



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

Madame Bovary: Ho Ho Ho on November 15, 16 and 17 P.23
Delaware State Bar Insurance Services Update P.28
2013 Awards Luncheon Registration P.31

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The Delaware State Bar Association is looking for a number of talented members to join the 2014-2015 Executive Committee and lead DSBA to continued success.

The following positions on the Executive Committee of the Association must be filled for the year 2014-2015:

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

The following position must be filled for terms as noted:

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

The Nominating Committee wants to consider all interested candidates. If you are interested in serving on the Executive Committee or would like to recommend a candidate, please send your name or the candidate's name along with a CV and at least one letter of nomination to Rina Marks, Executive Director, by e-mail at: rmarks@dsba.org or by mail at: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE 19801 by **February 14, 2014**.

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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

FEATURES

- 13 Justice Holland and ABA President James R. Silkenat Featured Speakers at Bar Association and Bar Foundation Seminar on November 22
- 17 Documentary "Nuremberg: Its Lesson for Today" to Premiere in Wilmington on December 11
- 18 2013 Christopher W. White Distinguished Access to Justice Awards Breakfast
- 22 Family Court Judiciary Hosts Prominent Faculty for Technology Training
By The Honorable Michael K. Newell and Eleanor Benjamin Torres, Esquire
- 28 Balancing Billable Hours Against Health Insurance Savings
By Aaron W. Mitchell, REBC
- 31 2013 Awards Luncheon Announcement and Registration

COLUMNS

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

DEPARTMENTS

- 8 Calendar of Events
- 9 Section & Committee Meetings
- 16 Disciplinary Actions
- 17 Of Note
- 32 Bulletin Board



PRESIDENT'S CORNER

By Gregory B. Williams, Esquire

Report from the Mid-Atlantic Bar Conference

From Thursday, October 10, 2013 through Saturday, October 12, 2013, the leadership and staff of the Delaware State Bar Association had the pleasure and responsibility of hosting the 35th Annual Mid-Atlantic Bar Conference in Delaware. I am pleased to report that Delaware represented itself well during the conference and provided our guests from Washington, D.C., Maryland, New Jersey, New York, and Pennsylvania with a unique and memorable Delaware experience.

What is the Mid-Atlantic Bar Conference?

The Mid-Atlantic Bar Conference is a part of the National Conference of Bar Presidents (“NCBP”). The NCBP hosts bi-annual conferences of state and local bar presidents that are held in conjunction with the American Bar Association Midyear and Annual meetings. These conferences also include joint programming with the National Conference of Bar Executives (“NCBE”).

The Mid-Atlantic Bar Conference is comprised of the DSBA, the District of Columbia Bar, the Maryland State Bar Association, the New Jersey State Bar Association, the New York State Bar Association, and the Pennsylvania State Bar Association. During these conferences, the President, President-Elect, Immediate Past President, and Executive Director of each state bar association gather to discuss, debate, and exchange ideas about timely and pertinent topics

about the law, the legal profession and its future, the judiciary, government, and other things affecting the law, the practice of law, the business of the law, bar associations, legal education, and the like. During the conference, each state has the responsibility of leading a discussion on a pertinent topic of common interest. In addition, as part of being a member of the Mid-Atlantic Bar Conference, every six years each state has the responsibility of serving as the host state for the conference.

As the host state for the conference, in addition to coordinating the robust and thought-provoking topics that comprise the business portion of the agenda for the conference, each state is expected to provide their guests with a unique and memorable state-specific experience.

Last Year's Conference

Pennsylvania hosted last year's Mid-Atlantic Bar Conference in Philadelphia and did an excellent job. The conference was held at the Rittenhouse Hotel, located in Rittenhouse Square. In addition to the lively discussions that were part of the formal agenda, the dinner entertainment during the first night was a performance by a local actor in Philadelphia, who impersonated Thomas Jefferson. Mr. Jefferson gave us a lecture on the Principles of Government. The second day of the conference included a tour of the Barnes Foundation and a scenic dinner cruise along the Delaware River.

By the end of last year's conference, it was clear to me that Pennsylvania would

be a hard act to follow and the DSBA had its work cut out for this year's conference.

The DSBA Meets the Challenge

Our goal in organizing this year's conference was to put together a conference that was thought-provoking, productive, and provided our guests with a memorable experience that was uniquely Delaware. By all accounts, from the feedback received from our colleagues and guests from D.C., Maryland, New Jersey, New York and Pennsylvania, the DSBA succeeded and exceeded their expectations during this year's conference.

The conference started during the afternoon of Thursday, October 10, 2013, with our guests checking into the hotel and obtaining their registration materials. The DSBA hosted this year's conference at the Hotel du Pont in Wilmington. The Hotel du Pont is known as one of the finest hotels in the country and we thought it would serve as an excellent choice for the conference. Coincidentally, this year is the Hotel du Pont's 100th Anniversary. Thus, in choosing the Hotel duPont as the host site, we thought it would be nice touch that our guests would have the pleasure of staying at the Hotel du Pont during its centennial campaign. The Hotel du Pont certainly lived up to its reputation and our guests quickly acknowledged the amenities of the hotel and the excellent choice by the DSBA in selecting the site. Upon check-in and registration, all of our guests were provided with a bag of goodies that included a number of

Delaware specific items, including a 100th Anniversary tin of Hotel du Pont's macaroon cookies, a copy Justice Randy J. Holland's book titled *Delaware's Destiny Determined by Lewes*, and a copy of the book written

by Kathleen Marie Doyle titled *Allies for Justice*, which is a story about how Louis Redding and Chancellor Collins Seitz changed the complexion of America's schools.

The first night entertainment consisted of dinner at the Rockwood Museum followed by a ghost tour of the museum. The Rockwood Museum includes the estate of Joseph Shipley, a member of Wilmington's founding family, developed between 1851 and 1857. The mansion is more than 150 years old and is an example of Rural Gothic architecture. The museum tells the story of the Bringham family, a wealthy family who lived in the mansion at the turn of the twentieth century.

“Our goal in organizing this year's conference was to put together a conference that was thought-provoking, productive, and provided our guests with a memorable experience that was uniquely Delaware.”

Rockwood Museum Director Philip Nord and Dr. Louis DiMieri, founder of the East Coast Society of Paranormal Encounters, served as our group's guides during the ghost tour. Legend tells of the Rockwood mansion being haunted by the ghosts of Joseph Shipley and members of the Bringham family. The dinner our guests enjoyed at the Rockwood Museum was excellent and the ghost tour was interesting to say the least. Our guests continued to tell ghost stories throughout the remainder of the conference.

The second day of the conference included three business sessions that included discussions led by Maryland, New Jersey, and Pennsylvania. Maryland led a discussion and exchange of ideas on

addressing the needs of new law school graduates and the problems of an excessive supply of lawyers, law schools needing to take responsibility and be held accountable for preparing law school graduates to be practice ready, and the role of bar associations in training and mentoring new and young lawyers who are ever-increasingly hanging their own shingles and practicing as solo practitioners straight out of law school due to limited job opportunities. New Jersey led a discussion and exchange of ideas on the importance of judicial independence and the bar association's role in advocating against the marginalization of the Judicial branch by the Executive and Legislative branches of our government. Pennsylvania led a discussion on the practical aspects of running a bar association from the leader's perspective.

President's Corner (continued on page 7)

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By David W. deBruin, Esquire

Judge Carl C. Danberg of the Court of Common Pleas

In light of the significant number of new judges in the Family Court, Court of Common Pleas, and Superior Court, the editors of the *Bar Journal of The Delaware State Bar Association* have decided to utilize their column space for profiles of all the new judges.

• • •

The Honorable Carl C. Danberg became a Judge of the Court of Common Pleas for the State of Delaware on March 8, 2013. Judge Danberg was appointed by Governor Jack A. Markell to replace The Honorable Eric C. Davis (who now sits on the Superior Court of the State of Delaware). Judge Danberg brings a diverse wealth of experience to the Bench.

Prior to his appointment to the Court of Common Pleas, Judge Danberg served in a number of high profile positions. In January 2007, he was nominated by Governor Ruth Ann Minner as Commissioner of the Delaware Department of Correction. He took office upon confirmation by the State Senate and served in that position until his appointment to the Bench. From 2005 to 2007, he served as the Attorney General for the

State of Delaware; completing the term of the Honorable M. Jane Brady following her appointment to the Superior Court. Prior to that appointment, Judge Danberg served as the Deputy Principal Assistant to the Commissioner of the Delaware Department of Correction for nearly ten years. In that position, he was responsible for community, legislative and media relations, managing victim services, budget preparation, and drafting legislation as well as training and advising correction staff.

For the last 16 years, Judge Danberg has been an active member of the Delaware Army National Guard and is currently a Lt. Colonel in Judge Advocate General's Corps. Judge Danberg is assigned to the 261st Tactical Theatre Signal Brigade which provides and manages communications and information systems. The brigade supports the command and control of the Active Army (during federal missions) and the Delaware Army National Guard (during state missions). Judge Danberg also enjoys teaching constitutional law and criminal procedure as an adjunct professor at the University of Delaware.

When asked if there were any surprises when he got onto the bench, he said that although he was certainly aware that the Court of Common Pleas has a very busy docket; it is one thing to look at the numbers and view something from the outside and it is another to be right in the middle of actually moving cases through a docket. He said, at times the sheer volume of work can appear daunting. Judge Danberg was also quick to mention that he was very gratified by the warm reception he received upon confirmation from the other Delaware judges. He is definitely excited to be able to work with them within the system to help bring justice to the citizens of Delaware.

Judge Danberg is a consummate professional and dislikes wasting time. In response to a question asking about the most important things a lawyer needs to do in his court, Judge Danberg first and foremost, expects lawyers appearing before him to be on time and fully prepared. He also expects lawyers to conduct themselves as professionals at all times and he appreciates the collegial and civil manner Delaware lawyers demonstrate, even in the face of an openly hostile client and/or emotionally charged situation.

Judge Danberg was born in Silver Spring, Maryland, the son of James and Mary Lou Danberg. He is a graduate of the University of Delaware and Widener University School of Law. He is married to another Delaware attorney, Barbara

“For the last 16 years, Judge Danberg has been an active member of the Delaware Army National Guard and is currently a Lt. Colonel in Judge Advocate General's Corps.”

Snapp Danberg, who concentrates her practice in estate and tax planning, trust law, and estate administration. They have two daughters. Outside of the courtroom, Judge Danberg enjoys traveling, skiing, hiking and doing other outdoor activities with his family. 

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 MENTORING PROGRAM

The DSBA Mentoring Program is designed to match newly admitted Delaware attorneys and those Delaware attorneys who have been practicing for less than three years who choose to participate with more experienced members of the Delaware Bar in their substantive area of practice or some other area of interest where the requesting mentee desires mentoring.

If you are a new or recently admitted attorney and you would like to apply for a mentor, visit the DSBA website at www.dsba.org and click "DSBA Mentoring Program" under News & Events. If you have any questions, please contact Rina Marks at rmarks@dsba.org or (302) 658-5279.

President's Corner (continued from page 5)

Entertainment for the second day included a lunch held at the offices of Young Conaway Stargatt & Taylor LLP. Special thanks to Bill Johnston and his partners at Young Conaway for so graciously hosting the lunch and allowing our guests to tour their historic building. Our guests were amazed and very impressed by the building and Young Conaway's offices. The DSBA arranged for the lunch at Young Conaway to be prepared by Delaware's award-winning Chef Dana Herbert, winner of TLC's *Next Great Baker*. Chef Dana dazzled our guests with his sweet and savory dishes and desserts. Chef Dana also gave all of our guests autographed copies of his book titled, *Sweet and Savory Union*.

We concluded the second day by taking our guests on a trip back in time to 1929, when the steam locomotive ruled the Delaware railways. Our guests were treated to a trip from New Castle to Hockessin on the historic Wilmington & Western Rail Road on its "Doodlebug"

railcar, followed by a superb dinner at the Backburner Restaurant in Hockessin. Certainly, a unique Delaware experience. A fantastic time was had by all.

The third day of the conference consisted of three business sessions that included discussions lead by New York, D.C., and Delaware. New York continued the discussion on legal education and the future of the legal profession that Maryland led the day before. D.C. led a discussion on access to justice and the bar's role in addressing the need for *pro bono* and what is commonly becoming known as *low bono*, which is providing legal services for people of modest means who do not qualify for free legal services, but cannot afford market-rate lawyers. Delaware led a discussion on effective strategies for bar associations to advocate for adequate funding of the court system.

As is tradition, at the end of this year's conference, Delaware turned the floor over to New Jersey, who will host next year's conference. Before doing so, Delaware enjoyed a resounding round of applause from all of our guests on a job well done and for providing them with a memorable and uniquely Delaware experience. A lot of work goes into serving as the host state for the conference. I could not have been prouder of our Association and State. All of those involved, including the DSBA staff and DSBA leadership, represented the DSBA and Delaware well!

Like Pennsylvania last year and Delaware this year, I suspect that New Jersey will do a great job hosting the conference next year. However, Delaware is a tough act to follow! 

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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CALENDAR OF EVENTS

November 2013

Thursday, November 14, 2013

Veterans Law Developments: An Update and Discussion of State and Federal Issues Important to Delaware Lawyers Representing Veterans
3.0 hours CLE credit

Delaware State Bar Association, Wilmington

Webcast to Tunnell & Raysor, Georgetown

Friday, November 22, 2013

Office and Trial Practice 2013

6.3 hours CLE credit

Chase Center on the Riverfront, Wilmington, DE

December 2013

Tuesday, December 3, 2013

Awards Luncheon

Hotel du Pont, Wilmington DE

Tuesday, December 10, 2013

Finance for Lawyers

6.0 hours CLE credit

Delaware State Bar Association, Wilmington

Webcast to Tunnell & Raysor, Georgetown

Friday, December 13, 2013

Family Law Update 2013

6.0 hours CLE credit

Christiana Hilton, Newark, DE

Tuesday, December 17, 2013

Social Security Disability

2.0 hours CLE credit

Delaware State Bar Association, Wilmington

Webcast to Tunnell & Raysor, Georgetown

January 2014

Tuesday, January 14, 2014

A Lawyer's Guide to Disability Awareness:

Striving for a More Inclusive Legal Profession

3.0 hours CLE credit

Delaware State Bar Association, Wilmington

Webcast to Tunnell & Raysor, Georgetown

Wednesday, January 22, 2014

Workers' Compensation Breakfast Seminar

3.3 hours CLE credit

Chase Center on the Riverfront, Wilmington, DE

Save the Date

Office and Trial Practice

Friday, November 22, 2013 • Chase Center on the Riverfront, Wilmington, DE

Featuring Guest Speaker James R. Silkenat, Esquire
President, American Bar Association, 2013-2014

Celebrating the 90th Anniversary of the Delaware State Bar Association

Registration Form to Follow

SECTION & COMMITTEE MEETINGS

November 2013

Tuesday, November 12, 2013 • 11:30 a.m.

Litigation Section Meeting

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

Wednesday, November 13, 2013 • 12:00 p.m.

Alternative Dispute Resolution Section Meeting

Berger Harris, LLC, 1105 North Market Street, 11th Floor, Wilmington

Thursday, November 14, 2013 • 6:00 p.m.

Young Lawyers Section Happy Hour

Cafe Mezzanotte, 1007 North Orange Street, Wilmington

Friday, November 15, 2013 • 12:00 p.m.

Workers' Compensation Section Meeting and Happy Hour

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

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

Labor & Employment Law Section Meeting

Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington

Thursday, November 21, 2013 • 12:00 p.m.

Elder Law Section Meeting

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

Thursday, November 21, 2013 • 12:00 p.m.

Executive Committee Meeting

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

Monday, November 25, 2013 • 4:00 p.m.

Taxation Section Meeting

Morris James LLP, 500 Delaware Avenue, Suite 1500, Wilmington

December 2013

Monday, December 2, 2013 • 12:30 p.m.

Senior Lawyers Committee Monthly Luncheon Meeting

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

Thursday, December 5, 2013 • 4:00 p.m.

Real & Personal Property Section Meeting

Woloshin, Lynch, Natalie & Gagne, P.A., 3200 Concord Pike, Wilmington

Wednesday, December 11, 2013 • 12:00 p.m.

Alternative Dispute Resolution Section Meeting

Marshall Dennehey Warner Coleman & Goggin, 1220 North Market Street, 5th Floor, Wilmington

Thursday, December 12, 2013 • 6:00 p.m.

Young Lawyers Section Happy Hour

Cafe Mezzanotte, 1007 North Orange Street, Wilmington

Thursday, December 19, 2013 • 12:00 p.m.

Elder Law Section Meeting

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

Thursday, December 19, 2013 • 12:00 p.m.

Executive Committee Meeting

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

Thursday, December 26, 2013 • 4:00 p.m.

Family Law Section Meeting

Bayard, P.A., 222 Delaware Avenue, Suite 900, 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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TIPS ON TECHNOLOGY

By Richard K. Herrmann, Esquire

Presenting with PowerPoint

For years, people have felt that PowerPoint is overused and overdone. Who are these people? The audience; those of us who have spent most of our mandatory continuing legal education hours numbly watching other lawyers equally as numbly advance through slide after slide after slide. This potentially powerful vehicle for the dissemination of information has been so misused, its very name carries with it negative connotations. How many times have you heard someone say: “We sat through an hour and a half PowerPoint Presentation this morning” or “I zipped through an hour and a half’s worth of e-mail during the PowerPoint Presentation today”?

Technology has the potential of being a magical tool in the facilitation of communications when used correctly. When misused, it is deadly. Let’s set the stage, so to speak. We have a room full of people comprising the audience and the speakers. The audience wants to learn new information in a format which is interesting, if not entertaining. The speakers want to be perceived as good at what they do and knowledgeable in their fields of expertise. Without technology, the good speakers will challenge the audience with information, ideas, and concepts, encouraging a dialog or discussion. Eye contact is good; there are no distractions.

The speaker believes he can leave more of an impact by showing examples or bullets of his information projected onto the screen. The lights are lowered a bit. The text on the screen takes on the structure of sentences and then full

paragraphs, too small to easily see from the audience. The speaker turns to the screen so that he can read the text to the audience for those unable to read it themselves. Many in the audience become disengaged from the presentation and begin to multitask, surfing the Internet or reviewing e-mail. There is no eye contact at this point, either from the speaker or the audience. Even if the speaker were interested in engaging the audience in discussion, few are able to participate because they are not fully following the presentation.

The problem here is not one relating to technology. Rather, the problem is that we, as lawyers, are trained to convey our thoughts in words and not graphically. If we are trained to communicate graphically, our presentation takes on a different look and feel. Those of us involved in large commercial litigation realized this some time ago and have included graphic designers and artists to assist us in producing trials. We also know from jury psychologists that a jury will retain more information longer if the information is presented graphically, as well as verbally. In other words, you will retain more for longer if you see it and hear it.

Certainly, we cannot learn these graphic skills overnight or in an executive summary. However, there are some basic tips that may be helpful.



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Consistent Theme

PowerPoint has a wide variety of themes or templates from which to choose. Years ago, it was “trendy” to select unique or novel templates to capture the audience’s attention. It was this “trendiness” which became quickly overdone, particularly when used by those not comfortable with graphic presentations. The quick tip is to keep the theme simple and consistent. Select the theme which fairly represents the topic, the audience or, in matters dealing with court presentations, the client. Most larger law firms have themes or presentation backgrounds available for lawyers in those firms. When in doubt, a plain white background is better than a fancy one.

Page Format

The page format in a slide presentation should be consistent throughout. PowerPoint has a “master slide.” This will create the background for all slides as the default. Each slide should contain at least the page number as a footer. Dates and copyright information may be appropriate depending upon the audience.

Font

The typeface of a document or a slide presentation is called the “font.” There are now dozens and dozens from which to choose. Some fonts look better on the screen than when they are in print. Often, the selection of which font to choose may be a matter of compromise. Is the presentation font more important than the print font? Of course, the simple solution may be to have a different font for each purpose. Many presenters make the mistake of mixing their fonts as often as they mix their metaphors. The best practice is to use a single font throughout the presentation. Just like “themes,” fonts come in different colors. There may be a reason to have more than one color. However, this should be done only if there is a purpose behind the choice.

Graphics

PowerPoint provides the ability for the presenter to include charts, graphs, photographs and video. In the old days, it used to be “clipart.” Like so many other aspects of PowerPoint, “clipart” was terribly overdone. If there are ever any do’s or don’ts associated with PowerPoint, “clipart” is certainly a don’t. It is neither cute, nor helpful. In fact, use of clipart tells the audience that the presenter did not dedicate enough time to the presentation to develop appropriate graphics. In short, graphics are appropriate where they are descriptive to the presentation, they provide meaningful content or they are helpful in assisting the listener in understanding the content. If graphics do not add any value to the presentation, they should be avoided.

Transitions

Transitions refer to the movement of the presentation from slide to slide.

There are a number of transitions in PowerPoint from which to choose. Like “clipart,” transitions have become overused. The key to a good transition is one that is nearly invisible. If the transition calls attention away from the presentation, it should not be used. And above all, transitions should be consistent from slide to slide. They should not be different within a presentation or randomized.

Text

As mentioned previously, the danger in PowerPoint is to provide too much information for the presentation. PowerPoint is either a good vehicle to present or a good vehicle to provide materials. Rarely will you see the same slide presentation successfully accomplishing both. If the PowerPoint slides are structured in the form of an outline, assisting the presenter with bullets for example, they do not provide enough content to be helpful as handouts. On the other hand, if the PowerPoint slides provide textual information in paragraphs or sentences, they are not helpful for the presentation and are too complex or wordy. Microsoft has provided the appropriate vehicle to satisfy both needs; however, this tool is infrequently used. It is the “notes view” which will be discussed below.

Handouts

It is often appropriate to distribute the slide presentation to the audience. For example, if the slide presentation is used in an oral argument, the slides themselves might be helpful to the court in following the argument. In this form, the slides are bound appropriately for the court’s consideration. The slides should be page numbered so that the court can follow the argument during the presentation and when reviewing the transcript later.

For use in continuing legal education programs, slides are often used as the written materials for the program. Simple outline slides, most preferably used for

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Ratings are based on a scale of one to five gavels, with five gavels being the highest rating.

the presentation itself, would not be substantively complete enough for most program materials. Full text slides, unfortunately inappropriate for the presentation itself, are in fact used for most presentations. These make

acceptable materials to be handed out for the program. Slides can be printed in a number of formats, permitting room for notes to be taken by the attendees. This is referred to as multi-slide format. The most useful format for PowerPoint handouts includes the slide view plus space allotted for the text of the presentation itself. This is called the notes view. Using this view, the presenter is able to print the brief outline slides and the textual notes from the presentation. Printed for distribution, the attendees receive both the slide itself, as well as the appropriate textual notes.

When to Use

Clearly, there is still an opportunity to develop an appropriate style of presenting with PowerPoint. Notwithstanding its diminished reputation, it is still a useful tool for continuing legal education seminars, marketing, oral arguments (at least at the trial level), and for openings and closings at trial. Any litigator would be well advised to learn of the trial judge’s PowerPoint preferences. Some judges find PowerPoint helpful in complex matters, while others find its use intolerable. PowerPoint is seldom, if ever, used in appellate argument. In short, play to your audience. 🗳️

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.



By Charles Slanina, Esquire

The Use, Selection and Compensation of Experts from an Expert's Perspective: Part 1

By Brett A. Margolin, Ph.D.

This month, "Ethically Speaking" welcomes guest columnist Brett A. Margolin, Ph.D., beginning a two-part series on the expert's perspective in providing analysis, testimony, and consulting services to lawyers. He is an economist in the Wilmington office of BLDS, LLC, providing economic analyses in commercial litigation with a particular expertise in the application of business valuation principles and calculation of economic damages. Dr. Margolin has testified in a number of state and federal jurisdictions, including Delaware.

• • •

The use of expert testimony presents both counsel and the expert with special challenges. While the attorney selects an expert to play a specific role in the legal strategy, the expert's opinion is supposed to be independent and objective regarding a technical issue relevant to the case. This article discusses the ethical and professional issues associated with retaining and paying expert witnesses.

Compensation Issues for Experts

A common question regarding expert retention is the propriety of contingent fees. Rule 3.4(b) of the American Bar Association's Model Rules of Professional Conduct prohibits "an inducement to a witness that is prohibited by law." The

majority rule is that an expert witness may not collect compensation which by agreement was contingent on the outcome of the controversy. While such an arrangement may not automatically disqualify an expert, it is reasonable for a trier of fact to infer that a contingent fee will bias the testimony. Even where permitted, contingency contracts with testifying experts may not serve the mutual interest of the attorney and the expert in having that testimony admitted and accepted.

However, contingent fees remain common — or, at least, not uncommon — in bankruptcy matters. Contracts with debtors' or committees' financial advisors may include "success fees," defined in part by preference recoveries and/or plan confirmation. While not a problem when these financial advisors remain in a consulting role, these success fees become problematic when members of the financial advisory firm act as expert witnesses. Yet, even when expert testimony is contracted on a time and expense basis, many common attorney practices may be perceived as creating a de facto contingent fee. What is the difference between agreeing in advance to a contingent fee and imposing one de facto by either not paying or slowly paying invoices?

Experts commonly experience exceptionally long delays in payment. Whether

an innocent artifact of experts' often circuitous retention (expert invoices go to the attorney, who forwards them to the client, who forwards them to the accounts payable department, etc.), or something more purposeful, such as past due balances, are not uncommon fodder for cross examination seeking to suggest some impingement of the expert's independence. To alleviate such situations, experts have experimented with retainer letters providing that they will neither issue reports nor schedule testimony if balances are past due. The one time a predecessor firm of mine attempted to invoke such a clause, a federal judge called me to not-so-kindly suggest that I make myself available for deposition.

An after-the-fact contingent arrangement can arise from an attempt to negotiate a discount on the final bill. It typically works as follows: The expert performs work in a matter that is eventually dismissed on grounds unrelated to the expert. The expert then gets the following call: "Look, we loved working with you, thought your report was great and have no quibble with your hours, but we still got hammered. How about you take a discount, and we'll make it up to you on the next one?" This, of course, amounts to amending a contract after-the-fact to make it contingent. Even more problematic, it simultaneously makes "the next one" contingent, as well. The ethical expert has no choice but to refuse the

discount and turn down “the next one,” ending a working relationship both parties enjoyed.

This month, we explored how contracting and payment of experts can lead to professional and ethical issues. In a second installment, we will review how counsel’s selection of and interaction with experts can create uncomfortable professional situations for both attorney and expert.

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

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

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

Justice Holland and ABA President James R. Silkenat Featured Speakers at Bar Association and Bar Foundation Seminar on November 22

Justice Randy J. Holland and ABA President James R. Silkenat are the featured speakers at the Fifth Annual Bar Association and Bar Foundation seminar to be held at the Chase Center on the Riverfront on Friday, November 22, 2013. As a special gift, and in celebration of the 90th anniversary of the Bar Association this year, a commemorative pin will be presented to every attendee.

Justice Holland will discuss the legal ruling at the heart of his recently published and highly regarded book *Delaware’s Destiny Determined By Lewes* and explain how it determined Delaware’s future as an independent state. ABA President Silkenat will address the subject of “Legal Education

and Access to Justice: Our Current Legal Paradox.”

Mr. Silkenat has had a distinguished career at the bar and in public service. Formerly, he was the New York ABA State Delegate, a member of the ABA Board of Governors and its Executive Committee, National Chair of the Fellows of the American Bar Foundation, and the Chair of the International Law Section and the recipient of its Lifetime Achievement Award. He also received the Diversity Champion Award of the New York City Bar Association and has served as Chair of the Lawyers Committee for International Human Rights. He has edited or co-edited 14 books and more than 100 articles on legal issues.

The morning session includes Louis B. Ferrara on “The Ethics of Legal Representation,” Margaret M. DiBianca on “Technology’s Impact on Your Practice,” and Edmund D. Lyons, Jr., and Richard A. DiLiberto, Jr., on “The Legal Implications of Rule 11 in Civil and Criminal Cases.” The afternoon session includes a panel discussion on workers’ compensation with Anthony M. Frabizzio, Jessica L. Julian, Edward B. Carter, Jr., and Jessica L. Welch.

This prominent and well-regarded seminar, which is part of an annual series co-chaired by Justice Holland and Harvey Bernard Rubenstein, offers 6.3 hours CLE credit, including 1.0 hour of Enhanced Ethics. The seminar is from 8:55 a.m. until 4:30 p.m., with lunch provided.



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By Susan Simmons

Women Veterans Issues: An Interview with Representative Melanie George Smith

Women veterans are one of the fastest growing segments of the veteran population. They comprise 7.5 percent of the total veteran population and nearly 5.5 percent of all veterans who use VA health care services. In 1988, women made up just 4 percent of the veteran population, but now that percentage has nearly doubled. By 2020, one in ten veterans will be a woman, according to the VA. The VA estimates women veterans will constitute 10 percent of the veteran population by 2020 and 9.5 percent of VA patients. We should remember the special contributions and sacrifices of the 200,000 women currently serving in the armed forces and 1.8 million who are veterans.

Women fought to be treated as the equals of men in the U.S. military, and now some of them find they are equal to men in another way: their needs for healthcare, benefits services, and programs.

I had the opportunity to get the views on some women veterans issues from Rep. Melanie George Smith (D-Bear), attorney at the firm Richards, Layton & Finger, P.A., who is also a member of the Delaware House of Representatives Committee on veterans Affairs and the Delaware State Bar Association Veterans Law Committee.

DSBA: Secretary of Veterans Affairs Eric K. Shinseki pledged on Women's Equality Day 2009 that the Department of Veterans Affairs (VA) would work to ensure that the nation upholds its obligation to meet the needs of our veterans — including women veterans. What do you see as the primary steps toward improving our services to women vets?

MGS: We need to take the work that the Veterans Administration is doing for women veterans and build upon that. Some ideas include:

- Comprehensive primary care and specialized medical care at every VA medical center;
- Enhanced mental health care specifically for women veterans;

- Staffing every VA medical center with a Women Veterans Program Manager (we are fortunate in Delaware that the VA Hospital in Elsmere has one);
- Creating a mini-residency on women's health for primary care physicians;
- Supporting a multifaceted research program on women's health; and
- Improving communication and outreach to women veterans.

DSBA: What is the genesis behind your getting involved in this issue?

MGS: The House of Representatives' Veterans Affairs' Committee held a hearing a couple of years ago. A woman veteran testified as to the unique challenges she faced as a woman veteran when returning from war in Iraq. This sparked many present at the hearing to begin a search for more information, including Craig Martin, founder and chair of the DSBA Veterans Law Committee. We knew that if there was one woman veteran who had enough courage to come and share her story publicly, there might be many more behind the scenes who have similar stories, but are not coming forward. Our aspirational goal is to meet with as many woman veterans as we can and learn from them what challenges they faced when they returned from war, and whether there were sufficient supports in place to help them when they returned. Because of privacy concerns, however, it is difficult to identify those women veterans. Accordingly, it may not be easy to gather information.

DSBA: Many women veterans in need of services fall through the cracks because the VA does not have a thoroughly gender-focused range of care set up to catch them. For too long, the approach to helping veterans avoid obstacles to VA benefits and services has been predominately focused on men. Kayla Williams, an Iraq War veteran, said there are issues in being a woman soldier that male soldiers do not understand.

“They may be aware of, but not be able to fully empathize with, the challenges of facing regular sexual harassment. And, they certainly do not understand what it is like to feel invisible as a veteran, as many women veterans do.” Some women veterans need treatment for conditions related to sexual assault or sexual harassment experienced while in the military, which may be very different from trauma suffered by male service members. Can you comment on this aspect women veterans concerns?

MGS: As I understand the realities of traumas that face our veterans when they are engaged in war, the PTSD that men experience is usually related to gunfire, explosions, IEDs, and so forth. The PTSD that women experience may be related specifically to Military Sexual Trauma — the sexual assaults and/or harassment that they faced. This is not to say that men do not also experience MST, as well. The difficulty in helping treat both men and women for their PTSD is many are reluctant to come forward and report or even talk about the MST they may have experienced. So, figuring out how to help veterans come forward to report their PTSD and seek help and treatment is one of the first things we can do. We also need to explore whether there is a need for more focus on preventing Military Sexual Trauma.

DSBA: How many female veterans are impacted by Military Sexual Trauma?

MGS: Based on figures given to me from the Elsmere Veterans Medical Center, for the 2012 fiscal year, of the 130 females who went through the Medical Center, 15 females tested positive for MST, representing 11.5% of the total.

DSBA: Too many women veterans do not know that they are eligible for the full range of VA benefits. Too many are unaware of special programs for them. What services or programs are available to women veterans in Delaware?

MGS: The VA Hospital in Elsmere has a full-time Women Veterans Program Manager on-site. They do provide

“Women fought to be treated as the equals of men in the U.S. military, and now some of them find they are equal to men in another way: their needs for healthcare, benefits services and programs.”

general health services specific to women’s needs, including gynecological care, birth control, maternity care, infertility evaluation and treatment, mammograms, breast self-exams, osteoporosis screening and treatment, and more. They offer mental health counseling and treatment for Military Sexual Trauma, violence and abuse, alcohol and drug dependence and more. They also have special programs including vocational rehabilitation, educational opportunities, links to job and career counseling, and services for homeless veterans.

DLA Piper, LLC has launched the first *Pro Bono* Legal Services Clinic at the Wilmington VA Medical Center. The clinic will provide legal consultations to Delaware’s veterans, free of charge, and where appropriate, refer the veterans to other *pro bono* service providers in the state. To volunteer at the VA Medical Center *Pro Bono* Legal Services Clinic contact Craig Martin at DLA Piper (craig.martin@dlapiper.com).

DSBA: What would you like to see from the members of the Delaware State Bar Association to help in the efforts to address women veterans’ issues?

MGS: I think the continued assistance provided by the Veterans Law Committee to all veterans is very help-

ful. Lawyers, who volunteer to assist veterans in various legal problems they face, make a difference. They can save a veteran from losing his or her home, and sometimes even obtain a life-long stream of income from the federal government for disability or other benefits owed to the veterans that have been denied. I believe very strongly that we owe it to all of our veterans to make sure that we do everything we can to support their well being.

DSBA: Anyone who is interested in volunteering to help a veteran — either through drafting wills and other important end-of-life documents, or through representation of a veteran to help the veteran secure benefits — please contact Craig Martin at DLA Piper (craig.martin@dlapiper.com) or Jacki Chacona at DVLS (jchacona@dvls.org).

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.

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PRIVATE ADMONITION

Effective Date: August 28, 2013
ODC File No. 105379-B.

A Delaware lawyer was privately admonished for violations of the Delaware Lawyers' Rules of Professional Conduct ("Rules") in connection with his representation of a client on a Petition for a Governor's Pardon. The private sanction was offered by a panel of the Preliminary Review Committee ("PRC"), and imposed with the consent of the lawyer. The lawyer admitted violations: (1) for failing to carefully read the client's criminal history to ascertain she had an arrest record in Family Court which would require he file a Petition for Expungement in that Court; and (2) for failing to file the Petition for Expungement in Family Court for more than two months.

DISABILITY INACTIVE

Effective Date: October 24, 2013
Supreme Court No. 558, 2013

By order dated October 24, 2013, the Delaware Supreme Court transferred Erik C. Grandell to disability inactive status, pursuant to Rule 19(b) of the Delaware Lawyers' Rules of Disciplinary Procedure. Until such time as he is reinstated to active status, Mr. Grandell is prohibited from practicing law in Delaware.

The Court of Chancery has appointed Todd C. Schiltz, Esquire, (302) 467-4225, as the receiver for Mr. Grandell's law practice. Ⓢ



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<p style="text-align: center;">105 Carlton Drive CARLTON SOUTH GATE</p>  <p style="text-align: center; font-weight: bold; color: white; background-color: black; padding: 5px;">\$1,495,000</p> <ul style="list-style-type: none"> • Magnificent 2-story custom stone home w/ over 8800 sqft of living space. • Open floorplan w/10' ceilings on 1st flr & 9' on 2nd. • 4 BRs, 4 full baths & 3 powder rms. • Kit offers cherry cabinets, granite, 6-burner Wolf range w/2 ovens, 2 Miele Dishwashers, SubZero fridge. • Master suite w/sitting room & 3 walk-in closets (one is cedar). • Fin lower level w/2,000 sqft features a full bar, powder room, and a large game room. • Oversized 3-car garage, generator & elevator. <p style="text-align: center; font-size: small;">property website: www.psre.com/8553</p>	<p style="text-align: center;">112 Gold Hawk Lane WHITE CLAY GLEN</p>  <p style="text-align: center; font-weight: bold; color: white; background-color: black; padding: 5px;">\$619,900</p> <ul style="list-style-type: none"> • Beautiful 4BR, 4.1B Wilkinson built home in Avon Grove Schools. • Formal LR & DR have lovely details such as wainscoting, bay window & hdwd flrs. • Spacious kitchen features cherry cabinetry, center island, Corian counters, stainless steel appliances & opens to breakfast rm & family rm. • Two-story family room w/gas stone floor-to-ceiling fireplace & large windows. • Master suite has huge dressing rm w/closet system, built-in shelving and stunning bath w/dbl vanity, tub & extra lg tiled shower <p style="text-align: center; font-size: small;">property website: www.psre.com/8760</p>	<p style="text-align: center;">1113 Legacy Lane LONGVIEW AT WYLIE</p> <div style="background-color: #800000; color: white; padding: 2px; text-align: center; font-weight: bold; margin-bottom: 5px;">New Price</div>  <p style="text-align: center; font-weight: bold; color: white; background-color: black; padding: 5px;">\$850,000</p> <ul style="list-style-type: none"> • Elegant home set in rolling country side of Chester County with fabulous views! • 4BRs with 4½ baths. • Spacious kit has maple cabinets, center island, sunny eating area & opens to family room with vaulted ceiling, and stone hearth fireplace. • 2-story foyer with butterfly staircase. • Formal living room features gas fireplace & opens to dining room w/tray ceiling. • Large study/office on first flr w/bay window. • Finished walkout lower level with full bath, game room, and exercise room. <p style="text-align: center; font-size: small;">property website: www.psre.com/8528</p>	<p style="text-align: center;">2 Boulder Road WILMINGTON</p> <div style="background-color: #800000; color: white; padding: 2px; text-align: center; font-weight: bold; margin-bottom: 5px;">New Price</div>  <p style="text-align: center; font-weight: bold; color: white; background-color: black; padding: 5px;">\$649,900</p> <ul style="list-style-type: none"> • Lovely Contemporary located directly behind DE Art Museum. • open floorplan, vaulted ceilings & large windows to take in views from every angle. • LR & DR flow together w/beautiful parquet flooring. • Dramatic foyer w/2-story palladian style windows creates stunning entrance. • Main flr MBR has 2 large closets, sliders to front deck & private bath w/dbl vanity. • Beautiful gardens in private setting within walking distance of Rockford Park, Trolley Sq & minutes from downtown Wilmington. <p style="text-align: center; font-size: small;">property website: www.psre.com/9377</p>
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For expanded information & additional photos regarding any of these fine properties, please visit my website at: <http://scrifasi.psre.com>

OF NOTE

Condolences to the family of **James Asheton Bayard, Jr., Esquire**, who died on October 2, 2013.

Condolences to the family of **Michael J. Goodrick, Esquire**, who died on October 9, 2013. ☪

Documentary “Nuremberg: Its Lesson for Today” to Premiere in Wilmington on December 11

The highly-acclaimed documentary, “Nuremberg: Its Lesson for Today [The Schulberg/Waletzky Restoration],” will be shown for the first time in Wilmington on Wednesday, December 11, 2013, at the Salesianum School Auditorium at 7:00 p.m. The film was directed by Stuart Schulberg, whose daughter, Sandra Schulberg, led the restoration team. Ms. Schulberg will introduce the film.

The St. Thomas More Society of the Diocese of Wilmington is sponsoring the event free of charge and inviting the public to join in a pre-screening reception at 6 p.m. and a post-film discussion with Ms. Schulberg.

Made for the U.S. Department of War in 1948, this historic film about the first Nuremberg trial was widely shown in Germany as part of the Allies’ denazification campaign, but not released in the United States at that time for political reasons. Six decades later, it premiered at the 2010 New York Film Festival, and since then has played in theaters around the country to stellar reviews. The *Washington Post* gave it four stars and called it “mesmerizing.” The New York Times described it as “haunting and vivid” in showing “how a vital and indispensable principle of humanity was restored.”

For more information about the film, please visit its official website: www.nurembergfilm.org. To learn more about this free event, visit the website of the St. Thomas More Society at www.stms-wilmington.org or call Matt Boyer at (302) 884-6585, Jim Haley, Jr. at (302) 656-7247, or Harvey Rubenstein at (302) 478-9009. ☪

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2013 Christopher W. White Distinguished Access to Justice Awards Breakfast

On Thursday, October 24, the legal community came together to celebrate individuals and firms who are committed to helping others by providing *pro bono* legal services. This year's Christopher W. White Distinguished Access to Justice Awards Breakfast was held in the du Barry room of the Hotel du Pont with over 90 individuals in attendance. The service awards are given in the name of Christopher W. White, a long-time attorney with the Community Legal Aid Society of Delaware, who died in April 2010. This breakfast gives the DSBA the opportunity to honor those firms and individuals who give time and resources to support access to justice for all Delawareans.

The Leadership Award was presented to DuPont Legal. This award is presented to a legal organization (legal department or law office) that has demonstrated outstanding leadership in the field of *pro bono* service to Delaware's indigent population.

The Commitment Award was given to both Shauna T. Hagan, Esquire, of Kelleher & Laffey, and David B. Brown, Esquire, of Potter Anderson & Corroon LLP. This award is presented to members of the Bar who have demonstrated a sterling commitment to *pro bono* work throughout his or

her career by dedicating time and energy to the support and provision of legal services.

The Achievement Award was given to Lieutenant Colonel Roy A. ("Drew") Hilferty, Staff Judge Advocate with the Delaware National Guard. This award is presented to a member of the Bar who has shown an exemplary recent contribution to *pro bono* services (generally in the past one to three years) and stands as a role model to other attorneys.

The DSBA Service to Children Award was presented to Young Conaway Stargatt & Taylor, LLP. This award is given to an individual lawyer, legal professional, or organization principally including lawyers, which demonstrates outstanding commitment to, and work for, children in the provision of legal or community services. It may be given to volunteers or those employed in the provision of legal services for children.

Once again, as part of this ceremony, United Way of Delaware presented their Christopher J. Battaglia Memorial Awards – Celebrating the Joy of Helping to Potter Anderson & Corroon LLP (Large Firm Participation); DLA Piper (Small Firm Participation); and the Tocqueville Society Award to Potter Anderson & Corroon LLP. 



DSBA President Gregory Brian Williams, Esquire, was presented with the the DSBA Access to Justice Tribute by Delaware State Senator Bryan Townsend, Esquire.



Delaware State Senator Bryan Townsend, Esquire, presented the "Celebrate *Pro Bono* Week" Proclamation to Janine N. Howard-O'Rangers, Esquire, of Delaware Volunteer Legal Services, Inc.

White Distinguished Awards Breakfast



DSBA President Gregory Brian Williams, Esquire, presented the Christopher W. White 2013 Distinguished Access to Justice Leadership Award to Hinton J. Lucas, Esquire, who accepted the award on behalf of DuPont Legal.



Shauna T. Hagan, Esquire, of Kelleher & Laffey, and David B. Brown, Esquire, of Potter Anderson & Corroon LLP each received the Christopher W. White 2013 Distinguished Access to Justice Commitment Award.



Lieutenant Colonel Roy A. ("Drew") Hiferty, Staff Judge Advocate with the Delaware National Guard received the Christopher W. White 2013 Distinguished Access to Justice Achievement Award.



Timothy Jay Houseal, Esquire accepted the DSBA Service to Children Award on behalf of Young Conaway Stargatt & Taylor, LLP.

The Christopher J. Battaglia Memorial Awards



Large Firm Participation award presented to Potter Anderson & Corroon LLP.



Small Firm Participation award presented to DLA Piper.



Tocqueville Society Award presented to Potter Anderson & Corroon LLP.



DE-LAP ZONE

A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

The DE-LAP Holiday Survival Guide

How To Recognize and Combat Holiday Blues and Depression

Suddenly, but with warning, the holiday season is upon us yet again. As my tradition has been for the past seven years, I intend to assist those individuals, who like me, need a holiday survival guide! Also, and more importantly, this column offers a quick guide on how to recognize when it may be more than stress. Clearly, the holiday season is, for some, a time of unending planning and festive partying; while for others, it is a time of stress, anxiety, the blues, or the holiday ruts.

From family issues such as relationships (many love their brothers, sisters and extended family, but do not necessarily like spending the day with them); weight gain (from Thanksgiving to New Year's Day the average American gains six pounds); purchasing gifts in a so-so economy (contemplating for hours what to buy for your elder relatives or grandchildren, who need for nothing); and the "P" word — "perfectionism" (many of us believe that their holiday celebrations should be a photocopy of a Norman Rockwell print) — It can be a struggle to find our way around the holiday season's stressful and often emotional trap.

While you cannot totally relieve yourself of all the stress in your life, you can keep your stress under control. You can accept that it is a stressful time and build resilience in dealing with it. When

stress is at its peak, it is difficult to stop and regroup. In other words, coping with holiday stress can be dealt with in the same way as other, more serious pressures. Begin by identifying the things that really stress you and develop a plan for dealing with those situations.

For example, generally, the majority of us enjoy decorating, buying and making gifts, going to parties, baking cookies and pies, watching football games, and seeing friends. However, too much — even of these good things — can cause a lot of stress to an already hectic life. Plus, not everything about the holiday

season is pleasant. Bottom line: you need to draw a line between preparing for the holidays and enjoying them.

Unfortunately, the holiday season can magnify aspects of unpleasant feelings, too. In other words, if we sometimes feel lonely, during the holidays we may feel especially lonely. If we miss a friend and/or family member (including our cherished pets), we miss them most of all during the holiday season. Plus, the bringing in of a new year puts focus on issues that have bothered us throughout the past year.

According to the Mayo Clinic, here are some tips to prevent holiday depression and stress:

1. Acknowledge your feelings. If someone close to you has recently died or you cannot be with loved ones, realize that it is normal to feel sadness and grief. It is okay to take time to cry or express your feelings. You cannot force yourself to be happy just because it is the holiday season.
2. Reach out. If you feel lonely or isolated, seek out community, religious, or other social events.
3. Be realistic. The holidays do not have to be perfect or just like last year.
4. Set aside differences. Try to accept family members and friends as they are, even if they do not live up to all of your expectations.



Other Survival Tips or DE-LAP'S Holiday Survival Guide

To help you clarify what really gets under your skin about the holidays, Harvard stress expert Alice Domar, Ph.D., has put together a list of Family Dos and Don'ts and some that are listed below:

- Don't cling to visions of a Norman Rockwell family moment. That happens only in paintings. (In other words, ditch the perfectionism.)
- Do consider family problems when planning celebratory gatherings. If your brother drinks too much, avoid a dinner party and throw a dry holiday brunch instead.
- Don't travel out of guilt. Have an honest conversation with your family about how difficult it is for you to make a trip during the holidays. Suggest visiting say, in February, when you will have more time to really see one another. If they do not understand, consider that there may be something wrong on their end.
- Do be flexible with your partner. Some traditions are definitely worth fighting for, while others you may be able to let go.
- Don't force yourself to revel. If office parties or family gatherings are painful, honor your need to celebrate in your own private way.
- Don't isolate yourself. Seek out kindred souls and spend time with them. If you are newly divorced, join a support group, volunteer at a homeless shelter, or shop for elderly neighbors so you have some human contact.

Gift Dos and Don'ts

- Don't spend randomly. Set a limit for gifts and stick to it.
- Do talk with your children before the season begins about realistic expectations.
- Do use a personal shopper if you can afford one, or buy presents online.
- Don't hesitate to buy the same gift for several people on your list—as long as they do not know one another, who cares?
- Do take one vacation day early in the holiday season to get all your shopping finished so you can avoid the crowds or 11th hour pressure.

Expectation Dos and Don'ts

- Do remind yourself that the holidays may have been so wonderful in childhood because you had no responsibility for making the magic. If you have grown-up expectations, you will not be so disappointed.
- Do make a list of all your traditions, from decorating to caroling. Keep the ones you love (forget about impressing other people), and cross off the ones you don't.
- Don't feel sorry for yourself if you have no parties to go to. Throw your own, and feel good inviting others who may not have invitations themselves.
- Do have compassion for yourself during the holidays. If you are not in a celebratory mood, you are not the only one.
- Do try returning to your old church, synagogue, or mosque if you are feeling spiritually disconnected; if that

does not work, go with friends to their place of worship.

- Don't feel pressured to make a spiritual connection during this holiday. Set it as a goal to work on next year. Knowing you have a plan will help you feel better immediately.
- Whichever method you choose, take hold of your holiday stress and the emotional traps before they take hold of you.
- Finally, do seek professional help if life does not seem worth living. Symptoms of depression include a depressed or empty mood; loss of interest or pleasure in ordinary activities; changes in appetite or weight; disturbed sleep; slowed or restless movements; fatigue; loss of energy; feelings of worthlessness or guilt; trouble in thinking, concentrating, or making decisions; and recurrent thoughts of death and suicide.

Should you or anyone you know want more information or help regarding this subject and other issues that may be affecting either your work productivity or personal life, call The Delaware Lawyers Assistance Program (DE-LAP) at (302) 777-0124 or 1-877-24DELAP or our 24 hour hot-line number 1-877-652-2255 or visit our confidential web site at www.de-lap.org and e-mail me at cwaldhauser@de-lap.org.

Wishing you a happy, healthy, and stress-free holiday season! 🍷

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

**Getting help doesn't 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.

Carol P. Waldhauser, Executive Director

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Family Court Judiciary Hosts Prominent Faculty for Technology Training

By The Honorable Michael K. Newell and Eleanor Benjamin Torres, Esquire

Family Court Judges and Commissioners recently completed their third training session on issues related to electronically stored information (“ESI”) on September 12, 2013. This current session, entitled “Challenges and Benefits of Technology in Achieving Justice,” was led by the Honorable Ralph Artigliere, the Honorable Paul W. Grimm, and Kevin Brady, Esquire.

On January 12, 2012, the first training was held at Delaware State University, and Family Court Judges and Commissioners received instruction on electronic evidence, including essential digital technology and prominent admissibility issues related to ESI.

Judge Artigliere and Mr. Brady returned on November 1, 2012 to the Buena Vista Conference Center to present “Digital Evidence 2.0: Emerging Issues in Information Technology.” Topics discussed included ethical changes and current issues with ESI, including spoofing. Judge Artigliere and Mr. Brady graciously agreed to make a similar presentation to the Family Law Section of the Delaware State Bar Association on November 2, 2012 at the annual Family Law Update.

On September 12, 2013, Judge Artigliere and Mr. Brady were joined by the Honorable Paul W. Grimm, a Judge with the United States District Court for the District of Maryland. Family Court Judges and Commissioners discussed the qualities and characteristics of ESI that make ESI a valuable source of evidence, as well as the strategies for courts and counsel to meet the challenges posed by ESI evidence. The Judges and Commissioners explored the role of the judicial officer in establishing guidelines for litigants and attorneys. The panel also addressed and

discussed ethical responsibilities related to technology and ESI, including the recent amendments to the Delaware Lawyers’ Rules of Professional Conduct. To close out the day, Judge Grimm gave an excellent primer on ESI and the rules of evidence.

Judge Artigliere is a member the American College of Trial Lawyers. He was appointed by Governor Jeb Bush as a Circuit Judge for Florida’s 10th Judicial Circuit in 2001. He retired in 2008 to teach and write. He is a frequent lecturer at the Florida Judicial College, the Florida College of Advanced Judicial Studies, and the Florida Bar Advanced Trial Advocacy Course.

Judge Grimm was appointed to the Maryland District Court on December 10, 2012. Previously, he served as a Magistrate Judge, starting in 1997 until his appointment as Chief Magistrate Judge. He served in the latter capacity from 2006 to 2012. Judge Grimm was recently recognized by The American Lawyer as one of five pioneer judges who have shaped the evolution of e-discovery. He is author of the decision, *Lorraine v. Markel American Ins. Co.*, 214 F.R.D. 534 (D. Md. 2007), and a recent law review article entitled the “Authentica-

tion of Social Media Evidence,” which was published in the Journal of Trial Advocacy.

Kevin Brady, Esquire, Delaware’s own, is a nationally recognized expert on E-discovery and technology issues. He is a litigation partner at Eckert, Seamans, Cherin & Mellott, LLC. Mr. Brady is a founding member and current President of the Richard Herrmann Technology Inn of Court and was recently named co-chair of the Delaware Supreme Court’s Commission on Law and Technology.

The Family Court expresses its sincere appreciation for the amount of time and quality of instruction that these three selflessly provided to this Court. It is the Family Court’s hope that this “series” will continue. ☺

The Honorable Michael K. Newell is a Judge of the Family Court of the State of Delaware. He was appointed to the Family Court in 2004. Prior to his appointment to the Bench he was in private practice for 21 years practicing family law. He can be reached at michael.newell@state.de.us .

Eleanor Benjamin Torres, Esquire is the Director of Legal Affairs for Family Court and can be reached at eleanor.torres@state.de.us.

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Madame Bovary: Ho Ho Ho

November 15, 16, and 17, 2013

On Friday, November 15 and Saturday, November 16 at 7:00 p.m. at the The Tatnall Theater in Wilmington, and Sunday, November 17 at 2:00 p.m. at the Schwartz Center in Dover, the Delaware State Bar Association will present **Madame Bovary: Ho Ho Ho**.

As usual, we've taken a positively dismal classic with a wretched conclusion, and turned it into an evening (or afternoon) of great songs, terrific dances, and loads of fun — just as Flaubert would have done if he'd had the slightest sense of humor or empathy for the audience! So, come see **Madame Bovary** —but this time Emma will commit hilarity, not hari-kari.

As always, the actors and band members are lawyers, whom you'll see in this context *very* rarely! There are over 20 in the cast and crew, and 8 in the band—all to raise money for the Combined Campaign for Justice.

You'll never have more fun supporting a wonderfully worthy charity!

To purchase tickets, go to: <http://legaltheater.hillderarban.com>, or contact Lindsay Chiavaroli at (302) 739-5331 or complete and send in the form below (Please return by November 7, 2013).

Madame Bovary: Ho Ho Ho • November 15, 16, and 17, 2013

Please return by November 7, 2013

- | | |
|--|----------------------|
| <input type="checkbox"/> Friday, November 15, 2013, 7 p.m., in Wilmington – \$25.00 per person | No. of Tickets _____ |
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Tickets will be kept at Will Call and picked up at the event.



BOOK REVIEW

Reviewed by Richard A. Forsten, Esquire

Lights, Camera, Lawsuits: *The Little Book of Movie Law*

By Carol Robertson (American Bar Association, 2012)

As new technologies emerge and grow, the law reacts and adapts. So, it is today in the digital age of the internet, and so it has been in the past (and still today) with the movie industry. In *The Little Book of Movie Law*, lawyer and film enthusiast Carol Robertson takes the reader on a tour of the movie industry's legal history, from the early patent cases brought by Thomas Edison (perhaps the original patent troll) at the turn of the last century through to recent cases involving internet piracy and copyright restoration of certain works in the public domain. In between, she

tells the tales of Roman Polanski, Fatty Arbuckle, W.C. Fields, Cecil B. DeMille, Charlie Chaplain, Olivia de Havilland, and countless others, as well as tales about canceled movie productions, fired starlets, and other behind the scenes stories that led to lawsuits and often changed the way Hollywood worked. For movie aficionados, the book is not only interesting legal history, but a history of movies more generally, as well. Indeed, one of the things that becomes readily apparent as one follows the legal history along is that the movie industry today has, in many ways, been shaped as much by court decisions as market forces.

The early days of cinema were slow to develop and were marked as much by patent litigation as anything else. As every student of American history knows, Thomas Edison was a prolific inventor, but what is less well known is that he was also a prolific patent litigant. In the very early days of cinema (when most films were very short news reels or other true

shorts), most companies simply paid Edison a licensing fee, rather than risk litigation. But, one of the early movie studios, Biograph, refused. Edison won at the District Court level, but lost on appeal when his patent was declared invalid for being overbroad. He promptly re-filed for a less broad patent, brought suit again, and again lost. Biograph and Edison would eventually reach a truce and pooled their patent libraries, but ultimately the licensing system they tried to create broke down. All of this litigation, though, and the uncertainty caused by it, slowed the development of the movie industry itself. Interestingly, Edison's constant litigation is also credited with giving birth to Hollywood, as several production companies moved to California in an effort to escape Edison's New Jersey and New York lawyers.

Once in California, the movie studios initially ruled the roost with the infamous "studio system." Under that system, the studios would sign actors and actresses to long-term contracts (typically seven years) at a fixed annual salary. Actors and actresses were required to star in whatever roles the studio gave them in whatever films the studios decided, and they had virtually no control over the parts they would play. Sometimes studios would "loan" actors or actresses to other studios for specific projects, but the studios would keep any payments for such "loans." In 1944, actress Olivia de Havilland (Melanie Wilkes in *Gone*



© istockphoto.com/Scottwonghk

with the Wind, and Maid Marian in *The Adventures of Robin Hood*, among other roles) successfully challenged certain provisions in her contract with Warner Brothers, a lawsuit often cited as leading to the end of the studio system.

In its heyday, though, the studio system included more than just long-term contracts with actors and actresses. The studios also had extensive control over the distribution process. They required “block booking” for films (under which a theatre had to agree to show all films in a “block,” the good and the bad, the blockbuster and the bomb). They required minimum ticket prices for their movies. In 1945, of the ninety-two cities in the United States with a population of at least 100,000, seventy percent of all first-run theaters were affiliated with one of the five major studios, and, in thirty-eight of these cities, there were no independent first-run theaters at all. Naturally, such cozy arrangements attracted the interest of the Justice Department. Ultimately, the block booking practice was halted and the studios were forced to divest their holdings in theatre chains.

Not all of Robertson’s stories, though, have had huge impacts on the film industry. She also relates individual tales that, while perhaps lacking long-term repercussions, nevertheless remind the reader that not every story has a happy ending. For example, Raquel Welch was originally cast as the female lead in the 1982 movie *Cannery Row*, a so-so movie (now largely forgotten) also starring Nick Nolte. However, for reasons which remain unclear (the studio claimed Welch was being difficult and breached her contract, but the facts suggest otherwise), MGM decided to fire Welch and replace her with Debra Winger early on in the production (but after filming had begun). Welch sued for breach of contract, lack of good faith, damage to reputation, etc., and ultimately won a judgment in excess of \$10 million, which was upheld on appeal. Welch had hoped that *Cannery Row* would be the start of a serious acting career, but she was never cast

in another starring film role. Debra Winger, though, managed to avoid any tarnish from being in the film (which received poor reviews) and went on to earn two Academy Award nominations (for 1982’s *An Officer and a Gentleman*, and 1985’s *Terms of Endearment*).

All in all, *The Little Book of Movie Law* is a 30-reel movie (i.e., 30 chapters, each discussing a particular case or related cases), with 12 intermissions (shorter summaries of different legal issues). In addition to the stories and cases mentioned above, it discusses, among other cases, the Supreme Court case involving the legality of video cassette recorders (VCR’s), Art Buchwald’s lawsuit over his contract for the Eddie Murphy movie *Coming to America* (making clear there seems to be no such thing as “net” profits under Hollywood accounting), the *Grokster* case (involving internet downloads), and a case brought by relatives of the fishermen portrayed in *The Perfect Storm* (claiming the movie unfairly portrayed their family members).

For anyone with an interest in movies, or an interest in the law of movies, *The Little Book of Movie Law* is a fast-paced, fun read. Just remember that while Hollywood may be the land of dreams, the book consists of real stories with real endings — not Hollywood endings. 

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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A PROFILE IN BALANCE

By James G. McGiffin, Jr., Esquire

Reneta Green-Streett: Don't be Alarmed, It's Just an Animal Print

If I aspire to be the best lawyer I can be, I must first try to be the best person I can be. I am fortunate to know many lawyers who have succeeded in their work, in part, because they are excellent people. This column in The 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

• • •

Reneta Green-Streett grabs attention whenever she appears on the scene. Everything about her, from the exotically adorned fingernails to the little-girl voice that escapes from this very fashionably attired woman to the beyond-her-years poise and confidence, makes an observer sit up and take notice. And, she is doing good things with this attention.

Reneta is very much a “local.” She was born in Seaford and grew up on her grandfather’s Greenwood dairy farm. Her first pets were cows, but farm life was not her calling. Reneta’s mother had married when Reneta was 4-years-old, and her new step-father’s brother was John Garey. After watching “uncle” John perform in a moot court competition as a law student, Reneta made up her mind that she would become a lawyer. Her mother, a frequent adversary in argument, had to agree with this career choice.

Upon graduation from Milford High School, Reneta left Delaware to attend



William and Mary where she majored in English and Sociology and minored in Black Studies. Her attachment to home was strong, however, and after graduating, Reneta decided to return to southern Delaware. As fortune would have it, Pat Scanlon was moving his law practice to Milford, and he hired Reneta to assist in debt collection matters. She did that for three years before returning to William and Mary for her law degree.

Reneta spent her law school summers at a large law firm in Wilmington, but Delaware’s metropolis held no appeal for her. She was pleased to accept a clerkship with The Honorable Robert B. Young of the Superior Court in Kent

County and was further delighted when it became clear that Judge Young was not interested in changing her writing style. After her year at the Court, Reneta took a job as an associate with Judge Young’s former firm, now operated by his son, Jeff Young, and partner Brian McNelis. Reneta focuses on insurance defense work. She enjoys the challenge of assessing people and the credibility of their stories. This work affords her an opportunity to use both her Oprahesque demeanor and her own steel will.

She is also known to cross the threshold of the Family Court upon occasion. Reneta volunteers for the Office of the Child Advocate and handles the Court appointments that come her firm’s way. She views this work as an opportunity to learn by working well outside her comfort zone in the Superior Court. She also appreciates the opportunity to help people with issues other than monetary compensation.

Reneta lives in Smyrna with her husband, Branden, who is in the United States Air Force. They share their home with 3 dogs: Delilah (a black Pomeranian), Dixon (a fawn Pug), and Darbi (a black Pug). She visits with her mother a couple of times each week. “I’m a momma’s baby,” she confesses. She also stays in touch with her godson who lives in Rehoboth. And, perhaps only tangentially related to her litigation practice, she kickboxes four times each week.

This fall, Reneta has spent a great deal of time in rehearsal for the DSBA-

“Whether she is on stage, in the courthouse, or in the gym, Reneta Green-Streett will command your attention.”

sponsored musical comedy, *Madame Bovary: Ho, Ho, Ho!* This event is the fifth in a series of shows written by Judge Young and produced as a fundraiser for the Combined Campaign for Justice. Her introduction to this company of lawyer-theatians happened minutes after she interviewed with Judge Young and revealed that she could sing. Before she sat for the bar exam, she was cast in the 2009 production of *Moby Dick: The Maritime Musicales* as Starbuck, the cross-dressing first mate. Two years later, she handled one of the female lead roles in *An American Tragedy: A Comedy*. For *Madame Bovary*, she plays the title character with lots of stage time and several solo numbers. She has also spent some time teaching the men in the cast how to dance and move their hips. It is almost a shame those lessons are not part of the show.

As an attorney in Dover, Reneta finds herself in a place not known to attract a racially diverse cadre of attorneys. However, she has been pleasantly surprised at her reception and at some of the friendships she has formed with attorneys on both sides of the “v.” She is a cheerful trailblazer and views her status as a woman and a person of color an advantage.

Whether she is on stage, in the courthouse, or in the gym, Reneta Green-Streett will command your attention. As she is in the springtime of her career, she is likely to do so for many years to come. It will be fun to watch. 

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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Balancing Billable Hours Against Health Insurance Savings

By Aaron W. Mitchell, REBC

Web-based technology has been an incredible tool to consumers who are looking for the best deal. Cars.com helps people compare hundreds of dealers' prices on every possible combination of cars, trims, and available options. It is a very useful way to explore a market of thousands of options without going from dealership to dealership. Many people expect the Public Exchanges to be the cars.com of the health insurance marketplace. The problem with this idea is that the Public Exchange will only explore those options offered directly through that state's exchange and does not represent the whole marketplace of options available to your firms. So where do we go from here?

The Patient Protection and Affordable Care Act (PPACA) will provide new avenues for purchasing health insurance. Between individual plans, group plans, private exchanges, public exchanges and more, there are literally thousands of ways to buy health insurance under PPACA. While health insurance has always been a large portion of a law firm's budget, the overall effect of Healthcare Reform is not cost reduction for most groups. Today, our focus is ensuring that the process of comparing the new options does not take away from your billable hours or overwhelm your HR staff. It is critical as employers that we can navigate these options as efficiently as possible. One of the best ways to start is with a process of elimination.

The **Individual Marketplace** refers to the marketplace of plans that individuals, not groups, can go to purchase coverage. If your firm will continue to sponsor a group plan, these plans will not be a solution. Firms who are contemplating stopping their group coverage should understand that employees may not purchase Individual Marketplace plans on a pre-tax basis through your premium only or cafeteria plan.

The **SHOP Exchange** is the marketplace for law firms with up to 50 employees. Larger firms may not participate in these plans until at least 2017. In Delaware, SHOP contains 11 total plans from Coventry and Highmark. Some carriers have elected

to offer the same SHOP plans in the Commercial Marketplace. If the plans are the same, the prices on those plans must be the

same in the SHOP Exchange as the general marketplace. The unique feature of the SHOP Exchange is the ability for certain groups with less than 25 full-time equivalent employees to qualify for a tax credit. This tax credit is only available through SHOP plans. Firms who do not meet the tax credit eligibility are unlikely to find cost savings or additional plan choices in the SHOP Exchange.

The **Commercial Group Marketplace** is another name for the general marketplace where most groups purchase coverage currently. This marketplace is not going away under PPACA, but insurance companies are rolling out brand new plans to comply with the legislation. Law Firms in the small business marketplace (with 50 employees or less) will likely see those plan changes at their first renewal in 2014. The small business plans and premiums will no longer be based on the health of the group. Premiums will be based on the exact ages and tobacco status of each employee, and their dependents.

The **Private Exchange Marketplace** represents hundreds of third party administrators and with many different health insurance carriers. Carriers like Aetna and Highmark will both have their own exchange available to groups of different sizes. The plan designs and premiums may differ from the SHOP Exchange and Commercial Marketplace and will be available to groups of varying sizes.

Larger law firms will see the effects of PPACA legislation. However, the logistics of how coverage is delivered will not automatically change. Your premiums will still be based on the claims and experience of the large group pool and the firm itself. Firms will find that their employees will be comparing their plans and premiums to those offered through the Individual Marketplace. While it does not mean firms should reconsider the plans they



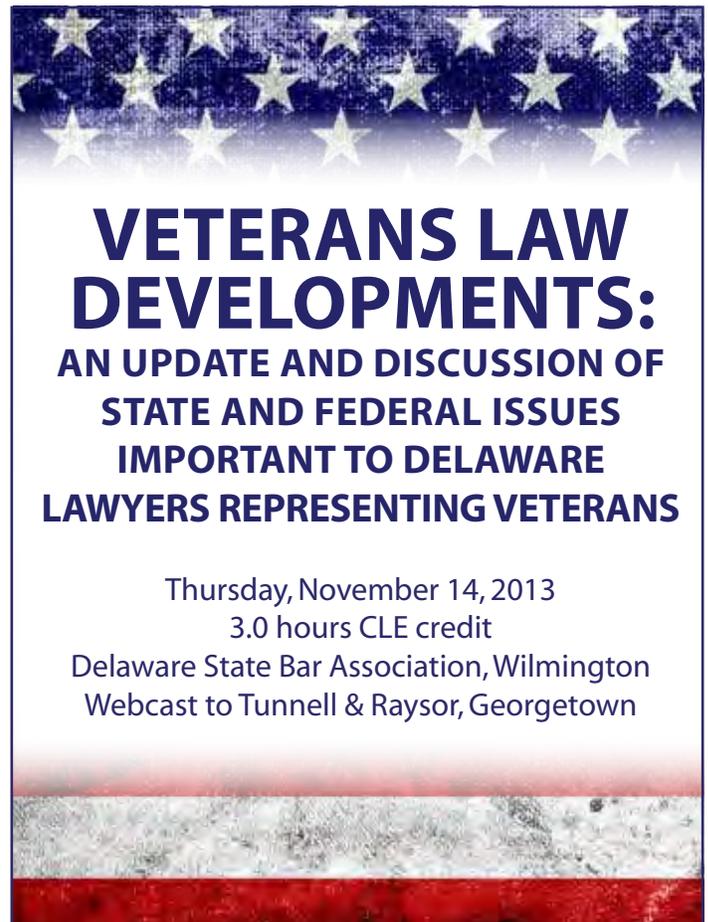
offer, they should recognize that new individual plans are being advertised on a guaranteed issue basis. Knowing how your firm's contributions compare with tax subsidies and cost-sharing reductions are important in your planning.

Smaller law firms (under 50 employees) will find that the new environment will be more challenging to compare options. Beginning in 2014, insurance carriers will utilize a premium model based on each employee and dependent's age and tobacco use, as well as the number of children covered. The age ratio would allow a 63-year-old to have a premium of triple that of a 25-year-old.

The first step for all firms should be determining what your employees value in health benefits. Armed with that information and a health insurance budget, your firm can navigate through the new options to determine if there is a better way to deliver health insurance to your attorneys, your employees, and their dependents.

This is part two in a series of articles on the new Exchanges available for Delaware Firms and Individuals. DSBIS is a wholly owned insurance brokerage subsidiary of the Delaware State Bar Association. DSBIS serves all insurance needs for attorneys, their firms, their families, and their clients. DSBIS was formed by Delaware attorneys for Delaware attorneys.

Aaron Mitchell is DSBIS' lead marketing representative, coordinating all lines of insurance. He specializes in group benefits and life insurance. Contact Aaron at (302) 397-0170. 



VETERANS LAW DEVELOPMENTS:

AN UPDATE AND DISCUSSION OF STATE AND FEDERAL ISSUES IMPORTANT TO DELAWARE LAWYERS REPRESENTING VETERANS

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Get Answers to Your Questions on the Affordable Care Act and Newly Released Exchanges!

Join us for a casual discussion on the impact Exchanges will have on Delaware Law Firms in 2014.

Delaware State Bar Insurance Services (DSBIS) would like to invite all attorneys and firm administrators to attend an update session on Exchanges under the Patient Protection and Affordable Care Act (PPACA). With the October 1st release of individual and small business platforms, many law firms have asked how these plans will impact their programs.

We'll spend 20 minutes highlighting legislative changes and covering the practical use of public and private Exchanges. Then we will open up a 20 – 30 minute question and answer session between the audience and a panel of advisors.

There will be an informal reception with hors d'oeuvres and refreshments following the panel discussion and a chance to mingle with DSBIS representatives or to sit and talk one-on-one.



Date & Time: Wednesday, November 20th, 5 – 7 PM

Location: Delaware State Bar Association

Please RSVP: by email at events@dsba.org or by calling the DSBA at 302.658.5279



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New Castle County Law Department

Awards Luncheon • Tuesday, December 3, 2013

Please RSVP by November 25, 2013

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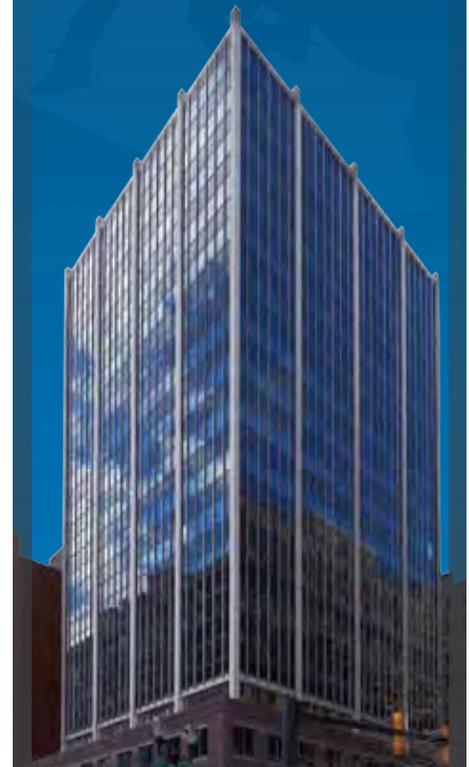


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Styer's Garden Café

A hidden gem of a restaurant, Styer's Garden Café is set in an antique greenhouse at Terrain in Glen Mills, Pennsylvania. The walk from the parking area to the café is a treat in and of itself. You can stroll through the store and browse among gourmet food items, cookbooks, candles, terrariums, table settings, and bath products. Or, you can follow the path through the nursery to check out the outside décor, which, at this time of year, will include pumpkins and gourds of all shapes and sizes, as well as colorful pepper plants and ornamental cabbage.

Arriving at the café, you will enter a conservatory of tables covered in linen tablecloths where the horticulture, lighting, and friendly servers create the most serene and pleasant dining atmosphere in the area. Unlike many restaurants where poor acoustics prevent you from hearing the person across from you, Styer's Garden Café arranges the tables and greens to provide a peaceful and private surrounding.

The ever changing seasonal menu offers a taste for every palate. I dined there on two occasions in the early fall — the first was with my husband Vincent and two friends and the second was just the two of us.

Our favorite appetizer was the Doe Run Hummingbird Cheese served with pickled farm beets and micro greens. This soft ripened mild cheese from Doe Run Dairy in Chester County paired perfectly with the tartness of the pickled beets. The colors in this dish were lovely — the red and gold beets, the creamy white cheese and the splash of green. We also enjoyed a fall salad of roasted squash and arugula topped with blue cheese, candied walnuts, cranberries, balsamic and sunchoke crisps.

On one visit, we focused on the seafood entrées, while on the other, we opted for the meat dishes. Overall, the seafood choices prevailed. The grilled whole branzino was superb. The skin was crispy, and the bed of toasted farro, pickled heirloom tomatoes, fennel, and toasted almonds on which it was served was the ideal complement to the mild taste and flaky texture of the fish.

We also ordered the lobster three ways — butter poached tail, knuckle and radish salad, and tempura fried claw. Typically, poached lobster would not entice me, but the variety of preparations (especially the tempura claw!) along with the cauliflower vadouvan, a curry spice blend with a French flair, made this a noteworthy dish. The only minor problem with the plating was the lack of a plate — it was served on a wood board that permitted the melted butter to run over the sides.

Of the meats on the menu, we chose the pork duo of braised cheeks and crispy belly and the braised lamb neck. The duo was served with roasted Brussels sprouts, crispy polenta, hazelnuts, and fig and cider jus — a side dish of true comfort food. The braised cheeks were cooked to perfection, falling apart at the push of a fork. The belly, on the other hand, was not sufficiently rendered to melt in your mouth.

As a result, the meat was tough and required forceful cutting to attempt a taste.

The braised lamb neck with local mushroom ragout, maple glazed squash steak, and spicy carrot harissa made for a much better main course. The lamb was tender, the “steak” had a sweet maple crust, and the harissa added an agreeable spice flavor.



For dessert, we enjoyed the generous cheese board of five local cheeses, including Nancy's Hudson Valley Camembert and Rogue River Smokey Blue, along with honeycomb, quince paste, and crostinis. Ordering a cheese board for dessert is just the thing to do to finish your final few sips of wine.

Last, but not least, I must mention one of the highlights of the meal — the bread. So many restaurants do not pay enough attention to the quality of the bread, while the bread makes one of the restaurant's first impressions. The bread at Styer's Garden Café is meant to impress, and it succeeds.

It is a soft, buttery brioche baked in a clay flower pot accompanied with fresh butter and a unique salt — lavender or sage, for example.

Its tranquil setting and quality ingredients make Styer's Garden Café difficult to beat. The fact that you can BYOB is an added bonus, making for a reasonable night out. As the café also serves brunch and lunch, there is no excuse not to stroll through the store and nursery and then stay for a comforting meal. 🍷



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.cucinadipoppiti.com.

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