



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION



Time to contact Delaware State Bar Insurance Services, Inc. for all your insurance needs!



Presorted Std.
U.S. Postage
PAID
Permit No. 249
Wilmington, DE

You are invited to an
**OPEN HOUSE
RECEPTION**

Celebrating the New Bar Center
&
90th Anniversary of the
Delaware State Bar Association

Wednesday, April 10, 2013
5 p.m. to 7 p.m.

405 North King Street, Suite 100
Wilmington, Delaware 19801

RSVP to openhouse@dsba.org

THE JOURNAL OF THE
DELAWARE STATE BAR ASSOCIATION
*is published monthly with a combined July/August issue
by*

Delaware State Bar Association
405 North King Street, Suite 100
Wilmington, DE 19801
302-658-5279
FAX: 302-658-5212
www.dsba.org

President
Theresa V. Brown-Edwards

Executive Director
Rina Marks

Editorial Board
David W. deBruin
Michael L. Sensor
Seth L. Thompson

Executive Committee Liaison
Yvonne Takvorian Saville
Vice President-at-Large

Publications Editor
Rebecca Baird

© Copyright 2013 by the Delaware State Bar Association. All Rights Reserved.

The Bar Journal is the independent journal of the Delaware State Bar Association. It is a forum for the free expression of ideas on the law, the legal profession and the administration of justice. It may publish articles representing unpopular and controversial points of view. Publishing and editorial decisions are based on the quality of writing, the timeliness of the article, and the potential interest to readers, and all articles are subject to limitations of good taste. In every instance, the views expressed are those of the authors, and no endorsement of those views should be inferred, unless specifically identified as the policy of the Delaware State Bar Association.

All correspondence regarding circulation, subscriptions, or editorial matters should be mailed to:

Editor, DSBA Bar Journal
Delaware State Bar Association
405 North King Street, Suite 100
Wilmington, DE 19801
or e-mailed to: rbaird@dsba.org

All inquiries regarding advertising should be directed to the address above,
Attention: Advertising, Bar Journal.

Letters to the Editor should pertain to recent articles, columns, or other letters. Please limit to 250 words. Unsigned letters are not published. All letters are subject to editing. Send letters to 405 North King Street, Suite 100, Wilmington, DE 19801, *Attention: Editor, Bar Journal.*



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

March 2013

Volume 36 • Number 8

FEATURES

- 2 **DSBA Open House Reception Invitation**
- 23 **18th Annual Rubenstein-Walsh Seminar to Feature ABA Commission on Ethics 20/20 Proposals**
- 26 **Dean Ammons To Be Honored at the 2013 Blue-Gold High School All-Star Basketball Games**
By Morton Richard Kimmel, Esquire
- 29 **Nominations Sought for Law Day Awards**

COLUMNS

- 4 **President's Corner**
- 6 **Editor's Perspective**
- 10 **Tips on Technology**
- 12 **Ethically Speaking**
- 14 **Access to Justice Spotlight**
- 20 **DE-LAP Zone**
- 22 **Book Review**
- 24 **A Profile in Balance**
- 30 **Judicial Palate**

DEPARTMENTS

- 5 **Of Note**
- 8 **Calendar of Events**
- 9 **Section & Committee Meetings**
- 15 **Disciplinary Actions**
- 16 **Section News**
- 28 **Bulletin Board**
- 28 **Correction**

The clock on the cover is in the DSBAIS Cafe on the second floor of the new DSBA Bar Center. The cafe is a place for Bar Members to work, meet, and enjoy a beverage while visiting the Bar Center. See the DSBAIS ad on page 25 for information on how to contact your DSBAIS representatives.



By Theresa V. Brown-Edwards, Esquire

We Hold These Truths To Be Self-Evident

Through Seneca Falls and Selma and Stonewall

Last month, on January 20 and repeated publicly for the world to observe on January 21, our country fulfilled its constitutional requirement for the 57th time by inaugurating into office the newly elected, second-term President of the United States, Barack Obama. Not only was the occasion as momentous as one might expect of a presidential inauguration, but this year's ceremony held additional significance because it occurred concurrently with the nation's celebration of the birthday of our most heralded civil rights leader, the late Martin Luther King, Jr.

After taking the ceremonial oath of office, President Obama rendered his inaugural address. Political pundits characterized the President's inaugural address as patriotic, philosophical, and focused on equality and civil liberties. From this author's point of view, the President's highlight of the women's rights movement, the civil rights movement for African-Americans, and the gay/lesbian/bi-sexual/transgender civil rights movement will go down in history.

Seneca Falls

The Seneca Falls Convention held in July of 1848 in Seneca Falls, New York, was the first women's rights convention in the United States. Organized by a handful of women who were active in the abolition and temperance movements, the purpose of the convention was to draw attention to unfair treatment of women. Nearly 300 people, including about 40 men, attended the Convention. During the Convention,

the organizers drafted a document called the Declaration of Sentiments, modeled after the Declaration of Independence. The Declaration of Sentiments detailed the inequities and grievances suffered by women of the time because of their gender. The Declaration of Sentiments later became the architectural roadmap for the women's rights movement and women's suffrage. *See, Rynder, C.B. (1999, April). Seneca Falls Convention, American History Magazine, Retrieved January 21,*

We, as lawyers, are change agents for our society. Each of us can advance the needle in our own way.

2013 from <http://www.historynet.com/seneca-falls-convention>.

Selma

Selma, Alabama, is known best for its pivotal role in the civil rights movement. It was in 1965 in Selma where Reverend Martin Luther King, Jr. and others initiated three of the famous marches on Montgomery to protest against the denial of voting rights for blacks in Alabama. During that time, while African-Americans in Alabama comprised the overwhelming majority of the population, they had no say in government because they were denied the right to vote. The famous Selma-to-Montgomery marches shone a national spotlight on the voting rights movement due to the excessive violence perpetrated on the African-American protesters. By the end of 1965, the political protests galvanized public support and outcry around these issues

prompting the United States Congress to enact the Voting Rights Act of 1965.

Stonewall

The Stonewall Riots of 1969 in Greenwich Village, New York, are the origin of the modern-day gay, lesbian, bi-sexual, and transgender civil rights movement. In 1969, the New York City police department raided the Stonewall Inn, a local and frequent gathering spot for the LGBT community. Unlike the usual turn of events, the party-dwellers did not leave peacefully. Instead, having suffered many incidences of forcible removal from Stonewall and other gay gathering spots due to their sexual orientation, the LGBT community fought back. What ensued was a multi-day protest

by the gay community in Greenwich Village against the inequalities suffered by gays, particularly the denial of the constitutional right to assemble.

While Self-Evident They Are Not Self-Executing

Whether male or female, gay or straight, black, white or brown, we, the community of lawyers knows all too well, that the rule of law, protection of freedom, protection of justice, and equality do not come without daily toil. While the populace elects politicians to govern, it is the rule of law and the role of the judiciary and the Bar to implement these constitutional ideals every day. In our neighborhoods, in our villages and towns and our cities and states, each of us is presented the opportunity to make a difference and lend credence to those powerful words uttered by our founding fathers over 200 years ago. There can be

no doubt that a presidential inauguration on the steps of the Capitol is a grand platform, nevertheless, making a difference in one's community does not require such pomp and circumstance.

As we march forward in 2013, our country and Delaware continue to deal with anemic economic conditions, the plight of a growing undocumented immigrant community, inequality toward men, women, and their families based on whom they chose to love and disproportionate vocational opportunities faced by women in spite of increasing educational opportunities. Our communities need not rely solely on Washington as a source for answers. These are but a few of the salient areas where lawyers can and are needed to stand up for what is right, fair and just. Seneca Falls, Selma, and Stonewall began as small desperate ideas borne out of a willingness to face risk in order to compel what is right. We, as lawyers, are change agents for our society. Each of us can advance the needle in our own way. In the words of our 44th President, "[f]or history tells us that while these

truths may be self-evident, they have never been self-executing; that while freedom is a gift from God, it must be secured by His people here on Earth." President Barack H. Obama, Inauguration Speech, January 21, 2013.

Be well. ⚖️

Of Note

Condolences to **Douglas B. Canfield, Esquire, and Mary Ann Matuszewski, Esquire**, on the death of his mother, Carol Canfield, on November 22, 2012.

Condolences to **Shakuntla L. Bhaya, Esquire**, on the death of her father, Lal Bhaya, on January 17, 2013.

Condolences to the family of **John J. Thompson, Esquire**, who died on January 18, 2013. ⚖️

MEDIATION/ARBITRATION

JOHN A. ELZUFON, Esq.

38 years Trial Attorney experience -- jury and non-jury.

Legal background in professional liability (including medical, legal, accounting and engineering negligence), personal injury, corporate, trade secrets, construction, real estate and environmental cases.

Pre legal background in engineering and construction: Engineering undergraduate degree and three years of field experience as a chemical engineer for DuPont and as a construction engineer for the U.S. Army Corps of Engineers.

jelzufon@elzufon.com
302-504-3221

We believe in building relationships.

KRUZA LEGAL SEARCH

Specializing in permanent attorney, paralegal and support staff placement services since 1980.

Kruza Legal Search
1845 Walnut Street, Suite 855
Philadelphia, PA 19103

215.981.5455 / phone
215.981.0662 / fax

www.kruza.com

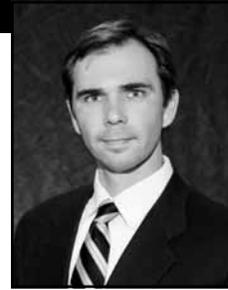


PEGGY KRUZA



STEVEN KRUZA

By Seth L. Thompson, Esquire



A Night at the Theater: The *Playbook* Playback

I consider myself somewhat of a cinefile. Movie references and quotes are a staple in many everyday conversations with friends, including some that slip out unintentionally. In college, when my total credits finally reached scheduling seniority, I immediately enrolled in Communications 150: “Introduction to Film Study.” That was my first thoughtful exposure to the various genres.

Now, free time’s scarcity has increased my movie selectivity. Still, it felt a bit odd when I recently could not recall the last movie that I watched in a theater. Perhaps the answer to my internal debate was *Invincible*, the picture based largely on Vince Papale’s rise to local legend status with the Philadelphia Eagles. (Admittedly, the room became a little dusty a few times during that one.) With the NFL playoffs and the coaching carousel in the news, there was the distinct possibility that I simply had football on my mind. (I was, however, certain the answer was not Tony Danza’s *The Garbage Picking Field Goal Kicking Philadelphia Phenomenon*; it went straight to video.) Regardless, it clearly had been a few years since the last time I smelled large quantities of overly buttered popcorn. I suspect the time passage was most likely due to the advent of the home HD large-screen TV and the increasingly deterrent thought of chatty teenagers with jittery legs in the row behind me. A dark-horse candidate is that my dentist’s warnings have subconsciously caught hold and undermined my prior enjoyment of the gummy artificiality that is a large box of Swedish Fish.

Even with the comforts of home and the convenience of Movies On Demand, certain movies lend themselves to the original big screen and accentuate the shrinking-yet-still-existent gap in the home versus theater experience. Along with the annual summer action blockbusters, I would include sports movies in that category. (This belief partly explains my prior guess of *Invincible*.) Surroundings specifically designed to focus all

Even with the comforts of home and the convenience Movies On Demand, certain movies lend themselves to the original big screen and accentuate the shrinking-yet-still-existent gap in the home versus theater experience.

attention on the movie and engulf the audience with sound and larger-than-life, uniquely close-up visual displays provides for a different view of the action and assists in the suspension of disbelief as the plot develops. Additionally, sports lend themselves to a story arc worth the price of admission. As described by Nigel Watts in *Writing a Novel and Getting Published*, the structure of a quality story is: 1) stasis; 2) a trigger beyond the protagonist’s control; 3) the resulting quest; 4) surprise; 5) a critical choice; 6) a climax; 7) reversal of stasis. The standard Hollywood-issue sports movie checks all the boxes, usually employing a sense of dissatisfaction with the status quo, obstacles, failures, and long odds, culminating in on-field success that translates into off-field redemption.

Given movies’ general proclivity for the formulaic, especially in the sports context, I try not to read or hear too much about a movie beforehand. This policy nearly caused me to walk out midway through *Vanilla Sky*, upon the realization that it was science fiction, one of the genres I have largely eliminated. If you take the same approach, but elect to continue reading this article, please consider yourself spoiler-alerted.

And so, as I sat down to watch *Silver Linings Playbook* (emphasis added), my expectations were that of a sports movie. (After all, today’s world is post-multiple Oscar nominations for *Moneyball* and a plot revolving not just around sports, but specifically analytics in sports.) Indeed, the Philadelphia Eagles play a critical role

in both the plot and the general mood of the film, with an eventful tailgate as an example of the former and the near omnipresent jerseys (DeSean Jackson and Kevin Kolb) for the latter. There is, however, a pending competition that fits the aforementioned arc, but in an enjoyable twist, it does not occur on the gridiron.

Netflix will probably classify *Silver Linings Playbook* as a romantic comedy. My cynical side feels that the category is either a quasi-catchall or an advertising attempt to broaden the base or both. (Person A: I’d like to see something funny. Person B: I’m more in the mood for romance. Solution? Rom-com.) Additionally, romantic comedy seems more of an amalgam of the comedy and romance categories, unless a romantic film is sup-

posed to be devoid of humor and vice versa. Perhaps Hollywood has a laughs-to-displays of affection ratio.

Playbook certainly draws up the romance and comedy, albeit with a stormier edge to both. Several scenes involve a determined Pat, played convincingly by Bradley Cooper, jogging around Upper Darby in a high school wrestling-style modified garbage bag. When Pat's father accuses his son's love interest of being a jinx on the Eagles (and thus on his wager, his means to open his own restaurant), the response is not that the notion of a jinx is ridiculous. Rather, it is a sports-centric timeline defense supported in part by the Phillies' World Series wins. The film is set in 2008; hence the still-hopeful Kolb jersey. She follows this by pointing out that the son (the OCD father's rabbit's foot) has an unintentional but undeniable connection to New York, the Eagles' opponent in the game on which the big bet rides.

The darker edges of the love interests stem largely from their prior relationships. Jennifer Lawrence's character is

recently widowed. Pat just returned to live with his parents after an eight-month in-patient treatment program as part of a plea bargain based on assaulting his wife's lover.

Whatever the category, *Playbook* provokes significant thought about the daily struggles of families with a mental health issue and, by extension, how we as a society (and a legal system) view those issues and relate to that person. In addition to movie references, sports analogies make regular appearances in my discussions. At critical mass in *Playbook*, Pat's father attempts to convey his concerns to Pat by comparing him to DeSean Jackson prematurely dropping the football at the one-yard line, thinking he had already reached the end zone. In that moment, football is the means of communication and, overall, it merely serves as a basis and opportunity for relating to one another, the ultimate end. 🍷

Free Healthcheck

Complimentary For Small and Medium Legal Firms



The 4Sight Group is an information technologies (IT) company that specializes in serving law firms in Delaware. Give us a call for a no obligation IT system review.

4SIGHT GROUP LLC
4023 Kennett Pike, Suite 233
Wilmington, DE 19807
Phone: 800-490-2131 X88
www.4sightgroup.com



THE LAW OFFICES OF DOROSHOW, PASQUALE, KRAWITZ & BHAYA

**ARE PLEASED TO WELCOME AS MEMBERS OF OUR FIRM
IN OUR WILMINGTON & MILLSBORO LOCATIONS**

Jennifer K. Ellsworth-Aults
JenniferEllsworth-Aults@dplaw.com

Vanessa L. George
VanessaGeorge@dplaw.com

Achille C. Scache
AchilleScache@dplaw.com

1202 Kirkwood Highway – Wilmington, DE 19805 – 302-998-0100
Areas of practice include Family Law, Real Estate,
Social Security Disability, Wills & LLCs

Kyle F. Dunkle
KyleDunkle@dplaw.com
28535 DuPont Blvd. Suite #2, Millsboro, DE 19966 – 392-934-9400
Areas of practice include Worker's Compensation & Personal Injury

www.dplaw.com

Calendar of Events

Remember that CLE Videos are shown for CLE credit five days a week at the DSBA in Wilmington! Call 302-658-5279 to make an appointment.

February 2013

Thursday, February 14, 2013

The Impact of The Patient Protection and Affordable Care Act
1.5 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to CLASI - Dover and Tunnell & Raysor - Georgetown

Thursday, February 21, 2013

Rubenstein-Walsh Seminar on Professionalism and Ethics
6.5 hours CLE credit
Chase Center on the Riverfront, Wilmington, DE

Thursday, February 28, 2013

Going, Going, Gone? Client Capacity Issues in the Practice of Law
3.8 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to CLASI - Dover and Tunnell & Raysor - Georgetown

March 2013

Thursday, March 8 and 9, 2013

Women and Law Retreat
7.0 hours CLE credit
The Bellmoor, Rehoboth Beach, DE

Friday, March 15, 2013

A Lawyer's Guide to DUI:
Practical Tips and Ethical Considerations for DUI Cases
6.0 hours CLE credit
Delaware State Bar Association, Wilmington, DE

Thursday, March 21, 2013

Special Education Advocacy for Students with Disabilities.
3.0 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor - Georgetown

2013 Delaware High School Mock Trial Competition

Call for Judge Volunteers

The Delaware High School Mock Trial Committee and Delaware Law Related Education Center invite you to join us as a judge volunteer for the 2013 Delaware High School Mock Trial Competition. The Competition will take place at the New Castle County Courthouse, 500 N. King Street, Wilmington, Delaware on Friday, February 22, and Saturday, February 23, 2013.

To participate, please complete the form available at
www.delrec.org/mocktrial/MockTrial2013INREVolunteer.pdf

EXECUTIVE COMMITTEE MEMBERS

THERESA V. BROWN-EDWARDS
PRESIDENT

GREGORY BRIAN WILLIAMS
PRESIDENT-ELECT

YVONNE TAKVORIAN SAVILLE
VICE PRESIDENT-AT-LARGE

ROBERT J. KRAPP
**VICE PRESIDENT,
NEW CASTLE COUNTY**

ADAM MARSHALL PERZA
**VICE PRESIDENT,
KENT COUNTY**

JAMES PATRICK SHARP
**VICE PRESIDENT,
SUSSEX COUNTY**

DAVID A. FELICE
SECRETARY

DAVID J. FERRY, JR.
ASSISTANT SECRETARY

MIRANDA D. CLIFTON
TREASURER

KAREN JACOBS LOUDEN
ASSISTANT TREASURER

JAMES G. MCGIFFIN, JR.
PAST PRESIDENT

THE HONORABLE
CHARLES H. TOLIVER IV
JUDICIAL MEMBER

MICHAEL HOUGHTON
LEGISLATIVE LIAISON

WILLIAM PATRICK BRADY
CRYSTAL L. CAREY
SANTINO CECCOTTI
DONEENE KEEMER DAMON
JOHNNA M. DARBY
JILL S. DI SCIULLO
RICHARD A. FORSTEN
STEPHEN A. HAMPTON
BRENDA JAMES-ROBERTS
EMILIE R. NINAN
MICHAEL F. MCTAGGART
MEMBERS-AT-LARGE

RINA MARKS
EXECUTIVE DIRECTOR



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.

Karen Jacobs Loudon, Co-Chair
I. Barry Guerke, Co-Chair
Dennis L. Schrader, Co-Chair
Sidney Balick
Victor F. Battaglia, Sr.
Dawn L. Becker
Robert K. Beste, Jr.
Vincent A. Bifferato, Sr.
Mary C. Boudart
Crystal L. Carey
Michael D. Carr
Ben T. Castle
Thomas P. Conaty IV
Edward Curley
Gary R. Dodge
Shawn Dougherty
Mark F. Dunkle
David J. Ferry, Jr.
David C. Gagne
Robert D. Goldberg
Thomas Herlihy III
Glenn E. Hitchens
Clay T. Jester
Hon. Peter B. Jones
Richard I. G. Jones, Jr.
Rebecca Batson Kidner
Bayard Marin
James J. Maron
Wayne A. Marvel
James G. McMillan III
Michael F. McTaggart
Francis E. Mieczkowski, Jr.
Paulette Sullivan Moore
Michele L. Muldoon
Frank E. Noyes II
Elizabeth Y. Olsen
Donald E. Reid
David B. Ripsom
Kenneth M. Roseman
Thomas D. Runnels
H. Murray Sawyer, Jr.
R. Judson Scaggs, Jr.
Mary E. Sherlock
Edward A. Tarlov
Hon. Charles Toliver
Piet H. van Ogtrop
Kevin E. Walsh
David A. White
David N. Williams
Helen L. Winslow
Hon. William L. Witham, Jr.
Psychiatrist - Dr. Carol Tavani

Section & Committee Meetings

February 2013

Thursday, February 7, 2013 • 4:00 p.m.

Real & Personal Property Section Meeting
Woloshin Lynch Natalie & Gagne, P.A., 3200 Concord Pike, Wilmington

Friday, February 8, 2013 • 12:00 p.m.

Health Law Section Meeting
Balick & Balick, LLC, 711 North King Street, Wilmington

Friday, February 8, 2013 • 12:30 p.m.

Women and the Law Section Legislative Lunch
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington

Tuesday, February 12, 2013 • 12:00 p.m.

Litigation Section Meeting
The Darby Firm, 1105 North Market Street, Suite 1600, Wilmington

Wednesday, February 13, 2013 • 5:30 p.m.

Young Lawyers Section Happy Hour
Cafe Mezzanotte, 1007 North Orange Street, Wilmington

Tuesday, February 19, 2013 • 12:30 p.m.

Labor & Employment Law Section Meeting
Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington

Wednesday, February 20, 2013 • 5:00 p.m.

Small Firms and Solo Practitioners Section Meeting
Rhodunda & Williams, 1220 North Market Street, Suite 700, Wilmington

Thursday, February 21, 2013 • 12:30 p.m.

Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington

Thursday, February 21, 2013 • 4:00 p.m.

Elder Law Section Meeting
Gonser & Gonser, P.A., Hagley Building, Suite 203, 3411 Silverside Road, Wilmington

Monday, February 25, 2013 • 4:00 p.m.

Taxation Section Meeting
Cooch and Taylor P.A., 1000 West Street, 10th Floor, Wilmington

Thursday, February 28, 2013 • 4:00 p.m.

Family Law Section Meeting
TBA

March 2013

Monday, March 4, 2013 • 12:30 p.m.

Senior Lawyers Committee Monthly Luncheon Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington

Tuesday, March 5, 2013 • 12:00 p.m.

Corporate Counsel Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington

Tuesday, March 5, 2013 • 3:30 p.m.

Estates & Trusts Section Meeting
Morris Nichols Arshnt & Tunnell LLP, 1201 North Market Street, Wilmington

Thursday, March 7, 2013 • 4:00 p.m.

Real & Personal Property Section Meeting
TBA

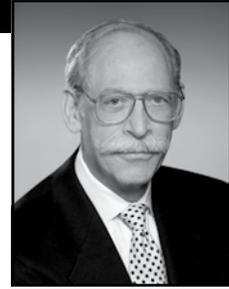
Monday, March 11, 2013 • 12:30 p.m.

Worker's Compensation Section Meeting
Young Conaway Stargatt & Taylor LLP, 1000 North King Street, Wilmington

Tuesday, March 12, 2013 • 12:00 p.m.

Litigation Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington

By Richard K. Herrmann, Esquire



A Lawyer's iPad Personal Journal

February 1, 2013

I think I want an iPad

I have decided to buy an iPad and use it in my practice. Our District Court now permits lawyers to bring electronic devices into the courthouse. I have my iPhone and it does permit me to keep track of e-mail during downtime, but its practical use for other things is somewhat limited by its screen size and keypad. I am not exactly sure how I will use the iPad, but I have to imagine it could be a practical tool and should not be much more difficult to operate than my iPhone. Of course, I have several buying questions and have asked other users, but each has a different opinion. Someone suggested I attend a local iPLUG (iPad Lawyers Users' Group) meeting before I purchase. There are none in my area, but I did visit the iPLUG Delaware website which was very helpful. I plan on contacting one of the active lawyers in that group next week before I shop.

February 12, 2013

Purchasing considerations

After contacting two lawyers at the iPLUG, I know my options and can make a decision. The first issue is whether to get a regular-size iPad or a Mini. The Mini looks very convenient and is much smaller, about the footprint of a paperback. The regular size iPad is more like an 8 1/2 x 11 inch notebook size. That seems to be the most significant difference. Since I am going to be carrying it around in a briefcase most of the time, I do not see size being an important issue, so I intend to opt for the larger one. It will be easier to read (more like a full sheet of paper).

The iPLUG folks also walk me through the question of whether to get just Wi-Fi or to also buy an iPad that

is 4G capable. There is about \$100 difference. I am surprised to learn I do not need to have a two-year carrier contract to take advantage of the cellular capability; I can do it monthly. This makes it a no-brainer. Go for the 4G. I am also surprised to discover I have to select the carrier before I purchase. A 4G Verizon capable iPad will not work with AT&T and vice versa. Finally, I discuss the question of how many gigabytes to get: 16 gb, 32 gb or 64 gb. I am told the middle level ought to be fine for work, as long as I am not planning on watching too many video depositions on it. It would be nice to be able to download an occasional movie, but as long as I do not plan on storing too many on the iPad (which I do not plan on doing) this should not be a problem. So, I am planning on purchasing a regular-size iPad which is 4G AT&T capable with 32 gb of memory. I think I will get it over the weekend.

February 16, 2013

The Purchase

I visit the Apple Store this morning and complete my purchase. The place was nothing short of amazing. There is an army of kids in red t-shirts as pleasant and helpful as one could imagine. I purchase my iPad and take a look at cases and accessories. I opt for the Apple magnetic cover, which automatically puts the iPad to sleep when the cover is closed. I buy the Apple Care extended warranty as well. Once I take it home I find registration to be a snap; the iPad connects to my home Wi-Fi and simply walks me through the process. Tomorrow, I am going to work on how to set up my screens and determine which apps to download first. Tonight I will do a little bit of Internet research.

February 17, 2013 AM

Tips

I find some simple tips online which I think will be very helpful. When I am at the desktop, I see three little dots at the bottom, just above the dock. These dots represent pages of apps. The dot that is lit represents the page I am on. If I am on page three and want to get the first page, I can swipe to the right or just touch the button on the bottom of the iPad. I also discover, if I double tap the bottom button, I will get another bar showing me which apps are open. I can select any of those apps and get to an open one quickly. And, if I swipe to the right from the first page, I get a black screen with a search bar. This will take me to any app or contact or e-mail, or even the web—very helpful. Finally, if I touch an app and hold it down, they all begin to shake. Now, I can move the apps anywhere on the desktop; and if I move one app onto another, a folder appears, containing both apps.

February 17, 2013 PM

Apps

There are so many apps at the App Store it is difficult to know where to start. I know no additional apps are needed to sync my mail and calendar with Outlook. I could spend the time necessary to connect to Outlook in the settings menu, but I decide to save a step and ask my IT folks for help.

I have asked some "power users" for recommended apps and now know enough to see general favorites. It makes sense to get these first.

Word Processing: These apps are so inexpensive I may try a couple of different ones to see which suit me the best. Since our office uses Microsoft Word, I have to keep myself compatible. DocsToGo by

Dataviz has been around for a number of years. It is a skinny version of Microsoft Office. I know I will be able to review Word documents, Excel, and PowerPoint. I understand it is a bit awkward for editing and creating, but for \$17 it is worth having. The basic word processing program from Apple is Pages (\$9.99). It is a fine app for creating documents and permits me to e-mail the document in a number of formats including Word. It will become my general "GoTo" text-editing app. For general note-taking I am starting with the app called "Notes." It comes with the operating system and is incredibly easy to use. When I search from the search bar on the black screen (mentioned above in Tips), I can find any word in the Notes app.

I understand there are more sophisticated word processing and notes apps. When I am ready, I will add them. One is called CloudOn (free). It is a cloud-based program which gives me the full Microsoft Office online. It is fully functional. The only issue I see is it requires me to save my documents in a cloud service such as Drop Box (free). This is not generally acceptable to me for client-related documents due to confidentiality concerns. I may try to resolve the issue with an encryption app such as BoxCrypter (free), but I have enough to learn now. There are also a number of impressive note-taking apps. I know one I intend to add is called Notability (\$0.99). It will permit me to take notes and record at the same time. I can sync my notes with the recorded file as I go. Since I am not much of a note taker, this should be very useful.

PDFs: I have narrowed my needed PDF apps to two, although I have been told there is a host of good ones. PDF Expert (\$9.99) is easy to use and has a number of annotation tools. The real strength over the others is in its organizational structure. I can save PDF documents in folders and they automatically sort in alphabetical order. I can zip folders and e-mail the entire bunch or store them on a cloud server like Drop Box. In fact, the file structure makes this a perfect tool as a trial notebook. I can keep a folder of opening and closing statements, another



IS PLEASED TO ANNOUNCE THAT

SETH J. REIDENBERG, ESQUIRE

HAS JOINED THE FIRM AS A DIRECTOR
AND CHAIRMAN OF THE COMMERCIAL
LITIGATION DEPARTMENT

&

ROBERT D. CECIL, JR., ESQUIRE
CHRISTINA M. GAFFORD, ESQUIRE
ANDREW M. LUKASHUNAS, ESQUIRE
JENNIFER D. SMITH, ESQUIRE

HAVE JOINED THE FIRM AS ASSOCIATES

750 Shipyard Drive, Suite 400
Wilmington, DE
302-658-6901
www.trplaw.com

for trial exhibits, witness direct and cross . . . I could even use the app to present the exhibits with a computer if I become comfortable enough (I take that back, I think I will leave that to a paralegal). The second PDF app I need is PDF Converter (\$6.99). This will permit me to turn any document created in another format to a PDF. There is no learning curve, and it is very compatible with PDF Expert.

Slide Presentations: I have always been a PowerPoint user. If I want to stay with PowerPoint, I think the easiest approach

will be the CloudOn app I will be using for Microsoft Word. If I have time, I will experiment with Apple's Keynote (\$9.99). This looks as easy to use as the word processing program Pages. Since Keynote is made by Apple, it will be particularly intuitive on the iPad. Once I am comfortable with the slide creation process, I am looking forward to using the iPad for presentations. I will have a number of alternatives, such as presenting directly

Tips on Technology (continued on page 27)

By Charles Slanina, Esquire



New Professional Conduct Rules!

Acting on ABA proposals for changes to the Model Rules, the Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct issued a report recommending adoption of some, but not all, of the ABA recommendations. By a January 15, 2013 Order disseminated to all members of the Delaware Bar, the Delaware Supreme Court adopted all of the Committee's recommendations. That Order put into effect the recommended changes to the rules relating to technology, confidentiality, prospective clients, advertising, outsourcing, co-counsel, conflicts, and disclosure. The Court did not adopt the ABA recommendations which would have permitted practice by attorneys pending their admission or the admission by motion of out-of-state counsel without requiring them to take the Delaware Bar examination.

There is a redlined version of the rule changes. In addition, the 2013 Rubenstein-Walsh Seminar on Professionalism and Ethics will offer a Continuing Legal Education program on February 21 to discuss the rule changes. However, since the rule changes are effective immediately, "Ethically Speaking" strongly recommends a quick review.

The rules have been extensively refreshed to account for changes to technology related to the practice of law, especially with regard to electronic communication and data storage. Beginning with Rule 1.1, which requires competent representation, the revised Comment [6] to that rule adds a requirement that lawyers not only keep abreast of changes in the law and its practices. Specifically, it requires lawyers to maintain the requisite knowledge and skill associated with relevant technology, including the benefits and risks associated with the use of that technology.

That theme is continued in Rule 1.4 which requires a lawyer to keep a client reasonably informed about the status of their matter. Previous Comment [4] required lawyers to return client telephone calls. The revised Comment contains a broader admonition to lawyers to respond to or acknowledge "client communications." That presumably means that we cannot ignore e-mails, instant messages, Instagrams, Tweets, and whatever else comes out next either.

Continuing to address changes in technology, the substance of Rule 1.6 has been amended. That rule requires lawyers to maintain client confidences. There is a new section (c) which requires lawyers to make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information related to the representation of a client when using electronic communication. Comment [16] to the rule has been amended to add a sliding scale with regard to the extent of the attorney's duty to safeguard client confidences exposed by electronic and other forms of communication. The more sensitive or valuable the information, the more security that may be required.

A new subsection (b)(7) to Rule 1.6 permits a lawyer to reveal client information to the extent the lawyer reasonably believes necessary to detect and resolve any conflicts of interest arising from the lawyer's change in employment or changes in the composition of the firm. That exception is limited by the requirement that such information is not permitted to compromise the attorney-client privilege or otherwise prejudice the client. Comment [14] to the rule suggests that any such disclosure should ordinarily include no more than the identity of the persons and entities in a matter, a brief summary of the issues involved,

and information about whether the matter has terminated.

Rule 1.11 requires lawyers to provide competent representation to a client. Changes to Comment [6] addresses subcontracting and co-counsel arrangements to provide legal services. The new Comment [6] requires the informed consent of the client for such arrangements and also places the burden on primary counsel to investigate the education, experience, and reputation of any outside counsel employed to provide supporting services, as well as the Professional Conduct Rules and "ethical environments" of the jurisdictions in which the outside services will be performed.

Rule 1.18 deals with duties to prospective clients. It is viewed as a safe harbor for attorneys who are permitted to discuss the possibility of forming an attorney-client relationship without a firm-wide imputation of a conflict of interest resulting. The rule also provides assurances to prospective clients that any confidences conveyed during the initial consultation will be protected. The new rule change extends the mutual protections from prospective clients who "discuss" forming an attorney-client relationship to those who "consult" with a lawyer about the possibility of forming an attorney-client relationship. The Comments to the rule have also been extensively reworked to point out that the consultation can include written, oral, or electronic communications depending on the circumstances. The Comment suggests that clear and reasonably understandable warnings and cautionary statements are required if the lawyer's obligations are to be limited. Comment [4] makes it clear that such a consultation does not occur if a person provides unsolicited information to a lawyer in response to an advertisement

that merely describes the lawyer's education, experience, areas of practice, and contact information or provides legal information unilaterally of general interest. A welcome addition to this rule is the Comment that a person who communicates with a lawyer for the purpose of disqualifying the lawyer is not a "prospective client" to whom the lawyer owes a duty.

Rule 4.4 requires respect for the rights of third persons. Current section (b) requires a lawyer who receives a document relating to a representation who knows or reasonably should know that the document was inadvertently sent is required to promptly notify the sender. Unlike other jurisdictions, the rule does not require the lawyer to return the document or to refrain from viewing or using the document. The new change adds "electronically stored information" to "document." Comment [2] to the rule specifically references metadata (data, comments, edits, drafts, etc. embedded in the transmitted document).

Rule 5.3 formerly governed the lawyer's responsibility to supervise non-lawyer "assistants." The revised rule now refers to non-lawyer "assistance." An extensive new

Comment [3] addresses the lawyer's responsibility to adequately supervise investigators, paraprofessionals and document managers (including printing, scanning and data storage providers).

The advertising rules have been tweaked. Rule 7.1's Comment [3], which prohibits false and misleading communications about the lawyer's services, formerly referenced information provided to a "prospective client." It has now been somewhat broadened to include the "public."

Rule 7.2 permits, but limits lawyer advertisements. Comment [3] has been updated to reference the internet and electronic communication as media for advertising.

The most extensive change to the advertising rules may be those contained in Comment [5] to Rule 7.2 dealing with paying others to recommend a lawyer's services. Specifically, the Comment has been amended to reflect that a lawyer may pay others for generating client leads, such as internet-based client leads, as long as the lead generator does not recommend the lawyer, and any payment to the lead generator is consistent with the ban on sharing fees with

non-attorneys. The Comment also references Rule 7.1 which reminds that a lawyer may not pay a lead generator who states, implies, or creates a reasonable impression that the lead generator is recommending the lawyer or that the lead generator has analyzed the person's legal problems in determining which lawyer should receive the paid referral.

I am certain that these new rule changes will be the topic for many future articles, CLE offerings and, unfortunately, future disciplinary cases. My advice, as always, is read it. Learn it. Live it.

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

***"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.*

****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. *

Askin's Cleaning Service

Serving King Street Attorneys for over 20 years

Recommendations:

Jim Erisman, Esq. "Dick has been cleaning my office for more than 20 years. His service is competent and professional. He is reliable and trustworthy."

Mike Baffone, CPA "Dick has been cleaning my office for the past 20 plus years. He is extremely reliable, thorough and easy to work with."

Jeffrey Weiner, Esq. "For the past 4 years, Dick has been cleaning our office. We have been extremely pleased with his service."

For estimates and additional references call Dick Askin @ 302-897-8348 or 302-731-1318.

St. Valentine: Hero of Access to Justice

Saint Valentine, a widely recognized third century Roman saint commemorated on February 14 and associated since the High Middle Ages with a tradition of courtly love, might just as easily be associated with Access to Justice.

Wikipedia tells us that the *Nuremberg Chronicle* (1493) provides the first depiction of Saint Valentine. Alongside the woodcut portrait of Valentine, the text states that he was a Roman priest martyred during the reign of Claudius II, known as Claudius Gothicus. He was arrested and imprisoned upon being caught marrying Christian couples and otherwise aiding Christians who were at the time being persecuted by Claudius in Rome. This may be how he became associated with romantic love. Helping Christians at this time was considered a crime. Valentine may have been killed for attempting to help Christians escape harsh Roman prisons, where they were often beaten and tortured. Perhaps Saint Valentine was one of the first providers of Access to Justice! He did his share to make an impact on his community and by doing so, he became a martyr when he was executed on February 14, about the year 269.

There are many other reasons (none of which include martyrdom) to do your share of work *pro bono publico* (for the good of the public): giving back to society, helping the needy, making an impact on the lives of the recipients of *pro bono* efforts, and that warm, fuzzy feeling you get from helping people and using your skill set for the forces of good.

And, you can add one more motivation to the list: It is good for business. *pro bono* is a source of experience, networking, referrals, and goodwill among

recipients of the *pro bono* service. This commitment to the community serves your professional practice in several ways.

What do you get for your practice?

A source of referrals and goodwill.

Pro bono work is a great, free marketing tool. *Pro bono* clients generally are thankful for the attorney who listened to them and offered a piece of advice, and most of them will recommend you to family and acquaintances who need a lawyer.

Some paying clients. Some of those who do not qualify for free representation under the guidelines of the host organization or need help beyond the scope of the *pro bono* service offered may retain your services.

Practice opportunities. Some of the most challenging cases come from *pro bono* clients. On occasion, the complexity calls for study and creative thinking for finding a viable solution.

Access to experienced attorneys. It is likely that other lawyers working at the same or similar institution where you do your *pro bono* will be more than willing to share knowledge and advice. Consider it an informal *pro bono* mentor program. This may prove more valuable to new lawyers, but it is sure to be helpful to more seasoned attorneys as well.

Doing *pro bono* work is a win-win for all parties involved: The public gets quality legal guidance from a committed professional; the host organization fulfills its goals; and the lawyers offering time and talents, make a difference one client at a time.

Once you decide to do some type of *pro bono* work, how do you get started?

- Define what type of *pro bono* service you would like to sign up for: a project directly in your practice area,

one involving a type of law you may be interested in developing later, or even a collaboration in an area you had a passion for, but never developed for varied reasons.

- Research organizations in your area that regularly work with attorneys doing *pro bono* work. The Delaware State Bar Association website lists a number of organizations and agencies that have needs. Go to www.dsba.org and click on Access to Justice for the complete list.

- Make a plan that includes an estimate of *pro bono* hours you are willing to put in. Do not overreach. Beyond all the positives of *pro bono* work, you still have to make a living.

- Approach your target organization. Ask for its mission, rules and requirements, support, and expectations. Announce your goals and needs.

- Start your *pro bono* service. Commit and deliver. Be ready to immerse yourself in a rewarding and enriching journey.

Pro bono work is good for the soul, good for business, good for society, and good for the recipient. And, sainthood is not a requirement. ⚖️

**Visit the
Delaware State
Bar Association
website at
www.dsba.org**

Delaware's Premier Litigation Support Team



Stephen M. Conyers, CPA
Stacey A. Wynne, CPA, CFE, CICA

Edward P. Byrnes
William A. Santora, CPA

- Review & Analysis of Documents
- Damage Calculation
- Detailed Expert Report Preparation
- Deposition & Court Testimony
- Rebuttal Reports
- Forensic Accounting



Call 302-737-6200 or toll free 800-347-0116

HARRIS FINKELSTEIN, PH.D.

*Over 20 Years of Experience in
Assessment & Therapy with Children & Adolescents*

Available to the Legal Profession:

- ♦ S.722 Custody Evaluations – with (highly preferred) or without both parents
- ♦ Psychological Evaluations for P.I. damages to children and adolescents including trauma, abuse, anxiety and PTSD.

Licensed in DE & PA Nationally Certified School Psychologist
1300 Pennsylvania Avenue, Wilmington, DE 19806

(302) 594-9000

Disciplinary Actions

INTERIM SUSPENSION: JOHN E. O'BRIEN

**SUPREME COURT NO. 674, 2012
EFFECTIVE DATE: JANUARY 15, 2013**

By Order of the Delaware Supreme Court dated January 15, 2013, John E. O'Brien, a Delaware lawyer who was admitted to the Delaware Bar in 1979, was immediately suspended from the practice of law in Delaware, pending final disposition of all attorney disciplinary proceedings. In its Order, the Court concluded that Mr. O'Brien, a solo practitioner, had engaged in professional misconduct which demonstrates he poses a significant threat of substantial harm to the public and to the orderly administration of justice.

Constantine F. Malmberg, III, Esquire (302) 672-5600 has been appointed Receiver of Mr. O'Brien's law practice.

**DISABILITY INACTIVE:
ELIZABETH RODRIGUEZ, ESQUIRE**

**SUPREME COURT NO. 29, 2013
EFFECTIVE DATE: JANUARY 25, 2013**

By Order of the Delaware Supreme Court dated January 25, 2013, Elizabeth Rodriguez, a Delaware lawyer who was admitted to the Delaware Bar in 1985, was transferred to disability inactive from the practice of law in Delaware pursuant to Rule 19(c) of the Delaware Lawyers' Rules of Disciplinary Procedure. In its Order, the Court accepted the joint representations of the Office of Disciplinary Counsel and Ms. Rodriguez that Ms. Rodriguez is suffering from emotional and/or mental health problems which adversely affect her ability to practice law.

Edward Curley, Esquire, (302) 674-3333, will assume responsibility for Ms. Rodriguez's client matters. Ⓢ



**YOUNG CONAWAY
STARGATT & TAYLOR, LLP**

Attorneys at Law

TAKES PLEASURE IN ANNOUNCING THAT

Sean T. Greecher

*HAS BECOME PARTNER IN THE FIRM
AND THAT*

Gregory J. Brodzik

Lakshmi A. Muthu

Laurel D. Roglen

Samantha G. Wilson

HAVE BECOME ASSOCIATED WITH THE FIRM



Section News

**Health Law Section's
Blood Donation Drive**

The DSBA Health Law Section challenges the members of the Delaware Bar to participate in a Blood Donation Drive by donating blood at any Blood Bank of Delmarva location between April 15 and May 17, 2013. Simply call the Blood Bank at 1-888-8-BLOOD-8 to make an appointment to donate blood during the designated time frame. When you make your appointment and also on arrival for your appointment, ask to complete a Hero Program card with your name and the DSBA. Help us let the community know that the DSBA cares about Delaware's health needs! 

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**



We are pleased to announce that **Richard R. Wier, Jr.**, former Delaware Attorney General, has joined our law firm and will serve as Senior Counsel in our Wilmington, DE office.

For the past twenty years, Dick Wier has headed his own firm in Delaware and has been continuously recognized by his clients and peers as one of the leading Labor and Employment lawyers in Delaware and in the United States. He is also admitted to the Pennsylvania Bar.

Dick Wier will continue to focus his practice on advising and representing businesses, select individuals and professionals in employment and labor matters, malpractice defense, health care litigation, complex health law, business law litigation, as well as white collar criminal defense.

He can be reached at rrwier@mdwcg.com or 302.552.4350.

A DEFENSE LITIGATION LAW FIRM | PA NJ DE OH FL NY

www.marshalldennehey.com



SURETY ONE

“Your Judicial & Fiduciary Bond Specialists!”



(787) 333-0222 or (800) 373-2804
Underwriting@SuretyOne.org

Is there a major milestone
in your future, or the
future of your law firm?

An anniversary, a
memorial or a celebration?

Consider a tax deductible
gift to the Delaware Bar
Foundation Endowment
Fund, a gift that will continue
to give to those most in need.



DELAWARE BAR
FOUNDATION

Jacqueline Paradee Mette
Executive Director
Phone: (302) 658-0773

MORRIS NICHOLS ARSHT & TUNNELL

is pleased to announce that

John P. DiTomo

&

Patricia O. Vella

have become Partners

and

Katherine H. Betterly

has become Special Counsel

www.MorrisNichols.com

Morris, Nichols, Arsht & Tunnell LLP
1201 N. Market Street, Wilmington, Delaware 19801 - (302) 658-9200

Delaware State Bar Association

The following positions on the Executive Committee of the Association must be filled for the year 2013-2014:

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

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

The following position must be filled for terms as noted:

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

The Nominating Committee wants to consider all interested candidates. If you are interested in serving on the Executive Committee or would like to recommend a candidate, please send your name or the candidate's name along with any helpful background material to Rina Marks, Executive Director, by e-mail at: rmarks@dsba.org or by mail at: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE 19801 by **February 11, 2013**.

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

The Nominating Committee consists of:

Matthew M. Greenberg, Chair
James G. McGiffin Jr., Vice-Chair

New Castle County

C. Malcolm Cochran IV (2013)	Shakuntla L. Bhaya (2014)	Tabatha L. Castro (2015)
Dominick T. Gattuso (2013)	Matthew F. Boyer (2014)	Tara D. Elliott (2015)
Rosemary S. Goodier (2013)	Jennifer Gimler Brady (2014)	Danielle Gibbs (2015)
Ian Roberts McConnel (2013)	Teresa Ann Cheek (2014)	Lisa B. Goodman (2015)
Thomas V. McDonough (2013)	Gerald J. Hager (2014)	Tarik J. Haskins (2015)
James W. Semple (2013)	Tiffany A. Poole (2014)	Rakesh H. Mehta (2015)
Christopher Page Simon (2013)	Adam Singer (2014)	Edward P. Welch (2015)
	Monté Terrell Squire (2014)	

Kent County

Jeffrey Alexander Young (2013)
Bradley S. Eaby (2014)
Gretchen C. Gilchrist (2015)

Sussex County

James Davis Nutter (2013)
David N. Rutt (2014)
Kim DeBonte (2015)

Delaware Law Related Education Center's Annual Mock Trial Awards Ceremony

**Tuesday, February 12, 2013, 5:00 – 8:00 p.m.
Young Conference Center, Second Floor of the
Delaware State Bar Center, 405 North King Street, Wilmington, DE**

Please join us for cocktails and hors d'oeuvres, as we recognize Joseph R. Slights III, Esq. and the Delaware Paralegal Association for their many years of dedication to the Delaware High School Mock Trial program and the Delaware Law Related Education Center. The Awards Ceremony will once again serve as a fundraiser to support the Center's programs.

Joseph R. Slights, III will be receiving the *Pete Jones Award*. He started in the Mock Trial program as an attorney coach for St. Marks High School for seven years. During that time his team was the state champion for six years. He was a member of DELREC's Mock Trial Committee from 1998 to 2010 where he handled a number of roles including service as a judge, instructor of the judge's orientation and acted as the Superior Court Liaison with the Mock Trial Committee. He was instrumental in securing Delaware's bid to host the National High School Championship and served as one of the co-host directors for the 2008 National Competition. He has judged at both the State and National Competitions. In 2010, he returned to St. Mark's as an attorney advisor to that school's team where he remains.

The **Delaware Paralegal Association** has been selected to receive the *Board of Trustees' Award*. The Delaware Paralegal Association has provided staff, supplies and financial support to the Delaware High School Mock Trial Competition. The support from the Association is critical to the success of the program. Each year, members volunteer to help in each of the courtrooms. For many years, the Association has also provided needed supplies for the competition.

**Please complete and mail this form with your check to:
(Payable to the Delaware Law Related Education Center, Inc.)
The Delaware Law Related Education Center, 405 N. King Street,
Suite 100C, Wilmington, DE 19801**

NAME/ FIRM _____

SPONSOR LEVEL _____ INDIVIDUAL TICKETS: # _____

Return Address: _____

E-mail _____

_____ I cannot attend, but would like to make a contribution to the Delaware Law Related Education Center, Inc. in the amount of \$ _____.

Platinum Sponsor	\$1,000	8 tickets and Program recognition
Gold Sponsor	\$750	5 tickets and Program recognition
Silver Sponsor	\$500	3 tickets and Program recognition
Bronze Sponsor	\$250	2 tickets and Program recognition
Individual Ticket	\$100	
Mock Trial		
Faculty Coaches	\$25	

The Delaware Law Related Education Center, Inc. is a nonprofit 501c(3) organization.

For more information about the Center, please visit www.delrec.org or contact Pat Quann, Executive Director, at 302-778-0643. For additional information about the event, you may contact Pat Quann at delrecntr@aol.com



By Carol P. Waldhauser, Executive Director

Beyond the Football Field: Effort + Power Thinking = Success

“Effort Is Between You and You.”

*Ray Lewis
The Baltimore Ravens
Football Team*

On any fall Sunday, many fans proceed with their hometown rituals to participate in watching and/or attending professional football games. Normally, whether a serious fan or a casual fan, the individual cheers his or her team on through a season of many emotional ups and downs. Soon, the brisk sunny days of the fall give way to the cold blustery games of winter. And, if you are fortunate enough to have supported a team whose efforts as well as power thinking during the regular season has allowed them to reach the post-season, then more than likely you are smiling and dreaming of Super Bowl Sunday.

You may wonder where is this article going and why you should look beyond the football field? What does football have in common with me? The answer is simple. As human beings, and as professionals, we need to know how to rebound from negative professional and/or life-events. The Baltimore Ravens are a good example. Recently, during the AFC Divisional Playoff game between the Denver Broncos (led by the iconic Peyton Manning) and the Baltimore Ravens (led by the University of Delaware’s own Joe Flacco) through pure effort, power thinking, and just plain moxie, the Ravens won.

More specifically, as the Baltimore Raven’s rookie kicker, Justin Tucker, kicked a 47-yard field goal that edged just inside the right goal post in Denver, Colorado, the fans saw first-hand a miracle kick that dismissed Peyton Manning and his heavily favored

Denver Broncos from the AFC Championship game. Equally as impressive, the following week the Ravens— again as underdogs—kept their date with destiny by facing the heavily-favored New England Patriots for the AFC Championship title.

Ironically, just last year the Ravens experienced a devastating loss to the New England Patriots when the latter took advantage of the Raven’s late mistake to advance to the Super Bowl. Vowing to return, vowing to put forth the effort to rebound, and showing their resilience through the year, the Ravens had their rematch and this time won.

Exactly one year to the date, they achieved their goal of playing in the Super Bowl.

Effort, Resilience, and Rebounding

Effort is more than that line item that was on our report card through grade school and high school. In fact, the word “effort” is described as the physical or mental energy that is needed to do something. *Merriam-Webster’s Dictionary* defines it as (1) “a vigorous or determined attempt” or (2) “the result of an attempt.” Even *Black’s Law Dictionary* defines it as “an attempt; an endeavor; a struggle directed to the accomplishment of an object; to try.” Ray Lewis of the Ravens believes that “effort is between you and you.” So, is Ray right, and is it all about our thinking? How do we stay enthusiastic in the face of being underdogs? How do we keep going when what we perceive as our best efforts may and can fall short?

Journalist Rick Newman in his book *Rebounders: How Winners Pivot from Setback to Success* may answer some of these

questions. Newman himself explores his own personal challenges, i.e. a divorce, custody battles, financial stress, and dislocation (both geographic and professional). Specifically, he writes in his introduction “As I crested the age of forty, I was falling behind instead of getting ahead, with a set of options that seemed to be narrowing and a deepening disillusionment that wasn’t supposed to afflict people like me.” He further began to ask himself: “How is it that some people—he calls them rebounders—are able to emerge from setbacks (or for our purposes, underdogs) even stronger or more successful than before? What are the skills they draw on?”

Researching into these questions, Newman profiles the highs and lows of a number of thriving survivors ranging from Thomas Edison to military pilot Tammy Duckworth, who lost her legs in Iraq, and concludes with a series of nine attributes he sees as common to rebounders:

1. They accept failure. It is not that rebounders like failure, but they manage to “fail productively,” framing failure as a learning opportunity.

2. They compartmentalize emotions. While their emotions may run strong, rebounders nonetheless adopt a pragmatic stance and learn to maintain emotional equanimity in the face of disappointments.

3. They take purposeful action. Even if you are not sure where it is taking you, it can be a first step to moving forward.

4. They change their minds sometimes. Rebounders make the best decisions they can at the time based on the information they have. When that information

changes, they are able to adjust their goals and thinking.

5. They prepare for things to go wrong. For all the talk of optimism being linked to success, the rebounders Newman talked to tend to have a more measured perspective.

6. They are comfortable with discomfort. For rebounders, success equals fulfillment, not comfort, and they willingly accept significant hardships and inconveniences en route to their goals.

7. They are willing to wait. Rebounders are willing to work harder, exert more effort and wait longer than they expected. "Long cuts to success are more common than shortcuts," Newman writes.

8. They have heroes. Mentors and role models are often important sources of inspiration for rebounders.

9. They have more than passion. Rebounders have sustained drive as well as passion.

One more ingredient in resilience that rebounders often add to their recipe of success is faith through Power Thinking. In his book, *Power Thoughts*, Dr. Robert Schuller writes about how he became a Power Thinker. First, Dr. Schuller cites: "If you have faith as small as a mustard seed, you can say to this mountain, 'Move from here to there' and it will move. Nothing will be impossible for you." (Matthew 17:20) Second, Dr. Schuller goes on to explain how he "...began to focus his power of positive thinking to discover his personal potential and then go on to discover possible ways to achieve a seemingly impossible objective." Bottom line, Dr. Schuller suggests that when he is faced with a mountain, he will

not quit and reminds himself that Positive Thinking + Possibility Thinking + Power Thinking = Success!

Using again the amazing and unbelievable performance of Joe Flacco and the Ravens in the post-season, it is evident that they are resilient rebounders who found the real meaning of effort and power thinking along the way. And for the fans, they were able to look beyond the football field to teach themselves and their children how not to give up. Whether the Ravens are successful in the Super Bowl is not as

important as the lessons that they taught us on the way.

For more information on resilience, and or other issues that may be affecting your quality of work or life, contact The Delaware Lawyers Assistance Program at (302) 777-0124 or e-mail cwaldhauser@de-lap.org.

References:

Rick Newman, Journalist, *Rebounders: How Winners Pivot from Setback to Success*, p. 25.

Robert Schuller, *Power Thoughts*, Harper-Collins Publishers, p. 17. 



Wilmington

Friends  School

Today, I...followed science clues about butterflies on the SMART Table — in Spanish. (Kindergarten)

Meet us on Mondays, 5:00-6:30pm
302.576.2930 • www.wilmingtonfriends.org

**Getting help doesn't sabotage your career...
...but *not* getting help can.**

 Delaware
Lawyers Assistance Program

The Delaware Lawyers Assistance Program (DE-LAP) was created to confidentially help Judges and Lawyers with substance abuse/dependence and/or mental and physical health problems.

Carol P. Waldhauser, Executive Director

Direct: (302) 777-0124, Toll-Free: 1-877-24DE-LAP, or the Emergency Toll-Free Hotline: 1-877-652-2267

e-mail: cwaldhauser@de-lap.org

website: www.de-lap.org

Reviewed by Richard A. Forsten, Esquire



It's a Bird, It's a Plane, It's a New Legal Specialty: *The Law of Superheroes*

By James Daily and Ryan Davidson (Gotham Books, 2012)

Superheroes and comic books have come a long way from their initial appearance on newsstands in the 1930s. The top two grossing films for 2012 were *The Avengers* and *The Dark Knight Rises*; the top film for 2008 was *The Dark Knight*, and for 2002 it was *Spiderman*. The theme from the 1977 movie *Superman* has become iconic. The graphic novel *Watchmen* was included on *Time* magazine's 2005 "All-Time 100 Greatest Novels" (from 1923-2005) list. Yes, comics have come a long way.

But, with great power comes great responsibility. In *The Law of Superheroes*, lawyers James Daily and Ryan Davidson (who are self-described comic book nerds) have taken a wide-ranging look at the multitude of legal issues and problems which would be confronted by superheroes in the "real" world. One need not be a comic book aficionado to enjoy Daily's and Davidson's book. In discussing how the law affects superheroes, they are also teaching the reader about how the law affects "normal" individuals as well in a wide range of legal areas, from criminal procedure to tort law to intellectual property to immigration. As the authors explain in their introduction:

"The main problem with a lot of legal educational materials is that they are *boring*. Examples include such thrilling stories as 'A sells Blackacre to B, who then gives a life estate to C,' and right there, before we even get to the law, the audience is asleep. But who does not like Batman? More to the point, who does not know who Batman is?"

And so, Daily and Davidson go on to examine such questions as whether superheroes can conceal their identities when testifying in court, or whether this would violate the Constitution's confrontation clause. In fact, the list of issues to examine is almost endless. Can superheroes arrest villains, and if so, what restrictions apply? Are superheroes bound by the same rules of criminal procedure as police? If a superhero gathers evidence by sneaking into someone's house without a warrant, will such evidence be admissible in court? And, what liability, if any, does a superhero face if he or she breaks a villain's bone or otherwise injures a villain while apprehending them?

The legal concerns a superhero faces, though, are not limited to criminal law and procedure. There are plenty of civil law issues to consider as well. Can superheroes be liable for the property damage a big fight causes? What if a third-party decides to use a superhero's likeness to promote a product? That would surely violate a right of publicity, but how easy or difficult might it be for a superhero, seeking to maintain his or her secret identity, to enforce those rights?

Intellectual property is another area where superheroes might find themselves at a disadvantage. Can they trademark or copyright their costumes and gadgets? And, what about patents? Many heroes use special technology they have invented and want to keep secret. But, by using new technology before filing for a patent, they may lose the ability to patent the technology.

Superheroes, of course, often work in teams. The Justice League, the Avengers,

the X-Men, and the Fantastic Four are a few examples. Sometimes, they just team up on an *ad hoc* basis to solve a particular case or face a particular villain (Batman and Superman for example). What liability might one team member have for the acts of another? Should such teams be organized as corporations or limited partnerships or LLCs, and what are the implications of a more formal structure versus an unincorporated non-profit association (something which, incidentally, is specifically recognized under Delaware law, *see 6 Del.C. §§1901-1916*)?

But, even when banded into teams, there may be some organizations that are too powerful for any group of heroes, and the Internal Revenue Service may be one such organization. In a 1961 story, the IRS assessed Superman for \$1 billion in back taxes for rewards received, buried treasure found, and coal turned into diamonds. In the story, he escaped liability by claiming that because he had saved the world many times over, he was entitled to claim everyone on Earth as a dependent, thereby zeroing out his tax bill. That probably would not be allowed in the real world, but the issue of taxes does raise some interesting questions, as does a host of other administrative issues. For example, Superman (or any other hero for that matter) never seems to file a flight plan, something that would no doubt cause issues with the FAA.

In their final two chapters, Messrs. Daily and Davidson look at the issues arising from immortality (or near-immortality) for long-lived heroes and villains, and at issues related to artificial intelligences, such as Brainiac. What rights, if

any, do artificial intelligences have? Can they simply be shut off? Is a life sentence “cruel and unusual punishment” for an immortal villain?

Superheroes do not, of course, exist in the “real” world (at least not that we know). Yet, the legal issues they face often present interesting hypothetical legal questions not only for these fictional characters, but for those of us in “real” life. *The Law of Superheroes* can be enjoyed by anyone, and the book, like any good superhero movie, cries out for a sequel, because once you start thinking about the legal issues a superhero faces, you will start to think about dozens of other issues not discussed in the book. For superheroes and real-life lawyers, the legal adventures are never ending. ☺

18th Annual Rubenstein-Walsh Seminar to Feature ABA Commission on Ethics 20/20 Proposals

The 18th Annual Rubenstein-Walsh Seminar will be held on Thursday, February 21, 2013 at the Chase Center on the Riverfront. The seminar will feature the proposals of the ABA Commission on Ethics 20/20, some of which were recently adopted by the Delaware Supreme Court effective March 1 of this year.

The highly-regarded seminar, co-sponsored by the Bar Association and the St. Thomas More Society, has been co-chaired by retired Delaware Supreme Court Justice Joseph T. Walsh and Harvey Bernard Rubenstein, past presidents of the Society, since its inception. Mr. Rubenstein is also a past president of the Bar Association. This year’s seminar will be his last after 18 years as a co-chair.

The morning program moderated by Mr. Rubenstein will lead off with ethical hot spots by Jennifer-Kate Aaronson, Chief Disciplinary Counsel. It will be followed by William D. Johnston’s explanation of the ABA proposals and then by a panel discussion on the proposals, and the Delaware Supreme Court’s adoption of some of them, led by Matthew F. Boyer and including Anne Churchill Foster, Richard K. Herrmann, Edmund D. Lyons, Jr., and Jennifer-Kate Aaronson. Thereafter, an update on social media ethics will be presented by Margaret M. DiBianca.

Following lunch, the afternoon program moderated by Justice Walsh will present two panel discussions. The first will consider the role of in-house counsel in litigation with P. Clarkson Collins, Jr., Silvio J. DeCarli, Michael P. Kelly, and Luke W. Mette. The second will consider the ethical aspects of *pro bono* representation with Judge Alan N. Cooper, Kathleen Furey McDonough, Emily A. Farley, and Janine N. Howard-O’Rangers.

As a courtesy to the Bar, arrangements have been made by the Supreme Court for a photographer to be present from 10 a.m. to 4 p.m. in a room adjoining the seminar to have their Supreme Court registration photographs taken. There will be no charge. ☺

LAW OFFICES OF DANA L. REYNOLDS, LLC



DANA L. REYNOLDS, ESQ.



KEITH M. HORNER, ESQ.

FAMILY LAW

Divorce and Separation
Adoption
Custody/Guardianship
Termination of Parental Rights
Embryo & Egg Donation
Gestational Surrogacy
Domestic Violence/PFAs

CRIMINAL DEFENSE

Drunk Driving/DUI
Misdemeanors
Felonies
Expungements & Pardons
Juvenile Offenses
Motor Vehicle Offenses
Post-Conviction Relief
Appeals

30C TROLLEY SQUARE • WILMINGTON, DE 19806
302.428.8900 • WWW.DANAREYNOLDSLAW.COM

By James G. McGiffin, Jr., Esquire



Close to Home: Jamie Sharp

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 The 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

• • •

Downstate attorney Jamie Sharp has deep roots in Delaware. He is settling into a life and a law practice based in Sussex County and it suits him well.

Jamie (James Patrick Sharp, formally) is an only child, and he grew up in the Milford area (which he calls Greater East Houston). He is so comfortable in that neck of the woods that he bought the house he grew up in when his parents were ready to sell.

After graduating from Milford High School, Jamie attended Randolph-Macon College, a small liberal arts school in Ashland, Virginia. There he studied business, economics, and accounting and minored in history. He chose the University of Richmond for law school, where his most notable accomplishment was publishing a paper on labor issues in professional wrestling. Neither the charm of the Old Dominion nor the glamor of professional wrestling could hold him, and Jamie returned to Delaware upon graduation.

Jamie had an idea about what he wanted to do. Before law school, he worked for the Georgetown law firm of Griffin and Hackett, and during law school summers

he clerked for another Georgetown firm, Moore and Rutt. In fact, Jamie knew he would return to Delaware even before his first day of contracts class. He decided that he liked the Sussex County frame of mind.

The small firm model appeals to Jamie, as well. The lawyers in the firm do a variety of work, and they do much of it collaboratively. Since 2009, the firm has acted as counsel to Sussex County



Photo Credit: Sharp Family

Council, so Jamie spends some of his time in that area of the law. He represents the Sussex County Board of Adjustment and recently filed his first Delaware Supreme Court brief on behalf of the board. He also does some work for the Sussex County Airport. In addition, he handles wills and estates, guardianship, collections, general civil litigation, landlord/tenant, and real estate work for private clients.

Jamie has recently devoted a generous amount of his time to a project that has him very excited: Leadership Delaware. This nonprofit organization recruits and mentors younger Delawareans who have the capacity and interest to be community, nonprofit, political,

professional, and corporate leaders. The 10-month program exposes participants to “phenomenal people,” Jamie reports, including the participants themselves and the speakers, all from a great variety of disciplines. He embraces the Leadership Delaware philosophy of leadership through knowledge.

Fortunately, Jamie has not put his own community activity on hold pending graduation from Leadership Delaware.

This year, he has helped to organize the Delaware Community Foundation Next Generation southern chapter. The Delaware Community Foundation is an important source of charitable funding to humanitarian, educational, health, and cultural organizations in Delaware, and Jamie is committed to not only raising money for these causes but also to developing leaders in philanthropy in Southern Delaware. He has also served on the Board of Directors of the Frederica Senior Center.

Jamie knows how to have fun, too. He loves baseball and owns up to being a New York Yankees fan—cue the Bronx cheer (*N.B.* Your writer is a long time Red Sox fan). In fact, when he met Jenn Cerra and learned she, too, loves baseball (at least Phillies’ baseball), he knew he had a chance with her. He was right, as they plan to marry in June. They enjoy watching the Shorebirds play minor league ball in Salisbury, and they spend lots of time at the beach.

Jamie Sharp is a great example of a local boy who makes good. In his case, the local boy does well while he does good, and Southern Delaware is all the better for it. 🍌



JUSTLEGALINC.

...continuing our commitment to excellence

- ✓ **ATTORNEY PLACEMENT**
CONTRACT, LATERALS, PERMANENT
- ✓ **LEGAL SUPPORT STAFFING**
PARALEGALS, LEGAL SECRETARIES, OFFICE SUPPORT

Proud to be celebrating 10 years in business.

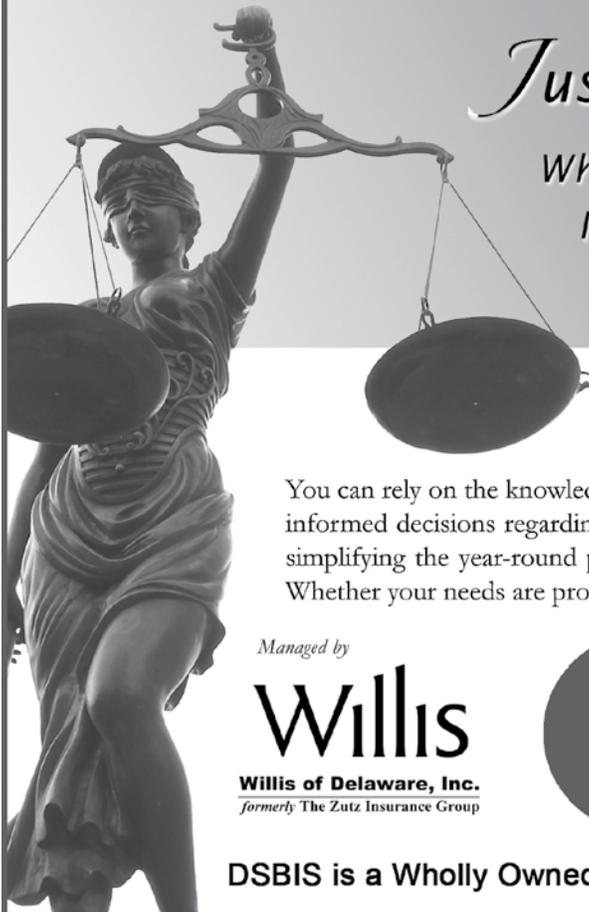
JUST IN CASE • JUST IN TIME • JUST FOR YOU

info@justlegalinc.com www.justlegalinc.com

Delaware
(302) 239-5990

Philadelphia
(215) 567-5990

Southeastern PA
(610) 696-8787



Justice Is Blind...

*When It Comes to
Insurance, Your
Decisions Shouldn't Be*



Delaware State Bar Insurance Services, Inc. (DSBIS) prides itself on understanding the insurance needs of Delaware's legal community.

You can rely on the knowledge and experience of your DSBIS representatives to help you make more informed decisions regarding insurance products and we offer value-added services with the goal of simplifying the year-round process for you. We want to both protect you and make your life easier. Whether your needs are professional or personal, we've got it covered.

Managed by

Willis

Willis of Delaware, Inc.
formerly The Zutz Insurance Group

Contact us and we'll make sure that you're protected.

302.658.8055

www.dsbis.com

DSBIS is a Wholly Owned Subsidiary of the Delaware State Bar Association



Dean Ammons To Be Honored at the 2013 Blue-Gold High School All-Star Basketball Games

By Morton Richard Kimmel, Esquire
Chairman, Blue-Gold Basketball Board of Trustees

Dean Linda Ammons of the Widener University School of Law will be honored at the Blue-Gold High School All-Star Boys' and Girls' Basketball Games at the University of Delaware's Bob Carpenter Center on Saturday, March 16, 2013. Dean Ammons will receive the Community Leadership Award. Dean Ammons is the first woman and first African American to lead Widener University School of Law.

Dean Ammons recently completed three years as the Chair of the Curriculum Committee of the American Bar Association's Section of Legal Education and Admissions to the Bar. In February, 2012, Dean Ammons was named one of "The Power 100" African American attorneys in the United States.

In January, 2010, Dean Ammons was appointed by Governor Jack Markell to be the special investigator in the case of the alleged child molestations by pediatrician Earl Bradley. Her work resulted in a package of nine legislative reforms passed unanimously by the Delaware General Assembly.

All proceeds from the Games benefit Best Buddies, Delaware, a charitable foundation founded by Anthony Kennedy Shriver to aid children with disabilities. Currently, more than 22 Delaware middle schools and high schools have buddied a non-disabled child with a disabled child. In the near future, it is anticipated that every middle school through high school will have a buddy system in place.

Numerous attorneys and law firms in Delaware contribute to Best Buddies, Delaware through the Blue-Gold Basketball Games. The Blue-Gold Basketball Trustees are extremely appreciative of these substantial contributions.

Over 200 police officers, high school coaches, local business people, and col-

lege and high school students will volunteer their time and talents to the Blue-Gold Basketball events.

The Blue-Gold Games culminate the Delaware high school basketball season and highlight the top 60 senior boys and girls in the State. Additionally, Best Buddies participants are selected as honorary co-captains. The 2013 Games are scheduled for Saturday, March 16, and another capacity crowd is expected. The Girls' Game begins at 1:30 p.m. followed by a basketball game between the Philadelphia Eagles' players and local celebrities and sponsors. Thereafter, the Boys' Game begins and there is a slam dunk contest at half time. In the past, Julius Erving, Larry Brown, Congressmen Mike Castle and John Carney and Senator Tom Carper have been judges for the slam dunk contest.

More than 50 college basketball coaches will be in attendance. Hundreds of these Blue-Gold student athletes have received scholarships, grants in aid and other funding as a result of their participation in the Games.

Preceding the Games is a cocktail reception highlighted by the Philadelphia Eagles' football players taking photographs and signing autographs in the Bob Carpenter Club.

The Blue-Gold Games are the centerpiece of a week-long celebration. Our Annual All-Star Banquet on March 14th at Dover Downs, which will be attended by 400 to 500 people, will honor Jerry Kobasa who will be inducted into the Blue-Gold Basketball Hall of Fame. Jerry is currently in his 8th season as the men's basketball coach at Wesley College. He has rebuilt the program leading them to NCAA tournaments twice in the last five years. Previously, he coached high school basketball at Sussex Tech and was twice named

Coach of the year. He is a former President of the Delaware Interscholastic Basketball Coaches Association and was appointed by Governor Markell as a public member to the Delaware Interscholastic Athletic Association.

Your support of the Blue-Gold Basketball Games and Events will help sustain Best Buddies' top-flight programs for children with disabilities while at the same time brightening the spotlight on high school basketball. 

HIRING A PARALEGAL?

Log on to
www.deparalegals.org

For more information
about posting jobs on
DPA's website,
contact the
Job Bank Director,
Sharyn C. Hallman, DCP,
at (302) 984-3882.



from the iPad with a cable or wirelessly, or using the iPad as a remote with the added benefit of being able to see my slides on it while presenting.

Other Apps: There are so many apps and so little time. I know I want to do other things and become more efficient. But, I run the risk of never becoming totally comfortable with the iPad if I try to do too much too quickly. I will leave the jury selection and trial presentation apps for another time. I suppose it would not do any harm to get certain basic references on the iPad now, such as the Federal Rules of Evidence, and Civil and Criminal Procedure. All are available in one app called LawStack (free). A number of state statutes are also available. Of course, if I am connected to the Internet, I will continue to use my favorite website, www.law.cornell.edu. I simply type the Rule number in Google and I get the Cornell link as the first or second hit—no indexes or apps to learn, and the format is great. I can convert the page to a PDF and save most frequently used rules in a folder.

February 23, 2013 My Plan

I have had the iPad now for about a week and have developed a plan for its future use. I am going to put my home laptop away for two or three months and use the iPad as my main computing device. This will force me to become an expert quickly. I know I may not be totally efficient at first, but I have a couple of different choices for getting information into the iPad. I have just purchased a stand and a wireless keyboard. The stand is really well designed. It is power-enabled, which will permit keeping the iPad plugged in while I am using it at my desk at home. The stand also permits me to rotate the iPad in landscape and portrait mode. The stand I chose is made by Mophie (\$150). With the Bluetooth keyboard and the stand, it is like having a small desktop computer. The only difference is I do not have a mouse. Instead of using my finger, I purchased a stylus. There are actually two different styluses



O'KELLY ERNST & BIELLI, LLC

We are pleased to announce:

David M. Klauder
has joined the firm as Of Counsel

and

Daniel P. Murray
&
Shannon J. Dougherty
have joined the firm as Associates.

<u>Wilmington Office</u> 901 N. Market St., Suite 1000 Wilmington, DE 19801 (302) 778-4000 (302) 295-2873 (FAX)	<u>Philadelphia Office</u> 1600 Market Street, 25 th Floor Philadelphia, PA 19103 (215) 543-7182 (215) 525-9648 (FAX)
---	--

www.oeblegal.com

<ul style="list-style-type: none">• Civil Litigation• Corporate Litigation• Commercial Litigation• Intellectual Property Litigation• Shareholder Litigation	<ul style="list-style-type: none">• Bankruptcy• Corporate Restructuring• Construction Law• Business Counseling• Transactional Services
---	--

I like. One is called Bamboo (\$25) and the other is called Hand (\$29.99).

When I use the iPad while on the go, I find myself dictating with the microphone. This process is very quick and incredibly accurate. The microphone is located to the left of the space bar on the keyboard. It turns the dictation into text as I dictate. I understand I need to be connected to the Internet to do this. However, since I am either connected by Wi-Fi or through my data plan, this is not an issue.

Once I have more time with the iPad, I hope I will be able to write an article about its use to assist other lawyers. Who knows, I might even be able to get it published in the DSBA Bar Journal if I am lucky. ☺

POSITIONS AVAILABLE

ATTORNEYS: The City of Wilmington Law Dept. is seeking two experienced attorneys to practice in the following areas: (1) Civil litigation; and (2) Environmental law and related transactional work. Delaware Bar admission preferred; the possibility exists for successful candidates to apply for limited permission to practice pursuant to Delaware Supreme Court Rule 55. Salary negotiable. Excellent benefits package (including family medical and dental coverage, pension plan, MCLE allowance, professional membership dues), with thirteen paid holidays in addition to vacation. Forward resume with cover letter to: City of Wilmington Law Dept., 800 French Street, 9th Floor, Wilmington, Delaware, 19801-3537, or e-mail to jpilnick@WilmingtonDE.gov.

ELZUFON AUSTIN TARLOV & MONDELL is seeking an attorney with up to 5 years experience for its Lewes office. We are looking for an attorney interested in transactional real estate and related litigation. The candidate should possess an entrepreneurial spirit as this position will provide immediate responsibility along with growth opportunities. We will provide work and will assist you in growing your practice. Please send resume to etarlov@elzufon.com.

AVAILABLE OPPORTUNITIES: 1-4 yr. general lit. associate; 1-4 yr. corporate lit. associate; jr. bankruptcy associate; bankruptcy, litigation and IP partners; plaintiff personal injury associate; partner with trademark exp. and more. For more information, please contact kgattuso@klglegalconsulting.com. All inquiries are confidential.

OFFICE SPACE/ REAL ESTATE

DOWNTOWN LEWES: Approx. 3,300 sq. ft. law office space now available for rent. Great location on Second Street. Parking lot in rear, second floor space serviced by elevator. A very nice space. Willing to subdivide to create smaller space. Call (434) 242-9110 or e-mail t.stumpf@yahoo.com.

OFFICE SPACE: 1 attorney office and 1 staff office available in renovated legal office on 13th Street just off King Street. Also includes use of conference room and shared receptionist. Inquire via e-mail: pcollins@collinsroop.com.

OFFICE SPACE AVAILABLE: Office sublet available on the third floor of the Conectiv Building, 800 N. King St. in Wilmington with Don Gouge and John Deckers. Space consists of one windowed lawyer's office and one assistant/paralegal office. It also includes a file/copy room. Services include copier, conference room, runner etc. Space available immediately. For more information, please contact Linda Martin at (302) 658-1800 or lmartin@gougelaw.com.

DOWNTOWN WILMINGTON: Appr. 2000 sq. ft. office space on 2nd floor in an elevator building. 2 blocks from court houses. Parking available on premises. Call (302) 656-5445. ☎

Correction

Please cut out the Legal Directory entry below and paste into the 2013 Delaware Legal Directory. ☎

Page 5

ID No. 5450
Admitted: 12/14/2010
Anderson, Lindsey E.
White and Williams LLP
824 North Market Street, Suite 902
P.O. Box 709
Wilmington, DE 19899-0709
Phone: 302-467-4508
Fax: 302-654-4548
E-mail: andersonl@whiteandwilliams.com

21st Annual Women and the Law Section Retreat



**Friday, March 8, 2013 and
Saturday, March 9, 2013**

**The Bellmoor
Rehoboth Beach, Delaware**

Presented by the
Delaware State Bar Association

**7.0 hours CLE Credit including
2.5 hours Enhanced Ethics
for Delaware and
Pennsylvania attorneys**



NOMINATIONS SOUGHT FOR LAW DAY AWARDS

The Delaware State Bar Association and the Awards Committee are seeking nominations for the Liberty Bell Award and the Community Service Award to be presented at the 2013 Law Day Luncheon. Below is the form and the criteria for these awards.

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

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

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

The DEADLINE for receiving nominations for the Liberty Bell Award, Community Service Award, and Myrna L. Rubenstein Professional Support Recognition Award is February 15, 2013.

DELAWARE STATE BAR ASSOCIATION AWARDS NOMINATION FORM

Name of Candidate: _____

Title/Occupation of Candidate: _____

Award: _____

Date: _____

Nominator: _____

Phone: _____ Fax: _____ E-Mail: _____

Firm: _____

Address: _____

Brief statement of reasons that candidate is deserving of Award (see above Award criteria):

**Send Responses by February 15, 2013 to:
Rina Marks, Executive Director, DSBA
E-Mail: Rina Marks at rmarks@dsba.org • Fax: (302) 658-5212**



The Judicial Palate

By Susan E. Poppiti, Esquire



Valentine's Day B & B

Despite the title, this edition does not contain bed and breakfast recommendations for Valentine's Day. Rather, it encourages you to celebrate Valentine's Day 2013 by honoring the culinary legend, Julia Child. Let me explain. Julia and her husband Paul Child lived a wonderful love story. They cooked together, traveled together, and worked together during their almost fifty year marriage. They even sent out Valentine's Day cards every year like other people send out Christmas cards or New Year's letters. Knowing his wife would appreciate the food imagery, Paul told Julia, "You are the butter to my bread."

To read a full account of the Childs' years together, I recommend reading *My Life in France*, a memoir written by Julia herself and her great-nephew, Alex Prud'homme. This novel tells the story of the Childs' move to France in connection with Paul's position with the U.S. Information Service, Julia's time at the Cordon Bleu, her discovery of her love of cooking and her writing of *Mastering the Art of French Cooking*. The memoir contains entertaining stories of dinner parties the couple hosted and ways in which Paul helped Julia experiment with recipes.

So, this Valentine's Day, follow Julia and Paul's example and make something with your butter to your bread with butter and bread. Yes, all of the below dishes feature butter and bread as key ingredients. Hopefully, some of you readers are baking your own bread based on my suggestions in prior editions as well as using French or Irish butter.

For breakfast, make a French Toast with brioche, a French bread made rich by significant amounts of eggs and butter. You will need one or two slices per person,

depending on how hungry you and your Valentine are. I cut the slices about $\frac{3}{4}$ inch thick, and to prevent the French Toast from becoming mushy, I use bread that is two days old or toast the slices prior to making the recipe. You will also need one egg per slice, about $\frac{1}{4}$ cup milk, cinnamon, vanilla extract, and butter.

In a mixing bowl, beat the eggs with the milk. Mix in a few sprinkles of cinnamon and $\frac{1}{2}$ tablespoon of vanilla extract. Add several tablespoons of butter to a large non-stick frying pan on medium heat. When the butter melts, dip each piece of brioche into the egg mixture and place in the pan. Fry the brioche until both sides are golden brown. I suggest serving the toast with real maple syrup or honey and then top with slivered almonds and fresh berries.

For lunch, make a Croque Monsieur or a Croque Madame. You will need four slices of bread that have been lightly toasted and have the crust removed (the bread should be strong enough to hold up against the cheese and sauce), several tablespoons of butter, two tablespoons of flour, one cup of hot milk, sea salt, and fresh ground pepper. You will also need three ounces of Gruyère sliced thin, three ounces of grated Gruyère, and six ounces of ham sliced thin. For the ham, you can use Black Forest, Virginia baked, or even prosciutto. The traditional recipe also calls for a pinch of nutmeg to complement the nutty flavor of the cheese.

Preheat the broiler. Melt the butter in a saucepan over medium low heat and add the flour and stir for one minute. Then slowly whisk in the milk until the sauce thickens. Season with salt, pepper and a pinch of nutmeg and remove from the heat. Top two slices of the bread with the ham and sliced Gruyère. Then top the

sandwiches with the others slices of bread. Place a non-stick pan over medium heat and melt two tablespoons of butter. Place the sandwiches in the pan and cook on both sides until the bread is golden brown. Then place the sandwiches on a baking sheet and spoon on the sauce and grated Gruyère. Place the baking sheet under the broiler, but not too close, for about three to five minutes until the cheese browns. For a female Valentine, consider making a Croque Madame. The only difference between the two Croques is that the Madame is topped with a fried egg and is, therefore, even richer than her male counterpart.

For a dinner appetizer, make escargots. I buy the Roland cans of escargots which contain the perfect number of snails to serve two. You will also need scallions or a shallot, several cloves of garlic, butter, parsley, sea salt, and fresh ground pepper to taste.

Melt several tablespoons of butter in a sauté pan over low heat. Chop three scallions and several cloves of garlic. Rather than scallions, you can use a shallot for the onion flavor. Sauté the garlic and scallions or shallot in the butter for about three minutes. Add the escargots after draining the liquid and cook on medium-low heat until they are heated through, stirring to coat the escargots with butter. This should only take about five minutes. While the snails are cooking in the butter, toast two slices of bread—brioche would make an excellent choice to give the dish a hint of sweetness. Spoon the escargots over the bread and top with some chopped fresh parsley.

I wonder how Julia responded to Paul's sweetness. Please e-mail your ideas to me at spoppiti@hotmail.com. The best response will receive a prize—a copy of *My Life in France* and a can of escargots. ☺

The 2013 Delaware Legal Directory

Comprehensive Listings

- Entries for over 4,500 Delaware attorneys & judges
- Names, addresses, phone and FAX numbers
- E-mail addresses
- Photographs
- Supreme Court ID Numbers
- Year admitted to the Delaware Bar

Convenient Format

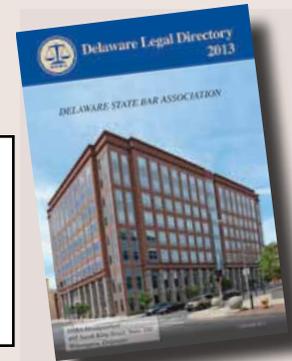
- Easy to use 5.5" x 8.5" wirebound book
- Tabbed, labeled dividers

Extensive References

- Listing of Delaware firms with names of every partner and associate
- Law-related organizations and programs
- Courts and government
- DSBA information and contact persons

Member Benefit

- Every member of the Association receives one free copy.
For additional copies, please see order form below.



2013 Delaware Legal Directory Order Form

Please fill out all information. Incomplete order forms will delay processing.

Name: _____ Bar ID: _____

Firm: _____ Phone: _____

Address: _____

DSBA MEMBERS AND THEIR STAFF:

QUANTITY

TOTAL

• NEW copy x \$30.00 each \$ _____

SUBTOTAL: \$ _____

NONMEMBERS:

QUANTITY

TOTAL

• NEW copy x \$99.00 each \$ _____

SUBTOTAL: \$ _____

SHIPPING: please ship order (add shipping charges) order will be picked up (no charges apply)

• \$10.00 1st copy, \$3.00 each add'l copy.....SHIPPING TOTAL: \$ _____

ORDER TOTAL: \$ _____

CHECK (MADE PAYABLE TO DSBA) OR CHARGE CARD AUTHORIZATION MUST BE ENCLOSED WITH ORDER FORM.

MasterCard Visa Amex Discover Card# _____ Billing Zip Code: _____

Signature: _____ (Required for credit card purchases) Expiration Date: _____

Mail or FAX order to: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE 19801

FAX: (302) 658-5212 QUESTIONS? Call (302) 658-5279

Morris James LLP

IS PLEASED TO ANNOUNCE

ALBERT H. MANWARING, IV

HAS JOINED THE FIRM AS A PARTNER IN ITS

CORPORATE LITIGATION PRACTICE



Morris James is pleased to announce that Albert H. Manwaring, IV has joined the firm as a partner in the Corporate Litigation Practice. Mr. Manwaring focuses his practice in corporate and securities litigation. He has experience in trials before the Delaware Court of Chancery and the U.S. District Court for the District of Delaware and in appellate arguments before the Supreme Court of Delaware and federal courts of appeal. Mr. Manwaring's clients include Fortune 500 companies and national and international corporations, across a range of industries, whom he represents in matters including securities fraud litigation, shareholder rights, stockholder appraisal actions, board disputes, preliminary injunctions, and numerous other types of business disputes. Mr. Manwaring is a Lieutenant Colonel in the JAG Corps of the U.S. Army Reserves, where he serves as the Chief Training Coordinator for the U.S. Army Reserve Legal Command in Gaithersburg, Maryland. He served in Operation Iraq Freedom, for which he received the Meritorious Honor Award, the highest award that a non-State Department person may receive, from the U.S. State Department. Mr. Manwaring received his J.D. in 1992, *cum laude*, from the New England School of Law, where he was named a New England Scholar and was a member of the *New England Law Review*. He previously served as a law clerk to the Honorable Franklin S. Van Antwerpen, of the U.S. District Court for the Eastern District of Pennsylvania. He earned his undergraduate degree from Lehigh University in 1984. Mr. Manwaring is admitted to practice in Delaware, Pennsylvania, New Jersey, and Massachusetts. He can be reached at 302.888.6868 or amanwaring@morrisjames.com.

Wilmington-Downtown
500 Delaware Avenue
Suite 1500
Wilmington, DE
19801-1494
P 302.888.6800
F 302.571.1750

Wilmington-West
803 North Broom Street
Wilmington, DE
19806-4624
P 302.655.2599
F 302.655.8831

Newark
16 Polly Drummond
Hill Road
Newark, DE
19711-5703
P 302.368.4200
F 302.368.6259

Dover
29 North State Street
Suite 100
Dover, DE
19901-3832
P 302.678.8815
F 302.678.9063

Georgetown
107 W. Market Street
P.O. Box 690
Georgetown, DE
19947-1438
P 302.856.0015
F 302.856.7116