



THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION



Lawyers in the Arts

Virtual
Art Show
pg. 26

Featuring



Marisa
Terranova Fissel



Jenness
Parker



Jim
Drnec



Annie
Cordo



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- Lawrence Cessna, President and CEO, Ingleside Homes Inc.

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JULY/AUGUST 2021 | VOLUME 45 • NUMBER 1

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The *Bar Journal* is published and distributed by the Delaware State Bar Association

405 North King Street, Suite 100
Wilmington, DE 19801
P: 302-658-5279
F: 302-658-5212
www.dsba.org

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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.

The *Bar Journal* is published monthly with a combined July/August issue.

All correspondence regarding circulation, subscriptions, or editorial matters should be mailed to:

Editor, DSBA Bar Journal
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405 North King Street, Suite 100
Wilmington, DE 19801
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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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First, I would like to thank Mike McTaggart for his leadership over the last year. As we all know, it is an understatement to say that the last 12+ months have been unprecedented. In a time of Zoom meetings, an uncertain future, and limited personal interactions, Mike steered the DSBA with a calm and steady hand. Thank you, Mike!

Diversity, Equity & Inclusion

You will hear a lot from me about this over the next year. I am Chair of the newly-created DSBA Diversity, Equity & Inclusion (“DEI”) Committee. Beth Fenton is the Vice Chair, Lakshmi Muthu is the Secretary, and Jen Ying is the liaison to the DSBA Executive Committee. The Executive Board also has a representative from the Women and the Law Section, Multicultural Judges & Lawyers Section, and LGBTQ+ Section. The mission of the DEI is to effect change by promoting diversity, equity, and inclusion in the legal community in Delaware, through education, community engagement, and promoting interest in the legal profession in Delaware, to attract, retain, and advance more diverse lawyers and judges.

The DEI Committee has already taken steps to further its mission. One of the first steps was to start the DSBA Diversity Judicial Clerkship Program. A Clerkship Committee¹ was formed and, with the help of the Delaware Bar and other individuals and organizations, we raised funding to get the Program started. We placed four clerks in the Program this year (three in Superior Court and one in Bankruptcy Court), all of whom have an interest in returning to Delaware after

graduation. I am extremely proud of the Clerkship Committee and all that it has accomplished in this inaugural year of the Program. Of course, this would not have been possible without the support of the Judiciary. Thank you to the judges of the Superior Court and the Bankruptcy Court. We have plans to expand the Program to other Courts next year and the tremendous support from those Courts.

Another initiative of the DEI is to diversify the authors in the *Bar Journal*. We want to hear your voices! As you saw in the June edition, we had an article to celebrate Gay Pride Month and another on Juneteenth. More diverse articles will be appearing in future issues of the *Bar Journal*, as well. The regular columns will also be a part of our diversity initiative, starting with the “Tips on Technology” column. The Herrmann Technology Inn of Court, the E-Discovery and Technology Law Section, and the Young Lawyers Section will be supplying articles from their membership. The initiative will be implemented with other columns in the future.

One of the main initiatives of the DEI Committee is to develop a written Action Plan that identifies areas where we as a Bar can take action to improve diversity, equity, and inclusion and to develop specific action items to carry out the initiatives. The initiatives discussed above are in the current Action Plan. There is more work being done to further develop the plan. Look for updates throughout this year.

As you are likely aware, Chief Justice Seitz announced the wonderful opportunity for Delaware to partner with the National Center for State Courts (NCSC) to develop a strategic plan to increase diversity in the Delaware Bench and Bar

The mission of the Diversity, Equity & Inclusion Committee is to effect change by promoting diversity, equity, and inclusion in the legal community in Delaware, through education, community engagement, and the promotion of interest in the legal profession in Delaware, to attract, retain, and advance more diverse lawyers and judges.

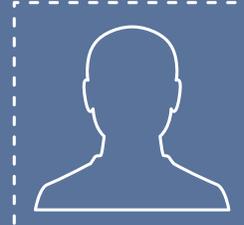
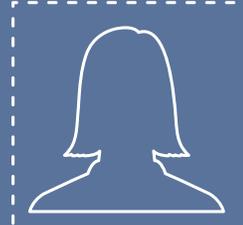
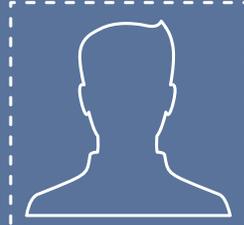
in a pilot program to serve as a national model.² Justice Montgomery-Reeves is co-chairing the Steering Committee for this Project. The NCSC's experience, expertise, and resources will be of great benefit to Delaware. The DEI Committee stands ready to assist and further the work of this important initiative.

I look forward to serving as DSBA President and will work to effect change and serve our members. Thank you for the opportunity. 🙏

Notes:

1. Our Committee members are listed here: <https://www.dsba.org/sections-committees/standing-committees/diversity-committee/>
2. Supreme Court of the State of Delaware. (2021, May). Delaware Bench and Bar Diversity Project. <https://courts.delaware.gov/Forms/Download.aspx?id=126558>.

Kathy Miller is the current President of the Delaware State Bar Association. She is a partner at Smith, Katzenstein & Jenkins LLP where she focuses her practice on corporate and commercial litigation and corporate bankruptcy matters. She can be reached at kmiller@skjlaw.com.



It's time to update your contact information and photo for the DSBA printed Legal Directory and Online Legal Directory.

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He May Have to Litigate

I learned about litigation from Bobby McFerrin. No, the vocalist was not an adjunct law school professor. But his infectious song “Don’t Worry, Be Happy” included the couplet, “The landlord say your rent is late; he may have to litigate.” With no understanding of what “litigate” meant, my 11-year-old mind converted the line to “he may have to lift the gate.” It seemed like a very polite way of telling a tenant to vacate.

One day, as I bopped around the house singing my version and attempting to mimic the other sounds in the song, my father corrected the wording and explained the meaning of “litigate.”¹

There was no internet in 1988 to consult, and feeling my version painted a better picture, I stuck with it. Plus, Weird Al was also popular at the time, and altering lyrics seemed an innovative form of entertainment.

Unwittingly and wittingly² altering lyrics is probably the sum of my musical capabilities.

I was the lead singer in my junior high garage band not for my voice but for my lack of ability to play any real instrument. (A recorder did not count, and even my trumpet

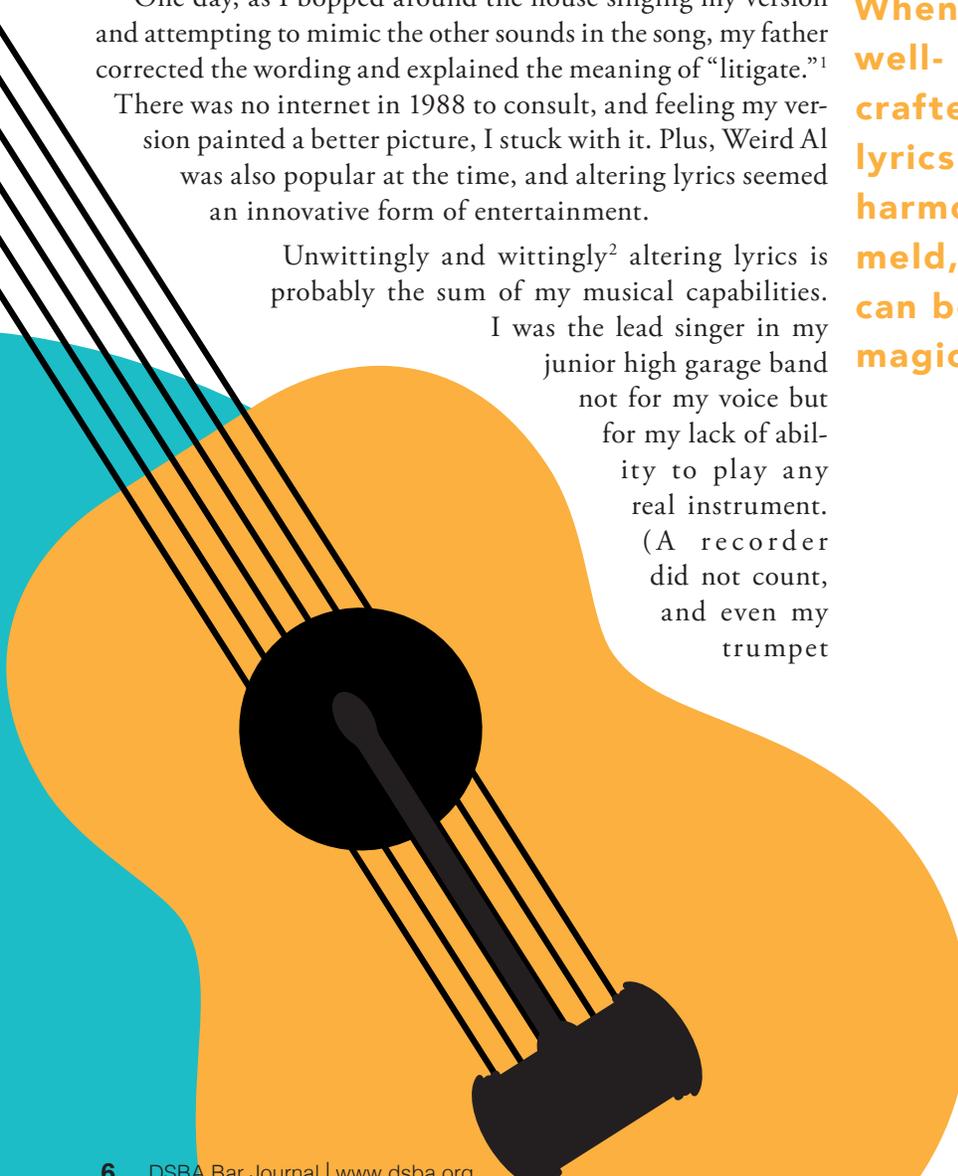
When well-crafted lyrics and harmony meld, it can be magic.

“skills” had atrophied since fifth grade.) That left the tambourine or triangle (we had neither), or the position of hype man (we only had one microphone) or designated dancer (this did not occur to us, as it was not really “a thing” before ska bands took off a few years later). The absence of an ability to do one act seems an odd qualifier to do another act. Perhaps my bandmates realized this, and so for the talent show, we instead performed a comedic dance routine to Milli Vanilli’s “Girl You Know It’s True.” Thankfully, recording devices were relatively scarce at the time, and there are no known tapes.

This is perhaps a slightly embarrassing way to fully disclose that my qualifications for writing a column on lawyers³ and the arts⁴ are paltry. And yet, like a dog lover who is allergic to canines, I love music.⁵ In a very unscientific calculation, life is approximately 11 percent better because of music. (Cut to Jerry Maguire searching the car radio for the right complementary song before landing on Tom Petty’s “Free Falling.”)

When well-crafted lyrics and harmony meld, it can be magic. Even one or the other can suffice, but without either, like having neither the facts nor the law on your side, the result is table banging.

In his VH1 “Storytellers” episode, Bruce Springsteen described internalizing his craft and the mechanics of storytelling over time, such that it became like a second language.⁶ My junior high band did not quite get there.



(Creative differences set in, of course.) But periodically, the law feels like a second language, with the lawyer serving as interpreter to the client, and as storyteller to the factfinder. In addition to the overt performance element, good lawyering can take on the attributes of good music, with familiar but still illuminating themes leading to a better understanding of the client's perspective. Now that is music to my ears. 🎧

Notes:

1. About four years earlier, Billy Ocean's "Caribbean Queen (No More Love on the Run)" was popular. As an eight-year-old, I thought he was singing "Caribou Queen." Part of my confusion might have stemmed from my older sister taking me that year to the movie theater to see *Sheena: Queen of the Jungle*, in which the main character could communicate telepathically with animals. My sister made up for it the following year by taking me to see *National Lampoon's European Vacation*.
2. I have probably received too much enjoyment from changing the lyrics to The Beach Boys' "Kokomo" to "Key Largo, John Stamos [instead of Montego], baby, why don't we go" when seeing the *Full House* actor in the song's video.
3. Even if there were a family Grammy for best lawyer, I am not sure I would make the short list, thought naturally it would be an honor to simply be nominated.
4. Regarding other traditional art forms, I actually fare worse.
5. During the Sussex County Family Court Secret Santa exchange of 2004, my unknown donor gave me a live AC/DC album (a double album, no less). I thoroughly enjoy the air guitar and table drums, but it did make me question what impression I was providing at work. With more thought, Brian Johnson's rasp is probably as close as they could find to my vocal "gifts."
6. On the way home from an ninth grade soccer tournament with a teammate's father driving, "911 is a Joke" came on the radio. The father scolded us about the importance of emergency services. Other than loving early 90s hip-hop and wearing the occasional maroon Phillies hat, I am not sure what Chuck D. and I had in common, but even at 13, I could hear Public Enemy's issue was not over the importance, but rather the equity.

Bar Journal Editor **Seth L. Thompson** joined Parkowski, Guerke & Swayze in July 2019, and he works predominantly in the firm's Wilmington office. His practice focuses on civil litigation, family law, and municipal law. For six years, he also served as a Legislative attorney for the Delaware House of Representatives. He has served on the Board of Professional Responsibility, the Board of Bar Examiners, and the Executive Committee for the Terry-Carey American Inn of Court, as well as serving as the Sussex County Bar Association President. He may be reached at sthompson@pgslegal.com.

TYBOUT, REDFEARN & PELL
 is pleased to announce that
Geoffrey S. Lockyer
 has joined the firm effective June 1, 2021.

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DSBA HAPPENINGS

The Inaugural Honorable Kevin Gross Public Service Award

In a ceremony held on June 29, 2021 in Chief Judge Leonard P. Stark’s courtroom, the Honorable Kevin Gross awarded the inaugural Hon. Kevin Gross Public Service Award (co-sponsored by the DSBA Bankruptcy Section and the Delaware Chapter of the Federal Bar Association) to the Clerk of the Court, chambers, and all administrative staff of the Delaware District and Bankruptcy Courts for exemplary service to the Court, the Bar and the public during the worldwide COVID-19 pandemic. John Cerino, Clerk of the District Court, and Una O’Boyle, Clerk of the Bankruptcy Court, were in attendance to accept the award on behalf of all recipients. Plaques commemorating the award were given to each of the clerk’s offices and the chambers of the chief judges. Congratulations to the award recipients and a sincere “thank you” from the DSBA Bankruptcy Section. ⚖️

MEMBER NEWS

DSBA member **Ross C. Karsnitz, Esquire**, of Morris James LLP (son of the Honorable Craig A. Karsnitz and Kathi A. Karsnitz, Esquire) and his wife Michele, welcomed their baby son, Henry James, on April 22, 2021.



DSBA member **Sarah A. Fruehauf, Esquire**, of the Department of Justice, her husband Dan, and big sister Sydney welcomed Xavier Daniel Leipold, on June 28, 2021. Xavier weighed 9 pounds, 6 ounces, and was 21 inches long.



TOP 5

TIMES A LAWYER SHOWED AN ARTISTIC SIDE

1 Abraham Lincoln



Abraham Lincoln wrote poetry while practicing law. His poems *My Childhood Home I See Again* and *To Rosa* became well-known poems in their time.

2 F. Lee Bailey



Famous O.J. Simpson attorney, F. Lee Bailey, who also defended the Boston Strangler and Patty Hearst, dabbled a little with acting and was even a voice artist in the animated TV series *Spider-Man*.

3 Justice Sonia Sotomayor



At the end of the 2010 U.S. Supreme Court term, the law clerks for the nine justices performed skits for their bosses. However, when they were done, newly-appointed Supreme Court Justice Sonia Sotomayor turned on some salsa music, grabbed Chief Justice Roberts by the hand and reportedly showed the clerks how to move to the music. This prompted Justice Scalia to joke, “I knew she’d be trouble.”

4 Gloria Allred



Lawyer Gloria Allred, the attorney who has championed decades of civil rights cases and represented Jane Roe successfully in *Roe v. Wade*, admitted to NBC that when she sings in the shower, she sings “Gloria.”

5 Bill Clinton



Bill Clinton, who had been a lawyer before he was Governor of Arkansas (and later US President), showed his saxophone skills on the *Arsenio Hall Show* while running for president in 1992.

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OF NOTE

Condolences to the family of the **Peggy J. Marshall Thomas, Esquire**, who died on September 29, 2020.

Condolences to the family of **Leo J. Boyle, Esquire**, who died on March 20, 2021.

Condolences to **Rosemary K. Killian, Esquire**, on the death of her daughter, Kelly Marie Killian, who died on May 29, 2021.

Condolences to the family of **Carl Schnee, Esquire**, who died on May 30, 2021.

Condolences to **Christopher J. Curtin, Esquire**, on the death of his wife, Bonnie Louise Reid Curtin, who died on June 14, 2021.

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

DISCIPLINARY ACTIONS

REINSTATEMENT

In re Robert S. Bria
Del. Supr., No. 149, 2021
Effective Date: May 27, 2021

By Order of the Delaware Supreme Court dated May 27, 2021, Robert S. Bria has been reinstated to the Delaware Bar. The Court also imposed a two-year public probation with specified terms and conditions. In February 2014, Bria was suspended by the Court for six months and one day. 

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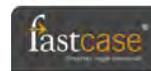
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CALENDAR OF EVENTS

September 2021

Thursday, September 9, 2021 • 10:00 a.m. – 11:00 a.m.
Cyber Security for the New Normal in Law Practice
1.0 hour CLE credit including 1.0 hour Enhanced Ethics
Live Webinar at DSBA with Zoom Option

Tuesday, September 14, 2021 • 12:00 p.m. – 1:00 p.m.
Back to Work Jitters: Reopening and Relaunching into the New Normal
1.0 hour CLE credit including 1.0 hour Enhanced Ethics credit
Live Webinar at DSBA with Zoom Option

Wednesday, September 22, 2021 • 10:00 a.m. – 11:00 a.m.
Environmental Law Recap of the 2021 Legislative Session
1.0 hour CLE credit
Live Webinar at DSBA with Zoom Option

Wednesday, September 29, 2021
Hookah v. the Indoor Clean Air Act
1.0 hour CLE credit
Live Webinar at DSBA with Zoom Option

October 2021

Tuesday, October 5, 2021
Fundamentals of Real Estate
Live Webinar at DSBA with Zoom Option

Thursday, October 21, 2021
Supreme Court Review 2021
Live Webinar at DSBA with Zoom Option

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.

NEVER MISS AN ISSUE!

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SECTION & COMMITTEE MEETINGS

August 2021

Thursday, August 19, 2021 • 11:45 a.m.

Executive Committee Meeting

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

September 2021

Tuesday, September 14, 2021 • 12:00 p.m.

Litigation Section Meeting

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

Wednesday, September 15, 2021 • 9:00 a.m.

ADR Section Meeting

Zoom Meeting, see Section listserv message for link and password

Thursday, September 16, 2021 • 11:45 a.m.

Executive Committee Meeting

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

Refer to the DSBA Section Listserv messages for the most up-to-date information on Section Meetings. Please contact LaTonya Tucker at ltucker@dsba.org or (302) 658-5279 to have your Section or Committee meetings listed in the Bar Journal.

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A Look In The Rearview Mirror:

A Sampling of How Delaware Courts Have Utilized Technology to Adapt to and Innovate Through the COVID-19 Pandemic

BY THE HONORABLE SHELDON K. RENNIE

At the outset of the COVID-19 pandemic, courts were unable to conduct in-person business. Judges were forced to innovate and find new pathways to hold hearings, conferences, and trials, where in-person proceedings were no longer available. To keep up with incoming, pending, and delayed cases both in the criminal and civil arenas, the Delaware Judiciary was confronted with a new reality: remote legal proceedings. And with this new platform came novel issues that required unique protocols to ensure fairness and efficiency.

This article provides a sampling of innovations and protocols that some of the Delaware State Courts have unfurled as a result of the new virtual reality in which they now operate. For most of the Delaware Courts, the transition began by using remote platforms such as Skype for Business, Zoom, and CourtScribes to hold various types of hearings. As these platforms improved over the course of the pandemic, the Courts have been able to provide the parties with a virtual courtroom, virtual chambers, and, if needed, private break-out rooms to allow counsel to speak with their clients while maintaining confidentiality and privacy.

The advent of virtual proceedings has required the Courts to provide all parties with a uniform understanding of the parameters of the proceedings and expectations of the judicial officers. For example, judges in the Delaware Court of Chancery and Superior Court have developed meticulous guidance for attorneys that governs hearings and trials. This guidance varies by court and by judicial officer however, it generally provides details regarding the following:

- The procedures for securing authenticated user status in connection with requests to participate in or observe proceedings;
- The expectations surrounding use of video and audio, including when and how such use is governed;
- The restrictions on recording remote proceedings; and
- The expectations of decorum during oral argument and dress code during virtual proceedings.

Some of the judges in these Courts also engage in a colloquy with each witness before receiving their testimony to confirm that the witness is able to see and hear the other trial participants, and that they understand that their testimony is under oath and has the same effect as if it was given in an actual courtroom. The colloquy also ensures that the witnesses will not access any impermissible technology or resources while giving their testimony.

Delaware Courts have also undertaken efforts to serve litigants who are unable to participate in virtual proceedings due to their lack of technological resources. For example, the Delaware Justice of the Peace Court offers access to “Zoom Carts” which provides in-court access to the technology needed

to participate in a hearing that requires online access and video/audio functions. The Justice of the Peace Court has also taken steps to make traditionally in-person proceedings available for out-of-state defendants and parties who cannot appear in person. In addition, the Justice of the Peace Court has worked to make Online Dispute Resolution (ODR) accessible for a variety of case types, including landlord/tenant disputes. Due to its proven efficiency and effectiveness, this technology is being expanded and will also be applied to other types of legal proceedings in the future.

Other courts, like Delaware's Family Court, have been required to rapidly adapt to the restrictions accompanying the pandemic. Parties seeking relief through the Family Court often do so on an emergency basis. Thus, to increase the safety of litigants and to ensure that all parties have access to justice, the Family Court arranged for increased availability to virtual hearings and remote capabilities for "emergency filings." Specifically, the Family Court created an email portal through which self-represented litigants can electronically submit "emergency filings" for protection from abuse proceedings, filings related to child welfare matters, and custody/visitation/guardianship filings.

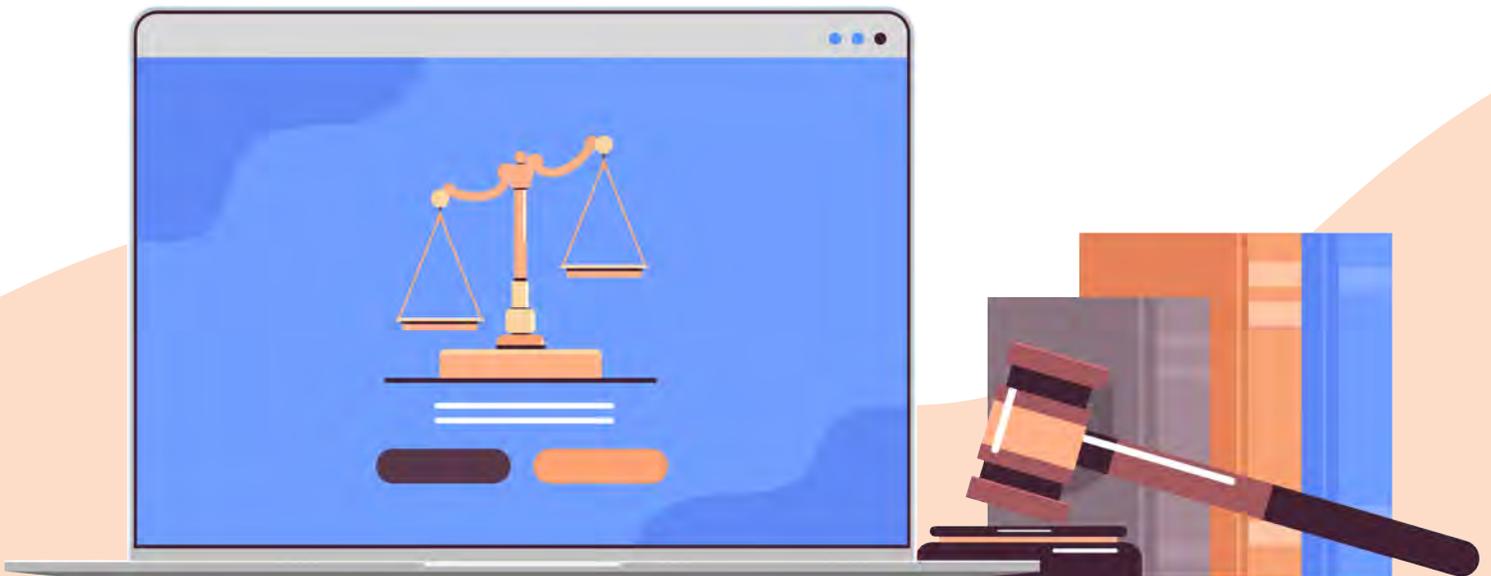
These are just some of the innovations that exemplify how resilient and adaptable the Delaware Judiciary has been throughout the COVID-19 pandemic. The increased development and use of technology have provided cost effective, time-efficient, and widely accessible avenues for our Courts to continue to advance justice and provide litigants with the ability to achieve their day in court. And even as the Courts transition back to in-person proceedings, it is expected that much of these innovative developments will continue to be utilized. Ⓢ

Judge Sheldon K. Rennie

is a judge on the Superior Court for the State of Delaware. He was first appointed to serve in the Court of Common Pleas by Governor Jack Markell in June 2013 and then joined the Superior Court after appointment by Governor John Carney in April 2018.



To keep up with incoming, pending, and delayed cases both in the criminal and civil arenas, the Delaware Judiciary was confronted with a new reality: remote legal proceedings. And with this new platform came novel issues that required unique protocols to ensure fairness and efficiency.





Be Best

I could tell it was going to be a good day when I sat down to clear my email queue. Skipping over the latest solicitations from the Nigerian princes, as well as the widows of bank officials who need my assistance to transfer unclaimed funds out of foreign countries, I went right for the accolades. I guess I'm doing something right because the fan mail is arriving in copious amounts.

On a single day, I was declared to be the “Best” of trial attorneys practicing intellectual property law in Rehoboth Beach. I took that one with a grain of salt since I don't practice IP law, and I don't practice in Rehoboth.

I was also informed that I made the Who's Who of international lawyers, although the announcement was a bit vague as to what the selection criteria entailed or how my fame reached foreign shores. For a limited time only, I could be included in a list of elite power attorneys practicing in my area (unclear as to whether they were referring to a field of law or geographically). But, I'd have to act fast. The “slots” were filling up quickly.

All of the offers were similar in that there was no explanation as to how I made the list and required quick payment if I was to be included in an upcoming publication of the winners. A few were even having sales which would enable me to purchase a reasonably-priced package of not only the publication but also permissions to include a notice or a copy of the award on my emails and letterhead. Apparently, the only way to exit these emails is through the gift shop. Wall plaques, desk displays, posters, and lobby cards are also available for purchase.

These awards should be differentiated from the peer review ratings from organizations such as Martindale-Hubble, which require both nomination and secret, multiple peer evaluations in order to receive a rating. The purchased recognition also differs from the beauty contest awards which declare attorneys to be “top” or “best” based on a ballot-stuffing, popular vote.

Just when I was starting to feel good about the praise-for-purchase offers, I got to the email informing me that I had won the Irish Sweepstakes — again. Due to the fact that I had not entered the Irish Sweepstakes, I remained skeptical.

All of this reminded me of U.S. Senator Paul Rand (R-Kentucky) who holds himself out as a “Board-Certified” ophthalmologist. His claim is technically accurate in the sense that he was relying on the certification of a board that he created himself and for which he served as president with his wife as vice president and his father-in-law as secretary.



Technically true but potentially misleading without additional information, leading us to Rule 7.1 of the Delaware Professional Conduct Rules, which prohibits a lawyer from making a false or misleading communication about the lawyer or the lawyer's services. It goes on to state that a communication is false or misleading if it contains a material representation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading.

An attorney accepting and advertising receipt of this type of award or recognition should also be wary of Rule 7.4(d), which prohibits lawyers from stating or implying that they are certified as specialists in a particular field of law unless by an organization accredited by the American Bar Association or the State Bar. Without a disclaimer, the reader of a proclamation that an attorney is the “best,” “top,” or “super” could construe that as an improper declaration of expertise.

For an excellent explication of the issues surrounding advertisements touting designation as “Super Law-

Without a disclaimer, the reader of a proclamation that an attorney is the “best,” “top,” or “super” could construe that as an improper declaration of expertise.

yer” or “Best Lawyer in America,” look to the May 5, 2021 Notice to the Bar from the Committee on Advertising, appointed by the New Jersey Supreme Court. Per the Committee, it had received complaints and inquiries about attorneys promoting themselves with paid-for awards. The Committee noted that advertisements identifying lawyers as Super Lawyers would appear in New Jersey-directed publications, local newspapers, and by distribution to the public through attorney mailers, flyers, brochures, telephone book listings, and websites.

The Committee drew a sharp distinction between the “Best Lawyer” and “Super Lawyer” publications, concluding that the “Best Lawyer” methodology of selection relied on peer review and was less focused on encouraging lawyers to purchase advertisement of their selection. The Committee noted that the use of the superlative designation of “Best” and “Super” is inherently comparative, and therefore, runs afoul of a New Jersey rule which prohibits comparing a lawyer’s services with another lawyer’s services. Delaware does not have a similar rule. The Opinion states that the self-aggrandizing titles have the potential to lead the unwary consumer to believe that the lawyers so described are, by virtue of this manufactured title, superior to their colleagues who practice in the same areas of law.

The Committee also found that this type of advertising violates New Jersey Rule 7.1(a)(2), which prohibits an ad which is misleading, and if it is likely to create an unjustified expectation about the results the lawyer can achieve. Again, Delaware does not have similar language in its advertising rule. Finally, the Committee opined that the ads contained biographical sketches written by the attorneys which are misleading in that they are presented as journalistic material when they are,

in reality, self-promotion written by the attorneys. By appearing to be written by a reporter or third party, the Committee suggested that it could be viewed as an attempt to evade the Rule 7.3 requirement that the advertising material include a disclaimer that it is an advertisement.

For all of these reasons, New Jersey advises that lawyers may refer to awards such as “Super Lawyers,” “Best Lawyers in America,” or similar comparative titles only when the basis for the comparison can be verified and the organization has made adequate inquiry into the fitness of the individual lawyer. Pursuant to New Jersey Rule 7.1(a)(3)(ii), the basis of the comparison must be substantiated, *bona fide*, and verifiable. The Notice went on to point out that “[f]actors such as the payment of money for the issuance of the award, membership in the organization that will issue the award, and a level of participation on the organization’s internet website render such awards suspect.” While the Delaware Rules differ, the differences are slight enough that care should be taken by any Delaware attorney being offered the opportunity to purchase and advertise such praise.

Special thanks to my friend and colleague, Ralph Sianni, who sent the New Jersey opinion.

“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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Do You Have an Anger Management Issue?

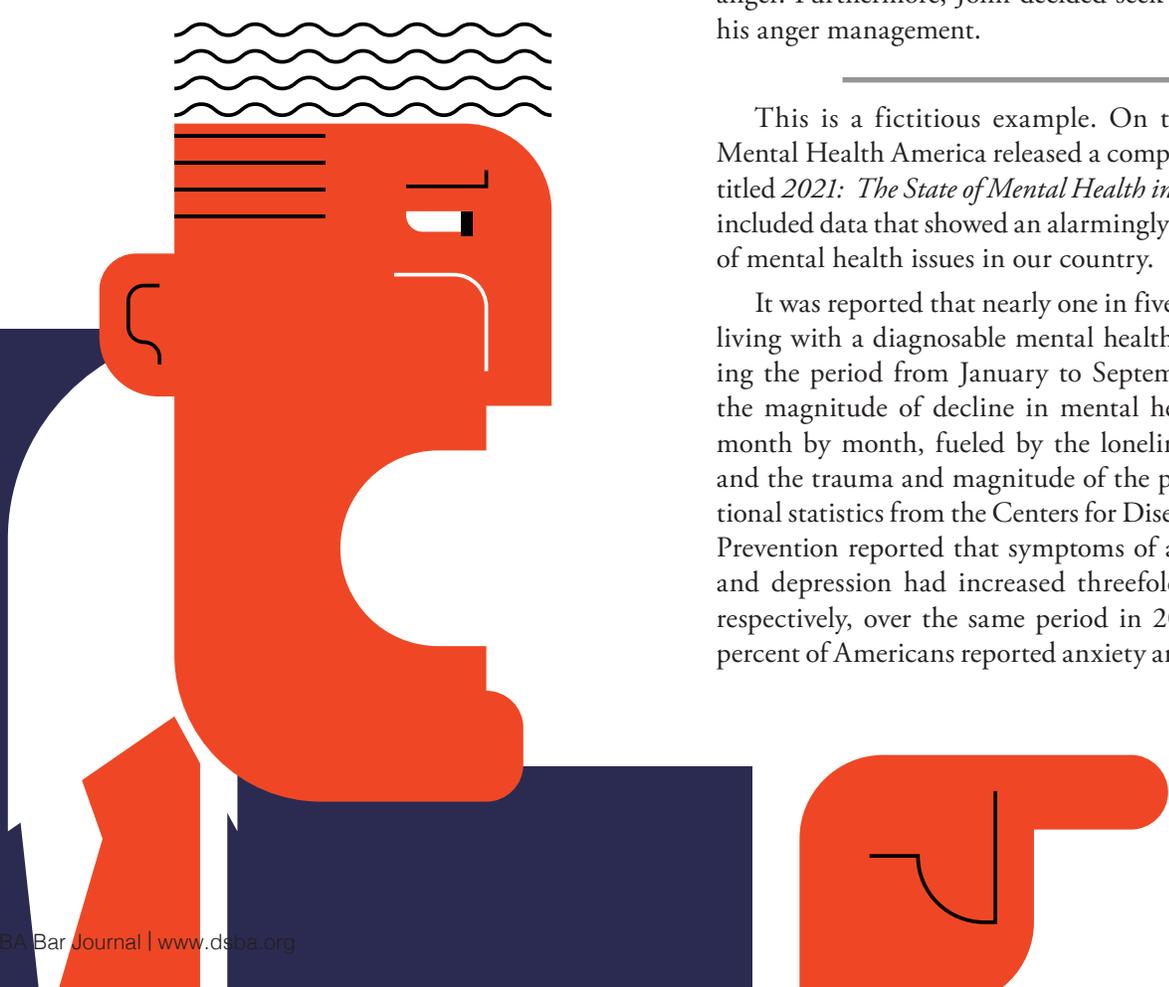
During a rather long trial by combat, John Doe, a successful trial attorney, learned that his father, with whom he was very close, was diagnosed with terminal cancer. Immediately, John knew that this news was life-changing. John knew too that he would be called upon to assist the family both emotionally and financially. Already running on empty, John did not envision his life to take such a turn.

Presently, John is an angry person and an angry attorney filled with anxiety.

Today, stressed and tired, John was in Court. Unfortunately, the Judge reprimanded John for his unacceptable tone and unprofessional behavior against the prosecutor and State's witness. John could not shake the comments of the Judge regarding the difference between assertiveness versus bullying. At first, John thought that he was being singled out for zealously representing his client. However, that night John took a long look into the mirror and asked himself: "Am I too aggressive and unprofessional? Are the additional responsibilities in my personal life causing me to act out in other ways?" John decided to rethink the way that he was handling his emotions and anger. Furthermore, John decided seek help to sharpen his anger management.

This is a fictitious example. On the other hand, Mental Health America released a comprehensive report titled *2021: The State of Mental Health in America*, which included data that showed an alarmingly high prevalence of mental health issues in our country.

It was reported that nearly one in five Americans was living with a diagnosable mental health condition during the period from January to September 2020, with the magnitude of decline in mental health worsening month by month, fueled by the loneliness of isolation and the trauma and magnitude of the pandemic. Additional statistics from the Centers for Disease Control and Prevention reported that symptoms of anxiety disorder and depression had increased threefold and fourfold, respectively, over the same period in 2019. Thirty-one percent of Americans reported anxiety and/or depression



ANGER MANAGEMENT TOOLS

1. Take several deep breaths while sitting or lying down.
2. Change your environment.
3. Exercise.
4. Slowly count to 10 (or 20 or more) and think before you respond.
5. "Laugh away" your anger by finding the humor in minor upsets.
6. Take a break and listen to your favorite soothing music.
7. Think before you speak. Then express yourself in a way that helps you find solutions to the problems that contribute to your anger.
8. Show respect for the other person and for yourself.
9. When the person responds, give your full attention.
10. Speak clearly and assertively but avoid sounding or acting pushy.

symptoms, 26 percent reported trauma/stress-related disorder symptoms, 13 percent reported increased or new substance use, and a stunning 11 percent were strongly considering suicide.

Plus, it is not just John Doe, Esquire, who is angry! Surveys over the past few years indicate that anger has risen in the country even before the 2020 health, economic, and racial crises that washed the nation with fear and uncertainty. A Gallup poll conducted in 2018 concluded that more Americans were stressed, worried, and angered compared to the previous year. About 22 percent of Americans had felt anger the previous day, up from 17 percent a year earlier.

Sadly, the legal profession is no exception. At baseline, lawyers have a significantly higher incidence of depression (28 percent), anxiety (61 percent), problematic alcohol use (21 percent), and suicidality. Unfortunately, attorneys are said to be even more vulnerable to the emotions of anger because of the adversarial nature of their profession, the fear of being perceived as weak, and the perception of some that anger can foster success. Realistically, the very components of professionalism (courtesy and civility, candor, loyalty to client, meritorious claim, and zealous representation) are affected directly by poor anger management skills.

Take time to relax and enjoy hobbies, friends, family, and pets. Talk out minor problems before they escalate. Simplify your daily routine and don't be afraid to say "no" to avoid getting stressed out.

Recognizing that much of his anger shared space with his deepest fears, our attorney John decided that he needed both an anger management workshop and counseling. Additionally, John learned problem-solving techniques, stayed in shape, turned complaints into requests, learned to let go of resentments, and made sure that he put a statute of limitations on his anger.

For more information on this subject, or if you, or someone you know needs support and help, contact the Delaware Lawyers Assistance Program (DE-LAP) at (302) 777-0124 or email cwaldhauser@de-lap.org.

DE-LAP is Your Program

DE-LAP was created to confidentially extend help to judges and lawyers with substance abuse/dependence and/or mental and physical health problems.

Mission Statement

The mission of DE-LAP is to provide confidential assistance to judges and lawyers. Our goal is to help individuals identify problems affecting their work productivity or their quality of life while assisting them in developing effective solutions for those problems thereby culminating in a workplace atmosphere that encourages health and wellness, professional growth, and maintains the integrity of the legal profession.

Program Design

DE-LAP provides a confidential, free, non-disciplinary way for Delaware's judges and lawyers to seek appropriate help for problems before they sabotage an individual's career and/or quality of life. Referrals are confidential. Remember too, getting help doesn't sabotage your career, but not getting help can! 

Notes:

1. "2021 State of Mental Health in America." Mental Health America. Accessed July 1, 2021. <https://www.mhanational.org/research-reports/2021-state-mental-health-america>.
2. Zampogna, Jennifer. "The Icebert." *Then Pennsylvania Lawyer*, May/June 2021.
3. "Mental Health Conditions: Depression and Anxiety." Centers for Disease Control and Prevention. Centers for Disease Control and Prevention, February 15, 2021. <https://www.cdc.gov/tobacco/campaign/tips/diseases/depression-anxiety.html>.
4. Abigail Curtis and Nina Mahaleris. "It's Not Just You. People Really Are Angrier These Days." *Bangor Daily News*, August 14, 2020. <https://bangordailynews.com/2020/08/14/news/if-it-seems-like-people-are-angrier-these-days-youre-not-alone/>.

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

Bankruptcy's New Subchapter V: Small Business Reorganization With Fewer Financial and Procedural Burdens

BY DAVID M. KLAUDER, ESQUIRE, AND NATASHA M. SONGONUGA, ESQUIRE¹



Natasha Songonuga, a Director in the Financial Restructuring & Creditors' Rights Group at Gibbons P.C. in Wilmington, has extensive experience in business reorganization and restructuring matters, working across the full spectrum of chapter 11 cases, as well as counseling creditors in assignments for the benefit of creditors state court insolvency proceedings. She can be reached at nsongonuga@gibbonslaw.com.



David Klauder is a Founding Member of Bielli & Klauder, LLC in Wilmington, with a practice focused on business and consumer bankruptcy cases, including representation of debtors, creditors, and trustees in chapter 7 and chapter 11 bankruptcy cases. He can be reached at dklauder@bk-legal.com.

It is often commented that Chapter 11 bankruptcy is too complicated, expensive, and slow to provide meaningful relief for small businesses. And, while the Bankruptcy Code has contained “small business” debtor provisions for many years, those provisions have been often criticized as not significant enough in scope or concept to help small business debtors survive. To remedy these issues Congress enacted the Small Business Reorganization Act which went into effect in February 2020. This added “Subchapter V,” 11 U.S.C. §§ 1181-95, to Chapter 11 of the Bankruptcy Code. Subchapter V provides eligible debtors with a less costly and more streamlined Chapter 11 path. Some of the key cost-saving features of Subchapter V are: (i) waiver of quarterly U.S. Trustee fees; (ii) absence of an official committee of unsecured creditors; and (iii) debtor’s right to spread the payment of administrative expenses (including its attorneys’ fees and that of the Subchapter V trustee) over the life of the plan.

Initially, Subchapter V eligibility was limited to small business and individual debtors (except for businesses that are single-asset real estate ventures) engaged in commercial or business activities with aggregate liquidated and non-contingent secured and unsecured debts of \$2,725,625 (exclusive of debts owed to insiders or affiliates), at least half of which arose from the debtor’s commercial or business activities. As part of the response to the COVID-19 pandemic that has devastated many small businesses, Congress temporarily

raised the debt eligibility threshold to \$7.5 million. The exclusion from the debt limits of debts owed to insiders and/or affiliates is intended to allow more closely held businesses — the largest creditor of which often is a founder or insider — to enjoy the benefits of Subchapter V.

Unlike a traditional Chapter 11 case where a trustee is seen as an “extraordinary remedy,”² a trustee is immediately appointed upon a Subchapter V filing. The primary role of the Subchapter V trustee is to coordinate with the debtor and its creditors to facilitate the development of a consensual plan of reorganization (just like a mediator would facilitate a settlement in a litigation).³ Unless otherwise ordered by the bankruptcy court, operations of the debtor’s business are left to existing management; so Subchapter V debtors need not be worried about losing control of the case or their operations to the trustee. Although the Subchapter V trustee has a more limited role than most other bankruptcy trustees, there are key duties that must be fulfilled. The Subchapter V trustee is tasked with overseeing key aspects of the proceeding, including examining each claim filed in the case (and objecting if needed), participating in confirmation, and facilitating the smooth administration of the Subchapter V bankruptcy.

Subchapter V cases are meant to move quickly. Within 60 days of filing a Subchapter V case, the court is required to hold a status conference “to further the expeditious and economical resolution” of the case. At least 14 days before the status conference, the

There is no question that Subchapter V is a game-changer for small businesses in need of bankruptcy protection especially with the debt ceiling increase provided by the CARES Act making for wider eligibility.

debtor must file a written report detailing the efforts taken, and that will be taken, to get to a consensual plan of reorganization. The Subchapter V debtor is required to file its reorganization plan within 90 days of the bankruptcy filing, which the court may extend only if the debtor shows that the “need for the extension is attributable to circumstances for which the debtor should not be justly held accountable.”⁴ Bankruptcy courts have not yet established a consistent standard here, and generally apply a “case by case” analysis. Subchapter V further streamlines the plan process by not requiring the debtor to file a separate disclosure statement. Instead, the debtor is merely required to include in its plan a brief history of its operations, a liquidation analysis (comparing the distribution to creditors under the plan with those in a projected liquidation), and projections supporting the ability of the debtor to make payments under the proposed plan.

Other important distinctions between Subchapter V and Chapter 11 include, that a Subchapter V debtor need not obtain creditor consent on its plan as long as the plan devotes all of the debtor’s “projected net disposable income” for a period of three to five years to payments due to creditors under the plan. Also, the Subchapter V plan need not comply with the “absolute priority rule,” which requires creditors be paid in full for owners of the debtor to retain their ownership of the debtor.

A further benefit of Subchapter V is that the plan may modify a mortgage on the debtor’s or its equity owner’s primary residence where the proceeds of such mortgage were “used primarily in connection with the small business of the debtor.” Under other chapters of the Bankruptcy Code, debtors are greatly limited in their rights to impair or otherwise modify a home mortgage.

There is no question that Subchapter V is a game-changer for small businesses in need

of bankruptcy protection especially with the debt ceiling increase provided by the CARES Act making for wider eligibility. Subchapter V may be the saving grace that business owners need to bounce back in the aftermath of the COVID-19 crisis.⁵ Since the one-year enactment, over 2,000 Subchapter V cases have been filed and such filings continue to grow.⁶ This novel subchapter is still developing its case law, as courts continue to grapple with its new, and sometimes inconsistent, provisions. One frequent issue, which has seen a split among the courts, is the eligibility of an existing bankruptcy debtor to re-designate or convert its existing case to a Subchapter V case. A number of bankruptcy courts, including in New York, West Virginia, and New Mexico, have allowed existing debtors to amend their filings to convert to Subchapter V, finding nothing in the Bankruptcy Code that prevents a debtor from amending its petition and re-designating its case to Subchapter V.⁷ However, at least two other courts have reached different conclusions.⁸ Another area of contention among the courts is whether a Subchapter V debtor must be “currently” engaged in business in order to qualify for Subchapter V. In *In re Wright*⁹ the bankruptcy court held that restructuring the debt of a defunct business was enough for Subchapter eligibility. Other courts however have ruled that debtors not currently engaged in a commercial or business activity are ineligible for Subchapter V.¹⁰

As can be expected given that Subchapter V is relatively new, these and other fundamental Subchapter V issues will continue to be subject to litigation and interpretations by the courts. One thing is clear, however — Subchapter V appears to be achieving its purpose of streamlining small business bankruptcies and making it easier for such debtors to reorganize their failing businesses. Thus, as pandemic-related relief for small businesses expires, Subchapter V provides another much-needed option for relief. Ⓜ

Notes:

1. The authors are the two Subchapter V Trustees for District of Delaware and would like to thank their respective associates, Melissa Hartlipp (Summer Associate at Bielli & Klauder, LLC) and Conor McMullan (Associate at Gibbons P.C.), for their assistance with this article.
2. *In re Marvel Entertainment Group*, 140 F.3d 463,471 (3d Cir. 1998).
3. 11 U.S.C. § 1183(b).
4. 11 U.S.C. § 1189.
5. Horn, Chad Van. “Subchapter V of Chapter 11 Bankruptcy – A Boon for Small Business Financial Recovery.” Day Law Library. Day Law Library, February 19, 2021. <https://www.daylawlib.org/legal/subchapter-v-of-chapter-11-bankruptcy-a-boon-for-small-business-financial-recovery>.
6. See <https://www.abi.org/sbra>.
7. See <https://www.abi.org/newsroom/daily-wire/west-virginia-judge-allows-conversion-to-subchapter-v-after-deadlines-passed>.
8. See *In re Seven Stars on the Hudson Corp.*, 618 B.R. 333 (Bankr. S.D. Fla. 2020) and *In re Wetter*, 620 B.R. 243 (Bankr. W.D. Va. 2020).
9. 2020 WL 2193240 (Bankr. D.S.C. April 27, 2020).
10. See e.g., *In re Offer Space, LLC*, Case No. 20-27480 (Bankr. D. Utah. Apr. 22, 2021 (Doc. 50)).



2021

CHRISTOPHER W. WHITE DISTINGUISHED ACCESS TO JUSTICE AWARDS BREAKFAST

NOMINATE DSBA MEMBERS FOR THIS YEAR'S AWARDS

The DSBA and the Awards Committee are seeking nominations for the 2021 Distinguished Access to Justice Awards formerly known as the Distinguished *Pro Bono* Service Awards. The 2021 Distinguished Access to Justice Awards Breakfast will be on Monday, October 25, 2021.

THERE ARE FIVE CATEGORIES FOR WHICH INDIVIDUALS, FIRMS, OR ORGANIZATIONS CAN BE NOMINATED.

THE LEADERSHIP AWARD

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 based on the following criterion including, but not limited to:

- The number of *pro bono* hours the organization contributes to the direct representation of indigent clients.
- The number of cases the organization accepts for *pro bono* representation.
- Flexibility and accessibility in accepting cases.
- The organization's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need.
- Financial support to agencies providing legal services to Delaware's indigent population.
- The percentage of attorneys in the organization who accept *pro bono* cases.
- Fostering a culture, which recognizes the value of *pro bono* service.

THE COMMITMENT AWARD

This award is presented to a member of the Bar who has 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 criterion includes, but is not limited to:

- The number of *pro bono* hours devoted to legal representation of indigent clients over the lawyer's career.
- The number of cases accepted for *pro bono* representation over the lawyer's career.
- The lawyer's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need over the lawyer's career.

THE ACHIEVEMENT AWARD

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 criterion includes, but is not limited to:

- The number of *pro bono* hours recently devoted to legal representation of indigent clients.
- The number of cases accepted for *pro bono* representation.
- Consistency, flexibility, and accessibility in accepting cases.
- The lawyer's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need.

SERVICE TO CHILDREN AWARD

Awarded 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. This award is given as warranted, not necessarily annually.

LEGAL PROFESSIONAL PRO BONO SERVICE AWARD

Awarded to a person, qualified by education, training or work experience, who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity, who performs *pro bono* legal work in the pursuit of Access to Justice. This is a newly-created award that is given as warranted, not necessarily annually.

THE DEADLINE FOR NOMINATIONS IS AUGUST 29, 2021. Nominations should be submitted to Caroleena Goldman at cgoldman@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.



Lawyers in the Arts

To celebrate our state's creative counsel, we are taking the opportunity to highlight some of our members who moonlight as artists and musicians.

The skill and craft of the artists from the Bench and Bar are highlighted in the following pages. Thank you to our talented members for sharing this side of yourselves with your fellow attorneys.

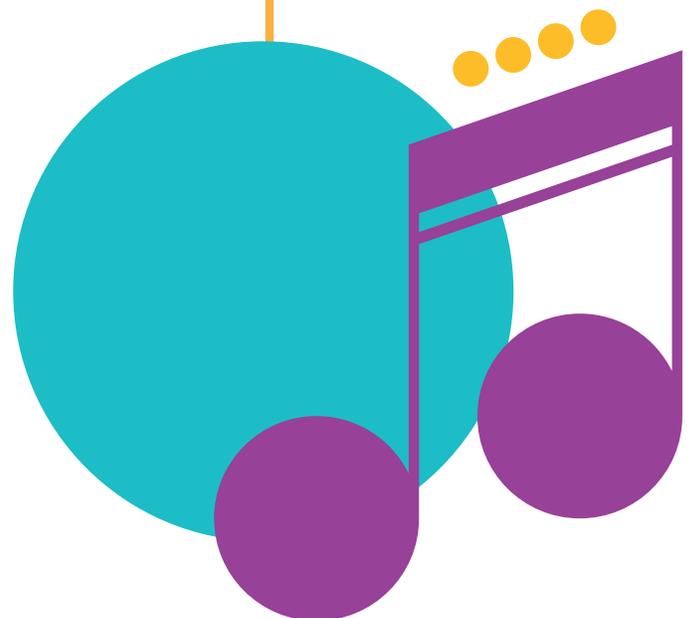
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- Hayley J. Reese
- John E. James
- Steven P. Wood
- The Honorable James G. McGiffin, Jr.
- Valerie A. Dunkle
- Adam Hiller
- Erin K. Radulski
- Laura N. Najemy
- Richard A. DiLiberto, Jr.



SEWER AND QUILTER

Annie Cordo

Annie Cordo is a Deputy Attorney General at the Delaware Department of Justice representing the Department of Health and Social Services and can be reached at Annie.Cordo@delaware.gov.

Tell us about your day job. I am a Deputy Attorney General with the Civil Division of the DOJ. I am in the Health Law Unit and I represent the Division of Medicaid and Medical Assistance, the Division of Management Services, and the Delaware Health Care Commission.

How did you get into sewing and quilting? I learned my love of sewing from my mom. She sewed dresses and costumes and clothing for me growing up and I learned how to sew from her. As I got older, I had friends who quilted, and I learned to quilt and sew bags. Now I try and get away a few weekends a year to have fun sewing weekends with friends.



Annie and her dog, Ruby.

Do you feel like your artistic endeavors influence your legal career? And vice versa?

Both my job and sewing require attention to detail, so working on one is always good practice for the other. Sewing doesn't always go smoothly or perfectly and has shown me how to roll with things as they progress, which has been helpful with my work.

Where do you find the inspiration to create?

Almost everything I make is for friends and family, so I get inspired by their lives and my own to make things that would make people happy.

FIND OUT MORE

Where can readers find more of your work?

You can find more of my sewing on Instagram: [@goldendogbaking](https://www.instagram.com/goldendogbaking) or <https://www.instagram.com/goldendogbaking>.



Photo by Frank Piercy Photography

MUSICIAN

Jim Drnec

Tell us about your day job. I defend hospitals and medical providers in civil litigation against medical negligence claims.

How did you get into music? I have always loved music. It speaks to me in a way nothing else can. When I was eight years old I saw a drum set in the window of the local music store and realized the means for me to connect with music on a different level — and a way to annoy the neighbors!

Do you feel like your artistic endeavors influence your legal career? And vice versa? As a trial attorney, stage craft is an important skill. We are telling a story and advocating for our clients and we need to be comfortable in front of an audience — the jury.

Where do you find the inspiration to create? Everywhere, every day. As a songwriter, inspiration comes from a word, a sound, an emotion that you channel to express yourself.



Jim Drnec is “Of Counsel” with Wharton Levin Ehrmentraut & Klein. He has significant litigation experience representing a broad spectrum of healthcare providers in legal matters. He can be reached at jed@wlekn.com.



FIND OUT MORE

Where can readers find more of your work? My primary project these days is The Killer Queen Experience, an 11-piece band that recreates live on stage the studio recordings of Queen. We travel the East Coast playing theaters. Our websites are www.KQExperience.com and www.Facebook.com/KQExperience. I also play drums for Tony Mecca and the Heavy Mental Gypsies, an original rock band from Philadelphia — www.Tonymeccamusic.com.

SINGER

Jenness Parker



Jenness Parker is a litigation partner at Skadden, Arps, Slate, Meagher & Flom. She hails from Iowa and made her way to Delaware after law school to clerk for Justice Randy J. Holland on the Delaware Supreme Court. Jenness has sung for many shows and events throughout her legal career and continues to do so every chance she gets. She can be reached at jenness.parker@skadden.com.

Tell us about your day job. I am a litigation partner in Skadden's Wilmington, DE office.

How did you get into music? I was born a singer/performer. It just is and was and always will be in my blood. I've been singing in front of audiences since I was four years old and sing everything from opera to music theatre to country music. My mom is an incredible singer and both of my parents have nurtured my passion throughout my entire life.

Do you feel like your artistic endeavors influence your legal career? And vice versa? Definitely. My legal career and musical endeavors enhance each other. Music is not just an outlet for my day job, but my extensive experience performing for audiences influences and enhances the way



I present orally, including in Court. Being a lawyer has sharpened my analytical skills in a way that being a singer alone never would have. I think more critically about not just the music but also lyrics, storyline, etc. Also, no doubt I work harder and am more focused when learning and perfecting an aria or role having learned discipline through my legal practice.

Where do you find the inspiration to create?

This beautiful life, with all its ups and downs, inspires me everyday. More specifically, my family and friends and fur babies — my people — enrich my life and provide me with unending stories to tell through music both in written form and via my voice.

FIND OUT MORE

Where can readers find more of your work?

A video of my performance at Fairfield Arts & Convention Center in Fairfield, Iowa, where I sang the aria "Mon coeur s'ouvre a ta voix" from *Samson et Dalila* by Camille Saint-Saens and can be found here: www.youtube.com/watch?v=QZl4_dQgS4.



CROCHETER

Marisa Terranova Fissel



Tell us about your day job. I am counsel at Richards, Layton & Finger, P.A., and I focus my practice on delivering bankruptcy-related legal opinions in connection with structured finance transactions.

How did you get into crocheting? My grandmother taught me how to crochet when I was three or four years old, but I only knew the basics until this last year. In the summer of 2020, I ordered a pattern book (dishcloths), and I taught myself new stitches and how to read patterns. I even had a dishcloth of the month club for my close friends for six months, but as I developed my skills, the projects became bigger, more complicated and more time-consuming. So, the dishcloths are on the backburner for now!

Do you feel like your artistic endeavors influence your legal career? And vice versa? Three things that I need both for my legal career and my crocheting are patience, attention to detail, and seeing long-term projects through to the end. I think that the two parts of my life influence one another. Further, crocheting helps me relax when I have had a stressful day.

Where do you find the inspiration to create? I like to be productive all of the time, so crocheting is a good way to always be busy but not putting too much pressure on myself. I like to make gifts for people, and all of the examples of my work shared here were gifts for friends and family. 🧶



Marisa Terranova Fissel is counsel in the Bankruptcy & Corporate Restructuring Department of Richards, Layton & Finger, P.A. She focuses her practice on transactional matters relating to substantive consolidation. She can be reached at terranova@rlf.com.



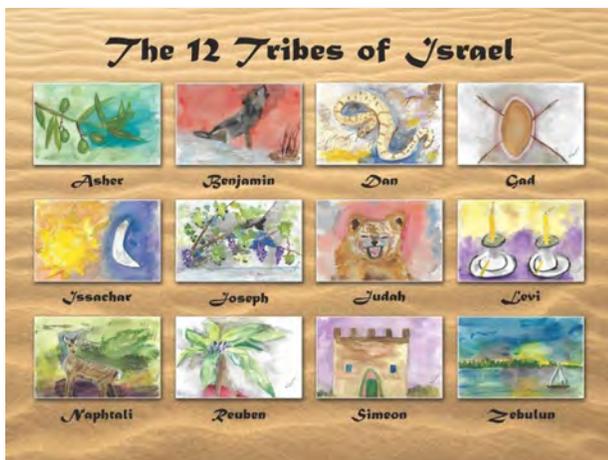
Virtual Art Show



Eric M. Doroshow

After a trip to Israel in 2016 where I spent some time in the Arava Valley in the Negev Desert, I was inspired to learn more about the 12 Tribes of Israel. I began my project by painting 12 watercolor paintings, each representing a Tribe. After that, I worked with a professional artist to display the watercolors into a professional prepared giclee print. In 2020, I completed a book about the 12 Tribes of Israel using my painting to illustrate the book.

Learn more about the 12 Tribes of Israel project at www.imagesinspired.net.



Hayley J. Reese

I specialize in handmade, small-batch jewelry. I work with various mediums, including acrylic, resin, and polymer clay to design and create statement earrings, as well as hair accessories, bookmarks, and keychains. I sell my work on Etsy and donate a portion of all my sales to charitable or human empowerment causes, including the Black Lives Matter Global Network Foundation, the March of Dimes, and the Trevor Project.

To check out more of Hayley's designs, visit Etsy: <https://hayleyjaedesigns.etsy.com/>.



John E. James

I work in all media, but have done more work on paper with pastels, painting landscapes, portraits, and still lifes in an impressionistic realism style. French and American Impressionism's bright color scheme serves as a template for my painting. My landscapes are images of nature without human presence, that I photographed walking in the American West and Europe. Portraits are a fun challenge because each face is a window to the soul, no shortcuts allowed. This worked is titled *Grandmother* and is done in pastels.



Steven P. Wood



I've been playing bass since high school and have been in more bands than I can count or remember, playing anything that can broadly be described as rock, alternative music, or blues. I spent a long time with an all-original alternative pop/rock band called PrimaDonna. We played all over Philadelphia and New York at places like CBGB's, the Bitter End, Kenny's Castaways, J.C. Dobbs. We recorded an album together called "Restored," and we even played at Kelly's Logan House! These days I am in a rock cover band called Late April that plays all over the Western Philly suburbs. Some would say that I own too many basses, but my habit got me a shout-out in *Rolling Stone* magazine.

To read the *Rolling Stone* article mentioning Steve, visit <https://www.rollingstone.com/music/music-news/dead-wood-is-this-the-end-for-classic-rocks-greatest-guitar-makers-103511/>.

The Honorable James G. McGiffin, Jr.



Playing music is key to my effort to lead a balanced life. It is great stress relief and great fun. I especially enjoy musical collaborations, which have included an orchestra, pit bands for shows, an Irish traditional band, a blues band, a bluegrass band, a church choir, and a duo (with my wife, a lovely singer). I also enjoy meeting and hanging out with musicians of the lawyer and non-lawyer variety. They are fun people.



Valerie A. Dunkle



I am a musician and an artist. As a musician, I play the piano, guitar, and violin and I sing. I have been in two Profundo Bono musicals, performed in a Jazz duo for five years, and perform as a soloist. I have played violin in the Dover Symphony Orchestra since 1990. In my spare time, I am a singer-songwriter and have copyrighted over 100 songs.



In addition, I am an artist and love photography and oil painting. These oil paintings are of scenes I photographed on Tangier Island in Virginia.

Hear some of Valerie's original music here: <https://youtu.be/6zj-SV-IXQ4>.



Adam Hiller

I am a puppeteer, mostly with hand puppets but also occasional experience with marionettes. I studied under the late John Hardman, who wrote and performed shows all over the country. Although the opportunities for professional puppeteers have been pretty scarce since the 1700s, my puppets have recently been used in a couple productions by Profundo Bono, the legal theater organization. I also have extensive experience as a musician, writer, poet, and most recently as an actor.



Erin K. Radulski

Through my photography I attempt capturing the landscape around me, especially focusing on the beauty of things both past and present. In this photograph, taken in Fez, Morocco, I was at the 13th-15th Century Marinid Tombs which overlooked modern day Fez. I was specially attempting to capture the evolution of time and how we never quite leave the past.

See more of Erin's photography on her website: www.photographybyerinkathleen.com.



Laura N. Najemy

I sketched out the idea for this Rainbow Blanket in a fit of creative ambition in November 2019. It took over a year to knit, and over the pandemic lockdown it became an anchor project each evening, when I slowly decompressed by knitting another row. Each color band is another knitting pattern, and the entire piece is my original design.

I also macramé, cross stitch, and embroider.



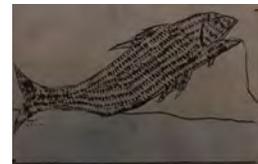
You can see more of Laura's work on Instagram: [@that.old.stone.cottage](https://www.instagram.com/that.old.stone.cottage).



Richard A. DiLiberto, Jr.

On July 1, 2020, Whiskey Beach, Delaware, our family's favorite refuge, was hauntingly nearly devoid of human life due to COVID-19. Usually teeming with hopeful fisherman, energetic swimmers, and giddy beach-goers, it was visited by only a few stoic souls prior to Independence Day weekend, 2020. Thankfully, it beckons everyone's return in 2021.

I created this linoleum etching, which was inspired by childhood fishing trips with my father, in the Pocono Mountains. "Fishing is a dignified way of doing nothing, which parents and children need sometimes," my father used to say.

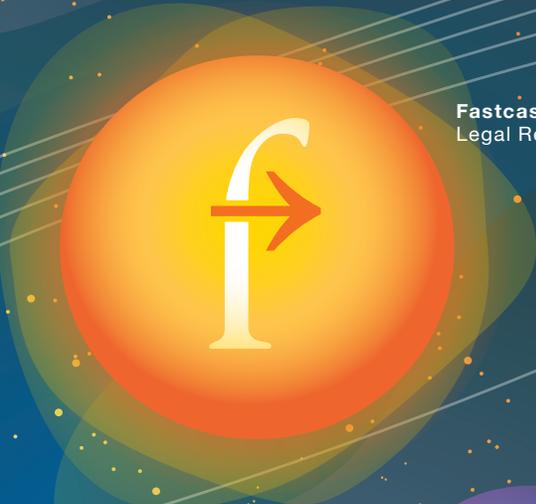


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Delaware Bar Members Made Lemons Out of Lemonade

Under Pandemic Restrictions Members of the Bench and Bar Created a Viral Video!

BY ADRIA B. MARTINELLI, ESQUIRE

The Covid-19 pandemic has changed our lives.

It has robbed us of loved ones, disrupted our communities and families, and made life very difficult for our fellow members of the bar, their families and friends. We are Delaware lawyers and judges, but we are also musicians, and we believe in the power of music to help during hard times.

We offer this video to lift the spirits of all who see it in the hope of a safer, healthier 2021.

The viral video, featured on YouTube, “Don’t Let the Covid Get You Down,” was the brainchild of the Honorable James G. McGiffin, Jr., who wrote the lyrics, conceived an easy melody, and put down an initial recording with his son on vocals, his wife on piano, and his upright bass. He circulated the recording to the cohort, assigned parts, and turned to Aaron Goldstein and Victoria Lodge for technical help with the sound and video elements, respectively.

Every aspect of the song was recorded, arranged, and engineered remotely. Each instrument and vocal track was self-recorded and then sent to Aaron electronically for final arranging, editing, and production. Next, Victoria assembled self-recorded video clips, edited, and synchronized them to correspond to the completed audio track. Even though none of them had ever remotely produced a music video, the video was a surprise viral hit. It was shared by Above the Law, and at last count, “Don’t Let the Covid Get You Down” had been viewed more than 6,400 times.

Many of the participants in the performance and production of “Don’t Let the Covid Get You Down” are also associated with Profundo Bono, Inc., a non-profit organization whose purposes include:

- To present live theatre productions for the cultural education, entertainment, and inspiration of the community.



Just some of the featured musicians, singers, and guest stars in these screenshots include: the Honorable James G. McGiffin Jr.; the late Honorable Robert B. Young; the Honorable Michael K. Newell; the Honorable Mary M. Johnston; the Honorable Selena E. Molina; Aaron R. Goldstein; Victoria R. Lodge; Bradley John Goewert; Gregory M. Johnson; Lindsay B. Orr; and Kiadii S. Harmon. View the video to also see: the Honorable Jan R. Jurden; the Honorable Vivian L. Medinilla; the Honorable Meghan A. Adams; the Honorable Andrea L. Rocanelli; and Brendan O’Neill.



- To welcome and provide an avocational opportunity for all volunteers interested in the theatre arts to participate in the many activities of community theatre.
- To generate proceeds for donation to third-party non-profit organizations furnishing or enabling charitable services to the community.

The non-profit's fundraising benefits the Combined Campaign for Justice, which enables Delaware's three legal services agencies — Community Legal Aid Society, Inc., Delaware Volunteer Legal Services, Inc., and Legal Services Corporation of Delaware, Inc. — to continue to provide

legal services to low-income Delaware families in need of assistance. Profundo Bono, Inc. routinely presents musical comedies to raise funds to support the groups who provide (non-criminal) legal services to the impoverished of Delaware. These groups help children and families to stay in their homes and be protected from abuse. For more information, visit www.profundobono.com. 🎪

▶ CHECK IT OUT!

Want to see the viral video for yourself? You can view *Don't Let the Covid Get You Down* here: <https://youtu.be/8vnoXN3hgUU>.

Adria B. Martinelli serves as Counsel in the Labor and Employment Law Section at Young Conaway Stargatt & Taylor, LLP. She can be reached at amartinelli@ycst.com.



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Women and the Law Section End of Year Celebration

Thursday, June 10, 2021



On June 10, the Women and the Law Section held an End of Year Celebration honoring recent women appointees to the Delaware Benches. The event took place at Hyatt Place / Riverfront Events and was sponsored by: Benesch, Friedlander, Coplan & Aronoff, LLP; Cole Schotz P.C.; Morris James LLP; Shelsby & Leoni, P.A.; and Young Conaway Stargatt & Taylor, LLP. The honorees included: Hon. Emily A. Ferrell; Hon. Reneta L. Green-Streett; Hon. Anne Hartnett; Hon. Monica A. Horton; Hon. Katharine L. Mayer; Hon. Rae Meredith Mims; Hon. Kathaleen St. Jude McCormick; Hon. J. Kate Stickles; and Hon. Lori W. Will. 🌐



2021 Annual Meeting and Awards Ceremony

Tuesday, June 22, 2021

Michael F. McTaggart welcomed live guests back to the DSBA Conference Center where about 40 members of the Judiciary, family members, and guests of incoming President Kathleen M. Miller and awardee Judge William C. Carpenter, Jr., joined over 90 online Zoom attendees of the 2021 Annual Meeting. The meeting, normally held during the Bench and Bar, was limited in space for live guests due to COVID restrictions and President McTaggart called it “the first and hopefully last hybrid annual meeting.”

Former President Bill Brady belatedly presented the President's gavel to Mike, who missed out on many traditions due to the pandemic. Mike then turned around and passed the gavel to Kathy after highlighting his own accomplishments as President, which included revamping the Diversity, Equity & Inclusion Committee, setting a lower membership dues rate for government attorneys, strengthening the *Delaware Law Review* editorial board, and encouraging sections to become involved in community service. When it was Kathy Miller's turn to deliver her speech outlining her proposals for the upcoming year, she devoted much of her attention to diversity initiatives, which have already included creating four diversity internships for Superior Court, Federal Court, and the Bankruptcy Court and encouraging diverse participation in all aspects of DSBA's initiatives from changes in the authorship of articles for the *Bar Journal* to participation on committees, boards, and CLE panels.

Once the annual meeting was concluded, the DSBA awards committee presented two special awards.



The First State Distinguished Service Award, presented by President Judge Jan R. Jurden to Judge William C. Carpenter, Jr., identified Judge Carpenter as a judge who consistently gave his time and knowledge to big issues. Judge Jurden said that she and many others only needed to approach Judge Carpenter when an important job needed to be done — that “her search began and ended with Judge Carpenter” because he was the most knowledgeable and competent person to ask, and he always



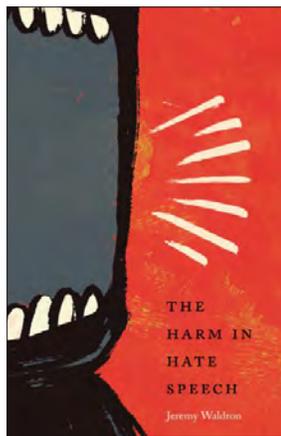
said yes. Judge Carpenter’s emotional acceptance speech recognized the importance of this award, which is given for extraordinary leadership over a long period of service to the community.

It seemed that things could not get more touching and teary-eyed, but then Vice Chancellor Glasscock presented Michael P. Kelly, Esquire, with the Profile in Courage Award, a special award which recognizes an attorney who overcomes adversity and difficulty,

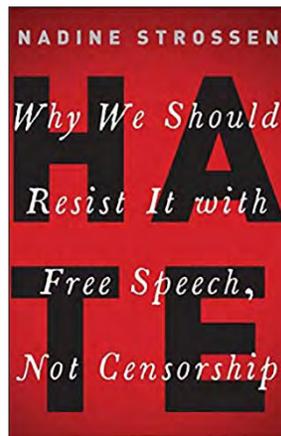
but remains a beacon for other attorneys, showing fierce courage and legal professionalism. Mike, who participated by Zoom due to medical treatments, graciously accepted the award, claiming he was not worthy of it, but ultimately was reassured by all in attendance that he was more than worthy of our recognition. All looked forward to next year when the world would be (hopefully) back to normal. ⚖️



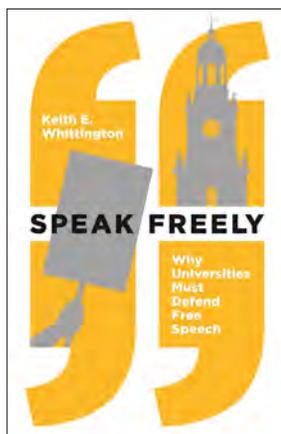
Our Love/Hate Relationship with the First Amendment



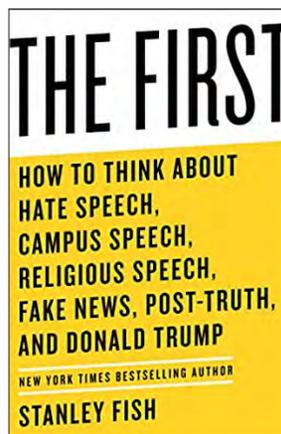
The Harm in Hate Speech
By Jeremy Waldron
Harvard Univ. Press, 2012



Hate: Why We Should Resist It with Free Speech, Not Censorship
By Nadine Strossen
Oxford Univ. Press, 2018



Speak Freely: Why Universities Must Defend Free Speech
By Keith E. Whittington
Princeton Univ. Press, 2018



The First: How to Think About Hate Speech, Campus Speech, Religious Speech, Fake News, Post-Truth, and Donald Trump
By Stanley Fish
One Signal Pub., 2019

The First Amendment, and, more particularly, our right to free speech, bedevils us. We cherish it as perhaps our most important freedom, and yet we complain about it too, usually when someone is saying something so vile or foul or hateful or fake that we believe it does more harm than good, or has no redeeming value whatsoever, or just plain offends us. No right is absolute, of course. Justice Holmes once famously pointed out that we can't yell "fire" in a crowded theatre; but, generally speaking, the Supreme Court has otherwise set the limit at speech which calls for imminent lawless action and is likely to produce such action. Anything else is pretty much fair game. The American Civil Liberties Union once defended a group of neo-Nazis who were denied a parade permit in Skokie, Illinois, on the basis that their thoughts and ideas, while clearly reprehensible and vile, were no basis to deny the permit. The permit was granted, but the debate over hate speech marches on (as does the debate over whether the ACLU should have represented the neo-Nazis group).

Books and articles continue to be written about the First Amendment and free speech, often taking contrary positions. In *The Harm in Hate Speech*, Professor Jeremy Waldron argues that speech directed at minority groups is more than just speech. He argues that such speech itself causes damage, often leads to violence if unchecked, and should be stopped. Conversely, Professor Nadine Strossen, in her book, *Hate: Why We Should Resist It with Free Speech, Not Censorship*, argues that the remedy for hate speech is, essentially, counter-programming, with speech that shows the deficiencies and bigotry of such hate speech. Meanwhile, in *Speak Freely: Why Universities Must Defend Free Speech*, Professor Keith Whittington looks at campus protests and speech codes and hate speech and argues that universities must defend free speech and put an end to the cancelling of speakers simply because they may be controversial or unpopular. Finally, in *The First: How to Think About Hate Speech, Campus Speech, Religious Speech, Fake News, Post-Truth, And Donald Trump*, Stanley Fish looks at a variety of issues and problems arising under the First Amendment, before ultimately concluding that there is no grand theory or solution to those problems. As humans we are imperfect, and so too our First Amendment jurisprudence, but

There are, of course, times when all of us hear things that offend us and with which we deeply disagree. And there are times when we hear people say things that we know are just flat wrong. But our remedy is not to tell them “you can’t say that.” Our remedy is to beat them at their own game and to show them and the rest of the world that they are wrong.

Fish ultimately believes we can muddle through as long as we recognize both the Amendment’s values and its shortcomings.

There may be as many views on the First Amendment and free speech as there are speakers. But not everyone can be right. As between Professor Waldron, who would ban hate speech, and Professor Strossen, who argues against censorship, Strossen would seem to have the better argument. Government cannot ban speech merely because the views expressed are unpopular or rejected by the bulk of society. Sometimes, though, those who “speak” hate go too far. Painting swastikas on private property is punishable (and can be banned) as vandalism. Sending threatening notes in the mail can be criminal. Defamation, slander, and libel are not protected by the First Amendment. The point being, of course, that one can defend the First Amendment but still take action against conduct or speech which, independent of the views expressed, is subject to regulation or is criminal. Waldron argues that hate speech targeted at specific groups (ethnic, racial, sexual orientation) does harm to those groups and is therefore subject to restriction or outright bans. His goal is certainly worthy (that is, seeking to protect targeted groups), but his arguments ultimately are not convincing and Strossen’s arguments are more persuasive and compelling. The solution, as Justice Holmes might say, is to win in the marketplace of ideas. Holmes also once observed that every idea is an incitement to somebody.

Messrs. Fish and Whittington also comment on hate speech as part of their works (Fish argues that “hate speech” can never be adequately defined), but their focus is more on the controversies at college campuses and the banning and harassment of disfavored speakers. Both lament the lack of civility encouraged by some groups on college campuses. Both argue that only with robust protection of speech can universities succeed and thrive in their missions. Whittington focuses also exclusively on college campuses and concludes:

Members of the campus community have a choice to make. The choice before them is hardly new, and is unlikely ever to be resolved once and for all, but it is a choice that is basic to the life of a modern university. They must decide whether they are committed to a joint project of learning and the principles and practices that make learning possible. If universities are to operate at the outer boundaries of our state of knowledge and to push those boundaries further outward, they must be places where new, unorthodox, controversial, and disturbing ideas can be raised and scrutinized. If students are to prepare themselves to critically engage

the wide range of perspectives and problems that they will encounter out in the world across their lifetimes, they must learn to grapple with and critically examine ideas they find difficult and offensive. For more than a century, universities have been committed to the mission of advancing and disseminating knowledge, and have recognized that the free-ranging exchange of ideas is essential to the realization of that mission. They have often pursued that mission imperfectly, and they have sometimes needed to be called to account to better appreciate and work to realize their own ideals. Recognizing and respecting the principles of free speech is difficult and challenging, but there is no alternative if we are dedicated to the pursuit of truth. And the pursuit of truth is the noble and important mission of the modern university.

Whittington’s thoughts about the modern university, though, can just as easily be applied to society as a whole. We all have a choice to make. We all must decide what kind of society we want to live in, just as university members must decide what kind of university they want to have.

Fish takes a kinder, and perhaps more hopeful view, closing with the thought that:

It may seem paradoxical, but the prerequisite for persevering in our quest for truth, justice, transparency, fact, real news, and the perfect form of democracy is to acknowledge, without flinching that none of these is available to us this side of eternity, except in the shapes we imperfectly — that is, humanly — come to know through our increased labor.

There are, of course, times when all of us hear things that offend us and with which we deeply disagree. And there are times when we hear people say things that we know are just flat wrong. But our remedy is not to tell them “you can’t say that.” Our remedy is to beat them at their own game and to show them and the rest of the world that they are wrong. It is often said that the price of liberty is eternal vigilance. It may just as easily be the case that the price of freedom of speech is more speech. 🗣️

Richard “Shark” Forsten is a Partner with Saul Ewing Arnstein & Lehr 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.



THE CULINARY ARTIST'S PALETTE



© istockphoto.com/udra

This summer's column is dedicated to attorneys and judicial officers in the arts. Perhaps you're in the business of providing legal services to those in the entertainment industry. Or, you may be a judge who performs in community theater.

From copyright law to cartooning, the artistic talents of those in the Delaware Bench and Bar run the gamut. Yet, I would suggest that our commonality lies in the kitchen. All of us, to some degree, prepare meals as home cooks. The term culinary arts is defined as "the art of preparing, cooking, presenting and serving food," so we are all culinary artists at various levels of proficiency.¹

Like all artists, home chefs strive for excellence. In planning and preparing a meal, we consider "the way the food itself looks, how it is presented, how it smells, how it performs or behaves while we taste it, how it feels on the tongue and of course how it makes us feel."¹

Of these factors, I agree with the Michelin Guide's UK Editorial Team in that taste is at the forefront. "Dishes are rarely improved by being made more elaborate — good food isn't about a chef showing how clever they are or how many techniques they've mastered, it's about creating something truly

Tomato and Blue Cheese Salad

Instructions

In a small bowl, create a dressing by whisking together four tablespoons of extra virgin olive oil (BITTER), two tablespoons of red wine or champagne vinegar (SOUR), and a squeeze of lemon juice (more SOUR).

Slice an heirloom tomato (SWEET and UMAMI) and arrange on a plate. Top the tomato with slices of your favorite blue cheese, like Gorgonzola (UMAMI).

Top each slice of blue cheese with an anchovy filet or two (SALTY and UMAMI). Drizzle with your simple dressing and add sea salt and pepper to taste.

Garnish with Genovese Basil (SWEET). On the side, arrange several thin ribbons of Prosciutto di Parma (SWEET and SALTY).

This is perfect for a summer lunch or a dinner appetizer. For depth of texture, don't forget a crunchy baguette and a crisp Rosé wine. Your family and friends will be calling for an encore.

joyful to eat ... food is all about just one thing — taste.”²

Just as a composer ponders the elements of a song, including melody, tempo, and lyrics, a culinary artist must analyze the elements of taste: sweet, salty, bitter, sour, and umami. According to Le Cordon Bleu, “when each element is perfectly balanced...the dining experience is lifted above and beyond.”³

A note on umami. Discovered over a century ago in Japan, umami corresponds to the presence of glutamate and is enhanced through ripening and fermentation. Think of a favorite fermented condiment, like soy sauce, or an aged cheese.⁴

That was quite a mouthful, but I don’t need much space for an ideal summer dish — one that is simple, a joy to eat, and captures all five flavor elements. 

Notes:

1. What is Culinary Arts?. Accessed July 14, 2021. <https://hospitalityinsights.ehl.edu/culinary-arts>. See *In re Seven Stars on the Hudson Corp.*, 618 B.R. 333 (Bankr. S.D. Fla. 2020) and *In re Wetter*, 620 B.R. 243 (Bankr. W.D. Va. 2020).
2. “What Makes a Great Dish?” MICHELIN Guide. Accessed July 14, 2021. <https://guide.michelin.com/us/en/california/article/features/what-makes-a-great-dish>.
3. Le Cordon Bleu Culinary Arts Institute. “How to Balance the Five Flavour Elements.” Home. Le Cordon Bleu Culinary Arts Institute, February 4, 2019. <https://www.cordonbleu.edu/news/how-to-balance-the-five-flavours/en>.
4. Umami Information Center. Accessed July 14, 2021. <https://www.umamiinfo.com/>.



Susan E. Poppiti is an adjunct faculty member in Mathematics at Immaculata University and an AP Calculus instructor at

Johns Hopkins Center for Talented Youth. To further her commitment to mathematics education, she also serves as a math content expert for UPchieve, an ed-tech nonprofit providing free, online STEM tutoring to high school students. Susan can be reached at spoppiti@hotmail.com.



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PERSONAL INJURY/WORKERS' COMPENSATION LAW FIRM outside of Wilmington seeks attorney with 0-5 years experience admitted to practice in Delaware. Must be detail oriented with effective time management and communication skills. Free parking. Salary commensurate with experience. Please send resume and cover letter including relevant experience and availability to newattorneyhire@yahoo.com.

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HEARING OFFICERS SOUGHT: The Delaware Department of Education is seeking attorneys admitted to practice and in good standing with the bar of a state to serve as Panel Chairs for special education due process hearings pursuant to 14 *Del C.*, §§ 3135 *et seq.* Each hearing officer must: (1) have knowledge of, and the ability to understand, the provisions of the IDEA, and state and federal regulations pertaining to the education of children with disabilities, and the legal interpretations of the IDEA by federal and state courts; (2) have the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice, in cooperation and consultation with the other hearing officers appointed to a given hearing panel; and (3) complete training as required by the Secretary of Education to ensure adequate knowledge and competent performance. For additional information regarding requirements and application please visit: <https://www.doe.k12.de.us/hearingofficer> or contact: Mary Ann Mieczkowski, Director Exceptional Children Resources, Delaware Department of Education, John G. Townsend Building, 401 Federal Street, Suite 2, Dover, Delaware 19901. Email: maryann.mieczkowski@doe.k12.de.us. Fax: (302) 739-2388, Phone: (302) 735-4210.

COOCH AND TAYLOR, P.A.: Team oriented litigation firm is seeking attorney with 1-2 years of corporate litigation experience. Compensation and benefits are very competitive. Please send resume and cover letter to Maria Staci at mstaci@coochtaylor.com.

INSURANCE DEFENSE FIRM located in Center City Philadelphia is seeking an associate to work directly with Partner in the medical malpractice and general liability. One to two years of experience required. Applicants must have Pennsylvania and New Jersey license. Delaware license is preferred but not a requirement. Firm offers hybrid remote work. Salary is commensurate with experience level. The firm offers Medical and Dental Coverage as well as 401 K benefit package. Send resume to the office manager via email at EGagliano@naulty.com.

BRANDYWINE TRUST COMPANY, LLC currently has an excellent full-time employment opportunity for a Vice President – Client Fiduciary and Planning Officer based in our Hockessin, DE office. Under the guidance and supervision of the Chief Client Officer, the officer will work closely with the clients, investment professionals, Trust Officers and Trust Administrators in all aspects of the company's discharge of its fiduciary responsibility over client matters, including trust administration, legal analysis, document review, and estate and income tax planning. A Juris Doctor degree, together with 3-5 years' experience as a practicing attorney in the trust & estates area, or through a private banking or trust department engagement with a focus on high net worth clients, is required. Other advanced degrees or certifications (e.g., MBA, LLM, CFA) would be a plus. Interested candidates can obtain a more detailed job description by emailing careers@brandytrust.com. Brandywine Trust Company, LLC is an Equal Opportunity Employer.

SUBURBAN FIRM seeking to hire an associate for a full time position in the area of criminal defense. Competitive salary, 401k, life and medical insurance benefits available. Would prefer candidates with practice and trial background in all courts with special consideration to those with experience in the Attorney General or Public Defender offices. Email resume to arahaim@rahaimssaints.com.

MORRIS JAMES LLP seeks an experienced litigation associate to join its Corporate and Commercial Litigation Group, based in Wilmington, Delaware. An ideal candidate would have two to six years of experience, with exposure to complex contract disputes, shareholder litigation, breach of fiduciary duty claims, and other corporate litigation issues, including summary proceedings under Delaware's business statutes (e.g., control disputes, advancement and indemnification proceedings, and books and records demands). Experience counseling fiduciaries on governance, transactional, and investigatory matters under Delaware law would be a plus. Our Corporate and Commercial Litigation Group regularly represents clients in high-value, high-stakes litigation in the Delaware state and federal courts. Our group offers the advantage of dedicated and experienced eDiscovery attorneys that effectively and efficiently manage all aspects of eDiscovery in collaboration with our partners and associates. Join our thriving, friendly, and collegial working environment with opportunities for significant substantive responsibility early in your career. The position offers attractive benefits, bonus opportunities, and competitive salary commensurate with experience. Please email cover letter, resume, and writing sample to Albert J. Carroll at acarroll@morrisjames.com.

SMALL NEWARK LAW OFFICE is looking for a Delaware licensed attorney to help grow the practice. Must have interest and/or experience in estate planning and/or residential real estate. Part-time position with the possibility to transition to full-time in the future. Great opportunity for the right candidate to have control over their own client base. Portable business a plus. Maryland or Pennsylvania bar a plus. Send resume to vcarr@carrlawde.com.

CLASI IS HIRING ATTORNEYS. Please check our website for details about the positions. <http://www.declasi.org/employment/>.

HIRING BONUS - \$5,000.00. For Delaware Barred attorneys in our Newark, DE office, we are offering a \$5,000.00 hiring bonus. \$2,500.00 paid after 90 days of employment, \$2,500.00 paid after 180 days of employment. We have two attorney positions open in our Newark, DE office: Workers' Comp Defense and Liability Litigation Defense. Litigation Description: Hands-on, autonomous, position with heavy defense litigation in transportation, products, and premises liability. Delaware Bar required. WC Description: Hands-on, autonomous, position with heavy Workers' Comp cases. Delaware Bar required. Requirements: 3 – 5 years insurance defense experience, experience with billing hours, the ability to communicate effectively and frequently with clients, opposing counsel, and all levels of management. Delaware Bar required. Benefits: F&P provides competitive salaries and a comprehensive benefits package, including health, life/ADD, STD, LTD, 401K with profit sharing, flex spending, immediate leave accrual, paid holidays, and other company perks. Additional Information: F&P employs a diverse workforce of 150+ employees across seven office locations. Our hiring needs stem from the growth of our business and the subsequent addition of more attorneys! The firm offers generous compensation and benefits, including domestic partner eligibility, and prides itself on maintaining a casual professional environment with an emphasis on work-life balance. Please send resume and salary requirement to employment@fandpnet.com.

CONTINUED >

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LITIGATION ATTORNEY: Wilmington, Delaware office of White and Williams LLP, a large multi-practice law firm, is seeking an attorney with 1-3 years of litigation experience to work in the areas of product liability, toxic tort, commercial litigation, insurance coverage and general liability. Delaware bar admission is required. We offer a competitive salary, excellent benefits and the opportunity for professional growth. Please send resumes to milesm@whiteandwilliams.com.

ELZUFON AUSTIN & MONDELL, P.A. seeks a full-time attorney for its active and growing professional liability department. Candidate must be a member of the Delaware Bar. Membership in PA Bar also strongly preferred, but not required. Personal Injury and/or Professional Liability litigation experience preferred. Please submit cover letter and resume in confidence to: John Elzufon, Esq., P.O. Box 1630, Wilmington, DE 19899 or jelzufon@elzufon.com.

ELZUFON AUSTIN & MONDELL, P.A. is seeking a full-time Associate Attorney to join its expanding and team oriented Workers' Compensation Defense Dept. Prior exposure to workers' compensation preferred. Will consider newly admitted, soon to be admitted, or candidates who plan to sit for the Delaware Bar at the next opportunity. Please submit cover letter and resume in confidence to: Christian McGarry, Esq., P.O. Box 1630, Wilmington, DE 19899 or cmcgarry@elzufon.com.

MANNING GROSS + MASSENBURG LLP (MG+M) is recruiting an Associate with 0-5 years of experience for our Wilmington, Delaware office. This associate will be working primarily on Delaware litigation. Delaware bar license is required. This is an excellent opportunity to join a nationally recognized and growing defense firm with opportunities to perform challenging legal work on day one. Candidates should have strong work ethic, writing ability, and organizational skills. MG+M offers an excellent benefits package. Please email resume to wlarson@mgmlaw.com.

OFFICE SPACE

ROW HOUSE FOR SALE on Lawyer's Row on King Street – contact Marcia Brunswick at 302-388-2490. Photocopier, office equipment and furniture also for sale. Call (302) 654-3535.

2,000 SQ. FT GENERAL OR MEDICAL OFFICE FOR LEASE: First floor in stand-alone building that consists of front reception/waiting area, private offices, 18 x 37 space that has a multitude of possible uses and may be configured for workstations or offices, large conference room, copy room and kitchen/lunch room. Conveniently located in Wilmington, but in a suburban setting, with close access to I-95 and Route 202. Large parking lot to accommodate employees and visitors. Handicapped accessible. Gate, fencing, and cameras for security. If interested, please call (302) 540-2831. 

BULLETIN BOARD ADVERTISING INFORMATION

Bulletin Board rates are \$50 for the first 25 words, \$1 each additional word. Additional features may be added to any Bulletin Board ad for \$10 per feature. The deadline to place a Bulletin Board ad is the 15th of the month prior to the month of publication.

All Bulletin Board ads must be received electronically and prepayment is required. Submit the text of the Bulletin Board ad and payment to rbaird@dsba.org. For more information, contact Rebecca Baird at (302) 658-5279.



ROXANA C. ARSHT FELLOWSHIP

THE ROXANA C. ARSHT FELLOWSHIP IS SOLICITING ELIGIBLE CANDIDATES FOR THREE-YEAR FINANCIAL STIPEND

The Women and the Law Section and the Delaware State Bar Association founded the Roxana C. Arsht Fellowship in November 1998 to encourage law students, recent law school graduates and attorneys newly admitted to the Delaware Bar to pursue careers in the non-profit sector in Delaware. In an effort to encourage attorneys to work in non-profit positions, regardless of financial considerations, the Fellowship offers financial assistance for three years to each recipient selected. Applicants must be within three years of law school graduation and working with a non-profit organization that provides legal services that benefit the Delaware community, underrepresented groups, or indigent persons in Delaware. An applicant's annual salary may not exceed \$63,000 to be eligible for the Fellowship.

APPLICATION PROCESS

For the year 2021, the Fellowship Committee will accept applications from August 16 through October 15, 2021. Applications are available at <https://media1.dsba.org/public/Website/Documents/2021ArshtFellowshipApplication.pdf>

A decision will be announced by December 15, 2021 with one award being approved.

QUESTIONS?

If you have any questions regarding the Fellowship, please contact Jessica Zeldin at (302) 476-2976 or jzeldin@andrewspringer.com.

IMPORTANT DATES:

APPLICATION

START DATE:
August 16, 2021

APPLICATION

DEADLINE:
October 15, 2021

DECISION

ANNOUNCED BY:
December 15, 2021

Those wishing to make donations to the Roxana C. Arsht Fellowship Fund may do so by sending a check payable to the Delaware Community Foundation, 100 W. 10th Street, Suite 115, Wilmington, DE 19899 and noting "Roxana C. Arsht Fellowship Fund" in the memo line or by donating to the Roxana C. Arsht Fellowship Fund online at www.delcf.org.

If you have any questions regarding donating to or fundraising for the Fellowship, please contact Laina Herbert at (302) 622-7016 or lherbert@gelaw.com.

Make a motion for help.

Asking for help can be difficult.
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makes it a little easier.

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Free, confidential services for Judges and Lawyers start with DE-LAP.
Call confidential private line: (302) 777-0124 or e-mail: cwaldhauser@de-lap.org.



10 FAMOUS LAWYERS

With Artistic Talents We Still Enjoy

BY MARK S. VAVALA, ESQUIRE
EXECUTIVE DIRECTOR
DELAWARE STATE BAR ASSOCIATION

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1 **Marjorie M. Liu** completed her studies at the University of Wisconsin Law School before deciding to become a New York Times best-seller and comic book writer. This lawyer gave us Dark Wolverine and Astonishing X-Men comic books, as well as over 15 novels of intrigue including *Tiger Eye* and *A Dream of Stone and Shadows*.



2 Our national anthem was penned by the future United States Attorney for the District of Columbia, **Francis Scott Key**.



3 Where would this world be without *Monty Python & the Holy Grail*? **John Cleese** just couldn't hold back his talent for writing absurd comedy and decided to abandon his thoughts of being a lawyer, even though he obtained his law degree.

4 Before any of us could read, many of us were read the stories of *Little Red Riding Hood*, *Cinderella*, and *Puss in Boots*. **Charles Perrault** gave us the first collection of Mother Goose stories in 1697 and is considered the creator of the fairy tale genre. But first, he studied law in France in the 1600s.

5 After completing law school at the University of Pisa and then serving one year as a court-appointed attorney in Italy, great opera star **Andrea Bocelli**, decided to follow his passion for singing. His song "Con te partirò," is one of the best-selling singles of all time.

6 A lawyer is considered the pioneer of abstract art. **Wassily Kandinsky**, whose paintings hang in the Metropolitan Museum of Art, the Guggenheim, and museums all over the world, was a Professor of Roman Law at the University of Dorpat (now Estonia), but he also painted geometric designs and vibrant colors to match the sounds that he had in his head.



7 **John Strohm**, a drummer and guitarist for a number of bands, including the Lemonheads, later went on to the Cumberland School of Law in Birmingham, Alabama, specialized in law related to the music industry, and now works for Loeb & Loeb and as president for Rounder Records.

8 The witty and hilarious actress of films, *Pitch Perfect*, *Bridesmaids*, and *JoJo Rabbit*, **Rebel Wilson**, graduated the University of New South Wales with her law degree.

9 No list is complete without a discussion of **John Grisham**, perhaps the most successful lawyer author of all time. Grisham's novels *A Time to Kill*, *The Pelican Brief*, *The Client*, and *The Firm* were just some of his books made into blockbuster films.



10 Renowned painter, **Paul Cezanne**, studied law at the University of Aix while simultaneously studying drawing with a private tutor. Ironically, one of the best known impressionist paintings of a lawyer is Cezanne's "Uncle Dominique the Lawyer." 

Mark S. Vavala is the Executive Director of the Delaware State Bar Association. He can be reached at mavala@dsba.org.



Nominations Sought for 2021 Awards

2021

The Delaware State Bar Association and the Awards Committee are seeking nominations for the following awards:

- Daniel L. Herrmann Professional Conduct Award**
- Outstanding Service to the Courts and Bar Award**
- Distinguished Mentoring Award**
- Government Service Award**

AWARDS DESCRIPTION

Daniel L. Herrmann Professional Conduct Award

Awarded to a member of the Delaware Bar who, over the course of time, has demonstrated those qualities of courtesy and civility which, together with high ability and distinguished service, exemplifies the Delaware lawyer.

Outstanding Service to the Courts and Bar Award

Awarded to a Delaware lawyer or judge who, by exemplary service to the Delaware Courts and the Delaware Bar, has substantially assisted the courts and the Bar and has strengthened public trust and confidence in the courts in the state of Delaware and the administration of justice.

Distinguished Mentoring Award

Awarded to a Delaware lawyer or judge who, by distinguished mentoring of other Delaware lawyers (or future lawyers) over a period of many years, has served as an inspiration to and a model for those lawyers in striving for and maintaining the highest standards in their professional careers and in their community involvement.

Government Service Award

Awarded to a full-time government service employee in recognition of dedicated and distinguished contribution to the Administration of Justice.

These are not necessarily annual awards. All or some of these awards will be presented only upon the recommendation of the Awards Committee and approval by the Executive Committee of the DSBA. Please note that previous nominations must be renewed to be considered. These awards will be presented in a special Awards Luncheon in December 2021.

Delaware State Bar Association Awards Nomination Form

Name of Candidate: _____

Title/Occupation of Candidate: _____

Award: _____

Date: _____

Nominator: _____

Phone: _____ Fax: _____ E-Mail: _____

Firm: _____

Address: _____

Brief statement of reasons that candidate is deserving of Award (see above Award criteria). Please attach sheet if necessary.

Nominations should be submitted by **September 3, 2021** to Mark S. Vavala, Executive Director at mvavala@dsba.org.



The Delaware State Bar Association Insurance Program

Advised and Administered by USI Affinity



The Delaware State Bar Association Insurance Program, advised and administered by USI Affinity, offers a proprietary, comprehensive Lawyers' Professional Liability program. Along with other business insurances to attorneys and law firms in Delaware.

As a leading insurance broker for Lawyers' Professional Liability, USI Affinity has been protecting Lawyers for over 50 years. We understand the business and the risks that attorneys and law firms face every day.



Lawyers Professional Liability

The DSBA Insurance Program Lawyers Professional Policy offers proprietary savings and coverages specifically designed to mitigate risk and close gaps in coverage.



Directors and Officers Liability

Directors & Officers Liability insurance protects the past, present, and future directors and officers of a law firm from losses arising from "wrongful acts".



Employment Practices Liability

EPLI coverage can be specifically designed to help protect the personal assets of a privately owned firm's directors and officers, as well as the financial well being of the firm itself.

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