

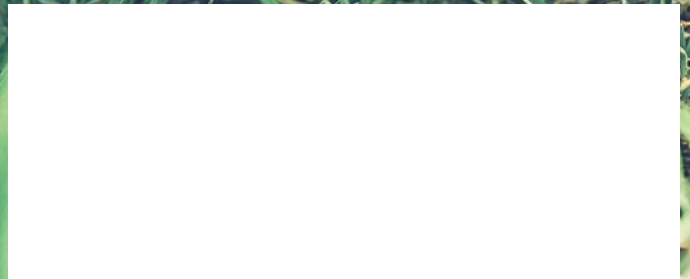


THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

THE Wellness ISSUE

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Nominations Sought for 2020 Awards

2020

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.

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 4, 2020** to Mark S. Vavala, Executive Director, e-mail mvavala@dsba.org or fax to (302) 658-5212.

DSBA BAR JOURNAL

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

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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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I enjoy shaking hands and exchanging a sincere greeting. I attribute that to my Dad, who told me often growing up that a handshake was a sign of friendship, respect and, especially within the Delaware Bar, a way of marking your word. This is my last month as President of the Bar Association. As I began writing my final "President's Corner," it occurred to me that it is now approaching three months since I last shook hands with anyone. Or worn a tie. While I recognize and agree with the need to continue to avoid personal contact right now, it is still disappointing that we are essentially prevented from shaking hands or having in-person interaction with one another and I hope that will change before too long.

To say the least, it has proven to be an interesting and challenging year as President. I certainly never envisioned having to hold a press conference to address baseless criticism of our Court of Chancery and Chancellor. Likewise, no one could have foreseen the COVID-19 pandemic, which has impacted all aspects of our lives. If there are any positives that can be taken away from the latter, they would include that our Courts demonstrated immediate leadership, agility, and innovation to maintain the administration of justice and protect its staff, the public, and members of the Bar; firms of all sizes have adapted to the new norm of the practice of law; and that our Bar Association has a rock solid foundation on which to serve us both now and in the future.

With respect to the DSBA, the staff, under the leadership of Executive Director, Mark Vavala, quickly established a complete work-from-home operation, while otherwise continuing to offer practically all of its regular services. In place of in-person CLE seminars, DSBA rapidly

offered numerous live video seminars, which afforded our members both CLE credit and the ability to ask questions of speakers or interact with other attendees. Without overstating it, our staff has not missed a beat. However, the loss of in-person CLEs and events, including the Law Day Luncheon and the Bench and Bar Conference, has resulted in a reduction of revenue and required our budget for 2020-2021 to be significantly revised.

While we will no doubt face fiscal challenge, we are fortunate to be in solid financial position. As a result of the oversight of our Financial Committee, we do not have bloated operations or budgets. Moreover, four years ago, under then-President, Richard Forsten, our Executive Committee created a Reserve Account to provide financial security and lessen the likelihood of dues increases in the event of unforeseen expenses or loss of revenue. I am extremely pleased to report that by utilizing a combination of the operating income and reallocation of other savings accounts, we have now fully funded our Reserve Account, six years ahead of schedule.

As many of you know, DSBIS offers health, personal, and commercial lines insurance to all DSBA members, their firms, employees, clients, families, and referrals. That, in turn, provides revenue to the DSBA. I am pleased to report that DSBIS, under the guidance of its longtime Chair, Ed McNally, recently negotiated a new contract with USI Insurance Services that will provide revenue from the sale of our insurance products for at least five more years. The success of DSBIS, quite literally, lies with you, our members. I urge you and your firms to contact DSBIS to see what it can offer you in the way of personal and professional

insurance coverage so that it may continue to serve our Bar for many years to come.

At the outset of my term, I announced several main goals that I wished to accomplish. Among them were to increase downstate participation within our Association and increase *pro bono* services and participation among our members. I believe we have made good progress in both those areas that bodes well for the future.

Partially due to demographics, our Bar Association has always been perceived as New Castle County centric. While it is simply not possible to get away from that entirely, we need to recognize the needs and concerns of downstate members when it comes to events, activities, and other services of the DSBA for its long term health and the benefit of all of our members. Throughout the year, we have continually challenged our Sections to increase activities in Kent and Sussex Counties in an effort to boost Section membership and participation. The feedback I have received from the Section Chairs has been that they are taking that mission to heart and seeing improvement in those areas.

I am a little disappointed that I could not personally do more.¹ It was not from a lack of desire. Last October, it was Delaware's turn to be the location for the Mid-Atlantic Bar Conference. At the event, we hosted the leaders of the New York, New Jersey, Pennsylvania, Maryland, and District of Columbia Bar Associations. We deliberately chose Sussex County for the venue and at events in Bethany Beach and Milton, we were able to show those Associations a small slice of downstate and the important role it plays in our legal community and the State. I also met with the Kent County Bar Association

earlier this year, but my hopes to meet with the Sussex County Bar Association and Terry-Carey Inn of Court were, unfortunately, derailed by the current crisis. Regardless, I am optimistic that we can continue to bridge the gap and enjoy a truly statewide Association.

With *pro bono*, throughout the year I have requested that Section Chairs commit to a plan to provide services either as a whole or by individual members. In particular, I have been encouraging representation in Landlord Tenant Matters. One of the first video seminars we produced was on assisting tenants in eviction cases. We were extremely pleased to see that approximately 150 members participated. Likewise, we are partnering with the Justice of the Peace Court, as part of its recently announced ADR program for eviction matters, in assisting that Court handle the anticipated deluge

It has been my privilege and honor to have served as President this past year. I am proud to be a Delaware attorney and I hope that my term has reflected well on our Association and profession. I have greatly enjoyed the opportunity to meet many of you over the past year, as well as renew old friendships and acquaintances.

of cases facing it once the current State of Emergency is lifted. Although borne out of crisis, I hope that the program and, more importantly, our members' willingness to provide *pro bono* services in this area of the law, continue in the future.

While COVID-19 has thrown us for a loop, I believe the DSBA accomplished much this past year, including: Providing new member benefits, such as implementing Section Forums on our website and offering flu shots to members; transitioning our Legal Directory into an online format that is more accessible and up-to-date; adding a member benefit for small firms,

CLIO, that assists with law practice management, as well as holding two town hall events to discuss issues affecting small firms; re-launching the Criminal Law Section; and hosting a Trivia Night via Zoom with all proceeds benefitting the Combined Campaign for Justice. And, of course, we held numerous successful live events, including the annual Awards Luncheon in December, the Christopher W. White Distinguished Access to Justice Awards Breakfast in October, the Dr. Martin Luther King, Jr. Breakfast and Day of Service in January, Breakfast with Santa, and dozens of excellent CLEs.

All in all, despite the unexpected challenges, I believe it was a successful year and, in particular, served to demonstrate the amazing talent and dedication of our staff, without whom, quite literally, our

President's Corner (continued on page 7)

BUILDING RELATIONSHIPS

1980

for

2020

40 YEARS

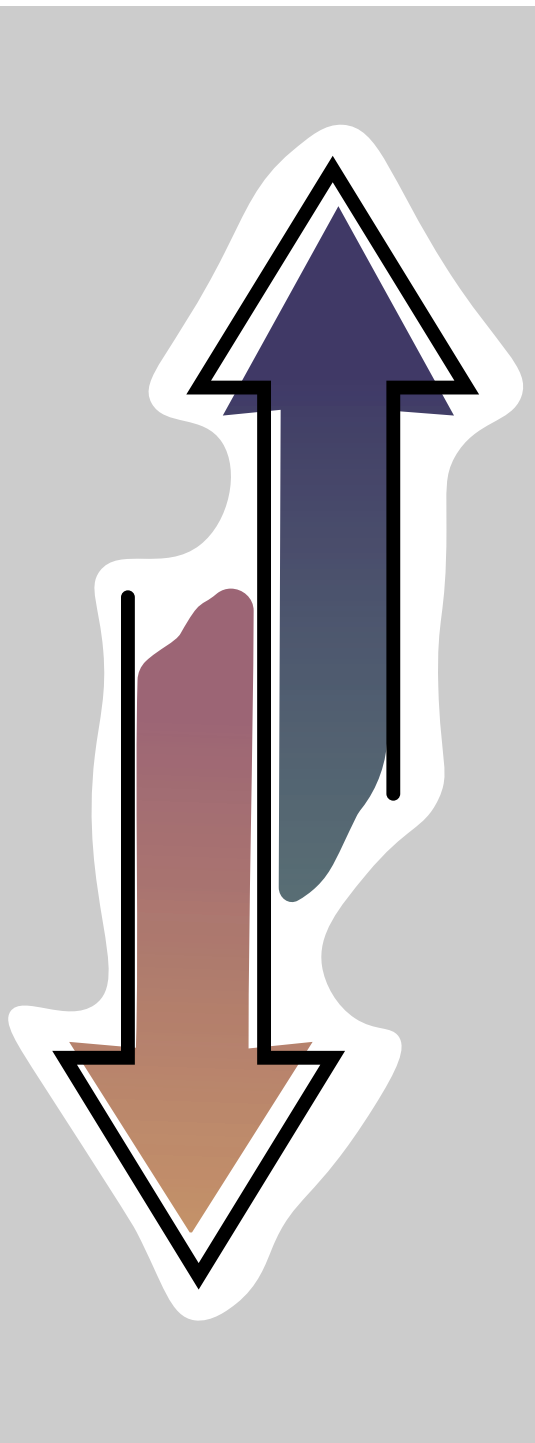
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Piping Down and Bucking Up



Dirk strolled into my newly assembled, makeshift home office, chomping on his doggie dental treat like a stogie on a golf course. The dental treat hit the floor with a thud. He sat down and cocked his head to the side, one eyebrow raised, as if to ask, “Um, what are you doing in here and why are you not heading to the office?”

That night, the cats cautiously crept into the basement room with the treadmill, dusty dumbbells, stretch bands that lost elasticity long ago, and a newly unfurled yoga mat. The room was previously most notable for the blood spatter of a bat that once made the mistake of entering the cats’ domain. The pulleys on the rowing machine needed a shot of WD40, without which they sounded like a rusty metronome.

I am nothing if not a creature of habit. Each client presents a unique set of challenges and specific needs (some of which seemingly can arise at any moment) and hearings and trials cause work-life vacillations, so a personal routine of sorts has served as an outlet and a source of comfort over the years. Annual traditions with family and friends always provide an oasis on the horizon. With COVID-19 causing the closure of offices, beaches, gyms, sporting events, and restaurants, I found myself in need a new routine. Maybe, just maybe, I can squeeze some lemonade out of what felt like a rogue wave of lemons. Not to encroach on Susan Popitti’s “Judicial Palate,” but below has been my personal recipe for lockdown lemonade. (It is sugar-free; this is the wellness issue after all.)

Start with a healthy dose of perspective. I am not in a position to complain about appearing for a meeting via teleconference when others are having to use the medium to say final good-byes to loved ones.

Add in a stiff upper lip. There is no dearth of examples of resilience and fortitude and the collective courage of the human spirit. I can look to grandparents who endured the Great Depression,¹ a father who served 20-plus years in the military, a mother who dedicated decades to education, and two sisters who have raised seven thoughtful children, including one with special needs. I am married to a corporate litigator² whose tenacity and ferocious loyalty are somehow both frightening and reassuring. I know I am not alone in my ability to look to my right and left and see family, friends, and coworkers who do not cower.³ Our Bar is filled with tough people who have overcome tremendous obstacles in pursuit and performance of a noble profession. It is acutely apparent that the same is true of our doctors, nurses, paramedics, and other health professionals and essential service workers who do not have the luxury to wake up and “telework.”

Stir in a sense of commonality. While some are paying the ultimate cost, no one is unaffected by the pandemic. I have had out-of-state counsel and attorneys with whom I did not have an existing relationship open conversations with greetings equating to, “How are you holding up?”

Set it to music. Judging from the number of articles in publications about practice, a growing number of attorneys are finding benefits in quieting their minds via meditation. There are times when the world currently feels too quiet. On days that I go into the office, the vibe can be a little reminiscent of Will Smith in *I Am Legend*. If we do not have live sports,⁴ at least we have music — and current technology⁵ means not having to wait for songs that seek to encapsulate the times⁶ — as a soundtrack for those new basement exercise sessions. Stay healthy! 🎧

Notes:

1. For the remaining days in their house, my maternal grandparents froze the products of their vegetable garden to maintain a food supply that could last a year and kept powdered milk.
2. As Alicia Silverstone's character, Cher, explained in *Clueless*, "Daddy's a litigator. Those are the scariest kind of lawyer. Even Lucy, our maid, is terrified of him. And daddy's so good he gets \$500 an hour to fight with people. But he fights with me for free because I'm his daughter."
3. I once read of a World War II veteran explaining the source of courage to charge in the front lines as not coming from some amorphous sense of duty but rather seeing his fellow soldiers and following suit. In the sports arena, Roger Bannister's example of the first sub-four-minute mile opened the floodgates when that speed no longer seemed impossible.
4. There are some live sports occurring as I submit this article, South Korean baseball and the Bundesliga, for example. ESPN seems to feel cornhole counts. I have come to realize that the elements of real-time and competition are not enough to scratch that itch for me. The communal element of our team is missing.
5. It is hard to imagine that the working world, including our chosen field, could operate at its current, reduced-but-productive levels without the proliferation of relatively recent technology. I have been among those who lodged criticism at the ubiquity of screens in our lives and the isolating effects. I now count myself grateful when we need that physical isolation. It brings to mind the closing line from *The Simpsons* episode on prohibition: "To alcohol! The cause of — and solution to — all of life's problems."
6. Words cannot describe how healing Bruce Springsteen's *The Rising* felt after September 11th. The title track, *My City of Ruins*, and *Lonesome Day* still have a profound effect on me. Out of curiosity, is the word "lonesome" reserved for works of art?

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.

President's Corner (continued from page 5)

organization would cease to function. Despite having worked with many of them, I was truly not aware of everything they do behind the scenes to make our organization run so well. They have my continuing gratitude and respect.

Before I bring this article and fiscal year to a close, a few additional thanks are in order. First, I want to thank the members of our Executive Committee for their wisdom, support, and service throughout this past year. The old adage that a leader should surround themselves with people who are better than they are was especially easy and appropriate this year.² We have some exceptional people within our Bar leadership, past, present, and future.

Lastly, I thank you, the members of the Delaware State Bar Association. It has been my privilege and honor to have served as President this past year. I am proud to be a Delaware attorney and I hope that my term has reflected well on our Association and profession. I have greatly enjoyed the opportunity to meet

many of you over the past year, as well as renew old friendships and acquaintances. I wish all of you the best of success in your personal and professional lives and I look forward to the day when we are able to gather in person again and can once more share a handshake.³ 🤝

Notes:

1. I'm also disappointed I never incorporated any Jimmy Buffett song titles or lyrics into any of my articles. For someone whose vanity plate is "BUFFETT" ("BEATLES" was already taken), this represents a major missed opportunity, but I digress.
2. My closest friends in the Bar will not argue with me on that point.
3. Even if we run to wash our hands or use hand sanitizer immediately afterward.

William Patrick ("Bill") Brady is the current President of the Delaware State Bar Association. He is a member of the Small Firms and Solo Practitioners Section, Real and Personal Property Section, Litigation Section and ADR Section of the DSBA. He has been a member of the Delaware Bar since 1995 and has served on the Executive Committee of the Delaware State Bar Association since 2009. He is the founder and managing attorney of The Brady Law Firm, P.A. and can be reached at wbrady@bradylawde.com.

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MEMBER BENEFIT OF THE MONTH

Drexel University Online

The Delaware State Bar Association and Drexel University Online proudly offer you and your immediate family members a top-ranked degree or certificate at a tuition savings of 10 to 40 percent when you enroll in one of Drexel's distinguished online programs. Choose from over 150 online programs from bachelors to graduate degrees and post graduate certificates. Military families receive additional benefits as Drexel is a "Yellow Ribbon School" noted for its exceptional service to military personnel and their families. An informational webinar will be held in July 2020 — Stay tuned for details! 📺



IS YOUR INFORMATION UP-TO-DATE WITH DSBA?

Have you recently changed firms? Have you changed your name? Phone number? Email? Please let us know! We need to contact you about your membership and news that matters to you. Please email LaTonya Tucker at ltucker@dsba.org to let us know of any contact information updates.

TOP 5

FIVE FAMOUS FATHERS

We often hear of George Washington as the "Father of Our Country" or Hippocrates as the "Father of Medicine." In honor of Father's Day, we look at a few of the forgotten "Fathers."

1 Father of Aviation

Yes, you all know Orville and Wilbur Wright, but the true Father of Aviation may have been Fr. Francesco Lana de Terzi, an Italian priest (yes, a real "father"!) who, in 1670, published a manuscript which designed a "flying ship" and is credited with developing the field of aeronautics. He also developed a method for blind people to read, which Louis Braille ultimately developed.



3 Father of Jogging

Jim Fixx is credited with being the person who invented jogging. He wrote 1977's best-seller *The Complete Book of Running* and sadly died while...jogging.



4 Who is the Father of the Internet?

No, not Al Gore. This title is often reserved for Vint Cerf and Bob Kahn, the developers of TCP/IP between 1973 and 1981.



2 Father of the Monster Truck

Bob Chandler is famed for having created Bigfoot, a 1974 Ford F-250 pickup truck which took him four years to install military-surplus parts and 48-inch tires, delighting those with too much testosterone and a penchant for crushed vehicles.



5 There is a Father of Karaoke

Daisuke Inoue developed a machine in the 1970s that allowed people to sing songs without back up live music. Thursday nights in bars have not been the same since.



Source: Wikipedia, which means there's room for argument, debate, and error here, folks.

MJ Morris James LLP
@MorrisJamesLLP



Partner Jeff Waxman explains how the novel coronavirus pandemic has affected the Delaware Bankruptcy Court and how the practitioners appearing before it have had to adjust in a recent article published in the DSBA Bar Journal. bit.ly/2WTnw57



Combined Campaign for Justice
May 12 at 3:54 PM · 📺



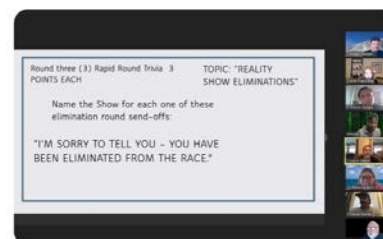
Please sign up for this fun virtual trivia event that will benefit CCJ during a year when support will be needed more than ever. Thank you to the Delaware State Bar Association and Mark Valva for offering to host this fundraiser!



Kyle Evans Gay
@KyleEvansGay



Charity Trivia Night with the @DelStateBar! Raising much-needed funds for the Combined Campaign on team "Dancing Ruths" 🕶️



Find us on Facebook, Instagram, and Twitter @delstatebar

OF NOTE

Condolences to the family of **William W. Pepper, Sr., Esquire**, who died on December 27, 2019.

Condolences to the family of **Martha Fitzgerald Sackovich, Esquire**, who died on April 6, 2020.

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

Step up to the mic!



Organizing a program or a CLE Seminar is a great way to get exposure and engage with the DSBA! Email your ideas to Susan Simmons at ssimmons@dsba.org.

Open Call for Articles!

Do you have a great idea?



For information on submitting articles for publication in the *Bar Journal*, please contact Rebecca Baird at rbaird@dsba.org.

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The lifeline of a lawyer is the network and every event, CLE, committee, or meeting helps you build that network.



ACCESS TO SECTIONS

DSBA's sections are some of the most active and prestigious groups in the legal profession.



PUBLICATIONS

The Bar Journal and the *Delaware Law Review* have provided important articles on the law and ethics to our members for decades.



MENTORING

Whether you are an experienced attorney or one just starting out, having access to another in your field is priceless.



ONLINE LEGAL DIRECTORY

The Online Legal Directory allows members to quickly access up-to-date information for all Delaware judges and attorneys through an easy-to-use online portal with robust search options.



HAVE A VOICE

Being a part of DSBA gets you a powerful voice for passing or opposing laws that affect your business.



LEGAL DIRECTORY APP

Need an easy way to find an attorney? Download the app to your smartphone. This practical Bar Directory is easy to use and free for all DSBA members.



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Professional Guidance Committee

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

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CALENDAR OF EVENTS

June 2020

Wednesday, June 3, 2020 • 10:00 a.m. – 11:45 a.m.

Bankruptcy in the Age of Coronavirus and Beyond

1.5 hours CLE credit

Live Webinar via Zoom

Thursday, June 4, 2020 • 2:00 p.m. – 3:45 p.m.

The Effects on the Hospitality Industry During the COVID-19 Pandemic: A Roundtable Discussion with Sector Leaders

1.5 hours CLE credit

Live Webinar via Zoom

Friday, June 5, 2020 • 10:00 a.m. – 11:45 a.m.

When the Ink Must Be Wet: Strategies in Adapting to COVID-19 for Wills, Trusts and Contracts

1.5 hours CLE credit

Live Webinar via Zoom

Tuesday, June 16, 2020 • 10:00 a.m. – 12:00 p.m.

Labor & Employment Law in Delaware and How It Has Been Affected by the Pandemic

1.5 hours CLE credit

Live Webinar via Zoom

Uncharted Territory: Experts Weigh-In on the Constitutional Impact of the COVID-19 Outbreak: A Two-Part Series

Wednesday, June 10, 2020 • 2:00 p.m. – 3:45 p.m.

Part I: Religious Freedom Implications of the COVID-19 Pandemic

1.5 hours CLE credit

Live Webinar via Zoom

Friday, June 19, 2020 • 10:00 a.m. – 11:45 a.m.

Part II: Individual Liberties and the Response to COVID-19: Domestic and International Perspectives

1.5 hours CLE credit

Live Webinar via Zoom

Tuesday, June 23, 2020 • 9:00 a.m. – 12:30 p.m.

Bankruptcy Nuts and Bolts: A Primer for Chapter 11 Cross-Training

3.0 hours CLE credit

Live Webinar via Zoom

Thursday, June 25, 2020 and Friday, June 26, 2020

Part II Superior Court Mediation Training

Day 1: 9:00 a.m. – 3:15 p.m. (5.0 hours CLE credit)

Day 2: 10:00 a.m. – 2:30 p.m. (4.0 hours CLE credit)

9.0 hours CLE credit

Live Webinar via Zoom

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

BECOME A DSBA SECTION MEMBER

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

SECTION & COMMITTEE MEETINGS

June 2020

Monday, June 8, 2020 • 12:00 p.m.

Litigation Section Meeting

Zoom Meeting, see Section listserv message for link and password

Wednesday, June 10, 2020 • 4:30 p.m.

Real and Personal Property Section Meeting

Zoom Meeting, see Section listserv message for link and password

Wednesday, June 19, 2020 • 9:00 a.m.

ADR Section Meeting

Zoom Meeting, see Section listserv message for link and password

Thursday, June 18, 2020 • 12:00 p.m.

Executive Committee Meeting

Zoom Meeting, link will be sent via email

Thursday, June 25, 2020 • 4:00 p.m.

Family Law Section Meeting

Zoom Meeting, see Section listserv message for link

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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The Virtual Courtroom:

Zoom on Steroids

During the last several months we have been exposed to a number of different approaches to practicing law remotely. One of these has been video teleconferencing through platforms such as Zoom, WebEx, GoToMeeting, and Teams. The systems work generally well, but leave us all with questions of insecurity, awkwardness, and general lack of formality. These services have been available for a number of years, assisting the courts with remote technology. The pandemic has brought them front and center. One of these services is CourtScribes led by Michael Breyer. I met Michael a number of years ago through William and Mary's Center for Legal and Court Technology. I thought it might be helpful to chat with Michael for a few minutes.

Herrmann: Michael, I know you are not a member of the Delaware Bar, but you are not new to Delaware. Where have we seen you in the past?

Breyer: Back in 2001, I worked with courts to install the world's first public Wi-Fi networks in courthouses across the country and the Delaware Courts were one of the very first courts in the world to allow us to install such networks. We then expanded from basic network services to media coverage of court proceedings and broadcast trials such as the *In re Walt Disney Derivative Litigation* and *In re The Dow Chemical Company Derivative Litigation* and found a surprisingly large number of viewers were interested in these proceedings.

Herrmann: Tell us, in a nutshell, what CourtScribes does with courts and how it is used.

Breyer: CourtScribes provides judges with a Turnkey Virtual Courtroom with 24/7 operator-assisted technology and judicial support. We layer great customer service, scheduling, technical support, trained operators, and enhanced features like exhibit sharing and closed

captioning on top of an easy-to-use platform to provide a virtual courtroom that will assist judges in moving along demanding court calendars. Our staff acts as a virtual Judicial Assistant who helps the Judge through the sharing of exhibits, breakout rooms, etc. Over the years, we have supported Professor Fred Lederer's Center for Legal and Court Technology project at William & Mary Law School.

Herrmann: Security is a hot topic when it comes to video teleconferencing platforms. How does CourtScribes control security?

Breyer: Our operators will monitor for internet hackers interrupting court proceedings. Only authenticated participants will be allowed into the virtual courtroom hearing. Even before entering the virtual lobby, CourtScribes gives judges the option to password protect entrance. This, of course, is balanced with the fact that public access to courts is viewed by many as a fundamental public right. One way of balancing the public's right to view or listen to court proceedings, with the court's desire to ensure the proceedings are secure and uninter-

rupted, is to provide separate access to the public through either a live stream or provide the public with a "view/listen only" link or phone number to access the hearings. Sensitive documents or side bar conversations would be protected and screened from public access.

Herrmann: Would you walk us through a virtual hearing?

Breyer: Our operator will greet all attorneys in a virtual lobby in advance of the hearing, ensuring that attorneys connecting to the call are muted until their case is called. The CourtScribes operator can troubleshoot attorney connections, volume controls, and link a user's telephone to their video if applicable. The CourtScribes operator will announce that the judge has arrived and that court is now in session. The operator will: have the attorneys available for the judge whenever the judge is ready for a particular case to be called; instruct the attorney to announce him/herself each time the attorney addresses the court; monitor and provide technical assistance during the hearing; mute attorneys as necessary; serve as a virtual judicial assistant to the judge (assisting with screen

sharing, private discussions in break out rooms, etc.); and provide access to late-arriving attorneys in the virtual lobby, ensuring there is no disruption to the actual hearing.

Herrmann: How have court reporters reacted to this kind of a service?

Breyer: We have a very positive relationship with official court reporters because they understand that we are here to assist the court and in no way intend to replace the very valuable work that they do. While we can create high quality transcripts of the proceedings like we do when we provide court reporting services in depositions outside of the courtroom environment, we do so only in jurisdictions and proceedings where the official court reporter is not available. Recordings of court proceedings are only made with a judge's approval.

Herrmann: Tell us about the financial model for services such as CourtScribes. How does the court budget for it?

Breyer: There is no cost to the court. The attorneys in Delaware pay a minimal charge of \$15 per connection during the COVID-19 crisis to help us cover our costs. After COVID-19, we will charge \$30 per connection.

Herrmann: Michael, if anyone reading this column is interested in seeing a live session in action, is there a way to do this?

Breyer. Yes, please visit www.courtscribes.com and contact us by phone or email (info@courtscribes.com). 

Richard K. Herrmann is a Visiting Professor at Delaware Law School. He can be reached at rkherrmann@widener.edu.

"Tips on Technology" is a service of the E-Discovery and Technology Law Section of the Delaware State Bar Association.

FROM THE DSBA SECTIONS

THE LABOR & EMPLOYMENT SECTION

By Lauren P. DeLuca, Esquire, Chair

The Labor & Employment Section members have been helping employees and employers navigate the multiple executive orders, federal statutes (*i.e.*, the Families First Coronavirus Response Act), and local laws and practices (*i.e.*, unemployment benefits) that address the pandemic. As states start to lift restrictions on sheltering in place, employers and employees will face a fresh round of challenges and, in fact, some already are. For instance, what should an employer and employee do in the case where an employee resides with high-risk individuals or has a condition that makes the employee fear returning to work, notwithstanding safety precautions and the provision of PPE?

Delaware is following the guidance from the non-binding "Guidelines: Opening Up America Again." The Guidelines articulate a three-phase approach to returning to normal business operations and provide phased recommendations for employers.

The guidance affects certain employers differently. But generally speaking, during Phase One, telework should be encouraged whenever possible, common areas should be closed or employees should follow strict social distancing, employees should minimize non-essential travel, and employers should make special accommodations for vulnerable populations. The main difference during Phase Two is that non-essential travel can resume. And Phase Three recommends that employers can resume unrestricted staffing of worksites.

Through all phases of reopening the Guidelines recommend that employers adopt policies addressing: social distancing and protective equipment; temperature checks; testing, isolating, and contact tracing; sanitation; use and disinfection of common and high traffic areas; business travel; workforce monitoring for indicative symptoms; and barring symptomatic employees from physically returning to work until cleared by a medical provider.

Some helpful resources include: this EEOC Technical Assistance Document (<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>), this guidance from the CDC regarding high risk individuals (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>), and the guidance provided by Governor John Carney in Delaware's Reopening (https://governor.delaware.gov/wp-content/uploads/sites/24/2020/05/Delaware-Economic-Reopening-Guidance_Phase.pdf).



Exit Strategy

There are times when you are required to terminate an attorney-client relationship, and there are other situations in which it is just a good idea to do so. Generally, the professional responsibility obligations related to ending an attorney-client relationship are governed by Rule 1.16 of the Delaware Professional Conduct Rules: Declining or Terminating Representation. That Rule covers both mandatory and permissive withdrawals.

Attorneys are *required* to terminate the attorney-client relationship if continued representation would violate a Professional Conduct Rule, the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client, or the attorney is discharged by the client.

Attorneys are *permitted* to withdraw if: the termination can be accomplished without material adverse effect upon the client; the client persists in a course of action that the lawyer reasonably believes is criminal or fraudulent; the client has used the lawyer's services to commit a crime or fraud; the client insists on a course of action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement; the client fails substantially to fulfill an obligation to the lawyer (this could include paying the lawyer or failing to meet the obligation to be truthful to the lawyer); or other good cause. This list is not exclusive, and a lawyer can withdraw for any other reason with some important caveats.

If the matter is already in litigation, it may be necessary to seek the leave of the court to withdraw. That leave may be withheld even if good cause exists for either a permissive or mandatory withdrawal if it would adversely affect the scheduling order or prejudice the rights of the opposing party. A motion to withdraw may also be denied if the movant is serving as "local counsel," especially if the attorney seeking permission to withdraw moved the out-of-state counsel's admission *pro hac vice*. The court may be reluctant to grant the motion if withdrawal leaves out-of-state counsel stranded without the assistance or supervision of a Delaware attorney. A motion to withdraw must reflect both the client and the opposing counsel's position, but client consent is not required.

With regard to permissive withdrawals, best practices call for careful case and client screening. Avoiding bad cases and bad clients may be your best defense against disciplinary complaints and malpractice claims. Problem cases and clients may result in the attorney avoiding the client or a reluctance to work on the matter. This exposes the attorney to claims of lack of diligence, communication, or competence. However, even experienced practitioners take on a case or client that they later regret. It is often said that ten percent of your clients will monopolize ninety percent of your time and cause a disproportionate amount of your anxiety. The solution is to discharge those clients and withdraw from those cases early, before withdrawal would be a hardship for the client or inconvenient for the court.

It is often said that ten percent of your clients will monopolize ninety percent of your time and cause a disproportionate amount of your anxiety.

When leave of the court is required, it is always a question as to how much information an attorney can and should put in the motion to withdraw. With too little, the motion may not be granted. Too much may violate the attorney's duty to maintain the confidences of the client. Those duties survive the end of the relationship. Generally, the more serious the conduct — or misconduct — of the client, the "noisier" the withdrawal may be.

Except for the important crime fraud exceptions found in Rule 1.6, an attorney has a duty to maintain client confidences and should only include in the motion to withdraw the minimal amount of information to support the request. Instead of stating that the client failed to pay his legal fees, an attorney should reference the client's failure to meet his obligations to the attorney or firm. Instead of stating that the client insists on a frivolous legal claim or repugnant course of action, the motion should cite a fundamental disagreement about the objectives of the litigation.


When the attorney-client relationship is terminated, the attorney is still entitled to pursue recovery of fees from the client. However, most experienced attorneys recognize that suing a client to collect fees is always a hazardous undertak-

ing. Suits to collect fees are typically met with malpractice counterclaims. Many firms have a policy against suing clients to collect fees. Other firms require approval of the management committee which will only be granted after a careful file review to assess whether the amount of the fees is sufficient, collectability is likely and the absence of a viable malpractice claim warrant the risk of a counterclaim. While malpractice carriers do not routinely prohibit collections actions against clients or former clients, many carriers include a question on applications and renewal forms inquiring as to how often attorneys or firms have sued clients to collect fees.

When an attorney is replaced as counsel, successor counsel should be put on notice of any claim for past fees or future recoveries. Successor counsel have a recognized professional obligation to advise previous counsel of the recovery and to escrow the funds claimed by prior counsel.

Finally, attorneys have an obligation to cooperate with the former client and successor counsel after the relationship ends — even if the termination results from non-payment of legal fees. While assertion of a file lien to secure payment of fees is a tempting remedy, that remedy has significant limitations and is likely to be viewed unfavorably by the court and the Office of Disciplinary Counsel, if challenged. In conclusion, be selective about your cases and clients to make terminations infrequent. But, if an issue does arise, act early enough to keep it from being a serious problem.

“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 seven 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.

2020 CHRISTOPHER W. WHITE DISTINGUISHED ACCESS TO JUSTICE AWARDS BREAKFAST NOMINATIONS ARE NOW BEING ACCEPTED

The DSBA and the Awards Committee are seeking nominations for the 2020 Distinguished Access to Justice Awards formerly known as the Distinguished *Pro Bono* Service Awards. **The Christopher W. White Distinguished Access to Justice Awards Ceremony will be held on Thursday, October 29, 2020, at the Chase Center on the Riverfront.**

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.

Nominations should be submitted to Caroleena Goldman at cgoldman@dsba.org. The deadline for nominations is August 10, 2020. 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.

Ethical Considerations During the COVID-19 Pandemic

C OVID-19 is having a profound effect on global society and business, including the practice of law. Even when government emergency orders and restrictions are lifted, the aftershocks of this pandemic may continue to affect our personal lives, clients, law practices, and professional obligations for years to come. The following informal guidance responds to some commonly asked questions over the past several weeks, and is provided as a means to help lawyers navigate the professional challenges that may lay ahead.

“What should I do in case I become ill or in the event I have to self-quarantine?”

Hope for the best and plan for the worst. The COVID-19 pandemic highlights the need for attorneys in private practice to engage in thoughtful succession planning to protect their clients and law practice should they become unexpectedly unable to practice law. If a lawyer is unable to handle client matters competently, the lawyer must determine whether Rule 1.16(a) requires the lawyer to withdraw from the representation. In larger firms, other firm lawyers may be able to step in to take over a representation on short notice.

This duty is especially pressing for a lawyer who has no partners, associates, or employees. Absent advance planning, if a sole practitioner with no staff becomes incapacitated, there may be a significant lapse of time after the problem arises during which the lawyer's clients' needs are not met. Comment [5] to Rule 1.3 provides each sole practitioner should prepare a plan to protect clients' interests in the event of incapacity or death. In the face of this pandemic and increased risk of serious incapacitating illness or worse, lawyers should have a ready succession plan for other lawyers to assume responsibility for legal representations and, at a minimum, a plan for promptly communicating with clients and for taking necessary protective action. Solos should consider partnering with each other in reciprocal agreements to advise clients and courts when the lawyer has become incapacitated or is deceased.

Lawyers should also consider the potential impact of a nonlawyer assistant's incapacity and make appropriate plans.

“What if my client becomes ill and/or I lose contact with them?”

In addition to the dangers of disability or death from COVID-19, clients may become financially insolvent, geographically displaced, and/or experience a myriad of derivative familial, social, and emotional burdens that interfere with their ability to communicate with their counsel. For this reason, lawyers may want to reevaluate the modes and frequency of their communications with clients and seek to facilitate those communications whenever possible.

Rule 1.4 (communication) provides, in part, that a lawyer shall promptly inform a client of any decision or circumstance with respect to which the client's informed consent is required. A client may authorize a lawyer to take specific action on the client's behalf without further consultation and unless otherwise revoked, a lawyer may rely on such advance authorization. See Rule 1.2 cmt. 3. A lawyer may also take such action on behalf of a client as is impliedly authorized to carry out the representation. Rule 1.2(a). Rule 1.4 also requires a lawyer to reasonably consult with a client regarding the means by which the client's objectives are to be accomplished and to keep the client reasonably informed about the status of a matter. Rule 1.6(a) provides a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent or the disclosure is impliedly authorized to carry out the representation. Finally, Rule 1.14 (client with diminished capacity) provides when a client's capacity to make adequately considered decisions in connection with a representation is diminished, “the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship.” Rule 1.14(a). In limited circumstances, a lawyer “may take reasonably necessary protective action,” such as consulting with individuals who have the ability to take action to protect the client and, if appropriate, seeking the appointment of a guardian. Rule 1.14(b). When doing so, a lawyer is “impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.” Rule 1.14(c).

Specific conversations with clients regarding their objectives and authorizations, as well as timely communications thereafter

Hope for the best and plan for the worst. The COVID-19 pandemic highlights the need for attorneys in private practice to engage in thoughtful succession planning to protect their clients and law practice should they become unexpectedly unable to practice law.



regarding the status of the case, will facilitate the representation and make it easier for lawyers to keep track of their clients. If a client goes “missing,” case law and ethics opinions suggest a lawyer must undertake reasonable efforts to locate the client. At all times, the lawyer should continue to protect the client’s interests. This includes requests submitted to opposing counsel or courts for extensions due to the client’s illness, which must preserve the client’s confidentiality unless the client has consented to the disclosure of health-related information or such disclosure is warranted due to the client’s diminished capacity.

“What ethical concerns should I have about working remotely?”

As national guidelines and state emergency orders restricted “non-essential businesses” operations, some law firms and staff began working from home, many for the first time. Working from home or any remote location requires lawyers to implement appropriate safeguards to ensure the confidentiality of client information, including any technology utilized for remote access.

The Rules, generally, require lawyers to take appropriate safeguards to protect physical files, privileged communications with clients, and computer systems (including internet or cloud-based storage) from inadvertent disclosure and cybersecurity risks. Lawyers should make “reasonable efforts” to protect client information from “unauthorized access by third parties” and “inadvertent or unauthorized disclosure” by lawyers and their non-lawyer assistants. Rule 1.6, cmt. 18; *see also* Rules 5.1 and 5.3. Likewise, when transmitting communications that include information relating to clients, lawyers “must take reasonable precautions to prevent the information from coming into the hands of unintended recipients.” Rule 1.6, cmt. 18.


In the context of working remotely, lawyers should ensure their communications with clients and staff, during which client information may be discussed (*e.g.* videoconferencing), are conducted in a private setting, over a secure platform, and in a manner that minimizes inadvertent disclosures. This may include using virtual private networks when available, avoiding shared or public Wi-Fi hotspots, and using strong passwords, two-factor identification, or encryption, when possible. In addition, lawyers

and staff should utilize workspaces that are, as much as practicable, private and organized to prevent inadvertent disclosures of verbal, electronic, and hard copy client information. Shared workspaces at home present unique issues where other family members may overhear conversations or smart devices such as Apple’s Siri, Amazon’s Alexa, or Google’s voice assistants may be activated on personal devices. Finally, lawyers should evaluate the systems and procedures utilized to secure and back up information, given the likelihood that additional devices may be necessary to manage the law firm’s business.

Lawyers are responsible for complying with the Rules and reasonably ensuring their subordinates and nonlawyer assistants comply with the lawyers’ professional obligations under the Rules. Rules 5.1 and 5.3. Consequently, lawyers should consider and, if necessary, seek appropriate education or guidance regarding particular precautions that may be necessary to manage their law practice during these trying times. Clients may also require additional security measures or agree to forgo security measures, which may otherwise be required by the Rules. For this reason, a full and frank discussion with clients regarding the advantages and limitations of any special technology your firm is utilizing during the COVID-19 pandemic may be advisable.

“What else should I do?”

Lawyers are expected to competently and diligently represent their clients. *See* Rules 1.1 and 1.3. One component of competence and diligence has always been to manage calendars and adhere to court dockets. Over the course of the last three months, numerous orders have been issued by Delaware tribunals, which temporarily restrict schedules and alter procedures. www.courts.delaware.gov/. Lawyers should diligently monitor these restrictions and changes, advocate for their clients accordingly, and timely communicate with opposing counsel and the courts to the extent postponements or other relief are requested.

Finally, during this time of crisis, when tensions are already running high, lawyers are reminded they are members of the Delaware Bar and, as such, are expected to exercise the civility and professionalism commensurate with that status. 



Mindfulness Tools Can Help Manage Transition in a Time of Pandemic

BY RUDHIR KRISHTEL

HOW TO SURVIVE THE NEW NORMAL WITHOUT HAVING YOUR HEAD EXPLODE

Wellness is defined as a dynamic and ongoing process involving self-awareness and healthy choices that result in a successful balanced lifestyle. As in prior years, DE-LAP is fortunate to partner with the DSBA for our yearly tradition: The Wellness Issue of the DSBA *Bar Journal*.

This issue incorporates a vast array of articles from the experts on balance among the physical, emotional, intellectual, social, and spiritual realms resulting in a sense of accomplishment, satisfaction, and belonging. Today, the scope of our professional and personal worlds has changed drastically. This issue offers tips and skills on how to survive the new normal without having your head explode.

This month, the “DE-LAP Zone” is thrilled to have guest columnist and expert on mindfulness and meditation, Rudir Krishtel.

Rudhir Krishtel is an executive coach and facilitator working specifically with lawyers and the legal community. He practiced law for 15 years as a litigation partner and then as senior counsel at Apple. As a former lawyer, Rudhir coaches clients to identify the issues that hold them back from advancing in their career with clarity and fulfillment. His lawyer days led him to train as a yoga teacher and mindfulness meditation instructor, and as a professional coach and leadership instructor, to serve as a support for the legal community.

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

We are living in unpredictable times. It is abundantly hard for many of us. The legal community has been no exception. As lawyers, many of us are comfortable being in control while creating predictability for others. Neither of these have been accessible as of late, keeping us out of our comfort zone. All of this plus the social isolation make it incredibly harder to deal with transitions. In these times, it is easy to feel stressed, drained, and uncertain.

In my practice, I found mindfulness tools to be the most valuable in weathering transition. Here, we will identify how mindfulness can help support us as we endeavor to support those around us in this time of transition and disruption.

What Lawyers Are Experiencing

As lawyers, we have a lot on our minds — employment, economy, finances, client relationships, generating work, and of course, our health and the health of our loved ones. The change we are experiencing at a rapid pace can leave us feeling tense and uneasy. As you slow things down and pay attention to the moments that feel difficult, you may even notice a physical impact — *e.g.*, tightness in the chest, a heaviness across your shoulders, or feeling unsettled in the stomach. These are all a reflection of the fight or flight we experience in a period of transition, *i.e.*, when it feels like life is unstable and being uprooted.

Even a simple change in the location of our office can bring disruption to our daily routine. Our subconscious response to change brings tension to the body. This tension tires us and ultimately cycles back to generating more stress for ourselves and others. Ultimately, the energy drain leaves us more tired at the end of the day and week. The difficulty we experience is an opportunity for us to experiment with mental exercises that can help us both mentally and physically, upgrading the ways in which we handle stress. Mindfulness practices certainly apply here.

Why Mindfulness Is Helpful

Being more mindful through uncertainty can help us navigate this transition with insight and clarity, with a better disposition with ourselves and others. Practicing mindfulness — paying attention to the present moment with a non-judgmental attitude — allows us to shift in how we relate to the unwelcome change of circumstances.

As lawyers, we are often drained by thoughts which revolve around the past and the future. This includes thoughts around all of the notifications and reminders we receive, along with the constant analysis of past mistakes and “looking around corners.” And now, we are even more occupied and overwhelmed with thoughts about what will happen in the future. Perseverating on the future and past leaves little time for “being present,” which can have a significant impact on our perspective, but also our health and well-being.

Mindfulness practices will slow down the extraneous occupation with the past and future and allow us to focus more on what’s happening now — opening the door for a newfound strength, grounding, empathy, and respect.

Mindfulness Tools People Can Use

Basic mindfulness tools for ten to twelve minutes a day are a great place to start. Over time, these practices help us to pay attention to the present moment with a focused, calm, and clear mind. Here are three mindfulness tools to start with:

1. BODY SCAN

A natural way of breaking the fight or flight cycle is to pay attention to what is happening in the body in the moment. The body scan meditation is particularly helpful for lawyers, as we are often “in our heads,” and not paying attention to everything that is happening for us. This practice makes you aware of what you’re experiencing both physically and emotionally, which can have a significant impact on your well-being.

To start a body scan, sit in a comfortable position, close your eyes, and begin with three to five deep breaths. Continue to pay attention to your breath and start to slowly scan your entire body, bringing your attention to each part of your body from head to toe one at a time. After the scan, pay attention to your breath, including the body mechanics involved in breathing. After finishing the scan over five to ten minutes, take notice on whether this creates any shift in your mindset or emotions, breath awareness, or if it supports you in becoming more present. Studies have repeatedly shown that body scan practice has a positive effect on emotional and physical well-being.

Being guided through this practice can help. Visit www.krishtel.com/resources to listen to a guided meditation on the body scan exercise, or check out UCLA’s mindfulness website or apps such as Insight Timer, Calm, or Headspace, all of which have great guided body scan meditations.

2. NOTING

A noting practice is also a very useful technique to become more aware of the many thoughts and types of thoughts that



pop into your brain every hour of every day. The practice invites you to watch your thoughts from a distance, almost as if you are watching your brain thinking through a window from the outside of a room. Take note of each thought or feeling as it arises and return your awareness to your breath after you notice the thought. Again, visit the www.krishtel.com/resources to listen to a guided meditation on the noting exercise, or check out the websites and apps previously referenced.

3. GENERATING GOODWILL IN RESPONSE TO UNCERTAINTY

Generating goodwill is a mindfulness practice for social connection to help counterbalance the isolation felt right now. Most of us are working from home while social distancing is at its peak. The practice focuses on curating goodwill for us and others so that we become more connected, helpful, and empathetic with others. We start by thinking about people that we care about, including ourselves, and generate kindness and good will that comes from focusing on those people. We then move on to others, generating goodwill towards a series of targets: *i.e.*, a benefactor, the self, a neutral person, a challenging person, our community, and eventually all living beings. I offer an article here that provides more guidance and a guided audio for this practice. Please check it out.

Let’s Sum Up

These are just a few mindfulness practices that can help people stay grounded and focused in these difficult times. It only takes ten to twelve minutes of your day to practice mindfulness and improve your mental health while dealing with the change. 🧘

Rudhir Krishtel can be reached at rudhir@krishtel.com, Visit www.krishtel.com for more information.

Achieving Wellness Through Balance

BY RICH LOMBINO, ESQUIRE, LCSW

Introduction

With COVID-19, the world has been turned upside down. Days blend together. Sleep schedules move later. Working from home presents new challenges. These changes significantly impact our already complicated lives, including relationships, career, financially, parenting, and more. Let's look at ways to manage your mental health so you can make the best of a difficult time.

Lawyers And Stress

Based on extensive research,¹ lawyers all have challenges with stress, to varying degrees. Though many work long hours with demanding colleagues and clients, they are still able to be effective lawyers and be present at home with their families. By "present" I mean not just physically there, but also mentally and emotionally engaged. But there are many who have challenges with managing stress and become overwhelmed, turn to alcohol, isolate, get angry easily, become depressed or severely anxious. Having balance in our lives can help.

What Do I Mean By Achieving Balance?

If we have balance in our lives, we are more likely to better manage our emotions. This is especially true during a crisis, such as now with COVID-19. Achieving balance in this climate is finding a middle ground that we are comfortable with that gives us the information we need while keeping our emotions managed.

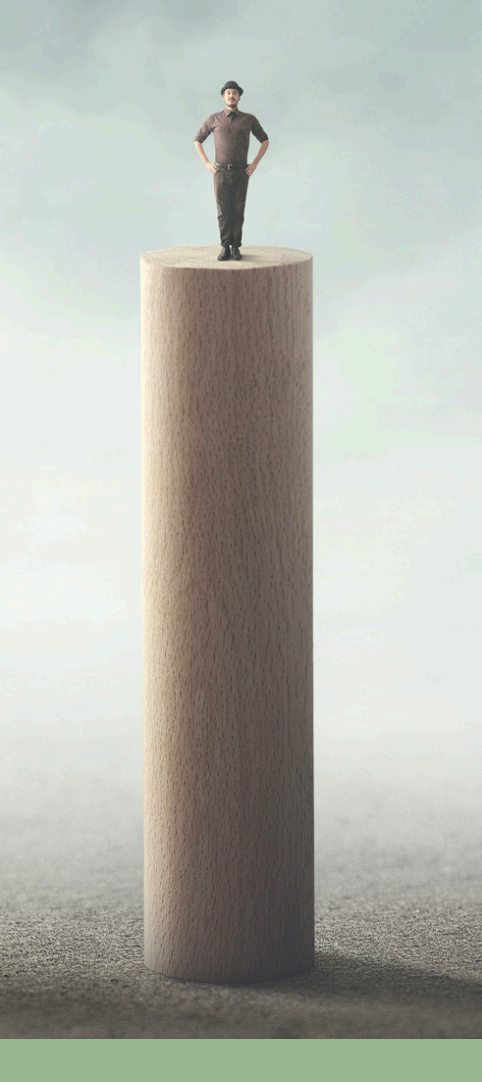
Achieving balance in this climate is finding a middle ground that we are comfortable with that gives us the information we need while keeping our emotions managed.

It is understandable for all of us to be glued to a computer screen, smart phone, or television getting updates on everything from social distancing to school closures. The government rolling out changes slowly has the benefit of allowing us time to adjust to the new restrictions. However, it also has the disadvantage of causing uncertainty of "what'll be next" and the anxiety that accompanies "fear of the unknown." These can lead our mind to move in the direction of "worst case scenario."

As lawyers we are particularly susceptible to this because this is how we were educated and trained, and how we practice. We have to tell our clients what could happen at worst and the percentage risk involved so they can make the best business or personal decisions possible.

Sadly this skill can also lead to our own significant mental health pressures. Instead of going down the rabbit hole, it is possible for us to develop a healthy





alternative structure in managing how we have a balanced view of the world around us.

A Specific Example of Achieving Balance

At the early stages of the COVID-19 crisis, many people I have spoken with were checking the news all day long, reading multiple articles from many news sources, watching long press conferences, and more. Their stress level increased every day and it took some time to deescalate themselves before getting back to what they were doing before checking in. They knew there was something wrong and had to change their behavior. But, to be a responsible family member, friend, and professional, they still needed to be updated on changes in the situation. You can develop and put in place an alternative plan. This may not work for everyone, but illustrates the concept of achieving balance.

Check the news once in the morning and once in the evening. When checking, limit your intake to reading one article and a number of headlines of the main themes of the day. Unless necessary or if you feel it would provide you or the person you are speaking with support, limit how much you initiate conversations with others about COVID-19. With this structure, your stress level can be reduced as you are protecting your mind from the constant bombardment of tragic news. This can lead you to be more likely to be present at home and effective in your practice.

Managing Expectations: A Transferable Skill

Managing expectations is one of the most important life skills. This is especially true during this time of COVID-19 when stress and anxiety are elevated. It is a transferable skill throughout all areas of our lives. As lawyers we have the benefit of being trained in this skill, thus providing us with additional expertise beyond what we have learned along the way.

In general, when we are emotional and try to communicate, the content of what we are saying to the other person can sometimes be lost because of the emotional tone we are using. If we do not consider and anticipate what will happen, we will likely be surprised. This can increase stress and anxiety.

We can take the time to think things through when we are calm and develop the best way to present our concerns prior to the conversation. Then anticipate the response and prepare for what we will say. The more we manage our expectations, the better we can have these difficult discussions, convey our thoughts rationally, and have better outcomes.

Let's give the example of a real estate attorney. Back when I was practicing law, I would draft a contract that had all the standard boilerplate language one would expect in that type of real estate deal and that no one would argue about. I would also include a rider with modifications of the boilerplate language and additional provisions that were not in the standard contract. Before finishing the contract and sending it over to opposing counsel,

I would ask myself what will likely be the response. Then I would think about how I would respond to their response. The same is true with litigation. Lawyers do not just create an argument and bring it to court. They anticipate counter arguments and prepare counter arguments to them.

In this way we are managing our expectations of how the negotiation or litigation will proceed so that we do our best to be governed by our "rational mind," instead of our "emotional mind." Even when dealing with a difficult or toxic adversary which brings negative emotions to the surface of our mind and usually can possibly impair our judgement and cause us to be less effective, we can think rationally and be successful in the encounter.

These skills are transferable in that they can apply to other areas of our lives. One example is when we need to have a difficult discussion with our significant other or friend.

Conclusion

Do the best you can to practice self care and wellness. This includes achieving balance and managing your expectations. Take the time to evaluate what is causing stress and anxiety, think critically about possible solutions, implement the solutions, and if necessary modify them over time. It is possible to maintain good mental health and wellness even in the face of a crisis. You can do it. 🧘

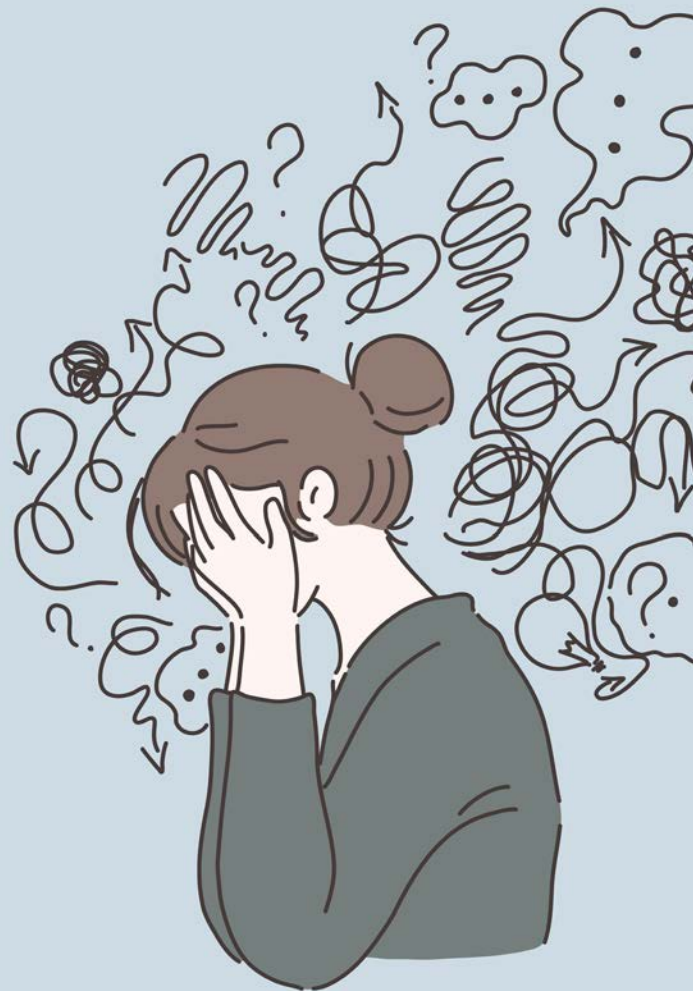
Notes:

1. Hazelden Betty Ford Foundation. "The Prevalence of Substance Use and Other Mental Health...: Journal of Addiction Medicine." LWW. Accessed May 18, 2020. https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx.

Rich Lombino is a therapist and a lawyer. He received his Masters in Social Work from Columbia University. He provides counseling to individuals, couples, and groups for stress management, anxiety, depression, alcohol/drug use, relationship concerns and other related issues, with a specialty of helping lawyers. Prior to becoming a therapist, he practiced law in New York City and also directed nonprofit programs assisting those experiencing homelessness and mental health issues. He can be reached at (302) 273-0700 and info@richlombino.com. Learn more about his practice at www.richlombino.com.

Workplace Stress: Is My Job Making Me Unwell?

BY SARAH FALGOWSKI, M.D.



Every profession encounters workplace stress. From environmental or “physical” stressors to emotional or “psychosocial” stressors, stress is an inherent part of work.

Is stress always a bad thing? Not necessarily. When faced with a stressor, the body releases stress hormones: norepinephrine, epinephrine, and cortisol. These hormones can briefly increase productivity and improve memory which can be positive: like in the case of meeting a deadline or preparing for court. Stress in small doses is normal and can be beneficial, but chronic stress has negative health consequences.

“Physical stress” refers to how our environment and physical comfort impacts our state of wellbeing. Now that many attorneys and judges are working from home, physical stress may be impacting you more. Your home office may not be as functional as your work office. Your chair may not be ergonomically supportive. You may be experiencing more noise, disruptions, and crowding.

While physical stressors are typically easier to identify and have more obvious solutions, “psychosocial stressors” are usually more predominant and disruptive. Psychosocial stressors include: high job demands, unreasonable job expectations, job insecurity, work inequities, lack of autonomy, and job inflexibility. Stress in the legal profession is pervasive with innately adversarial work, high job demands, and long work hours.

Collectively, both physical and psychosocial stressors impact worker productivity, physical health, and mental health.

How does stress affect our bodies? Chronic exposure to stress hormones contributes to many negative health consequences. Adrenaline increases heart rate and elevates blood pressure. Cortisol increases blood glucose, alters the immune response, and suppresses the digestive and reproductive systems.

There may be some aspects of your work environment that you are able to alter to reduce chronic work stress. More often, stressful situations are beyond our control. But we can improve our response to stressful situations by using stress management tools. “Stress hardiness” is a measure of our resilience and allows us to more positively respond to stressful situations, thereby reducing their negative impacts. There are many aspects of stress response that you can control:

Over time, chronic stress increases risk of:

- High blood pressure
- Heart disease
- Diabetes
- Weight gain
- Digestive problems
- Headaches
- Decreased fertility
- Poor sleep
- Depression
- Anxiety
- Substance use
- Irritability



SLEEP: Sleeping seven hours or more contributes to improved heart health, decreased weight, improved cognition, and countless other health benefits. Some of the most effective strategies for improving sleep include: eliminating caffeine six hours prior to sleep, avoiding screen time one hour before bed, reducing evening alcohol (alcohol may help you fall asleep, but interferes with sleep continuity), and developing a bedtime routine.

REGULAR MOVEMENT: Physical activity has obvious health benefits. It decreases rates of anxiety and depression, reduces irritability, and improves sleep. Find physical activities that you enjoy, that you can incorporate into your day, and that you can stick with.

HEALTHY EATING: Work with a professional if you struggle with your eating habits. Make small changes incrementally and give yourself credit

when you achieve them. Not sure where to start? Start with increasing your water intake to eight 8-ounce cups of water daily.


PRACTICE RELAXATION: What works for you? Consider: calming breaths, yoga, mindfulness, music, nature, massage, or maybe meditation. It is normal to feel anxious about trying something new. Confronting those anxieties and fears will strengthen your resilience and allow you to feel more in control of your work and personal life.

FIND HUMOR! Laughing reduces stress and boosts immune response.

FOSTER RELATIONSHIPS: Meaningful relationships both inside the workplace and outside the workplace reduce stress and improve job satisfaction.

FIND MEANING: Remind yourself of what is important to you and what you value. Use this as a source of energy and motivation.

VALUE YOUR HEALTH: Keep routine appointments with your primary care physician. Reach out to a professional for mental health or substance use concerns. Are you a nicotine user? There are many effective treatments and medications to help with nicotine cessation.

Everyone responds to stress differently. Some people are innately very stress hardy; others are more vulnerable to the effects of a stressful workplace. Take an inventory of the impact that work stress has on your health. Challenge yourself to identify one intervention that you are willing to work on to reduce the negative impact of work stress in your life. 

Sarah Falgowski is a physician who is board certified in Psychiatry and in Addiction Medicine. She is the owner of Delaware Psychiatry and Wellness located in Wilmington. You can find out more about her practice at: www.delawarepsychiatry.com or contact her directly at delawarepsychiatry@gmail.com or (302) 588-2680.

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Improve Your Wellness by Improving Your Sleep

BY GRACE R. DENAULT, BA, RPSGT, RST, CCSH



Think back to the last time you talked with someone about how much sleep you (or they) got the night before. Were one or both of you boasting about how little it was? In groups, this frequently turns into folks trying to “win” by being the one who slept less than all of the others and still does “okay” through the day.

Historically we have lived in a culture that celebrates sacrificing sleep. There was a time in our culture when people boasted about how little sleep they get and still function well in the same way they boasted about how much they could drink and still “drive okay.” The good news is that just as our culture no longer views drunk driving as benign, attitudes towards sleep deprivation are starting to recognize the impairments bestowed upon us by sleep deprivation.

Science and, increasingly, society are no longer oblivious to the detriment on our functioning from sleep deprivation. Poor sleep is physically harmful to the body in the form of weakened immunity, decreased sex drive, increased risks for high blood pressure, diabetes, weight gain, and heart disease. Good quality and adequate quantities of sleep have been shown to be vital to maintaining optimal cognitive functioning, learning, establishing long term memories, complex decision making and reaction time,

not to mention mood and emotional coping skills!

Studies have found that in the United States over 100,000 motor vehicle accidents annually are related to sleep. Indirect costs related to sleep problems such as accidents, litigation, and property destructions are thought to be \$50 to \$110 billion annually. It is estimated that 40 million Americans suffer from chronic, long-term sleep disorders.

Fortunately sleep deprivation as a badge of honor is starting to fade away. We are starting to realize that even though we can “get by” on a few hours of sleep, we should not accept that any more than we accept “getting by” on french fries and ice cream as our only nutrition! Good sleep is finally becoming recognized as the third pillar of health, alongside good nutrition and good exercise.

So with all that being said, how can you improve your sleep? The first steps

Good sleep is finally becoming recognized as the third pillar of health, alongside good nutrition and good exercise.

are to develop good habits. Those of us in the sleep business call that “Practicing Good Sleep Hygiene.”

- Allow enough time to sleep seven to nine hours each night. Give it a good solid chance. Do not just try a night or two and give up. If you are used to a high fat, high sugar diet, it takes time to adjust to a healthier pattern. It is the same with sleep!
- Try to keep your bedtime and wake time consistent. No depriving yourself during the week and binge sleeping on the weekends.
- Remove as much technology from the bedroom as possible. Blue wavelengths of light from screens (phones, tablets, computers, TVs, etc.) are detrimental on a physical level to sleep.
- Avoid caffeine in the afternoon and evening. Even if it is not preventing you from falling asleep, it is likely decreasing the quality of your sleep.
- Regular exercise is fantastic for sleep, but save the vigorous activity for daytime. Exercise that calms you, like yoga, stretching, or a leisurely stroll are fine choices for close to bedtime.
- Ensure your bedroom is dark and cool and stress-free. That means no streetlights or lights; comfortably cool as opposed to chilly; no working, paying bills, or other stressful activities in the bedroom!
- Nicotine is a stimulant — avoid it the best you can particularly around bedtime.
- Alcohol may help you fall asleep faster, but the sleep will be very low quality. With sleep, quality is as important as quantity!
- If you cannot fall asleep (or back asleep in the middle of the night), leave the bedroom, do something calming and do not go back to bed until you are sleepy again.
- A wind-down routine before bed is key. It can be as simple as washing your face and brushing your teeth or it can be more involved including things like yoga, meditation, or deep breathing.

Famous disasters and major accidents associated with poor sleep include:

- Exxon Valdez oil spill
- Three Mile Island nuclear accident
- Chernobyl nuclear catastrophe
- Space shuttle Challenger explosion
- Union Carbide Bhopal gas leak
- NJ Turnpike auto accident that killed comedian James McNair and injured comedian Tracy Morgan
- Fatal USS John S. McCain and USS Fitzgerald naval accidents
- Fatal Metro North and NJ Transit train accidents

Once you have mastered “Good Sleep Hygiene,” you can try out some of the new ideas and technologies for good sleep:

- Science is still investigating the relationship between aromas and sleep. Lavender is especially thought to encourage relaxation and sleep. If you find a scent helps you to feel relaxed, go ahead and use it in your sleep routine.
- There is also a lot of research regarding sound and sleep. Of course, any jarring or agitating noise is not going to help. Many people find they fall asleep better with white noise, which is boring, subtle but consistent noise, like the sound of rain or a vacuum cleaner. On the other hand, many people find any noise, including these, prevent or disturb their sleep.
- A new sound technology that is getting attention is binaural beats. Different, imperceptible background frequencies are played into each ear. Certain frequencies are believed to affect your stress/relaxation levels.
- Trackers like FitBit can be helpful, but keep in mind they are not medically calibrated. You should treat their data as estimates. Also, ensure you do not allow yourself to become obsessed with the data and add stress to your life!
- If you are a gadget kind of person, there are all kinds of smart beds and smart pillows to check out.
- Of course, everything these days can have an app and that is no different for sleep. There are apps that you can use to track your sleep time, alertness, exercise, mood, and many other sleep-related factors. However, I personally like the apps that can help you relax like Calm and Breathe.

My favorite sleep aid is inexpensive and low tech: wearing socks to bed. Science has shown quicker sleep onset when people wear socks to bed compared to bare feet.

If you have tried the above and still find you are having difficulty falling asleep, staying asleep or staying alert through the day, then you may want to consider speaking to a health care professional to see if you have any symptoms related to a sleep disorder. Fortunately, Delaware has great sleep specialists throughout the state. 🧘

Grace R. Denault has been involved with Sleep Medicine for 30 years. She obtained her B.A. in Psychology from Johns Hopkins University, holds Registered Polysomnographic Technologist (RPSGT) credential #720, the Registered Sleep Technologist (RST) credential, and Certification in Clinical Sleep Health (CCSH). Her experience in sleep medicine includes front-line patient care, management, research, education, and legislative activities. She has worked on item development for national sleep technologist credentialing exams. She is an instructor at Delaware Technical and Community College and at University of Delaware Professional and Continuing Studies. She can be reached at info@academywellness.com.

Addiction: A Family Disease

BY ALICE R. O'BRIEN, MS, NCC, LPCMH

Your eighteen-year-old son, a formerly fun-loving and athletic young man has become angry, surly, and isolated from his friends and other family members ever since his emergency knee surgery last Fall. When you question his need for continued use of pain medication his reaction is volatile. Your wife, in-house counsel at a big corporation who has always happily shared work and home responsibilities with you, is now far less willing to do so. She is calling in sick at least once a week. She stays up long after the kids are asleep and polishes off a bottle of wine nightly. Your mild-mannered husband — a devoted spouse, dad, solo family law practitioner, and volunteer basketball coach — has recently become irritable, ill-tempered, and anxiety-ridden. He has lost his appetite and his nose is always red and runny. What do these folks have in common? The disease of addiction.

How is the term addiction defined? The old medical definition has two components. One is habituation — the need to use ever increasing amounts of the drug of choice to get the same effect. The other is withdrawal — what happens when the use of the drug stops. In the case of opiates it means dilated pupils, cramping abdominal pain, restlessness, and sweating. In the case of alcohol, it means symptoms that include nausea, headache, tremors, and possible seizures, while withdrawal from stimulants such as cocaine can result in difficulty concentrating, slowed thinking, vivid dreams, fatigue, and severe cravings.

Educating yourself about the disease of addiction is a kindness to both you and your chemically dependent loved one.

What can family members do to encourage their loved one to get help? Our first instincts are often counterproductive and informed by thoughts and feelings of denial, self doubt, anger, frustration, and a need to control or protect. Educating yourself about the disease of addiction is a kindness to both you and your chemically dependent loved one. Seek out a therapist who specializes in addiction for an initial consultation and further help if needed. Attend Al-Anon or Nar-Anon, the 12-Step support groups for family members of alcoholics and drug addicts.

Look for patterns of negative interaction between the chemically dependent loved one and you. When do episodes of drinking and drug abuse occur? How are you involved in the beginning, middle, and end of such episodes? Where do these episodes take place? How long are they and how often do they occur? Are you also under the influence when these episodes take place? Ask yourself what



changes in behaviors, actions, and attitudes you can employ to extract yourself from this unhealthy dynamic. Keep in mind that you did not cause your loved one's addiction. You cannot control or cure it. However, you may inadvertently contribute to it by engaging in unproductive dialog.

Over time, relating to a chemically dependent loved one can cause changes in the psyche of family members. The line between loving support and codependent enabling is not always crisp and clear. Those who are close to someone in active addiction often fall into a pattern of behavior that is harmful to them and to the addict. Here are some components of that pattern:

1. Feeling responsible for the loved one's bad decisions and behaviors.
2. Making the addict's happiness the priority at the expense of their own happiness.

Delaware Addiction Resources:



Delaware Al-Anon:

www.
delawarealanon.
org



Nar-Anon:

www.nar-anon.org



Alcoholics Anonymous:

www.delawareaa.
org



Delaware Crisis Intervention:

Northern
Delaware:
800-652-2929
Southern
Delaware:
800-345-6785



Delaware Bridge Clinics:

New Castle
County:
302-857-5060
Kent County:
302-255-1650
Sussex County:
302-515-3310



Substance Abuse and Mental Health Services Administration: 800-662-HELP (4357)

3. Protecting the addict from the consequences of his or her own behavior.
4. Making excuses for the addict's behavior to other family members and friends.
5. Putting the addict's needs above their own, resulting in self-neglect.
6. Pleasing the addict out of fear of abandonment.
7. Having difficulty in expressing their own feelings.
8. Focusing on fixing the addict instead of seeking help for themselves.
9. Agreeing to the addict's requests even when it violates their own morals and ethics.

The chemically dependent individual must learn to manage their own recovery from active addiction. Family members cannot do it for them and may in fact forestall the loved one's recovery by attempting to micromanage treatment.

**Keep in mind that you did not cause
your loved one's addiction. You
cannot control or cure it.**

What family members can do is support professional evaluation and treatment for their loved one and help research treatment resources. They need to agree upon boundaries and consequences for their loved one should he or she choose to reject professional treatment recommendations, adhering to the notion that one should never make an idle threat.

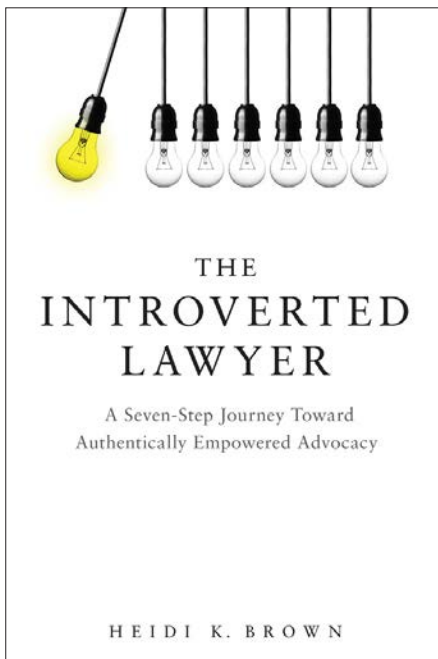
Family members can also help by: making their home alcohol-free and drug-free; engaging in new drug-free and alcohol-free family activities; setting healthy goals for eating and exercising together; and even finding a common interest to pursue together with their recovering loved one. It is crucial for the recovering loved one to change addiction-driven behaviors. Family members acknowledging and welcoming the loved one's changes for the better reinforces the recovering addict's efforts.

Self-care is the watch word for family members supporting a loved one's sobriety. An image often used in the treatment of family members comes from the standard advice flight attendants give passengers before take off. In case of emergency, put your own oxygen mask on before attempting to help another with theirs. ⚖️

Alice O'Brien, a master's level therapist licensed in Delaware, has been a Wilmington resident since 1977. In private practice since 2012, her areas of expertise include: chemical and process addictions; addictions and their impact on family members, trauma, loss and grief, chronic illness and life transitions such as divorce, job loss and relocation. She is also on the staff of Ashley Addiction Treatment, formerly Father Martin's Ashley in Havre de Grace, Maryland. She can be reached at aliceob@comcast.net.



I'm Okay, You're Okay



The Introverted Lawyer

By Heidi K. Brown
American Bar Ass'n, 2017

Are you an introvert or an extrovert? Is the legal profession geared towards introverts or extroverts? If you are an introvert, and many of us are, how can you cope and how can you succeed in a profession that seemingly rewards extroverted behavior? In her book, *The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy*, professor and former private practitioner Heidi Brown discusses what it means to be an introverted lawyer, and why being introverted does not doom someone to second class status in the legal profession. Indeed, in many ways, introverted traits can lead to superior lawyering. The issue is one of understanding.

How does one know if one is an introvert? We tend to think of introverts as being shy, but shyness (and social anxiety disorder) being introverted are different and one may be an introvert without being shy and one may be shy without being an introvert. Shyness is an extreme self-consciousness when one is around other people and a fear of rejection, ridicule, and embarrassment (social anxiety disorder, also called social phobia, which is estimated to affect 13 percent of the population, is an intense fear or terror of humiliation or embarrassment in relation to groups of people).

Introverts prefer to process information differently than extroverts. Extroverts prefer to think out loud and talk about problems and issues in groups. Introverts prefer to listen and to reflect and to think before they speak. They are careful in their choice of words, and are reluctant to interrupt others.

Given an introvert's natural proclivities, many legal tasks can be daunting. Negotiating sessions, depositions, oral arguments, legal team meetings — all of these routine legal functions would not seem, at least at first blush, to be a good fit for introverts. And, indeed, many introverts are uncomfortable or sometimes dread doing these things. At the same time, however, introverts often excel at other skills necessary for the successful practice of law, including good listening, analytical thinking, creative problem-solving, and legal writing. Yet despite these potential strengths, introverts often struggle because of the things they are uncomfortable with.

Enter Heidi Brown. In her book, Professor Brown offers hope and help for struggling introverts. Rather than telling introverts to “just do it” or “suck it up” or “push through it” — advice which, while well intentioned, is ultimately not helpful — Brown offers extensive practical advice and exercises for introverts to show them how they can succeed using the very traits of introversion that so many others would dismiss as a handicap. She would have introverts accept who they are and embrace their strengths.

Specifically, Brown offers a seven-step program of reflections and actions to help introverts work through their uneasiness and understand why they react the way they do. Rather than “just do it,” Brown wants introverts to learn who they

Introverts prefer to process information differently than extroverts. Extroverts prefer to think out loud and talk about problems and issues in groups. Introverts prefer to listen and to reflect and to think before they speak.

are and how to avoid holding themselves back. If this sounds like a “self help” book, that is because some of it is. Yet even if one is not an introvert, or does not feel the need for introspection and examination, there is much insight to be gained. Introverts work with extroverts. Extroverts work with introverts. Introverts work with introverts, and, to complete the square, extroverts work with extroverts. Just knowing the type of people you work with and the strengths and weaknesses of their personality types will lead to greater productivity and better outcomes.

Professor Brown closes her book with a quote from Stephen Hawking: “Quiet people have the loudest minds.” As

demonstrated in *The Introverted Lawyer*, there is no reason that introverts cannot succeed in the legal profession, and, indeed, in the long run, there is no reason why they cannot be as or more successful than extroverts. Like everything else in life, it just takes a certain amount of courage and understanding. ⚖️

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.



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Twenty-Ninth Delaware High School Mock Trial Program

BY THE MOCK TRIAL COMMITTEE

Cape Henlopen High School was the winner of this year's Competition, which was held on February 21 and 22, 2020 at the Leonard L. Williams Justice Center in Wilmington. This was the first win for a Sussex County school. Second place went to St. Elizabeth's, third place was won by Salesianum, fourth place by Wilmington Friends School, and fifth place by Wilmington Christian School. A total of 26 teams participated in this year's competition. The Co-Chairs of the Mock Trial Committee were Daniel M. Attaway, Esquire, and N. Christopher Griffiths, Esquire. The event was sponsored by the Delaware Law Related Education Center, Inc.

Students from each school spent two days arguing both sides of a simulated criminal case involving a death during a video competition. They presented opening statements, closing arguments and questioned "witnesses." The two finalists, Cape Henlopen High School and St. Elizabeth's, emerged after four rounds of competition. The most effective attorney for the final round was Madeline Betts and the most effective witness was Tanner Dade, both from Cape Henlopen High School. Lauren Wilson from Archmere Academy won the courtroom sketch artist contest.

Chief Magistrate Alan Davis, of the Justice of the Peace Court, presided over the final round. The scoring judges were: Chief Judge of the District of Delaware U.S. Bankruptcy Court Christopher Sontchi; Delaware Chief Deputy Attorney General Alexander Mackler; Delaware State University General Counsel Cleon L. Cauley Sr.; former Attorney General and retired

Superior Court Judge M. Jane Brady; and Garrett Moritz, Esquire a partner at the law firm of Ross Aronstam and Moritz. An Awards Banquet, sponsored by the Supreme Court of Delaware, was held after the Competition.

The 2020 Mock Trial Case Committee included Sean M. Brenneck, Esquire, Samuel L. Closic, Esquire, Lisa M. Grubb, Esquire, Francis "Pete" J. Jones Jr. Esquire, Kathryn S. Keller, Esquire, and Paul Sunshine, Esquire. The Committee organized the case material and helped coordinate the competition. Judge Paul R. Wallace, Superior Court, served as the Committee's Liaison to the Court. Pat Quann, Executive Director of the Delaware Law Related Education Center, coordinated lunches for both days. Thanks to our Scoring Room volunteers, DELREC Board Members Eileen Wilkinson and Barry Townsend, Chris Kenton, Marc Diesem, Linda McKinstry, Carol Anderson, and Spencer Harper. Thanks also to our Courtroom Artists Judges, Mark S. Vavala, Esquire, Susan Simmons and Mary Ann Miller.

Organizers thank the Delaware Supreme Court for their support, along with the Administrative Office of the Courts, including Sean O'Sullivan, Kevin Carroll, Esquire, and Ashley Tucker, Capitol Police, bailiffs and security officers for providing assistance during the two-day event, and the Delaware Bench and Bar, as well as the Delaware Paralegal Association, including Rose Green and Claudine Smith, for providing many of the volunteers that helped organize and operate the competition. DELREC also thanks Grotto Pizza for donating lunch for the teams on Saturday. 🍕

We are very grateful for the commitment of the following Attorney Advisors who gave so much help to our Mock Trial teams.

Wade A. Adams, Esquire	Kevin G. Healy, Esquire	Dan O'Connell, Esquire
Monil D. Amin, Esquire	Randolph K. Herndon, Esquire	James Pascoe, Esquire
Jody C. Barillare, Esquire	Ericka Fredricks Johnson, Esquire	Mackenzie M. Peet, Esquire
Matthew M. Bartkowski, Esquire	Parker M. Justi, Esquire	Susan B. Purcell, Esquire
Zach M. Berl, Esquire	Kyle Kemmer, Esquire	Hon. Brendon Linehan Shannon
April Collins Betts, Esquire	Rebecca Kidner, Esquire	Joseph Edward Sheridan, Jr., Esquire
A. Dean Betts, Esquire	Maria T. Knoll, Esquire	Kelly H. Sheridan, Esquire
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The Competition would not be possible without the support from our scoring and presiding judges from the Bench and the Bar. We also appreciate the law student volunteers from the Delaware Law School at Widener University. We are very grateful to Margie Touchton of Morris James LLP for recruiting and coordinating the following volunteers:

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Additional volunteers served as runners and bailiffs in the courtrooms. We are grateful to Rose Green, President of the Delaware Paralegal Association and the Pro Bono Coordinator, Claudine Smith for their coordination of the program. Volunteers came from the Delaware Paralegal Association, the Courts, the AOC, Wilmington University, the University of Delaware and the Delaware Law School at Widener University. Thank you to the following individuals who volunteered:

Nora Kohn	Michelle Morgan	Lorin Huerta	Jessica Argoe	Sarah Molaski
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Blood from a Turnip:

How Delaware's Misdemeanors Compound Poverty (and How to Fix It)

BY MERYEM Y. DEDE, ESQUIRE

People make mistakes. It is a fact of life as true as that the sun will rise tomorrow. Luckily, most mistakes are not life-altering. Certainly, that is how our state's criminal law is designed. Over 97 percent of criminal or traffic filings in Delaware in 2019 were for non-felony offenses.¹ Most of these misdemeanors and violations are not supposed to result in long-term ramifications — sentencing guidelines recommend instead that people be given a small fine or low-level probation,² and Delaware continues to develop new diversionary courts so that low-level offenders receive treatment rather than punishment.³ Many people who come through Delaware's courts move on to lead full and productive lives. However, others do not. Who can move on and who cannot often comes down to one thing: money.

It is not unique to Delaware that most of its criminal cases are misdemeanors. However, Delaware is unique in *how many* of these minor arrests it processes. There were more than 479,000 criminal or traffic filings in Delaware courts in 2019,⁴ and we in fact have the highest per capita misdemeanor arrest rate in the country.⁵ Our State's prominence in this regard cannot be explained by its size⁶ or geography.⁷ It is a unique attribute that is resulting in uniquely large problems.

Many defendants in Delaware leave the courtroom with financial obligations to the State that they have little hope of ever meeting. Most misdemeanor sentenc-

ing guidelines call for short-term sentences — even a violent Class A misdemeanor (the highest level of misdemeanor) has a presumptive sentence of only one year of probation for a first offense.⁸ Lesser offenses call for a fine-only sentence,⁹ and many misdemeanors and violations result in a \$100 fine or less. However, all sentences in Delaware also come with “court costs” and other fees. Where a defendant has hurt a victim in a way that costs the victim money, the defendant is ordered to pay restitution to recompense for the victim's loss. However, even where there is no restitution, defendants leave courtrooms owing large fees. These fees make it so that a \$100 fine can actually cost a defendant almost \$400 (see sidebar).

A defendant sentenced to probation (which comes with a \$200 fee) and no fine, is charged \$482. To receive a \$100 fine and probation would cost a defendant almost \$600. Lastly, all of these court costs are *per charge*. Therefore, a defendant sentenced to two crimes (even when they are from the same incident) is often charged around \$1,000 in court costs.

As lawyers, many of us would be able to foot these bills without much trouble — not so for many of our fellow citizens. A U.S. Federal Reserve Report found that 27 percent of Americans would have to borrow or sell something to pay for an unplanned \$400 expense, and 12 percent would simply be unable to cover the expense at all.¹⁸ It is a safe assumption that, mirroring the rest of the country, a large percentage of Delawareans would not be able to afford an unexpected \$400 or \$500 expense. In fact, our poverty rate is above the national average, and Delaware was one of only two states to report an increased poverty rate in 2018.¹⁹ Defendants are not asked their ability to pay court debt before it is levied on them.

Were these unpayable expenses civil judgments, there would be no problem — such debtors are simply “judgment-proof.” However, criminal law is not as forgiving, and it has tools civil law does not. When people cannot pay their criminal and traffic court debts, they can be issued late fees, their driver's licenses can be indefinitely revoked, their business licenses can be revoked, and they can receive arrest warrants.²⁰

\$100 Fine

- + \$135 “Non-Jury Trial Fee”¹⁰
- + \$10 Court Security Assessment¹¹
- + \$1 Videophone Fund¹²
- + \$1 DELJIS Fund¹³
- + \$15 Fund to Combat Violent Crimes¹⁴
- + \$10 Volunteer Ambulance Company Fund¹⁵
- + \$10 Victim Compensation Fund¹⁶
- + \$100 Public Defender Fee¹⁷

= \$382

Consider the wisdom of these measures. Late fees are charged to individuals *who already have not been able to pay their debts*, and revoking business and drivers' licenses often *effectively forecloses the ability of these individuals to earn income to pay off their debt*. In 2017, Delaware suspended 20,679 driver's licenses for failure to pay court-ordered fines and fees.²¹ Delaware Courts currently have no statutory mechanism for forgiving such debt.

It gets worse. In 2017, Delaware issued 44,889 warrants for failure to pay, with an average of \$338.55 owed for each warrant.²² And in just the first six months of 2018, 129 people were sentenced to prison in Delaware purely for failing to pay Delaware court-ordered fines and fees.²³ Of total prison²⁴ admissions in the same time period, 12.5 percent of all admissions had at least one charge of failure to pay.²⁵ The majority (69 percent) of failure to pay prison-admissions were from charges in the Court of Common Pleas, a misdemeanor court. Only 7 percent were from Superior Court, which has jurisdiction over felonies.²⁶ Our state is *spending* money to punish these people, and while incarcerated such debtors obviously have little or no ability to earn income to pay off these bills.

Exacerbating the inequity of this system, some of these fees are not accurately tracked or have actually been documented as having been illegally spent. Most all of the costs added to criminal and traffic citations in Delaware have specific funds that they support.²⁷ Most support vital components of our society — everything from some financial support for the police through the Fund to Combat Violent Crimes,²⁸ to tools for the entire justice system through the Videophone Fund.²⁹ At the end of last year, the Town of Newport was found to have been diverting money earmarked for the Victim Compensation Fund, which is collected as an 18 percent surcharge on all criminal and traffic cases.³⁰ Newport had diverted over \$100,000 over the course of several years

Many people who come through Delaware's courts move on to lead full and productive lives. However, others do not. Who can move on and who cannot often comes down to one thing: money.

from the Victim Compensation Fund to instead cover its own city expenses.³¹

To look at just one other example, \$100 is added to every defendant's court costs if a court-appointed attorney represents her. This is often referred to as the "Public Defender's Fee." Unlike other named fees, this expense does not actually directly fund the Public Defender's Office. Instead, it is directed into the State's General Fund.³² Delaware Courts each fiscal year are required to report to the State Auditor how much they assessed in Public Defender Fees, how much was collected, and any unpaid assessments.³³ Quizzically, in 2019, the Court of Common Pleas reported that it assessed \$223,870 in Public Defender Fees.³⁴ In fact, for the past three years *almost every*³⁵ court in Delaware has reported, according to the State Auditor, Public Defender Fees not divisible by \$100. When asked, the Auditor's Office provided no explanation for this discrepancy.³⁶

Luckily, this small state's giant problem has a solution. Currently pending in the General Assembly is Senate Bill 39, which as written last year promises to make five key changes to our state's debt system:

1. Allows judges to analyze a person's ability to pay before issuing fines and fees and allows for the waiving of costs where appropriate.³⁷
2. Ceases the suspension of drivers' licenses for inability to pay court fines and fees.
3. Bans the issuing of late fees for unpaid court fines and fees.
4. Requires municipalities, law enforcement agencies, and the courts to track and disclose how much of their budgets come from court fines and fees.

5. Creates a consolidated system by which people can see how much they owe in court costs and easily make payments.

SB39 is a commonsense approach to most all of these problems. Especially now that COVID-19 has put at-risk communities at even

greater risk of health and financial troubles, it is important to advocate for changes so that next time our society is tested, we will be better prepared. These policy changes would help eliminate a system where individuals are caught in a Dickensian nightmare of ever-increasing debt and ever-decreasing ability to pay. They would help the courts return to their core purpose of sentencing: imposing fair punishment on individuals tailored to the crimes they committed. And they would allow these individuals to pay for and move on from their mistakes, and in doing so, move on with their lives. 🍎

Notes:

1. Administrative Office of the Courts, The 2019 Annual Report of the Delaware Judiciary, <https://courts.delaware.gov/aoc/AnnualReports/FY19/doc/AnnualReport2019.pdf>. For purposes of these statistics, all Family Court criminal filings were considered felony-offenses, as Family Court did not include in its annual report a breakdown of felony versus misdemeanor filings.
2. Delaware Sentencing Accountability Commission, Benchbook 2020, <https://cjc.delaware.gov/wp-content/uploads/sites/61/2020/02/Benchbook-2020F.pdf> (hereinafter "SENTAC").
3. E.g., Department of Labor, First Phase of Community Court Launched (Aug. 19, 2019), available at <https://news.delaware.gov/2019/08/19/first-phase-of-community-court-launched/>.
4. Administrative Office of the Courts, The 2019 Annual Report of the Delaware Judiciary, <https://courts.delaware.gov/aoc/AnnualReports/FY19/doc/AnnualReport2019.pdf>.
5. Alexandra Natapoff, Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal, 42-43 (2018).
6. Wyoming (smallest population) is ranked twenty-two out of fifty-one states and the District of Columbia, and Rhode Island (smallest geographic size) is ranked thirty-seven. *Id.*
7. Our neighbors Pennsylvania, Maryland, and New Jersey rank thirty-nine, twenty, and eleven, respectively. *Id.*
8. SENTAC at 75.
9. E.g., A first or second offense Class B misdemeanor has a presumptive sentence of "Fine, Cost, Restitution Only," and the most common recommendation is a flat \$100. SENTAC at 85. While there are some exceptions, e.g., 21 Del. C. §4177(d)(1) (driving under the influence comes with a \$500 mandatory minimum fine for a first-offense), most criminal and traffic fines are \$100 or less.

10. This is how much Delaware's Court of Common Pleas charges. CCP Crim. R. 58(A)(1)-(2); see also 10 Del. C. § 8504 ("A court may, in its discretion, make a reasonable allowance for any service not expressly provided for[.]"). In the Court of Common Pleas, Defendants are charged a \$135 fee if they are on a jury trial calendar, even when they do not have a trial. If at arraignment a defendant waives their constitutional right to a jury trial, they are instead charged a \$55 "non-jury trial fee." In this way, our Courts encourage people without means to waive their constitutional rights. CCP Crim. R. 58(A)(1)-(2). These fees may be more or less, depending on the court. See e.g., Sample Traffic Cases, Fines, Costs and Statutory Assessments, <https://courts.delaware.gov/help/traffic/SampleTrafficCaseFinesCostsAndAssessments.pdf>.
11. "All state courts shall assess as part of court costs a supplemental court security assessment not to exceed \$10 on each initial [charge] for which

- there is a conviction or finding of delinquency or responsibility, or voluntary assessment paid." 10 Del. C. § 8505(a). The assessment funding shall be deposited in a Court Security Fund, maintained separately from the General Fund of the State, and shall be used to "provide supplemental funding for personnel, equipment and/or training expenses related to judicial branch security." *Id.* at (b). See also CCP Crim. R. 58(A)(8).
12. Fees are deposited into a "Videophone Fund," which is administered by the Criminal Justice Council to "cover line charges, maintenance costs and purchase and upgrade of videophone systems used by state and local agencies in the criminal justice system." 11 Del. C. § 4101(d).
13. Funds are paid to the prothonotary or clerk of courts, who transmits the money to the State Treasury, where it is deposited into a "DELJIS Fund." 11 Del. C. § 4101(f).
14. One half of collection is distributed to the Department of Safety and Homeland Security "for

- use in connection with initiatives to combat violent crime." 11 Del. C. § 4101(h)(1). The other half is "distributed to local law-enforcement agencies for use in connection with initiatives to combat violent crime." 11 Del. C. § 4101(h)(2).
15. The Volunteer Ambulance Company Fund is administered by the State Fire Prevention Commission and pays moneys directly to volunteer ambulance companies in the State. 11 Del. C. § 4101(j).
16. A 18 percent penalty or \$10 per offense of conviction is added to "any criminal defendant or any child adjudicated delinquent" and deposited in the Victim Compensation Fund. 11 Del. C. § 9016(a-b). See also Fam. Cr. R. 32(h) (imposing 15 percent fine on adults).
17. "Each court of this State shall assess an administrative fee in the amount of \$100 against any defendant on whose behalf an appearance is made by the Office of Defense Services... This fee shall be payable even though the criminal proceedings do not result in conviction but are instead terminated by a guilty plea, nolle prosequi or order of the court." 29 Del. C. § 4607. This money is deposited into the State's General Fund. *Id.* at (f).
18. Board of Governors of the Federal Reserve System, Reports on the Economic Well-Being of U.S. Households in 2018, 2 (May 2019) <https://www.federalreserve.gov/publications/files/2018-report-economic-well-being-us-households-201905.pdf>
19. Jessica Bies, Delaware is One of Only Two States Where Poverty Rate Went Up, The News Journal (Sep. 18, 2018), <https://www.delawareonline.com/story/news/2018/09/18/delaware-one-only-two-states-where-poverty-rate-went-up/1335395002/>.
20. Judicial Branch Fiscal Policies And Procedures, (Aug. 12, 2015), <https://courts.delaware.gov/aoc/operating-procedures/op-budget.aspx#fiscal>.
21. Reports provided by Katherine Parker, formerly with the Delaware Center for Justice, on file with author.
22. Reports provided by Katherine Parker, formerly with the Delaware Center for Justice, on file with author.
23. Report provided by the Delaware Department of Correction, on file with author.
24. "Prison" here refers only to "Level V" Detention Centers. Information on Level IV admissions is not available.
25. *Id.*
26. *Id.*
27. Supra notes 10-17.
28. Supra note 14.
29. Supra note 12.
30. Cris Barrish, Delaware Town Diverts Money Meant for Crime Victims to Pay Other Bills, WHYY, October 15, 2019, <https://whyy.org/articles/delaware-town-diverts-money-meant-for-crime-victims-to-pay-other-bills/>.
31. *Id.*
32. 29 Del. C. § 4607
33. *Id.* at (g)
34. Report provided by the Chief of Staff of the Delaware Auditor of Accounts, on file with author.
35. The Justice of the Peace Courts, in which Public Defenders and court-appointed counsel do not appear, reported no assessments in 2019 and 2018, although they did report assessing \$22.50 in Public Defender Fees in 2017. *Id.*
36. Email on file with author.
37. SB39 would not affect how restitution is paid to victims — it would only allow judges to waive court costs outside of direct victim compensation.

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HUNGRY *for* RITUALS

Last month my undergraduate alma mater, Ursinus College, held a virtual “benefit and bash” to support its student emergency fund. Like many other spring galas and fundraisers, this event was shifted to an online format. Over the course of several hours, I tracked and bid on a few items, all for a good cause. My stick-to-itiveness paid off as I won something very special — a collection of writings by former Ursinus President, Dr. John Strassburger.

President Strassburger was inaugurated in 1995, my first year of college, and served for over 15 years. He retired in 2010 due to health reasons and passed away shortly thereafter. A distinguished scholar, President Strassburger held an undergraduate degree from Bates College, a master’s degree from Cambridge University, and a Ph.D. from Princeton University. He was kind and down-to-earth, inviting seniors to picnic at his home before graduation festivities.

With more time on my hands for reading and reflection, I dove into my new treasure — President Strassburger’s “series of occasional papers” (seven in total). The first paper’s theme is “Education for Self-Reliance, Responsibility and Hope.” His theses ring true today, decades after he penned them, especially in light of the coronavirus pandemic. The first paper concludes as follows:

“...as our alumni know, rituals at Ursinus are important...Rituals make passages of awareness, where stronger, wiser selves replace the narrower ones we were. They reaffirm that the experience of education is a progress of the whole self in which everything moves together, not just a few of the parts. It is as much about forming habits of the heart as it is about forging tools of the mind. Finally, rituals also affirm that we are nourished by the past in order to contribute to something that extends into the future. Celebrations of memory, they are also acts of hope.”

According to the Cambridge Dictionary, a ritual is “a set of fixed actions and sometimes words performed regularly, especially as part of a ceremony.” This sounds a lot like a routine. When I searched for the definition of routine in the same source, I found that it is defined as “a usual or fixed way of doing things.” What, then, is the difference? It seems to me that intent (tort, anyone?) distinguishes the two.

During this time of uncertainty, many of us have discovered new rituals or have reacquainted ourselves with old ones. Walking the dog, engaging in morning meditation, or calling an elderly relative may be among your “habits of the heart” or “tools of the mind,” as President Strassburger described them. Our hearts and minds are hungry for these rituals these days. And, if we extend these actions into the future, beyond this time of crisis, they should continue to provide the “nourishment” we crave.

For more on nourishment, I share a recipe that I consider a ritual. This is one I shared years ago when I started writing this column. I do not need to look at the recipe anymore — the ingredients are easy to remember, and so much depends on “feel.” In fact, if you pull out the old version, I guarantee you will notice refinements, tweaks, and adjustments. All of us have made those in the last few months. 🍴



Susan E. Poppiti is a mathematics teacher at Wilmington Friends Upper School and provides cooking instruction through La Cucina di Poppiti, LLC. Susan can be reached at spoppiti@hotmail.com.

RICOTTA GNOCCHI

Ingredients

- 1 32 ounce container of whole-milk ricotta
- 2 large eggs
- 1 cup grated Parmesan cheese
- 1 teaspoon salt
- 2 cups flour plus ½

Instructions

In a large bowl, mix the ricotta, eggs, and Parmesan. Add 2 cups of flour to the mixture and check the consistency by rolling a small piece in your hand. The dough should be somewhat sticky, but most of it should not stick to your hand.

Sprinkle flour on a baking sheet, on your work surface, and on your hands. Add more flour to the mixture, a bit at a time, until you are able to roll the dough on the floured surface without it sticking to your fingers. Take a small handful at a time, and roll it into a cylinder about ¾ of an inch thick. Use a sharp knife to cut the cylinder on the bias into ¾ inch long pieces that resemble small pillows. As you cut the gnocchi, place them on the baking sheet. Place the baking sheet in the freezer until the gnocchi are frozen. Repeat this process with the remainder of the dough. Remove the gnocchi and store them in a freezer bag in the freezer. This makes them easier to cook.

When you are ready to cook, bring a large pot of water to a rolling boil. Add a pinch of salt to the water and about half of the gnocchi. Gently stir the gnocchi to ensure they do not stick together. Using a slotted spoon, remove the gnocchi when they rise to the surface and transfer to a serving platter. Repeat this with the remainder of the batch, toss the gnocchi with your sauce of choice, and serve immediately.

Pair with a nice red or rosé.

I hope your rituals bring you nourishment this June and beyond. Be well.

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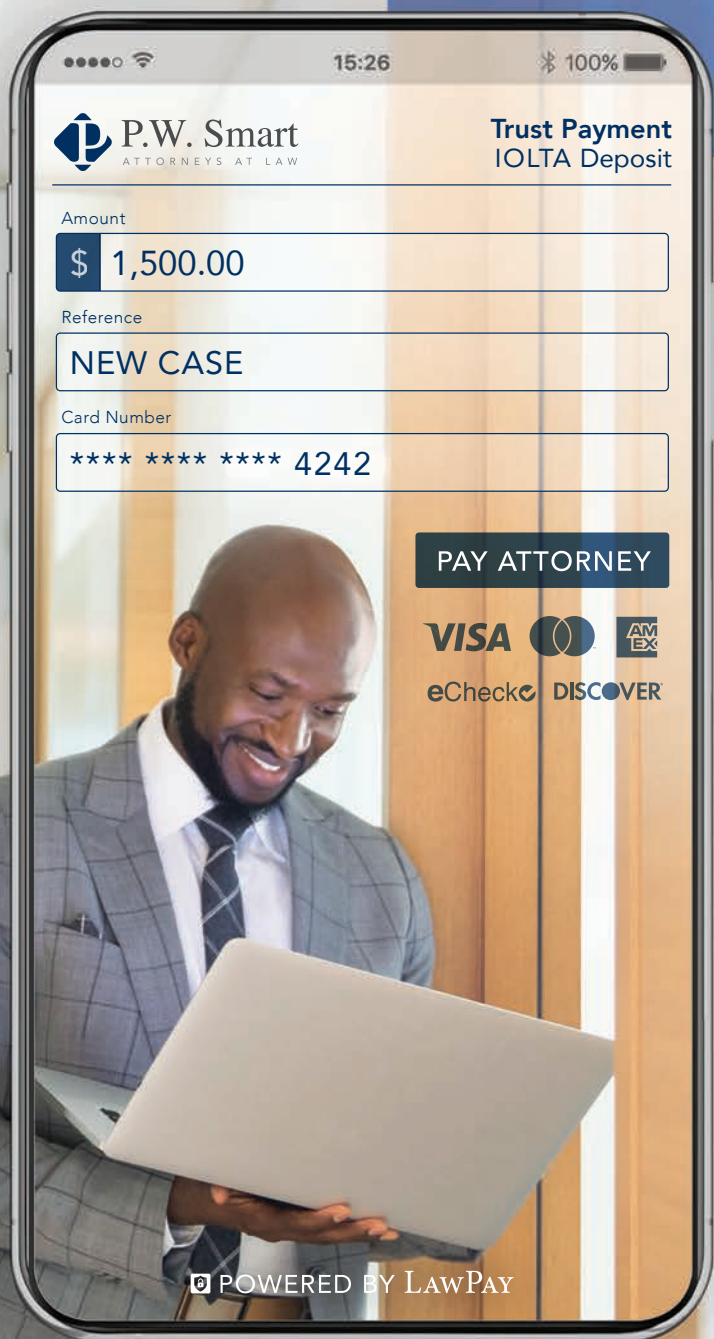
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10 GOOD THINGS

Happening During the COVID-19 Pandemic

BY VICTORIA R. SWEENEY, ESQUIRE

While the coronavirus pandemic may seem to have cast a cloud of melancholy over the globe, our humanity shines through in simple acts of kindness and gives us signs of hope — especially in Delaware.

1 Donate Delaware: What started out as two friends from Newport wanting to help one hospital has quickly become a state-wide effort to collect PPE for multiple hospitals, first responders, nursing homes, and those in need. To date, Donate Delaware has provided thousands of PPE and gallons of hand sanitizer to our frontline workers and those who are homeless. For more info, visit www.DonateDelaware.org.

2 Drive-By Parades: From celebrating birthdays to thanking our teachers, drive-by parades have become a highlight of quarantine-life. If you haven't been a part of one, I highly recommend it. Not only will you be a part of a special memory the honoree will remember forever, but the look of delight and appreciation on his or her face will be enough to brighten your spirits for days on end.

3 #GOODNEWS: The Cape Gazette is inviting readers to submit uplifting stories, photos, and videos. In one feature, a Milton couple implemented Monty Python's famous "The Ministry of Silly Walks" sketch outside of their home, inviting passersby to give it their best shot. Visit www.capegazette.com for more #goodnews stories.

4 Increase in pet adoptions and fostering: The Brandywine Valley SPCA saw a spike of adoptions and fostering, seeing as much as a 33 percent increase in adoptions and 50 percent increase in fosters compared to this time last year. Other local rescues are having similar experiences. Just three weeks ago, my boyfriend and I adopted a black lab puppy from Renee's Rescue's Inc., based in Hockessin, and the founder told us that their animals are leaving for their "forever" homes as fast as they are coming in to the rescue!

5 10,000 PB&J Sandwiches: Through organization efforts of one Wilmington woman, Louise Eliason, a group of 120 volunteers provided nearly 10,000 PB&J sandwiches to the Emmanuel Dining Room in just one weekend. She has since created an entire protocol for neighbors and community members to safely donate sandwiches, cookies, and snacks on a weekly basis, helping to feed thousands of people in northern Delaware.

6 "You Got This!": Uplifting chalk art is everywhere — from Villages of Five Points in Lewes to Midtown Brandywine and the Triangle in Wilmington, and everywhere in between — just take a walk outside and you are bound to see a beautiful message of hope.

7 COVID Chronicles Delaware: The Delaware Historical Society is asking for people to reflect on their experiences during this time, capture them through writing, art, image, or song, and submit online through an easy-to-use form. So far, my favorite story is "The Flying Zambini," featuring a determined squirrel. For more info, visit www.dehistory.org/covid-chronicles-delaware.

8 Heroes and Restaurants: One Newark woman started a simple text chain with friends, asking for help to feed Christiana Hospital's ER Department. The overwhelming response led to a GoFundMe campaign, and grew into a non-profit organization that focuses on delivering meals to all kinds of heroes throughout the state — healthcare workers, firefighters, volunteers, long-term care facilities, and other community organizations — while supporting local restaurants. Visit www.westsidegrows.org/business-and-jobs/heroes-restaurants/ for more info.

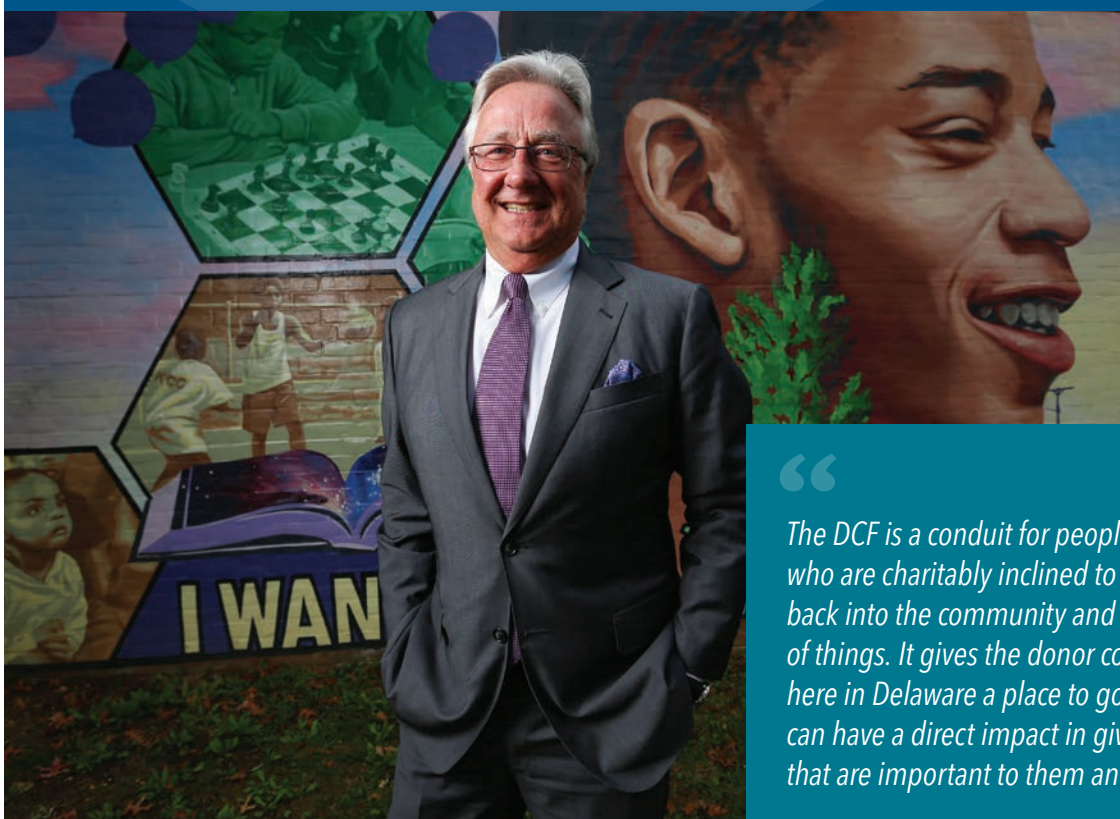
9 2020 Graduate Spotlights: Personalized yard signs, banners, cookies — you name it, people are doing anything and everything to make 2020 graduates feel the love. One group of individuals has organized a joint prom for all New Castle County seniors in December 2020, calling the event "2020 We're In This Together, New Castle County Joint Prom." See Facebook and Eventbrite for more details.

10 One Cool Wine Ship: Franks Wine, located in Wilmington, is inviting local food service workers to be a "crew member for the day," serving as greeters, hand sanitizer sprayers, and curbside carry-out runners. During a shift, the service worker receives tips, and his or her family, friends, co-workers, and customers receive a discount on all libations during the shift.

As Albus Dumbledore of the *Harry Potter* series once said, "Happiness can be found even in the darkest of times, if one only remembers to turn on the light." ☺

Victoria Sweeney is a Deputy Attorney General at the Delaware Department of Justice and can be reached at Victoria.Sweeney@delaware.gov.

Advisor to philanthropists. Trusted partner and resource to professional advisors.



TO LEARN MORE, PLEASE CONTACT:

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