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OF THE DELAWARE STATE BAR ASSOCIATION

DELAWARE STATE BAR ASSOCIATION BENCH AND BAR CONFERENCE

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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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By Gregory B. Williams, Esquire

A Closer Look at Your Bar Association: Some Important DSBA Standing Committees You Should Know Exist and Understand Their Functions

Last month, in response to a number of unfair attacks and criticisms of Judge Jan R. Jurden by *The News Journal* and others about the plea deal and sentence imposed in the Richards case, the Delaware State Bar Association's Committee on Response to Public Comment drafted a public response which appeared in *The News Journal* on April 1, 2014. In the response, the Committee explained why *The News Journal's* March 30 article was misleading, misinformed the public about the sentencing process, and did a disservice to Judge Jurden and the Superior Court.

In response to the Committee's public response to what quickly became an issue of national news, the DSBA received numerous e-mails and telephone calls from members of the DSBA expressing their individual support of the public response and Judge Jurden. However, the DSBA also received a few e-mails and telephone calls from members of the DSBA that led me to believe that some members may not be aware of or fully understand the purpose and role of the DSBA's Committee on Response to Public Comment. Thus, I decided to focus this month's article on providing members with a summary of the purpose

and role of the DSBA's Committee on Response to Public Comment and the purpose and role of five other DSBA Standing Committees of which I believe every member should be aware.

Purpose and Role of DSBA Committee on Response to Public Comment

As set forth in Section 6.20 of the bylaws of the DSBA, the purpose of the

“I am always impressed by the level of commitment shown by all of those members of the DSBA who volunteer significant numbers of hours serving the needs of others through the DSBA's numerous Committees and Sections.”

Committee on Response to Public Comment is to “consult with the President in identifying and framing responses to unwarranted criticisms of members of the judiciary and in preparing statements on behalf of the Association to that end.”

Pursuant to the Judges' Code of Judicial Conduct, judges are unable to publicly defend themselves against improper criticism. Given that judges are unable to publicly defend themselves when they are criticized in a manner which may be improper, the DSBA formed its Committee on Response to

Public Comment, which was originally called the Committee on Responses to Judicial Criticism, to respond to such criticism. The members of the Committee are appointed by the President of the DSBA.

When public criticism of a Delaware judge occurs, the Chair of the Committee on Response to Public Comment consults with the President of the DSBA and the other members of the

Committee to determine whether a public response is needed and, if so, what should be its nature and content. Although the Committee recognizes that public debate of issues can

be constructive, often criticism and attacks on judges and their decisions are based on erroneous facts and/or perceptions. With input from the members of the Committee, typically a press release or editorial is issued by the DSBA attempting to correct the record or explain why the criticism of the judge is unfair or unwarranted. The Committee is currently comprised of nine members, including three former members of the Bench, five seasoned practitioners (most, if not all, of whom are former Presidents of the DSBA), and me as the current DSBA President.

Having seen the frenzy that *The News Journal's* March 30 article created and having come to learn how that article was misleading and failed to explain all of the circumstances surrounding the plea deal and sentencing, which led some to a rush to judgment against Judge Jurden, I came to understand the need for and to appreciate the role and importance of the Committee on Response to Public Comment.

The purpose and role of five other DSBA Standing Committees of which I believe every member of the DSBA should be aware are as follows:

DSBA Committee on Judicial Appointments

The purpose and role of the DSBA Committee on Judicial Appointments is to review candidates for judicial appointments and make recommendations on behalf of the DSBA to the State Judicial Nominating Commission (appointment by the Governor). The President, with the consent and approval of the Executive Committee, has to designate

one member of the DSBA Committee on Judicial Appointments to serve as the DSBA's representative on the State Judicial Nominating Commission.

DSBA Committee on Judicial Compensation, Tenure and Retirement

As set forth in Section 6.11 of the bylaws of the DSBA, the purpose and role of the DSBA Committee on Judicial Compensation, Tenure and Retirement is to "report to the Executive Committee on matters relating to judicial compensation, tenure and retirement." The Committee is responsible for reviewing judicial salaries and pension benefits with the purpose of ensuring that Delaware judges enjoy substantially the same salary increases and retirement benefits as their counterparts in other states by advocating their cause before the Delaware General Assembly. The Committee is supposed to meet annually to review the compensation, retirement conditions and pensions of judges in Delaware as compared to federal judges and judges in other states. The Com-

mittee makes recommendations to the Delaware Compensation Commission.

DSBA Committee on Legislation and Legislative Relations

The purpose and role of the DSBA Committee on Legislation and Legislative Relations is to advise Sections and Committees with respect to the procedures or proposing comment on legislation. The Committee was formed to coordinate efforts to represent the interests of the Association before the General Assembly and to carry out duties with respect to legislation and other matters of public policy as are assigned to it from time to time by the President or Executive Committee.

DSBA Committee on Professional Guidance

As set forth in Section 6.25 of the bylaws of the DSBA, the purpose and role of the Committee on Professional Guidance is to provide peer counseling and support to lawyers overburdened by personal or practice-related problems.

President's Corner (continued on page 7)

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EDITOR'S PERSPECTIVE

By David W. deBruin, Esquire

The Rush to Judgment

Malcolm Gladwell authored a thought-provoking book called *Blink: The Power of Thinking Without Thinking* about our ability to make snap judgments that are sometimes more accurate than decisions that we reach after reviewing mountains of data and giving considerable thought. "We are innately suspicious of this kind of rapid cognition," Gladwell observes. We assume that long, methodical investigation yields more reliable conclusions than a snap judgment. But, in fact, "decisions made very quickly can be every bit as good as decisions made cautiously and deliberately." I really enjoyed Gladwell's book, but as much as it glorifies intuition besting methodical and/or expert thinking, it does not attempt to explain the science behind our ability to do so, nor does it reconcile the many ways that our intuition can lead us astray.

There clearly exists a great body of research and data in the world that supports the idea that formal statistical analysis is a vastly superior way of accurately predicting the outcome of something versus our intuition, or even the intuition of experts. Michael Lewis authored an excellent book called *Moneyball*, about a baseball executive who used rigorous statistical analysis to consistently out-perform other baseball executives who relied primarily upon weathered seen-it-all-before baseball scouts, who in turn relied primarily on their gut intuition when predicting the future performance of professional baseball players.

“Let us not assume the worst of anybody, but be guided by the facts.”

I mention these books because in today's 24-hour news cycle, trending on Twitter, and social media-obsessed world, we are constantly bombarded with information in hope that something, anything, will catch our collective attention for more than 15 minutes. Due to this 24-hour news cycle, there are numerous times where our attention (once grasped) is dangerously misled and our reaction based on intuition (once formed) is partially, if not completely, wrong. This is true without even getting into whether the story involves biased reporting. Many of us either do not detect or are willfully blind towards biased reporting because we often get information from sources that we deem trustworthy. When those sources aim their content at your ideology, it is harder to detect a bias. This type of confirmation bias blinds people to the bias because it supports their preconceived point of view.

When the actual answers to a story are unavailable or worse — just not thoroughly sought after prior to publishing — rumor, partially-informed opinion masquerading as analysis, and misinformation often fill the void. Even well-established news organizations tend to share misinformation and spout “opinions” based on limited facts in the quest to get information out first without any of the old-fashioned kind of reporting, fact checking, and analysis that are the hallmarks of exceptional news journalism versus internet rumor.

Case in point, for more than two weeks (as of the date of submission of this column) a substantial portion of the national news has been related to the disappearance of Malaysia Airlines Flight 370. While it is obviously a horribly tragic loss for the families of the passengers, the open fire hydrant-like volume of news coverage related to the incident would seem to indicate that it must greatly impact our everyday lives. The number of “theories” espoused about the cause of the airplanes disappearance range from plausible to utterly baseless and speculative internet fiction. At some point, the speculation based on the headline, becomes a “better” story than the actual underlying facts.

The lesson that stories like the disappearance of Flight 370 teach us is that headlines and stories based on innuendo and suspense massively trump resolution and facts; unfortunately, missing information can actually make for a more compelling story. This column is just a reminder to all of us that the latest rush to judgment “news” story based upon limited facts and speculation dominating the headlines, undoubtedly deserves more than our initial intuitive gut reaction. Let us not assume the worst of anybody, but be guided by the facts. 🧐

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.

DSBA Committee on Fee Disputes, Conciliation and Mediation

The role of the DSBA Committee on Fee Disputes, Conciliation and Mediation is to resolve controversies referred to it which are between attorney and client and/or between attorneys who succeed each other in the representation of a client concerning the payment or receipt of attorneys' fees. Participation in the mediation and arbitration process of the Committee is voluntary on the part of the attorney and the client.

All of the Standing Committees discussed above, as well as the other Standing Committees, serve important functions for our members and the interests of the Delaware Bench and Bar. I am always impressed by the level of commitment shown by all of those members of the DSBA who volunteer significant numbers of hours serving the needs of others through the DSBA's numerous Committees and Sections.

I encourage those members who are not actively involved in some function of the DSBA to get involved. It is your Bar Association. ⚖️

Gregory B. Williams is President of the Delaware State Bar Association and a Partner at Fox Rothschild LLP. He can be reached at gwilliams@foxrothschild.com.

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Professional Guidance Committee

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

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CALENDAR OF EVENTS

May 2014

Tuesday, May 13, 2014

Fundamentals of Will Drafting

4.0 hours CLE credit

Delaware State Bar Association, Wilmington

Webcast to Tunnell & Raysor, Georgetown

Friday, May 16, 2014

Fundamentals of Civil Litigation

6.0 hours CLE credit

Delaware State Bar Association, Wilmington

Webcast to Tunnell & Raysor, Georgetown

Friday, May 16, 2014

Delaware's Business Courts: Recent Developments and Best Practices

3.5 hours CLE credit

Chase Center on the Riverfront, Wilmington

Thursday, May 22, 2014

Recent Developments in Delaware Corporate Law:

Transactional and Litigation Perspectives

4.0 hours CLE credit

Chase Center on the Riverfront, Wilmington

June 2014

Wednesday, June 4, 2014

CLE prior to Bench and Bar Conference

View from the Bench

1.5 hours CLE credit

The Technology of Today and the Issues of Tomorrow

1.5 hours CLE credit

Chase Center on the Riverfront, Wilmington

Wednesday, June 4, 2014

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SECTION & COMMITTEE MEETINGS

May 2014

Wednesday, May 14, 2014 • 12:00 p.m.

Alternative Dispute Resolution Section Meeting
Marshall Dennehey Warner Coleman & Goggin, 1220 North Market Street,
5th Floor, Wilmington

Thursday, May 15, 2014 • 12:00 p.m.

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

Tuesday, May 20, 2014 • 12:30 p.m.

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

Thursday, May 22, 2014 • 12:00 p.m.

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

Thursday, May 22, 2014 • 4:00 p.m.

Family Law Section Meeting
Bayard, P.A., 222 Delaware Avenue, Suite 900, Wilmington

Tuesday, May 27, 2014 • 4:00 p.m.

Taxation Section Meeting
Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington

June 2014

Monday, June 2, 2014 • 12:30 p.m.

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

Thursday, June 5, 2014 • 4:00 p.m.

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

Thursday, June 12, 2014 • 12:00 p.m.

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

Thursday, June 12, 2014 • 6:00 p.m.

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

Wednesday, June 18, 2014 • 12:00 p.m.

Alternative Dispute Resolution Section Meeting
Marshall Dennehey Warner Coleman & Goggin, 1220 North Market Street,
5th Floor, Wilmington

Thursday, June 19, 2014 • 12:00 p.m.

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

Monday, June 23, 2014 • 4:00 p.m.

Taxation Section Meeting
Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington

Please contact Janice Myrick at jmyrick@dsba.org or (302) 658-5279 to have your Section or Committee meetings listed each month in the *Bar Journal*.

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By Richard K. Herrmann, Esquire

Electronic Discovery

“Too” Little Discussed Issues: Confidentiality and Privacy

Security is a significant issue in today’s law offices. Networks are hacked; theft of trade secrets are at an all-time high. Who would have thought the IT stars of our new reality series would be the FBI and the U.S. Attorney’s Office?

As corporations tighten security within their own high-tech ranks, the bad guys are looking for the low hanging fruit — the corporate law firms. Think about it for a minute. Lawyers tend to focus on convenience and efficiency in their practice. What is the minimum I need for password security? Do I really need to change my password so often? What is the most convenient method of getting the document from my office to my home computer, so I can review it tonight? The concept of locking down a network is foreign to most.

This column will not be about the ethical responsibility of the law firm to secure its clients’ data under the new January 2013 amendments to the Rules of Professional Responsibility. For more information regarding the ethical issues, take a look at the Supreme Court’s Law and Technology Commission website, <http://courts.delaware.gov/declt>. Instead, we need to recognize two other issues which will become more and more important in the near future, (1) What will be considered reasonable due diligence in selection and use of foreign eDiscovery vendors and foreign-

“As corporations tighten security within their own high tech ranks, the bad guys are looking for the low hanging fruit—the corporate law firms.”

based contract lawyers? and (2) What level of protection should a party expect when sensitive business information must be produced to opposing counsel?

What will be considered reasonable due diligence in selection and use of foreign eDiscovery vendors and foreign based contract lawyers?

Long before eDiscovery became the norm, foreign vendors were retained to review and code documents produced in discovery. As eDiscovery costs exploded, law firms and their clients searched for alternative means of cost containment; reaching the workforce outside the United States became more frequent. Should a law firm be able to contract a foreign-based vendor for discovery assistance, and if, yes, what assurance exist to hold the vendor accountable under a court’s protective order?

The decision to retain a particular vendor is not always made by litigation counsel. In today’s world of expensive litigation, sophisticated in-house counsel often retains control over much of the discovery process. In fact, it is not un-

common for separate eDiscovery counsel to manage that part of the litigation. The eDiscovery counsel may or may not even be counsel of record in the case. Litigation counsel may be instructed to yield to eDiscovery counsel and its selection of vendors under contract with the client. This may absolve litigation counsel from any claim of breach of client confidentiality, should something go awry. However, when a discovery failure occurs due to poor vendor performance, will the court have the patience to hear litigation counsel explain he/she was not authorized by the client to participate in the vendor selection process? What steps did counsel take to interview the vendor? Did counsel inspect the processing facility? What was the training protocol and how was training conducted? Were the documents reviewed in a facility or were they reviewed online at the reviewer’s home amidst screaming children and family upheaval? And most important, how will the court enforce the foreign vendor’s violation of the protective order? As our judges become more and more exposed to the failures in the discovery process, these questions will become more frequent and more important.

What level of protection should a party expect when sensitive business information must be produced to opposing counsel?

When was the last time you read an interrogatory inquiring into: “State the network security of all organizations, including law firms, having access to any documents produced pursuant to the protective order in this litigation, including: (a) the protocol for password security, (b) the software in place to prevent uninvited intrusion into the organization’s network, (c) the name and professional background for all individuals responsible for network security, (d) all efforts made by each organization to prevent access to the information from all employees not covered by the protective order, (e) all means of remote access to the protected information, and (f) yada, yada, yada.”

While I do not believe we will see a Delaware court requiring a party to answer this interrogatory any time soon, it will not be long before a court will seriously consider a party’s argument that its confidential information should be accorded the same protection it always enjoys, even when produced to opposing counsel. To date, our courts have been satisfied with the protection afforded by the Protective Order and professionalism of counsel of record. However, at some point, the courts will begin to take judicial notice that some networks are more secure than others and a party should not be disadvantaged by security threats simply because it is in litigation.

During the first ten years of the evolution of electronic discovery, our focus has been on document production, spoliation and proportionality. Our next chapter in this process is called “Electronic Discovery: Confidentiality and Privacy.”

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

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

SIDEBAR: App of the Month Microsoft Office

Microsoft Office is here and its GREAT. The hitch is you need an Office 365 subscription to access the full iPad app, but it is well worth it. For license info, take a look at http://www.microsoft.com/oem/en/licensing/productlicensing/Pages/office-2013-licensing-packaging.aspx#fbid=VI-_TCQ2qMJ

The app is more user-friendly than this web address. For current info on this and other apps, visit www.iplugdelaware.com.



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COMMON AND COSTLY EMPLOYEE BENEFITS AND HR MISTAKES: PART 1

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By Aaron W. Mitchell, REBC

Mistakes in employee benefits and human resources can be quite costly to employers, in the form of extra benefits, complaints, lawsuits, government-assessed fines and penalties, and attorney fees, to name a few. Do not learn the hard way what these mistakes are.

1. Not making timely deposits of employee contributions into qualified retirement plans.

Employers sometimes wait too long to deposit salary deferrals into a qualified retirement plan. According to the Department of Labor (DOL), such deposits should be made as soon as the contributions can be reasonably segregated from the employer's general assets, but no later than the 15th business day of the following month. The 15th business day of the following month is an outside guideline, and deposits must be made sooner if possible. If deposits are not timely made, the DOL and Internal Revenue Service (IRS) may levy fines, penalties and retroactive earnings for late contributions. The deposit rule for salary deferrals applies to all types of employee contributions, including special deferrals (such as catch-up contributions), after-tax contributions and loan repayments.

The DOL has established a safe harbor for employers with small plans (fewer than 100 participants at the beginning of the plan year) to timely deposit such employee contributions. Under the safe harbor, if the employer deposits the withheld amounts in the plan no later than the seventh business day following the date the employees would have received the contributions (payday), the employer automatically satisfies the requirement to timely deposit employee contributions.

Solution: Deposit employee contributions as soon as reasonably possible following issuance of the paycheck from which the contribution was withheld. Employers with small plans should try to take advantage of the safe harbor's protection by depositing employee contributions within seven business days from the issuance of the paycheck. The DOL's Voluntary Fiduciary Correction Program (VFCP) offers a method to correct late deposits of employee contributions.

2. Not making matching and profit-sharing contributions on a timely basis.

Many employers make the mistake of not making these contributions on a timely basis. If your qualified retirement plan

provides for matching and profit-sharing contributions, the deadline for making these contributions and depositing them into the plan's trust is determined first by looking to the plan document. The plan document may contain deadlines for these contributions. For example, the plan document may require matching contributions to be deposited each pay period.

If the plan document is silent on this issue or requires contributions to be made by the date required by law, then the deadline generally will be determined by IRC 404(a). IRC 404(a) provides that matching and profit-sharing contributions for a plan year must be made by the due date of the employer's tax return for that year, including extensions. For tax-exempt employers, the IRC deadline is generally the 15th day of the 10th month following the close of the employer's tax year. If contributions are not made on a timely basis, the same penalties as above apply.

Solution: Read your plan documents and understand when matching and profit-sharing contributions must be made.

3. Incorrectly computing matching contributions.

A typical matching contribution formula provides that an employer will pay 50 cents for each \$1 an employee contributes to the plan on a pre-tax or Roth basis up to 6 percent of compensation, which results in a maximum employer matching contribution of 3 percent of compensation. It is most common for plan administrators and payroll systems to calculate matching contributions on a weekly payroll-by-payroll basis. If an employee earning \$60,000 a year makes the 6 percent contribution throughout the year on a payroll-by-payroll basis, the employee will contribute \$3,600 to the plan, and the employer will provide a matching contribution equal to \$1,800. Assume another employee earning the same base pay contributes 12 percent for 6 months. This employee has also contributed a total of \$3,600 to the plan, but will only receive a \$900 match. This same scenario also often occurs with executives who receive large bonuses early in the year and request the maximum contribution be withheld from the bonus.

Solution: Some employers make "make-up" contributions at the end of the year to ensure that employees making the same annual salary deferrals receive the same matching contributions. If employers are using a Prototype plan, make-up contributions may not be a viable option. In this case, educating employees on the implications of changing deferral elections and limits

is important. If matching contributions are not calculated correctly or in accordance with the plan document, the IRS's Employee Plans Compliance Resolution System (EPCRS) may allow the employer to correct the error by following a correction method approved by the IRS.

This is Part 1 of a series on this subject from the Human Capital Team at Delaware State Bar Insurance Services (DSBIS), which is a wholly owned insurance brokerage subsidiary of the Delaware State Bar Association. DSBIS was formed by Delaware attorneys for Delaware attorneys and serves all insurance needs for attorneys, their firms, their families, and their clients.

Aaron Mitchell is DSBIS's lead Human Capital Consultant, coordinating all lines of insurance. He specializes in group benefits and life insurance. Contact Aaron at (302) 397-0170 or aaron.mitchell@willis.com to find out how DSBIS can assist you with your Human Capital needs.



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Please E-mail edudley@gaic.com for registration information and sponsorship opportunities

Healthcare Reform Tip #11

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The Open Enrollment Period ended on March 31, 2014, and you cannot purchase individual coverage until the next Open Enrollment unless you have a "Qualified Life Event".

2014 is an important year for Healthcare Reform! For an overview of your benefits options, please contact your **DSBIS Human Capital Consultant:**

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at this year's Bench and Bar
Social Reception.



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4:30 p.m. | DSBA ANNUAL MEETING

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Presented by The Honorable Leo E. Strine, Jr., Chief Justice of the Supreme Court of Delaware

First State Distinguished Service Award presented posthumously to Arthur G. Connolly, Jr., Esquire

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Registration fee includes annual meeting and social reception, including beverages and food stations.

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CLE PROGRAM | WEDNESDAY, JUNE 4, 2014

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CLE PROGRAM | 1:00 P.M. – 4:15 P.M. (INCLUDES 15 MINUTE BREAK)
REGISTRATION AND BUFFET LUNCH | 11:30 A.M. – 1:00 P.M.
 PROGRAM QUALIFIES FOR 3.0 HOURS OF CLE CREDIT IN ENHANCED ETHICS

1:00 p.m. - 2:30 p.m.

A VIEW FROM THE BENCH: PREFERRED PROCEDURES, PROPER PRACTICES, AND PET PEEVES

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Moderator

The Honorable Mary M. Johnston
Judge, Superior Court of Delaware

Panelists

The Honorable Jack B. Jacobs
Justice, Supreme Court of Delaware

The Honorable Andre G. Bouchard
Chancellor, Court of Chancery

The Honorable Jan R. Jurden
Judge, Superior Court of Delaware

The Honorable William L. Chapman, Jr.
Judge, Family Court of Delaware

The Honorable Kenneth S. Clark, Jr.
Judge, Court of Common Pleas

2:30 p.m. - 2:45 p.m.

Break and Vendor Visit

2:45 p.m. - 4:15 p.m.

THE TECHNOLOGY OF TODAY AND THE ISSUES OF TOMORROW

We all use technology in our practice. It works fine until it fails, and the one thing about which we can all be sure is “It Will Fail.” Visit with the experts on matters relating to security, social media and mobile technology. Participate in a discussion of the technology of today and the issues facing us tomorrow. If you have not read the case of *Grimes v. Psycho Systems, Inc.*, you do not yet know the true meaning of a computer virus. Visit www.dsba.org to read the full case. *Grimes v. Psycho Systems, Inc., et al. Case Number 3414 (U.S.D.C. 3rd Celestial Circuit, 2025)*

Moderators

Richard K. Herrmann, Esquire
Morris James LLP

Kevin F. Brady, Esquire
Eckert Seamans Cherin & Mellott, LLC

Panelists

Social Media

Margaret M. DiBianca, Esquire
Young Conaway Stargatt & Taylor, LLP

Security

Edward J. McAndrew, Esquire
U.S. Attorney's Office

Mobile Technology

Steven L. Butler, Esquire
Linarducci & Butler, PA

4:15 p.m. - 4:30 p.m.

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By Susan Simmons

Is Anybody Out There Listening?

I do not pretend to have the slightest clue about how you run your practice or balance the demands of your career, your family, and the other things that are important in your lives, although I do know these demands all exist. My mantra is and has been: DSBA lawyers should do *pro bono* work. We have tried to make it as easy as possible to do so.

We have initiated a number of programs at the DSBA aimed at getting lawyers more involved in *pro bono* and public service. And, we have had some success. In conversations with numerous firm managers and lawyers, I have heard all kinds of reactions to our “pitch” to get lawyers involved in our community. To make our programs work, it is my job to deal with these reactions and get Delaware lawyers to ante up. This article is not for those who already do *pro bono*; it is directed to those who have not yet gotten involved.

First, what exactly do I mean by *pro bono*? I could give you a very legalistic definition, but because I want you to read the rest of this piece, let’s spare the jargon. By *pro bono*, I mean legal services provided for free (or at a substantially reduced rate) to the poor or to nonprofit organizations that serve the community’s disadvantaged.

So, how can I get you to consider doing *pro bono*? I could appeal to your sense of guilt. But, I doubt that would work. If you read the legal press, you know about the great, unmet need out there. So, if you are not doing *pro bono* work already, my nagging will not likely move you.

I could also tell you about how it is your professional obligation to do *pro bono*. I could tell you to look up Rule 6.1. But, rules are aspirational. It is all too goody-goody. I know I do not react well to goody-goody—it is like being told to eat your vegetables and exercise—I know, I know!

Many *pro bono* professionals talk about motivating lawyers by using the “business case” for *pro bono*. That works for some lawyers, especially big-firm lawyers. Active *pro bono* programs help law firm business in at least four ways:

- First, such programs help recruit lawyers. One of the questions most asked of law firms by law students is about *pro bono*.

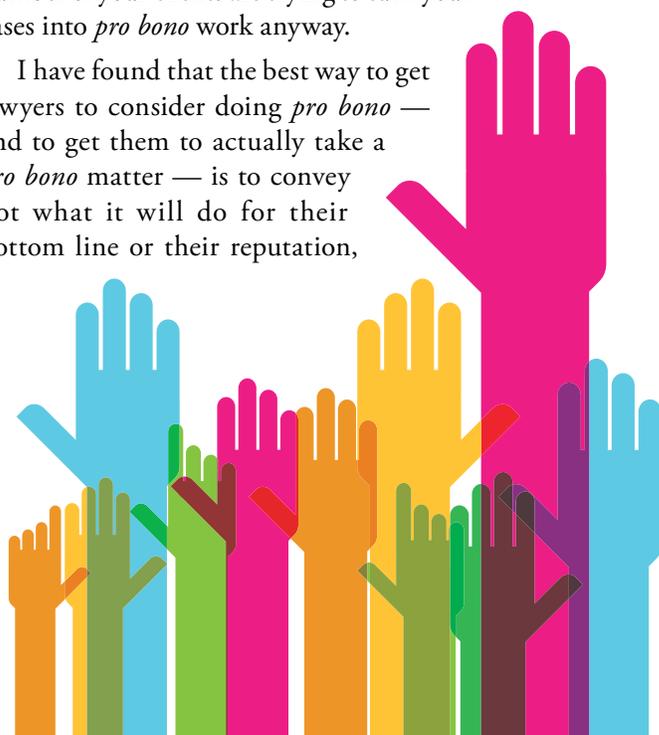
- Second, *pro bono* opportunities help build skills in young lawyers. Giving young lawyers opportunities is a “win-win-win” situation (for the firm, for the lawyer, and for the client in need).

- Third, doing *pro bono* — especially if it involves assistance to civic or charitable organizations — can help build networks. Building networks means more opportunities for potential referrals and for business.

- Fourth, doing *pro bono* may provide recognition. Most legal aid organizations and the DSBA give some type of awards or listing for lawyers involved in their *pro bono* programs. It is not a bad thing to be recognized as someone who does good things.

For some of you, however, the “business case” may be irrelevant. You do not recruit. Your young people get plenty of action. You are involved in enough organizations, thank you. Being “recognized” does not turn your engine. In fact, you would prefer not to be recognized at all, especially because a number of your clients are trying to turn your cases into *pro bono* work anyway.

I have found that the best way to get lawyers to consider doing *pro bono* — and to get them to actually take a *pro bono* matter — is to convey not what it will do for their bottom line or their reputation,



but how it will make them feel. Talk to almost any lawyer who does *pro bono* work, and you will hear nothing but positive things about the experience. Time and time again, lawyers who do *pro bono* keep doing *pro bono*. Why? It is the joy of giving. Giving feels good, and sometimes it feels very good.

Doing *pro bono* makes a connection to people. It makes the law and the justice system work for people who have nothing to give but their gratitude. It empowers them. It gives them hope; it helps them when they have nowhere else to turn. It makes you feel that your training, your experience, and your judgment can do good. It makes you feel that you are better people. And, you are.

When you do *pro bono*, everybody wins. Our communities are served by the most talented of its citizens. Our needy get the help that they require. And, the concrete examples of lawyers doing good can counter the public's sometimes negative impression of lawyers.

Many lawyers tell me that they believe what I say about *pro bono*, but they cannot find the time or do not have the expertise to help. My response is to tell them that there are many opportunities that involve discrete time commitments and don't require a lot of expertise. One of the biggest barriers preventing lawyers from doing *pro bono* can be summarized in one word: inertia. You have not done it. You do not know how to do it. And, you do not want to make the effort to learn.

But here is the funny thing: If you have taken the time to read this article, you have the time to start the process of volunteering. Go the DSBA website: www.dsba.org and click on the Access to Justice tab on the Home Page. You will find brief descriptions of programs and agencies that can use your *pro bono* help and the contact information to which you may reach out. They want to hear from you and they will help you through the process of doing good.

If you or your firm are interested or already participates in *Pro Bono*, or

you have a comment on this article, please share:

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& Access to Justice Coordination
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Wilmington, DE 19801
ssimmons@dsba.org
(302) 658-5279 ext. 101 

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

Pro Bono Opportunity of the Month



Volunteer Opportunities at the Homeless Planning Council of Delaware

The Homeless Planning Council of Delaware is an independent statewide nonprofit working to strengthen the Homeless Prevention and Response System of Delaware through collaboration and coordination with stakeholders. The Homeless Planning Council Board is the governing body of the HPC. It is comprised of no more than 15 members, representing a broad cross section of interests and abilities. Board members are invited to serve a three-year term and may elect to renew their membership for an additional three years at the end of their first term. The Board meets monthly, usually on the third Thursday of the month. We welcome an opportunity to discuss the work of the HPC and board membership with anyone who may be interested. Contact: Dianne W. Casey P: 302.654.5471 E-mail: dcasey@delawarehiv.org or Susan Starrett, the Executive Director at SStarrett@hpcdelaware.org.

Getting help does not sabotage your career... but *not* getting help can.

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

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DE-LAP ZONE

A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

An Updated Look at Bridging the Multi-Generational Workforce

Many of us spend an enormous amount of time and energy working. Although work can be satisfying, it can be stressful too. Some of this stress in the workplace may be attributed to the fact that we have a multi-generational workforce. What does this have to do with practicing law? Experts suggest that for a business organization (law firms included) to remain healthy, competitive and strong, it must know how to deal with wide range of personalities within its workforce, client base, and even as a potential jurors.

Each member of this multi-generational factor is first an individual. However, there are defining secondary characteristics of each generation. These secondary characteristics of each generation bring to the work culture different attitudes, values, and expectations.

When understood and taken into consideration, these characteristics can enrich the culture of a workplace. Unfortunately, when the same secondary characteristics are misunderstood or ignored, the organizational culture may result in clashes among the workers and/or the clients. Ultimately, these clashes can result in law firms, state agencies, and/or other businesses losing their best and their brightest.

One way to get a better feel or understanding for what is going on with the multi-generation workforce is to be aware that it exists. In *The History of America's*

Future 1584-2069 by William Strauss and Neli Howe, the authors note that each generation shares a common birth period and significant events that occurred during that period. This sharing affects not only the group's life cycles, it affects their attitudes, beliefs, and perceptions resulting in a collective peer personality or mind set within each generation. (1)

Secondary Characteristics of Workforce Generations

Veterans: 1925-1942 (Now 72-89 years old)

- Other names: Traditionalists, WWII Generation, The Silent Generation, and Seniors
- Defining events: The Great Depression, The New Deal, World War II, Korean War, Silver Screen, Rise of Labor Unions
- Music of their early years: Big Band, Swing, Benny Goodman, Bing Crosby, Ella Fitzgerald, and Frank Sinatra
- Well-known representatives: Martin Luther King, Jr., Bobby Kennedy, Sandra Day O'Connor, and Rosalind Carter

Generations at Work: Managing the Clash of Veterans, Boomers, X'ers and Nexters authors Ron Semke, Claire Raiunes, and Bob Filipczak note, "This is the oldest generation in the workplace, with members born actually between 1922 through 1943...Most veterans believe in the intrinsic value of work (they tend to

drive satisfaction from work itself rather than the meaning in the work), favor obedience over individualism, and understand self-sacrifice and making do. Most have small town roots. When members of this group joined the workforce in the 1940s and 1950s, there was a well-defined hierarchy and roles for women were narrowly defined." (2)

Today, many of the veterans are either thinking about or are retired, while others continue to be part of the workforce and most bring immeasurable wisdom and strength to their work environment.

Boomers: 1943-1960 (Now 54-71 years old)

- No other shared names
- Defining events: Prosperity, Television, Assassinations, Civil Rights, Vietnam, Women's Liberation, and the Space Race
- Music of their early years: Rock and Roll, Elvis, Grateful Dead, The Beatles, Bob Dylan, Janis Joplin, and Motown
- Well-known representatives: Oprah Winfrey, Hillary Clinton, Spike Lee, and George Clooney

With reference to this group, authors Semke, Raiunes, and Filipczak state: "Members of the baby boom generation, born between 1943 and 1960 grew up in the late 1950s and 1960s — a time of prosperity and expansion in the United States. This generation was the first for which childbearing was a hobby and a

pleasure, not an economic necessity and a biological inevitability. Its members were more apt than those in succeeding generations to live in a family with a working father and stay-at-home mother." (2)

Gen X'ers: 1961-1979 (Now 35-53 years old)

- Other names: Baby Busters, Post Busters, Thirteenth Generation
- Defining events: Watergate, Nixon resigns, Latchkey Kids, Single Parent homes, MTV, AIDS, fall of the Berlin Wall, Computers and generally came of age during Reagan, George H.W. Bush and Clinton
- Music of their early years: Disco, Rap, Elton John, Bruce Springsteen, and Prince
- Well-known representatives: Julia Roberts, Tiger Woods, Leonardo Di Caprio, Angelina Jolie

"Also known as the thirteen generation, Generation X marks the period of birth decline after the baby boom and thus is much smaller. Born between 1961 and 1980, X'ers came of age in an era of fallen heroes, a struggling economy, soaring divorce rates, and the phenomenon of latchkey children. This was the first generation of kids for whom the two-income family was the rule rather than the exception. X'ers were growing up and women were joining the workforce in dramatically increasing numbers," writes Semke, Raiunes, and Filipczak. (2)

Prior data also suggests that "X'ers believe their parents 'lived to work,' they in contrast want to 'work to live.'" (2) X'ers were thought to have a non-traditional orientation to time and space and that they did not think much of structured work hours and their approach to authority was casual. X'ers have been known to be technologically savvy, more willing to change jobs than the generations that preceded them and disdainful of boomers, seeing them as full of talk, but no action.

Updated facts from Dr. Kenne in the article "Generation X Members are 'Active, Balanced and Happy.' Seriously?" and resulting from a longitudinal study just released, reveal evidence that Gen

X'ers (86%) are employed either part-time or full-time. They are the most likely of all adults to be employed in 2008. They are also active members of their communities, maintain extensive friendship ties and participate in organizations supporting their children, in book clubs, and professional associations. Dr. Kenne also gives a lens on how the X'ers view the Boomers and Corporations that includes:

- The Boomers will never retire.
- The Boomers made it plain our whole lives that no generation could ever compare with theirs.
- Boomers had security and as we (X'ers) have aged, become parents, and earned our stripes...we have seen very, very little loyalty. (3)

X'ers today are considered to be a generation of "Guarded optimism." In fact, from the longitudinal study the following was found: "As 30 to 45 year olds, they are happy. When asked to 'rate' their happiness in 2009 and 2010 on a scale of 1 to 10 with 10 being high, the average score was 7.5! Actually, according to the LSAY study, the majority of Generation X is active, balanced, and happy." (4)

Nexters or Millennials: 1980-1993 (Now 21-34 years old)

- Other names: Millennial, Generation Y, Generation 2001, Nintendo Generation, Generation Next, Internet Generation
- Defining events: Computers, 1st Gulf War, Iraq War, Columbine shootings, schoolyard violence, Multi-Cultural, Oklahoma City bombing, heroism of 9/11 and the Internet
- Music of their early years: Alternative, Rap, Puff Daddy, Spice Girls, Backstreet Boys, and Savage Garden
- Well-known representatives: LeBron James, Olsen twins, Paris Hilton, Britney Spears

With reference to this group, Semke, Raiunes, and Filipczak found that "the newest generation also has the most diverse heritage — one in three is the child of a single mother, and many are offspring of boomers who postponed having children until their forties. In

their short lives, Nexters have experienced a startling range of events and emotions from euphoria of the millennial celebration...to the tragedies of Columbine and the World Trade Center. They are the children of the digital age and the first generation to be born into homes with computers. Already, they know far more about technology than their parents." (2)

Understand that generational differences are a form of cultural diversity. As the labor pool continues to change, these differences will become a growing factor in building work environments in which people of diverse backgrounds can work not only effectively, but in peace. For more information about generations in the workplace call or e-mail Carol Waldhauser at (302) 777-0124 or cwaldhauser@de-lap.org and plan to attend our Network Lunch.

References:

1. *In The History of America's Future 1584-2069* by William Strauss and Neli Howe.
2. *Generations at Work: Managing the Clash of Veterans, Boomers, X'ers and Nexters* by Ron Semke, Claire Raiunes, and Bob Filipczak.
3. "Generation X Members are 'Active, Balanced and Happy.' Seriously?" by Douglas L. Keene, Ph.D. from Keene Trial Consulting and Rita R. Handrich, Ph.D. from Keene Trial Consulting – November 29, 2011 Posted in: "Bias, Case Narrative, Generations, Persuasion, Voir Dire & Jury Selection."
4. *Longitudinal Study of American Youth* (LSAY) at <http://www.lsay.org> 

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



BOOK REVIEW

Reviewed by Richard A. Forsten, Esquire

These are the times: *The Great Degeneration*

By Niall Ferguson (The Penguin Press, 2012)

To say that the last six years or so have not been an economic success is something of an understatement. In the United States, total employment is still lower today than it was six years ago. Housing prices have still not recovered their pre-crash values. Taxes are higher. Deficits are higher. No panacea appears on the horizon. In *The Great Degeneration, How Institutions Decay and Economies Die*, Professor Niall Ferguson argues that the degeneration of four key components of civilization, which he labels “democracy,” “capitalism,” “the rule of law,” and “civil society,” account for this decay. While his book is succinct and a quick read, his arguments and observations are profound, and need to be taken to heart by all who care about our future.

Ferguson begins with two quotes from Adam Smith:

“In two seldom quoted passages of *The Wealth of Nations*, Adam Smith described what he called ‘the stationary state’: the condition of a formerly wealthy country that had ceased to grow. What were the characteristics of this state? Significantly, Smith singled out its socially regressive character. First, wages for the majority of people were miserably low:

“Though the wealth of a country should be very great, yet if it has been long stationary, we must not expect to find the wages of labour very high in it . . . It is in the progressive state, while the society is advancing to the further acquisition,

rather than when it has acquired its full complement of riches, that the condition of the laboring poor, of the great body of the people, seems to be the happiest and the most comfortable. It is hard in the stationary, and miserable in the declining state. The progressive state is in reality the cheerful and the hearty state to all the different orders of the society. The stationary is dull; the declining melancholy.”

The second hallmark of the stationary state was the ability of a corrupt and monopolistic elite to exploit the system of law and administration to their own advantage:

“In a country too, where, though the rich or the owners of large capitals enjoy a good deal of security, the poor or the owners of small capitals enjoy scarce[ly] any, but are liable, under the pretence of justice, to be pillaged and plundered at any time by the inferior mandarins, the quantity of stock employed in all the different branches of business transacted within it can never be equal to what the nature and extent of that business might admit. In every different branch, the oppression of the poor must establish the monopoly of the rich, who, by engrossing the whole trade to themselves, will be able to make very large profits.”

“I defy the Western reader not to feel an uneasy sense of recognition in contemplating those two passages.

“In Smith’s day, of course, it was China that had been ‘long stationary’: a once ‘opulent’ country that had simply

ceased to grow. Smith blamed China’s defective ‘laws and institutions’ — including its bureaucracy — for the stasis. More free trade, more encouragement for small business, less bureaucracy and less crony capitalism: these were Smith’s prescriptions to cure Chinese stasis. He was a witness to what such reforms were doing in the late eighteenth century to galvanize the economy of the British Isles and its American colonies. Today, by contrast, if Smith could revisit those same places, he would behold an extraordinary reversal of fortunes. It is we Westerners who are in the stationary state, while China is growing faster than any other major economy in the world. The boot of economic history is on the other foot.

“This book is about the causes of our stationary state. It is inspired by Smith’s insight that both stagnation and growth are in large measure the results of ‘laws and institutions.’ Its central thesis is that what was true of China in Smith’s day is true of large parts of the Western world in our time. It is our laws and institutions that are the problem. The Great Recession is merely a symptom of a more profound Great Degeneration.”

Having laid out his general thesis, Ferguson then goes on to examine his four components of Western civilization: democracy, capitalism, the rule of law, and civil society. Time and space prevent anything more than a cursory overview of Ferguson’s observations and alarms. With respect to democracy, he views the runaway growth in deficits as the failure of

democracy, particularly the failure of future generations to have a say, as debts are created today to be paid for by tomorrow's taxpayers. Such future funding cannot go on forever, of course. Already deficit and debt levels are historically high, and Ferguson believes that we are now seeing the first effects of this excess spending in lower growth rates. As to capitalism, Ferguson argues that it was *not* deregulation of the financial industry, such as the repeal of the Glass-Steagall Act in 1999, that led to the "great recession," but rather a combination of factors such as overly-complex financial regulation on the one hand and a failure to address asset bubbles (most importantly, the housing bubble) on the other. Turning to the rule of law, Ferguson argues for a return to common law principles and away from excessive complexity and rule-based regulations (something also argued by Philip K. Howard in his new book, *The Rule of Nobody*, to be reviewed next month). Finally, he examines the decline of public participation in voluntary associations.

Turning to the rule of law, Ferguson argues for a return to common law principles and away from excessive complexity and rule-based regulations.

Ferguson begins his analysis with a famous passage from Alexis de Tocqueville:

"America is, among the countries of the world," declared Alexis de Tocqueville in the first book of his *Democracy in America*:

"the one where they have taken most advantage of association and where they have applied that powerful mode of action to a greater diversity of objects. Independent of the permanent associations created by law under the names of townships, cities and counties, there is a multitude of others that owe their birth and development only to individual will. The inhabitant of the United States learns from birth that he must rely on himself to struggle against the evils and obstacles of life; he has only a defiant and restive regard for social authority and he appeals

to its authority only when he cannot do without it . . . In the United States, they associate for the goals of public security, of commerce and industry, of morality and religion. There is nothing the human will despairs of attaining by the free action of the collective power of individuals."

"Tocqueville saw America's political associations as an indispensable counterweight to the tyranny of the majority in modern democracy. But, it was the non-political associations that really fascinated him:

"Americans of all ages, all conditions, all minds constantly unite. Not only do they have commercial and industrial associations in which all take part, but they also have a thousand other kinds: religious, moral, grave, futile, very general and very particular, immense and very small; Americans use associations to give fêtes, to found seminaries, to build inns, to raise churches, to distribute books, to send missionaries to the antipodes; in this manner they create hospitals, prisons, schools. Finally, if it is a question

of bringing to light a truth or developing a sentiment with the support of a great example, they associate."

"This is a justly famous passage, as in Tocqueville's amusing contrast between the way American citizens banded together to campaign against alcohol abuse and the approach to social problems in his native land: 'if those hundred thousand [members of the American Temperance Society] had lived in France, each of them would have addressed himself individually to the government,' begging it to oversee the nation's wine bars."

More recently, however, American participation in civil society is down. Way down. Attendance at public town council and school board meetings is down substantially. Membership in local organizations such as the Elks, the Lions, and other groups, down. Membership in parent-teacher associations, down. This loss of civic engagement has had,

in Ferguson's view, severe consequences for society.

Ferguson concludes with no magic prescription for restoring growth and prosperity. He is more concerned that people focus on the breakdowns he describes, rather than try to attribute today's problems to simplistic causes such as "globalization," "outsourcing" or fiscal policy (stimulus versus austerity). Only by focusing on improving and restoring democracy, capitalism, the rule of law and civil society can we avoid a great degeneration. 4E

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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2014 Delaware High School Mock Trial Competition: February 21 and 22

By Pat Quann, Executive Director
Delaware Law Related Education Center

The Competition was held on the only weekend that it did not snow in February. We are grateful for the good weather and for all the wonderful people from the Bench and Bar who supported the Mock Trial Program. Twenty-six teams, including a B-Team from Archmere, participated. The schools and organizations competing included; A.I. DuPont High School, Archmere Academy, Brandywine High School, Cab Calloway School of the Arts, Cape Henlopen High School, Caravel Academy, The Charter School of Wilmington, Delaware Futures, Howard High School of Technology, Mt. Pleasant High School, Newark Charter School, Newark High School, Padua Academy, Red Lion Christian Academy, Salesianum School, St. Andrew's School, St. Elizabeth's High School, St. Mark's High School, Saint Thomas More, Sussex Central High School, the Tatnall School, Tower Hill School, Ursuline Academy, Wilmington Christian School, and Wilmington Friends School. The two teams reaching the finals were the Charter School of Wilmington and St. Mark's High School, with the Charter School of Wilmington emerging as the champion. The third place winner was Archmere, the fourth place went to Wilmington Christian and the fifth place was won by Padua Academy. The Charter School will represent Delaware at the National Championship which will be held in Madison, Wisconsin in May.

An Awards Banquet was held Saturday evening at DoubleTree Hotel where we acknowledged the hard work of the students, and their teachers and attorney advisors. The Award for Excellence as a Classroom LRE Teacher was presented to Tami Soltow, Esquire, the Mock Trial Coach at A.I. Dupont High School. The Honorable M. Jane Brady and Jason Jowers, Esquire,

assisted in giving trophies to the top five teams and special awards to individual students who received over three gavels in the competition. We are very grateful to The Supreme Court of Delaware for sponsoring the Awards Banquet.

The Center wants to acknowledge the months of work put in by our Mock Trial Committee, chaired by Jason Jowers, Esquire. The other members of the Committee include the Honorable Robert Coonin, the Honorable M. Jane Brady, the Honorable Paul R. Wallace, Joseph R. Slights III, Esquire, Sean Brennecke, Esquire, Courtney Hamilton, Esquire, Paul Sunshine, Esquire, Andrew Vella, Esquire, Margaret Touchton, Deputy State Court Administrator Amy Quinlan, Esquire, Kathleen Wolinski, and Ashley Tucker, Esquire of the Administrative Office of the Courts, and Mary Quinn and Steve Bridgett from the Delaware Paralegal Association. We are also very grateful to the Honorable Randy J. Holland, Justice, Supreme Court of Delaware for serving as the Presiding Judge for the Championship Round of the Competition.

We deeply appreciate the commitment of the following Attorney Advisors to our mock trial teams. They gave both their time and their expertise to help the teams successfully compete.

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Matthew Bartkowski, Esquire
Ashley Bickel, Esquire
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We thank the Delaware State Bar Association, the Administrative Office of the Courts, the Delaware Capitol Police, the Delaware Office of Facilities Management, the Delaware Paralegal Association, Widener University School of Law, Diamond State Party Rental, and Colonial Parking for their support for the Competition. We give a special thanks to GE Capital and Grotto Pizza who provided lunch on Friday and Saturday for our teams.

We could not hold the Mock Trial Competition without the incredible support we received from our judge volunteers. Many thanks to:

The Honorable John J. Adams
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Finally, we thank the following students from the Widener School of Law who served as judges and support staff:

Lauren Alessi
 Krystal Aquina
 Brazilia Axelrod
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 Liya Groysman
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A PROFILE IN BALANCE

By James G. McGiffin, Jr., Esquire

Jack Brady: Emeritus

I f 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 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.

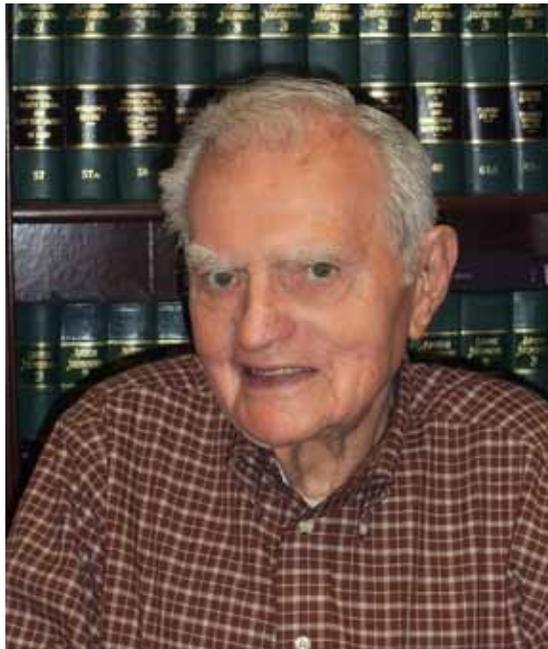
- Jim McGiffin

• • •

John P. (Jack) Brady has enjoyed a long and unusual career as a Delaware lawyer, satisfying his many personal and professional interests and making lots of friends along the way.

Jack was born in the old St. Francis Hospital and grew up in Wilmington. He attended St. Thomas School and Salesianum, graduating in 1944 in a class of 28 young men that included retired Judge Alfred Fraczkowski. Like many men of that time, Jack was eager to join the war effort, but he was deferred until graduation. He entered the Navy as World War II was winding down, and he qualified for the flight training program. He trained on a Stearman bi-plane (a “Snoopy-type airplane,” he explains) and eventually piloted a twin-engined PBY Catalina, which had a 100 foot wingspan and is sometimes called a flying boat, in water search and rescue missions in the Gulf of Mexico. “It was a lot of fun,” he allows.

When Jack returned to Delaware after his military service, he searched around



for something that would attract his professional interest. He took classes at the University of Delaware. He worked as an insurance investigator. He also did some accounting work, and that seemed to be the ticket, so he enrolled in an accounting degree program at LaSalle College (now University) in Philadelphia. His plan was to pursue a career as a CPA upon graduation, but he was recruited to the new law school at Villanova and became part of the third graduating class, receiving his degree in 1958. In fact, Jack was the first from Delaware to graduate from Villanova Law and its first graduate to be admitted to the Delaware Bar.

The law firm of Metten, Healy and Collins was Jack’s first legal employer. After a few short years, Jack was ap-

pointed to fill an unexpired term in the office of the Register of Wills in New Castle County and successfully ran for election to that office in 1962. While Register of Wills, he supervised the transition from the archaic method of copying all estate documents (Wills, Letters of Administration, Final Account, etc.) by hand into large books over to a microfiche system of recording and indexing. During this period of time, Jack also worked part-time with the Legal Aid Society, an ancestor of Community Legal Aid Society, Inc. When Jack lost the Register of Wills job in a Republican electoral landslide in 1966, he went to work for the U.S. Attorney, trying civil and criminal cases.

In 1968, Jack received a cryptic call to the office of James M. Tunnell, Jr. (often called Judge Tunnell). Jack reported, wondering what kind of trouble he had made for himself. Judge Tunnell, who was a board member of the Wilmington Savings Fund Society, was looking for some legal help for the bank, and Jack was his choice. Jack served at WSFS as Secretary and General Counsel for fifteen years, helping develop its banking products like personal checking accounts, the WSFS Plan card, debit/credit cards rewards programs, and an early system of ATM machines.

A change in management at WSFS prompted Jack to enter early retirement, but he soon found himself bored. He visited his old friend, Judge Tunnell, who

suggested he might find rewarding work at the Delaware Department of Justice. Attorney General Charlie Oberly agreed, and Jack assisted some of the civil agencies of state government. The job required frequent trips to Dover, however, and Jack tired of the commute. At about that time, he ran into Mary McDonough (now Court of Common Pleas Commissioner) who was CLASI's Executive Director, and she invited him to come back to the legal services world after a 20 year absence. Jack took up the offer and spent the next 20 plus years toiling in the Justice of Peace Courts representing tenants in eviction matters. He confesses that he enjoyed working with Justice of the Peace Court Judges and staff on difficult landlord-tenant cases as much if not more than any other job at the Bar. In 2006, Jack received the DSBA Outstanding Service to the Courts and Bar Award. He retired from CLASI near the end of 2009, following 50 years of active service at the Bar.

While he was developing this unconventional career path, Jack was also busy raising a family. The week before he started law school, Jack married Claire Louise Whelan, a native of Dublin, Ireland. Shortly after Jack was admitted to the Bar in 1959, his eldest son, Sussex County attorney/politician John, was born. In fairly quick succession Jack and Claire added Jim and then Nancy to the family, and in 1966, William came along. Nancy is a medical support assistant for the VA in Pennsylvania while Bill (as William is known to all but his Dad) is a Wilmington-based attorney. The family also boasts 6 grandchildren, ages 12 - 24. They get together every year for a week at the beach in Ocean City, New Jersey.

Jack has always enjoyed working on cars. He learned by necessity, he suggests, but continues today to turn wrenches for fun. Two of his sons, Jim and Bill (sorry, William), learned about cars by his side. Jim took the lessons to heart and now makes his living in the auto restoration business. Meanwhile, William and Jack have been working together to restore a 1971 Ford Torino muscle car. Jack's own pride is a 1979 Olds 88 Custom Cruiser station wagon with less than 80,000 miles.

Jack's talents extend to other areas of endeavor. As a young man he tried acting and did some work with the Wilmington Drama League. He also did some acting for the Catholic Television Guild and the Catholic Radio Hour. Jack is an athlete, too, having played semi-pro football after World War II. He also played golf for the LaSalle college team and expressed eager anticipation for the coming of Spring this year so that he can get outside and swing a club again with his son William and grandson Patrick.

As he reaches the age of 88 years this August, Jack can look back on a proud legacy. He has done innovative work in banking law and essential work in poverty law, but his real legacy is his family, who, along with his many friends, are honored by his continued presence. 

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

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Helen Winslow, Esquire

1952-2014

By Patricia C. Hannigan, Esquire

My condolences to anyone who did not know Helen Winslow. Helen had all the qualities of both an excellent lawyer and a wonderful human being. She was smart, articulate, and empathetic. Her father, J.D. Winslow, preceded her to the Delaware Bar, as did her brother J. Dallas Winslow.

I suppose Helen was destined to be a lawyer, what with her family pedigree and her particular collection of talents, even though women were still widely considered to be unsuited to the practice of law when she was admitted in 1977. Indeed, she was only the fifty-second woman ever admitted to the Delaware Bar. She was the first female attorney I ever knew to continue to practice law part-time, following the birth of her children.

I met Helen thanks to the efforts of the wily Harvey Rubenstein, in the early 1990s, to compile a history of the Delaware Bar. Somehow, he schmoozed Helen, myself, and Anne Bookout into becoming editors of what turned into a colossal effort. We spent many long hours together working on the tome, *The Delaware Bar in the Twentieth Century*, long hours punctuated by Helen's hearty laugh as we three became half-crazed and downright giddy with exhaustion. Early on, Anne and I, with Harvey's blessing, had the good sense to anoint Helen as Editor-in-Chief of that publication, in light of her obvious acumen. I believe she forgave us, over time.

Helen loved being an active member of our Bar and of the legal profession. She may most widely be remembered now for the fact that she served for several years on the DSBA Executive Committee, and as President of the Bar Association from 2005 to 2006. I attended many events with her in that public capacity, and saw how highly she was regarded within our professional community, not only in Delaware, but also within the Mid-Atlantic bar associations and beyond. She had a gift for finding common ground where none was apparent to the rest of us.



But, so much of Helen's generous work was behind the scenes. Even if you never met Helen, if you are of a scholarly bent, you might have noticed that she was an editor of the Delaware Law Review for several years, including serving as Editor-in-Chief from 2001 to 2004. This was absolutely a labor of love. Every issue was improved because of Helen's involvement.

Or, perhaps you or someone you know has had occasion to seek the help of the Professional Guidance Committee. If so, you may know that Helen served on that committee for years, and was always – always – available when called upon to help a fellow lawyer in need. Another labor of love.

At lunch with Helen a few years ago, I told her of a dear friend of mine, whom Helen had never met, who had just died of brain cancer. Her eyes filled with tears, matching my own, as I told her about my friend. She actually e-mailed me later that day to apologize (needlessly) for having taken up a modicum of our lunchtime conversation with references to herself, and to express the wish that she had been more attentive to my loss. Little did we know that day that her own life would be claimed by the same terrible scourge a few short years later.

I last saw Helen this past January, at a DSBA function. She looked remarkably well for someone who had been through brain surgery and chemotherapy, and it was my impression she was entering a new and hopefully healthy period of her life. She was seated at a table, looking at some papers in her lap, when I approached and sat down next to her. She looked up, and did not recognize me at first. I learned then that the tumor had permanently affected her vision. As soon as she heard my voice, though, her eyes lit up and she exclaimed, "I thought it was you!" and gave me a big hug. She asked enthusiastically after myself and each member of my family. We spoke for a bit about her father, whom I had known long before I met Helen, through our local Quaker community. She laughed off

my concerns about her health, and her laugh was as loud and infectious as ever. And, later that day, I got an e-mail from her, saying how great it had been to see me, and thanking me for evoking such pleasant memories of her Dad.

Helen left us for good on March 23 of this year. Her many gifts, freely given, will continue to brighten the lives of those who knew her. So, again I say, condolences to anyone who missed her on her way through. ☪

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The Best Things Bill Prickett Taught

William Prickett, Esquire

1925-2014

By Michael Hanrahan, Esquire

Bill Prickett's many accomplishments as a lawyer are well known. However, Bill's greatest legacy is not the many cases won or lost, but the many lives he enriched, including mine.

Bill was my mentor in the days before mentoring had become formalized. You learned from Bill primarily from observing. He gave many young lawyers opportunities to learn by including them in strategy sessions, calls with co-counsel, client meetings, and by having them attend depositions, meetings with opposing counsel, and Court conferences and hearings.

Before I was even admitted to the Bar, Bill had me accompany him to a week-long medical malpractice trial. Though he had already shifted his primary practice to corporate litigation, Bill obviously still relished the drama of a jury trial. As part of its case, the defense used a medical device, claiming the plaintiff's ability to lift weight on the device showed that his use of the muscles in the front of his leg was not severely impaired. At the end of the trial day, Bill casually asked the judge if he could take the device overnight to examine it. We spent the evening testing the device, so that Bill could demonstrate the next day during cross-examination that, as plaintiff claimed, significant weight could be lifted by pressing down with the heel, rather than using the front leg muscles. From the previous night's testing, Bill knew exactly how much weight he could lift by pulling down on the back of the device with his pinkie. He then took his shoes off and showed the jury how much weight he could press with his heel without his foot strapped in to permit use of his front leg muscles.

The trial practice point I learned was to never attempt a demonstration before a jury unless I had thoroughly tested it out and I knew it would work. The more valuable lesson I learned from that trial was that Bill had fun practicing law. Whatever the ups



and downs of a given trial day, there were laughs before, during, and after the proceedings. Law school convinced me law was mainly drudgery. Bill showed me it could be fun.

The first deposition I attended was when Bill deposed a former admiral who testified he had been placed on a corporate board because the chief executive officer wanted "the appearance of integrity." Early in the deposition, defense counsel objected to the form of a question. Bill demanded to know what was wrong with the question so he could correct it. Opposing counsel could not identify the defect, and Bill had established that he was in control of the deposition. However, my most vivid memory was how Bill good-naturedly

admonished the witness, using nautical terms, when the admiral "struck a reef" in attempting to avoid answering a question or "ran aground" by straying into irrelevant subjects.

A year into my legal career, the partners for whom I had primarily worked suddenly announced to the firm on a Friday evening that they were leaving. The next morning, Bill Prickett, with whom I had not worked much to that point, called me into his office, assured me I had a place at the firm and said that he and I were going to work together. That would prove to be a turning point in my legal career.

The thoughtfulness Bill showed in reassuring a young associate was just one example of the many acts of kindness Bill showered on so many people. As Carla Brown, a former Prickett lawyer, commented upon learning of Bill's death: "He was always kind to me." Often at the end of a busy day, Bill would be off to visit a former nanny or the office custodian who was ill. Bill's advice was that if you thought of something nice to do for someone, be sure to do it.

Like all human beings, Bill had his flaws. He was a menace on the roadways. The true test of a young lawyer's courage was

whether they could cope with a drive to New York or Washington with Bill at the wheel. Bill's propensity for multi-tasking was particularly evident in a car. He always seemed to be listening to Vivaldi, dictating tapes for his secretary, Phyllis Zehr, eating a sandwich, and discussing a case, all while driving rapidly on I-95. The advent of the car phone added a terrifying, new dimension to travel with Bill. I recall desperately telling him that I did not need to call into the office as he attempted to punch in numbers on his car phone while we were driving back from New York in a snow storm. Thank goodness texting did not yet exist.

Bill was a model of perseverance. Whether he won or lost the day's battle, he always focused on the next step. He often seemed to turn failure into success. But even in defeat, he would try to salvage whatever he could. After a Delaware Supreme Court argument went very badly for Bill, the rest of the legal team adjourned to Leipsic for crabs and to cry in our beer. Bill, multi-tasking as always, arrived a little late after taking care of some task for the judicial portrait committee. He joked about

the argument, then laid out what needed to be done to extricate the client from the situation as best as possible. Even from a legal disaster, Bill managed to fashion a settlement amidst the rubble.

Bill's devotion to the law was only exceeded by his devotion to his family and friends. By his example, he showed that caring about others was more important than winning any case.

Many years ago as a young lawyer at a New York firm, my friend, David Parker, was tasked with drafting a motion to be presented by Bill Prickett to the Court of Chancery the next day. As David labored into the evening struggling to finish the motion, one of Bill's partners advised: "David, Bill Prickett is a lawyer. Just give him a piece of paper and he will do the rest."

Bill Prickett was a lawyer — a great lawyer. But, this Renaissance man was so much more. Most importantly, he was a loving husband to Caroline and a devoted father to Will, Priscilla, and Annie. And, he was a great colleague, mentor, and friend to generations of lawyers. Thank you, Bill, for all you taught us. ☪



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TWO-YEAR CONDITIONAL DIVERSION

ODC File Nos. 108261-B and 108440-B

Effective Date: March 10, 2014

A Delaware lawyer accepted a two-year conditional diversion offered by a panel of the Preliminary Review Committee. The lawyer failed to provide to the Family Court in several matters forms of Orders which he had promised to do on multiple occasions. In another Family Court matter the lawyer failed to respond to discovery requests from opposing counsel and failed to comply with Court Orders regarding the discovery.

In offering the two-year conditional diversion the PRC considered aggravating and mitigating factors. In aggravation, the lawyer had substantial experience in the practice of law and had a prior disciplinary history and in mitigation, the lawyer did not act with a dishonest or selfish motive, had personal or emotional problems, and fully cooperated with the ODC in the investigation of the matter.

As conditions, the lawyer was required to identify a Practice Monitor and meet with the Practice Monitor monthly for the first year of diversion and quarterly the second year of diversion, sign an Agreement of Understanding with DELAP, attend the DSBA Procrastination Seminar, view the DSBA video from the January 28, 2014 CLE “Dealing with a Difficult Client,” and pay the costs of ODC investigation.

PRIVATE ADMONITION

Board Case Nos. 108308-B and 109985-B

Effective Date: March 12, 2014

A Panel of the Preliminary Review Committee (“PRC”) of the Board on Professional Responsibility (“BPR”) offered a private admonition to an attorney as a result of its finding of probable cause to conclude the attorney violated Rules 1.1, 1.16(c) and 8.4(d) of the Delaware Lawyers’ Rules of

Professional Conduct (“Rules”) in two client matters. The attorney consented to the private admonition.

The attorney represented a client in an appeal of a Board of Nursing decision to the Superior Court. The client continued to work as a nurse while her license was suspended based on her counsel’s advice that her suspension was not in effect while the Board’s decision was on appeal. Because the attorney mistakenly advised the client she could continue to work as a nurse during the pendency of the appeal, the attorney failed to provide competent representation to a client in violation of Rule 1.1.

In a separate matter, the attorney filed a Petition for Return of Property in Superior Court. The Superior Court scheduled a Case Review; however, the attorney failed to appear for the hearing. By failing to appear at the scheduled Case Review after entering an appearance on behalf of a client, the attorney violated Rule 8.4(d). Even though the attorney did not intend to appear at the Case Review, he failed to file a motion to withdraw as counsel in violation of Rule 1.16(c).

PRIVATE ADMONITION

Board Case No. 110052-B

Effective Date: March 19, 2014

A Delaware lawyer was privately admonished for violations of the Delaware Lawyers’ Rules of Professional Conduct (“Rules”). The private sanction was offered by a panel of the Preliminary Review Committee (“PRC”) and imposed with the consent of the lawyer for violations of Rules 1.1, 1.3, 1.4(a) and 5.3(b). The private admonition will be subject to the condition that the attorney complete 3.0 hours of Continuing Legal Education regarding law office management by December 31, 2014.

In January 2013, the lawyer met with two co-executors and agreed to draft a letter to their late-father’s widow regarding the transfer of certain items

of personal property to the co-executors and to prepare a property management agreement for the widow’s home, which she possessed as a life estate, but which would be inherited by the co-executors upon her death. The lawyer accepted a \$350.00 retainer fee. The lawyer’s staff did not open a file and the matter was not entered into the lawyer’s case management or accounting systems. Instead the file, containing the uncashed retainer check, sat dormant in the lawyer’s office. The co-executors called repeatedly to request a status on their case and left messages with the lawyer’s staff; however, the messages did not reach the lawyer and the calls were not returned. The lawyer failed to contact the co-executors, failed to return their phone calls, failed to draft the property management agreement and correspondence to the widow, and failed to perform any legal work on the case between January 29, 2013 and September 27, 2013 when the co-executors uncashed check was returned to them.

Rule 1.1 provides “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” By failing to draft the property management agreement and failing to draft correspondence to the widow regarding the co-executors’ claims on certain items of personal property, the lawyer violated Rule 1.1.

Rule 1.3 provides “[a] lawyer shall act with reasonable diligence and promptness in representing a client.” By failing to diligently pursue the co-executors’ interests as remaindermen by drafting the property management agreement and/or failing to draft correspondence to the widow regarding the co-executors’ claims on certain items of personal property, the lawyer violated Rule 1.3.

Rule 1.4(a)(3) provides “[a] lawyer shall keep the client reasonably informed

about the status of the matter.” Rule 1.4(a)(4) states “[a] lawyer shall promptly comply with reasonable requests for information.” By failing to respond to the co-executors’ repeated requests for information regarding the status of their case, the lawyer violated Rule 1.4(a).

Rule 5.3(b) states that in employing non-lawyer assistants “[a] lawyer having direct supervisory authority over a non-lawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.” The lawyer’s failure to supervise their non-lawyer assistants and put reasonable safeguards in place to ensure the proper creation of case files, entry of appropriate information into case management and accounting systems, handling of client funds, and communication of client contacts, in compliance with the Rules, violated Rule 5.3(b).

In support of a determination that a sanction of a private admonition for violating Rules 1.1, 1.3, 1.4(a) and 5.3(b) was appropriate, the PRC considered aggravating and mitigating factors pursuant to the ABA Standards for Imposing Lawyer Sanctions (1991 and 1992 – Supp.) The PRC considered as aggravating factors the lawyer’s public and private disciplinary history and substantial experience in the practice law. As mitigating factors the PRC considered the lawyer’s the absence of a dishonest or selfish motive, timely good faith effort to make restitution and to rectify consequences of their misconduct, full and free disclosure to ODC and cooperative attitude towards proceedings, remorse, and the remoteness of the lawyer’s prior disciplinary offenses.

DISBARMENT

Supreme Court No. 41, 2014
Effective Date: April 4, 2014

By Order dated April 4, 2014, the Delaware Supreme Court ordered Herbert G. Feuerhake disbarred immediately for violation of the July 13, 2010 Order suspending Mr. Feuerhake from the practice of law. (“Suspension Order”). Pursuant to the Suspension Order, Mr.

Feuerhake was prohibited from engaging in any act constituting the practice of law and prohibited from having contact with any clients, witnesses or prospective clients or witnesses when acting as a paralegal.

The Court found Mr. Feuerhake violated Rule 3.4(c) of the Delaware Lawyers’ Rules of Professional Conduct when he knowingly disobeyed the terms of his Suspension Order by continuing to practice law, appearing in District Court, attending depositions, contacting clients and accepting fees for work performed after his suspension. By ignoring a clear Order, Mr. Feuerhake engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d). The same conduct supported his violation of Rule 7(c) of the Delaware Lawyers’ Rules of Disciplinary Procedure by violating the terms of his Suspension Order.

In determining disbarment is the appropriate sanction, the Court considered five (5) aggravating factors: (1) Mr. Feuerhake’s prior disciplinary record; (2) his year-and-a-half pattern

of misconduct; (3) multiple offenses of misconduct; (4) a refusal to acknowledge the wrongfulness of his conduct; and (5) his substantial experience in the practice of law since 1987.

The Court stated disbarment was necessary to protect the public and the administration of justice, to preserve confidence in the legal profession and to deter other lawyers from engaging in similar conduct during a period of suspension. Ⓞ

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Condolences to the family of **Arthur G. Connolly, Jr., Esquire**, who died on March 25, 2014.

Condolences to **Jeffrey T. Castellano, Esquire**, on the death of his grandfather, Alexander D. Manners, who died on April 7, 2014.

Condolences to the family of **Hugh Larkin Corroon, Esquire**, who died on April 18, 2014. ☎

BULLETIN BOARD

ADVERTISING INFORMATION

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

The deadline to place a Bulletin Board ad is the 15th of the month prior to the month of publication.

All Bulletin Board ads must be received electronically and prepayment is required.

Submit the text of the Bulletin Board ad and payment to rbaird@dsba.org. For more information, contact Rebecca Baird at (302) 658-5279.



Recent Developments in Delaware Corporate Law: Transactional and Litigation Perspectives

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Play for a Cause: the Second Annual Combined Campaign Cup

By Makenzie Windfelder, Esquire and Charles Vincent, Esquire

The Litigation and Young Lawyers Sections of the Delaware State Bar Association have teamed up again to host the second annual Combined Campaign Cup, a charity golf tournament benefiting Combined Campaign for Justice. Last year's tournament netted more than \$16,000 to benefit these agencies. We hope to do even better this year.

This year's Combined Campaign Cup will be held Tuesday, July 15, 2014 at Deerfield in Newark, Delaware. Do not miss out on the opportunity to network with members and friends of the DSBA while raising money to support the vital programs made possible by Combined Campaign for Justice. Following the golf tournament at approximately 5:00 p.m., there will be a hors d'oeuvre happy hour and silent auction, which is open to golfers and non-golfers alike. Up for auction will be gift certificates from restaurants, museums and theaters, golf packages to local courses (including Deerfield and Bidermann), tickets to sporting events, and other great items. Bid early and often!

Everyone who participates in the tournament, happy hour, and/or silent auction is sure to have a great time. For the golfers, lunch and registration will begin at 11 a.m., with a shotgun start kicking off the scramble format tournament at noon. Back by popular demand will be tickets sold for a 50/50 raffle, mulligans (for that poor tee shot) and sandies (for those spending more time in the sand traps than on the green). The tournament will offer opportunities for golfers to compete for prizes by testing their skills and luck, including the \$10,000 putting contest, and other contests for longest drive, closest to the pin, beat the pro, and hole in one. Prizes will be awarded to the three teams with the lowest score. Winning the Combined Campaign Cup means bragging rights good for 364 days. That recognition

went last year to the team of David A. Dorey, Russ Manel, David J. Soldo, and Mike Trudgeon.

Not only can firms, businesses, and individuals support the Combined Campaign Cup by playing in the tournament, attending the networking event, and/or bidding in the silent auction, they may also help sponsor the event at one of the various sponsorship levels (ranging from \$150 to \$4,000) or by donating items for the silent auction. Beginning at the Bronze Level (\$500), sponsors can include an item in the giveaway bag that will be provided to all golfers, put their company logo on all printed materials as well as the Combined Campaign Cup's registration page (and its LinkedIn, Google+, and Facebook pages), mingle with the golfers during registration and happy hour, and be recognized in post-tournament press online and in *The Journal*. Sponsorships at the Silver Level (\$1000) and greater will have additional recognition opportunities and benefits, including registration for a foursome in the tournament.

All proceeds will benefit Combined Campaign for Justice. Pete Walsh, a partner at Potter Anderson & Corroon LLP and one of the Co-Chairs of Combined Campaign for Justice, is looking forward to the event: "The Cup exceeded all expectations last year, and it's shaping up to be even more popular this year."

Combined Campaign for Justice is a partnership of the DSBA, Community Legal Aid Society, Inc. ("CLASI"), Delaware Volunteer Legal Services

("DVLS"), and Legal Services Corporation of Delaware, Inc. ("LSCD"). Together these groups work to provide Delaware's indigent population with access to civil legal services that would otherwise be unavailable. Specifically, CLASI provides legal services to low income Delawareans, to people who are 60 and over, or those who have a disability. DVLS provides *pro bono* legal representation to indigent clients facing dire—and sometimes life-threatening—circumstances, including protection from abuse, divorce and custody cases involving domestic violence, guardianships, housing, landlord/tenant disputes, wills, government benefits, home ownership, and consumer issues. LSCD counsels and assists low income Delawareans in matters including bankruptcy, repossession, eviction, foreclosure, and unemployment benefit problems. In 2013, these agencies provided legal services in 4,802 cases affecting 11,359 low-income, elderly and disabled individuals or members of their families.

Registration for the golf tournament is limited to the first 120 golfers and is first come, first served. There are no limitations on participation for the networking happy hour and silent auction. Individual golfer registration is \$150, and foursomes are \$500, which includes lunch and admission to the happy hour and silent auction. Tickets for the networking happy hour may be purchased separately for \$50 each. A portion of these fees and sponsorships are tax-deductible. For more information, please visit the Combined Campaign Cup link on the Combined Campaign for Justice website (www.delawareccj.org). You can also contact Charles Vincent at charlie@innovinent.com or (302) 566-8008. We look forward to seeing you on July 15 at Deerfield! 🏌️

Amada: Spanish Tapas with a View of the Atlantic

W
 hile some of you may be headed to the Delaware beaches for Memorial Day weekend, others may have their sights set on the Jersey shore. If you will be in the neighborhood of the world famous Atlantic City Boardwalk, make Amada — one of the signature restaurants in Revel resort and casino — a dining destination.

You may recognize Amada as the top-rated Spanish restaurant in Old City, Philadelphia, and the first of Iron Chef Jose Garces' restaurants that now total over one dozen around the country. Philly's Amada has been wowing diners for almost ten years with its tasty small plates. Now, gourmards and gamblers alike can enjoy Andalusian style tapas in a majestic oceanfront setting at the northernmost end of Atlantic City's boardwalk.

While many Atlantic City casino and resort restaurants do not take advantage of the spectacular views, Amada's floor to ceiling windows make the striking views of the Atlantic a focal point. Entering the restaurant from the casino level, the lantern lighting and expansive open kitchen create a warm ambiance. When I visited Amada for dinner last month with my husband and our friend, the curved banquette along the window where we were seated provided a cozy and relatively quiet atmosphere with a view of the action along the open kitchen counter.

Amada's menu is as extensive as the view of the boardwalk and beach...I mean shore...below. The offerings range from charcuterie including Serrano ham and white chorizo to Manchego, the most well known of Spanish cheeses, and La Peral, a blue cow and sheep's milk cheese aged just enough for the blue to develop. Iron Chef Garces' menu also contains traditional tapas such as ham croquettes and its version of revuelto (scrambled eggs) with shrimp and wild mushrooms. Diners can also enjoy a variety of fish and shellfish including Spanish sea bass and jumbo prawns as well as meats from roasted pork to seared foie gras.

Our exceptional server, Mile, recommended three dishes per person. My group of three decided to start with four...

- The "Dátiles Con Almendras" served as our amuse bouche. These bacon wrapped dates were plated with roasted pearl onions and crumbles of La Peral cheese. The saltiness of the bacon paired perfectly with the sweetness of the dates and cheese.

- The "Alcachofas y Setas" was an excellent choice for a flatbread. The crispy crust was topped with artichoke confit, wild mushrooms, black truffles and Manchego. The earthiness of the wild mushrooms and truffles was the star of this dish.

- The "Habas a la Catalana" was a refreshing element in the first course. This warm fava and lima bean salad was topped with shavings of Idiazábal, a hard and nutty sheep's milk cheese from the Basque region.

- The gnocchi special was the highlight of our first round and came highly recommended by Mile. It seemed curious that a Spanish tapas restaurant would feature gnocchi, but I hope Garces does it again, perhaps on your visit. Maitake mushrooms and sugar snap peas accompanied Amada's light potato gnocchi, and the dish was finished off with a Manchego espuma and mushroom purée. The perfect bite was a soft dumpling with a slice of slightly crisp hen of the woods, a piece of the sweet pea and a smear of the espuma.

After a pause, we decided on three more tastes...

- The "Amada's Empanada" of spinach, Manchego and artichoke escabeche was a tasty combination of crispy pastry and comforting melted cheese.

- The "Pulpo a la Gallega" was our favorite from the second round. The Spanish octopus was cut into cross sections of about one quarter inch thick so that it created a trompe l'oeil with the confit potato pieces. I enjoyed the surprise of not knowing whether I was biting into a melt in your mouth potato or a cooked to perfection piece of octopus.

- The "Ibérico," a 10 ounce piece of Ibèrian pork from the celebrated black pig, was tasty but rather chewy. The cut is known as the "Secreto," which is a shoulder muscle similar to the texture of a beef skirt steak.

From the beginning of the meal, we enjoyed our Priorat wine named Les Terrasses. I chose the wine with Mile's confirmation, as it is a blend of some of my favorite grapes — Grenache, Carignan, and Syrah. This full-bodied but smooth choice proved to be an excellent pairing with the myriad tastes in our tapas. The drink list had many other options including a variety of Riojas, Tempranillos and Priorats, as well as specialty cocktails and Sangria.

Although we were pleasantly full from our seven plates, we decided to end with something sweet. The doughnuts, covered with cinnamon sugar, were served with a fig compote and velvety honey ice cream. These hot treats were light and airy unlike many dessert doughnuts that weigh one down at the end of a meal.

I highly recommend Amada for a leisurely dining experience filled with creative and flavorful dishes. 



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



COMBINED CAMPAIGN Cup

TO BENEFIT COMBINED CAMPAIGN FOR JUSTICE

Date: July 15, 2014 **Time:** 11:00 A.M. (Registration) 12:00 P.M. (Shotgun Start, Scramble Format)
Location: Deerfield, 507 Thompson Station Road, Newark, DE 19711

Platinum Sponsor - \$4,000 [Exclusive sponsorship]

- Company name as Platinum Sponsor to appear on all printed and online material and press releases
- Entry fees for 12 golfers
- Logo on golf balls given out to all golfers
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- Opportunity to have volunteers work at one of the contest holes
- Opportunity to include item in giveaway bag (130 pcs)

Gold Sponsor - \$2,000 [Limit of 5 sponsors]

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- Entry fees for 8 golfers
- Logo on drink tickets given to all golfers
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- Opportunity to include item in giveaway bag (130 pcs)

Lunch sponsor - \$1,200 [Limit of 2 sponsors]

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- Entry Fees for 1 team of 4 golfers
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- Entry fees for 1 team of 4 golfers
- Opportunity to include item in giveaway bag (130 pcs)

Bronze Sponsor - \$500

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5:00 to 7:00 pm (hors d'oeuvres)
 \$50 per person

Golfer Registration:

Individual Golfer - \$150 Foursome - \$500 (save \$100)

As Part of Registration, All Golfers Will Receive:

- Lunch and 2 complementary drink tickets
- Free admission to the after golf program featuring happy hour, awards and silent auction
- Giveaway bag

See website for information on tax deduction and other sponsorship opportunities ♦ Sponsorships must be received by July 1, 2014

For online registration, additional sponsorship details and contact information, please visit:
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Mail checks to: Combined Campaign for Justice, ATTN: Combined Campaign Cup, P.O. Box 2113, Wilmington, DE 19899

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Morris James is pleased to announce the addition of **Kyle Evans Gay** as an associate in the Business Litigation Group. Ms. Gay entered the private practice of law after serving as a judicial law clerk to the Honorable Paul R. Wallace of the Delaware Superior Court. She was also a former Deputy Attorney General in the Appeals Division of the Delaware Department of Justice. She is admitted to practice law in Delaware and Pennsylvania and the United States District Court, District of Delaware. Ms. Gay, a resident of Wilmington, DE, received her J.D. in 2012 from Boston University School of Law after having completed her undergraduate work at Brown University. Ms. Gay can be reached at kgay@morrisjames.com or 302.888.6959.

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