



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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The Delaware State Bar Association Presents

LAW DAY LUNCHEON

Tuesday, April 21, 2015 • 12:00 noon

Gold Ballroom • Hotel du Pont • Wilmington, Delaware

Keynote Address by

The Honorable Matthew Denn
Delaware Attorney General

Attorney General Matt Denn took office in January 2015, and has focused on the issue of reducing violent crime in Delaware. He proposed a plan for more police officers on patrol in Wilmington, legislation to crack down on young people caught with guns, and proposed using bank settlement funds for programs addressing crime along with the root cause issues of addiction, education, reentry and housing. He also established a new Office of Civil Rights and Public Trust.

A long-time advocate for Delaware's children and a proponent of small businesses, Attorney General Denn helped improve Delaware's public schools by leading efforts to improve recruitment of outstanding new school teachers, encourage more efficient spending of tax dollars by school districts, provide better services to schoolchildren with disabilities, and expand parental involvement in schools. As Lieutenant Governor, Matt also led efforts to create one of the nation's most comprehensive developmental screening programs for infants and toddlers, create a new health insurance program for children of low income working parents, and expand the number of families willing to care for children in foster care. He worked closely with the Governor on the Governor's landmark early childhood education program, and was part of the Governor's financial team, helping balance four state budgets during the worst recession in almost a century.



As the state's elected Insurance Commissioner, Matt led the charge to pass laws restricting credit scoring and unfair cancellation of homeowners insurance, and fought to limit increases in Delawareans' insurance rates. During his term, workers' compensation insurance rates were cut by 45 percent, saving tens of millions of dollars for Delaware businesses. Matt personally took on the cases of hundreds of Delawareans who were being treated unfairly by their insurance companies. After graduating from Yale Law School, Matt sought out Delaware Volunteer Legal Services for his first job, providing free legal advice and representation to people who couldn't afford it. After he had entered private legal practice, Matt was asked by then-Governor Tom Carper to chair a commission charged with fixing state government's child protection system.

Awards Presentation

Liberty Bell Award

Presented to

Ron Copeland

Bailiff, Court of Common Pleas, Kent County

Community Service Award

Presented to

Thomas A. Pedersen, Esquire

Thomas A. Pedersen, Attorney at Law

Myrna L. Rubenstein Professional Support Recognition Award

Presented to

Mary Jane De Matteis

Law Day Luncheon • Tuesday, April 21, 2015 • 12:00 noon

Please reserve _____ place(s) for me at the Tuesday, April 21, 2015 Law Day Luncheon to be held at 12:00 noon at the Hotel du Pont.
\$55/per person. Please include names and DE ID numbers of all attendees with response.

Name: _____ DE ID No.: _____

Firm: _____ Phone: _____

E-mail: _____

Address: _____

Check/Charge in the amount of \$ _____ enclosed. (\$55/per person) **Please make checks payable to DSBA.**

☐ MasterCard ☐ Visa ☐ Amex ☐ Discover Expiration date: _____ Card number: _____

Signature: _____ (Required if card purchase) Billing Zip Code: _____

Please fax to (302) 658-5212 or mail by April 14, 2015 to: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE 19801

Refund Policy: Refunds will not be issued unless cancellation is received no later than one week prior to the luncheon.

DSBA BAR JOURNAL

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THE JOURNAL

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PRESIDENT'S CORNER

By Yvonne Takvorian Saville, Esquire

Spring is right around the corner! There is much to anticipate — warm weather, baseball season, blooming flowers, barbecues, and graduation celebrations. There are also some exciting things to look forward to at the Bar Association!

Bench and Bar

The Bench and Bar Conference will be held on Friday, May 15, 2015, at the Chase Center on the Riverfront. Registration will begin at 7:30 a.m., with the CLE program beginning at 8:30 a.m. and concluding at 12:00 p.m. As last year, we hope to have a panel of our judges for a portion of the CLE. The annual meeting, which includes the election of the new officers and some brief presentations, will start immediately thereafter, followed by a barbecue reception. This is a wonderful annual event that gives us an opportunity to connect with our colleagues and celebrate our profession with every member of the Bench, across the state. Please mark your calendars now!

Magna Carta

We are excited to announce that on Tuesday, May 19, 2015, the Supreme Court of Delaware and the DSBA will host United States Supreme Court Associate Justice Antonin Scalia, in recognition of the 800th Anniversary of Magna Carta. We extend our appreciation to Justice Holland for his efforts in inviting Justice Scalia to our state. The lunch will begin at 12:00 p.m. and will be held at the Hotel du

Pont, Gold Ballroom. A one-hour CLE credit will be provided for Delaware and Pennsylvania attorneys. A copy of the book, *Magna Carta, Muse & Mentor*, edited by Delaware Supreme Court Justice Randy J. Holland, will be provided to all attendees. Please save the date on your calendars now, and register early, as we anticipate the event will fill up quickly.

Exciting Addition

In next month's *Journal*, the DSBA will be introducing a new member to our team. Many of you may already know

“*The Bench and Bar is a wonderful annual event that gives us an opportunity to connect with our colleagues and celebrate our profession with every member of the Bench, across the state. Please mark your calendars now!*”

and have previously worked with him — Christopher Mourse — who is joining the DSBA as the new Director of Law Office Management. Mr. Mourse's position and job duties will focus on assisting lawyers, especially in solo and small firms, with law practice management issues. We welcome him and are excited to provide this new service and have an additional resource for our members. We look forward to sharing all of the information with you in next month's edition of the *Journal*.

DSBA Committee on Legal Professionals with Disabilities

The Delaware State Bar Association serves all Delaware lawyers, most of whom are also members. In recent years,

the DSBA has worked with members, the judiciary, and others to promote diversity in our profession. It has seen significant progress in the areas of gender and racial diversity. We continue to work on the issue of diversity with respect to persons with disabilities.

In 2011, under the leadership of Jim McGiffin during his term as President of the DSBA, an *ad hoc* committee comprised of members of the Bench and Bar was formed to identify issues focusing on lawyers with disabilities. Its goal is to mobilize DSBA to research the issue and

implement best practices to identify and address barriers to the recruitment, employment, advancement, and general success of lawyers with disabilities. The committee is currently comprised of the following members: Santino Ceccotti, Esquire

(Chair), The Honorable Andrea L. Rocanelli, James G. McGiffin, Jr., Esquire, Theresa V. Brown-Edwards, Esquire, Gregory B. Williams, Esquire, Yvonne Takvorian Saville, Esquire, Melissa Renee Allman, Esquire, Ross A. Flockerzie, Esquire, Timothy L. Hitchings, Esquire, and Melanie George Smith, Esquire.

Recently, the Committee met with Interim Dean Daly at Widener University School of Law School. The Committee is working with the law school to create a symposium in 2016 addressing these issues. We will keep you informed of the working committee's progress.

Women and the Law

As a member of the Women and the Law Section, one of the things I look

forward to most every year is the Women and the Law Conference held every March in Rehoboth. This year marked the 23rd Annual Conference. Each year, attendance continues to grow, and our attendees (this year over 120!) hear from judges and practitioners across the state on timely topics and issues we face in our practices. This year's presenters and topics included discussions on the Intersection of Law and Technology, Judges' Pet Peeves In and Out of the Courtroom, Civility Within the Bench and Bar, Managing Outside Counsel, and Scenarios that Lawyers Could Confront in Their Practices. This Conference also gives us an opportunity to socialize and mingle over dinner (with some dancing, too!), making it a great opportunity for new and experienced practitioners across the Bar to reconnect each year.

At this year's Women and the Law Retreat, the Section also raised \$1,405 for the Fund for Women. Since its inception in 1993, the Fund for Women has been making a difference in the lives of Delawareans, with each year's annual

giving of \$125,000 to causes benefitting our state's girls and women.¹ On behalf of the DSBA and the Women and the Law Retreat Planning Committee, I want to extend a thank you to Kyle Gay, Esquire, Beverly Wik, Esquire, and Margaret Juliano, Esquire, who organized the fundraising efforts. I look forward to next year's retreat. ⚖️

1. Fund for Women website: <http://delcf.org/ways-to-give/giving-circles/ffw/>

Yvonne Takvorian Saville is the current President of the Delaware State Bar Association, President Elect of the Delaware Trial Lawyers Association, and a director with the law firm Weiss & Saville, P.A. She can be reached at ytsaville@mweissesq.com.

Corporate Governance for Nonprofit Organizations



Monday, May 11, 2015
3.0 hours CLE credit

**Delaware State Bar Association,
Wilmington, DE**
**Webcast to Tunnell & Raysor,
Georgetown, DE**

Visit www.dsba.org for registration information.

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EDITOR'S PERSPECTIVE

By Seth L. Thompson, Esquire

Hope Springs

The annual pilgrimage to Clearwater, Florida, for the Phillies Spring Training came a week early this year, but not a snowstorm too soon. There is always one weekend in March when the Fightin' Phils have a game on Friday, a second game on Saturday or Sunday, and then a third on Monday. Other than the one attendee who lives in Clearwater Beach, the crew arrives Friday morning and goes directly to the stadium for the first pitch at 1 p.m. Three ball games, one full beach day, and about 80 hours later, we say our good-byes and hop our respective flights to the various places we currently call home.

Sitting at the PHL departing gate, as I looked over emails, the corners of my mouth headed south 45 minutes before the rest of me upon reading a client's email about his ex-wife, no stranger to the divorce process, and the definition of "marital property." Apparently, a conversation between the parties led to her offer to "do the right thing" and deed a property back to him for a relatively minor sum. My client owned the property before the marriage, but it became marital when the ex-wife goaded him into signing a deed that added her. My immediate response: If it is a legitimate offer, cut the check¹ and place it in escrow, but I will not hold my breath waiting for the signed deed to arrive.

The spring training trip has been a rotating bunch of friends over the past eight years, with four of six attending just about each year. There are now official

exemptions granted if someone has to miss a year: the birth of a child (must be within a three-month window); the strong likelihood of missing the birth of a child (the same three-month window); and major medical (must involve the word "surgery"). There have not been any instances of a no-show without a proper exemption, but I imagine the punishment involves relegation to the pull-out sofa bed.

The trip has certain staples, even down to the bag of Buffalo wing pretzel bites in the parking lot before the first game. We will run into at least one person that we know from "PA." My flip flops will chafe the space between my big toe and index toe thanks to the five months since their last wear. The stadium store will price gauge us for family members' souvenir merchandise to the point where someone will say, "Can you believe how expensive that place is? Is there a TV in that t-shirt or something?" We'll go to the Clearwater Beach resident's restaurant. We will all look forward with much greater enthusiasm to The Island Way Grill brunch. (It is okay. He feels the same way.)

There have been evolutions in the trip; We now stay in a better hotel, which itself received a facelift last year. For the dads, this year added designated kiddie Face-Time sessions, a function that was just a glimmer in Apple's eye when the first trip occurred. The amount of sunscreen has increased, after the first four or five trips resulted in at least one participant with some form of comical burn. (In

Year Three, an afternoon nap on the beach with one arm across my chest left me wearing a sash of pre-trip pastiness.) Our four-guy team no longer jumps into any beach soccer games with the locals who are half our ages. (Cutting in loose sand when our best player has a recently surgically repaired knee; what could go wrong?) And, we no longer expect some of the players to come out after the game



to mingle with the fans at the Tiki Bar in left field, as several used to do before the 2008 World Series title (a small price to pay).

The cast of players has rotated and evolved over the years as well. Cole Hamels has gone from a young phenom viewed as mercurial to a veteran favorite. This year, as trade rumors circulated, prior to each game, he signed baseballs for kids along the first row and in the aisles for an inordinate time, in this, probably his last go-round with the Clearwater fans. "He must feel like the last guest leaving what was a great, great party," one of the guys remarked.

1. Thank you, erstwhile basketball player-philosopher Rasheed Wallace, for the "CTC" acronym.

Right after “Where youse from?”, the most popular question at the games was, “So how bad are these guys gonna be this year?” (Noticeably, fans use “we” when the squad wins or is expected to win, and that construct is absent when the opposite is true.) Inevitably, the answer includes a series of “ifs” involving the older players’ health, and usually the response fell within the range of “It’s a rebuilding year to see what potential there is going forward” to “They’ll be awful, borderline unwatchable.” The bottom line: no one thinks our guys will be able to keep pace in the division with the loaded Nationals and the always competitive Braves.

Sports are filled with clichés. See, e.g., “Both teams played hard, my man.”² “Father Time is undefeated.”³ Another common one is “That’s why they play the games,” referring to the fact that the actual outcomes usually do not match the prognostication.

Ryan Howard went yard twice in the three games we attended, including a game winner. The stadium celebrated like it was six years ago, as Toby Keith’s “I Ain’t as Good as I Once Was” played. (Alright, I made up the last part.)

Two quotes came to mind. The first is from Wes Anderson’s *Bottle Rocket*, which stars a young, flat-topped Owen Wilson as Dignan, a dim-witted wannabe criminal with a great sense of adventure, quest for camaraderie, and infectious optimism. His friend remarks, “Say what you will about him, but he’s no cynic and he’s no quitter.” The second was from English poet Alexander Pope, who wrote the seasonally appropriate, “Hope springs eternal.” Maybe that deed will be at the office when I return. ☺

2. Courtesy of a brilliantly evasive Sheed in mandatory post-game interviews.

3. This refers to the fact that, no matter how great or freakish the athlete, their careers will come to an end largely due to the physical limitations that come with aging. Fortunately, Bartlett’s hasn’t weighed in, since the internet seems to credit this line to another eminently quotable athlete with Philadelphia connections, Charles Barkley.

Bar Journal Editor **Seth L. Thompson** is a shareholder with Sergovic, Carmean & Weidman, P.A., 142 E. Market Street, Georgetown, Delaware. He may be reached at seth@scdelaw.com.

ACTL Survey of Delaware Bar Members To Be Detailed and Discussed at 2015 Bench and Bar CLE

By Bartholomew J. Dalton, Esquire

The preliminary results of a comprehensive survey of members of the Delaware Bar, about how the Delaware Courts operate and how the system could be improved to better meet the challenges of the future, will be presented and discussed at the Bench and Bar Conference on May 15, 2015 at the Chase Center on the Riverfront as part of the CLE program.

The survey was created and conducted by the Delaware Chapter of the American College of Trial Lawyers (ACTL) and the Delaware State Bar Association (DSBA) in conjunction with the Delaware Courts as part of the Access to Justice initiative.

The discussion will be led by attorneys Bartholomew J. Dalton, Esquire, Thomas J. Allingham II, Esquire, and Joseph R. Slights III, Esquire.

One of the priorities for the Delaware Judiciary, as spelled out by Chief Justice Leo E. Strine, Jr. during his State of the Judiciary Speech at the Bench and Bar in the summer of 2014, is increased collaboration with the Bar. To that end, the Court called on members of the ACTL and the DSBA to produce a comprehensive analysis of the challenges and concerns of Delaware attorneys, and their perceptions of how the court system is doing.

Detailed surveys were created in the summer and fall of 2014 focusing on the Supreme Court, Superior Court, Family Court, Court of Common Pleas and Justice of the Peace Court. Questions on the survey related to issues like the amount of time allowed for oral argu-

ments in front of the Supreme Court to e-filing procedures in Chancery Court to scheduling issues in the Superior Court and the new “Speed” docket in the Court of Common Pleas.

The survey also asked open-ended questions seeking general comments and suggestions about how procedures can be improved and how the Courts can help attorneys achieve a better work-life balance.

Between December and February, using that survey, more than 100 members of the Delaware Bench and Bar were interviewed and their answers have been compiled and analyzed. Electronic versions of the surveys will be sent out to all members of the Bar and incorporated into a final report.

At the Bench and Bar, survey organizers will present the results so far and the themes that have emerged that will inform the recommendations that will be presented to the Chief Justice and members of the Supreme Court later this year. Members of the Bar are invited and encouraged to attend and be a part of the discussion. ☺

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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CALENDAR OF EVENTS

April 2015

Wednesday, April 15, 2015

Assisted Reproductive Technology and the Law

1.5 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Tuesday, April 21, 2015

Law Day Luncheon

Hotel du Pont, Wilmington, DE

Tuesday, April 28, 2015

Environmental Law 2015

3.5 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Thursday, April 30, 2015

E-Discovery and the Mid-Size Case

3.0 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

May 2015

Wednesday, May 6, 2015

Workers' Compensation Featuring Professor Lex Larson

6.5 hours CLE credit

Chase Center on the Riverfront, Wilmington, DE

Monday, May 11, 2015

Corporate Governance for Nonprofit Organizations

3.0 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Tuesday, May 12, 2015

Confidentiality and Cyber (In)Security

1.5 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Friday, May 15, 2015

Bench and Bar Conference and CLE

3.0 hours CLE credit

Chase Center on the Riverfront

Tuesday, May 19, 2015

Magna Carta with Associate Justice Antonin Scalia, U. S. Supreme Court

1.0 hour CLE credit

Hotel du Pont, Wilmington, DE

Thursday, May 21, 2015

Ethics in Social Media at The Judge Haile L. Alford Memorial Breakfast

1.0 hour CLE credit

DuPont Country Club, Wilmington, DE

Wednesday, May 27, 2015

Tax Basics for Small Business Entities

3.0 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Thursday, May 28, 2015

Recent Developments In Delaware Corporate Law

4.0 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

SECTION & COMMITTEE MEETINGS

April 2015

Thursday, April 9, 2015 • 3:30 p.m.

Real & Personal Property Section Meeting

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, April 9, 2015 • 5:30 p.m.

Young Lawyers Section Happy Hour

TBD

Thursday, April 16, 2015 • 12:00 p.m.

Executive Committee Meeting

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, April 16, 2015 • 4:00 p.m.

Elder Law Section Meeting

Reger Rizzo & Darnall LLP, 1523 Concord Pike, Suite 200, Wilmington, DE

Tuesday, April 21, 2015 • 11:30 a.m.

LGBT Annual Section Meeting

Young Conaway Stargatt & Taylor LLP, 1000 North King Street, Wilmington, DE

Tuesday, April 21, 2015 • 12:30 p.m.

Labor & Employment Law Section Meeting

Drinker Biddle & Reath LLP, 222 Delaware Avenue, Suite 1600, Wilmington, DE

Thursday, April 23, 2015 • 4:00 p.m.

Family Law Section Meeting

Bayard, P.A., 222 Delaware Avenue, Suite 900, Wilmington, DE

Thursday, April 23, 2015 • 4:30 p.m.

Workers' Compensation Section Meeting and Happy Hour

Young Conaway Stargatt & Taylor LLP, 1000 North King Street, Wilmington, DE

Friday, April 24, 2015 • 12:00 p.m.

Multicultural Judges and Lawyers Section Meeting

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Friday, April 10, 2015 • 12:15 p.m.

Health Law Section Meeting

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Monday, April 27, 2015 • 4:00 p.m.

Taxation Section Meeting

Gordon Fournaris & Mammarella, P.A., 1925 Lovering Avenue, Wilmington, DE

May 2015

Monday, May 4, 2015 • 12:30 p.m.

Senior Lawyers Committee Monthly Luncheon Meeting

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, May 5, 2015 • 3:30 p.m.

Estates & Trusts Section Meeting

Duane Morris LLP, 222 Delaware Avenue, Suite 1600, Wilmington, DE

Wednesday, May 6, 2015 • 12:00 p.m.

ADR Section Meeting

Marshall Dennehey Warner Coleman & Goggin, 1007 North Orange Street,

Suite 600, Wilmington, DE

Wednesday, May 6, 2015 • 12:30 p.m.

Women and the Law Section Meeting

TBD

Thursday, May 7, 2015 • 3:30 p.m.

Real & Personal Property Section Meeting

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, May 14, 2015 • 5:30 p.m.

Young Lawyers Section Happy Hour

TBD

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TIPS ON TECHNOLOGY

By Kevin F. Brady, Esquire

The Illusion of Technology

Email and the Illusion of Security

In response to the controversy around her use of a personal email account when she was Secretary of State, Mrs. Clinton said that she used her personal email account and had her own email server for security purposes. Security experts responded that private email accounts in general are more susceptible to attacks than government email addresses. However, as Ed McAndrew discusses in his article in this issue, there are lessons that lawyers can learn about email security and privacy from the very sophisticated Sony cyberattack, which has been called the most devastating cyberattack yet. Is it time to switch to a better, easier, and safer form of communication?

In this age of rapidly evolving technology, it is hard to believe that email, the ubiquitous form of communication that was first used in 1972 by Ray Tomlinson, remains the most widely used form of communication worldwide (over 600 million users). The latest and possibly the strongest challenger to email is Slack, the office messaging, file sharing, team-communication application. Slack is hosted in the cloud and it is easy to access, customize, and scale to your individual needs. According to a recent article in the *New York Times*, Slack customers include Walmart, Comcast, and the *New York Times* to name a few.

While the benefits of using Slack are significant, there are risks. By default,

all communications are archived and searchable by everyone in the company. While that may be appealing on many levels, especially for a company that has to preserve employee communications for litigation purposes, would a company want all of the communications regarding the legal department, HR, security, finance, etc. available to the entire com-



pany? That might create problems for maintaining privileged communications or protecting trade secret information.

A Locked iPhone and the Illusion of Security

I had the privilege of being part of a panel discussion on ethics and technology at the Bar Association's Women and the Law Section Retreat in Rehoboth Beach recently. When the topic turned to protecting client confidential infor-


mation, there was a very interesting discussion about how many functions are available to anyone on a locked iPhone or iPad. For instance, if you want to access someone's camera to take a picture (with or without their permission), it takes three simple steps. First, press the home button or sleep/awake button to turn on the Lock Screen. Next, touch the camera icon at the bottom right of the Lock Screen and swipe up towards the top of the phone quickly. Finally, the camera appears and you are ready to start taking pictures or video. This allows the user quick and easy access to the camera, but at the same time, anyone can pick up your locked iPhone and within seconds take pictures that not only you do not want on your phone, but might get you in a great deal of trouble.

You can also send text messages or email messages from a locked iPhone using Siri. Simply press and hold the home button until Siri is activated and then say "call" and name the person you want to call. If that name and number is in the contacts on that phone, Siri will dial the number. This is very convenient, but not without risk. If you leave your phone unattended even for a short period of time, someone could make unwanted calls or send text or email messages using that phone. This could create some very interesting evidentiary issues if the recipient of those calls or messages goes into court and their proof of a threat or inappropriate picture being sent to them is on their

iPhone and the owner of the “sending” phone tries to deny it. However, there are ways to change these default settings so access to the Control Center is denied when the phone is locked and Siri can be turned off.

Barbie and the Illusion of Privacy

Recent articles in the *Washington Post* and *Newsweek* noted that this fall, Mattel is launching a new “Hello Barbie” which will be “Wi-Fi connected.” This version of Barbie will allow children to press a button and have a two-way conversation with the doll. With voice-recognition software, the doll can listen to what the child says and then respond back. However, what “Hello Barbie” hears will be saved on the server of ToyTalk, a San Francisco start-up company, where the speech recognition software will process and “learn” about the “likes and dislikes” of the child so it can form appropriate responses to the child’s statement. In short, the conversations between the child and the doll (as well as any background conversations that can be detected when the button is pressed) will be recorded and analyzed.

Mattel has said that the audio files that the doll collects will only be used to improve the product, including helping it build better speech recognition models for children and that the data is “never used for anything to do with marketing or publicity....” However, privacy experts are very concerned (calling the doll “Surveillance Barbie”) because these “conversations” are being stored and could be the subject of future discovery in litigation or investigations. 

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

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

Report of the Nominating Committee

The Nominating Committee met on March 17, 2015 and nominated the following for officers and membership on the Executive Committee for the year July 1, 2015 to June 30, 2016:

Vice President-at-Large:	Michael Houghton
Vice President, New Castle County:	David J. Ferry, Jr.
Secretary:	Michael W. Arrington
Assistant Secretary:	Janine M. Salomone
Treasurer:	William P. Brady
Assistant Treasurer:	Michael F. McTaggart
Members-at-Large:	Mary I. Akhimien
	Crystal L. Carey
	Charles J. Durante
	David A. Felice
	Kathleen M. Miller
	David A. White

In addition, the Committee nominated:

Kelly E. Farnan 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.

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:

“Any 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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What the Sony Cyberattack Can Teach Lawyers About Data Security

By Edward J. McAndrew, Esquire

The late-2014 cyberattack on Sony Pictures Entertainment, Inc. illustrates a growing cyber threat that is much different and perhaps more concerning than the consumer privacy data breaches that have garnered headlines. The Sony attack involved digital espionage and massive data theft relating to some of Sony's most sensitive business and legal matters. The hackers also stole information about the professional and personal dealings of Sony's employees.

What truly distinguishes the Sony attack, though, is that the hackers did not stop at spying and stealing. They used malware to destroy Sony's computer network. They published portions of the stolen data online, in an attempt to threaten, extort, and inflict financial, legal, and reputational injury on Sony and its employees. They threatened to harm Sony employees and their families.

Sony's lawyers were high-value targets in the attack. The hackers stole, and later published online, the emails of Sony's general counsel and other in-house counsel. What was disclosed should be every lawyer's personal data breach nightmare — legal and business strategies for the company, including an "email purge"; discussions about potential litigation against the company; information relating to a sensitive Foreign Corrupt Practices Act investigation; and even the percentages of the legal budget committed to different matters.

The hackers displayed a particular interest in publicizing the Sony lawyers' communications and actions relating to data security. The hackers disclosed that


Sony's general counsel conducted at least one briefing to Sony's Board of Directors about data security issues in June 2014 — putting the Board on actual notice of such matters months before the massive cyberattack. There were also discussions about prior hacking incidents and data breaches at Sony, including the highly publicized 2011 attack on its PlayStation Network that impacted over 77 million users. Sony lawyers advised the company not to disclose some of these past data breaches. The lawyers also discussed the hacking group Anonymous and how to respond to past hacking incidents via social media. Thus, what was put on public display was some portion of the approach taken by Sony, its Board, and its lawyers to data security.

A primary legal and ethical question now is whether Sony and its lawyers made "reasonable efforts" to secure their data. That question may be asked in lawsuits, government investigations, and perhaps bar inquiries. What happened to Sony can happen to any of us, and the question will be the same.

For us, the question would come directly from the Delaware Lawyers' Rules of Professional Conduct. Rule 1.6(c) requires lawyers to make "reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client." Although this Rule focuses only on client-related information, the data security approach it requires applies equally to securing a lawyer's own data and digital tools.

What is "reasonable" is, of course, often highly fact-specific. Comment 19

to Rule 1.6 lists various factors relevant to whether data security efforts are reasonable, "including, but [] not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (*e.g.*, by making a device or important piece of software excessively difficult to use)." Comment 20 offers similar advice as to client communications.

In 2014, the Commission on Law and Technology published "Leading Practices: Data Security" on its website to assist lawyers on data security issues.¹ The "Leading Practices" are drawn from a variety of sources that have been widely adopted across public and private sectors for businesses of all sizes. Utilizing these "Leading Practices" will enable lawyers — regardless of practice type or organizational size — to engage in the type of risk management process and planning for cyber incidents that is increasingly seen as a "reasonable" approach to cyber threats. The Commission intends to add to its website additional resources that may aid lawyers in undertaking "reasonable efforts" to secure their own and their clients' data from the constantly evolving cyber threat. 

1. Delaware Supreme Court Commission on Law & Technology Website, available at: <http://courts.delaware.gov/declt/datasecurity.stm>.

Ed McAndrew is the Cybercrime Coordinator in the United States Attorney's Office for the District of Delaware and the leader of the Commission on Law and Technology's Data Security Working Group.

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Break: 10:00 a.m. - 10:15 a.m.

CLE: 10:15 a.m. - 11:45 a.m.

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To help meet the challenges of the future, under the direction of Chief Justice Leo E. Strine, Jr., extensive interviews were conducted with over 100 members of the Bar to give them the opportunity to provide confidential input about how the court system is doing. All Delaware Courts were covered by the survey. This seminar will discuss the findings from the in-person interviews plus some of the results of an electronic poll that will be sent to the entire Bar prior to the Conference.

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ETHICALLY SPEAKING

By Charles Slanina, Esquire

Lawyers Still Behaving Badly in 2015: Part 1

“Ethically Speaking” returns to its favorite genre, examples of attorney misconduct drawn from across the nation. The usual admonitions apply. Read it. Learn it. Do not live it.

The Louisiana Attorney Disciplinary Board recommended suspension for a domestic relations attorney who participated in a “social media blitz” in order to influence judges presiding over her clients’ cases. According to a February 17, 2015, online posting of the *ABA Journal*, attorney Joyce Nanine McCool used Twitter and other social media to publish misleading and inflammatory statements about judges and promoted an online petition to influence the judges’ pending rulings. Compounding the offense, the website operated by Ms. McCool and her clients disclosed sealed information about the cases. In addition, the online petition stated that one of the judges had refused to listen to evidence on audio recordings during a hearing when, in fact, the recordings were not offered into evidence. According to the Disciplinary Board, McCool was unhappy with the decisions rendered in matters she was litigating and, after the legal procedural options were exhausted, she decided to launch a social media campaign to pressure the presiding judges.

When interviewed by the *ABA Journal*, McCool responded by stating that she disagrees with the Board’s recommended suspension. “I don’t believe the recommendation does anything to protect

the profession or make it more ‘honorable.’” She went on to respond, “To the contrary, it undermines it and further ensures that ‘justice’ will be whatever judges say it is, regardless of the law, ethics, or all of the facts and circumstances that would otherwise contradict them.” Ms. McCool added, “I have no interest in practicing law in a profession that demands absolute deference to an individual, rather than the law.” *ABA Journal*, Debra Cassens Weiss, posted February 17, 2015.

Electronic media was also the undoing of an Arizona attorney. The Arizona Supreme Court ordered a public reprimand and a condition of anger management treatment for attorney Dennis Wilenchik according to an *ABA Journal* online posting by Debra Cassens Weiss on February 18, 2015. Mr. Wilenchik had provided an initial consultation to the owner of a medical marijuana consulting business. Mr. Wilenchik’s firm then began work on the matter even though the client had not returned a signed fee agreement. When the prospective client failed to retain Mr. Wilenchik, the attorney billed the non-client \$1,100 for the consultation and the initial work.

An “increasing(ly) and off color” exchange of emails followed, according to the disciplinary admonition. That Agreement for Discipline by Consent also provided quotes of some of those exchanges, leading to Mr. Wilenchik sending an email to the eventual complainant “Ok, drug dealer — I look forward to the many nights and mornings when you think of my name and squeal

— you mean nothing to me. Check out the movie *Deliverance*.” Wilenchik conceded that the emails violated an Arizona Supreme Court Rule barring lawyers from engaging in unprofessional conduct, according to the Legal Profession Blog of the *Arizona Attorney Magazine*. In an interview with the *ABA Journal*, attorney Wilenchik defended his emails with the statement, “It was late on a Friday evening and I did not believe it was possible to be ‘offensive’ to this person who...bragged how he was going to make \$70M in the medical weed business, etc., but couldn’t pay a bill a little over \$1,000....” Wilenchik also stated that he felt that he was reacting in kind to the tone and content of the complainant’s emails.

A divided Rhode Island Supreme Court found that an attorney’s deposition conduct, although “unorthodox” and “arguably offensive,” was relevant to the plaintiff’s claim and, therefore, did not warrant revocation of his *pro hac vice* admission as a sanction. *Plante v. Stack*, 2015 WL 500848 (R.I. Feb. 6, 2015). According to a February 25, 2015, article in the *Lawyers’ Manual on Professional Conduct*, attorney Darrell Mook posed deposition questions to the plaintiff and his parents that included inquiries to the plaintiff as to his religious affiliation, his sexual activity during high school, his road bike, and even the corsage he bought for his prom date, while questions to the plaintiff’s parents asked about their divorce and the mother’s sexual orientation.

The Rhode Island Supreme Court concluded that although the propriety of

Mook's questions was debatable, plaintiff's counsel had improperly instructed the witnesses not to answer rather than bring the dispute to the judge. The five Justices of the Court offered four different opinions that reflected disagreement on the bounds of permissible deposition inquiries, but concluded that Mook's questions were relevant to the plaintiff's claim, so did not warrant a sanction including the revocation of his *pro hac vice* admission.

The hearing board of the Illinois Attorney Registration and Discipline Commission recommended a one-year suspension and psychiatric treatment for attorney Lee Smolen, according to *Am Law Daily*. Smolen's partner investigated taxi cab expenses submitted by Smolen as part of \$379,000 in expense reimbursements. The partner found the claimed \$70-\$80 daily cab fares suspicious because Smolen drove to work each day.

“The usual admonitions apply. Read it. Learn it. Do not live it.”

Noted in the Hearing Report, Smolen admitted his conduct was wrong, but said he felt entitled to the money because he worked hard and did a lot of rainmaking for the firm. He also testified that he used the cab money to pay for client entertainment. Having the cash available then freed him from having to do expense reports which took time away from his family and his seriously ill mother. A psychiatrist testified on Smolen's behalf that he had a generalized anxiety disorder, depressive disorder, and obsessive-compulsive personality disorder, all of which made him excessively devoted to work. The Board credited Smolen somewhat with a finding that the expenses had been falsely charged to the firm and not to individual clients.

An Ohio attorney was suspended for at least one year after a finding that his relationship with his client's wife was an “inherent and impermissible” conflict of interest. *Disciplinary Counsel v. Owen*,

Ohio, 2014 WL 5369375 (Ohio 2014). Attorney James David Owen's affair with the client's wife began shortly before his client's trial and lasted until shortly after the client was convicted of non-capital murder and voluntary manslaughter. The convictions were vacated fifteen years later when the client was granted a new trial on the grounds that the relationship created a conflict of interest that adversely affected attorney Owen's performance in the course of the representation. The Ohio Supreme Court ruled that Owen's affair and his failure to disclose it to the client violated ethics rules on conflicts of interest, conduct prejudicial to the administration of justice, and conduct adversely reflecting on a lawyer's fitness to practice. According to a November 5, 2014, article in the *Lawyers' Manual of Professional Conduct*, Owen presented as a mitigating factor that his client's matter was “an intense and complicated death-penalty case” and that his judgment was clouded due to an alcohol problem, depression, and attention deficit disorder.

In another Ohio case, attorney John Daniel Mismas was suspended for one year with six months stayed upon conditions for sending “sexually explicit texts” to a third-year law student whom he hired as a clerk. In addition to the texts, Mismas “indicated that (the law clerk's) continued employment depended on her compliance with his (sexual) demands.” The Court stated that “unwelcome sexual advances are unacceptable in the context of any employment, but they are particularly egregious when they are made by attorneys with the power to hire, supervise, and fire the recipient of those advances.” *Lake Cty. Bar Assn. V. Mismas*, 11 N.E.3d 1180 (Ohio 2014).

Finally, a set of facts that may cause “Ethically Speaking” to permanently retire the Attorneys Behaving Badly genre since it is hard to imagine a case topping this one — we have the story of Alvin, the dead cat. A Washington, D.C., solo-practitioner was called on to explain why he had missed a deadline in a Federal Court case. In a February 10, 2015, Federal Court filing published online in *Above the Law*, attorney James Fournier

described his run of bad luck which included a gout attack, pneumonia, pain killers, “certain home remedies that in retrospect were ill-advised,” an unhappy friend, and the burial of a dead cat as the reasons for his failure to file a brief despite three extensions.

Mr. Fournier's court filing set out his travails in which he claimed that in January he was suffering from gout and pneumonia and was bedridden with pain and coughing. After a trip to the emergency room, he was medicated with Percodan and Percocet, as well as a steroid. The pain killers made it difficult to work and the steroid caused “severe gastro-intestinal disturbance.” Nevertheless, he attempted to work on the brief. His efforts were interrupted by the six children in his house who advised him that the family's beloved house cat was missing. That cat, Alvin, was found dead in a closet. Fournier then scheduled a family backyard funeral and interment of Alvin, which left him further exhausted. Compounding his plight, Fournier hit his foot on the shovel during the interment which triggered another gout attack. Fournier was then contacted by a friend who was going through a divorce who needed counseling. Fournier told the *ABA Journal* that he felt he needed to offer the detailed explanation. “I'd like to forget that I ever had to write that brief, but given the situation, I decided that total honesty sparing no embarrassment was the only way to make the Court understand that this did not fall into any of the typical reasons why deadlines get missed.”

Next month, more tales from the darkside.

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

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

Charles Slanina is a partner in the firm of Finger & Slanina, LLC. His practice areas include disciplinary defense and consultations on professional responsibility issues. Additional information about the author is available at www.delawgroup.com.

CYBER SECURITY FOR SMALL BUSINESSES

Presented by Kurt E. Taylor

High-profile cyber-attacks on companies such as Target and Sears have raised awareness of the growing threat of cybercrime. Recent surveys conducted by the Small Business Authority, Symantec, and the National Cybersecurity Alliance suggest that many small business owners are still operating under a false sense of cybersecurity.

The statistics of these studies are grim: the vast majority of U.S. small businesses lack a formal Internet security policy for employees, and only about half have even rudimentary cybersecurity measures in place. Furthermore, only about a quarter of small business owners have had an outside party test their computer systems to ensure they are hacker-proof, and nearly 40 percent do not have their data backed up in more than one location.

Don't Equate Small with Safe

Despite significant cybersecurity exposures, 85 percent of small business owners believe their companies are safe from hackers, viruses, malware, or a data breach. This disconnect is largely due to the widespread, albeit mistaken, belief that small businesses are unlikely targets for cyber-attacks. In reality, data thieves are simply looking for the path of least resistance. Symantec's study found that 40 percent of attacks are against organizations with fewer than 500 employees.

Outside sources like hackers are not the only way your firm can be attacked — often, smaller companies have a family-like atmosphere and put too much trust in their employees. This can lead to complacency, which is exactly what a disgruntled or recently fired employee needs to execute an attack on the business.

Attacks Could Destroy Your Business

As large companies continue to get serious about data security, small businesses are becoming increasingly attractive targets — and the results are often devastating for small business owners.

According to Symantec, the average annual cost of cyber-attacks to small and medium-sized businesses was nearly \$200,000 in 2010. Most small businesses do not have that kind of money lying around, and as a result, nearly 60 percent of the small businesses victimized by a cyber-attack close permanently within six months of the attack. Many of these businesses put off making necessary improvements to their cybersecurity protocols until it was too late because they feared the costs would be prohibitive.

10 Ways to Prevent Cyber Attacks

Even if you do not currently have the resources to bring in an outside expert to test your computer systems and make security recommendations, there are simple, economical steps you can take to reduce your risk of falling victim to a costly cyber-attack.

1. Train your staff in cybersecurity principles.
2. Install, use, and regularly update antivirus and antispyware software on every computer used in your firm.
3. Use a firewall for your Internet connection.
4. Download and install software updates for your operating systems and applications as they become available.
5. Make backup copies of important business data and information.
6. Control physical access to your computers and network components.
7. Secure your Wi-Fi networks. If you have a Wi-Fi network for your office, make sure it is secure and hidden.
8. Require individual user accounts for each staff member.
9. Limit employee access to data and information, and limit authority to install software.
10. Regularly change passwords.




In addition to the listed tips, the Federal Communications Commission (FCC) provides a tool for small businesses that can create and save a custom cybersecurity plan for your firm,

choosing from a menu of expert advice to address your specific business needs and concerns. It can be found at www.fcc.gov/cyberplanner.

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A data breach could cripple your firm, costing you thousands or millions of dollars in lost revenue and/or damages. We have the tools necessary to ensure you have the proper coverage to protect your firm against losses from cyber-attacks.

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Kurt Taylor is a DSBIS property and casualty Account Executive, specializing in professional and commercial coverages. He may be reached at 302-397-0332 or kurt.taylor@usi.biz. 

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By Susan Simmons

April is National Child Abuse Prevention Month

The Delaware State Bar Association's lawyers have a unique opportunity to prevent child abuse when they represent children and children's best interests in the Courts. Families who are involved in our court systems are often there because they have abused or neglected a child. Families who are engaged in high conflict family disputes are often at risk of child abuse and neglect. When children and children's interests are well-represented, the legal system can take the protective measures necessary to protect the children.

Guardians Ad Litem

Lawyers act as Guardians Ad Litem in Family Court. As a *pro bono* volunteer you are charged with representing the best interests of children whose parents or other caregivers are engaged in contested custody disputes. You will act as the officer of the court to investigate and make recommendations that will keep a child safe and well.

Pro bono lawyers representing children's best interests can help to prevent child abuse by recognizing the risk factors and then urging — or asking the court to order — the parents to seek help. Parents who were raised with abuse or neglect often do not understand how to care for their own children or they may have unrealistic expectations for their child's behavior and abilities. A Guardian Ad Litem frequently suggests that parents take parenting classes, and

a parent's willingness to work towards improving their parenting skills can be a critical factor in a court's decision on custody and parenting time. Parents who abuse alcohol or drugs are significantly more likely to abuse or neglect a child. A Guardian Ad Litem who identifies a potential substance abuse problem can request that parents submit to a professional evaluation, which can lead to a parent recognizing and addressing addiction. Guardians Ad Litem often refer parents to counseling to help parents overcome stress and anxiety.

“When children and children's interests are well-represented, the legal system can take the protective measures necessary to protect the children.”

Volunteer lawyers representing children are often assigned to clients who have already been neglected by their parents. Volunteers represent neglected children after Family Services have already intervened into the family due to parental neglect. The parents commit to take affirmative steps to address the underlying cause of the neglect — parental substance abuse. Volunteer lawyers advocate for the children's care and well-being while the parents are striving towards recovery. Through their legal representation, volunteer lawyers help to ensure that the children receive

proper education, medical care, and emotional support during the difficult time in their lives, but perhaps even more important, the volunteer lawyers advocate for the children's desire to be reunited with safe and stable families. The parents attend drug treatment, and they submit to random and frequent drug screens. The court oversees the parents' recovery and the care of the children. The children visit with their parents and receive counseling to help them deal with the anguish of being separated from their parents.

The volunteer lawyer helps to assure that the children are returned to their home as soon as the court can be reasonably certain that parent is able to properly care for the child.

Unaccompanied Immigrant Children

As crime and violence have increased in Mexico and Central America in recent years, there has been an increase of immigrant arrivals at the border. The number of children from these countries, making the journey alone and unaccompanied, has doubled each year since 2011. The

U.S. government has estimated that over 60,000 children will have arrived to U.S. soil seeking safe haven in this fiscal year.

Many of these children have left the U.S.-Mexico border region and have resettled in Delaware. For the children who were placed into immigration court proceedings, often the court, or the detention center where they were initially housed at the U.S.-Mexico border, will transfer them to the care of a family member residing in Delaware. Federal sources indicate that 168 such children are residing in Delaware. Many of these immigrant children qualify for immigration relief that would allow them to lawfully live and remain in the United States.

These immigrant children lack representation. The role of *pro bono* volunteers will be to screen these children for immigration relief, and provide *pro bono* representation related to their immigration issues.

Preventing Child Abuse

Lawyers who represent children contribute substantially to the prevention of child abuse in our community. The work of representing a child and advocating for a child's best interest is not easy work. Volunteer lawyers who step up and accept a child's case make a tremendous commitment to the child, the court, and the community. The cases may take many hours and significant emotional energy. On the other hand, the work is not thankless. The judges and the court staff express consistent appreciation for the *pro bono* efforts of volunteers. More important,

however, is the knowledge that a child has been helped.

Become a Guardian Ad Litem by contacting the Office of the Child Advocate:

Wilmington

900 King Street, Suite 210
Wilmington, DE 19801
Voice (302) 255-1730
Fax (302) 577-6831

Georgetown

6 West Market Street, Suite 1
Georgetown, DE 19947
Voice (302) 856-5720
Fax (302) 856-5722

To volunteer to work with Unaccompanied Immigrant Children please contact: Delaware Volunteer Legal Services (302) 478-8680

If you or your firm are interested or already participate in *pro bono*, let us know:

Susan Simmons
Director of Development
& Access to Justice Coordination
Delaware State Bar Association
405 North King Street
Wilmington, DE 19801
ssimmons@dsba.org
302-658-5279 ext. 101

Susan Simmons is the Director of Development & Access to Justice Coordination at the Delaware State Bar Association and can be reached at ssimmons@dsba.org.



Mediation Arbitration Neutral Assessment

James J. Haley, Jr., Esq.
ABOTA Member; Certified Mediator
302-656-7247; JHALEY@FERRARALAW.NET
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Access to Justice

For the Public Good



The Delaware State Bar Association's Wills for Seniors in Kent County



Contact Jacki Chacona at 302-478-8680 x212 or jchacona@dvs.org to volunteer and to schedule time slots at the event.

Volunteers offer, at no cost, estate-planning services such as wills, advance health care directives and financial powers of attorneys. Appointments last about one hour and clients leave with all documents signed, witnessed, notarized and in effect. Clients take all paperwork with them when they leave and the documents are immediately effective.

**Saturday, April 18, 2015
10:00 AM - 4:00 PM**

**Luther Towers of Dover
430 Kings Highway
Dover, DE 19901**

Client appointments are required and last approximately 1 hour each.

This event is for people with small estates and with limited means.



DE-LAP ZONE

A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

Heroin Does Not Discriminate

"It happened without any warning, a sudden wave of terror," Jane recalled. "My heart was pounding. I could not catch my breath and my feet were unstable. The handcuffs were cutting my wrist. The undercover cop seemed to be empathetic while the arresting officer had me in a hold." Sadly, something else had Jane in a deadly hold; it was heroin.

"At one time, heroin was considered a drug that solely plagued the inner city and poorer neighborhoods."

Reading the news the following morning, Jane's colleagues wondered how a successful attorney, a woman who seemed to have it all, becomes a heroin addict. The answer was simple. Heroin does not discriminate.

Jane's story is not an isolated one. She needed surgery. The post-surgery was one filled with excruciating pain. As needed, Jane's doctor's prescribed pain medications. Soon, Jane was back to work and believed that she had been prescribed a "miracle drug." Jane began taking the oxycodone, originally prescribed for her post-surgery healing, to deal with any pain both physical and emotional. Jane found herself needing a combination of drugs to achieve a certain mood and to just feel normal. In less than six months, Jane, was spending \$300 to \$400 a day on pills.

As the government cracked down on doctors and drug companies for over-prescribing, Jane went searching for a cheaper, more accessible high. For Jane, it was about economics. For that reason, Jane turned to heroin, which can cost as little as \$10 a hit versus \$80 for one pill.

Getting to Addiction with Heroin

According to The National Institute on Drug Abuse, prescription opioid abuse often can be a first step to heroin use. Prescription opioid pain medications, such as oxycontin and vicodin, can have effects similar to heroin when taken in doses or in ways other than prescribed, and they are currently among the most commonly abused drugs in the United States. Research now suggests that abuse of these drugs may open the door to heroin abuse. In fact, nearly half of young people who inject heroin, surveyed in three recent studies, reported abusing prescription opioids before starting to use heroin. Some individuals reported taking up heroin because it is cheaper and easier to obtain than prescription opioids.

Heroin is an opioid drug that is synthesized from morphine, a naturally occurring substance extracted from the seedpod of the Asian opium poppy plant. Heroin usually appears as a white or brown powder or as black sticky substances known as "black tar heroin." In 2011, 4.2 million Americans ages 12 or older (1.6 percent) had used heroin at least once in their lives. It is estimated that about 23 percent of individuals who use heroin become dependent on it.

The Changing Population of Opioid Users

Opiates have been used in their raw form for centuries both medicinally and for pleasure. In the early years after World War II, heroin use slowly increased in the lower-class, slum areas of the large cities. Heroin was inexpensive in this period.

As the 1950s passed, heroin use spread rapidly. As demand increased, so did both the price and the amount of adulteration. In the 1960s, the use of heroin and other drugs skyrocketed. Flower children, hippies, and LSD received most of the media attention, but within the central core of the large American cities the number of regular and irregular heroin users increased daily. Then, in the 80s and 90s, a new twist to heroin use was the popularity of the heroin chic appearance — extremely thin with sunken eyes.

At one time, heroin was considered a drug that solely plagued the inner city and poorer neighborhoods. Today, however, it is a cheap and highly potent drug that can be smoked, snorted, and injected. Unfortunately, and as in other states, heroin has been flooding Delaware in recent years. Again, heroin does not discriminate. It has created new addicts, some of whom had started with prescription drugs.

How Heroin Affects the Brain

When heroin enters the brain, it is converted back into morphine, which binds to molecules on cells known as

opioid receptors. These receptors are located in many areas of the brain (and in the body), especially those involved in the perception of pain and in reward. Opioid receptors are also located in the brain stem, which controls automatic processes critical for life, such as blood pressure, arousal, and respiration.

Researchers are also investigating the long-term effects of opioid addiction on the brain. One result is tolerance, in which more of the drug is needed to achieve the same intensity of effect. Another result is dependence, characterized by the need to continue use of the drug to avoid withdrawal symptoms. Studies have shown some deterioration of the brain's white matter due to heroin use, which may affect decision-making abilities, the ability to regulate behavior, and responses to stressful situations.

Signs and Symptoms of Heroin Abuse/Dependence

Timberline Knolls, a residential treatment center, offers the following information on the signs and symptoms of heroin abuse/dependence including. Signs and symptoms include, but are not limited to:

- Shortness of breath
- Dry mouth
- Constricted (small) pupils
- Sudden changes in behavior or actions
- Disorientation
- Cycles of hyper-alertness followed by suddenly nodding off
- Droopy appearance — as if extremities are heavy.

Possession of paraphernalia

- Needles or syringes not used for other medical purposes
- Burned silver spoons
- Aluminum foil or gum wrappers with burn marks
- Missing shoelaces (used as a tie off for injection sites)
- Small plastic bags, with white powdery residue
- Water pipes or other pipes

Behavioral signs of heroin abuse and addiction

- Lying or other deceptive behavior
- Avoiding eye contact, or distant field of vision
- Substantial increases in time spent sleeping
- Increase in slurred, garbled, or incoherent speech
- Sudden worsening of performance in school, work including loss of job
- Decreasing attention to hygiene and physical appearance
- Loss of motivation and apathy toward future goals
- Withdrawal from friends and family, instead spending time with new friends with no natural tie
- Lack of interest in hobbies and favorite activities
- Repeatedly stealing or borrowing money from loved ones, or unexplained absence of valuables
- Hostile behaviors toward loved ones, including blaming them for withdrawal or broken commitments
- Regular comments indicating a decline in self-esteem or worsening body image
- Wearing long pants or long sleeves to hide needle marks, even in very warm weather
- Weight loss

Treatment


According to The National Institute on Drug Abuse, there are a variety of effective treatments available for heroin addiction, including both behavioral and pharmacological (medications). Both

approaches help to restore a degree of normalcy to brain function and behavior, resulting in increased employment rates and lower risk of HIV and other diseases and criminal behavior. Although behavioral and pharmacologic treatments can be extremely useful when utilized alone, research shows that for some people, integrating both types of treatments is the most effective approach.

As for Jane, she was able to remain clean of heroin for many months. Sorrowfully, during a vulnerable time in her life, Jane decided that one hit would help her cope. Jane had no idea that addicts can be more vulnerable to overdose after they have been clean for a while. Using the same amount of heroin as before, Jane shot up. Unfortunately, Jane's tolerance for heroin had gone down, and using the same amount as before proved fatal — Jane was dead within minutes.

For more confidential information on this and other subjects, call the Delaware Lawyers Assistance Program (DE-LAP) 302-777-0124 or email cwaldhauser@de-lap.org.

References:

1. Heroin deaths in US Quadrupled from 2000 through 2013, MNT: MARCH 2015.
2. National Institute on Drug Abuse: Heroin
3. www.timberlineknolls.com/drug-addiction/heroin/signs-effects:heroin.
4. Drugs, Society, and Human Behavior, Oakley Ray and Charles Ksir, McGraw-Hill Higher Education, P. 386-389. 

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



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BOOK REVIEW

Reviewed by Richard A. Forsten, Esquire

Not on the Battlefield: *Civil War Lawyers*

By Arthur T. Downey (ABA Publishing, 2010)

This April marks the 150th anniversary of Robert E. Lee's surrender at Appomattox Court House and the effective end of the Civil War. Surprisingly, there seems to have been little press coverage about the Civil War's 150th anniversary over these past four years and, given the war's importance in our nation's history, that lack of coverage seems strange. Nevertheless, while there may not have been much in the way of press coverage, any number of major new works have come out over the last few years, and Civil War scholarship is as robust as ever.

While the war itself was won on the battlefield, there were still plenty of legal issues and cases that arose before, during, and after the war. In *Civil War Lawyers, Constitutional Questions, Courtroom Dramas, and the Men Behind Them*, lawyer and author Arthur T. Downey has written what amounts to a history of these issues.

The *Dred Scott* case may have been one of the most consequential cases ever decided by the Supreme Court, and is credited by some as putting the events in motion which led to the war. Whole books have been written about the case, but Downey does a very nice job summarizing the case, explaining the issues and even providing some facts and information not usually covered in discussions of the case. But, even before his discussion of *Dred Scott*, Downey starts with the founding era and the compromises and contradictions of the Constitution. Those compromises and contradictions may have been necessary to secure unanimous support for the independence, but the country ultimately was never able to find a way to resolve those contradictions peaceably.

Beyond the *Dred Scott* case, Downey looks at all the major legal issues arising during the Civil War. Could the President suspend the writ of habeas corpus when the Constitution gives that power only to Congress, or, as Lincoln famously said, "Are all the laws but one to go unexecuted, and the Government itself to go to pieces lest the one be violated?" In *Ex Parte Merryman*, Chief Justice Taney, riding on circuit in Baltimore, ordered that John Merryman, who had been arrested by the army and charged with treason, be brought before the Court, holding that the President lacked the authority to suspend the writ of habeas corpus. Lincoln, though, simply ignored the order and the suspension of the writ continued. When Congress later convened (it was not in session when Lincoln suspended

the writ), it subsequently authorized the writ's suspension.

Downey also spends a fair amount of time addressing the international law issues, including the seizure of two Confederate diplomats from a British ship that violated international law and nearly led to the intervention of Great Britain in the war. He reviews the legal basis for the Emancipation Proclamation, examines the trial of John Brown, and considers the question of whether secession is legal (the war, of course, decided this question once and for all, but in 1869, in a case involving payment of certain bonds issued before the war, the Supreme Court held that secession is illegal). Finally, Downey looks at the trials for the Lincoln assassination conspirators, as well as the effort to try Jefferson Davis for treason, an effort ultimately abandoned.

The Civil War remains a seminal event in American history. In *Civil War Lawyers*, Downey looks at the war from a different perspective than standard histories, but an interesting perspective nonetheless. While the war itself was decided on the battlefield, many of the legal issues decided during the war still have relevance today, even as America fights a different kind of war, a war on terror. ⚖️

“While the war itself was decided on the battlefield, many of the legal issues decided during the war still have relevance today, even as America fights a different kind of war, a war on terror.”

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.

Photos from the 23rd Annual Women and the Law Section Retreat

Friday, March 6, 2015 and Saturday, March 7, 2015
The Atlantic Sands Hotel and Conference Center, Rehoboth Beach, Delaware



Chief Justice Leo E. Strine, Jr. gave an Address at the Retreat.



Attendees at the 23rd Annual Women and the Law Retreat.



Co-Chairs Natalie S. Woloshin, Esq., Kathleen M. Miller, Esq., and Yvonne Takvorian Saville, Esq.



Panel Discussion: Demystifying eDiscovery and Ethical Issues.



Margaret E. Juliano, Esq., Kathleen M. Miller, Esq., Kyle Evans Gay, Esq., and Beverly J. Wik, Esq.



Panel Discussion: PG Version of Truth or Dare.



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A PROFILE IN BALANCE

By James G. McGiffin, Jr., Esquire

Cathy Zwolak Kilian: Do What You Love in Life

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.

- Jim McGiffin

• • •

Catherine Zwolak Kilian has energy. Like the beach has sand. If you spend any time with her, do not blink. You will miss something.

A native Delawarean (3rd generation), Cathy is the granddaughter of Delaware lawyer Edward Zwolak (1905 - 1981) and daughter of U.S. Olympian Victor Zwolak.¹ She is employed as a staff attorney at the Widener University School of Law Delaware Civil Clinic and with DVLS, Inc. Cathy is also a wife and a mother of two. And, she never stops moving.

Cathy loves her life. She speaks about every part of her life with passionate enthusiasm. She has several life-long friends, people she met while a student at the Wilmington Montessori School, Ursuline, Archmere Academy, the University of Delaware, and Widener Law. She stays in touch. She keeps her family on track. She helps law students develop into responsible professionals. She is an active and

generous member of the community at large. She loves every bit of this life. Like a country music fan loves hooks.

Cathy also has luck. The right-place-right-time kind of luck. She met her husband while visiting a well-known Newark watering hole when she approached an old friend to say “hello” and was re-introduced to him. She had remembered him from childhood as her best friend’s older brother. An athlete, standing at a towering “almost five foot one,” she scored the winning basket for her middle school state championship team. Not bad for a runner and a tennis player (her true sports). And when, after years of discernment, she decided to follow her passion for helping survivors of domestic violence, she made a phone call to her former professor, Dana Harrington Conner, seeking guidance and discovered that the Clinic was accepting applications

for a recently opened staff attorney position. She is lucky like an Irish person on St. Patrick’s Day.

As a Widener law student, Cathy had worked in the Clinic. She also worked with Connor Bifferato and his father, Vincent Bifferato, as a legal assistant and law clerk. In fact, the Bifferato law firm became her first professional home after law school graduation. She found the environment nurturing and the camaraderie sustaining. She worked a bit from home after her first child was born, and then decided to focus on her family, taking a break from the law until both children were enrolled in school. When Cathy decided it was time to return to the professional world, she was unsure of the right path. She considered many of the things that interested her — fund development, event planning, real estate, and business — but ultimately decided to go with her professional passion, helping survivors of domestic violence seek protection for themselves and their children.

Cathy has quickly developed another, unexpected passion at the Clinic. She loves teaching. She spends most of her time supervising law students handling the Protection From Abuse, custody, and visitation matters that are the focus of the Clinic. And, her students deeply appreciate her. They line up every day to speak with her.


Juggling responsibilities at work is easy compared to keeping the home operating on schedule. Cathy rises at 5 a.m. and is committed to working



1. Steeplechase, 1964 Tokyo.

out at least five times each week. She gets everybody's lunch together and gets them to the bus (or car, in husband Neil's case). She then spends a full day with budding lawyers. She leaves Widener to collect the children, helps them get their homework done, gets everyone fed, and then she reads to the children at bedtime. After all that, she and Neil spend time catching up. She is particularly grateful for the weekends, when she can catch her breath. And, she enjoys family vacations. They get to Fort Lauderdale, Florida every Spring and Kennebunkport, Maine every summer. She also loves to camp with the family.

Cathy has always been conscious of her responsibilities beyond family. She has served the Serviam Girls Academy as an active board member for several years. Serviam Girls Academy is a tuition-free, independent middle school in the Ursuline tradition for young women of all faiths from low-income families. She also started the philanthropic 501(c)(3) organization, Guilty Girls Giving Group, to raise money for nonprofits serving women and children in need. In three years, they have raised more than \$44,000.

Time is a resource precious to all lawyers. Cathy Zwolak Kilian makes sure she spends her time doing that which is most meaningful to her. And, she does it all the way. 

James G. McGiffin, Jr. is a Senior Staff Attorney with Community Legal Aid Society, Inc. and a former President of the Delaware State Bar Association. He can be reached at jmcgiffin@declasi.org.

SUCCESS SECRETS

PERSONAL BRANDING: I ROCK, DO YOU?

By Ann Jenrette-Thomas, Esquire, CPCC
Esquire Coaching, CEO

Company brands seem pretty easy to decipher. Whether it's Tiffany's or Target, you have a good sense of what each company stands for and its overall value proposition. Not always so with personal brands.

Personal brand refers to the *signature attributes that form the basis of how others perceive you*. While it is impossible to always control how others perceive you, you can influence their perception by creating a deliberate personal brand and acting in a manner consistent with that brand.

The challenge is that most lawyers do not think about developing a strategy for building their personal brand. Instead, they obtain a reputation by default, simply acting and behaving without giving any thought to the impact of their actions.

Perception can be as important as reality, so why doesn't everyone purposefully develop a brand? "I don't have time!" is the excuse I hear most often. The truth is, a strong personal brand will save you time. Imagine being able to more easily obtain clients, or get key assignments because you have developed a strong reputation as THE go-to attorney. A strategically developed personal brand can help focus your marketing; save time by leveraging your efforts; and make it easier for people to refer work to you.

To create a strong personal brand, first determine your overall long-term goals. For example, your long-term goal may be to make equity partner, or it may be to double your profitability within four years. A strong personal brand makes it easier for you to achieve your goals. The acronym "I ROCK" describes the essential elements of a personal brand:

I = Image Is your physical appearance (clothing, grooming, hairstyle, etc.) consistent with the brand you want to convey? Will it support you in obtaining your goals?


R = Rapport Are your actions and habits building a strong rapport with others? For example, are you punctual, reliable, etc.?

O = Output Are you providing excellence in your legal representation? This element pertains to the quality of your performance.

C = Communication Is your written and oral communication consistent with the brand you want to convey? Do your on-line and off-line communications help or hurt you achieve your goals?

K = Know, Like + Trust Factor This last element is less about how to build a personal brand and more about WHY you should take the time to build one. People obtain services from lawyers they know, like, and trust. Key assignments and promotions are given to those that the higher-ups know, like, and trust. A strong personal brand builds the know, like, and trust factor because all of your actions are deliberate and consistent with the reputation you need to achieve your overall goals.

In today's virtual world, branding has become an even more crucial part of managing your legal practice. As a result of wanting to portray yourself a certain way to your social circles, you may be creating an inauthentic image of yourself on social media and online sites without realizing it. Online identities can affect real world perceptions and damage your credibility. Therefore, it is imperative that you remain authentic across all channels of communication. Now is the time to make sure your personal brand is consistent, and to take any necessary steps to ROCK your brand.

"Success Secrets" is curated by Emilie R. Ninan, Esquire. If you have a success secret to share, please contact her at ninane@ballardspahr.com. 

Carpenter, Rubenstein and Johnston Assume Additional ABA Leadership Positions

Judge William C. Carpenter, Jr., Harvey Bernard Rubenstein, Esquire, and William D. Johnston, Esquire, have assumed or shortly will assume additional leadership positions in the American Bar Association.

Judge Carpenter currently serves as Delegate to the ABA House of Delegates from the National Conference of State Trial Judges of the ABA Judicial Division, and he has just concluded a four-year term on the executive committee of the Section Officers Conference of the ABA. He previously served as Chair of the National Conference of State Trial Judges. Judge Carpenter was first appointed to the Delaware Superior Court in 1993. He was reappointed in 2005. He is one of four Superior Court judges who address Complex Commercial Litigation

Division matters, in addition to his other civil and criminal case responsibilities.

Mr. Rubenstein, the outgoing State Delegate from Delaware from 2004 to 2015, will be on the ABA's Board of Governors for a term of three years. A former sole practitioner, Mr. Rubenstein is a past president of the DSBA, the Delaware Bar Foundation, and the St. Thomas More Society. He is a past recipient of the DSBA Distinguished Service Award and the ABA Sole Practitioner of the Year Award in 1995.

Mr. Johnston, the outgoing State Bar Delegate from Delaware from 2006 to 2015, will be the incoming State Delegate from Delaware for a term of three years. Each state has a State Delegate, limited to three terms, who is a member of the ABA's Nominating Committee.

Mr. Johnston, a partner at Young Conway Stargatt & Taylor, LLP, is a past president of the DSBA, a past president of the American Judicature Society, and the current Vice-Chair and Chair-Elect Nominee of the ABA's Business Law Section.

This past February, at the ABA Mid-Year Meeting, Judge Carpenter began his term as the ABA Judicial Division's representative on the Nominating Committee. Both Mr. Rubenstein and Mr. Johnston will take office in August of this year immediately following the ABA's annual meeting in Chicago.

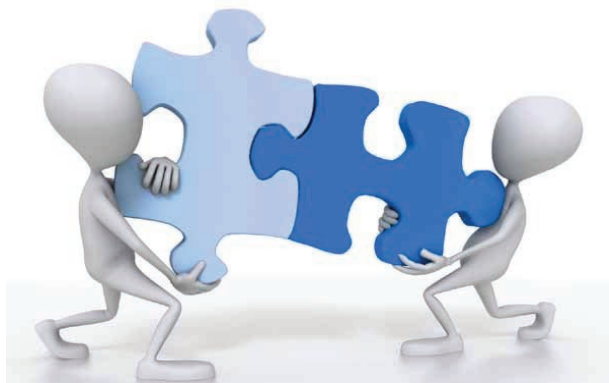
The DSBA Executive Committee will name Mr. Johnston's successor as State Bar Delegate, to complete his unexpired term, after he becomes State Delegate. Ⓢ

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Thank you for your continued support of the Combined Campaign for Justice and please support the Campaign in 2015.



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PRIVATE ADMONITION

Board Case No. 112298-B

Effective Date: February 11, 2015

A Delaware attorney was privately admonished for violations of the Delaware Lawyers' Rules of Professional Conduct. A Panel of the Preliminary Review Committee offered the sanction of a private admonition to which the attorney consented.

The attorney was retained by a client for representation on a Petition for Pardon. The attorney delegated the drafting of the Petition to an associate. The attorney reviewed the completed Petition and authorized the associate to file same; however, the Petition was never filed. Believing the Petition had been filed, the attorney subsequently notified the client on several occasions the Petition had been filed, but a hearing had not yet been scheduled.

By failing to diligently and promptly file the Petition for Pardon, the attorney

failed to act with reasonable diligence and promptness in representing the client in violation of Rule 1.3. By failing to supervise staff to ensure the timely filing of the Petition and/or failing to make reasonable efforts to assure adequate safeguards existed to ensure timely filing, the attorney violated Rule 5.3(a). As a result of this misconduct, the attorney consented to a private admonition.

In offering the sanction of a private admonition, the PRC considered the applicable aggravating and mitigating factors in this matter. See ABA Standards for Imposing Lawyer Sanctions (1991 and 1992 Supp.). In aggravation, the attorney has substantial experience in the practice of law having been admitted to the Delaware Bar in 1983 and a prior disciplinary history of a private probation imposed in April 2013. In mitigation, the attorney provided full and free disclosure in the disciplinary proceedings.

PUBLIC REPRIMAND

Supreme Court No. 470, 2014

Effective Date: February 27, 2015

By Opinion dated February 27, 2015, the Delaware Supreme Court imposed the disciplinary sanction of a public reprimand on Christopher S. Koyste, Esquire. The Court concluded Mr. Koyste knowingly violated the terms of a Superior Court Protective Order governing the dissemination of discovery materials provided by the prosecution in a criminal case. The Court found Mr. Koyste committed two violations each, of Rules 3.4(c) (knowingly disobeying a court order) and Rule 8.4(d) (conduct prejudicial to the administration of justice), by instructing his investigator to show materials covered by the Protective Order to the victim's mother and to the defendant.

In determining the appropriate sanction, the Court found Mr. Koyste's violation of the Superior Court's Protective Order, which had been entered in accordance with statutory provisions designed to protect crime victims, caused potential injury to a vulnerable victim and actual injury to the legal system. The Court stated, "[f]or a member of the bar to knowingly violate such an order is not a trivial matter, nor is failing to be candid about doing so when the violation is revealed." The Court found two aggravating factors: (1) Mr. Koyste's substantial experience in the practice of law and (2) Mr. Koyste's misconduct put a vulnerable victim at risk. As to mitigating factors, the Court found Mr. Koyste: (1) had no prior disciplinary record; (2) had no dishonest or selfish motive; (3) made timely good faith efforts to rectify his conduct; (4) had a cooperative attitude during the proceedings; (5) had good character and reputation; and (6) expressed remorse for his conduct. The Court determined a public reprimand was appropriate considering the facts of the case, the Rules violated, the *ABA Standards for Imposing Lawyer Sanctions* and the Court's relevant precedent. Ⓢ

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Produced, Directed and Presented by:

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OF NOTE

Condolences to **Edward A. Tarlov, Esquire**, on the death of his father, Jay R. Tarlov, who died on February 12, 2015.

Condolences to **John F. Schmutz, Esquire**, on the death of his wife, Eileen Schmutz, who died on March 9, 2015.

Condolences to the family of **John J. O'Brien, Esquire**, who died on March 16, 2015.

Condolences to **The Honorable Jan R. Jurden** on the death of her father, Jack Jurden, who died on March 17, 2015.

If you have an item you would like to submit for the Of Note section, please contact Rebecca Baird at rbaird@dsba.org. 

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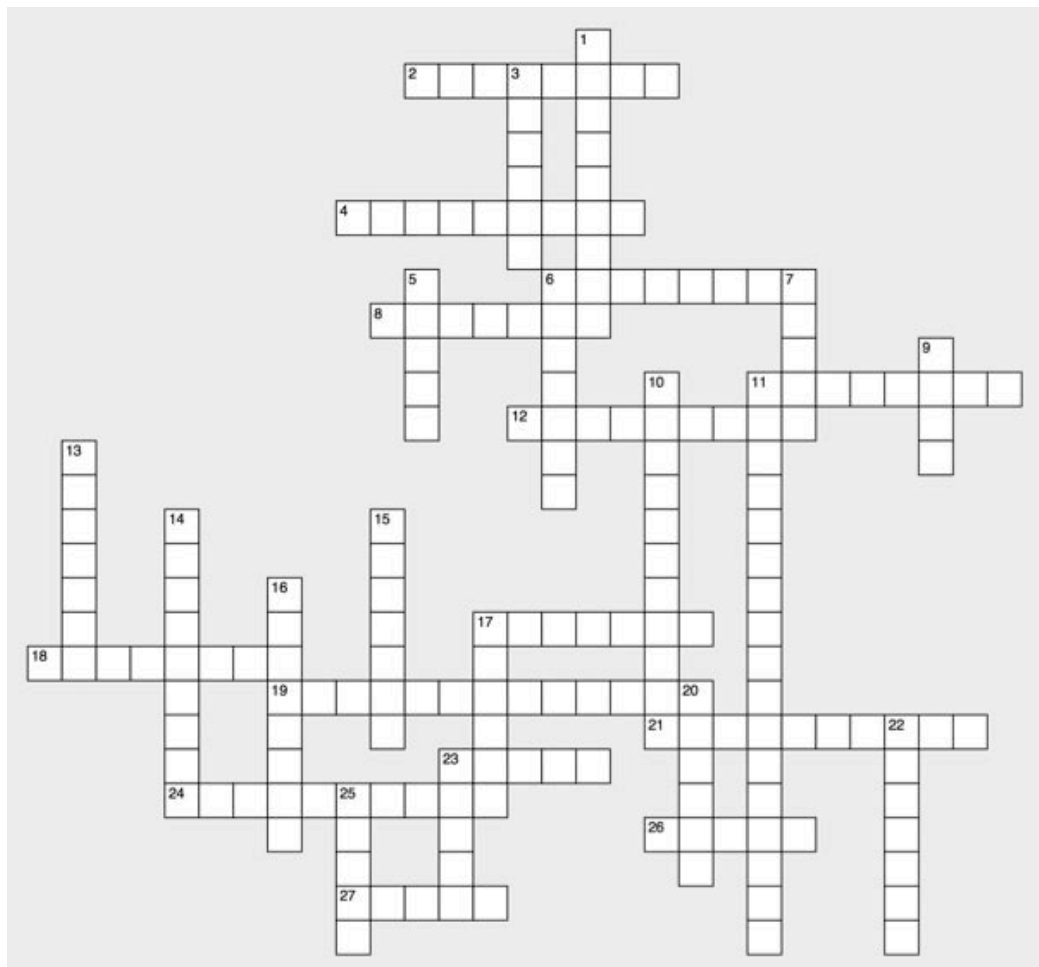
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If Music Be the Food of Love, Play On

I had fun creating this crossword puzzle with my friend and colleague, Martha Holladay. All of the food clues come from movies, music, and musicals.

And, as always, a prize is involved. The first person to e-mail me with the correct answers will receive the makings of a cheese board, including honeys, jams, and jellies. Enjoy!



Across

2. Scarlett dines on this at the Wilkes' plantation.
4. Jack Lemon uses a tennis racket to prepare this in *The Apartment*.
6. Sweeney Todd makes the worst in London.
8. Rose Castorini asks if anyone would like some _____.
11. "I'll have what she's having", which is _____ on rye.
12. Mrs. Lovett warns of too much of this spice.
17. "Leave the gun, take the _____."
18. "We're mighty glad we came...this was a real nice _____."
19. Natalie Cole sings that love is better than _____.
21. "I carried a _____," said Baby to Johnny.
23. Diana Krall sings: "Peel me a _____."
24. According to the Beatles, nothing is real in these fields.
26. Idgie places a jar of this on Ruth's grave.
27. Donny Osmond sings of a bad one.

Down

1. One of Maria's favorite things.
3. You will find Danny and Sandy at the _____ Palace.
5. Rosemary Clooney will give you some if you go to her house.
6. They can pick these (not dames) off the trees in *South Pacific*.
7. Pour some _____ on Def Leppard.
9. Someone left this out in the rain.
10. Bing Crosby lives in a _____ world.
11. The Buckwheat Boyz' favorite time.
13. Gypsy offers this to her agent, Mr. Gold-stone.
14. A nice Chianti pairs well with these.
15. This type of pasta is "amore."
16. The quartet in *The Music Man* warms up with _____.
17. "She got the way to move me."
20. The Music Man's Wells Fargo Wagon brought _____ from Seattle.
22. One crawled behind Woody and Diane's refrigerator.
23. Oliver asks for more _____.
25. Jean Valjean was a _____ thief.



Susan E. Poppiti, is a mathematics teacher at Padua Academy High School and managing member and cooking instructor for La Cucina di Poppiti, LLC and can be reached at spoppiti@hotmail.com. Other recipes and cooking tips are available on Susan's new food blog at www.cucinadipoppliti.com.

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Morris James LLP is pleased to announce that **Jill Spevack Di Sciullo** has been elected senior counsel effective February 13, 2015. Jill brings **fifteen years of experience** to the Family Law group, which is ranked as a premier family law practice in Delaware. Jill also has been ranked three times as a *Delaware Today*® "**Top Lawyer.**" She focuses her practice on divorce proceedings, division of marital property, alimony/spousal support, child custody and visitation, child support, guardianship of children, step-parent adoptions, adoptions, and negotiation and drafting of premarital agreements. Jill can be reached at 302-888-6871 or jdisciullo@morrisjames.com.

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