As Jenny stopped to investigate a hole, Otto raced ahead on the path around a curve out of Sheila’s view. The path forked into two branches. The new path ventured inland, towards a field with corn-cob remnants spewed on the ground from the latest fall’s crop.

Otto followed the old path along the creek’s bank, jogging at his carefree pace. All of sudden, the toes of his shoes were dangling over the edge, the old path having washed away. Otto shrieked, “Mommy! I’m stuck! Mommy!” His feet teetered on the bank, as the dirt started to slide from under his feet, gathering in a pile just above the water. He slid about two feet down, leaving him sitting vertically in a pile having washed away. Sheila fished her cell phone from her coat pocket. “No signal, of course. We’ll have to go back to the office to make a call.”

“Jenny, quiet!” Sheila screamed at the dog. “Oh, sh-nap.” She changed her word as her eyes met the cause of the dog’s excitement and quickly grasped the need to spare the whimpering boy from further alarms. The dog stood over the side of the creek wall where Otto’s feet had just been, barking down at a tuft of blonde hair emerging from the dirt. Sheila had no doubt it was human hair, gathered into a pony tail complete with a hair band. But, was it really what she thought it might be?

Sheila grabbed a stick and glanced over at Otto. His back was to her and head hanging down, but she could tell his thumb was back in his mouth, the dirt apparently not a concern in his shaken state. Satisfied that the boy wasn’t watching, Sheila turned back to the dirt mound, poking at it enough to confirm her suspicions. The hair was connected to a hard, round object. She could make out something that resembled a face.

Eyes scanning the forest around them, Sheila fished her cell phone from her coat pocket. “No signal, of course. We’ll have to go back to the office to make a call.”

“Jenny, be quiet. Come on, Otto, let’s go back to the car.” Sheila pulled the dog and led Otto away. A side-path took them on a shortcut to the parking lot. Otto took short steps, following in silence with eyes to the ground and thumb still in his mouth.

“Let’s get you two in the car,” Sheila said, opening the back door. “Mommy has to make another phone call.”

Sara Beth A.R. Kohut is counsel at Young Conaway Stargatt & Taylor, LLP. Her practice focuses on mass-tort bankruptcy cases and settlement trusts, as well as cybersecurity, privacy and data protection matters.
Play for a Cause: The Fifth Annual Combined Campaign Cup

By Kevin G. Collins, Esquire, and Charles B. Vincent, Esquire

We are pleased to announce that the Fifth Annual Combined Campaign Cup to benefit the Combined Campaign for Justice will take place at the DuPont Country Club on Monday, July 17, 2017. This year’s tournament has something for everyone — golf, tennis and a lawn games tournament, including lawn bowling, horseshoes, and cornhole. Last year’s Cup netted more than $37,000 and to make this year’s Cup the best yet, we need your help! All members and friends of the DSBA, Combined Campaign for Justice, and the general public are welcome to participate in the day’s activities.

Don’t miss out on a great networking opportunity. The box lunch and dinner are included in the registration fee for golf, tennis, and lawn games, or may be purchased separately. This year’s silent auction boasts an impressive array of gift certificates to restaurants, museums, and theaters, golf packages to local courses (including DuPont and Bidermann), tickets to sporting events, and other great items. Bid early and often!

Registration begins and the silent auction opens at 9:00 a.m. Golf (shotgun start, scramble format) will start at 10:30 a.m., followed by tennis (competitive and social divisions) and lawn games tournaments at noon. All tournaments offer opportunities for participants to compete for prizes by testing their skills and luck, including a chance to win $10,000 in our annual putting contest. Prizes will be awarded to teams that place first or second in their respective event. Winning the Combined Campaign Cup also means bragging rights good for 364 days.

A wide variety of sponsorship levels are available. Beginning at the $500 level, sponsors will be recognized on all printed materials as well as on the Combined Campaign Cup’s registration page, on social media, and in post-tournament press, and also have the opportunity to include an item in the giveaway bag provided to all tournament participants. Sponsors at the $1,000 level and above receive additional perks, including (for golfers) the opportunity to play on the DuPont Championship Course.

All proceeds from the Cup benefit the Combined Campaign for Justice. Carmella Keener, a director at Rosenthal, Monhait & Goddess, P.A., and one of the Co-Chairs of Combined Campaign for Justice, shared her thoughts on the event: “The Combined Campaign Cup, now in its fifth year, continues to grow both in terms of participation and the much needed support it provides to Delaware’s legal services organizations. Last year alone, we had over 200 participants who golfed or played in the tennis or lawn games tournaments and raised, after expenses, over $37,000 for the Combined Campaign for Justice. We look forward to continued success at the tournament this year and to the wonderful opportunity it provides for networking with attorneys, judges and other members of the community.”

The Combined Campaign for Justice is a partnership of the DSBA, Community Legal Aid Society, Inc. (“CLASI”), Delaware Volunteer Legal Services (“DVLS”), and Legal Services Corporation of Delaware, Inc. (“LSCD”). Together these agencies work to provide Delaware’s indigent population, including individuals and families, children, veterans, seniors, people with disabilities, victims of domestic violence, and the homeless, with access to civil legal services. Specifically, CLASI provides legal services to low income Delawareans, to people who are 60 and over, or those who have a disability. DVLS provides pro bono legal representation to indigent clients facing dire — and sometimes life-threatening — circumstances, including protection from abuse, divorce and custody cases involving domestic violence. LSCD counsels and assists low income Delawareans in matters including bankruptcy, repossession, eviction, foreclosure, and unemployment benefit problems. In 2016, these agencies provided legal services to 5,819 low-income Delawareans and helped 12,138 people, including 5,513 children.

Registration for the Combined Campaign Cup is open and filling quickly. Individual golfer registration is $200, and foursomes are $700. Tennis registration is $100 a player, or $175 for a doubles team. All registrants receive a box lunch and admission to the dinner and silent auction. Tickets for the lunch and/or dinner may be purchased separately for $40 or $60, respectively. A portion of the registration fees and sponsorships are tax-deductible. For more information or to register, please visit the Combined Campaign Cup link on the Combined Campaign for Justice website (www.delawareccj.org). You can also contact Charlie Vincent at charlie@innovincent.com or (302) 566-8008. We look forward to seeing you on July 17 at DuPont! 😊
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Jacob Kreshtool, Esquire
1918 - 2017
By Sheldon N. Sandler, Esquire

The Delaware Bar has lost one of its unique members, my old partner and mentor Jake Kreshtool. As an article in the News Journal accurately stated in 1974, “Mention the name Jake Kreshtool and almost everybody who knows him begins to grin. They are savoring some favorite anecdote, like the one about lawyer Kreshtool representing the draft-card burner at a bail hearing. Dashing over to the federal courthouse, Kreshtool confronted three men in brush cuts, white shirts and somber suits, “FBI” written all over them, and one spindly youth in a beard and sandals. ‘All right,’ said Kreshtool. ‘Which one of you is my client?’ Part of the humor is in hearing Kreshtool tell it, or thinking of him tell it. The blue eyes widening, dancing; the stubby hands slicing the air; the mouth curving like the model for one of those ubiquitous “Smile” buttons. Though the law is Jacob Kreshool’s job, and one he enjoys immensely, it isn’t the half of this ageless 58-year-old. He is also a clean-air crusader, bicyclist, kite-flier, sailor, piano player, dart-thrower, baker, square dancer, and joyous human being.”

There are a plethora of anecdotes about Jake like the one mentioned in that article, but Jake was a multifaceted character whose prescience and intellect contributed to the well-being of the State of Delaware in a variety of large and small ways. Jake’s career as an attorney began relatively late. He worked in various commercial enterprises first, one of which was typical of Jake’s “out of the box” approach. It occurred to Jake that in those days, when wearing a tie was de rigueur for many men, people eventually tired of their ties. So, he created a “Tie Swap,” whereby men would send him their used ties and he would send them back other used ties. This clever innovation resulted in Jake receiving recognition from The Reader’s Digest, at that time the leading magazine in the country.

After attending Law School at the University of Miami, Jake, a native Delaworean, began a solo practice in Wilmington. I first met Jake when I began attending Delaware ACLU meetings, over which Jake presided. Later, we ran into each other one day in Family Court and Jake informed me that he and Coleman Dorsey had rented a large space in a new building and suggested that my then boss, John Bader, and I join them. We did, and the firm known as Bader, Dorsey & Kreshtool eventually grew to 12 lawyers. By that time, Jake had become one of Delaware’s first labor lawyers and I became his student. One of my jobs was to prompt Jake to send bills — he found such pleasure in practicing law that he had trouble believing people would actually pay him, and was always amazed when the bills, at an hourly rate he thought excessive, would be paid promptly.

Also by this time, Jake, far ahead of his time, had founded Delaware Citizens for Clean Air, which became a ferocious and effective watchdog over air pollution problems in Delaware. He was not afraid to confront the major corporations of Delaware, with virtually all of which he tangled at one time or another. Through DCCA, Jake was instrumental in the passage of the federal Clean Air Act, which allows citizens to sue air polluters. DCCA brought the first “citizen’s” suit after the Act was passed. In 2014, The Audubon Society honored Jake for his role in helping improve the quality of Delaware’s air.

A few years after, I left Bader, Dorsey & Kreshtool amicably and joined Young & Kreshtool. As an article in the News Journal accurately stated in 1974, “Mention the name Jake Kreshtool and almost everybody who knows him begins to grin. They are savoring some favorite anecdote, like the one about lawyer Kreshtool representing the draft-card burner at a bail hearing. Dashing over to the federal courthouse, Kreshtool confronted three men in brush cuts, white shirts and somber suits, “FBI” written all over them, and one spindly youth in a beard and sandals. ‘All right,’ said Kreshtool. ‘Which one of you is my client?’ Part of the humor is in hearing Kreshtool tell it, or thinking of him tell it. The blue eyes widening, dancing; the stubby hands slicing the air; the mouth curving like the model for one of those ubiquitous “Smile” buttons. Though the law is Jacob Kreshtool’s job, and one he enjoys immensely, it isn’t the half of this ageless 58-year-old. He is also a clean-air crusader, bicyclist, kite-flier, sailor, piano player, dart-thrower, baker, square dancer, and joyous human being.”

One of my last memories of Jake came a few years ago when my band, Tater Patch, was playing music for the residents of The Kutz Home. Out of the corner of my eye, I saw a man pull a bicycle into the hall, take out some flowers, and present them to one of the ladies listening to our concert. It was Jake, who had pedaled over from his house to visit his wife’s sister, a resident, and had picked flowers along the way to give to her. That was Jake, always caring about others. Jake lived a long and happy life, and made others happy, too. Those joyful memories will continue to make many people smile.
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CONDONDITIONAL DIVERSION

ODC File No. 112916-B
Effective Date: March 8, 2017

The Preliminary Review Committee (“PRC”) offered and the Pennsylvania lawyer accepted a conditional diversion for violations of the Delaware Lawyers’ Rules of Professional Conduct (“Rules”) in connection with their failure to provide their client with diligent representation and failing to return communications from the client. As a condition the lawyer is required to execute a one-year Agreement of Understanding with the Delaware Lawyer’s Assistance Program.

DISABILITY INACTIVE

John M. Willard, Esquire
Supreme Court No. 137, 2017
Effective Date: March 29, 2017

On March 29, 2017, the Delaware Supreme Court transferred John M. Willard to disability inactive status, pursuant to Rule 19(b) of the Delaware Lawyers’ Rules of Disciplinary Procedure. Until such time as he is reinstated to active status, Mr. Willard is prohibited from practicing law in Delaware.

PUBLIC REPRIMAND

In re Tabatha L. Castro, Esquire
Supreme Court No. 5, 2017
Effective Date: April 12, 2017

On April 12, 2017, the Delaware Supreme Court ordered Tabatha L. Castro, Esquire, of Wilmington, Delaware be publicly reprimanded subject to a public two-year period of probation with conditions. The Court approved a Report and Recommendation of Sanctions that was submitted by a panel of the Board on Professional Responsibility. The Board’s Report concluded Ms. Castro had violated the Delaware Lawyers’ Rules of Professional Conduct by: (1) failing to provide clients with a fee agreement that stated “the fee is refundable if not earned;” (2) failing to safeguard client trust funds; (3) failing to properly maintain her law practice’s financial books and records; and (4) misrepresenting to the Delaware Supreme Court in 2013, 2014, and 2015 the status of her law practice’s financial books and records. As a condition of the public probation, Ms. Castro shall submit to the Office of Disciplinary Counsel with her 2018 and 2019 Certificates of Compliance, an affidavit by a licensed certified public accountant certifying her law practice financial books, records and bank accounts were being maintained in full compliance with the Delaware Lawyers’ Rules of Professional Conduct.
May It Please the Court

With National Escargot Day approaching on May 24th, it’s only fitting that the escargot appear in a May word search along with other seasonal ingredients. The first reader to e-mail me with the solution will receive a can of escargots and a Provence rosé to enjoy on the 24th.

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APRICOT  GAZPACHO  RADISH
ASPARAGUS  LAMB  RHUBARB
BARBECUE  MINT  ROCKET
CARROT  MOREL  SALMON
CHICORY  ONION  SARDINE
COD  PEA  SORREL
DILL  POTATO  TROUT
ESCARGOT  PRAWN  WATERCRESS

Susan E. Poppiti is a mathematics teacher and director of the legal shadowing program at Padua Academy High School and managing member and cooking instructor for La Cucina di Poppiti, LLC and can be reached at spoppiti@hotmail.com. Other recipes and cooking tips are available on Susan’s food blog at www.cucinadipoppiti.com.
AN ICON JUST GOT LARGER

THE NAVITIMER 46 mm
Morris James LLP is pleased to announce Andrew B. Wilson has joined the firm as an attorney in its Healthcare Industry and Government Relations Practice Groups.

Andrew B. Wilson’s practice includes transactional, regulatory, and legislative matters, including lobbying in the Delaware General Assembly, as well as representation before various state regulatory boards. While Mr. Wilson will assist firm clients from various industries, he has extensive experience in Delaware healthcare matters developed while serving as the External Affairs Manager for the Medical Society of Delaware for four years prior to joining the firm. He will provide legal services to MSD as outside counsel and will continue working directly with key stakeholders and officials in the executive and legislative branches in furthering medical policy.

Mr. Wilson has played instrumental roles in key Delaware health initiatives including prior authorization modernization, opioid prescribing practices, scopes of practice, billing processes, and health insurance transparency. He was also instrumental in the crafting and passage of Delaware’s innovative telemedicine legislation, and speaks regularly on the topic in local and national seminars. Mr. Wilson graduated from Albany Law School, cum laude, in 2010 and received his B.A., magna cum laude, from St. Lawrence University in 2006. He is admitted to practice law in New York, 2011, and in Delaware, 2016. He can be reached at awilson@morrisjames.com or 302.888.6878.