

**DELAWARE STATE BAR ASSOCIATION  
LITIGATION SECTION – MINUTES**

The Meeting convened at 12:15 p.m. on November 16, 2005 at Saul Ewing, and was attended by Kim Gattuso, Bill Doerler, Andy Ahern, Catherine Damavandi, Kathy Miller, Patricia Uhlenbrock, Joe Naylor, Albert Manwharing, and Francis Pileggi

1. The minutes from the October 18, 2005 meeting were approved.
2. Albert Manwharing and Catherine Damavandi reported on the section's proposed Federal Discount Rate legislation. The committee has received comments on the legislation and will put them in a presentable form and re-circulate the draft legislation and comments to the litigation section. The committee expects to propose that the legislation be applied prospectively.
3. Andy Ahern attended the Technology Committee meeting and prepared a memo detailing the events of the meeting. The memo, which is attached to these minutes, was circulated to the attendees at the litigation section meeting. One of the topics discussed at the Technology Committee meeting was how to improve the DSBA's website. Kim Gattuso agreed to contact the DSBA's website designer, Eric Robbins, about updating the litigation section's website.
4. Catherine Damavandi reported on the results of the poll conducted of the section members to determine ways in which the section could provide additional benefits to its members. Some of the suggestions were: a) provide a forms exchange, including sample pleadings and motions; b) pool the resources of the membership to get discounts for members on services such as Westlaw; c) have social events such as cocktail parties; and d) offer free CLEs.
5. There was a suggestion made that the forms exchange noted in Item number 4, above, be made available in a "members-only" section of the litigation section's website. There was a general consensus of the attendees at the meeting that the forms exchange was a good idea and Kathy Miller agreed to solicit forms from section members. The forms solicited would be primarily for the Superior Court and the Chancery Court. Another suggestion made at the meeting was that the section develop a separate list serve for the litigation section, which members would join voluntarily, which would allow members to solicit forms and information regarding experts, etc. from fellow section members. No action was taken on this proposal.
6. Kim Gattuso reported on the Ombudsman Program that the section previously discussed. The consensus of the attendees at the meeting was that pursuing this program would be a worthwhile endeavor. Some of the issues that members hope to have addressed include difficulties with e-filing in the Superior Court and Chancery Court, delays in issuing opinions, and difficulties encountered with court personnel.
7. There was a discussion regarding what types of CLEs the section should offer in the future. Kim Gattuso reported that the comments from the Fundamentals course indicated that members are seeking shorter, more practical CLEs. Suggested topics included practical seminars on conducting opening and closing arguments, and a motion practice seminar aimed at

new attorneys. Catherine Damavandi suggested a hands-on seminar on opening arguments based upon the Terry Schivo case. The proposed three hour seminar would include one hour of lecture regarding structuring arguments, an hour of demonstrations, and an hour where attendees could practice opening arguments and receive feedback. There was a suggestion made that these seminars be co-sponsored with the new lawyer section. The consensus of the meeting attendees was that the section should try and put on two CLEs of this type per year.

8. Kim Gattuso reported that *In Re* and the *Delaware Law Review* are looking for articles. Al Manwharing indicated that he is drafting an article which he will credit to the litigation section when he submits it.

9. There was a discussion regarding conducting another free CLE, similar to the trip to Sambos last year. The section is still considering its options, and the timing for the event. One suggestion made at the meeting was to hold the CLE in June to permit summer associates to attend. No formal action was taken on this issue.

10. The meeting adjourned at 1:04 p.m.

Submitted by,

William L. Doerler  
Secretary, DSBA Litigation Section

**MEMO**

TO: Al Manwaring and Kim Gattuso

Date: November 3, 2005

RE: Technology Committee Meeting

I attended the meeting on November 1, 2005 with Richard Harmon at DSBA. The meeting was well attended by section representatives.

Using slides that he had prepared for the executive committee retreat on October 28, 2005, Richard went through eight technology areas and discuss capability, future ability, and fees ability.

1. ListServes. Richard and Eric Robbins at DSBA have been dealing with the very few issues that have come up regarding use of the list serve and he again recommended that we all review the guidelines that all of the section chairs received and which are also available at the DSBA website. Eric and Richard are also available to deal with any issues members may have about the use or abuse of a list served.

Richard thinks that there would be no problem, now that the list served for each of the sections is up and running, to create a list served within the list serve so that a smaller group (for example, the officers, or members of a particular committee) would be able to e-mail each other without everyone else in the litigation section getting copies. If that is something that any committee in the section would like to do, it is as simple as contacting Eric Robbins ([erobbins@dsba.org](mailto:erobbins@dsba.org))

2. Audio for executive committees meetings. We didn't spend much time talking about this; it was just an idea that it's possible for recordings of the meetings to be made available for anybody who is interested in listening.

3. Video Teleconferencing. This is a rather exciting new development. DSBA has spend a good deal of money purchasing new equipment with a view toward certain short range uses (for instance, bringing in people down State for section meetings). Rhena has been working with Kent County Bar Association and is actively scouting location for placement of equipment so that people from Sussex and Kent can gather in one place and video conference. Section meetings can be held in DSBA that way and bring in down Stater. It will also be possible in the near future to video conference for depositions, conferences, etc. at a cost far less than, say, air travel to the West Coast for deposition.

4. Web Pages. We are again encourage to deal with Eric Robbins in setting up our web pages and Eric says he is happy to help us do that. DSBA would like to get more web sites set up so that it can be a good source of information for section members. So far, it appears that only multi cultural judges and lawyers and estates and trust are making good use of the website and keeping them updated.

After the first of the year, Richard said that we can set up a members only section where with the use of a password members can get access to insider information not available to the general public.

5. Blawgs. These are law blogs and Richard said that his search located 15 nationally that are devoted to law and legal issues only. He mention one that Frank Pileggi that actually has the more sophisticated look of a web page. Richard seemed more excited then anyone in the room about the possibilities of posting and exchanging information on the blawgs.

6. Podcast. We do not have this capability at present, but its something that Richard thinks we may try in the future. Instead of reading blawgs, for example, the content can be made available in audio format so that it can be downloaded to an MP3 and Ipod or similar equipment so you can listen to the content of the blawg at your leisure. Richard pointed out that this is something that no bar association does at present and I took the gleam in his eye to indicate that there is certain attraction in that for him- being first.

7. eNewsletters. This is something that some bar associations are all ready doing (and Richard showed us an example of the one that comes out weekly through the Philadelphia Bar Association). The idea is that instead of getting individual list serve notices and announcements from DSBA, we could have a once a week news letter that gathers together all of these so that the information put out might be more likely to be read then deleted. This would apparently be relatively easy to do and to make available to all members on the listserve.

8. Long range issues. Richard spoke first about how the technology can be used to deliver CLE to members. For instance, he spoke of the possibilities of starting a network of bar associations with video conferencing capability and using DSBA as a clearing house so that participating bar associations can watch and interact with CLE programs being offered around the country. By using our equipment and hosting the conference, DSBA will get 20% of the gate from other jurisdiction who tune in. Of course, if other jurisdictions hosted, 20% of DSBA's take here would be passed on to the host.

Richard said that there are also discussions about new types of technology services that DSBA can offer. For example there is some talk about extending the existing building to add the existing technological capability. He mentioned specifically the DVD created WHYY studio on electronic discovery that the litigation section used for its bus trip to Sambos. Although this is long range it is possible in the future that DSBA would have the capability of creating that kind of presentation on the premises.

Richard also said that he is aware that DSBA has, or perhaps at this point only had, a contract with West to put CLE's online (webcasting) so that you can sit at home or in your office and pay with a credit card to view a CLE program. There are some

problem's of course surrounding verification that your actually watching the program and some folks in attendance say that they have actually done this and that there is a code that you have to input from time to time so at least there is verification that a human being is sitting in front of the screen.

Richard believes the CLE commission is considering this and would need a new rule to permit this. The most likely outcome, he thinks, is that CLE on the web may be permitted but with only a limited number of hours per year being permitted. Richard said that we would check to see if the West contract is still active and whether the CLE commission is ready to purpose a rule.

Richard said that he contemplates to meeting of the committee each year and expects to be scheduling the next meeting for sometime in April.