

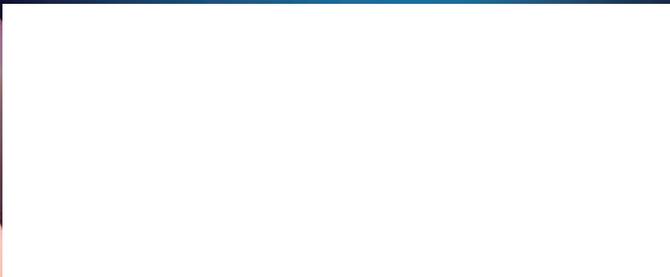


THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

2019

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Get Involved in DSBA Leadership!



The Delaware State Bar Association is looking for a number of talented members to join the 2019-2020 Executive Committee and lead the DSBA to continued success.

The following positions on the Executive Committee of the Association must be filled for the year 2019-2020:

Vice President-at-Large; Vice President, New Castle County; Secretary; Assistant Secretary; Treasurer; Assistant Treasurer; Six Members-at-Large

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 positions must be filled for the term as noted:

One (1) DSBA Representative to the Delaware Bar Foundation Board: Four-year term

One (1) DSBA Young Lawyer Delegate to the ABA House of Delegates: Three-year term (to begin September 2019)

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 Mark S. Vavala, Executive Director, by email at: mvavala@dsba.org or by mail at: Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE 19801 by February 15, 2019.

WE NEED YOUR HELP TO FIND STRONG LEADERS FOR THE FUTURE!

The Nominating Committee consists of:

Miranda D. Clifton, Chair
Michael Houghton, Co-Chair

New Castle County

Douglas J. Cummings, Jr. (2019)	Tarik J. Haskins (2020)	Timothy S. Ferry (2021)
Alessandra Glorioso (2019)	Norman M. Powell (2020)	Peter S. Kirsh (2021)
Tanisha Lynette Merced (2019)	Geoffrey A. Sawyer III (2020)	N. Christopher Griffiths (2021)
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Mark Minuti (2019)	Bryan Townsend (2020)	Kathleen M. Vavala (2021)
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Michael G. Owen (2019)	Jessica Zeldin (2020)	Patricia L. Enerio (2021)

Kent County

Myron T. Steele (2019)
Mark J. Cutrona (2020)
Alexander W. Funk (2021)

Sussex County

Kathi A. Karsnitz (2019)
Hon. Patricia W. Griffin (2020)
Christophe Clark Emmert (2021)



DSBA BAR JOURNAL

JANUARY 2019 | VOLUME 42 • NUMBER 2

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The *Bar Journal* is the independent journal of the Delaware State Bar Association. It is a forum for the free expression of ideas on the law, the legal profession and the administration of justice. It may publish articles representing unpopular and controversial points of view. Publishing and editorial decisions are based on the quality of writing, the timeliness of the article, and the potential interest to readers, and all articles are subject to limitations of good taste. In every instance, the views expressed are those of the authors, and no endorsement of those views should be inferred, unless specifically identified as the policy of the Delaware State Bar Association.

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405 North King Street, Suite 100
Wilmington, DE 19801
or emailed to: rbaird@dsba.org

Letters to the Editor should pertain to recent articles, columns, or other letters. Unsigned letters are not published. All letters are subject to editing. Send letters to the address above, Attention: Editor, Bar Journal.

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OF THE DELAWARE STATE BAR ASSOCIATION

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Cover photo: © istockphoto.com/ Syntheticmessiah



PRESIDENT'S CORNER

By David J. Ferry, Jr., Esquire

New Year's Status

As the year 2018 closes and we welcome the new year, it is appropriate to review what has been accomplished so far and what should be done in the New Year.

When I was installed as President at the Bench and Bar Conference in June of 2018, I spoke of my plans for the coming year. Halfway through my term, I am pleased to report on the progress of the DSBA programs, as well as our plans for the balance of my term.

One program I discussed at the conference began under former President Mike Houghton. That program seeks to complete an economic impact study that shows the contributions of the Delaware legal system to the State of Delaware and the benefits it contributes to Delaware's economy. I am pleased to report that the study is well underway and is expected to be completed and available in the early part of the new year.

I also stated my plans to promote more family-friendly experiences for members of the Bar and their families. At the Executive Committee annual retreat conference in September, I solicited comments and suggestions from all of the members of the DSBA Executive Committee and was very impressed by the new and interesting ideas for social events that were proposed. I continue to welcome input from other members of the Bar on events that will contribute to our collegiality as a Bar Association and promote a better work-life balance. We expect to schedule at least two events

in the spring and early summer, one of which will be an inclusive event most likely to be held at Constitution Yards at the Delaware Riverfront. More information about these events will be provided in the near future.

Another goal I discussed at the Bench and Bar was the need to increase Bar membership. I am pleased to report that significant progress has been made on both ends of the age spectrum of the Delaware Bar. We are making great progress in reviving our mentoring program which had been initially set up in the year 2013 by then DSBA President Greg Williams. With assistance from our talented and energetic staff at the DSBA, we will soon have the mentoring program up and running.

The DSBA's Online Mentoring System (OMS) will operate similarly to the existing Online Lawyer Refer-

ral System (OLRS) in that it will allow qualified, dues paying members of the DSBA to sign up as mentors quickly and easily via the website by logging-in and simply filling in some electronic forms online regarding their areas of practice, their mentoring preferences, and other selected search criteria. Mentors will be able to opt-in and opt-out of the system at any time and as many times as they want. Mentees (*i.e.* any dues paying members of the DSBA) will be able to login to the website and search for and find available (*i.e.* opted-in) mentors by filling in a similarly simple search form regarding what they are looking for in a mentor. They will then be instantly presented with a list of found mentors from which they can choose to connect with and hopefully establish a fruitful mentoring relationship. Technological advances will allow for quick and easy access to the mentoring program.



Several members of our Executive Committee are working with Aner Marks and Executive Director Mark Vavala of the DSBA to implement this program. Mentors will need to be members of the Delaware Bar and current members of the DSBA and they are required to review the Principles of Professionalism for Delaware Lawyers and the Delaware Lawyers' Rules of Professional Conduct and agree to promote and foster, by work and deed, these principles and rules to their mentees. Mentees must successfully pass the Delaware Bar exam, be admitted to practice law in Delaware, be a current member of the DSBA and be committed to practicing law in Delaware for the duration of the one-year mentoring term. Matched mentors and mentees will be required to have at least six in-person meetings during the mentoring term and they are required to attend at least two DSBA-organized DSBA events together during the mentoring term. Matched mentors and mentees will be encouraged to provide candid and constructive feedback to the DSBA at the end of the

mentoring term about their experiences and how DSBA can further improve the program going forward.

At the other end of the age spectrum of the Bar Association, I am pleased to report the successful revitalization of the Senior Lawyers Committee which is now the Senior Lawyers Section of the DSBA. When I attended my first meeting of the Senior Lawyers Committee in October, I was surprised and somewhat dismayed to find out that the only person attending was the long-standing Chair of the Senior Lawyers Committee, Dan Kristol. Dan was gracious enough to appear before the Executive Committee to discuss the Committee and we have worked together to obtain sufficient interest from other DSBA members to make the Senior Lawyers Committee a Section of the Bar. Fortunately, we now have 75 members of the Senior Lawyers Section, 15 of whom attended a successful first meeting on December 3, 2018. The Honorable M. Jane Brady is the initial chair of the Section, Dan Kristol will stay on as Vice Chair, and Ed McNally

was graciously willing to act as the initial Secretary of the Section. Many helpful, interesting, and even humorous issues were discussed at our initial meeting. The Section plans to meet six times a year. The Section will provide an excellent resource for all senior attorneys (classified as anyone over the age of 55 years). Additionally, we expect the Section to assist with the mentoring program and to be a valuable resource for all members of the Delaware Bar.

As to the work-life balance program initiated by the Supreme Court effective September 14, 2018, we have discussed this issue at our Executive Committee meetings and I regularly seek input from members of the Bar as to how the program is working. To date, it is perhaps too early to gauge the results of the program, but initial comments I have received indicate that many members of the Bar are accepting of the work-life balance changes that were implemented by the Delaware Supreme Court and are

President's Corner (continued on page 7)

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EDITOR'S PERSPECTIVE

By Jason C. Powell, Esquire

2018: In the Books!

By the time you read this, 2018 will be in the books, so to speak. For me, 2018 literally is in the books. My entire year is memorialized in my calendar. Rightly or wrongly, I have resisted the urge to rely entirely on an electronic calendar. I have always used, and continue to use, a standard 8 1/2 by 11 inch "At-A-Glance" calendar with a faux leather (plastic) cover with gold-embossed lettering on the front. The cover, as advertised, is premium in nature for enhanced durability. The cover is so durable that it resists any electronic emails or electronic notices of flights, teleconferences, or meetings. Rather, you must take an ink pen and actually write the calendar-worthy event on the relevant date and time. In doing so, the calendar feels and acts as a diary of sorts, both professional and personal.

With the year drawing to a close, I take my 2018 calendar and place it in a special drawer in my multi-drawer desk — the desk I inherited when I moved into my current office space. I do not necessarily merit the number of drawers it comes with, but, nonetheless this behemoth wood piece of furniture allows me to have a perfectly slim drawer that would otherwise be useless but for its perfect preservation of my past calendars. There they lay, dormant and un-perused for months on end. Then, an important piece of paper from one of the overstuffed, more utilized drawers, will get caught and fall behind all of the drawers. This unfortunate event requires me to get my yardstick and open all drawers and probe behind them in an



attempt to get my nearly due visa bill or parking ticket so it can be addressed. At that point I become distracted. I pick up one of my old calendars. It does not matter which year I choose because they were all important in various personal and professional ways. All of the memories come back and the calendar, generally reserved for simply an administrative function, becomes much more.

The earlier years are more sparse with an occasional client, CLE, or client meeting. The intensity and amount of the scribble picks up, thankfully, as the years progress with more and more clients. In any particular year, I review all of the trials that were scheduled, some of which actually went forth, but most resolved in one way or another. The big "X"s mark the days blocked off by the court for resolution of the cases, with the pretrial obligations marked prominently in the days and weeks prior. Some of the past cases evoke smiles of success and accomplishment, others bring about a grimace as I recall unfavorable occurrences or results.

We think about the past a lot when we handle our current caseload. We look at precedent in how the Court has addressed similar issues, and how this will relate to our matters at hand. More importantly, the calendared dates and events remind us of why we keep doing what we are doing. It reminds us of what it means to achieve a favorable result on behalf of a client, or receive an important decision, no matter how benign, that may never be reversed. Or even better, a result that will be relied upon by other lawyers for years to come.

“All of the memories come back and the calendar, generally reserved for simply an administrative function, becomes much more.”

Personally, the calendars serve as a reminder of what was going on in my life that year. For example, I remember my family’s vacation in Jamaica (which you may have read about in a prior column), but the calendar reminds me of the specific date: March 16 to 23, 2017. Knowing the precise date makes the memory even more vivid.

Seeing my vacation inked on a calendar also puts it into context with all of my other obligations and events. I recall that pre-trial conference I had to take in Florida, because I had no other choice. Or that telephone conference with the Court in the closet of a vacation rental, hoping that the kids would not come barging in. I even have the due dates of my kids written in the calendars for 2009 and 2012. One date turned out to be accurate, the other off by three weeks. My son arrived 22 days early, prompting the rescheduling of a Chancery Court trial set to begin two days later. The name of that trial escapes me until, of course, I pull my drawer open and pull out the calendar.

If you are like me and still rely on paper calendars, my wish for you is that the “X’s” reserved for your vacations are plentiful and more pronounced in the coming year than those used for your trial dates. How will you fill your calendar for 2019? Happy New Year! 🍷

Bar Journal Editor **Jason C. Powell** is the managing director of The Powell Firm, LLC, in Wilmington, Delaware. He may be reached at jpowell@delawarefirm.com and more information is available at delawarefirm.com.

President’s Corner (continued from page 5)

seeing the advantages that it is providing to Delaware lawyers, legal professionals and staff that work for Delaware law firms and the families of our Delaware Bar members.

Finally, I promoted the idea of a regular monthly column in the *Bar Journal* to allow members of the Bar to report on the many ways that they are making Delaware a better place by being involved in charitable, civic, social, cultural, and community organizations. Each month we hear from members of the DSBA about the contributions they are making to the Delaware community. I am impressed by all that our Bar Association members are doing and hope to hear from more of our members about their contributions to our community.

As with many organizations, there are always individuals who are very active in promoting and achieving the goals of the organization. I encourage all members of the DSBA, especially those who are not yet active in the DSBA and

other legal organizations to add to your list of New Year’s resolutions to join in and become actively involved in the many good programs and events that are sponsored by the DSBA.

I wish all of you a very happy, healthy, and prosperous New Year. 🍷

David J. Ferry, Jr. is the current President of the Delaware State Bar Association. He also serves as Chair of the Court of Chancery Rules Subcommittee for Guardianship, Trusts and Estates, and is a member of the Jurisdiction Improvement Committee, the Professional Guidance Committee, the Board of Directors of Legal Services Corporation of Delaware, Inc., and the Estates & Trusts Section and the Elder Law Section of the DSBA. He has been a member of the Delaware Bar since 1982, and has served on the Executive Committee of the Delaware State Bar Association since 2010. He is a founding partner of the firm of Ferry Joseph, P.A. He can be reached at dferry@ferryjoseph.com.

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OF NOTE

Condolences to the family of **Edward J. Sobolewski, Jr., Esquire**, who died on November 24, 2018.

Condolences to **Steven J. Balick, Esquire**, on the death of his mother, Joan Liebert Balick, on December 1, 2018.

Condolences to the family of **The Honorable Andrew G.T. Moore II** who died on December 10, 2018.

If you have an item you would like to submit for the Of Note section, please contact Rebecca Baird at rbaird@dsba.org.

CORRECTION

The following is a correction from what appeared in the December 2018 Bar Journal.

Condolences to **The Honorable Leo E. Strine, Jr.**, on the death of his uncle, Eugene Robert Strine, on October 5, 2018.

VOLUNTEER

FEE DISPUTE

ARBITRATORS

NEEDED

The Fee Dispute Committee of the Delaware State Bar Association is looking for arbitrators willing to handle fee disputes which are sent to the committee for resolution. A great way to practice your ADR skills and help out the Bar. If interested, contact Dennis Schrader at (302) 856-0010.

SIDE BAR

Breakfast with Santa

There is something really special about the way a child looks at Santa Claus with that excited anticipation of some other-worldly gift-giver in his colorful suit. On Saturday, December 8, DSBA held its first "Breakfast with Santa." The staff transformed the three conference rooms into a giant winter wonderland where members and their children enjoyed a delicious hot breakfast, a holiday craft, and, most importantly, a chance to sit beside an authentic and judicial St. Nick. DSBA provided photos with Santa to those in attendance within hours of the event. Everyone who attended seemed genuinely merry and DSBA hopes this becomes an annual tradition! Thank you to The Honorable James G. McGiffin, Jr. and our event sponsors for helping to make this event truly magical.



2019 DELAWARE LEGAL DIRECTORY

The 2019 Delaware Legal Directory will be available this month! All DSBA members receive a copy as a member benefit, but additional copies may be ordered (see page 35 for the order form.) Inside you'll find court listings, inte-

grated DSBA member and nonmember listings for all Delaware attorneys, and much more! Thank you to Richard Henry Cross, Jr., Esquire, who contributed his artwork, *Breakwater Lighthouse*, for the cover of this year's Directory.

What is on your 2019 to-do list?



“Convince my husband and children that laundry is not a spectator sport. And, perform a random act of kindness at least once every day.”

The Honorable Lynne M. Parker
Superior Court of the State of Delaware
DSBA MEMBER



“My goals for 2019 are to continue to learn and grow as a husband, father, lawyer, colleague and friend. And also, to be beachbody ready by Memorial Day.”

Andrew W. Gonser, Esquire
Gonser and Gonser, P.A.
DSBA MEMBER

Illustrations by Mark S. Vavala

→ OUR NEXT QUESTION

What are some tech tools that have changed your law practice?

Email Rebecca Baird at rbaird@dsba.org and your response could be in the next *Bar Journal*.

TOP 5 | DSBA EVENTS TO WATCH OUT FOR IN 2019

1 Mentoring Program

DSBA is developing a way for young attorneys (or even not-so-young ones) to match up with others willing to mentor them in various areas of the law or with work-life balance issues. Expect the Mentoring 1.0 program to be available around April.

2 Senior Lawyers Section

DSBA's hottest new section started last month (December) and has hit the ground running with its new chair, Judge Jane Brady, and 75 members, seeking to explore issues and events of interest to our members 55 and older.

3 New Admittees Social

Our 100 newest members will be invited to a social event in April 2019 where they can learn about each section of the bar, the numerous DSBA member benefits, and tech things like the app and the Lawyer Referral system.

4 Bench and Bar 2019

Expect a dynamic speaker for a plenary session and four break-out sessions that will allow attendees to interface with judges and practitioners in four important practice areas. In addition, you'll get the usual fantastic food and swag from over a dozen vendors.

5 Small Firms & Solo Practitioners' Conference

Back by popular demand, this conference will feature seminars and vendors which cater to our smaller firms, focusing on practice and ethical dilemmas unique to this part of our Bar.

BECOME A DSBA SECTION MEMBER



Section Membership provides the chance to exchange ideas and get involved.

For information on how to join a Section, call DSBA at (302) 658-5279.

Professional Guidance Committee

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

New Castle County

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CALENDAR OF EVENTS

January 2019

Thursday, January 10, 2019

Wills Training for Attorneys for the Dr. Martin Luther King, Jr. Statewide Day of Service Project

Delaware State Bar Association, Wilmington, DE

Tuesday, January 15, 2019

Workers' Compensation Breakfast Seminar

3.3 hours CLE credit

Chase Center on the Riverfront, 815 Justison Street, Wilmington, DE

Tuesday, January 15, 2019

Behind The Cool Image: Rational Thinking or How to Challenge Your Flawed Thoughts

1.0 hour CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Morris James, LLP, Dover, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Monday, January 21, 2019

Dr. Martin Luther King, Jr. Breakfast Statewide Day of Service

Chase Center on the Riverfront, Wilmington, DE

Thursday, January 24, 2019

Elder Law Security Lunch & Learn

1.0 hour CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Morris James, LLP, Dover, DE

Webcast to Tunnell & Raysor, Georgetown, DE

February 2019

Thursday, February 7, 2019

Legal and Accounting Expertise on Section 199A of the Tax Cuts and Jobs Act

2.0 hours CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Morris James, LLP, Dover, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Friday, February 8, 2019

The 24th Annual Rubenstein-Walsh Seminar on Ethics and Professionalism

6.3 CLE credits in Enhanced Ethics

Chase Center on the Riverfront, 815 Justison Street, Wilmington, DE

Tuesday, February 19, 2019

Behind The Cool Image:

Yin and Yang: Assertiveness and Anger Management for Lawyers

1.0 hour CLE credit

Delaware State Bar Association, Wilmington, DE

Webcast to Morris James, LLP, Dover, DE

Webcast to Tunnell & Raysor, Georgetown, DE

Wednesday, February 27, 2019

Movie & CLE Night at DSBA: A Star Is Born

1.0 hour CLE Credit

Delaware State Bar Association, Wilmington, DE

Dates, times, and locations of Events and CLEs may occasionally change after time of press, please consult the DSBA website for the most up-to-date information at www.dsba.org.

SECTION & COMMITTEE MEETINGS

January 2019

Monday, January 7, 2019 • 12:30 p.m.

Senior Lawyers Section Meeting

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

Tuesday, January 8, 2019 • 3:30 p.m.

Estates & Trusts Section Meeting

Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington DE 19801

Wednesday, January 9, 2019 • 9:00 a.m.

ADR Section Meeting

Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington DE 19801

Wednesday, January 9, 2019 • 12:30 p.m.

Women and the Law Section Meeting

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

Wednesday, January 9, 2019 • 4:00 p.m.

Real and Personal Property Section Meeting

TBD

Tuesday, January 15, 2019 • 12:00 p.m.

LGBT Section Meeting

Reed Smith LLP, 1201 North Market Street, Suite 1500, Wilmington, DE

Tuesday, January 15, 2019 • 12:00 p.m.

Litigation Section Meeting

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

Thursday, January 17, 2019 • 12:00 p.m.

Executive Committee Meeting

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

Monday, January 28, 2019 • 4:00 p.m.

Taxation Section Meeting

Herdeg du Pont & Dalle Pазze, LLP, 15 Center Meeting Road, Wilmington DE

February 2019

Tuesday, February 5, 2019 • 3:30 p.m.

Estates & Trusts Section Meeting

Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington DE 19801

Wednesday, February 6, 2019 • 12:30 p.m.

Women and the Law Section Meeting

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

Tuesday, February 12, 2019 • 12:00 p.m.

Litigation Section Meeting

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

Wednesday, February 13, 2019 • 4:30 p.m.

Real and Personal Property Section Meeting

TBD

Wednesday, February 16, 2019 • 12:00 p.m.

Workers' Compensation Section Meeting

Doroshov Pasquale Krawitz & Bhaya, 1202 Kirkwood Highway, Wilmington, DE

Wednesday, February 20, 2019 • 9:00 a.m.

ADR Section Meeting

Young Conaway Stargatt & Taylor, LLP, Rodney Square, 1000 North King Street, Wilmington DE 19801

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

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Courtroom Technology

Raising the Common Denominator

By Sean P. Lugg, Esquire

Nearly two decades into the 21st century, Delaware lawyers are duty bound to understand and maintain a basic level of competence with respect to technology.¹ Technological tools are ubiquitous in the practice of law: word processors for preparing documents; database software and spreadsheet applications to track and manage billing and case activity; presentation software to make an argument or to emphasize a message; and, of course, desktops, laptops, tablets, and phones to place all of this information at our fingertips. I have purposefully not included any proprietary information for any of these tools because I am sure each of you have a preferred device or application and will vigorously defend your choice. That is fine. Fortunately, we have moved from the time where our brand selection dramatically limits what we can do in a courtroom.

Delaware courts have long encouraged the use of technology in courtrooms. The use of a well-crafted PowerPoint presentation in a closing argument conveys the import of the case to the advocate and, at the same time, may fulfill the jury's expectation that argument be coupled with imagery. Value-neutral

slides coupled with strong oral advocacy serve to address the "CSI Effect" — the belief that many jurors expect the evidence and a polished presentation offered on prime-time television. Similarly, a digitally organized exhibit binder allows an attorney to move seamlessly through evidence while holding the attention

prompting a mad rush to purchase the necessary device.

Both the Family Court and the Superior Court have worked to provide advocates better access to existing courtroom technology. Ryan Newell used this space in the June 2018 edition to provide an overview of the Family Court's system. Here, I seek to provide a brief summary of the Superior Court's recent enhancements. It is important to note that the two Courts chose different systems to encourage the use of technology and that neither is better than the other. Rather, each is uniquely tailored to the primary "users" of the respective courtrooms and each provides those users the improved ability to articulate their position to the factfinder.

Earlier this year, the Superior Court began using a simple yet effective

solution that allows advocates to use their own devices to quickly and easily connect, via secure wifi, to courtroom video and audio systems. This technology has been "beta tested" in both a complex civil and a multi co-defendant criminal trial, and the results exceeded expectations. This new solution should dramatically reduce the apprehension of those on the fence when deciding



A laptop connected to the courtroom audio/visual system using WePresent and Mirror Op in Superior Court Courtroom 8B in the Leonard L. Williams Justice Center in New Castle County.

of the factfinder. To engage in these processes, trial attorneys developed tool bags of cables, adapters, and chargers to insure a proper connection to whatever system was available in a particular courtroom. Without fail, in the days leading up to trial, hours were spent checking and double-checking connections and compatibility and, without fail, a new cable or adapter was required,

whether or not to inject technology into their trial presentation. Increased use should also yield more polished and professional presentations and reduce unnecessary delay during trial. Finally, and importantly, the use of technology focuses advocates and goes a long way to expedite litigation and foster judicial economy.²

The backbone of this system is a device called a “WePresent”³ wireless presenter. This device, about the size of a paperback book, is placed unobtrusively in the courtroom and communicates with the courtroom audio system and monitors through existing audio/visual controls. (The same controls that produce the calming white noise broadcast throughout the courtroom to shield jurors from sidebar discussions). The device then projects a WiFi signal available to anyone in or near the courtroom. To complete the connection, users must preinstall “MirrorOp,”⁴ (a free application for laptops, tablets, and phones) on the devices they intend to use at trial. This software may be downloaded and

installed by the user, and Court staff have copies of the software for most laptop computers available for installation prior to trial. Downloading and installing the software takes less than five minutes.

Rather than winding HDMI cables, power cords, and audio connections around trial binders and notebooks, a wireless connection is established between the advocate’s selected device and the courtroom system. MirrorOp completes the secure connection with the equipment and then, broadcasts your selected content to the judge and jury. During a visit to the courthouse, I was able to install MirrorOp on an iPhone, connect to the courtroom system through the WePresent using MirrorOp, and broadcast images to all courtroom monitors from my phone’s camera roll in less than five minutes. In practice, an advocate could simply collect photographs on a tablet or phone and project them as needed during trial. Standalone trial presentation applications also work seamlessly though this system.

I must offer a few cautionary comments. First, when employing any presentation technology at trial, do not lose sight of the need to make a record. Make sure you have sufficient copies of referenced exhibits to provide the court and your opponent. Second, schedule time prior to trial to engage in a “dry run” to make sure things work the way you expect them to. A few minutes of preparation prior to trial will go a long way to prevent uncomfortable “glitches” mid trial. ☹

Notes:

1. DLRPC 1.1, comment [9].
2. See DLRPC 3.2.
3. “WePresent: Your Ideas, Your Way.” Barco. Accessed December 17, 2018. <https://www.barco.com/en/page/wepresent>.
4. “MirrorOp.” MirrorOp. Accessed December 17, 2018. <https://www.mirrorop.com/>.

Sean P. Lugg chairs the Courtroom Technology Working Group of the Delaware Commission on Law and Technology. He can be reached at sean.lugg@state.de.us.



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The Delaware High School Mock Trial Committee and Delaware Law Related Education Center invites you to join us as a judge volunteer for the 2019 Delaware High School Mock Trial Competition. The Competition will take place at the Leonard L. Williams Justice Center, 500 N. King Street, Wilmington, Delaware on Friday, February 22, and Saturday, February 23, 2019. The time commitment to judge a round is approximately four hours. This time includes an orientation for volunteers prior to your scheduled round, judging the competition round, and student debriefing after the round. To learn more about the Delaware High School Mock Trial Competition and the Delaware Law Related Education Center, please visit www.delrec.org or contact Pat Quann at delrecntr@aol.com or Jason C. Jowers at jjowers@morrisjames.com.

Please complete the form below and fax it to Margie Touchton, Judge Volunteer Coordinator, at 302-571-1750, or download a copy of the form from www.delrec.org, and email it to mtouchton@morrisjames.com. You can also register on line at the site below. Confirmation of assignments will be sent out by email by early February, along with a confidential bench brief, competition details, and information about obtaining **CLE credit** for your participation.

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Saturday Session Start Times: 8:00 a.m. and 12:00 p.m.

Friday 2/22 AM _____ Saturday 2/23 AM _____

Friday 2/22 PM _____ Saturday 2/243 PM _____

Questions about signing-up to judge a round? Please contact Margie Touchton at mtouchton@morrisjames.com or 302-888-6976.

If you would like to register on-line, please use this link:
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DATE/TIME

Monday, January 21, 2019
Breakfast: 8:00 a.m.

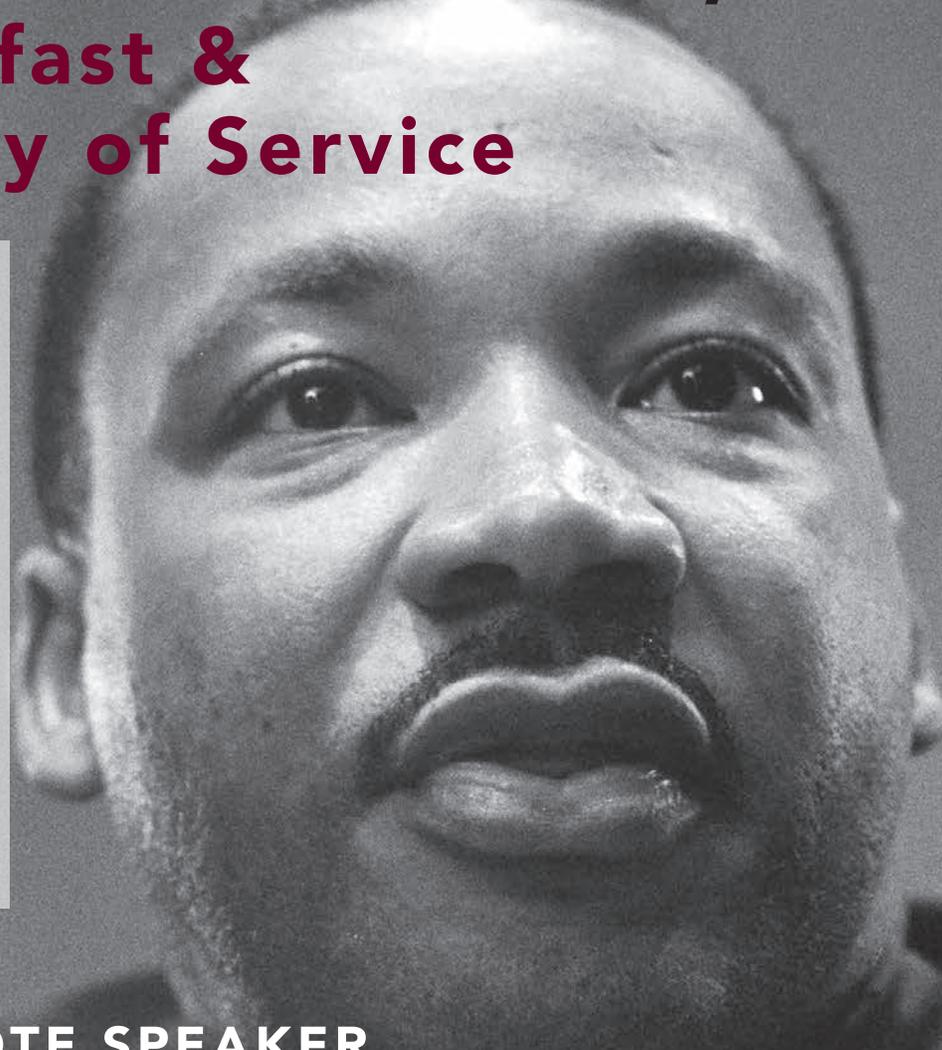
LOCATION

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\$35.00/person

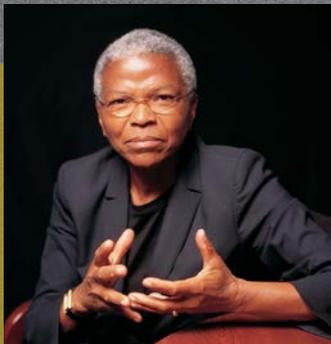
Registration available online at
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By Charles Slanina, Esquire

New Year's Resolutions

It is that time of year once again to make ourselves and others promises which we have every intention of keeping. Here is a list of my personal resolutions, although everyone is free to adopt them as his or her own.

1 I will do better at communicating. This includes returning client calls the same day whenever possible and never more than a day later, absent a catastrophe. For my readers who may also be clients who know that I have fallen short of this goal, my apologies. But, remember, resolutions are aspirational, and I am really going to try to do better this year.

The most frequent complaint to the Office of Disciplinary Counsel is, "My attorney won't return my calls." Although it is not a disciplinary violation, a chronic and systemic failure to communicate with clients and to keep them reasonably informed about the status of their matter can become disciplinary (Rule 1.4 of the Delaware Lawyers' Rules of Professional Conduct). Also, there is no better way to attract the curiosity and concern of ODC than to amass calls and complaints from clients that you cannot be reached or that you do not return calls.

2 As for calls from other attorneys, to foster civility and collegiality in the Bar, I will also endeavor to extend the same promise to opposing counsel and other non-client attorney callers. Although it is a popular misconception that failure to return another attorney's calls is a disciplinary violation, the actual harm that results from failure to do so is largely to your reputation.

3 I will take all calls from judges and the Office of Disciplinary Counsel in real time whenever possible. If I miss a call due to being unavoidably unavailable, I will return the call as soon as possible. I will treat calls from judicial assistants with the same sense of urgency that I would treat the call as having been from a judge.

4 If callers end up in voicemail, I will check my messages frequently, and I will never leave my mailbox too full for additional messages. A recording that the caller cannot leave a message is the functional

equivalent of walking around with a "Kick Me" sign on your back addressed to ODC.

5 I will try to apply all of my telephone resolutions to my emails and texts as well, but I am still holding the line on any expectation of 24/7/365 instant access by emails. Too often, I get a follow up email or text within an hour of the first email inquiring whether I got the first email and when the sender should expect a response. I promise to do my best to cope with electronic tyranny while striving for some work-life balance.

6 This is a caveat to the above rules. I resolve that I will not return a call, email, or text while angry, hungry, hurried, or otherwise tempted to be less than civil. This also goes for letters sent by mail (in the unlikely event that I or anyone else will send a real, old-fashioned paper letter in 2019). I give myself a pass on the preceding resolutions if the legitimate cause for delay is to take the time to purge the snarkiness contained in my hasty draft response.

7 I will review a list of all clients with funds in escrow every month. This list provides valuable information for both attorney and client. It is a reminder that I have an open matter. Even if it does not need action, the client should be sent a status report to confirm that nothing has happened in the past month. It also prompts me to review whether the funds still need to be held or should be disbursed. Remember, there is a professional obligation to release funds promptly (Rule 1.15(d)(12)(G)), and it is one of the questions on the Certificate of Compliance. Even if the funds are not ready for release, it may be time to have a conversation with the client as to whether or not the funds should continue to be held in a non-interest-bearing account (Rule 1.15(f)).

8 I will review my fee agreements and other forms to make sure that they continue to be compliant with the Professional Conduct Rules as well as recent American Bar Association advisory opinions. The ABA and many other sources provide sample

“I promise to do my best to cope with electronic tyranny while striving for some work-life balance.”

fee agreements specific to areas of practice. I will make sure that my fee agreements include the “refundable if not earned” language required by Delaware Professional Conduct Rule 1.5(f) as well as the fee dispute arbitration provisions which the ABA opined to be permissible.

9 I will keep timesheets even though, like most attorneys, I do not enjoy doing so. Even in flat fee, contingency or other non-hourly cases, a record of your time may be useful. Without timesheets, it can be difficult to prove a *quantum meruit* claim in what had been a contingency fee case, a court-awarded legal fee where there is a fee shifting, or a claim for statutory attorney fees.

In flat fee cases, a record of your time also permits an assessment as to whether your flat fee is adequate compensation for the legal services performed. If not, you may want to consider a higher flat fee, an hourly rate, or eliminating that type of matter from your practice.

10 Related to #9, I will view a list of my clients to determine if any one client or matter is causing a disproportionate amount of grief or anxiety or consuming too much time for the value

of the case. It is often said that 10 percent (or less) of clients are responsible for 90 percent (or more) of the work and hassle.

I will review this list and decide whether the quality of personal and professional life might not be enhanced by a selective but careful application of Rule 1.16 terminating some attorney-client relationships, especially for non-paying clients.

11 I will try much harder to meet my deadlines for submitting my column to my editor, Rebecca Baird.

Happy New Year!!

“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. Columns from the past five 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.



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DE-LAP ZONE

A Message from the Delaware Lawyers Assistance Program

By Carol P. Waldhauser, Executive Director

Out of the Darkness

Suddenly things were not going so well. John Doe, Esquire, once a successful lawyer, began to lose control of his life and, most of all, himself. John sought help from a mental health professional. But, he was not consistent with implementing the treating therapist's recommendations and treatment plan. After all, John was a lawyer and had little time for medical appointments or therapy. Like so many of those in the legal profession, John was taught to "suck it up" and "suit-up."

The subject of death is something most of us ignore until we cannot avoid it.

John found himself in such a "black hole" that he could not take the perceived trauma of his personal and professional life anymore. He made a couple of telephone calls to friends, sent a few emails to family members, and then proceeded to implement a different treatment plan. In the darkness of his mood, in the darkness of his law office, and in the darkness of the night, John swallowed 35 sleeping pills. By the time paramedics arrived, he was dead.

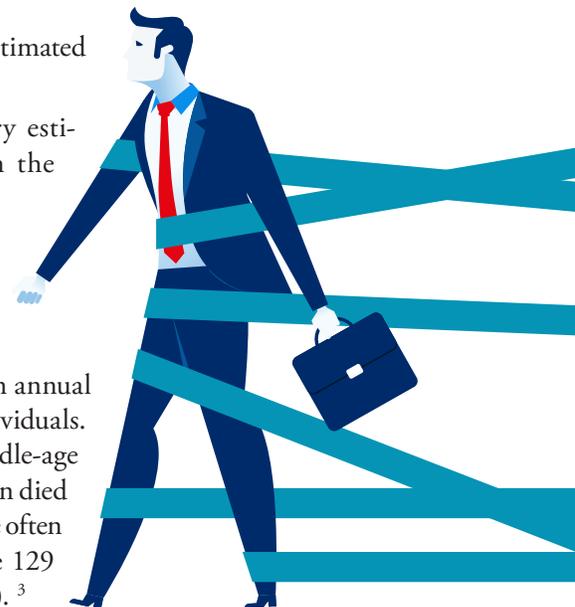
The subject of death is something most of us ignore until we cannot avoid it. The topic of suicide, especially lawyer suicide, is bringing awareness to an unpopular topic. Some individuals believe coping with life, not death, is the challenge. For them, suicide is a more attractive alternative than trying to come to terms with what is happening in their life. They believe that suicide is the best solution. Sadly, they do not realize that it is a permanent solution to temporary problems.

The Problem

Suicide rates have been rising in nearly every state, according to the latest Vital Signs report by the Centers for Disease Control and Prevention (CDC). The most recent data from the CDC and the World Health Organization (WHO), report the following list of suicide facts:

- Suicide is the tenth leading cause of death in the U.S. for all ages and is one of just three leading causes that are on the rise.
- Every day, approximately 129 Americans die by suicide. There is one death by suicide in the U.S. every 12 minutes.
- Depression affects 20 to 25 percent of Americans ages 18 and over in a given year.
- Suicide takes the lives of over 44,965 Americans every year.
- The highest suicide rates in the U.S. are among Whites, American Indians, and Alaska Natives.
- Only half of all Americans who experience an episode of major depression receive treatment.
- 80 to 90 percent of people that seek treatment for depression are treated successfully using therapy and/or medication.
- An estimated quarter million people each year become suicide survivors.
- There is one suicide for every estimated 25 suicide attempts.
- There is one suicide for every estimated four suicide attempts in the elderly.^{1 2}

Furthermore, and according to the American Association of Suicidality, it is reported that there were 47,173 Americans that died by suicide in 2017. This translates to an annual suicide rate of 14.0 per 100,000 individuals. The rate of suicide is highest in middle-age white men in particular. In 2017, men died by suicide three and a half times more often than women. On average, there are 129 suicides per day (12.43 per 100,00).³





Lawyers Are Not Immune

It is not the first time a suicide problem has been noted for some of the jobs. In the 1980s, media reports detailed high suicide rates in Midwestern farmers. That was attributed to a tough economy and farmers use of pesticides that scientists have theorized may cause symptoms of depression.

The problem of lawyer suicide can no longer be avoided. One state reported that there was one attorney suicide every 8 weeks, while another reported 12 in two years. Debra Cassens Weiss in an article in the *ABA Journal*, “Lawyer Personalities May Contribute to Increased Suicide Risk”⁴ suggests that, “Personality characteristics often associated with lawyers, such as perfectionism and competitiveness, when combined with depression may be contributing to a higher suicide rate in the legal profession.” She explains further by quoting Dr. Lanny Berman, Executive Director of the American Association of Suicidology, a group devoted to suicide prevention, that “risk factors for suicide include depression, anxiety, substance abuse, suicide ideation, divorce, and stress. And, lawyers experience many of these risk factors at higher rates than the general population. Lawyers are also more likely to be perfectionist and competitive, personality traits that make a person considering suicide less likely to seek help.”



Attempted Suicide

Recently, a first-of-a-kind national study revealed the 8.3 million adults in the U.S. had serious thoughts of committing suicide in the past year. The study by the Substance Abuse and Mental Health Services Administration (SAMHSA) also shows that 2.3 million adult Americans made a suicide plan in the past year and that 1.1 million adults — 0.5 percent of all adult Americans — had actually attempted suicide in the past year.⁵

Narrowing the scope to lawyers in general, a study by Johns Hopkins University found that among more than 100 occupations studied, lawyers were three times more likely to suffer from depression than any other professions. Sadly, suicide is the third leading cause of death among attorneys, after cancer and heart disease. Thus, the rate of death by suicide for lawyers is nearly six times the suicide rate for the general population.

Sadly, suicide is the third leading cause of death among attorneys, after cancer and heart disease. Thus, the rate of death by suicide for lawyers is nearly six times the suicide rate for the general population.

Warning Signs

Research shows that the great majority of those who attempt suicide give some warning signs, verbal or behavioral, of their intent to kill themselves in the final leg of their journey from the idea of self-destruction to an act of suicide. Warning signs of suicide include:

Verbal comments. Statements such as “I wish I’d never been born” and “You will be sorry when I’m gone” should be taken just as seriously as the direct threat, “I am going to kill myself.”

Behavior changes. These cover a wide range and include giving away treasured possessions, taking life-threatening risks, and having frequent accidents. Other signs may be complaints of intense loneliness or boredom, a marked increase in agitation or irritability, or getting into trouble with the law. There may be also the more customary signs of depression: changes in appetite and sleep habits, complaints of inability to concentrate, and withdrawal from friends and from favorite activities.

Situational factors. Inability to communicate with family and friends, recent problems at work or school, end of a love relationship, and recent involvement with drugs or alcohol all increase the situational risk for suicide.

To quote Dr. Berman, the following warning signs are specific to suicide:

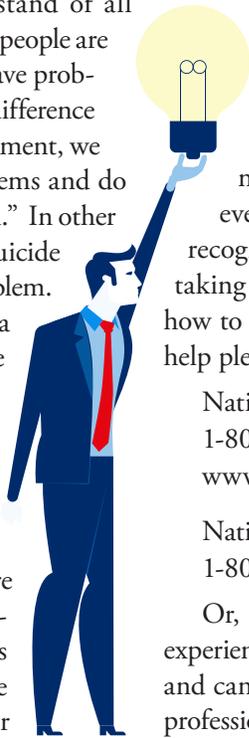
- Thoughts of suicide
- Increased or excessive use of drugs or alcohol
- Feelings of hopelessness
- Feelings of loss of purpose, meaning or identity
- Feeling trapped
- Withdrawing from usual activities or from loved ones
- Unusual behavior, including more reckless behavior
- A dramatic mood change
- Signs of anxiety, including panic, insomnia, and agitation
- Excessive anger or rage

The Solution: Coming Out of the Dark

Understanding Suicide

According to Dr. Paul Quinnett, of QPR Institute, “suicide is the most complex and difficult to understand of all human behavior. Yet, suicidal people are just like you and me. They have problems; we have problems. The difference between us is that, for the moment, we feel we can handle our problems and do not feel overwhelmed by them.” In other words, in its simplest terms, suicide seems to be a solution to a problem. More often it seems to be a solution to many, insolvable problems.

Thoughts of suicide occur during times of personal crisis, unrelenting stress, depression, or when we are confronted with a fear of failure or the specter of an unacceptable loss. Although sometimes an impulsive act, most people will think about suicide for



days, weeks, months, or even years before they make an attempt. Oddly, thinking of suicide provides a curious blend of terror and relief; relief in that all one's problems can finally be solved and terror at the idea of having to die to find that relief.

Suicide Prevention

Suicide can be prevented. While some suicides occur without any outward warning, most do not. We can prevent suicide, even among our peers, by learning to recognize the signs of someone at risk, taking those signs seriously, and knowing how to respond to them. For immediate help please call or visit the following:

National Suicide Prevention Lifeline
1-800-273-8255 (TALK)
www.suicidepreventionlifeline.org

National Hopeline Network
1-800-SUICIDE

Or, if you, or someone you know, is experiencing symptoms that are unhealthy and can affect your quality of life and/or professionalism, or you would like more

information on this subject, call The Delaware Lawyers Assistance Program (DE-LAP) (302) 777-0124 or email cwaldhauser@de-lap.org and visit us on the web at www.de-lap.org. 

Notes:

1. "Vital Signs." Centers for Disease Control and Prevention. June 11, 2018. Accessed December 18, 2018. <https://www.cdc.gov/vitalsigns/suicide/index.html>.
2. "Suicide Prevention." World Health Organization. October 29, 2018. Accessed December 18, 2018. https://www.who.int/mental_health/suicide-prevention/en/.
3. "U.S.A. Suicide: 2017 Official Final Data." American Association of Suicidology. Accessed December 18, 2018. <https://www.suicidology.org/Portals/14/docs/Resources/FactSheets/2017/2017datapgsv1-FINAL.pdf>
4. Weiss, Debra Cassens. "Lawyer Personalities May Contribute to Increased Suicide Risk." ABA Journal. Accessed December 18, 2018. http://www.abajournal.com/news/article/lawyer_personalities_may_contribute_to_increased_suicide_risk/.
5. "Suicide Prevention." Stages of Community Readiness | SAMHSA. June 18, 2014. Accessed December 18, 2018. <https://www.samhsa.gov/suicide-prevention>.

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

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The du Barry Room, Hotel du Pont
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Charles H. Toliver IV, Esquire (left) presented the Young Lawyers Distinguished Service Award to Eric J. Monzo, Esquire (right).



Elizabeth M. McGeever, Esquire (left) presented the Women's Leadership Award, to Kathi A. Karsnitz, Esquire (right).



The Honorable Patricia W. Griffin (left) and The Honorable Morgan T. Zurn (right) presented the Government Service Award to Renee Kinsey (middle).



Yvonne Takvorian Saville, Esquire (left) presented the Distinguished Mentoring Award to The Honorable Sherry R. Fallon (right).



The Honorable Susan C. Del Pesco (right) presented the Outstanding Service to the Courts and Bar Award to Richard D. Kirk, Esquire (left).



John D. Wik (left) presented the Daniel L. Herrmann Professional Conduct Award to Beverly J. Wik, Esquire (right).



BOOK REVIEW

Reviewed by Richard A. Forsten, Esquire

The Good, the Bad and the Ugly: *Do Great Cases Make Bad Law?*

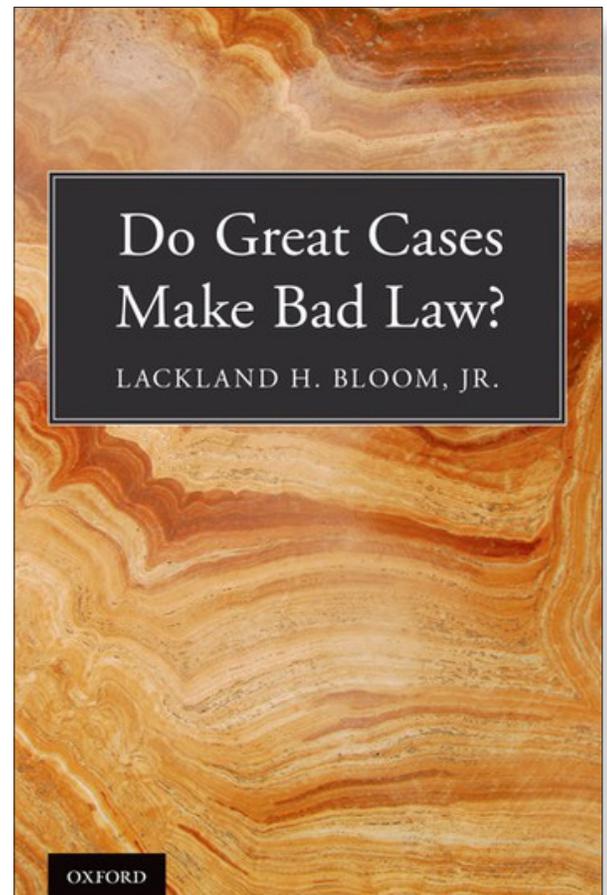
By Lackland H. Bloom, Jr. (Oxford Univ. Press, 2014)

Justice Oliver Wendell Holmes once famously wrote in dissent that “great cases, like hard cases, make bad law.” He went on to explain that “great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful and before which even well-settled principles of law will bend.” Holmes wrote his dissent in a 1904 antitrust case in which the Supreme Court held that the Sherman Act prohibited “all” restraints of trade that affected interstate commerce. Holmes argued that the Act only prohibited “unreasonable” restraints of trade, and, like many of his other dissents, his view ultimately came to prevail.

Holmes’ statement is famous, but is it correct? Do “great cases . . . make bad law?” That is the question which Professor Lackland Bloom sets out to answer in his book, *Do Great Cases Make Bad Law?* In doing so, Bloom examines twenty-six United States Supreme Court cases, ranging from *Marbury v. Madison* to *National Federation of Independent Business v. Sebelius* (the 2012 Supreme Court case upholding Obamacare); and, with his review of these cases, he does both an excellent job of describing each of the cases as well as placing them in their historical context. Although not written in the traditional format of constitutional or legal history, Bloom’s book nevertheless provides a superb sweep through many of the Supreme Court’s great cases, some quite memorable and famous, and others which get little mention today.

Before answering the question at issue, though, some preliminary ground rules must first be established. What makes a case “great?” And, if a case is “great,” how does one determine whether it made “bad” law?

For Holmes, and for Bloom, a “great” case is a case that is perceived, at the time, as being especially important or relevant, whether by the public at large or by the court deciding the case. By comparison, a “landmark” case is based on the case’s reception by future generations and whether it had, or has, lasting impact. *Marbury* is both. It was a “great” case when it was decided, and is considered a “landmark” case today. So too, *McCulloch v. Maryland* and *Brown v. Board of Education* and



many others. Still other cases may qualify as “great” for the public interest they aroused at the time, but they are not “landmark” cases widely remembered or recognized today. *Pollack v. Farmers’ Loan & Trust Co.*, invalidating a federal income tax (which led to the adoption of the Sixteenth Amendment), is an example of a “great” case for its time that is little remembered today and certainly not considered “landmark.”

But, while there are “great” cases which made “good” law, there are also “great” cases which made “bad” law. Holmes was right, but for only some of the time. *Scott v. Sanford* is the most obvious example of a “great” case making “bad” law, but there are certainly others. In *Hepburn v. Griswold*, the Court held that paper money could not be made legal tender, but a year later, following changes to the membership of the Court, the Court reversed *Hepburn* in *The Legal Tender Cases* and held paper currency could constitute legal tender. While the *Hepburn* case would qualify as a “great” case making “bad” law, *The Legal Tender Cases* quickly corrected the Court’s apparent mistake and overruled *Hepburn* (or at least made the law more economically sound and in tune with the needs of the country’s growing economy).

As Professor Bloom runs through his discussion of the “great” cases, one trait which most seem to have in common is their fairly unique circumstances. *Marbury v. Madison* is certainly a complicated

and unique fact pattern, and so are cases such as *Youngstown Sheet & Tube Co. v. Sawyer* (invalidating Truman’s seizure of the steel mills during the Korean War), *New York Times v. United States* (the Pentagon Papers case), *United States v. Nixon* (ordering the disclosure of the President’s tapes to the special prosecutor), and *Bush v. Gore*.

Ultimately, Bloom concludes that: “Great cases by definition are unusual. They take the Court out of its routine and its comfort zone, placing it on center stage and magnifying the possibility of serious error. They also provide the Court with the opportunity to proceed boldly and stake out new ground. Fortunately although great cases can make bad law, for the most part they have not.”

What, then, can be said of Justice Holmes’ famous observation? Perhaps he was exaggerating for effect. Perhaps he was simply frustrated. Or, perhaps many cases are considered “great” in their day (that is, they are considered especially important at the time and the subject of

great public interest) only to find that their “greatness” fades away until they are little remembered. Holmes wrote his immortal line in *Northern Securities Co. v. United States*, an important antitrust case in 1904. Holmes certainly thought *Northern Securities* a great case when he penned his dissent, but the case is largely forgotten now. Many, if not most, of the “great” cases analyzed by Professor Bloom in his book are also “landmark” cases still discussed and taught today. Perhaps if a wider net was cast, to include more cases that were “great” in their day but no longer, then Justice Holmes’ observation would prove more true. Regardless, though, Holmes’s statement bears reflection. Even if, as Bloom concludes, most great cases do not make bad law, some do — and that is something we must all guard against. 🐋

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 Richard.Forsten@saul.com.

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NOMINATIONS SOUGHT FOR LAW DAY AWARDS

The Delaware State Bar Association and the Awards Committee are seeking nominations for the Liberty Bell Award and the Community Service Award to be presented at the 2019 Law Day Luncheon. Below is the criteria for these awards.

Liberty Bell Award – The Liberty Bell Award is given annually to an individual, who is not a judge or lawyer, who has rendered outstanding service to his or her community. The award is designed to promote a better understanding of government, a greater respect for the rule of law or a deeper sense of individual responsibility which contribute to the effective functioning of our governmental institutions.

Community Service Award – The Community Service Award recognizes annually a member of the judiciary or the Delaware Bar who has rendered meaningful service to the community and who has contributed significant time and effort to the greater Delaware community. Nominees should have demonstrated a commitment to leadership and service in activities that enrich and strengthen our community over a substantial period of time.

Myrna L. Rubenstein Professional Support Recognition Award – This Award recognizes long and dedicated service to the Bench and Bar of the State of Delaware, to the Bar Association, and to the Members thereof, which has contributed in a significant way to them and to the high ideals of the legal profession.

The **DEADLINE** for receiving nominations for the Liberty Bell Award, Community Service Award, and Myrna L. Rubenstein Professional Support Recognition Award is February 4, 2019.

DELAWARE STATE BAR ASSOCIATION LAW DAY AWARDS NOMINATION FORM

Name of Candidate: _____

Title/Occupation of Candidate: _____

Award: _____

Date: _____

Nominator: _____

Phone: _____ Fax: _____ E-Mail: _____

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Address: _____

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

Send Responses by February 4, 2019 to:
Mark S. Vavala, Executive Director, DSBA
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Fifth Annual DELREC Casino Night Raises Money for Legal Programming

By Samuel L. Clocic, Esquire, and Gregory J. Flasser, Esquire

Thanks again to the generous support of the bench and bar, the Delaware Law Related Education Center's ("DELREC") Fifth Annual Casino Night to benefit its essential legal programming was an all-around success. On Thursday, November 29, 2018, DELREC hosted more than 100 patrons at the Delaware Historical Society in downtown Wilmington for an exciting evening of craps, blackjack, and roulette with friends and colleagues. Proceeds from the event will be used for the benefit DELREC's programs for students and teachers, including the Delaware High School Mock Trial Program, "We the People," Project Citizen, and Law Day.

The Fifth Annual Casino Night's nine gaming tables were filled to capacity throughout the evening. Many guests took the opportunity to learn blackjack, craps, and roulette for the first time, while others simply enjoyed playing their favorite games in the fun, friendly atmosphere created by the professional dealers and DELREC's casino night hosts. At the end of the evening, all casino chip winnings were converted into raffle tickets that could be used for a chance to win more prizes.

DELREC would like to thank each of the sponsors of this year's casino night for their generosity and support. DELREC would also like to thank the members of the planning committee for all of their help, including Tiphanie Cascella, Esquire; Sam Clocic, Esquire; Kevin Collins, Esquire; Nicole Faries, Esquire; Greg Flasser, Esquire; Deborah Gottschalk, Esquire; Megan McGovern, Esquire; Pat Quann; Jeremy J. Riley, Esquire; Charlie Vincent, Esquire; and Innocent LLC. We look forward to seeing you all next year! 🍀



Photos courtesy of DELREC

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The Delaware State Bar Association and the Awards Committee are seeking nominations for the First State Distinguished Service Award to be presented at the 2019 Bench & Bar Conference. The award is described below:

This award is given annually at the Bench & Bar Conference to a member of the Delaware Bar who, by exemplary leadership and service dedicated to the cause of good citizenship in civic and humanitarian service over a period of many years has maintained the integrity and honored recognition of the legal profession in community affairs and who, as an outstanding Delawarean, unceasingly advances the ideals of citizen participation and community accomplishment, thus reflecting high honor on both country and profession.

SUBMIT NOMINATIONS BY MARCH 8, 2019 TO:

Mark S. Vavala, Executive Director

Mail: DSBA, 405 N. King Street, Suite 100, Wilmington, DE 19801 or Email: mvavala@dsba.org

Please include: The name, firm, and title/occupation of the Candidate; name and contact information (firm, address, email, phone, and fax) of the individual nominating the Candidate; and a brief statement of the reasons the Candidate is deserving of the Award.





Warm your Palate this Alpine Winter

The Farmers' Almanac forecasts a colder than normal and snow-filled winter. What better dishes to assuage the Alpine cold than a Swiss raclette or fondue – or both?

I first enjoyed raclette with my dear friend, Kathleen Hickey, an expert in all things French. Kathleen, now retired, was the French teacher at Ursuline Academy and is an excellent cook and baker. As raclette and fondue are among her favorite cold weather dishes, she was eager to share both recipes.

Raclette is a smooth, firm cow's milk cheese made on both the Swiss and French sides of the Alps. It is pale yellow in color with a nutty taste, similar to Gruyère. As "racler" in French means "to scrape," raclette also refers to the dish in which raclette cheese is melted in front of a fire and scraped onto guests' plates. Today, electric raclette makers simplify the traditional method. A heating element and eight mini trays and spatulas permit each guest to melt and scrape at her own pace. Swissmar raclette makers (the most popular brand) are sold at Bed Bath and Beyond and Williams Sonoma for about \$130 – a good investment for those of us in the Northeast.

The preparation is simple. Either ask your cheesemonger to slice the raclette, or do it yourself at home with a nice, sharp knife or wire cheese cutter. I would estimate about a third of a pound per person.

Serve with little Red Gem potatoes (boiled just until a fork goes through), cornichons, and pickled onions. Cured meats, such as prosciutto, and crunchy baguette cut on the bias are also musts for a raclette dinner party. Allow guests to season with sea salt, fresh ground pepper, and smoked paprika.

For a Fondue Suisse, dig out your retro fondue pot, burner, and forks from the back of your kitchen cabinet (or basement).

If you (or your parents) do not own a fondue pot, you will find a myriad on the market – from copper to stainless steel to ceramic – ranging in price from \$30 to \$170. Again, another wise investment considering the trusted Farmers' Almanac predictions.

For a dinner party of four, grate half a pound of Gruyère and half a pound of Emmentaler cheese. Set aside in a bowl and mix in two tablespoons of flour. In a heavy pot over medium heat, add two sliced garlic cloves to 1 3/4 cups dry white wine. Reduce to 1 2/3 cups, then strain out the garlic. Add the cheese and flour mixture and stir until uniformly melted. Add two tablespoons of butter and two tablespoons of heavy cream and stir until melted and smooth. Finally, add one tablespoon of kirsch as well as salt and pepper to taste. Stir until smooth, then pour into a fondue pot. Place over a sterno burner and serve with crusty French bread as well as your favorite cured meats.

For wine pairings, I recommend a crisp white, such as a Pinto Gris from Alsace, to balance the rich, nutty cheeses and smoky cured meats. For something more celebratory, serve a sparkling Crémant d'Alsace. If the cold is nudging you toward a red, pair with a rich yet fruity Gigondas or Vacqueyras from the Rhône.

Now, revise your snow day shopping list to include the necessities...bread, eggs, milk...raclette...kirsch...you get the idea.

Bonne Année 2019! 🍷



Susan E. Poppiti is Director of Advancement, Director of the Legal Shadowing Program, and a mathematics teacher at Padua Academy. She is also the "head chef" of the school's culinary club "The Hungry Pandas". Susan can be reached at spoppiti@hotmail.com.



The 2019 Delaware Legal Directory

The Delaware State Bar Association **Delaware Legal Directory** is the only comprehensive up-to-date listing of all Delaware attorneys and judges, including address, telephone number, fax number, and e-mail address. The **Delaware Legal Directory** also contains contact information for the Delaware Court System and related offices frequently contacted by legal professionals.

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Congratulations to Brittany Yodis who was sworn-in and admitted to the Bar of the Supreme Court of the State of Delaware. Brittany is a graduate of Villanova University School of Law, where she obtained both a Juris Doctor degree and a Master of Laws in Taxation. After graduating law school, she served as a Judicial Law Clerk to the Honorable Sherry R. Fallon in the United States District Court for the District of Delaware.

Brittany is an associate in the firm's Tax, Estates and Business Practice Group. Her practice includes representation of companies and individuals in the areas of tax planning and controversies, wealth transfer and estate planning, estate and trust administration, strategic business and succession planning, stock and asset acquisitions, structuring and formation of corporations and alternative entities, and commercial transactions. Brittany also represents corporate trust and loan agency clients acting as trustees and agents on a variety of domestic and international transactions, including default administration. She is admitted to practice in Delaware and Pennsylvania. Brittany can be reached at byodis@morrisjames.com or 302.888.6864.