



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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Correction Form**

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Nominations Sought for 2015 Awards

The Delaware State Bar Association and the Awards Committee are seeking nominations for the following four awards* **:

Daniel L. Herrmann Professional Conduct Award
Outstanding Service to the Courts and Bar Award
Distinguished Mentoring Award
Government Service Award

These and other awards will be presented in a special Awards Luncheon in December 2015 at the Hotel du Pont.

Awards Description

Daniel L. Herrmann Professional Conduct Award

Awarded to a member of the Delaware Bar who, over the course of time, has demonstrated those qualities of courtesy and civility which, together with high ability and distinguished service, exemplifies the Delaware lawyer.

Outstanding Service to the Courts and Bar Award

Awarded to a Delaware lawyer or judge who, by exemplary service to the Delaware Courts and the Delaware Bar, has substantially assisted the courts and the Bar and has strengthened public trust and confidence in the courts in the state of Delaware and the administration of justice.

Distinguished Mentoring Award

Awarded to a Delaware lawyer or judge who, by distinguished mentoring of other Delaware lawyers (or future lawyers) over a period of many years, has served as an inspiration to and a model for those lawyers in striving for and maintaining the highest standards in their professional careers and in their community involvement.

Government Service Award

Awarded to a full-time government service employee in recognition of dedicated and distinguished contribution to the Administration of Justice.

** These are not necessarily annual awards. All or some of these awards will be presented only upon the recommendation of the Awards Committee and approval by the Executive Committee of the DSBA.*

*** Please note that previous nominations must be renewed to be considered.*

Delaware State Bar Association Awards Nomination Form

Name of Candidate: _____

Title/Occupation of Candidate: _____

Award: _____

Date: _____

Nominator: _____

Phone: _____ Fax: _____ E-Mail: _____

Firm: _____

Address: _____

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

DSBA BAR JOURNAL

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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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Delaware State Herb: Sweet Golden Rod

"Adopted June 24, 1996, Sweet Golden Rod (Solidago odora) was named Delaware's State herb. Members of the International Herb Growers and Marketers Association of Delaware suggested that the herb "Solidago Odora," commonly known as "Sweet Golden Rod," because of its beautiful golden blossoms, would be especially appropriate as the designated herb.

Sweet Golden Rod is both indigenous to Delaware and widespread throughout the State where it is commonly found in our coastal areas and along the edges of marshes and thickets."

Delaware Code Title 29 § 313

Delaware State Plants. (2015) Retrieved May 18, 2015, from <http://www.delaware.gov/topics/facts/plant.shtml>

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PRESIDENT'S CORNER

By Yvonne Takvorian Saville, Esquire

It has been my distinct pleasure to have served as the Bar Association's 67th president this past year, following in the footsteps of our remarkable past leaders. I feel very fortunate to have been given the opportunity to represent you, our members, both within the state and nationally. Having worked with Richard Forsten for many years now, I know that when my term is over at the end of this month, you will be left in his very capable hands. He will be an outstanding leader of this Association.

Instead of summarizing what the Executive Committee and DSBA staff have accomplished in the preceding twelve months, I am going to break from tradition in my final article. It is my hope that my prior articles in the *Journal* have kept you informed of the increase in services and progress made on your behalf to make your membership in this organization even more valuable than it was already. Rather, I would like to extend my appreciation to the hard working individuals who give many hours, much thoughtful consideration, unlimited energy, and enthusiasm to make this such an incredible Association.

First, I would like to thank the Chief Justice and the members of the judiciary from each Court. The strong association that our Bar and the Courts have with the one another serve to strengthen and enhance our legal community on so many levels. It has truly been my honor to work collaboratively with Your Honors to ensure that Delaware's preeminent legal system remains vibrant and sound for the citizens of Delaware. Our part-

"I will never forget the many chances I was given to meet, interact, and work with many of our members, up and down the state."

nership is important to the DSBA and I thank you for allowing us to be an integral part of the projects and tasks that the Court undertakes each year.

To all the members who serve on the Executive Committee, I thank you for your volunteered time, insights, responsive and prompt action during the year in making new strides or maintaining traditions, but most of all, for your support and friendship. You have been such a pleasure to work with: my heartfelt thanks to Richard Forsten, Miranda Clifton, Michael Houghton, Michael Rushe, Leslie Case DiPietro, David Ferry, Kathi Karsnitz, Kevin Baird, Michael McTaggart, Santino Ceccotti, David Felice, William Brady, Gregory Williams, Thomas McGonigle, Diane Bouldin-Curtis, the Honorable Vivian Medinilla, Mary Akhimien, Melissa Allman, Dawn Becker, Crystal Carey, Charles Durante, Christopher Lee, Brenda James-Roberts, Kathleen Miller, Janine Salomone, David Shelton, and The Honorable Mark Vavala.

Special thanks to my law partner Michael Weiss, our associate, Meghan Butters, and to our support staff, especially my assistant, Diane Bouldin-Curtis, who also served as my assistant on the Executive Committee. I could not have given this job 100% without the full support of our office.

In that regard, I also had that same wonderful support at home — my hus-

band, Erik, and sons, Jason and Alex — who allow me to pursue all the work and legal endeavors that are important to me. They are my balance in life.

This is a Bar of great action and we simply could not accomplish anything without the dedication of the DSBA staff. They are, simply put, tremendous. My thanks to all of you — Alison, Sorelis, Rebecca, Janice, Eric, Antonio, Susan, Jacqueline, Sue, and Carol. And, to our leader and Executive Director, Rina Marks — you are awesome. Your 25-year tenure as Executive Director is nothing short of remarkable. Though your retirement later this year will be richly deserved, I will miss working with you.

In closing, I will never forget the many chances I was given to meet, interact and work with many of our members, up and down the state. For me, that was the best part of the job, and I am grateful to all of you for what I consider to be a year-long memorable highlight of my professional career. 📌

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.

HUMAN TRAFFICKING AND SEX TRADE:

WHY DELAWARE PRACTITIONERS SHOULD BE AWARE OF THE PROBLEM

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EDITOR'S PERSPECTIVE

By David W. deBruin, Esquire

The Telling of the Busyness

We make time for the things that matter to us... or do we? As the father of four amazingly awesome, but absolutely over-scheduled children who currently attend three different schools, I feel the very real and almost constant pull of their various school, sports, and other activities like a powerful and back-bending gravitational force. It is, for all intents and purposes, as consistent as the rising sun. One of the most unusual aspects is the fact that the only way to “control” the force is to attempt to enter everything onto my calendar. There is a tremendous feeling of satisfaction once I finish... for all of five minutes. That is because there are always cancellations, postponements, reschedules, etc., that compel me to make changes and that rarely take into account the other nine things already scheduled on that date and time.

The funny thing is that when I look at my own work calendar, I acknowledge there are a large number of items, but I think I can certainly handle all of it. That can be a somewhat precarious game if, at some point, I do not admit that I simply cannot attend every possible event or complete every task and then make an effort to prioritize.

Sunday nights are technically designated (by me only) as the night that (if possible) we sit around the kitchen table with our laptops, iPads, and iPhones; identifying and negotiating the coming weeks' schedule. What school and

social activities are out there for us and the children, who is covering drop-off and pick-up, who is responsible for dinner on which nights, and who has something at work that will likely run late. None of this is fun or romantic, but it is absolutely necessary. Of course, half of the time, we cannot pull it off due to our other activities.

Technology promises to help us. People keep coming up with new systems, programs, and apps that promise to help us keep everything in proper order. However, the more hyper-connected we get as a society, the busier we become. Email and shared calendars have us constantly tied not only to our personal lists, but also to other people's lists. Our cell phones keep us tethered to our email and all of those calendars. Then, there is the daunting specter of social media and the occasional angry bird. We can barely consume enough caffeine to stay awake, much less keep it all straight.

When friends run into each other, the small talk quickly turns to each person's exceptionally long list of scheduled activities that show your friend and the world just how busy we are. This oft repeated exercise could be referred to as “the telling of the busyness.” It is basically a verbal diatribe we fall back on to reassure ourselves and everyone else of our self-importance in the world. You would think that it is almost as important as the actual doing of the things that keep us so gosh darn busy.

We are a society that is knee-deep in the addiction of being busy. If you want to succeed, you have to work longer and harder than other people. In fact, if you are not working long hours, travelling to meet with clients, serving on a school committee, coaching a sport (two lacrosse teams this spring for yours truly), or volunteering time for charitable causes, then you might be considered a ne'er-do-well. At least, that is what we sometimes tell ourselves and anyone else within earshot.

Somewhere along the line, busyness became a mark of social status; as if somewhere in the drudgery of checklists and the crumpled heaps of dirty laundry, one could detect a hint of glamour. So naturally, people began competing

“Somewhere along the line, busyness became a mark of social status; as if somewhere in the drudgery of checklists and the crumpled heaps of dirty laundry, one could detect a hint of glamour.”

with each other about being busy. The implication is that if you are busy, you are important. You are surely leading a full, vibrant, and worthy life.

Many of us end up over-scheduling ourselves because we feel uncomfortable saying “no.” People, nowadays, are terrified of hearing that we actually have a block of unscheduled time. It is as if we have turned busyness into a virtue. Allowing ourselves some down time is looked upon by others as an admission of sorts that you are not really needed [insert horrified facial expression emoji]. Being constantly busy can fill us with an artificially inflated sense of ourselves; stealing precious life moments from us because who has the time to sit around a fire pit on a summer’s evening doing nothing in particular, but watching the sky and letting the night creep in around us?

Busy snuck up on me quickly and quietly. Fewer than two hundred new emails in my inbox feels problematic. I routinely eat lunch at my desk because I’m “too busy” working on things. Actually, there is no honor in busy, there is no actual reward; there is only kinesia eroding the now, pushing us further away from the shore of here. What we all need to keep in mind is that some of life’s most meaningful moments unfold in quiet, dark pockets of ordinary time. 🕒

Bar Journal Editor **David deBruin** is the founder of The deBruin Firm and his practice is dedicated to representing victims of mesothelioma, dangerous drug and medical devices, and select complex litigation. He can be reached at ddebruin@thedebruinfirm.com.

Associate Justice Antonin Scalia Supreme Court of the United States

on the

800th Anniversary of

MAGNA CARTA

May 19, 2015 • Gold Ballroom, Hotel du Pont



From L to R: Justice Collins J. Seitz, Jr. of the Delaware Supreme Court, Associate Justice Antonin Scalia of the Supreme Court of the United States, Justice Randy J. Holland of the Delaware Supreme Court, Justice James T. Vaughn, Jr. of the Delaware Supreme Court, and DSBA President Yvonne Takvorian Saville, Esquire.

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

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CALENDAR OF EVENTS

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.

June 2015

Tuesday, June 9, 2015

Ethical and Strategic Considerations of Cloud Computing in the Practice of Law

1.5 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Thursday, June 11, 2015

Human Trafficking and Sex Trade:

Why Delaware Practitioners Should Be Aware of the Problem

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September 2015

Friday, September 25, 2015

Supreme Court Review 2015:

A Discussion of Decisions at the Highest State and Federal Judicial Levels

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SECTION & COMMITTEE MEETINGS

June 2015

Wednesday, June 10, 2015 • 12:00 p.m.

ADR Section Meeting

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

Wednesday, June 10, 2015 • 12:00 p.m.

Small Firms & Solo Practitioners Section Meeting

The Law Offices of Denise D. Nordheimer, Esquire, LLC, 2001 Baynard Boulevard,
Wilmington, DE

Thursday, June 18, 2015 • 12:00 p.m.

Executive Committee Meeting

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

Thursday, June 18, 2015 • 4:00 p.m.

Elder Law Section Meeting

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

Thursday, June 25, 2015 • 4:00 p.m.

Family Law Section Meeting

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

July 2015

Monday, July 6, 2015 • 12:30 p.m.

Senior Lawyers Committee Monthly Luncheon Meeting

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

Please contact Janice Myrick at jmyrick@dsba.org or (302) 658-5279 to have your
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Ethical and Strategic Considerations of Cloud Computing in the Practice of Law

Sponsored by the Delaware State Bar Association

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Registration and Lunch: 11:30 a.m. - Noon

Lunch provided by WSFS Bank

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TIPS ON TECHNOLOGY

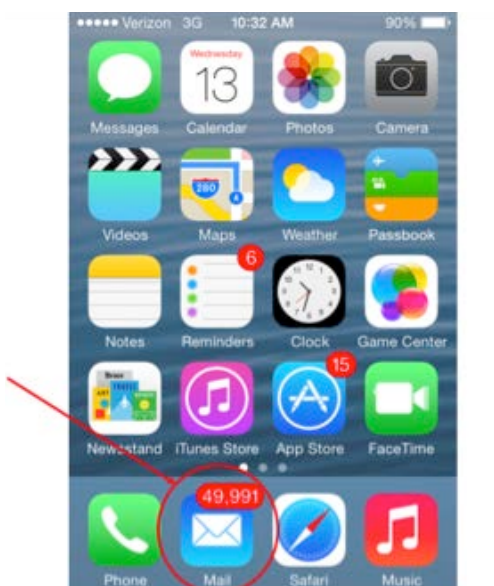
By Kevin F. Brady, Esquire

Email Management or “You Have How Many Unread Emails?”

I was having dinner with my friend Michelle recently in Washington D.C and her phone rang. She reached into her bag and pulled out two phones (which is common these days), found the one that was ringing and hit a button to ignore and silence the call. As she set her phone down, I glanced over at the Home Screen on her iPhone and was shocked when I saw the number of unread emails she had.

How could she possibly have that many emails in her inbox? I know she is a highly paid “consultant” for the State Department (which is code in D.C for the CIA) and she travels outside the country from time to time, but what could she possibly be doing that she would have that many emails in her inbox (even if she did read them and then mark them all “unread”)?

Frankly, I am very surprised that email is in such demand today given that it was invented in 1971 by Ray Tomlinson, a computer engineer for a company hired by the Department of Defense to build the first Internet in 1968. And, just in case you want to know what the first email message was (hint: it is a popular, but not particularly good password today), it was “QWERTYUIOP.” Forty plus years later, over a billion business emails are sent daily. While that number is expected to grow for the foreseeable future in terms of business users, consumer email traffic is expected to decline because of the number of alternative forms of communication available to consumers — social media (Facebook, LinkedIn, etc.), IM, and text messaging. Unfortunately, technology has not kept pace making email management routine or simple. Indeed, email remains the biggest problem for clients and attorneys in terms of volume for discovery purposes in litigation.



Email Management in Today's Environment

Most business leaders will agree that reviewing and managing email is the greatest distraction (code for “waste of time”) for employees in the workplace. Should email be managed and if so, what type of email manager should you be? For some users, it is easy, quick, and painless just to keep everything and delete nothing so you can search your inbox and find anything you want. While that might sound like a good approach if you do not have a size or date limit on your inbox, the problem from the IT side is that the size of your mailbox will continue to grow and that creates problems in terms of responsiveness and search

speed. While IT would prefer that users delete unwanted email and file other email in folders, that approach can be extremely time-consuming if you have to manage many emails every day.

The ideal approach to email management both professionally and personally is the leaner the better. As Bruce Jameson recommends in his article in this edition entitled “Document Management Software: Never Practice Law Without It,” strong document management (which includes email) will reduce the time to locate information and the risk that information will be lost or misplaced. However, folder creation and management requires persistence and diligence to be successful and that is very challenging when the daily volume of email is significant.

The key to efficient email management is a routine or schedule. Pick a designated time (for example, every 90 minutes) to address email during the day and fight the urge to respond to the “ping” every time you receive an email. When you do review your email messages, prioritize the importance of the email message. Do you need to respond right away? Can you follow

the David Allen's two minute rule — if you can read and act on the message in two minutes or less then do it even if it is not a high priority. If it will take you longer than two minutes or contains important information that will require more time to respond, mark the email with a “high priority” flag and address that email as soon as you can. For the rest, just leave them marked unread and deal with them later.

Is Help on the Way?

It would be great if technology was available to help you avoid “handling” all of the email that you receive. In the fall of 2014, Google launched “Inbox by Gmail” which is designed to reduce the problems with email management (clutter and volume) by automating the sorting of messages and categorizing related email messages without user input. Other software programs like SaneBox use analytics to prioritize the importance of each email as you get it. The program then moves what it deems to be “unimportant” email messages out of your inbox to a file folder for you to review at a later time. I expect that we will see more technology in the very near future to aid users with email management.

Back to Michelle...

When Michelle saw my reaction to the number of unread emails in her inbox, she knew what was coming next and she beat me to the punch. She said that the 50K number represented more than one email account (which is common) and that she had not been managing her email very effectively lately. Then, with a mischievous smile, she added that she did not have to waste her time reading all of those emails anyway because NSA was already doing that and if there were any important emails, they would let her know. Brilliant! 🗞

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.

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Document Management Software: Never Practice Law Without It

By Bruce E. Jameson, Esquire

My law school torts professor said that anytime the term “constructive” appeared in front of another word, it meant that the second word was a lie. A constructive trust, for example, was not a trust, but the law treated it as one anyway. Similarly, the “paperless office” should be called the constructive paperless office. Paper is still (and will remain) very much a part of my practice. When in-depth legal review and analysis of documents is required there is no substitute for reviewing, comparing, and marking paper versions of complex documents. A more accurate term for what lawyers should hope to achieve is a paperless filing system. The main benefits of storing documents electronically are the reduced time required to locate documents and the reduced risk of misplaced or lost documents. Those benefits can help lawyers avoid missteps in complying with their ethical and professional obligations. Despite those benefits, the 2014 ABA Legal Technology Survey Report reported that only 35% of solo practitioners and 47% of lawyers in firms of 2-9 lawyers reported that document/records management software was available to them. This article is intended to encourage and help those in the majority begin the process of implementing document management software.

Document Management v. Case Management Software

Document management software is different than case management soft-

ware. Case management software allows you to track information about a case, such as billing information, staffing, filing deadlines, settlement offers, and similar information. Document management software tracks and organizes information about documents. Good document management software allows you to easily search for and locate all documents your law firm has ever created or retained. It should also allow you to incorporate documents you receive in paper form from other sources and that are scanned into your system. If an attorney needs to write a motion to compel, document management software should allow her to find all prior motions to compel that she drafted or that were filed in her cases that involve similar issues. Some case management programs contain their own document management software, but many do not.

The most basic approach to electronically storing documents is using Windows or MAC folder structure. A folder can be created for each client matter with sub-folders for “Docket Entries,” “Discovery,” “Research,” etc. Sub-folders can also exist within sub-folders. While that system is cheap (since it is included if you have a computer), it is only marginally better than a paper-based filing system.

A step up from using Windows folders is Microsoft Sharepoint. Sharepoint, which is included with Microsoft Office 365 subscriptions, allows you to index your documents using columns and tags. (For a short article discussing Sharepoint as a document management tool, see <http://abovethelaw.com/2014/07/why-sharepoint-is-the-most-underutilized-legal-tool-that-microsoft-has-to-offer/>.)

Sharepoint is a significant step up from basic folders for document management, but still lacks the most robust features of a true document management system.

The best approach to document management is to use software specifically designed for it. Document management software typically requires you to “profile” documents, meaning the inclusion of information fields such as “date created,” “author” “document type” (e.g. complaint, answer, motion, research memo, email, etc.), “client number,” etc. Software should allow users to create custom fields to suit their specific practices and needs. For example, because my firm’s practice focuses on corporation law, we have a field with predefined terms that include all the sections of the Delaware General Corporation Law (“DGCL”). In that way, it is easy to run a search for all research memoranda, briefs, or other documents that discuss any particular section of the DGCL.

There are numerous document management products available. To provide you with a starting point, I’ve listed four products commonly used by lawyers.

Worldox: It integrates with the most commonly used case management software, includes email integration, offers a cloud-based option, and is scalable based on the number of users making it generally cost effective.

OpenText eDocs: This is the system my firm uses. OpenText permits

significant customization based on your needs, although it is not the most user-friendly product from an administration standpoint.

NetDocuments: I have looked at this product and been fairly impressed. It appears to be a very cost-effective option for small to medium-sized law firms, particularly those who want to move their documents to the cloud.

ProLaw: I have never reviewed ProLaw's document management software personally, but based on what I have read, it appears to be flexible and customizable.

Whatever product you choose, any document management program is better than none, and the efficiencies gained in the location and retrieval of documents should justify the costs. ⚖️

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ETHICALLY SPEAKING

By Charles Slanina, Esquire

Lawyers (and Others) Still Behaving Badly in 2015: Part 2

“Ethically Speaking” began this two-part presentation of examples of attorney misconduct drawn from across the nation in the April column. I planned on doing Part 2 in May, but interrupted the sequence to provide breaking news on the latest attorney escrow account scam. As we settle in for the summer, we return to a favorite genre.

California starts us off with an egregious example of bad behavior by an attorney which may or may not translate into attorney misconduct. A *Huffington Post* article by Cavan Sieczkowski reports that California attorney Matt McLaughlin filed a ballot initiative with the California Department of Justice to enact the “Sodomite Suppression Act,” which calls for killing anyone who engages in sodomy. Attorney McLaughlin cites only biblical authority for his proposal, which is made possible because California allows residents to pay \$200 to submit initiatives that are added to the ballot if 5% of the population signs a petition supporting it. In response, California’s LGBT caucus of the legislature is reported to have requested the state bar to investigate Mr. McLaughlin for his proposed initiative.

A Maryland attorney was recently disbarred for “sexting” his client’s *pro se* litigation opponent. The court found that the lawyer’s conduct was prejudicial to the administration of justice even though the exchange was reported to have been consensual. While representing a father

in a custody modification proceeding, attorney Jeffrey S. Marcalus started texting the mother of the child. The Maryland Court of Appeals concluded that the disbarment was nevertheless appropriate because of the lawyer’s disciplinary history involving similar misconduct. Marcalus had received prior discipline for sexting with a client and had been suspended for providing drugs to a woman in exchange for sex. The lurid details can be found at *Attorney Grievance Comm’n of Md. v. Marcalus*, 2015 WL 1393293 (Md. App. March 27, 2015).

A New York lawyer was disciplined for holding a grudge. Attorney Frank C. Panetta was found to have sent a harshly worded email to the foreman of a jury that voted against his client in a personal injury case nearly four years earlier with the intent to harass the juror. That contact was found to reflect adversely on Mr. Panetta’s fitness to practice. The court also ruled that the contact violated New York’s Rule 3.5(a)(5)(iii) of the Rules of Professional Conduct prohibiting contact with a discharged juror if the purpose of the contact is harassment.

After the defense verdict against his client, Panetta allegedly went up to the foreman and spoke to her in an “unpleasant manner” challenging the basis of the jury’s decision. The lawyer’s email to the jury foreman carried the subject line “All these years later, I will never forget Lauren the Liar.” The reported text of the email stated, “After numerous multi-million

dollar verdicts and success beyond anything you will ever attain in your lifetime, I will never forget you: the bloated Jury [Foreman] that I couldn’t get rid of and that misled and hijacked my jury. You lied, said you had no involvement in defense — no biases. It was all bullshit. You deprived a very nice lady [Patty ****] from recovering in a smoking gun liability case. You either had no idea of what the concept of probable cause meant or you misled the jurors because you were defense oriented. You routed for the underdog, a totally incompetent counsel, out-gunned and stupid. I will never forget the high-fives after the trial you tanked [,] between you and a clueless [corporation] counsel. ‘I feel attacked.’ Well, you should get attacked, you A-hole. Good Luck in Hell.”

New York is a tough town. Mr. Panetta received a public reprimand. *Matter of Panetta*, 2015 WL 65557 (N.Y. App. 2d Div. March 11, 2015).

Non-lawyers can behave badly as well. Our next example involves both Utah and California. According to a January 13, 2015, article in the *ABA Journal Online* by Martha Neil, attorney Carla Sterling, although licensed in Utah, practices primarily in California. As a result, she was surprised to get a call from a court in Utah concerning a criminal case which she was purported to have handled in Utah. After an investigation, it was alleged that a non-lawyer, Carla Carbo, stole Sterling’s identity to practice in Utah under Ms. Sterling’s name and bar credentials.

“These cautionary tales are offered to provide some perspective on the local sanctions routinely reported in the *Bar Journal* and to remind us of just how good we have it here in Delaware.”

Carbo even hired an associate to work in her “practice.” Ms. Carbo’s opposing counsel, Matthew Bates, is reported as having said that he was not impressed by Ms. Carbo’s legal skills in the Utah matter, but did not question whether she was a lawyer. “You know, there were a couple of things she said that kind of raised my eyebrows, things I would expect a defense attorney to know or questions you’d expect an experienced defense attorney to ask. But, it wasn’t enough to make me dig any deeper because we get attorneys from other parts of the state or newer defense attorneys all the time.” Ms. Carbo has been charged with suspicion of fraud, forgery, and identity theft.

An Arkansas former judge pled guilty to taking a bribe to cut a jury verdict from \$5.2M to \$1M. According to another article by Martha Neil in the *ABA Journal Online* in its January 12, 2015 edition, Michael A. Maggio was removed from the bench last year after he admitted being “improperly influenced” in a nursing home case by a 2013 campaign contribution for his planned run for an Appellate Court seat. According to his plea agreement, a \$24,000 contribution was at issue. At the time of his plea, he had already been removed from the bench after posting online comments under a pseudonym discussing a confidential adoption of a child by actress Charlize Theron. He is now also facing a civil suit alleging that the campaign contribution influenced his trial decisions which affected the jury verdict in the same nursing home case.

Proudly, we can report that, once again, no Delaware attorney made our list of questionable conduct. However, we do have an example of a non-Delaware attorney engaging in curious conduct in Delaware. A Texas attorney recently filed a *pro se* suit in the U.S. District Court for the District of Delaware. The suit as-

serts a RICO claim that the Dallas legal system is corrupt and that patent trolls are being permitted to commit fraud. Attorney Chelsea L. Davis alleges that she was forced into sex slavery by her former firm before being threatened, choked, strangled, and infected with diseases. The defendants in the suit are numerous, but include members of her former firm, the Chief Disciplinary Counsel of Texas and, for reasons I could not quite follow, the Dallas Cowboys football team. *Chelsea L. Davis v. McCool Smith, P.C.; State Bar of Texas, et al.*, D. Del. Case 1:15-cv-00341-UNA (April 29, 2015). An Internet search reflects that Ms. Davis is alleged to have previously filed reports with the Dallas police that she is being watched by Navy SEALs and her phone and computer are being tapped. She told police that she feels unsafe and that snipers are going to kill her. The suit was filed in Delaware because, among other reasons, Ms. Davis claims she now resides here.


Finally, Delaware makes our list twice — this time for a non-attorney *pro se* litigant behaving unusually. According to a January 16, 2015, *New York Daily News* article by a Dareh Gregorian, Joseph Alfred filed a suit in the Delaware Court of Chancery alleging that executives of the Disney Company are stalling the next evolution of human transportation. Specifically, he alleges that his plans to build one or more X-Wing fighter planes as seen in the *Star Wars* series are being blocked. Mr. Alfred, reportedly a NYU Law School graduate, alleges in the suit that his plans are being blocked in the sense that Disney executives have failed or refused to assist or promote his venture resulting in a claimed loss of approximately \$930M in revenue. Vice Chancellor Sam Glasscock’s ruling on the Motion to Dismiss the Complaint could, itself, be the hit beach reading of the summer.

...complaint is remarkable. It is in my experience a unique example of the pleader’s art. It cites to the *Epic of Gilgamesh*, Woody Guthrie, the Declaration of Independence, Noah and the Great Flood, *Game of Thrones*, *Star Wars Episode V: The Empire Strikes Back*, *Star Trek*, President Obama, and Euclid’s proof of the Infinity of Primes, among other references. It is well-written and compelling. In fact, it can be faulted only for a single — but significant — shortcoming: it fails to state a claim on which relief could be granted.

“Ethically Speaking” denies any intent to make light of attorney misconduct or even of the parties involved. These cautionary tales are offered to provide some perspective on the local sanctions routinely reported in the *Bar Journal* and to remind us of just how good we have it here in Delaware.

Have a great summer.

“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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Suing for Fees: Not Always the Best Alternative

By Steven C. Taylor



You work hard for your money and deserve to be paid for the professional services you provide to all of your clients. With that said, you need to think twice before suing clients for fees. Suits for legal fees almost inevitably draw counterclaims alleging some form of malpractice. This is why we should never sue to collect fees without seeking other alternatives first and evaluating the file for client dissatisfaction. Counterclaims can weigh heavily on your insurance premiums, so let us look at some ways you can avoid these matters altogether.

Where Did Things Go Wrong?

The first goal each firm should have is to establish effective risk management and practice management procedures to avoid the need to sue for fees; however, despite your best efforts, a firm is still likely to face nonpayment situations. Therefore, all firms should know why counterclaims arise and what type of client is most likely to sue. Many counterclaims for fee disputes begin by the practicing attorney stating: “I knew this client was going to be trouble.” Another fact is that the vast majority of suits for fees are from individual clients rather than business clients, perhaps because business clients know more of the ways business is conducted. Suits for fees can be minimized by using some basic risk management procedures:


- **Client Acceptance or Screening** – If you expect a potential client may be difficult, unrealistic, or have false expectations, pay attention to your basic instincts. Avoid clients whom you know to have had a poor history of payments.
- **Fee Arrangements** – A retainer should be obtained from all individual or first-time clients. Ensure that fee agreements are clearly stated at the outset of the engagement and confirmed in writing. Include an estimate for the total fee and indicate that additional costs may incur in the course of representation, as well as the firm policy and right to withdraw for nonpayment.
- **Bill Regularly** – Bill frequently and set payment deadlines in order to minimize large outstanding fees. Clients are most content to pay for services shortly after they have been provided.

- **Disengagement or Withdraw** – If payments are not made, it may be necessary to terminate or prudent to withdraw. If we require a retainer to be collected, a minimal loss to the firm can be expected. Notify the client in writing of the termination and give them a reasonable timeline to bring things current should they want to continue representation.

Fee dispute policies of a firm are important and all members of the firm should be aware of them. Firms should be entitled to be paid for services rendered; however, fee disputes are expensive and, prior to suing clients, the following should be considered:

- Know what your deductible is on your professional liability policy. There are a high percentage of countersuits that result by suing for fees and the firm is responsible for the deductible portion in the event of a counterclaim. Is it worth it?
- Suits for fees should only be permitted with the approval of the Managing Partner or Executive Committee.
- Suits are only permitted after a full and complete review of the underlying work provided and it is ascertained whether any negligence may have occurred.
- Lastly, what other alternatives are possible? Is mediation an option or another fee dispute resolution possible? A suit for fees should be the last alternative.

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Steve Taylor is a DSBIS Consultant specializing in professional coverages and Vice President of USI Insurance Services. He may be reached at (302) 397-0182 or steven.taylor@usi.biz. 

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By Susan Simmons

Access to Justice: Making Strides

The important concentration on Access to Justice in Delaware is preceded by the actions of other states in response to the needs of the underserved. The following are some of the measures that have been started in a few Commissions around the nation.

Starting in July 2016, prospective lawyers taking the Massachusetts bar exam will be tested not just on traditional topics such as constitutional law, torts and property, but also on access to justice. On April 25, 2014, the state's Supreme Judicial Court approved a rule adding access to justice to the exam and indicating that applicants will be expected to be familiar with the topic. The rule makes Massachusetts the first state to add this topic to the bar exam. (Robert Ambrogi's Law Blog)

The new rule specifies that exam questions related to access to justice may cover these topics:

Landlord-Tenant, including evictions, affirmative defenses and counterclaims, and fee-shifting statutes; Foreclosures; Divorce, including child custody, support, visitation; Termination of Parental Rights; Domestic Abuse; Guardianship and Conservatorship; Consumer Matters, including debt collection, predatory lending and unfair or deceptive practices; Health Care Proxies, Power of Attorney, Advance Directives; Due Process doctrines related to fair hearings, civil commitment and civil

right to counsel; Representation of nonprofit organizations; and Ethical rules including Massachusetts Rules of Professional Responsibility 1.2, 1.5, 1.14, 1.15, 4.3, 6.1, 6.5 and Limited Assistance Representation.

The rule came about through the recommendation of the Massachusetts Access to Justice Commission. The commission reasoned:

The Bar Examination's goal of ensuring that new lawyers are minimally competent to enter the profession also requires that new lawyers are prepared to solve the civil problems most often faced by low and middle income people. Given the changing nature of the legal profession and the Justice Gap, it is essential that new lawyers be prepared to handle cases and provide assistance in the key substantive areas in which the Justice Gap is prominent. Lawyers ill-equipped to work in these areas will be ill-prepared to handle cases that might produce income and be essential to their professional survival, particularly those in solo practice or small firms. They also will be unable to provide needed *pro bono* assistance.

The Access to Justice Commission's recommendation was endorsed by the

state Board of Bar Examiners, and is also an illustration of how Commissions can push the envelope.

The Memo even suggests bar exam topics:

- in a real estate transaction, the contract calls for delivery of the property free of tenants, but a tenant reports that there are conditions in need of repair in her apartment and she has a rent subsidy to assist her with the rent; or
- in a debt collection case, the client consults a lawyer after judgment has entered against the client, who appeared without counsel, after an unmonitored hallway negotiation in which the opposing lawyer insisted that the debtor owed the money and would be ordered to pay (raising ethical issues under 4.3) despite the fact that the client's source of income is public benefits (so she may be judgment proof); or
- a lawyer interviews a potential client in a divorce case that includes issues relating to custody, child support and the division of marital assets. The client, a victim of domestic violence, says her spouse controlled all the assets, so while she believes there is real property, she is not sure. The potential client earns just enough money to put her over the legal services guidelines for eligibility, but has only limited money

“Delaware should be at the forefront of change in improving the quality of justice for all participants by emphasizing public service in the profession.”

to pay a lawyer, and wants to know if she can hire the lawyer simply to prepare court papers and write a brief.

Massachusetts's recommendation shows that a state bar can take access to justice so seriously that they expect new attorneys to demonstrate a basic grasp of the issues in order to gain their license. Much like New York's *pro bono* requirement for new admittees, the Massachusetts bar exam questions on access to justice remind young attorneys of the relationship of the law to the character of our communities. The duty attorneys have to improve access to justice through *pro bono*, public service and a thoughtful approach to their own practice cannot be emphasized enough in legal education and licensure.

The State of Delaware's Access to Justice Commission is also looking at ways to improve the system here, with a program similar to one adopted by the Illinois Supreme Court, which has taken action recently to improve access to justice in Illinois, adopting in 2013 new rules to clarify and expand limited scope representation. Limited scope representation happens when a person hires an attorney to handle only part of their legal matter. It improves access to justice by making legal services more affordable. By offering assistance to litigants who may be able to handle much of the matter on their own, limited scope representation helps preserve the litigant's rights, improve understanding of their responsibilities, and also ensure that matters come before the court in a form which a judge is able to act upon.

Also in 2013, Chicago's Governor Quinn signed the Access to Justice Act, aimed primarily at helping veterans and active duty service members who are facing civil lawsuits. The law also provides funding for legal self-help centers in law libraries, creates a task force to review court fees as a means of funding legal aid, and establishes a "civil Gideon pilot", which makes Illinois the second state to offer state-supported legal counsel in civil cases, outside of certain matters dealing with parental rights and involuntary committal.


We are hopeful that, through the State of Delaware's Access to Justice Commission, both the Supreme Court and the

legislature will continue to stress legal assistance, *pro bono* and access to justice in its oversight and regulation of the legal profession, perhaps adopting *pro bono* requirements of its own or adding access to justice education requirements to our bar exam. Delaware should be at the forefront of change in improving the quality of justice for all participants by emphasizing public service in the profession.

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


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



DE-LAP ZONE

A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

Modern Backlash – How Much Is too Much Internet Usage?

Digital technology is awesome! In fact, it is nearly impossible to do business today, whether personal or professional, without it. In less than twenty years, digital technology has permanently changed the way we communicate. The pluses are enormous, but Internet usage has a modern backlash — too much use can, and often does, lead to Internet addiction. Therefore, how much is too much Internet usage? For most of us, using the Internet is healthy and productive part of our daily life; while for others, it interferes with daily life, work, and even relationships.

The Modern Backlash...

In their book, *Closer Together, Further Apart*, Robert Weiss, LSCW, CSAT-S and Jennifer P. Schneider, MD, PhD, write:

When people hear the word addiction, they typically think of someone dependent on substances like nicotine, alcohol, prescription medicine, crystal meth, cocaine, or heroin. And, addiction is the right term. If you consistently ingest certain substances that produce feelings of pleasure or intense emotions or make you feel numb, your body will begin to crave this substance and you can become both psychologically and physically hooked ... Prolonged abuse can result in any number of negative life consequences — relation-

ship trouble, financial problems, job loss, declining emotional and physical health, loss of interest in previously enjoyable activities and even arrest.

The authors support the evidence that study after study show an individual's propensity for addictions and emotional



vulnerability that is indeed hereditary. However, they believe too that technology, in all of its forms, delivers an increasingly side array of powerful substances and experiences that are, for some, emotionally, psychologically, and/or physically unmanageable.

Getting to Internet Addiction

Internet Addiction, otherwise known as computer addiction, online addiction, or Internet addiction disorder (IAD), covers a variety of impulse-control problems, including, but not limited to:

Cybersex Addiction: Compulsive use of Internet pornography, adult chat rooms, or adult fantasy role-play sites

impacting negatively on real-life intimate relationships.

Cyber-Relationship Addiction: Addiction to social networking, chat rooms, texting, and messaging to the point where virtual, online friends become more important than real-life relationships with family and friends.

Net Compulsions: Such as compulsive online gaming, gambling, stock trading, or compulsive use of online auction sites such as eBay, often resulting in financial and job-related problems.

Information Overload: Compulsive web surfing or database searching, leading to lower work productivity and less social interaction with family and friends.

Computer Addition: Obsessive playing of offline computer games, such as Solitaire or Minesweeper, or obsessive computer programming.

The most common of these Internet addictions are cybersex, online gambling, and cyber-relationship addiction.

These compulsive behaviors can be, and often are, fed by access, affordability and anonymity of technology.

Healthy vs. Unhealthy Use/Abuse

Today, the Internet provides a constant, every-changing source of information and entertainment. It is easily accessible from most smart phones, as well as

tablets, laptops, and desktop computers. Email, blogs, social networks, instant messaging, and message boards allow us to have both public and anonymous communication about any topic immediately should we so desire.

Individual use of the Internet is unique and different. One might need to use the Internet extensively for work, for example or one might rely heavily on it for social networking sites to keep in touch with family, friends, and peers. Other needs may include shopping, banking, and paying bills. Plus, more and more it is used to screen movies, television shows, etc.

Fortunately, for the most part, the time that we spend online does not fall into the scope of a problem of abuse and/or addiction. Unfortunately, the time that others may spend online can and does become a problem because it absorbs too much time, causing neglect in relationships, work, school, and/or other important areas of life. Bottomline, an individual could have a problem when one continues the compulsive Internet behavior despite negative consequences in their offline life.

Signs and Symptoms of Internet Addiction or Computer Addiction

Signs and symptoms of Internet addiction are unique to the individual. Realistically, there are no set hours per day nor number of messages sent that could indicate a compulsive use and/or abuse and/or addiction to the Internet. Rather, there are some general warning signs that you may have a problem with compulsive Internet use.

Losing track of time online

- Do you frequently find yourself on the Internet longer than you intended?
- Does a few minutes turn into a few hours?
- Do you get irritated or cranky if your online time is interrupted?

Having trouble completing tasks at work or home

Do you find that you are procrastinating on case management? Perhaps you find yourself working late more often because you cannot complete your work

on time — then staying even longer when everyone else has gone home so you can use the Internet freely.

Isolation from family and friends

- Is your social life suffering because of all the time you spend online?
- Are you neglecting your family and friends?
- Do you feel like no one in your “real” life — even your spouse or significant other — understand you like your online friends?

Feeling guilty or defensive about your Internet use

- Are you sick of your spouse nagging you to get off the computer or put your smart phone down and spend time together?
- Do you hide your Internet use or lie to your partner, staff, boss, and family about the amount of time you spend on the computer or mobile devices and what you do while you are online?

Feeling a sense of euphoria while involved in Internet activities

- Do you use the Internet as an outlet for stress, procrastination, sadness, or for sexual gratification and excitement, or gambling and gaming excitement?
- Have you tried to limit your Internet time, but failed?

There are physical symptoms (discomfort) too such as:

- Carpal Tunnel Syndrome (pain and numbness in hands and/or wrists)
- Strained vision
- Back, neck aches

- Severe headaches
- Sleep disturbances
- Pronounced weight gain or loss

The Good, the Bad and the Ugly: The Negative Backlash

Yes, technology is good, but it is controversial. Part of that controversy is the negative backlash that can, and often does show a bad and even ugly side of Internet use. Sadly, for too many individuals, legal professionals included, who turn to the Internet to manage unpleasant feelings — this tool can lead to compulsive Internet use and ruin lives and careers.

There are a number of steps you can take to get your Internet addiction treated. First, recognize any underlying problems that may support your Internet addiction; build your coping skills; strengthen your support network; and modify your Internet use step by step.

Remember too, if you, or someone you know, would like additional information on this topic or need help, call the Delaware Lawyers Assistance Program (DE-LAP) at (302) 777-0124 or email cwaldhauser@de-lap.org.

REFERENCES:

Robert Weiss, LCSW, CSAT-S and Jennifer P. Schneider, MD, PhD, *Closer Together Further Apart, The Effect of Technology and the Internet on Parenting, Work and Relationships*. Chapter 6, pages 136-141.


<http://www.helpguide.org/articles/addiction/Internet>. 

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

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BOOK REVIEW

Reviewed by Richard A. Forsten, Esquire

Inventive Writing: *Invented by Law, Alexander Graham Bell and the Patent that Changed America*

By Christopher Beauchamp (Harvard Univ. Press, 2015)

Quick: who invented the telephone? If you answered “Alexander Graham Bell,” you would be correct — if you were in the United States; but, travel to England, and the answer is “Alexander Graham Bell and Thomas Edison.” How can that be, you may ask? The inventor is the inventor. The answer, though, is patent law. Alexander Graham Bell had the controlling patent for telephones in the United States, but his patent application in England was different. Technology had moved forward, and by the time the patent situation was resolved in England, Bell had a patent for certain aspects of telephony and Edison other aspects. All of this (and more) is wonderfully told in Professor Christopher Beauchamp’s book *Invented by Law, Alexander Graham Bell and the Patent That Changed America*. The ultimate, and perhaps unintended, message of his book is that litigation strategy matters, and the patent litigation employed by Bell’s attorneys resulted in a monopoly in America, but something less in other parts of the world.

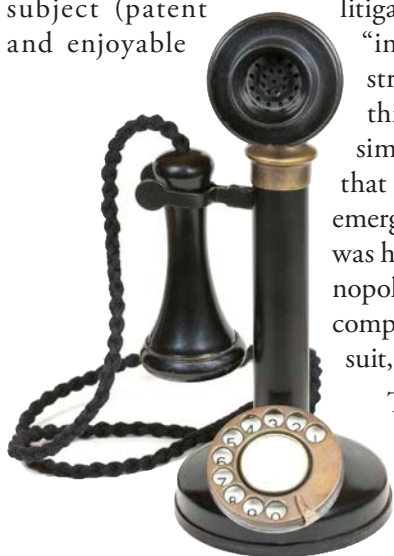
Even in the nineteenth century, patent law was big and important. Legal histories sometimes overlook patent law because it is so specialized and complex, but nevertheless, most of the new technologies of the day, whether telegraphs or telephones or sewing machines or reapers, resulted in substantial patent litigation. What makes Beauchamp’s book stand out is that he has taken what many might consider a dry subject (patent

litigation strategy) and turned out a highly readable “inside look” at how Bell’s lawyers and their legal strategies led to the Bell telephone monopoly, something which was by no means a sure thing. Moreover, simply owning the patents did not necessarily mean that success was guaranteed. Just as important to the emergence of the American Bell Telephone Company was how it used those patents to create a telephone monopoly that was only broken up in the 1980s. Had the company followed a different course, or lost a key lawsuit, the telephone monopoly might never have existed.

To begin at the beginning, Bell’s original patent application was filed on February 14, 1876. That same day, a few hours later, a “caveat” was filed by one Elisha Gray for the same concept (a “caveat” is not a full patent application, but a

statement of an intention to develop an invention, often used in “interference” hearings to determine priority, since a patent for an invention would be awarded not to the first to file an application, but to the first to invent). Because Bell had filed a full application hours before Gray’s “caveat,” the Patent Office did not hold an “interference” hearing (on the theory that Gray had not yet invented anything), and Bell received his patent on March 7, 1876. Although the patent application was for “[t]he method of and apparatus for transmitting vocal or other sounds telegraphically, as herein described, by causing electrical undulations similar in form to the vibrations of the air accompanying the said vocal or other sounds,” in fact, at the time of his application, Bell had not yet transmitted an intelligible word (proof of a functioning machine was not required, only a description of the machine). Three days later, though, Bell uttered, and his assistant Thomas Watson heard, the famous line “Mr. Watson, come here, I want to see you,” and the age of telephony was born.

But, securing the 1876 patent was only the first step. It was how that patent was used in the business world and, just as importantly, how the patent was interpreted by the courts, that led to



Book Review (continued on page 27)

Nominations Wanted for the Delaware State Bar Association's 2015 Christopher W. White Distinguished Access to Justice Awards

The DSBA and the Awards Committee are seeking nominations for the 2015 Distinguished Access to Justice Awards formerly known as the Distinguished *Pro Bono* Service Awards. The change in name is based on a desire to be more inclusive in designating those deserving of recognition. The awardees will be announced during Celebrate *Pro Bono* Week.

The Christopher W. White Distinguished Access to Justice Awards Ceremony Thursday, October 29, 2015, Chase Center on the Riverfront

There are four categories for which individuals, firms, or organizations can be nominated.

The Leadership Award

This award is presented to a legal organization (legal department or law office) that has demonstrated outstanding leadership in the field of *pro bono* service to Delaware's indigent population based on the following criterion:

- The number of *pro bono* hours the organization contributes to the direct representation of indigent clients.
- The number of cases the organization accepts for *pro bono* representation.
- Flexibility and accessibility in accepting cases.
- The organization's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need.
- Financial support to agencies providing legal services to Delaware's indigent population.
- The percentage of attorneys in the organization who accept *pro bono* cases.
- Fostering a culture, which recognizes the value of *pro bono* service.

The Commitment Award

This award is presented to a member of the Bar who has demonstrated a sterling commitment to *pro bono* work throughout his or her career by dedicating time and energy to the support and provision of legal services. The criterion includes, but is not limited to:

- The number of *pro bono* hours devoted to legal representation of indigent clients over the lawyer's career.
- The number of cases accepted for *pro bono* representation over the lawyer's career.
- The lawyer's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need over the lawyer's career.

The Achievement Award

This award is presented to a member of the Bar who has shown an exemplary recent contribution to *pro bono* services (generally in the past one to three years) and stands as a role model to other attorneys. The criterion includes, but is not limited to:

- The number of *pro bono* hours recently devoted to legal representation of indigent clients.
- The number of cases accepted for *pro bono* representation.
- Consistency, flexibility, and accessibility in accepting cases.
- The lawyer's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need.

Service to Children Award

Awarded to an individual lawyer, legal professional, or organization principally including lawyers, which demonstrates outstanding commitment to, and work for, children in the provision of legal or community services. It may be given to volunteers or those employed in the provision of legal services for children. This award is given as warranted, not necessarily annually.

Delaware State Bar Association Awards Nomination Form

Name of Candidate: _____

Title/Occupation of Candidate : _____

Award: _____

Date: _____

Nominator: _____

Phone: _____ Fax: _____ E-Mail: _____

Firm: _____

Address: _____

Brief statement of reasons that candidate is deserving of Award (see above Award criteria). Please attach sheet if necessary.

Nominations should be submitted to Susan Simmons, Director of Access to Justice Coordination, e-mail ssimmons@dsba.org or fax to (302) 658-5212. The deadline for nominations is August 7, 2015.



A PROFILE IN BALANCE

By James G. McGiffin, Jr., Esquire

Mike McTaggart: *Quiete Causarum Orator*¹

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

• • •

Deputy Attorney General Michael F. McTaggart is an imposing figure with a contrasting mild manner. Add to this mix his quiet nature, and Mike seems an atypical personality for a trial attorney. Atypical, but effective.

Philadelphia was Mike's home. He was born there. He was educated there, at Cardinal Dougherty High School, Temple University (for a Bachelors in Business Administration) and at Temple Law School (J.D. & LLM). Had he failed to heed the advice of a law professor to search out a judicial clerkship after graduation, he might be in Philadelphia still. As it happened, he introduced himself to Interstate 95 South, ventured into the lower three counties, and secured a clerkship with Delaware District Court Judge Joseph J. Farnan, Jr. Mike had passed the Pennsylvania bar and expected to return to the big city, but after a short time in Wilmington, he decided to stay.

Mike first tried his hand at prosecuting crime and for six years handled a great variety of matters (from speeding tickets to capital murder) for the Delaware Department of Justice. At the same time that he was ready for a change in subject matter, the Department of Justice had a need for a lawyer to work in the brand new area of video lottery law (also known by some as "the slots"). Mike worked

on the administrative and regulatory end of things for about 10 years. He then decided to return to the courtroom and began representing the State of Delaware in tort matters. He continues today to represent our state in Superior and Federal District Court.

A priority for Mike is helping other lawyers. One of the ways he does that is by teaching. Mike has taught in the Intensive Trial Advocacy Program for both Widener and Temple law schools. Mike is an instructor with the National Institute for Trial Advocacy. He also teaches in the Temple LLM program. Mike appreciates the opportunity to share his knowledge and experience with other lawyers, and he always learns something for himself, in the process.

An active member of the Delaware State Bar Association, Mike currently serves as Secretary to the Executive Committee and soon to be Assistant Treasurer. This allows Mike the opportunity to be helpful to the Bar and to represent the particular interests of government lawyers to the Bar as a whole. He has also served for many years on the Bar's Professional Guidance Committee.



Mike also likes to write. He was the executive editor of the *Temple Law Review* when a student. For more than a dozen years, he has worked with the *Delaware Law Review* as an editor and he also writes the annual criminal law update for that publication. Since 2007, Mike has worked with the Delaware Bar History Committee, organizing the oral history recording project. He also edited the supplement to *The Delaware Bar in the Twentieth Century*, published as the History of the Delaware Bar from 1995 Through 2010.

Perhaps it is because of his quiet nature, or perhaps it is because he spends too much of his time with lawyers, but

1. The Quiet Trial Lawyer, a rare bird indeed.

for some reason Mike was in no hurry to settle down to married life. Fortunately, he found his mate in Maura McManus, a Wilmington-based pediatrician. Maura calls Mike her “Quiet Man,” a loose reference to the classic John Wayne/Maureen O’Hara romantic comedy filmed in the beautiful Irish countryside.² They live in North Wilmington and have twins, Annie and Leo, who are quite active. The kids are both athletes, playing soccer, basketball, track, softball, and baseball. They are both scouts and also musicians in the school band. Leo is also a martial artist and a mean saxophone player, and Annie, aside from playing the clarinet, is a science Olympian and volleyball player. Mike has been known to coach the kids in sports and lend a hand with Boy Scout and Girl Scout projects.

In addition to keeping up with the children’s activities, Mike and Maura make sure the children are exposed to the larger world, and that they have some fun. They attend Philly Pops concerts, Blue Rocks and Phillies baseball games, and Temple and U of D basketball games. They have also been to Disney World “multiple times.” Mike describes his life as “a simple existence, with nothing extravagant.” He values service to his community and to the Bar. He values family. He might be quiet, but he makes a big difference. ⚖️

2. *The Quiet Man*, released in 1952, received Academy Awards for Best Director (John Ford) and also for Best Cinematography.

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.

Delaware State Senate Honors Harvey B. Rubenstein for His Service on the Delaware Heritage Commission

The Delaware State Senate of the 147th General Assembly adopted a resolution honoring Harvey B. Rubenstein for his work on the Delaware Heritage Commission, where “he has given four decades of loyal and steadfast service and remains today a very vital contributor to the commission’s work.” Originally appointed in 1974 by Governor Sherman W. Tribbitt to the Delaware American Revolution Bicentennial Commission, Mr. Rubenstein was praised “for his work in the preservation of Delaware’s long and proud history.” The resolution, presented by State Senator Karen E. Peterson on behalf of the State Senate, also noted that Mr. Rubenstein, a leading member of the Delaware Bar as past president of the Delaware State Bar Association and Delaware Bar Foundation, “worked tirelessly throughout his career for fair treatment under the law for Delaware workers and their families.” ⚖️



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The Workers' Compensation Section's Celebration of 25 Years of Excellence

By H. Garrett Baker, Esquire

This year, the Workers' Compensation section commemorated the silver anniversary of its founding within the Delaware State Bar Association by joining together in a "Celebration of 25 years of Excellence." In the time since the section's founding, much has changed with respect to the practice of workers' compensation law. The Workers' Compensation Act has undergone significant modifications including administrative restructuring to improve the timeliness of hearings and decisions. Practice Guidelines and medical expense fee schedules have been adopted. Also, the Superior and Supreme Courts have issued several landmark decisions addressing a wide array of issues.

But, over that time, what has remained constant is the cohesiveness and collegiality of the section. Indeed, the section has been careful to always remain balanced and equally attentive to the issues affecting claimants and employers alike. The section's silver anniversary also served as a time of reunion and reminiscence as many of the past chairs whose stewardship helped guide the section through these developments came together to join the current officers in recognition of the section's achievements.

The celebration began the evening of May 5, 2015, at Greenville Country Club where a reception planned by Jessica L. Welch, Esquire, took place in honor of this year's special guest, Prof. Lex Larson who is the Editor-in-Chief of the field's most widely respected treatise, *Larson's on Workers' Compensation*. This treatise has grown from a two-volume set authored in 1952 by Prof. Larson's late father Arthur Larson to its current seventeen volume format. As the leading national authority in the field, Prof. Larson's visit in honor of this occasion had been eagerly anticipated and section members enjoyed the chance to interact with him.



Officers and Past Section Chairs of the Workers' Compensation Section.

The following day, Prof. Larson was on hand to present the Keynote Address at the annual Workers' Compensation seminar. Prof. Larson's presentation was well received by the attendees, which included the members of the Industrial Accident Board, Hearing Officers, and both senior and junior members of the Bar. Prof. Larson shared about some important national developments involving workers' compensation, including states which have opt-in and opt-out systems where, unlike Delaware, employer participation in workers' compensation is voluntary. Also, and to the surprise and delight of the attendees, he sang and played some compositions of well-known songs with lyrics rewritten to address the field of workers' compensation. Even though the approach was at times light-hearted, Prof. Larson's passion for the integrity and purpose of workers' compensation law shone through most clearly.



Opening Remarks by Vice Chair Cassandra F. Roberts, Esquire in honor of Chair Matthew R. Fogg, Esquire.



Presentation by event coordinators Cassandra F. Roberts, Esquire and H. Garrett Baker, Esquire.



Professor Lex Larson giving remarks at the Workers' Compensation Seminar.



Professor Lex Larson performing at the Seminar.

Over the years, the workers' compensation seminar has consistently been among the best-attended presentations of the DSBA. The topics presented this year once again focused on numerous hot button issues ranging from scope and course of employment to recent Supreme Court decisions addressing the rights of undocumented workers. While it can be reasonably anticipated that the next twenty-five years will bring its own set of changes and perhaps challenges, if the past twenty-five years serve as any guide, it can be assured that these will once again serve as a catalyst to reinforce the strength of the section collectively and its membership. ⚖️

Book Review (continued from page 22)

the Bell telephone monopoly. As one of Bell's lawyers once remarked, "[t]he Bell company has had a monopoly more profitable and more controlling — and more generally hated — than any ever given by a patent."

If ever there was a chance for a mistake, though, it was in the patent litigation. Beauchamp describes in an accessible and entertaining way the course of the various lawsuits and litigation, including the deliberate strategies employed by Bell's attorneys. All of this culminated in the *Telephone Cases* — the United States Supreme Court's 1888 consolidated opinion which, by a vote of 4-3, upheld the Bell patents. An important decision in its day (and for the history of the telephone, yet, now largely forgotten), the decision, together with the arguments of counsel, fills an entire volume of *U.S. Reports*, the only case to do so. The decision decided once and for all two major questions: (i) was Bell the first to "invent" the telephone, and (ii) were the claims of the 1876

patent broad enough to encompass all subsequent telephone devices. The Court said yes to both and the Bell monopoly (in the United States) was secure.

Across the pond, though, the history of telephony played out a bit differently. Bell's British patent application was not filed until December, 1876, and it was not the same as his American patent application, with several claims re-written to take advantage of advances since the earlier application. Moreover, there had been some demonstrations of telephone technology in England in 1876 based on the American patent. This meant that there was "prior art," and that Bell could not make the same broad claims in his British patent application as he had originally in America. Finally, Edison filed a British patent application in July, 1877. At the end of the various lawsuits and litigation, Bell had a valid patent essential for a receiver, but Edison had the essential patent for telephony transmission. In Britain, it would take Bell and Edison working together to form a monopoly. Patent laws and timing led to a different result than in America.

Legal thrillers are usually written about criminal cases because crime and criminal procedure is most likely the easiest part of the law to describe and write in a gripping way. Beauchamp, though, has written a legal thriller for patent law and its effects on an emerging technology. From the twists and turns associated with the original patent application, through the often cutthroat business dealings, to the winning litigation strategy, he has taken an often dry area of the law and made it readily accessible and enjoyable. Telephone technology was never ordained to develop as it did, and might easily have followed a different path if different choices had been made, but Beauchamp has shown how the telephone system in America was indeed invented by law. ⚖️

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

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By Chris Mourse

Accounts Receivable Never Age Gracefully!

I hope the word is getting out that the DSBA has created this new position, the DSBA Law Practice Management Advisor. My role will be to help the Delaware Bar improve the business side of their practice. My services are intended to be provided to members of the Small Firm and Solo Practitioners Section.... so please join this section.

I am going to focus this article in the category of Financial Management. As the title indicates, it will be about accounts receivable.

I do not know why so many people have difficulty in asking for money that is due to them. There should be no stigma in getting paid for your work, yet some people behave as if they may be viewed as unsuccessful if they have to ask to get their payment. Whether you are a small firm or in a large firm, it is a barrier that needs to be eliminated. Why should you not get paid for your time?

"I do not know why so many people have difficulty in asking for money that is due to them. There should be no stigma in getting paid for your work, yet some people behave as if they may be viewed as unsuccessful if they have to ask to get their payment."

I suggest that you set the stage from the beginning. A conversation, and a continuing dialogue, about how you will be paid needs to be an important part of your attorney-client relationship. It should be included in enough of your communications with clients so that discussing it never

feels uncomfortable. Wait until it is past due and it may be too late.

Explain your credit policy as part of your initial consultation to your new or prospective client, and ask them if they have any questions. Do not start any work without a signed engagement agreement that includes your credit policy. Discussions from the outset of a client relationship allows you to address payment issues professionally, and to address any billing questions before they become payment issues.

Of course, an important part of getting paid for your work is to make sure you have a selection process for vetting potential new clients. Recognize the signs that might indicate that getting paid will be difficult. If they balk at your hourly fee and quote other attorney fees, do not want to pay a retainer, are switching attorneys, or seeking free legal advice during your initial conversation, these may

be signs that you will have difficulty in getting paid. Do not ever rationalize that you are gaining legal experience when you work with payment risky clients... better to use the time to figure out how to market yourself to the type of paying client that you desire.

Your client should not be surprised by your bill. Make sure your bill is understandable and includes a complete description of the work that you performed. Unclear descriptions give your client a reason to ask questions and delay payment.

Establish a billing cycle that meets your cash flow needs. It does not hurt to ask new client's their billing preference and, if possible, accommodate it. This can eliminate any future excuses that your billing cycle does not align with their payment cycle. Weekly billing or bi-monthly billing can also assist your cash position and help keep the dialogue ongoing with your clients that prompt payment is an important part of your attorney-client relationship.

I recommend that you always know the dollar amount and aging of your total accounts receivable. This is a key metric in the business side of your practice that you should be able to generate easily and should review it weekly. A client that is behind on paying their bills or in funding their retainer should be contacted immediately. Do not wait! A client that always pays promptly should receive a thank you.

A properly written retainer agreement that is actively managed can protect you from delinquent payments or bad debts. It requires a bit more accounting work and the establishment of a trust account, but it certainly gives you an opportunity to go forward with your case work without wondering if you will be paid. Additionally, you should make sure your retainer

Law Office (continued on page 31)

BENCH AND BAR CONFERENCE

Friday, May 15, 2015 | Chase Center on the Riverfront | Wilmington, DE



Over 500 attendees came to the Bench and Bar CLE two-part seminar, View from the Bench and View from the Bar.



The Honorable Susan C. Del Pesco presented the First State Distinguished Service Award to John F. Schmutz, Esquire.



DSBA President Yvonne Takvorian Saville, Esquire, surprised DSBA Executive Director Rina Marks, who is retiring later this year, with a personalized drawing by The Honorable Mark Stephen Vavala.



Outgoing President Yvonne Takvorian Saville, Esquire, passed the gavel to incoming President Richard A. Forsten, Esquire.



The Honorable Leo E. Strine, Jr., Chief Justice of the Supreme Court of Delaware, welcomed members of the Bar to the Bench and Bar BBQ Reception. Also pictured: Yvonne Takvorian Saville, Esquire.



The 2015 Bench and Bar BBQ Reception was held in Governors' Hall at the Chase Center of the Riverfront. The event featured BBQ-style food stations and beverages.

A Midsummer Wine Dinner to Support the Roxana C. Arsht Fellowship

By Kyle Evans Gay, Esquire and Lauren DeLuca, Esquire

It is not too late to register for the Women & the Law Section's Midsummer Wine Dinner benefitting the Roxana C. Arsht Fellowship! The wine dinner will be held on June 18, 2015 at 7:00 p.m. at Caffé Gelato. The Women & the Law Section and the Delaware State Bar Association established the Roxana C. Arsht Fellowship in 1998 as part of the 75th anniversary celebration of women being admitted to the Delaware Bar. The Fellowship helps ease the financial burden faced by attorneys newly admitted to the Delaware Bar working with a non-profit organization that provides legal services that benefit the Delaware community, underrepresented groups, or indigent persons in Delaware. With the aid of the Fellowship's three-year stipend, recipients of the Fellowship have worked with Delaware non-profit organizations such as Community Legal Aid Society, Inc. and the American Civil Liberties Union. Tickets to the Midsummer Wine Dinner are \$79.00 per person, which includes a \$22.00 per person tax deductible donation. Tickets must be purchased in advance. Visit www.dsba.org/amidsummer-wine-dinner/ for more information and to obtain the registration form.

At a recent Richard S. Rodney Inn of Court meeting, the Honorable Barbara Crowell shared her memories of Judge Arsht and reflected on Judge Arsht's many accomplishments. To supplement those reflections, presented below are some of the highlights of the life and work of Judge Arsht, whose legacy continues to inspire new Delaware attorneys to pursue careers in the public-interest sector.

Roxana Cannon Arsht was born in Wilmington, Delaware, in 1915. She was a bright student, and she completed her undergraduate degree in 1935 with a major in chemistry and a minor in



Picture of Judge Roxana C. Arsht and her husband and fellow Delaware attorney S. Samuel Arsht. From <http://arshtcannonfund.org/about/>.

mathematics. She then attended the University of Pennsylvania Law School, graduating in 1939, and in 1941 became only the fifth woman to be admitted to the Delaware Bar. Still, at that time, few opportunities were open to women in law, and Judge Arsht struggled to find suitable employment. Instead, she put the skills and knowledge she gained through legal education to use in the community. Throughout this period, she focused her energy and enthusiasm on philanthropic work and on her family.

Judge Arsht became a staunch proponent of women's rights at a time when contraception was illegal, and she was instrumental in developing the Delaware office of Planned Parenthood. Then in 1962, looking for a new challenge, Judge Arsht accepted an invitation to serve as a volunteer master in Delaware's Family Court. Nine years later, in 1971, Governor Russell W. Peterson made it official by appointing Judge Arsht to the Family

Court bench. She became the first woman to hold a judicial position in Delaware, serving as a Judge on the Family Court in New Castle County from 1971-1983. Judge Arsht was passionate about the Family Court, the law, and those who appeared before her. She once said:

I try to remember that every man who comes in here is either my brother, my son, or my father; and every woman is either my daughter, my sister, or my mother. How would I want them to be treated? . . . I try to tell myself that there isn't a cure for every illness or problem. I don't have the solution to every child's problems...And it just tears you to bits at times....My concern is that when somebody goes out the courtroom door, even if he lost the case at least he feels he got a fair and considerate hearing from me.¹

Judge Arsht retired from the bench at the conclusion of her 12-year term in 1983 in order to focus on her philanthropic work. This included donating her time and a small fortune to numerous charities, including Planned Parenthood, Tower Hill School, and Winterthur Museum. She and her husband provided the donations responsible for the S. Samuel and Roxana C. Arsht Hall at the University of Delaware Academy of Lifelong Learning, the Roxana Cannon Arsht Surgicenter, and the Arsht-Cannon Fund at the Delaware Community Foundation. In 1999, after her husband lost his battle with cancer, Judge Arsht became the founding member of the Cancer Care Connection.

Judge Arsht was married to S. Samuel Arsht, one of the architects of modern

1. David Clayton Carrad, *An Interview with the Honorable Roxana C. Arsht – Part II*, DELAWARE LAWYER, Summer 1983, at 42; see also David Clayton Carrad, *An Interview with the Honorable Roxana C. Arsht – Part I*, DELAWARE LAWYER, Winter/Spring 1983.

Delaware General Corporation Law. In 1965, twenty-five years after she passed the Delaware bar, Judge Arsht's daughter Adrienne Arsht became just the 11th woman to be admitted. Judge Arsht was also a long-time friend of Supreme Court Justice Sandra Day O'Connor. In fact, several Delaware attorneys will recount how it was Judge Arsht who first gifted Justice O'Connor a ruffled collar that would become the Justice's staple attire.

A pioneer for women in the Delaware Bar, Judge Arsht was inducted into the Hall of Fame of Delaware Women in 1986. She received many awards, including the Trailblazer Award, the First State Distinguished Service Award, the Josiah Marvel Cup, and the annual award of recognition from the National Conference for Community and Justice. Though, when asked about being recognized for her accomplishments, she admitted, "I think I am embarrassed about it ... [W]e have come a long way, so... Enough!"² ⚖️

2. Pat Ciarrocchi, *O Pioneers!*, DELAWARE LAWYER, Winter 2001, at 28, available at http://delawarebarfoundation.org/delawyer/Volume19_Number3_Fall2001.pdf.

Law Office (continued from page 28)

agreement includes what actions will be taken should the client become delinquent in their payments.

Your law practice is a business. Do not treat it as if it is something different.

The key takeaway this article has tried to provide you is that if you don't make client payments part of your regular client communications, do not be surprised when you don't get paid. Establish your expectations from the beginning. As Brian Tannebaum, an attorney and popular legal writer, states in his book, *The Practice*, "Lawyers who treat getting paid as an afterthought will be an afterthought themselves." ⚖️

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The Art Connolly Race Judicata 2015

By Pat Quann, Executive Director
Delaware Law Related Education Center

The 10th Annual 5 K Walk/Run was held on April 4th at the Wilmington Riverfront. It was renamed in 2015 the Art Connolly Race Judicata to honor Arthur G. Connolly, Jr. Esquire, a partner in Connolly Gallagher LLP, who died last year. He was much admired by Delaware's Bench and Bar and was an avid runner. The event was sponsored by the Young Lawyer's Section of the Delaware State Bar Association and over 200 people participated in the race. We are grateful to Joe's Crab Shack, who served as our host again and to Arthur (Chip) G. Connolly III, Esquire, who served as the starter for the race.

The Art Connolly Race Judicata 2015 was organized by Amanda R. Steele, Esquire, of Richards Layton & Finger, P.A., with the support of Alessandra Glorioso, Esquire, of Dorsey & Whitney (Delaware) LLP, Evan Miller, Esquire, of Bayard, P.A., John Cordrey, Esquire, of Reed Smith, LLP, Jenny R. Kasen, Esquire, of Kasen & Kasen and Samuel Moultrie, Esquire, of Wilks, Lukoff & Bracegirdle LLC. We thank our Business Sponsors; Caffe Mezzanotte, Ernest & Scott Taproom, Firestone Roasting House, FIT Delaware, NKS Distributors, The Studio, Veritas Wine and Craft Beer, and the University & Whist Club of Wilmington for their support. We are grateful to all the volunteers who helped with registration and other activities at the event, including members of the Delaware High School Mock Trial teams from St. Marks High School, the Charter School of Wilmington, and Howard High School of Technology, and Susan Simmons and Sorelis Duran from the Delaware State Bar Association.

Funds and donations raised by the race will benefit the programs of the Delaware Law Related Education Center, Inc. The Art Connolly Race Judicata raised over \$11,000 for the Center. We deeply appreciate the generous support from the following firms and individuals:

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Photo by the Race Judicata Committee

June's Bounty

It was a long and cold winter. I am sure that you, like I, are looking forward to June's bounty of fresh fruits, vegetables, and seafood.

Below are some of my favorite June market finds and some suggestions for serving. All of the preparations are quite simple and permit the flavors of the main ingredient to shine.

Radishes

My favorite root vegetable is the radish, and my favorite type of radish is the Easter Egg radish. These come in a mix of red, pink, purple, and white and are ideal served the French way — accompanied with French Fleur de Sel and a ramekin of room temperature French butter (or, if you cannot find French butter, Kerrygold Irish butter).

Slice off the roots and the tops and arrange the radishes on a serving dish. When you serve them as an hors d'oeuvre, tell your guests to place a touch of butter and then a pinch of salt atop each radish.

Cherry Salsa

Most associate cherries with dessert, but consider using them alongside your main course. This cherry salsa makes an excellent accompaniment to a grilled pork loin, a duck confit, or a grilled fish.

Pit and roughly cut into chunks 1 1/2 dozen sweet cherries. Mix them with a roughly chopped small shallot, and 1/3 cup roughly chopped cilantro. Add one dried red chili pepper, sliced into rings. Stir in two tablespoons of extra virgin olive oil. Add sea salt and a dash of curry to taste. Allow the flavors to combine by refrigerating the salsa for about one hour before serving.

Salad of Rocket, Watercress, Fennel, Endive, and Raspberry

Arrange several handfuls of rocket (arugula) and watercress on a serving plate. I like to serve this salad on a flat dish rather than in a bowl. Top with very thin slices of a small fennel bulb and one handful of fresh raspberries. Drizzle with balsamic vinegar and olive oil, and add salt and pepper to taste. The rocket and watercress are peppery, so take heed when adding pepper. I also enjoy adding salted cashews for some crunch.

Sardines

Sardines are not well understood. Some confuse them with anchovies while some think they only come squished in a can. However, sardines are lovely fish. Not only are they full of nutrients, they are flaky and tasty. Ideally, you will have the fishmonger scale and gut them for you so that you only have to rinse them.

My favorite preparation is very simple. After rinsing the sardines under cold water, drizzle with some extra virgin olive oil. Grill them whole, a process that should only take about two minutes per side. The olive oil will help to prevent the fish skin from sticking to the grill. To serve, top with freshly squeezed lemon juice and season with sea salt and fresh cracked pepper. For a light appetizer, garnish with fresh herbs or serve over shaved fennel. I also add a dash of Aleppo pepper or my favorite, Piment d'Espelette — the famed chili pepper of the Basque region.

Okra

Fresh okra is quite lovely and not only intended for gumbo. It can make a colorful and tasty side dish when served with another seasonal favorite, cherry tomatoes.

Slice a pint of okra into chunks on a bias and halve a handful of cherry tomatoes. Sauté the okra in several tablespoons of extra virgin olive oil in a non-stick pan for about seven to eight minutes. Moving the okra around the pan with a wooden spatula, allowing the edges of the okra to brown.

Add the tomatoes and cook for another two to three minutes until they are slightly softened. Season with sea salt and fresh ground pepper to taste (or more Piment d'Espelette!)

Happy Summer — when farm to table cooking is a must. 🍴



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.cucinadipoppiti.com.

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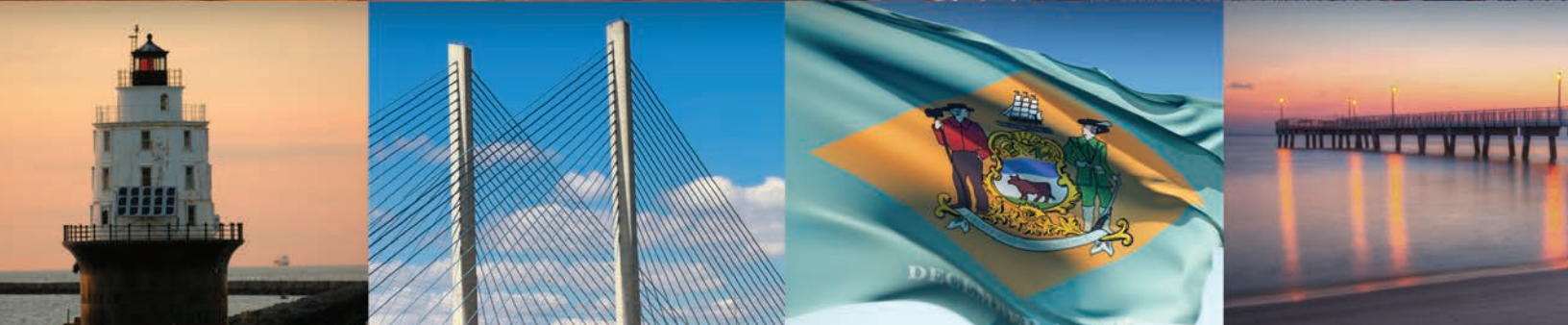
Golf tournament: 12 p.m.

Tennis tournament: 2 p.m.

Dinner/Silent Auction: 5:30 p.m.

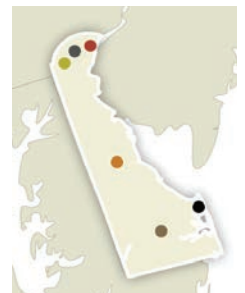


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