



THE JOURNAL

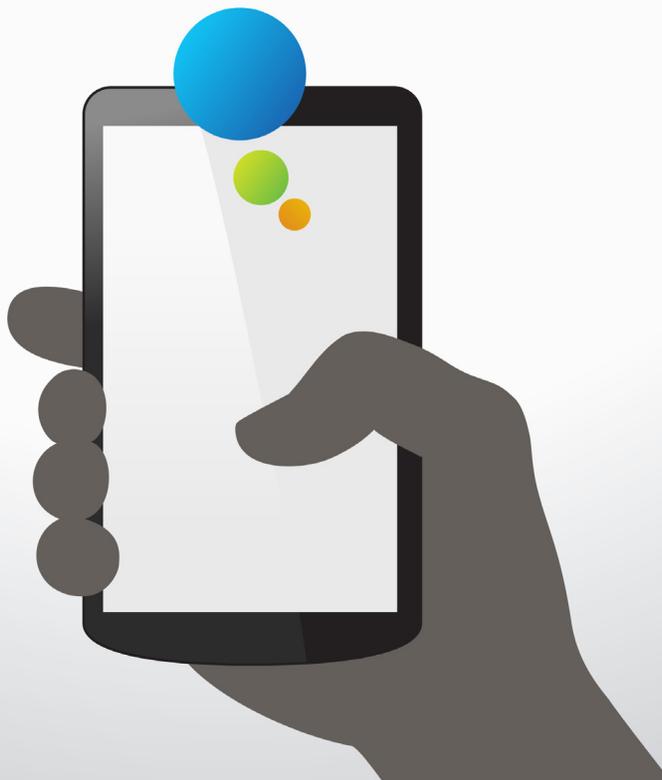
OF THE DELAWARE STATE BAR ASSOCIATION



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**2015 LEGAL DIRECTORY
ORDER FORM** P. 38



Get Involved in DSBA Leadership!



The Delaware State Bar Association is looking for a number of talented members to join the 2015-2016 Executive Committee and lead DSBA to continued success.

The following positions on the Executive Committee of the Association must be filled for the year 2015-2016:

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

One (1) DSBA Representative to the ABA House of Delegates: Three-year term

The Nominating Committee wants to consider all interested candidates. If you are interested in serving on the Executive Committee or would like to recommend a candidate, please send your name or the candidate's name along with a CV and at least one letter of nomination to 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 13, 2015**.

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

The Nominating Committee consists of:

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Gregory Brian Williams, Vice-Chair

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Danielle Gibbs (2015)
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DSBA BAR JOURNAL

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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.

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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 emailed 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. Unsigned letters are not published. All letters are subject to editing. Send letters to the address above, Attention: Editor, Bar Journal.



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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PRESIDENT'S CORNER

By Yvonne Takvorian Saville, Esquire

“Whatever career you may choose for yourself — doctor, lawyer, teacher — let me propose an avocation to be pursued along with it. Become a dedicated fighter for civil rights. Make it a central part of your life. It will make you a better doctor, a better lawyer, a better teacher. It will enrich your spirit as nothing else possibly can. It will give you that rare sense of nobility that can only spring from love and selflessly helping your fellow man. Make a career of humanity. Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country and a finer world to live in.”

— Dr. Martin Luther King, Jr.

Last year, Gregory B. Williams, Esquire and Mary I. Akhimien, Esquire, organized the Delaware State Bar Association’s inaugural Dr. Martin Luther King, Jr. breakfast and service projects. They continued the endeavor this year with another outstanding effort to honor the life and service of Dr. King.

On January 19th, the DSBA hosted over 200 guests to hear civil rights attorney, author, and Harvard Law School Jesse Climenko Professor of Law Charles J. Ogletree, Jr. Esquire, provide the keynote address.

Professor Ogletree’s comments focused on the use and purpose of the grand jury system in his examination of the Eric Garner case in New York and the Michael Brown case in Ferguson, Missouri. He also offered suggestions on moving from where we are today to a system of “community justice.”

The Bar also welcomed Chief Justice Leo E. Strine, Jr., who provided a brief overview and update on Delaware’s Access to Justice Commission (“ATJC”) and what the Commission hopes to accomplish in the next two years. Following the breakfast, the general public was welcomed at a meeting held by the ATJC Fairness Subcommittee, where presentations were given by Department of Correction Commissioner, Robert M. Coupe, and Youth Rehabilitative Services Director, Nancy S. Dietz, on current incarceration rates and programming initiatives.

The service projects were varied and gave our members many opportunities to volunteer across the state. The organizations that benefitted from the generous

contribution of time by our members included:

- The Ronald McDonald House, where family care kits were assembled for those in need and an evening of fun was planned, including an ice cream social and bingo for families;
- The Food Bank of Delaware, where we helped serve meals in New Castle and Kent/Sussex counties;
- Wills for Seniors, where we assisted in estate planning services;
- Sunday Breakfast Mission, where we helped serve lunch to the residents;
- Emmanuel Dining Room, where we helped serve meals to families in need;
- Ministry of Caring Child Care Center and Guardian Angel Child Care Center, where we read and interacted with children.

The Chief Justice and Courts also organized another effort, through which donations were given to:

- The Ministry of Caring, where professional clothing for men and women was collected for those in transitional housing programs and job placement centers;
- The West End Neighborhood House, Life Lines Program, where home/kitchen/bathroom supplies were collected for foster care youth ages 16-21 who live on their own.

Thanks to the DSBA staff and to all of you who participated, resulting in another successful year. Special thanks to Gregory B. Williams, Esquire, and Mary I. Akhimien, Esquire, for their hard work on this important program, to our team leaders for directing the service

projects: The Honorable Mark S. Vavala, The Honorable Para K. Wolcott, Wali Rushdan II, Esquire, Tasha M. Stevens, Esquire, Jacquelyn A. Chacona, Esquire, Tamika A. Crawl-Bey, Esquire, George Tsakataras, Esquire, David Anthony, Esquire, Jefferson Cheatham, Esquire, Patricia Winston, Esquire, and Susan Simmons, and to the additional committee members Rina Marks, Sorelis Duran, Alison W. Macindoe and Rebecca J. W. Baird.

Celebrating Dr. Martin Luther King, Jr. is more than just a holiday or day off from work. Rather, it is about leading by example and having an impact on our society. I am proud of the effort made on behalf of the Bar and Courts to ensure that Dr. King's legacy of helping others is ever present in our legal community. 📞

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

FUNDAMENTALS OF LAWYER-CLIENT RELATIONS 2015

Sponsored by the Young Lawyers Section of the DSBA

Wednesday, February 25, 2015 | 8:30 a.m. - 1:00 p.m. (Lunch provided)

4.0 hours CLE credit in Enhanced Ethics for Delaware and Pennsylvania attorneys

Live in New Castle County at Delaware State Bar Association
405 N. King St., Wilmington, DE

Live webcast in Sussex County at Tunnell & Raysor
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Bench & Bar 2015

SAVE THE DATE

Friday, May 15, 2015

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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 2015 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 10, 2015.

DELAWARE STATE BAR ASSOCIATION LAW DAY AWARDS NOMINATION FORM

Name of Candidate: _____

Title/Occupation of Candidate: _____

Award: _____

Date: _____

Nominator: _____

Phone: _____ Fax: _____ E-Mail: _____

Firm: _____

Address: _____

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

Send Responses by February 10, 2015 to:
Rina Marks, Executive Director, DSBA
E-Mail: Rina Marks at rmarks@dsba.org • Fax: (302) 658-5212

2015 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 2015 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 27, and Saturday, February 28, 2015. The time commitment to judge a round is approximately four hours. This time includes an orientation for volunteers prior to your scheduled round, judging the competition round, and student debriefing after the round. To learn more about the Delaware High School Mock Trial Competition and the Delaware Law Related Education Center, please visit www.delrec.org or contact Pat Quann at delreentr@aol.com or Jason C. Jowers at jjowers@morrisjames.com.

Please complete the form below and fax it to Margie Touchton, Judge Volunteer Coordinator, at 302-571-1750, or download a copy of the form from www.delrec.org, and email it to mtouchton@morrisjames.com. Confirmation of assignments will be sent out by email by early February, along with a confidential bench brief, competition details, and information about obtaining **CLE credit** for your participation.

2015 JUDGES INTEREST FORM DELAWARE HIGH SCHOOL MOCK TRIAL COMPETITION

Name: _____
(as it appears in the Legal Directory)

Address: _____
Firm, Court, or Agency

Phone: _____ Fax: _____

Email Address _____

Have you participated before as a **scoring judge**? _____ as a **presiding judge**? _____

Dates you are available for the 2015 Competition

(if you are available for more than one date or time, please indicate your preference)

Friday Session Start Times: 8:15 a.m. and 12:30 p.m.
Saturday Session Start Times: 8:00 a.m. and 12:00 p.m.

Friday 2/27 AM _____ Saturday 2/28 AM _____

Friday 2/27 PM _____ Saturday 2/28 PM _____

Questions about signing-up to judge a round? Please contact Margie Touchton at mtouchton@morrisjames.com or 302-888-6976.

Professional Guidance Committee

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

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Larry W. Fifer, Esquire

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

*Certified Practice Monitor

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 2015

Friday, February 6, 2015

Rubenstein-Walsh Seminar on Ethics and Professionalism
6.5 hours CLE credit including 4.0 hours Enhanced Ethics
Chase Center on the Riverfront, Wilmington, DE

Monday, February 9, 2015

Rescheduled Ethics in Litigation 2015
1.0 hour CLE credit in Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Tuesday, February 10, 2015

Fundamentals of Real Estate 2015
6.8 hours CLE credit including 1.0 hour Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Wednesday, February 25, 2015

Fundamental of Lawyer-Client Relations 2015
4.0 hours CLE credit in Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

March 2015

Friday, March 6 and Saturday, March 7, 2015

Women and Law Retreat
8.0 hours CLE credit
Atlantic Sands Hotel and Conference Center, Rehoboth Beach, DE

Friday, March 27, 2015

Labor and Employment Law Update 2015
5.0 hours CLE credit including 1.0 hour Enhanced Ethics
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

April 2015

Tuesday, April 7, 2015

Short Topics in Real Estate
3.5 hours CLE credit
Delaware State Bar Association, Wilmington, DE
Webcast to Tunnell & Raysor, Georgetown, DE

Tuesday, April 21, 2015

Law Day Luncheon
Gold Ballroom, Hotel du Pont, Wilmington, DE

May 2015

Friday, May 15, 2015

Bench and Bar Conference
Chase Center on the Riverfront, Wilmington, DE

SECTION & COMMITTEE MEETINGS

February 2015

Wednesday, February 11, 2015 • 12:00 p.m.

ADR Section Meeting
Marshall Dennehey Warner Coleman & Goggin, 1007 North Orange Street,
Suite 600, Wilmington, DE

Thursday, February 12, 2015 • 5:30 p.m.

Young Lawyers Section Happy Hour
TBD

Tuesday, February 17, 2015 • 12:30 p.m.

Labor & Employment Law Section Meeting
Drinker Biddle & Reath LLP, 222 Delaware Avenue, Suite 1600, Wilmington, DE

Thursday, February 19, 2015 • 12:00 p.m.

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

Thursday, February 19, 2015 • 4:00 p.m.

Elder Law Section Meeting
Reger Rizzo & Darnall LLP, 1523 Concord Pike, Suite 200, Wilmington, DE

Monday, February 23, 2015 • 4:00 p.m.

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

Thursday, February 26, 2015 • 4:00 p.m.

Family Law Section Meeting
Curley & Funk 250 Beiser Boulevard, Suite 202, Dover, DE

March 2015

Monday, March 2, 2015 • 12:30 p.m.

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

Tuesday, March 3, 2015 • 3:30 p.m.

Estates & Trusts Section Meeting
Duane Morris LLP, 222 Delaware Avenue, Suite 1600, Wilmington, DE

Thursday, March 5, 2015 • 3:30 p.m.

Real & Personal Property Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Wednesday, March 11, 2015 • 12:00 p.m.

ADR Section Meeting
Marshall Dennehey Warner Coleman & Goggin, 1007 North Orange Street,
Suite 600, Wilmington, DE

Thursday, March 12, 2015 • 5:30 p.m.

Young Lawyers Section Happy Hour
TBD

Thursday, March 19, 2015 • 12:00 p.m.

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

Thursday, March 19, 2015 • 4:00 p.m.

Elder Law Section Meeting
Reger Rizzo & Darnall LLP, 1523 Concord Pike, Suite 200, Wilmington, DE

Monday, March 23, 2015 • 12:00 p.m.

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

Monday, March 23, 2015 • 4:00 p.m.

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

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TIPS ON TECHNOLOGY

By Kevin F. Brady, Esquire

Internet of Things

In today's digital world, the volume of information, the complexity of the technology and the rapid pace with which technology changes create tremendous challenges both professionally and personally. While research shows that there is a connection between technology and how busy we are, the challenge to keep up with technology is growing exponentially. It is hard to believe that the World Wide Web is 25 years old and the internet is over 40 years old (yes they are different!) with an estimated 10 billion uniquely identifiable computing devices (more than the number of people on the planet) currently connected to it. In fact, the internet has become so large, we have a new phrase for our lexicon, the "Internet of Things" or "IoT." According to a recent report, the number of devices that will be connected to the IoT by 2020 will exceed 75 billion. The amount of data that will be generated by all of those devices is beyond comprehension.

Technology is all about staying connected. According to a recent Pew Research Internet Project Report, 67 percent of cell phone owners check their phones for messages or calls even when they did not notice their phone ringing or vibrating and 44 percent of cell phone owners have slept with their phones next to their bed because they wanted to make sure they did not miss any calls or text messages during the night. They are experiencing FOMO – fear of missing out.

Technology is becoming more personal and personalized by connecting us with everyday objects that impact how we live and work. Light bulbs, thermostats, appliances, and automobiles interconnected electronically so that they can be programmed to send and receive data automatically and without human intervention. While "big data" is already challenging even the most skilled technologist, even more data is being generated by social media, wearable devices, and IoT. Wearable technology has become very popular recently and while we think of

“While research shows that there is a connection between technology and how busy we are, the challenge to keep up with technology is growing exponentially.”

those devices as personal devices only, they also present unique challenges to lawyers not the least of which is how lawyers can manage the mountain of data that is generated by such technology in an efficient and cost-effective way. In addition, there are significant ethical challenges to protecting client confidences in "big data." However, as Albert Einstein said, "in the middle of difficulty lies opportunity."

Fitness wristbands, sport watches, and smartwatches monitor and record the user's activity. Other wearable technology can access maps, take photos or video, receive information about your location, or what you should see on your journey. There is a wristband with soft-

ware technology that can read the overall shape of the user's heart wave to verify the identity of the owner/user who is wearing it. Like Apple Pay, you can use it as an electronic method of payment. There is even technology that measures the user's personal metrics, such as the number of steps you take, how well you sleep, or when you are most active and it can sync that data wirelessly to support devices such as an iPhone, iPad, or similar device. The good news is that this technology will provide the user with very important data that the user can evaluate and track various activity levels. The challenge is that this technology generates large amounts of personal information which is stored somewhere outside of your control.

In personal injury actions, the ability to measure a person's ability to perform daily activities before and after an injury or accident can be very important evidence to present to a jury. Until now, the only evidence that was available was subjective observations of third parties. But, thanks to new technology, that is changing. Recently, a law firm started using data from a wearable fitness tracker to prove that the activity levels of their client, a former personal trainer who was injured, are not the same after the injury as they were before the injury. They are also trying to benchmark their client's activity level against the massive amount of data that the manufacturer has collected from

similar individuals. While it is easy to see that this information could be helpful in a number of situations, there are a number of challenges and risks associated with collecting, accessing and managing this type of evidence.

While the number of data sources and the amount of data continues to grow, lawyers are in uncharted waters when it comes to handling this information. As a practical matter, if the information is relevant and not privileged, it is discoverable, but that assumes that you know enough to ask for it. Email, social media, text messages, IM, the cloud, and smartphones are just a few of the more recent developments that present unique legal issues when it comes to discovery. How do you get discovery from devices like Fitbit, Google Glass, or Apple Watch? The amount of data collected by personal devices will likely be stored with third parties in the cloud which presents possession, or control issues. In addition, this data will more than likely be stored in large relational database management systems which have been shown to present unique challenges when it comes to collection of that data.

While it is easy to see the tremendous benefit that IoT devices will bring to our daily lives, the significant security and privacy risks associated with those devices cannot be overstated. The bottom line is that technology is great until it goes too far. How far is too far? What happens when the line between humans and machines becomes too blurred? Opportunity awaits! 🌐

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

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

Save the Date

The St. Thomas More Society

of the

Diocese of Wilmington

Will Celebrate its Annual Award Dinner

on

Sunday, April 19, 2015

Cocktails at 5:00 P.M. (cash bar)

Dinner at 6:00 P.M.

Location

The Wilmington Country Club

4825 Kennett Pike

Wilmington, Delaware

Further Details to Follow

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Courtroom Technology: Where is the Ethical Line?

By Diane M. Coffey, Esquire and Sean P. Lugg, Esquire

Evidence Considerations

When dealing with any evidence, a Delaware lawyer should have a good understanding of the applicable rules of evidence. The Delaware Uniform Rules of Evidence are to be “construed to secure fairness in administration, elimination of unjustifiable expense and delay and promotion of growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined.”¹ While digital evidence, like many other forms of evidence, is susceptible to alteration or falsification, “the existing Rules of Evidence provide an appropriate framework for determining admissibility.”² Proffered evidence must be relevant³ and its probative value must not be “substantially outweighed by the danger of unfair prejudice, confusion of the issues or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.”⁴

Of course, the Judge, as gatekeeper, must be satisfied that the evidence is, in fact, what its proponent claims it to be. “When a proponent seeks to admit [digital] evidence, he or she may use any form of verification available under Rule 901 — including witness testimony, corroborative circumstances, distinctive characteristics, or descriptions and explanations of the technical process or system that generated the evidence in question — to authenticate the [digital evidence].”⁵ Thus, while digital evidence may be admissible, the advocate must spend some time assessing the manner by which the evidence will be

“Work within the rules of evidence and be mindful of your ethical obligations. Practice your lines and be prepared.”

properly authenticated to the satisfaction of the Trial Judge.

Digital evidence presents a final, equally important, issue: when the “evidence” is something that was created by, and wholly maintained within, a computer, how is it thereafter admitted at trial? The drafters of the rules of evidence foresaw this conundrum and provided clear guidance. “‘Writings’ and ‘recordings’ consist of letters, words, sounds, or numbers or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.”⁶ Moreover, “[i]f data are stored in a computer or similar device, any printout or other output readable by sight, shown to reflect the data accurately, is an ‘original.’”⁷

Real vs. Demonstrative Evidence

There are a variety of different software applications and hardware configurations that may be employed to present “digital evidence” at trial. While this article does not endorse any particular tools, the user — lawyer/advocate — must have an understanding of what it is he is presenting to the factfinder. To this end, it is important to distinguish real versus demonstrative evidence.

“There are three basic types of evidence that are admitted into court: (1) testimonial evidence; (2) documentary evidence;

and (3) demonstrative evidence.”⁸ Testimonial and documentary evidence may be considered “real” evidence as, by its very existence, it tends to prove or disprove a particular fact of consequence. Demonstrative evidence, however, is “tendered for the purpose of rendering other evidence more comprehensible to the trier of fact.”⁹ “[A] physical object that does not have a direct part in the incident at issue and is only being used to help explain or illustrate to the trier of fact the verbal testimony of a witness or other evidence is considered to be demonstrative evidence.”¹⁰

The use of demonstrative evidence is looked on favorably by the courts because it allows the trier of fact to have the best possible understanding of the matters before it. However, the same human factor that makes demonstrative evidence valuable — that people learn and understand better what they see, rather than what they hear — also makes it possible for parties to abuse the use of demonstrative evidence by giving a dramatic effect or undue or misleading emphasis to some issue, at the expense of others. Thus, in ruling upon the admissibility of demonstrative evidence, the trial court must be ever watchful to prevent or eliminate that abuse.¹¹

1. DRE 102.

2. *Parker v. State*, 85 A.3d 682, 687 (Del. 2014)

3. DRE 401.

4. DRE 403.

5. *Parker*, 85 A.3d at 687-688 (assessing the requisite foundation for admitting Facebook posts).

6. DRE 1001(1).

7. DRE 1001(3).

8. *Serge*, 896 A.2d at 1177.

9. *Id.* citing *Commonwealth v. Reid*, 811 A.2d 530, 552 (Pa. 2002).

10. *Sharbono v. Hilborn*, 2014 Il. App. 3d 120587, *8 (2014).

11. *Id.* (citations omitted)

Evidence must be made part of the record. If you are using presentation software to display evidence (documents, photographs, video, audio, etc.) remember that, once admitted, some physical version of the evidence must be admitted. While in the Courtroom and working in the artful medium of technology, remember the basics. Your analysis of any presentation must start and end with the rules of evidence and proceed in accordance with those rules. Ask yourself how and through which rule you will seek admission of the evidence. When in doubt, bring the issue to the Court, outside of the presence of the jury. Have your exhibit marked and admitted before you hit the “play” button. Conversely, know when you do not need to admit an item before you make reference to it (potentially during cross-examination, for example). Documents and photographs may be printed, but some thought should be given to the size and quality of the printed material; remember, the factfinder will be working from what is submitted as evidence, not your presentation. Video and audio evidence present a different set of challenges; you must make sure that the “version” you submit as evidence is in a format compatible with the player available to the factfinder.

Final Thoughts

Once you have committed to employing technology to enhance your courtroom presentation, you must be mindful of the more practical planning required. A well crafted and rehearsed presentation will have no value if you neglect to consider the need for a particular cable or adapter to link your equipment to the courtroom system. To this end, the following non-exclusive checklist is recommended:

- Spell Check: Eliminate any spelling and typographical errors.
- Have a backup plan: Have a plan to enable you to continue if a technical glitch is encountered.
- Equipment: Make sure you have all of the equipment to make the necessary connections between your devices and the courtroom resources.
- Meet with designated court personnel in advance: Schedule a time to meet

with technology specialists to determine the capabilities of the courtroom and whether any special equipment will be needed.

- Conduct a “dry run”: Schedule a time to run through your presentation(s) to ensure that the software and hardware work as planned.
- Trial Exhibits & Court Exhibits: Have all “real” evidence prepared to be submitted as a Trial Exhibit and a copy of any presentation available for the Court to be received as a Court Exhibit.¹²

Conclusion

“The CSI Effect” is here to stay. Embrace it. Channel a little bit of Hollywood and capture and hold your juries’ attention. Let’s face it, the Courtroom is a stage. Remember, though, you will not have the opportunity for any re-takes and your courtroom audience (the jury) can pan your presentation with an unfavorable verdict. Work within the rules of evidence and be mindful of your ethical obligations. Practice your lines and be prepared. Have a back-up plan if your technology will not cooperate. You just might find yourself having fun while working hard for your clients and giving your juries what they expect, or close enough to it to help you achieve your intended results.

This is Part 2 of the article published in the November 2014 Bar Journal.

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Questions?

Do you have questions regarding the use of technology and the practice of law? Please submit them on the Delaware Supreme Court’s Commission on Law and Technology helpdesk form. (<http://courts.delaware.gov/declt/helpdesk.stm>). 

12. Most presentation software allows for presenter notes to be associated with each slide. These notes are viewable by the presenter, but not by the audience. These notes should not be included with the version submitted as a Court Exhibit.

Diane M. Coffey is in private practice and may be reached at dcoffey@napolibern.com. She previously held the position of Chief Prosecutor for New Castle County, Delaware Department of Justice.

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By Charles Slanina, Esquire

Lawyers on the Hook for Online Conduct

A May 30, 2014, panel discussion at the 40th ABA National Conference on Professional Responsibility in Long Beach, California, noted four primary traps for unwary lawyers using social media:

- Nothing is confidential or anonymous when it is on the internet
- Forgetting ethics rules, laws, and policies
- Misusing or not using social media as a discovery or investigatory tool
- Failing to counsel clients on their social media use

“Ethically Speaking” previously dealt with some of these issues in the September 2014 column. This month, we present some cautionary tales of lawyers behaving badly — on social media.

Illinois attorney, Christine Peshek, was employed as an Assistant Public Defender. She also wrote and published an internet blog entitled “The Bardd [sic] Before the Bar - Irreverant [sic] Adventures in Life, Law and Indigent Defense.” Ms. Peshek’s blog was open to the public and not password-protected. Part of that blog chronicled her work at the Public Defender’s Office in which she discussed her cases and clients by either their first name, a derivative of their first name, or by their jail identification number.

In 2008, Ms. Peshek represented a college student in connection with a controlled substance charge. Her blog contained the following entry:

#127409 (the client’s jail identification number) This stupid kid is taking the rap for his drug-dealing dirtbag of an older brother because “he’s no snitch.” I managed to talk the prosecutor into treatment and deferred prosecution since we both know the older brother from prior dealings involving drugs and guns. My client is in college. Just goes to show you that higher education does not imply that you have any sense.

Blogging about another client, Ms. Peshek offered the following observations:

“Dennis” the diabetic whose case I mentioned in Wednesday’s post, did drop as ordered, after his court appearance Tuesday and before allegedly going to the ER. Guess what? It was positive for cocaine. He was standing there in court stoned, right in front of the judge, probation officer, prosecutor and defense attorney, swearing he was clean and claiming ignorance as to why his blood sugar wasn’t being managed well.

Finally, during the same period, Ms. Peshek made the following post:

“Laura” was a middle aged woman with seven children, two of them still adolescents. She was a traditional housewife. Her husband, a recovering alcoholic, worked. She stayed at home and home schooled her child who was handicapped and [sic] learning disabled. In her favor, her original offense was a matter of sheer stupidity.

Ms. Peshek went on to blog that Laura, after denying to the court that she was still using any drugs, received a sentence of probation. Immediately after sentencing and while still at the courthouse, Laura confided to Ms. Peshek that she was, in fact, taking methadone. Ms. Peshek advised her client that if she did not keep the information secret, the judge would change her sentence. The conversation was recounted in its entirety on Ms. Peshek’s blog.

Ms. Peshek was suspended for violation of her client confidences, as well as for her failure to urge “Laura” to correct her misstatement to the court or otherwise advise the court of those misstatements. *In re Peshek*, No. M.R. 23794 (Ill. May 18, 2010).

Georgia attorney, Margaret A. Skinner, felt that she was the victim of unfair, negative internet reviews by a former client. That client posted the negative reviews after Skinner agreed to represent the client in an uncontested divorce. For six weeks, after paying a \$900 fee, the client did not hear anything from Skinner. After multiple attempts to contact Ms. Skinner, the client was advised that the paperwork she provided had been lost. The client provided the paperwork again and Skinner prepared error-ridden drafts of the pleadings. The client again had difficulty communicating with Skinner for the next several months. Skinner hired another attorney to finish the divorce and asked the client for additional fees to pay the new attorney. When the client asked Skinner to transfer her file to the attorney that Skinner had hired

“Thank you, internet, for providing attorneys everywhere new and exciting ways to run afoul of the Professional Conduct Rules — now at the speed of light!”

and to provide a partial refund, Skinner responded by refusing to release the file unless her fees were paid. Skinner eventually provided a partial refund to the client and a partial file to new counsel who completed the divorce within three months of her engagement.

In response to the bad reviews, Skinner posted a response that contained personal and confidential information about her former client that she had obtained during the course of the representation. In particular, Skinner identified the client by name, identified the employer of the client, and stated how much the client had paid her. In addition, Skinner identified the county in which the divorce had been filed and stated that the client had a boyfriend.

The Georgia Supreme Court held that, in addition to mishandling the client's matter and failing to keep her reasonably informed about the status of the case, Ms. Skinner improperly disclosed confidential information and imposed a public reprimand. The sanction was limited to the public reprimand due to a lack of prior disciplinary record and lack of harm or threatened harm to the interests of the client as a result of the improper disclosures. *In re Skinner*, 2014 BL 137684, Ga., No. S14Y0661, 5/19/14. See also, *ain re Tsamis*, Comm'n File No. 2013 PR0095 (Ill. 2013)(attorney received public reprimand after revealing confidential client information in response to client's negative AVVO review).

A Florida lawyer received a public reprimand for criticizing a judge in a blog post. The blog post used phrases such as “evil, unfair witch” and “seemingly mentally ill.” The Florida Supreme Court held that the reprimand did not violate the lawyer's constitutional rights. *Florida Bar v. Conway*, 996 So.2d 213 (Fla. Oct. 29, 2008).

Kasia Quillinan, an Oregon attorney, was suspended for one year for revealing information relating to the representation of a former client. Ms. Quillinan sent an email message to members of the Oregon State Bar Workers' Compensation Section listserv (consisting of 275 Bar members) regarding her former client. That email disclosed personal and medical information obtained during the prior representation. It also characterized the former client as “difficult” and suggested that she was now “attorney shopping” because she was unwilling to accept a “very fair” offer from the employer's insurer.

Ms. Quillinan stated in her email that she was sending the information to the listserv attorneys to “provide some background on [the client's] case, in the event you are contacted by her.” Those unflattering disclosures were held to be likely disadvantageous to the former client in her efforts to find replacement counsel. *In re Quillinan*, 20 DB Rptr 288 (Or. 2006).

A judge was publically reprimanded for *ex parte* communications with a lawyer who was in trial before the judge. The lawyer had posted “I hope I'm in my last day of trial” on Facebook. The judge responded with a posting of his own, “You are in your last day of trial.” *In re Terry*, No. 08-234 (N.C. Judicial Standards Comm. April 1, 2009).

Finally, a Kansas lawyer was suspended for six months for sending a private message through Facebook to a young, unwed mother while representing the biological father in an adoption proceeding. The Facebook message to the unrepresented 18-year-old told her that she would regret giving up her baby for the rest of her life, that the adoptive parents did not want her at the adoption proceedings and that they would have no legal duty to let her see the baby after adoption. The Kansas Supreme Court concluded that attorney Eric M. Gamble's intent was to “embarrass, burden, and create guilt” and amounted to “emotional blackmail” in an effort to manipulate the young mother into retracting her consent to the adoption to benefit the interests of his client, the biological father. *In re Gamble*, 2014 BL 342439, Kan., No. 112, 037 (12/5/14).

Thank you, internet, for providing attorneys everywhere new and exciting ways to run afoul of the Professional Conduct Rules — now at the speed of light! As always, think twice before pressing “send.”

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

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

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HARRIS FINKELSTEIN, PH.D.

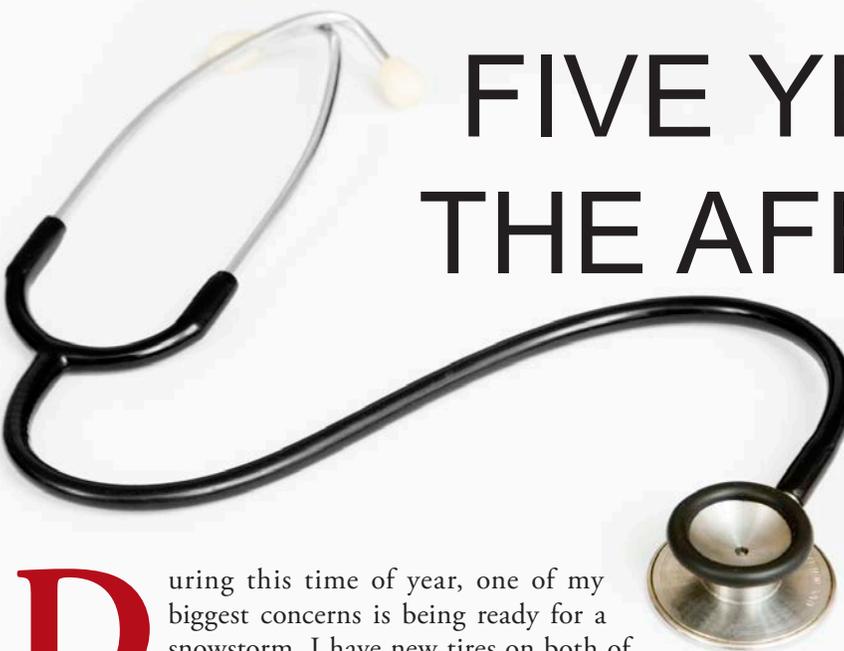
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FIVE YEARS INTO THE AFFORDABLE CARE ACT

By Aaron W. Mitchell, REBC

During this time of year, one of my biggest concerns is being ready for a snowstorm. I have new tires on both of our vehicles, I am stocked up on ice melt, and we have a snow shovel for every family member, including my four-year-old. Last fall, I even broke down and bought a snow blower. As I am writing this article, we have three inches of snow forecasted for tomorrow, yet I feel as prepared as I can be.

It is a good feeling to be prepared for the challenges life will throw at our families and our businesses. One of the keys to maintaining that peace of mind is to regularly check in and make sure we are still ready for tomorrow's weather. The Affordable Care Act requires the same thought process to navigate your firm successfully through the winter until the weather again turns warm.

We are approaching five years since the Affordable Care Act was passed and we thought it would be a good time to help your firm create its own Healthcare Reform report card. In the spirit of the season, we are sticking with cold weather analogies.

Grade C: So you bought a bag of rock salt...

Most firms took the first step, which was determining "What is the immediate financial impact on our firm?" This included taking a look at whether your firm:

- Provides Coverage (and if you are large enough to be required to do so)
- Contributes enough towards the premium to meet the definition of "Affordable"
- Has a Plan with all Minimum Essential Benefits

These items looked at the number of eligible lives and the fines and penalties that the firm could be exposed to. This is the important first step, but we hope you have gone further.

Grade B-: You have a phone number employees can call to see if the office is open...

Many firms looked even further at items such as predictive premium modeling and the premium limits for the "Cadillac Tax." Firms who looked at these items are more likely to be

making plan changes and trying to lower premiums to avoid this Excise Tax.

Usually firms in this stage of preparation have also looked at Defined Contribution plans. This model is very popular for those firms looking at Health Insurance Exchanges.

Grade A-: You hired someone to help you by clearing your sidewalks and driveway...

This grade is reserved for those firms who are proactively managing their healthcare expenses and are communicating with their staff to partner on ways to lower claims and premiums. Firms with 25-100 employees are looking at alternatives to Fully Insured plans, as the 2016 rates will no longer be based on your individual firm, but the pool of all companies. Larger firms in this category are looking at traditional Self-Funded plans in an effort to lower the Fees due under ACA and to help reduce over all premiums.

To receive this grade, the firm should be looking at ways to not only reduce premiums, but lower claims as well. Incentivized Contribution Models are very popular in an overall strategy to engage employees in managing their health and lowering claims for preventable or manageable medical conditions.

Grade A+: You have developed a plan to ensure that as the weather changes, so does the supplies and resources needed to ensure your employees can keep working.

This perfect grade only adds one new component to the strategies employed above: Regular Reviews of your plan and the legislation. Since the legislation was enacted, there have been new updates every year (and even mid-year). Here is just a small sampling of those items that groups should be addressing for 2015, 2016 and beyond:

- New Summary of Benefits and Coverage (SBCs) starting as early as 9/1/15
- Measurement/Stability Period Safe Harbors
- Employer Reporting (Sections 6055 and 6056) with Forms 1094 and 1095

• EEOC Litigation of Wellness Programs

The Affordable Care Act is complex legislation that offers firms the chance to not only comply with its regulations, but to change the way you approach your group health coverage. Just like the winter, Healthcare Reform has arrived and is not going away anytime soon. It is time that we make sure your firm has purchased your supplies and developed a strategy. Most importantly, you need to keep checking the forecast to make sure your plan, your actions, and your strategies will keep your firm safe and financially healthy until winter ends!

Aaron Mitchell is DSBIS's lead marketing representative, coordinating all lines of insurance. He specializes in consulting on group benefits and life insurance. Contact Aaron at (302) 397-0170 with questions or to schedule a review. 



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Firms with 51 to 100 employees will be considered part of "Small Business" healthcare platforms beginning in 2016.

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By Susan Simmons

What is Access to Justice? Why Is it a Necessary Condition?

Providing *Pro Bono* and Access to Justice are not just aspirational goals for attorneys. These goals help to define who lawyers are as professionals.

Attorneys have a unique skill they can offer to the community, which no other profession can provide. Attorneys provide a critical public service role in their communities. All citizens of our state should have access to justice, no matter what their economic status may be. The attorneys in Delaware can make that access a reality by participating in outreach efforts, volunteering their time, and working with communities to overcome access barriers.

The lack of access to justice is a problem of the society we live in. Too many people in poverty in the U.S. lack access to lawyers when they confront major life challenges, including eviction, deporta-

tion, custody battles, and domestic violence, according to a report by advocates at Columbia Law School's Human Rights Clinic.

Access to justice is more than improving an individual's access to courts or guaranteeing legal representation. Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances, in compliance with human rights standards. There is no access to justice where citizens (especially marginalized groups) fear the system, see it as alien, and do not access it; where the justice system is financially inaccessible; where individuals have no lawyers; where they do not have information or knowledge of rights; or where there is a weak justice system. Access to justice involves formal legal protection, legal awareness, legal aid and counsel, adjudication, en-

forcement, and civil society oversight. Access to justice supports sustainable peace by affording the population a more attractive alternative to violence in resolving personal and political disputes. (United Nations Development Programme, "Access to Justice," 2004)

NPR reports that the "access to justice gap" disproportionately affects women, minorities and immigrant communities. Research demonstrates people with legal representation do better in housing, immigration and domestic violence cases.

Delaware's newly-created Access to Justice Commission can help spark conversation on how best to deliver on one of the core promises we all make to each other as Americans: that everyone must be equal before the law.

Supporters of legal access for the poor know this could help identify where the



SAVE THE DATE National Pro Bono Celebration October 25-31, 2015



Over the past six years, with your help, the ABA's Standing Committee on *Pro Bono* and Public Service has succeeded in creating an annual national spotlight on *pro bono*.

Please note: The venue for the Christopher W. White Distinguished Access to Justice Awards Breakfast has been changed. The new location will be the Chase Center on the Riverfront and will take place on Thursday, October 29, 2015 at 8:00 a.m. DVLS's "Pro Bono Celebration Walk" will take place on Sunday, October 18, 2015 and the Fall "Wills for Seniors" will take place on October 17th. More information will appear in future *Bar Journal* issues.

Through these events and our collective efforts, we are helping to increase access to justice for all!

most change is needed, and to direct energy and funding their way.

Building support for our Access to Justice program among the public, policymakers, the business community and elsewhere is critical.

Our Access to Justice Commission can be among the most effective ambassadors for the mission of civil legal aid, and for the broader concept of promoting fundamental fairness in our civil justice system. We may be formally charged with focusing on public awareness and strategic communications. The benefits of such commissions develop based on the greater collaboration and sharing of assets and information. The commission provides an entity to coordinate and represent the various disparate groups involved in the provision of legal services to the underserved.

If you or your firm are interested or already participates in providing *Pro Bono* or Access to Justice, let us know:

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Pro Bono Opportunity



ACLU of Delaware Amicus Society

The ACLU of Delaware is establishing a membership organization, the "Amicus Society," for Delaware lawyers who are dedicated to supporting civil rights and civil liberties. Members will be invited to an annual presentation by a nationally recognized civil liberties expert on topics such as privacy in the digital age, surveillance and government tracking, militarization of police, censorship, government interference with religion and freedom of belief, turning back the war on drugs, racial profiling, modern day methods of discrimination in voting, women's rights and LGBT rights. The first speaker will be Steve Shapiro, ACLU national's legal director since 1993. Mr. Shapiro has been counsel or co-counsel on more than 200 ACLU briefs submitted to the United States Supreme Court, and most recently argued (successfully) in the Supreme Court in 2013 in *Missouri v. McNeely*, one of six ACLU cases decided by the Supreme Court that year.

Amicus Society members will also receive information on civil liberties matters electronically. The information distributed will range from local issues, such as the detailed complaint ACLU-DE recently filed with the Office of Civil Rights at the U.S. Department of Education regarding Delaware charter schools, to national matters, such as the transcript of ACLU Executive Director Anthony Romero's recent conversation in Moscow with Edward Snowden.

Lawyers interested in joining – or in volunteering to take an ACLU case – can contact Rich Morse at 302-654-5326 x103 or rmorse@aclu-de.org.



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DE-LAP ZONE

A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

Understanding & Combating Burnout

For years, Jean Doe, Esquire, balanced all the balls in the air of both her professional and personal life. Sure, it was a stressful existence, but Jean accepted that being a lawyer was a tough profession. And, being a parent was even tougher. Suddenly, though, Jean noticed that everyday became a bad day. In fact, Jean noticed she was exhausted all the time. Moreover, Jean felt that the majority of her day was spent on tasks that were dull or overwhelming. She felt like nothing she did made a difference nor was appreciated. In fact, Jean felt that caring about work or home life seemed like a total waste of energy. After getting a physical check-up and seeing a therapist, Jean soon realized that her problem was burnout!

Burnout is the state of emotional, mental, and physical exhaustion caused by excessive and prolonged stress — chronic/bad stress. It occurs when you feel overwhelmed and unable to meet constant demands. As the stress (distress) continues — you lose the interest or motivation that led you to take on a certain role in the first place. Although it is widespread, burnout is not recognized as a distinct disorder in *The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*. If you are experiencing what you believe is burnout, the emotional and physical toll poses a threat to overall wellbeing.

In her article, *10 Signs You're Burning Out and What To Do About It*, Lisa M. Gerry quotes The American Psychological Association's David Ballard, who is the head of the APA Psychologically Healthy

Workplace Program, *10 Signs You May Be Experiencing Burnout*:

1. Exhaustion: A clear sign of burnout is when you feel tired all of the time. Exhaustion can be emotional, mental, and physical. It is the sense of not having any energy, of being completely spent.

2. Lack of Motivation: When you do not feel enthusiastic about anything anymore or you no longer have that internal motivation for your work, there is a good chance you are experiencing burnout. Other ways this manifests? It may be harder to get going in the morning and more difficult to drag yourself into work every day.

3. Frustration, Cynicism, and Other Negative Emotions: You may feel like what you are doing does not matter that much anymore, or you may be disillusioned with everything. You might notice that you feel more generally pessimistic than you used to. While everybody experiences some negative emotions from time to time, it is important to know when these are becoming usual for you.

4. Cognitive Problems: Burnout and chronic stress may interfere with your ability to pay attention or concentrate. When we are stressed, our attention narrows to focus on the negative element that we perceive as a threat. In short term, this helps us deal with the problem at hand, Dr. Ballard says, "but our bodies and brains are designed to handle this in short bursts and then return to normal functioning. When stress becomes chronic, this narrow focus continues for a long time and we have difficulty paying attention to other things."

This "fight or flight" tunnel vision can negatively affect your ability to solve problems or make decisions. You might find that you are more forgetful and have a harder time remembering things.

5. Slipping Job Performance: Not sure whether you are burnt out? Compare your job performance now to your performance in previous years. Because burnout tends to happen over an extended period of time, taking this long-term view might reveal whether you are in a temporary slump or experiencing more chronic burnout.

6. Interpersonal Problems at Home and at Work: This tends to play out in one of two ways: (a) You are having more conflicts with other people, such as getting into arguments, or (b) you withdraw, talking to your coworkers and family members less. You might find that even when you are physically there, you are tuned out.

7. Not Taking Care of Yourself: When suffering from burnout, some people engage in unhealthy coping strategies like drinking too much, smoking, being sedentary, eating too much junk food, not eating enough or not getting enough sleep. Self-medication is another issue and could include relying on sleeping pills to sleep, drinking more alcohol at the end of the day to de-stress, or even drinking more coffee to summon up the energy to drag yourself into work in the morning.

8. Being Preoccupied With Work... When You Are Not at Work: Even though you might not be working at a given moment, if you are expending mental energy mulling over your job, then your work

STRESS VS. BURNOUT

STRESS

- Characterized by over engagement
- Emotions are over reactive
- Produces urgency and hyperactivity
- Loss of energy
- Leads to anxiety disorders
- Primary damage is physical
- May kill you prematurely

BURNOUT

- Characterized by disengagement
- Emotions are blunted
- Produces helplessness and hopelessness
- Loss of motivation, ideals, and hope
- Leads to detachment and depression
- Primary damage is emotional
- May make life seem not worth living

Source: *Stress and Burnout in Ministry*

is interfering with your ability to recover from the stresses of your day. In order to recover, you need time to yourself after the actual task stops...and time when you stop thinking about that task altogether.

9. Generally Decreased Satisfaction: This is the tendency to feel less happy and satisfied with your career and with your home life. You might feel dissatisfied or even stuck when it comes to whatever is going on at home, in the community or with your social activities, Dr. Ballard says.

10. Health Problems: Over a long period of time, serious chronic stress can create real health problems like digestive issues, heart disease, depression and obesity.

In his book, *Stress Management For Lawyers*, Dr. Amiram Elwork writes that:

Stress is healthy, distress is not. Certain forms of stress are inevitable and necessary to a healthy, productive, and happy life. Some of the stressors in our lives energize our positive emotions and motivate us to get up in the morning, solve problems and be creative. Thus, getting rid of all stress is both a naïve and harmful goal. It is often associated with running away from it all, which is not a formula for success.

Equally as important to accept is that being a lawyer is tough. For the most part, a lawyer is dealing with perpetual stress. The problem arises when an attorney goes from stress to burnout.

According to Michael P. Leiter and Christina Malack in their article published in *Scientific Mind*, “Conquering Burnout,” Jan/Feb. 2015, *Fast Facts: Wisdom for the Workplace*:

- Research shows that the syndrome has three main components: exhaustion, cynicism, and inefficacy.

- Several strategies, including improving the social environment of a workplace, can buffer against burnout.

Or, in the alternative, the following “Three R” approach in dealing with burnout is suggested by healthcare.org:

1. Recognize – watch for the warning signs of burnout.
2. Reverse – Undo the damage by managing stress and seeking support.
3. Resilience – Build your resilience to stress by taking care of your physical and emotional health.

Going back to our attorney, Jean — in many cases, burnout stems from your job. But, anyone who feels overworked and undervalued is at risk for burnout—from the hardworking attorney who has not had a vacation to the frazzled mom

struggling with the heavy responsibility of taking care of three children and her aging parents. All or any of these chronic stressors can lead to “burnout.”

Learn to change it or accept it, own it and deal with it. Otherwise, the effect of those stresses can and will make you physically sick, emotionally tired, and simply “burned out” — if you let them.

At The Delaware Lawyers Assistance Program (DE-LAP), your wellbeing really matters to us. In fact, part of our mission is to assist all Delaware lawyers in being a healthier, happier lawyer. For that reason, the DSBA and DE-LAP want you to understand that wellness is much more than just eating right and exercising, it is really about expressing health and vitality across the whole spectrum of your life: physically, mentally, socially, emotionally, spiritually, and professionally — so join us in March when we start our new series of Wellness seminars at the Bar.

Additionally, should you, or someone you know, want or need additional information on this subject, or other issues that may be affecting your quality of life – call the DE-LAP confidential line: (302) 777-0124 or email cwaldhauser@de-lap.org.

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

Join us for a NEW Work Session

Procrastination Prevention

Sponsored by The Delaware Lawyers Assistance Program (DE-LAP) and The Delaware State Bar Association

Presented by: Alice R. O'Brien, MS, LPCMH, NCC
Carol P. Waldhauser, DE-LAP Executive Director

Where: Delaware State Bar Association
405 N. King Street, Wilmington, Delaware
Parking on the street or in nearby parking lots.

When: Every Tuesday from March 3, 2015 through April 7, 2015
(03/03; 03/10, 03/17; 03/24; 03/24; 03/31; 04/07)

Time: 12:00 p.m. – 1:30 p.m.

During these sessions, we will work through *The Procrastination Workbook* by Will Knaus, Ed.D., using this book as a guide to personalize a program for you to break free from the patterns that hold you back.

Books and materials are included. CLE credits are available.

For more information call DE-LAP: (302) 777-0124. We look forward to seeing you!



BOOK REVIEW

Reviewed by Richard A. Forsten, Esquire

The Business of America Is Business: A Commercial Republic, America's Enduring Debate Over Democratic Capitalism

By Mike O'Connor (Univ. Press of Kansas, 2014)

Since the days of our nation's founding, our political leaders have debated over the proper role of government in the economy. As the first Treasury Secretary, Alexander Hamilton set the stage for this debate with three reports that he provided the first Congress: the *Report on the Public Credit*, the *Report on a National Bank*, and the *Report on the Subject of Manufactures*. Controversial in their time, and vigorously opposed by Thomas Jefferson and James Madison, Hamilton's reports ultimately carried the day, setting the young republic on a course that would ultimately lead to the greatest economy in the world.

Yet, throughout this country's history, the government's role in the economy has been continuously debated. As economic circumstances have changed, and as economic theory and understanding has evolved, so too the role of government in the economy has changed and evolved over time. In *A Commercial Republic, America's Enduring Debate Over Democratic Capitalism*, historian Mike O'Connor traces the history of the government's involvement in the economy, from Hamilton's first programs through robber barons, anti-trust, the Depression, the New Deal, all the way to supply-side economics. As the country's economy has grown and become more complex,

so has the debate over the proper role of government, and so has the economic theory supporting or opposing that role. O'Connor's book is a highly readable history of this progression, and a reminder that the things we take for granted today, as obvious or a given, were hardly so obvious or given years ago. The United States of today might be a very different place had different arguments or policies been successful in the past.

O'Connor begins his story where it will also end — it is 2008 and the markets are crashing. In eight and one-half pages, he writes a succinct, but easy to follow description of the mortgage securitization problem, Bear Stearns, TARP and its aftermath. Whole books have been written on this same topic, but O'Connor's description outdoes them all. He begins with 2008, though, because many claimed that the government's response to the crisis and the policies it implemented were contrary to our nation's history and the previously understood role of government in the economy. But, as O'Connor demonstrates, the role of government in the economy has been the subject of debate since the founding.

The original economic debates of the young republic centered around what kind of economy was best. Jefferson and his supporters believed that agriculture was the key to a successful government

and that a nation of independent yeoman farmers who produced their own food and were self-sufficient was the best for protecting liberty and independence. A nation of manufacturing and wage earners would reduce the independence of citizens and make them dependent on the vagaries of an economy they could not control. Hamilton and his supporters believed a manufacturing base was necessary if the United States was going to be truly independent and not reliant on foreign manufactures. Hence, his program to encourage domestic industry.

The debate over the First National Bank of the United States is perhaps the best known story from the founding era, featuring, as it did, the meaning of the phrase "necessary and proper" from the Constitution, but while Hamilton

“As economic circumstances have changed, and as economic theory and understanding has evolved, so too the role of government in the economy has changed and evolved over time.”

won the initial debate over the first bank, the debate over banking and the country's money system continued. Ironically, Madison allowed the First National Bank's charter to expire without renewal in 1811, only to see the practical benefits of such a bank during the War of 1812. The Second Bank of the United States was chartered in 1816, but Andrew Jackson vetoed an extension of that bank's charter, which then expired in 1836, and thereafter the United States lacked its own bank. Ultimately, the federal reserve system was created in 1913 in a final effort to bring stability to the banking system, although as the Depression showed, even the federal reserve system (as it then existed) was not totally up to the task, and so the Federal Deposit Insurance Corporation was created in 1933.

O'Connor spends less time on anti-trust, Teddy Roosevelt and trust-busting, before arriving at the Depression, the New Deal and Keynesian economics. His economic and intellectual history from the New Deal through Supply-Side Economics and the Reagan Revolution of the 1980's is in many ways the most interesting part of his very interesting book. By tracing this history, O'Connor provides many insights and observations debunking different clichés held dear by both sides of political debate today. Yes, government has regulated or interfered with the free market, but no, not all such regulation or interference has been successful or produced positive results.

Early in his book, O'Connor quotes Alexander Hamilton, who probably had it right in his "Opinion on the Constitutionality of a National Bank." With respect to the powers of the federal government, Hamilton wrote that there would be some powers which are clearly allowed, some clearly prohibited, and some "which [would] leave room for controversy & difference of opinion, & concerning which a reasonable latitude of judgment must be allowed."

William Shakespeare once wrote that "the course of true love never did run smooth." America has always loved individualism, free enterprise, and capitalism. As Mike O'Connor demonstrates,

though, this love of capitalism has never run quite so smoothly, and government has always played a role of one sort or another in the economy. The nature and scope of that role, however, will always be the subject of debate and "a reasonable latitude of judgment must be allowed." Ⓜ

Richard "Shark" Forsten is a Partner with Saul Ewing LLP, where he practices in the areas of commercial real estate, land use, business transactions, and related litigation. He can be reached at rforsten@saul.com.

OF NOTE

Condolences to the family of **S. Bernard Ableman, Esquire**, who died on January 17, 2015.

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



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A PROFILE IN BALANCE

By James G. McGiffin, Jr., Esquire

Adam Perza: In His Own Backyard

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

- Jim McGiffin

• • •

Dover lawyer Adam Perza stays close to home. In fact, he lives across the street from the hospital where he was born.

Adam's parents, Mike and Pam Perza, are western Pennsylvania folks, but were living in the Metropolitan Washington, D.C. area, before having kids. Dad was a civil engineer working for Bechtel Power Corporation designing nuclear power plants and Mom was a pharmacist working for a local drug store chain when they discovered Adam was on the way. Deciding that small town life was preferable to the hustle of a metropolis, Adam's parents relocated to Dover, and Dad took an engineering job at the Dover Air Force Base. Adam is the oldest of three sons and Dover is where most of the family remains.

A product of the Caesar Rodney School District, Adam excelled in science and math in school. He also played trombone in the school concert, jazz and

marching bands. But, Adam was not an entirely typical high school student. He was the president of the school's stock club, and participated inter-scholastically in hypothetical investing competitions. He was also an altar server in church for 10 years.



Adam developed an interest in politics at an early age. He was energized by debates in his "Problems in Democracy" class, and competed in this arena as well, being part of a state debate team that traveled to our nation's Capital to take on teams from other states. The competition took place in the U.S. Capitol Building, and Adam remembers meeting luminar-

ies like Phil Gramm and Orin Hatch while there.

In those days, Adam was considering several career options. Engineering was a natural for him, given his father's experience and his own talents in the technical disciplines. But, he had some other ideas, too. In his own atypical fashion, Adam thought about life as a funeral director, or as a priest. Adam was friendly with a classmate who was the son of a local funeral director, and he understood the local funeral director to be a person important to and respected by the local community. Adam has always been active in the Catholic Church, and he had high regard for some of the priests who had worked in his parish, Holy Cross. Ultimately, however, Adam decided against those options. Instead, he enrolled in the University of Delaware to study engineering.

While at Delaware, Adam focused on environmental engineering. He spent some time in a co-op program working with the Army on toxic wastes sites (complete with HAZMAT suits). Meanwhile, he minored in American History and Political Science. He did well in the engineering work because that discipline was to be his career, but he loved the history and political science. So, while he was put off by the toxic nature of the material with which he worked in engineering, he was encouraged by his political science professors to consider law as a career. And, he did.

Adam decided that he wanted to attend law school in the Pittsburgh area, where his parents both earned their degrees. When he visited Duquesne University, he was sold. He found the school welcoming and comfortable. It appealed to his Catholic sensibilities. He even met a priest there (Fr. Francis X. Hanley) who seemed oddly familiar and who, he soon learned, was the first cousin of the pastor of his home parish (Fr. Thomas Hanley). He graduated from Duquesne in 2002.

There was never any question in Adam's mind that he would return to Dover. Superior Court Judge (now Justice) Vaughn was happy to help, and hired Adam as his law clerk. Adam learned a lot from Justice Vaughn and the Superior Court experience, including the importance of treating staff well, what works and what does not in the courthouse, and the value of trustworthiness.

After his clerkship year,¹ Adam went to work with long-time Dover attorney R. Brandon (Brandy) Jones at Hudson Jones Jaywork & Fisher. Real estate practice was busy in those days, and Adam helped out with that work, but he also did much of the court appearance work in a general practice. Adam took some lessons from that experience, too. When you practice law in a small town, people do not forget the good things you do, nor do they forget the bad things you do. After about seven years, Adam felt ready to go out on his own, and has not regretted that decision for a moment. He now does a variety of work, including residential and commercial real estate and development, new business creation, and liquor license applications with his law partner Mitchell May on The Green in Dover.

His interest in politics has remained active, and Adam currently serves as an elected representative of Dover's 2nd District on the City Council. He has enjoyed the challenge of solving problems in the political environment, which he does by listening to everyone and then applying an engineer's practical logic, as

well as his own always slightly different perspective.

Adam has been involved with Holy Cross, serving on the Parish Council and as the Executive Officer. He also keeps in touch with his musical roots, playing in the Holy Cross Bell Choir. He even chose a residence that is just a short walk to the church.

An important part of his life in Dover is the access to his family, which he enjoys. Adam lives a few blocks from his office, and he walks to work. His wife, Kasey, is a paralegal who also works at the firm. And, one would never be surprised to see Adam's two beautiful young daughters Kayleigh (seven years) and Kari (five years), running around the office after school in their Holy Cross plaid.

Adam Perza has known for most of his life that he wanted to live in a small town, be helpful to people in his community, and walk to work. He has realized his heart's desire, which reminds me of a movie quote:

"If I ever go looking for my heart's desire again, I won't look any further than my own back yard. Because if it isn't there, I never really lost it to begin with." – Dorothy Gale, *The Wizard of Oz*, 1939 

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

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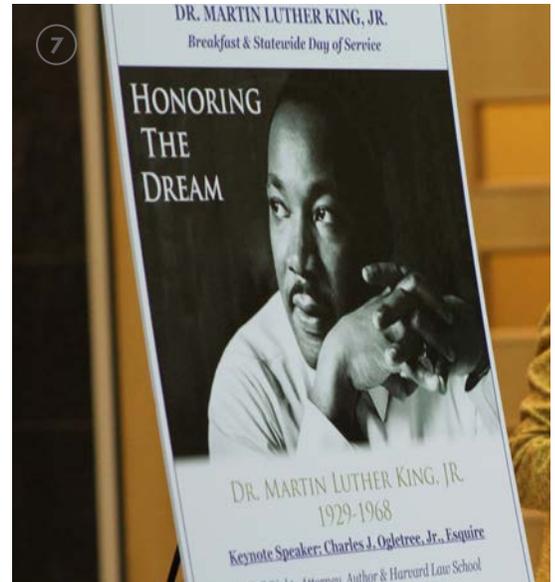
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1. By way of full disclosure, your writer reports he served as Adam's preceptor and has used his professional services, too.



The Dr. Martin Luther King, Jr. Breakfast and Statewide Day of Service

January 19, 2015 • Chase Center on the Riverfront





1. MLK Event Committee Co-Chair Gregory B. Williams, Esquire, gave the Introductory Remarks. 2. Charles J. Ogletree, Jr., Esquire, Civil Rights Attorney, Author & Harvard Law School Jesse Climenko Professor of Law gave the keynote address at the Breakfast. 3. DSBA President Yvonne Takvorian Saville, Esquire, gave the Welcome Address. 4. MLK Event Committee Co-Chair Mary I. Akhimien, Esquire, introduced the keynote speaker. 5. The Honorable Leo E. Strine, Jr. gave an Update on Delaware's Access to Justice Commission. 6. (L to R) Chief Justice Leo E. Strine, Jr.; Gregory B. Williams, Esquire; Charles J. Ogletree, Jr., Esquire; Yvonne Takvorian Saville, Esquire; and Mary I. Akhimien, Esquire. 7. The Dr. Martin Luther King, Jr. Breakfast took place in the Christina Ballroom of the Chase Center on the Riverfront in Wilmington. 8. United States Senator Thomas R. Carper. 9. Governor Jack Markell 10. United States Senator Christopher A. Coons.

Statewide Day of Service Projects



Volunteers at the Food Bank of Delaware in Milford.



Attorneys working with Seniors at the Wills for Seniors Service Project at the Chase Center.



The Sunday Breakfast Mission volunteers.



Volunteers at the Ronald McDonald House.



Volunteers at the Food Bank of Delaware in Newark.

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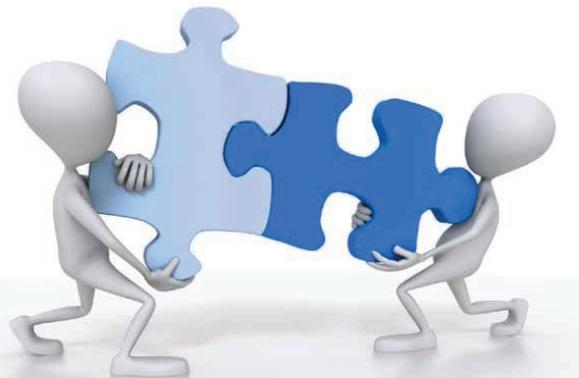
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SUCCESS SECRETS

FIND YOUR NETWORKING SWEET SPOT

By LeaNora Ruffin

Assistant Dean, Career Development
Widener University School of Law

Networking has long been touted as an extremely effective way to find jobs, develop new business, and gain a competitive edge. So, why do attorneys view networking as such a painful exercise, sometimes avoiding it at all costs? Certainly, the prospect of stepping up and increasing visibility can be daunting, even intimidating. But, attorneys do difficult things every day so that in and of itself does not explain the high level of reticence. Perhaps the real reason is that when we make time to network, we often experience limited results. As a consequence, our efforts become sporadic, yielding little progress. It is no surprise that we question whether networking is time well spent. This line of thinking, however, diverts our attention from the real issue which is not how much time we spend networking, but the place we choose to network. In short, to get the most out of networking, we need to get out of the comfort zone and step into the sweet spot.

The Problem: The Comfort Zone

On some level, networking in the comfort zone makes sense. It allows us to develop a rhythm and gain some traction. It may even spark low level commitment since people rarely stick with things that are consistently frightening and debilitating. The problem with comfort zone networking is not that it is impractical. The real problem is it is all action and no progress. It is isolated and periodic. It is the flurry of business card exchanging at a networking event, or the rush of holiday e-cards, or the frantic updating of a LinkedIn profile. These may be good individual practices but, absent direction and focus, they can easily lure us away from our real destination: the sweet spot.

The Solution: The Sweet Spot

Defined as the “place where a combination of factors results in a maximum response for a given amount of effort,” the sweet spot has lost some of its meaning to popular culture. The original meaning, found in sports, is perhaps more instructive: “the place on the bat, racket, or paddle where it is most effective to hit the ball.” Using the sports analogy, we find the three steps necessary to catapult our networking into the sweet spot: know your stats, see your target, and practice your technique.

Step 1: Know your Stats

Every athlete undergoes rigorous self-assessment before playing in the game. This process not only helps measure an athlete's performance level, but also identifies areas of weakness that could be used to an opponent's advantage. While we do not often view networking as a competition, there are elements of it that bear a resemblance to one, particularly if the aim is to develop new business. Regardless of the focus, your sweet spot goal is to figure out how to differentiate yourself, and make a connection that can be sustained over time. Consider where you add unique value by answering the following questions:

- Where have you experienced the most success in the last two years?
- What activity has provided the most personal and professional fulfillment?
- If you were to leave, what would be missing in your current team?
- Where is there room for improvement in your skills or professional relationships?
- How strong is your personal and professional reputation?
- Are you in the right environment to succeed?

As you answer these questions, you will gain insight on what makes you stand out. You will begin to understand the environment that promotes your success. And, you will identify blind spots that keep you from making the kind of sweet spot connections that grow a healthy network. More importantly, your stats provide the foundation necessary to take the next step on the road to your networking sweet spot.

Step 2: See Your Target

Have you ever looked at a stack of business cards and wondered why you collected them? Or worse yet, despite your best intentions, you realize that you have not followed up with anyone? If so, you probably have been engaging in comfort zone networking. This occurs when the connection is too random or vague to gain any traction. What you really want is to maximize your efforts such that 80 percent of the time you are networking with intention and hitting your target. Start by making sure you are crystal clear on your stats or unique strengths and skills. Think about what specific networking goal will resonate with you. This simple practice of infusing your values and priorities into your networking efforts will give it new meaning and boost your motivation to follow through. Armed with a heightened commitment, start to envision your target. It may be helpful to peruse articles or websites you have bookmarked. Often, these are the places where hidden wish lists live. Google conferences relevant to your area of practice and note the keynote speakers or panelists. Could they be likely targets? Or, perhaps, you want to branch into a new field. Think beyond the usual suspects and identify who is performing cutting edge work in this arena. Who appears to stay on top of the latest trends? This line of inquiry will help sharpen your focus and before long your target will be in clear view.

Step 3: Practice your Technique

We are what we repeatedly do. Excellence, then, is not an act, but a habit.

- Aristotle

When it comes to networking, wiser words have never been spoken. At the end of the day, knowing your strengths and seeing your target mean little without execution of a plan and consistent work on your technique. Nevertheless, it is important to note that sweet spot networking is not so much about working harder as it is stretching farther. Set high but realistic networking goals and look for ways to make them come alive each day. Resist the temptation to keep your plan on the shelf and be aggressive about removing obstacles to forward movement. For example, as you practice your technique, you may discover that you are having difficulty articulating the interim moves necessary to reach your networking goal. To remove this obstacle, take a page out of top golfer Jack Nicklaus' playbook. He once said: "I never hit a shot, even in practice, without having a very sharp picture of it in my head." He suggests that visualizing what you are trying to achieve, one step at a time, is an effective way of increasing the odds of hitting the sweet spot on a golf club. Similarly, your networking efforts can be greatly improved by breaking down your goals into manageable units so that you can see the next steps more clearly.

One last note: Stop using the lack of time as an excuse not to network. It may be helpful to reframe the issue by shifting the focus to the quality rather than the quantity of time spent networking. Focus on the one thing you can do each day that will advance your goals. Create a networking to do list with tasks that can be completed in ten minutes, twenty minutes, or an hour. This way, you remove the excuse that you do not have time while tailoring action steps to fit your daily schedule.

Utilizing these steps, you can make this the year you shift out of the comfort zone and seize all the networking possibilities waiting for you in the sweet spot!

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

The Roxana Arsht Fellowship is Soliciting Eligible Candidates for Three-year Financial Stipend

The Women and the Law Section and the Delaware State Bar Association founded the Roxana C. Arsht Fellowship in November 1998 to encourage law students, recent law school graduates, and attorneys newly admitted to the Delaware Bar to pursue careers in the non-profit sector in Delaware.

In an effort to encourage attorneys to work in non-profit positions, regardless of financial considerations, the Fellowship offers financial assistance for three years to each recipient selected. Applicants must be within three years of law school graduation and working with a non-profit organization that provides legal services that benefit the Delaware community, underrepresented groups, or indigent persons in Delaware. An applicant's annual salary may not exceed \$55,000 to be eligible for the Fellowship.

For the year 2015, the Fellowship Committee will accept applications

from February 1 through March 1, 2015. Applications are available at <http://media.dsba.org/Notices/DSBA2015ArshtFellowshipApplicationScholarship.pdf>. A decision will be announced by May 1, 2015 with one award being approved. If you have any questions regarding the Fellowship, please contact Jessica Zeldin at (302) 656-4433 or jzeldin@rmgglaw.com.

Those wishing to make donations to the Roxana C. Arsht Fellowship fund may do so by sending a check payable to the Delaware Community Foundation, 100 W. 10th Street, Suite 115, Wilmington, DE 19899 and noting "Roxana C. Arsht Fellowship Fund" in the memo line or by donating to the Roxana C. Arsht Fellowship Fund online at www.delcf.org. If you have any questions regarding donating to or fundraising for the Fellowship, please contact Laina Herbert at (302) 230-5154 or lherbert@wblaw.com. 



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PRIVATE ADMONITION

Board Case No. 112159-B

Effective Date: December 30, 2014

A Delaware lawyer was privately admonished with conditions for violation of Delaware Lawyer's Rules of Professional Conduct 3.4(c) (disregarding obligation to tribunal) and 8.4(d) (engaging in conduct prejudicial to the administration of justice). The private sanction was offered by a Panel of the Preliminary Review Committee ("PRC") and imposed with the consent of the lawyer.

The attorney was appointed to represent a defendant in postconviction proceedings in Superior Court. The attorney failed to timely file defendant's Motion for Postconviction Relief pursuant to Superior Court's Scheduling Order.

In offering this private sanction, the PRC considered the applicable aggravating and mitigating factors. See ABA Standards for Imposing Lawyer Sanctions (1991 and 1992 Supp.). In aggravation, the attorney has substantial experience in the practice of law having been admitted to the Delaware Bar in 1991 [ABA Standard 9.22(i)] and a prior disciplinary history of a private probation imposed in April 2013. In mitigation, the attorney provided full and free disclosure in the disciplinary proceedings and the attorney had no dishonest or selfish motive.

The private admonition is subject to the following conditions:

1. Two year probation;
2. The attorney must complete six (6) additional hours of Continuing Legal Education on the subject of law office management during the period of probation; and
3. The attorney may not engage in the practice of law as a solo practitioner or act as a managing partner in a firm. 

NOTICE OF RULE CHANGE

This is to advise that the Supreme Court recently amended The Delaware Lawyers' Rules of Professional Conduct Rule 1.15(a) to change the amount of a lawyer's own money that can be kept in a Rule 1.15 trust/escrow account to cover bank fees and charges. The amount under the prior Rule was \$1000. Effective January 21, 2015 an attorney may now keep \$2000 of his or her own money in a trust/escrow account to cover bank fees and charges.



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POSITIONS AVAILABLE

ACLU OF DELAWARE is hiring a second lawyer for litigation, legislative advocacy and public education. Details are available at <http://www.aclu-de.org/about-us/jobs/>. Submit application to rmorse@aclu-de.org with a copy to jmccormick@aclu-de.org.

WE HAVE IMMEDIATE OPENINGS for an attorney in the practice area of plaintiff's personal injury and workers' compensation in our Millsboro, Delaware office, as well as an attorney in the practice area of family law in our New Castle County offices. We are also seeking an experienced legal assistant for our New Castle County Offices. E-mail your resume to EricDoroshov@dplaw.com, or fax it to (302) 998-9883.

EMPLOYMENT OPPORTUNITIES: DE office of well-respected firm looking to add practice area group or individual partner with min. portables; 6+ year toxic/mass tort associate; 3-5 year civil litigation associate; corporate transactional associates; and more. Please contact kgattuso@klglegalconsulting.com for more information. All inquiries are confidential.

ECKERT SEAMANS CHERIN & MELLOTT, LLC – Wilmington, Delaware office of prominent law firm seeks candidates for the following positions. Litigation Associate (Corporate/Commercial): Attorney with 1-5 year(s) experience, superior research, writing skills and Delaware bar admission required. Deposition and court experience preferred. Litigation Associate (Products and Professional Liability): Attorney with 1-5 year(s) experience, superior research, writing skills and Delaware bar admission required. Deposition and court experience preferred. Litigation Paralegal: Paralegal experienced in product liability, mass tort or professional liability. Excellent document management and organizational skills and ability to work in team setting. Competitive salary and full benefit package. Send confidential resume with requirements to delhiring@eckertseamans.com.

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THE WILMINGTON OFFICE of Benesch, Friedlander, Coplan & Aronoff LLP is seeking an Associate for its Litigation Practice Group. The ideal candidate will have complex commercial and debtor/creditor litigation experience. Candidates should have 6-8 years of experience (or commensurate experience) with the following: managing complex document reviews, conducting depositions, planning and managing e-discovery, and taking a case from beginning to end with minimal supervision. Courtroom experience should include the prosecution and defense of motions in state, federal and bankruptcy courts. Applicants must be a member of the Delaware Bar along with either the Pennsylvania Bar and/or the New Jersey Bar, have superior writing and analytical skills and be able to work well with our diverse client base. Must be able to work independently and take initiative. To apply, please send a cover letter, resume, and law school transcript by email to Laura Dutt, Director of Legal Recruiting, ldutt@beneschlaw.com. For more information about Benesch and our Litigation team, please visit our website at <http://www.beneschlaw.com>.

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LEADING DELAWARE LAW FIRM is seeking a lawyer with strong experience in transactional real estate, zoning and land use work. Superior academics and excellent written and oral communications skills are required. Delaware bar is preferred, but not required. Please submit a cover letter, resume and law school transcript to DSBA, Box 0215, 405 N. King Street, Suite 100, Wilmington, DE 19801.

WE ARE A VENERABLE LAW FIRM IN DOVER, DE. We are searching for two associate attorneys with 3-5 years experience to expand our firm. One associate position is in the area of plaintiff's personal injury/criminal defense. The successful candidate will have excellent oral and written communication, time management and negotiation skills as well as the ability to analyze complex cases. The candidate must also be able to carry a heavy case load. We offer a competitive compensation package and benefits including medical, long term disability and 401k. If you are interested please submit both a cover letter and your resume to gquell@schmittrod.com.

ATTORNEY WANTED: Tybout, Redfearn & Pell seeks attorney with 3+ years experience working in civil litigation law. Salary commensurate with experience. Excellent growth opportunity. Send resume to: Susan L. Hauske, Esquire, at TR&P, P.O. Box 2092, Wilmington, DE 19899.

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OFFICE SPACE AVAILABLE: Office sublease available on top floor of downtown office building at 824 N. Market Street, Wilmington, near courts. Conference rooms, receptionist, and other services available. Contact Tammy Markey at (302) 575-1555. 

BULLETIN BOARD

ADVERTISING INFORMATION

Bulletin board rates are \$50 for the first 25 words, \$1 each additional word. Additional features may be added to any Bulletin Board ad for \$10 per feature.

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Fight the *Cold* This *Hot* Breakfast Month

While most look forward to February for Valentine's Day sweets, this month is not all about chocolate. It is about eggs and oatmeal, bacon and scrapple. Yes, February is National Hot Breakfast Month. So, to celebrate the most important of meals, I include some of my favorite hot breakfast ideas. (The below recipes are intended to serve four.)

Steak and Spicy Poached Eggs

Ingredients:

Flank steak (about 1 1/2 pounds)
Extra virgin olive oil
Fresh ground pepper
Sea salt
2 cups spicy salsa
4 eggs
Handful of cilantro

I recommend flank steak for this recipe; while it is not the most tender of red meats, it is one of the most flavorful. First, marinate the beef for several hours to increase its tenderness. A simple marinade consists of extra virgin olive oil, fresh ground pepper and a few pinches of sea salt. When ready to cook, heat the spicy salsa in a nonstick pan until it starts to boil. Then, reduce the heat to low until you are ready to put the steak on the grill.

Grill the steak on high heat, about three to four minutes per side for medium rare. After putting the steak on the grill, crack the eggs into the salsa and cook until the whites are firm but the yolks are still runny.

Slice the steak against the grain and place several slices on each plate. Gently spoon an egg along with some salsa on the side and top with fresh cilantro.

Egg En Cocotte

Ingredients:

Butter for the ramekins and for sautéing
Extra virgin olive oil
1 package of exotic mushrooms (Porcini, Oyster and Shiitake are good choices.)
Truffle oil
8 eggs
Sea salt
Fresh ground pepper
Fresh herbs such as parsley or basil

To prepare egg en cocotte, you will need ramekins or small fireproof pots. My suggested recipe calls for exotic mushrooms; however, you can modify it to use whatever vegetables you desire.

First, butter the ramekins to prevent the eggs from sticking. Sauté the mushrooms in butter and olive oil until softened, which will take about ten minutes. Then place a spoonful of mushrooms in each cocotte. Drizzle truffle oil over the mushrooms.

Meanwhile, bring a teakettle of water to a boil. While the water is boiling, break two eggs into each cocotte on top of the mushroom mixture. Season with salt and pepper to taste. Place the cocottes in a Pyrex pan and fill the pan with the boiling water so that the water reaches half way up the ramekins. Place the pan in an oven preheated to 375 degrees and cook until the white is set but the yolk is runny. This should take about 12 to 15 minutes. Top with fresh herbs, such as parsley or basil, and serve with bacon and toasted baguette points.



Brioche French Toast

A Pullman Loaf of brioche from Black Lab Breads is ideal for this recipe as the bread itself has a buttery sweetness. And, the bread's airiness permits you to soak up more syrup. Use brioche that is two days old or toast the slices prior to making this recipe to prevent mushy French Toast.

Ingredients:

- 6 slices of brioche about ¾ inch thick
- 6 eggs
- ½ cup milk
- 2 teaspoons cinnamon
- Zest of one lemon
- 1 tablespoon vanilla extract
- Butter
- Maple syrup or honey

In a large mixing bowl, beat the eggs with the milk. Mix in the cinnamon, lemon zest and vanilla. Add several tablespoons of butter to a large non-stick frying pan or non-stick griddle on medium-high heat. When the butter melts, dip each piece of brioche into

the egg mixture and place in the pan or griddle. Fry the brioche until both sides are golden brown. Repeat for the remaining slices. Serve with your choice of maple syrup or honey.

I wish you a Happy Hot Breakfast Month! ☺



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

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Nominations Sought for Bench & Bar Award

The Delaware State Bar Association and the Awards Committee are seeking nominations for The First State Distinguished Service Award to be presented at the 2015 Bench & Bar Conference. The award is described below:

First State Distinguished Service Award – This award is given annually at the Bench & Bar Conference to a member of the Delaware Bar who, by exemplary leadership and service dedicated to the cause of good citizenship in civic and humanitarian service over a period of many years has maintained the integrity and honored recognition of the legal profession in community affairs and who, as an outstanding Delawarean, unceasingly advances the ideals of citizen participation and community accomplishment, thus reflecting high honor on both country and profession.

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Brief statement of reasons that candidate is deserving of Award (Please attach sheet if necessary):

Nominations should be submitted to **Rina Marks, Executive Director**, e-mail rmarks@dsba.org or fax to **(302) 658-5212**.
The deadline for nominations is March 2, 2015.



The 2015 Delaware Legal Directory

The Delaware State Bar Association **Delaware Legal Directory** is the only comprehensive up-to-date listing of all Delaware attorneys and judges, including address, telephone number, fax number, and e-mail address. The **Delaware Legal Directory** also contains contact information for the Delaware Court System and related offices frequently contacted by legal professionals.

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