

DELAWARE STATE BAR ASSOCIATION
LITIGATION SECTION MEETING MINUTES– FEBRUARY 17, 2011

Following advance and proper notice, the meeting was called to order at 12:05 p.m.

Present: David Felice; David Soldo; Karl Randall (by phone); Joseph Bodnar; James Kron; Travis Hunter; David Dorey; Barry Klayman; Johnna Darby

Old business

- December 9, 2010 meeting minutes – Approved
- Status report from Sub-Committee on the proposed Bench/Bar Liaison Program

David Soldo reported that the liaison program was approved in principle by the Judges at its 1/6/2011 judicial meeting. Within the next eight to ten weeks, the Subcommittee plans to submit a proposed Program Description to the Court.

The Subcommittee should also strive to have its lists of proposed candidates to the Court within eight to ten weeks. Soldo impressed that it would be important for the Subcommittee members to communicate the same message regarding the program to any potential candidate. A discussion ensued regarding credentials for candidates.

- Status report regarding the implementation of forms database

Jo Donoghue will be attending a meeting that is scheduled for the beginning of March 2011 (March 2-4, 2011) with the moderators to discuss the implementation of the forms database. David Dorey and Barry Klayman may attend that meeting, if it works with their schedules, to discuss the possibility of a blog on the Litigation Section website and the potential for the moderators to be involved in monitoring that as well.

- Status report on amending the Section Bylaws

This item will be passed to the next section meeting.

- Status report on the March 10, 2011 reception with the Superior Court

Two Thousand Five Hundred Dollars (\$2,500) was raised for the event. Judge Cooch will be providing a headcount of the judges/commissioners to David Felice one week before the event (3/3/2011). David Felice also invited Sharon Agnew. He will also be inviting Joseph Biden, III, the state solicitor and the Governor's counsel. Also discussed was the possibility of inviting the Federal and Chancery Court benches next year. David Felice stated that the officers and council members are included in the head count; those

officers and council members who will not be attending should let David Felice know as soon as possible whether or not they are attending the event.

- Update of Litigation Section's page on DSBA's website

Various items were discussed to make the website better/make the Section more relevant and attractive:

- Revise the section "About the Litigation Section" with a statement of who we are and what we do. Add the section's mission statement or "Purpose" from the by-laws and describe who should join.
- Include a statement about monthly meetings and other activities of the section (CLE programs, get togethers) ("what we do").
- Update meeting minutes and schedule of events, and keep current.
- Post copies of the section's annual reports.
- Add general notices or observations about practice in the Delaware courts, especially Superior Court (for example, something similar to web pages of individual judges on district court and bankruptcy court web sites) (who wants courtesy copies, etc.).
- Introduce a blog or comments section for observations about litigation practice. If feasible, would require a moderator and guidelines for posts.
- Add a link to the legislature's web site for pending legislation (legis.delaware.gov) and to a list of state agencies (delaware.gov/egov/portal.nsf/portal/agencylist_dept). Also add links to the Delaware District Court (ded.uscourts.gov) and links to the Superior Court Pattern Jury Instructions and the Appellate Handbook.
- Add a reference to the forms bank project. There should be a description of the project, a link and an invitation to submit forms to be included (with instructions).

- Update on the proposal to study/compile verdict histories and success of recent amendments to Superior Court Civil Rule 16

David Felice reported that he spoke to Sharon Agnew, who informed that verdict information had not been compiled since 2003. David Felice reported that Commissioner Vavala is in favor of updating the verdict histories and that Judge Parkins would report back on a possible study of Rule 16. David Felice is still reaching out to various schools to identify a student who will volunteer for these potential project. David Felice and David Dorey will talk to Tom Preston, who is now counsel to Delaware State University.

A discussion ensued whether or not the volunteer should begin to update the verdict history information from 2003 forward or from present day going forward.

- Update on the proposed Section *pro bono* project

David Felice led a discussion about the Litigation Section's potential sponsorship of West End Neighborhood House's "Bright Spot Ventures" project involving recycling and the sale of old books and its potential marketing to the Small and Solo Firms section.

David Felice also noted that the ACLU is seeking volunteer attorneys and that interested attorneys should contact Richard Morse at the ACLU.

New business

- Consideration of sponsoring a Fundamentals of Civil Litigation CLE

The Section considered and approved a motion by David Felice, seconded by David Soldo, to table the Fundamentals CLE until next year, and there was a discussion whether or not this CLE should be offered every 18 months (instead of every year). David Felice also reported that Janice Myrick informed that the Litigation Section's sponsorship requirement has been fulfilled. However, Karl Randall and David Felice agreed to work toward arranging/ coordinating/scheduling a lunchtime CLE that would deal with the topic of foreign service of process/foreign service of subpoenas, etc.

- All other matters that any Member wishes to bring before the Section

David Felice reported that the officers and Council members approved the New Jersey State Bar Association's endorsement of changes to CM/ECF.

The meeting was adjourned at or around 1:15 p.m.

The Litigation Section's next meeting has been scheduled for March 22, 2011 at noon at the offices of Ballard Spahr, 919 N. Market Street, Wilmington, Delaware.

Submitted by:

Johnna M. Darby
Secretary, DSBA Litigation Section