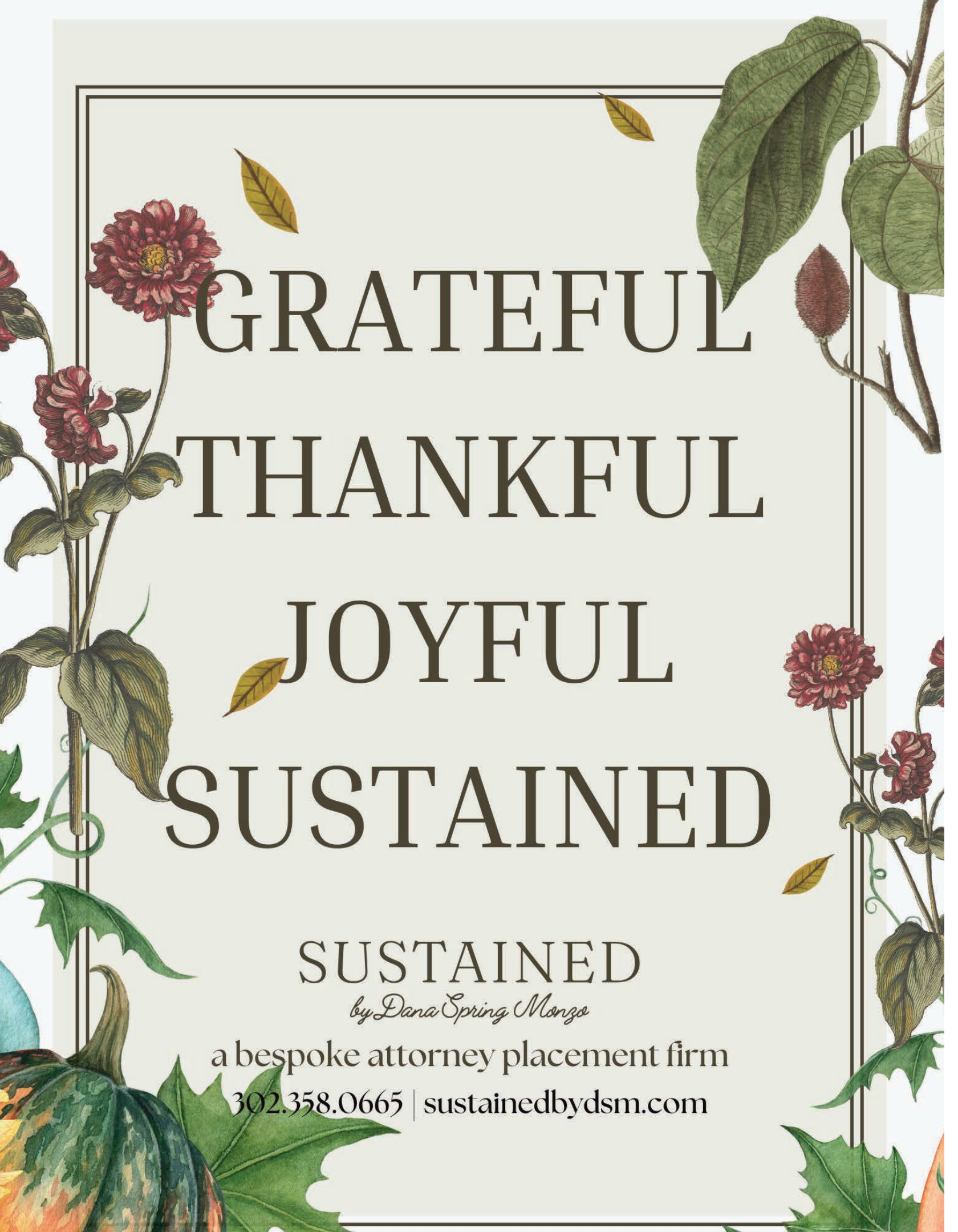




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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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The Benefits of Active Membership in the DSBA

I am privileged to be a member of the DSBA and to serve as its President this year. With this *President's Corner* column, I am borrowing from recent remarks of the President of the Maryland State Bar Association, Marisa A. Trasatti, Esq., to encourage Big Law and in-house Corporate Counsel colleagues to join the DSBA and help lead us into the future. In an era when legal expertise is as much about community as it is about individual achievement, active participation in professional organizations such as the DSBA isn't just advisable, its essential for both law firms and in-house counsel.

Legal professional organizations like the DSBA are far more than social clubs. They offer dynamic and diverse communities that cultivate legal excellence, where innovation thrives, knowledge is shared, and the practice of law evolves. Through regular educational events, leadership opportunities, and policy advocacy, legal organizations like the DSBA help equip members to stay ahead of the curve, especially with rapid advances in legal technology and emerging areas of the law such as privacy, cyber security and artificial intelligence.

One of the most undervalued benefits of active membership in the DSBA is the opportunity to engage directly with Delaware's world-class judiciary and with lawyers from all sides of the aisle—plaintiff and defense, appellant and appellee, prosecution and defense, and private practice and public service. These frequent collegial interactions help foster civility, help



At the Kalmar Nykel during the 2025 Mid-Atlantic Bar Conference.

reputations for fairness and respect. Such skills are not only vital in the courtroom and boardroom, they are also essential for long-term career success and client trust.

Technological change is constant, and legal organizations like the DSBA serve as hubs for learning about new tools and platforms before they become the norm. Through the DSBA's excellent and

engaging CLEs, expert panel discussions and presentations, Delaware lawyers discover and implement best practices well beyond what is available through internal office and firm programs. Relying solely on internal office and firm CLEs risks insular thinking; expanding to a diverse network like the DSBA helps ensure you are at the forefront of the legal profession.

Active involvement in the DSBA also fosters invaluable relationships across the industry. For lawyers, these networks open doors to mentorship, business development, referrals, and collaboration, sometimes leading to pivotal client introductions that would never occur through internal networking alone. For in-house corporate counsel, membership in the DSBA offers access to thought leadership and peer benchmarking with other legal departments. Equally, in-house corporate counsel benefit from direct connections with Delaware's top law firms and legal innovators, fueling mutual growth and opportunities to meet outside counsel.

Professional organizations like the DSBA also teach and reward leadership: serving on the Executive Committee, individual Sections and committees, spearheading projects, or presenting at CLE events builds skills and a reputation that cascade through a member's career. This visibility for Delaware lawyers and their law firms not only bolsters credibility with clients but also attracts business partners and enhances marketing opportunities. Law firm lawyers can

market their practices directly to corporate decision-makers, while corporate counsel can showcase their expertise to the broader legal community and get to know their outside counsel in a setting beyond the courtroom or conference room.

Perhaps most tangible, joining a legal organization like the DSBA means entry into a robust referral ecosystem. Recommendations and introductions, often the gold standard in the legal world, can lead to new clients and additional business. The investment in membership is returned many times over through the business and opportunities generated from trusted peers.

Legal organizations like the DSBA also help combat the risks of inward-focused practice. Membership in the DSBA encourages discourse on broader industry trends, exposes members to innovative ways of thinking, and promotes professional, ethical standards and collective growth. Lawyers who remain entirely within the firm or office can

risk stasis, missing out on critical shifts in the law and the broader market. From my perspective, relying exclusively on in-house CLEs and internal networking is just not enough.

For Big Law and in-house Corporate Counsel alike, the question isn't *why join* and be active in the DSBA—it is *whether you can afford not to*. You belong here and we welcome your help to lead us into the future. ⚖️

David A. White is the 78th President of the DSBA. He is a former Superior Court Commissioner and former Managing Partner of McCarter & English, LLP. From March 2021 to November 2024, he served as Chief Disciplinary Counsel, an Arm of the Delaware Supreme Court. He is currently working as a Professional Neutral at Delaware ADR (www.delawareadr.com/).

SOME OF THE WAYS DSBA MEMBERSHIP BENEFITS YOU!

The Bar Journal

DSBA's monthly publication features columns from the DSBA President, as well as regular articles on ethics, technology, practice tips, profiles, and news. Subscription is included with your membership.

Social Events

DSBA Events and Socials connect you with other attorneys, members of the Bench, and others in the community.

Sections & Committees

DSBA membership allows you to participate in the Association's many Sections and Committees. These active groups provide leadership opportunities and a great forum to share ideas, improve your practice and help shape the legal profession.

CLEs at Member Rates

Every year, the DSBA offers quality CLE seminars live at our office in the heart of downtown Wilmington and webcast to Kent and Sussex Counties.



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AI vs. AI

Artificial Intelligence (AI) provokes mystery, fear, and confusion in me, as I imagine it does for many of us who are not “digital natives.” I think back to my father’s struggles trying to grasp the concept of, and actually use, a VCR (a “Video Cassette Recorder” for the younger audience). “*Is this thing recording?*” he would ask, as my siblings and I watched and laughed. My sisters, then teenagers, used it effortlessly, never missing a single episode of “General Hospital.” When my dad was their age, the transistor radio was just coming into wide use.

I have much more empathy today for my father, because as those insurance commercials remind us, we can’t help but turn into our parents. As I attempt to grasp this new technology, and put it to use professionally and personally, I think back to that VCR, and I now regret laughing.

My ignorance rings through loudly as I hear myself saying things like, “*Does the Defendant have a page on the Facebook?*” Or “*Should we be using this AI stuff like other firms are?*” My younger associates are more polite than I was—they laugh at me outside of my presence. But just about every attorney I know is asking the same question—should we be utilizing more AI in our practice of law? Can it benefit our clients? Can it make our lives easier?

I am struggling with these questions, as I try to get up to speed on how best to use the VCR of our era. But I have witnessed and participated in the rise of AI before, so I should be able to do it again, right? Let me explain.

I am a huge basketball fan. One of my greatest sports memories happened in 2001, when the Philadelphia Sixers made it to the NBA finals. A barely six-foot guard spearheaded that amazing run. Fans called him “AI.” The Sixers drafted Allen Iverson in 1996, and before long, he was referred to as “the Answer.” Before AI arrived, the Sixers had struggled for too many losing seasons with poor draft choices, abysmal play, and bad coaching.

AI changed the game in Philadelphia, and arguably throughout the league, for generations to come. Philly had been home to sports stars before, but AI became a star like no other the town or the league had ever seen. Iverson revolutionized the image of the game. His style of play astounded basketball fans. Opponents feared his scoring potential. He changed his profession, just like the AI permeating the legal profession today.

The similarities are there. AI came into the NBA like a storm, slashing and driving to the basket. He infamously crossed up Michael Jordan, and boosted a struggling team immediately. He seemingly showed up out of nowhere, and took no time

The bad. Allen Iverson did what he wanted, when he wanted, and how he wanted. Because of his talent and success, he seemed to exempt himself from certain accountabilities. AI will forever be known for his comments about practice; whether he was late or missed practice altogether sometimes did not matter to him, if he gave everything he had in the game. He prompted debates among basketball fans about the application of the traveling offense, and whether he pushed its limits. He played by his own rules.

Off the court, AI's style did not always resonate for many fans. But for many, many others it did. They got him. AI opened the door to the future of the NBA we now recognize today. But it came with growing pains. The NBA commissioner punished Iverson frequently, including for violating the league's dress code. We're also witnessing growing pains with the rise of Artificial Intelligence in our profession, with attorneys being censured for not verifying AI's accuracy. The censures will not stop AI, but rather should force attorneys to pause and recognize its current shortcomings. It will also prompt AI companies to improve their product.

Back in 2001, it seemed like no opponent could stop AI. But in the Finals, the Los Angeles Lakers, the overwhelming favorites, recovered after that first game. The Lakers went on to win four games straight to end the Sixers hopes at a title. Two of the greatest players ever, Shaquille O'Neill and Kobe Bryant, proved too much for the 6-foot, 160-pound AI. I saw a T-shirt recently with a picture of Iverson doing his signature cross-over dribble. The caption—"The Other AI is Coming for your Job." It made me smile as I remembered the 2001 finals run. It also reminded me that AI is coming for our profession. But with education and training, we can turn it into a valuable tool for our practice. ⚖️

Bar Journal Editor **Jason C. Powell** is the managing member of the Powell Firm, LLC. He can be reached at jpowell@delawarefirm.com. All opinions expressed are solely his own.

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before landing all over the national sports headlines on a daily basis. Likewise, AI suddenly is a star topic in every legal publication, a prominent part of any CLE, and the showcase among any number of products and subscription services available to law firms.

You may not have liked or understood Allen Iverson, but because of him, Sixer games sold out, even on the road. You had to see what he was about—good and bad.

The good. The next 10 years or so came to be known as the AI era in Philly. AI took rookie of the year honors. The Sixers started winning, and making the playoffs, and eventually went to the NBA Finals. They even won the first game of that series, led by Iverson and his cast of role players.

In our profession, AI can cut down on work, promote efficiency, and save time for our clients. It can allow more time for a better life balance, or allow you take on more clients and make your firm more profitable (if you are into that kind of thing). AI is a superstar. It cannot be denied. I'm sure as you already recognize, you owe it to yourself to find out if it can aid your practice of law.

QUESTION OF THE MONTH



WAS THERE A **CASE** THAT LEFT A LASTING IMPRESSION ON YOU?

The Honorable William Witham: I recall a case while I was sitting on the bench as a Superior Court Judge involving a prosecution of a criminal defendant on a delivery of marijuana charge. His attorney approached the evidence table and grabbed a large bag of marijuana whereby he promptly dropped it on the floor, dispensing marijuana leaves and residue throughout the courtroom. I, of course, had to declare a mistrial.

Wayne N. Elliott, Esquire: When I first started practicing law, I did insurance defense work. In one of my early cases I represented a trucking company whose driver had, for a reason I have forgotten, blocked a New Castle County roadway. The plaintiff, an elderly man, drove his pickup truck into the side of the truck. He suffered acute but no serious long-term injuries. I have no recollection of the settlement discussions. The case went to trial before a 12 person jury, at that time contributory negligence was a complete defense. The plaintiff admitted he had had a beer or two at a local bar prior to the accident. I harped on that fact until the jury was probably sick of hearing about it. The jury returned what I recall a modest verdict for the plaintiff. I was devastated. The plaintiff, who was probably 2 1/2 times my age, was waiting for me outside the courthouse. To my best recollection he said to me: "I know you are disappointed with the result. You worked hard, however, and I want you to know that the money will mean an awful lot to me." In retrospect I am glad he got the money toward the end of his life.

Next month's question will be: *What did you want to be when you were younger?*
If you have a response you would like to submit for the Question of the Month, please contact Danielle Bouchat-Friedman at dbouchatfriedman@dsba.org. 

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CALENDAR OF EVENTS / CLEs

November 2025

Thursday, November 13, 2025 • 9 a.m. - 12:15 p.m.

Supreme Court Review 2025

DSBA Office

Tuesday, November 18, 2025 • 8:45 a.m. - 12:15 p.m.

Recent Developments in Technology Law

DSBA Office

Friday, November 21, 2025 • 8:30 a.m. - 12:45 p.m.

Rubenstein-Walsh Seminar

Riverfront Events

December 2025

Tuesday, December 2, 2025 • Noon

DSBA Awards Luncheon

Riverfront Events

Saturday, December 6, 2025 • 9 a.m. - 11 a.m.

Breakfast With Santa

DSBA Office

Thursday, December 11, 2025 • 8 a.m. - 4:30 p.m.

Family Law Update

Riverfront Events

Dates, times, and locations of events and CLEs may occasionally change. Please consult the DSBA website for the most up-to-date information at [dsba.org](https://www.dsba.org).

OUT & ABOUT

EXECUTIVE COMMITTEE RETREAT

After a two-year hiatus, the Executive Committee hosted their strategic retreat on September 18 in the Olympia Room at the Queen in downtown Wilmington. A cocktail reception and dinner, catered by Johnstown Catering, allowed DSBA staff (and spouses) to mingle with Committee members and their spouses. 



OF NOTE

Condolences to the family of **Sheryl A. Rush-Milstead, Esquire**, who passed away on March 15, 2025.

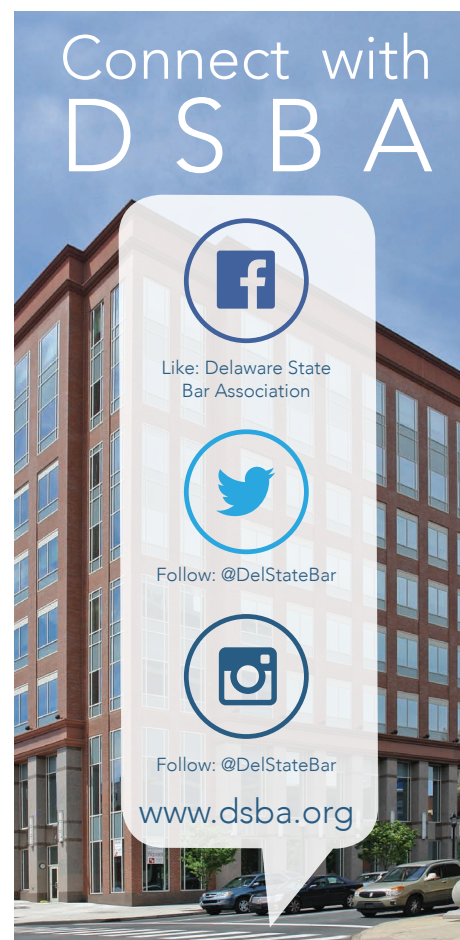
Condolences to the family of Karen Pascale, Esquire (William Yemc, Esquire), whose father, **Donald Pascal**, passed away on August 29, 2025.

Condolences to the family of Gregory Weinig, Esquire, whose father, **Kenneth M. Weinig**, passed away on September 24, 2025.

Condolences to the family of Gary Nitsche, Esquire, whose father, **Joseph Nitsche, Sr.**, passed away on September 29, 2025.

Condolences to the family of Francis Monaco, Jr., Esquire, whose mother, **Grace Monaco**, passed away on October 9, 2025.

If you have an item you would like to submit for the Of Note section, please contact Danielle Bouchat-Friedman at dbouchatfriedman@dsba.org. 



FIVE SIMPLE WAYS TO KEEP YOUR LAW FIRM SECURE

BY THE YOUNG LAWYERS SECTION EXECUTIVE BOARD

Given that Delaware courts have recently adjudicated various high-profile corporate disputes stemming from failed cybersecurity practices (for those checking their notes, *Constr. Indus. Laborers Pension Fund v. Bingle*, 2022 WL 4102492 (Del. Ch. Sept. 6, 2022), *aff'd*, 297 A.3d 1083 (Del. 2023) and *Firemen's Ret. Sys. of St. Louis on behalf of Marriott Int'l, Inc. v. Sorenson*, 2021 WL 4593777 (Del. Ch. Oct. 5, 2021) might be come to mind) it is safe to say that Delaware lawyers are aware of the importance of strong cyber security. But too often, we view cyber security as something that's only important to larger businesses and governments managing "big data." However, the reality is that if you're a lawyer, you're managing confidential sensitive data that presents an attractive target for cyber-criminals—and you have an ethical obligation to keep that information secure.

Luckily, you don't need to be an information security professional to engage in many practices that will help keep you, your tech, and your clients' information safe. The executive board of the DSBA Young Lawyers Section is happy to share the following practical and free cyber security tips this year. We hope that these help you in your practice!

1. Implement Strong Password Practices

Weak passwords are easy entry points for cyber criminals. A strong password policy is a low-cost, high-impact defense that you can implement.

How:

- **Require complex passwords:** Use at least 12 characters combining uppercase, lowercase, numbers, and special characters.



Don't be afraid to let your free password manager (see below) set a password for you—that suggestion will be complex, and the password manager will actually be able to remember it!

- **Avoid password reuse:** Professionals and staff should never use the same password across multiple services and/or devices.

- **Enable multi-factor authentication (MFA):** This adds an extra layer of security by requiring a second form of identification, such as a code sent to a mobile device or an

email to a backup email address. There are many free options like Duo, Google and Authenticator, and Microsoft Authenticator. In addition, many services offer their own MFA services—play around and toggle MFA to “on.”

- **Use a password manager:** Tools like Bitwarden or KeePass (both have free versions) can generate and store complex passwords securely. The default managers for Apple and Android can also be used in a pinch.

Tip:

Have a firm-wide policy that mandates password changes every 3–6 months and includes training on identifying phishing attempts (often via email or text) that seek to harvest passwords.

2. Secure Your Network with a VPN and Firewall

Especially in the post COVID world, you often access sensitive client information while working remotely or at court. These practices, while useful, can expose data to interception on public or unsecured Wi-Fi networks.

How:

- *Use a Virtual Private Network (VPN):* VPNs encrypt your internet traffic, preventing “eavesdropping.” Free options are available, or consider obtaining a paid service for added features and reliability.

- *Set up a firewall:* Most WI-FI routers come with a built-in firewall—ensure it’s turned on. Additionally, free software firewalls can monitor outgoing connections and block suspicious activity.

Tip:

Prohibit legal professionals and staff from using public Wi-Fi for work without a VPN. If remote work is frequent, and implementing a firm-wide VPN is not realistic, consider using a dedicated mobile hotspot as a more secure alternative.

3. Keep Software and Systems Updated

Outdated software often contains vulnerabilities that cyber criminals can exploit. This includes not just your operating system, but also browsers, PDF readers, case management software, and browser plug-ins.

How:

- *Enable automatic updates:* Turn on auto-updates for all operating systems and applications where possible.

- *Set a regular update check schedule:* For programs that don’t auto-update, assign someone to check and update weekly.

- *Uninstall unused software:* Reducing your digital footprint limits exposure to vulnerabilities.

Tip:

Keep track of all software in use in your firm using a simple spreadsheet or asset management tool. Doing this might also have the added benefit of reminding you to unsubscribe from a software service that you no longer use!

4. Implement Basic Access Controls

Not everyone in your firm needs access to things you or others might be working on. Institute procedures to ensure that lawyers and staff can only access data and systems relevant to their roles.

How:

- *Use separate user accounts:* Avoid implementing shared logins by providing each staff member with unique accounts.

- *Restrict administrative privileges:* Limit full system control to IT professionals and/or senior staff.

- *Set permissions on shared folders:* Ensure sensitive case files are only accessible by authorized personnel who are in the know.

Tip:

To the extent available, utilize access logs to detect unauthorized access or suspicious activity.

5. Educate and Train Your Staff

In the same way that a chain is only as strong as its weakest link, the most sophisticated security tools won’t help if your staff is easily duped by malicious phishing attempts.

How:

- *Conduct regular training sessions:* Cover topics like phishing, password hygiene, and secure remote work—sometimes, just making sure cybersecurity is on their mind is all that’s needed!

- *Use free resources:* Government agencies and cyber security firms often offer excellent, free training materials—especially for small businesses.

- *Simulate phishing tests:* Consider finding a free phishing simulation service to help train your firm.

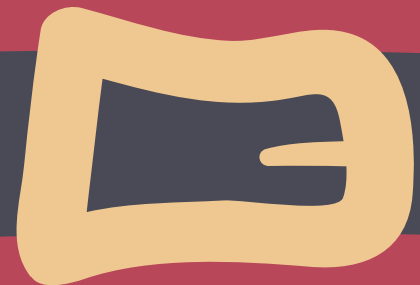
Tip:

Foster an environment where employees feel safe reporting potential security incidents or suspicious emails. 🕒

Breakfast with Santa

SATURDAY, DECEMBER 6, 2025
9 AM - 11 AM | @ THE DSBA

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Understanding Grief's Journey: Support During the Holidays

Grief is one of life's most universal experiences, yet it remains profoundly misunderstood. Whether you're navigating your own loss, supporting a family member through theirs, or encountering grieving individuals in your professional life, understanding how grief works can transform how we respond during these difficult times.

The holidays intensify everything about grief. Cultural expectations emphasize joy, togetherness, and celebration precisely when loss feels most acute. For those grieving, every tradition highlights absence, every gathering becomes a painful reminder of who's missing. Understanding the contemporary science of grief—and letting go of outdated myths—can help us support ourselves and others more effectively during this challenging season.

Beyond the Stages: What We Got Wrong About Grief

Most of us learned about grief through Elisabeth Kübler-Ross's five stages: denial, anger, bargaining, depression, and acceptance. It's become so embedded in our culture that people often describe their grief using this framework. "I must still be in the anger stage," they'll say, or "I should be at acceptance by now."

Here's the problem: that's not actually how grief works. Kübler-Ross developed her stage theory in 1969 by interviewing terminally ill patients—people facing their own deaths, not people grieving the loss of someone else.¹ Contemporary research shows us that grief doesn't follow a predictable path from one stage to the



next.² When we apply stage theory too rigidly, we risk making grieving people feel like they're doing it wrong if their experience doesn't match the model.

A Better Framework: Grief as Oscillation

Current research offers a more accurate understanding: grief involves moving back and forth between two natural responses.³

Sometimes you're facing the loss directly—crying, remembering, feeling the pain, sitting with how much this hurts. Other times you're moving forward with life—handling responsibilities, learning new tasks, engaging with work and daily activities, even experiencing moments of normalcy or joy.

Healthy grief means doing both. You can't spend all your time drowning in sadness, but you also can't just push the pain away and pretend everything is fine. Your mind and body naturally move between these two modes—sometimes leaning into the grief similar to absorbing an ocean wave, sometimes taking necessary breaks to function.

This explains why one day you might handle tasks with surprising efficiency, feeling almost "normal," and the next day you can barely get out of bed, overwhelmed by sadness. Both are normal. You're not doing it wrong, and you're not stuck—you're grieving.

Why the Holidays Hit Differently

The holidays amplify absence in ways that daily life doesn't. Every tradition highlights

who's missing. The person who always made the stuffing, who played Santa, who told the same terrible jokes every year—they're gone, and every familiar ritual hammers that reality home.

The anticipatory dread often starts weeks beforehand.⁴ You lie awake worrying about how you'll get through Thanksgiving, what you will say when people ask about your plans, whether you can face family gatherings. Sometimes the anxiety leading up to the holiday is worse than the day itself.

Then there's the social pressure. Well-meaning friends and family encourage you to "try to have fun" or "get into the spirit" or "not let this ruin the holidays for everyone else." The message, however unintentional, is that grief needs to be hidden or set aside so others can enjoy themselves. This forces emotional performance rather than authentic experience.

Support Resources for Those Who Are Grieving

As a Grief Recovery Specialist and GriefShare facilitator, I've seen how structured programs can help people navigate overwhelming loss. Here are resources that can provide meaningful support:

The Grief Recovery Method takes an action-oriented approach, giving you specific steps to engage actively in your healing journey.⁵ It addresses not just death, but other significant losses—divorce, loss of health, career changes. The program's emphasis on completing what was left emotionally unfinished can be particularly helpful during holidays, when that sense of incompleteness becomes overwhelming.

GriefShare is a faith-centered, video-based 13-week support group program that provides a safe space to share your experiences with others who truly understand.⁶ For those with faith traditions, this can be particularly meaningful. The combination of video teaching, group discussion, and workbook exercises provides structure when everything feels chaotic.

The Compassionate Friends offers specialized peer support for those who have experienced the death of a child.⁷ With over 500 chapters nationwide, this nonprofit

provides support to bereaved parents, grandparents, and siblings. The death of a child violates the natural order, and parents often find that only others who have walked this path can truly understand.

Professional therapy should be considered when grief significantly interferes with daily functioning, when depression or anxiety becomes overwhelming, or when complicated grief doesn't seem to ease with time. A licensed therapist specializing in bereavement can provide evidence-based interventions tailored to your specific situation.

Practical Strategies for Navigating Holiday Grief

Research and experience show several approaches that can help:⁸

Plan ahead instead of winging it. Make decisions in advance about which traditions to keep, modify, or skip. Focus on what feels right for you, not what others expect or what you think you "should" do.

Give yourself permission to change traditions. Celebrate at a different time or place, invite different people, or add new elements that honor your loved one—lighting a candle, sharing memories, leaving an empty chair as intentional acknowledgment. Changing traditions doesn't mean forgetting; it means finding ways to move forward while still honoring the past.

Set boundaries without guilt. Decline invitations. Leave events early. Say no to activities that feel overwhelming. This is self-care, not selfishness. You don't owe anyone a performance of being okay when you're not.

Make room for conflicting emotions. Sadness can coexist with moments of joy. Guilt about laughing can exist alongside anger at loss. Anxiety about the future can mix with gratitude for memories. All of it is part of the journey. You're not betraying your loved one by having a moment of happiness.

Prioritize physical self-care. Adequate sleep, regular meals, time outside, and physical activity support your body's ability to process difficult emotions. Grief is exhausting, and many people find they need more sleep than usual. That's not

laziness; that's your body healing.

Balance solitude with connection. You need time alone to feel your feelings and process your loss. You also need connection with others who care about you. Neither extreme—complete isolation or forced constant sociability—serves you well. Find the balance that feels right, knowing it might look different from day to day.

Consider meaningful action. Some people find that volunteering, making donations in their loved one's name, or helping others who are grieving brings a sense of purpose during an otherwise painful time. This is not about distracting yourself from grief—it's about engaging with something that matters to you.

Supporting a Grieving Family Member

If someone in your household is grieving, remember that their grief won't look like yours, even if you've experienced the same loss. A spouse may grieve differently. Children grieve differently at different ages. What one person needs (to talk constantly about the deceased) may differ from what another needs (quiet space to process alone).

Understanding this back-and-forth pattern helps—when your partner seems "fine" and focused on daily tasks, they're not avoiding grief; they're taking a necessary break from the pain. When they suddenly break down crying, they're not regressing; they're feeling the loss again. Both are normal and necessary.

During the holidays, ask what they need rather than assuming. Some want traditions maintained exactly as they were; others need everything changed. Don't pressure them to participate in celebrations or to "try to have fun." Let them opt out without guilt, but also gently invite them to join if they change their mind. Create space for talking about the person who died—their absence is already overwhelming; acknowledging it doesn't make it worse.

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For children who are grieving: Remember that they process loss differently at different ages. Young children may seem unaffected one moment and devastated the next. Teenagers may withdraw or act out. All are normal grief responses. Maintain routines where possible, answer questions honestly but age-appropriately, and let them see that adults grieve too—it gives them permission to express their own feelings.

For Attorneys: When Grief Enters Your Office

Regardless of your practice area, you will encounter clients who are actively grieving. A personal injury client may have lost a loved one in an accident. A business client may be managing their practice after a partner's death. A criminal defendant may be processing loss of freedom or relationships. Grief shows up everywhere.

Understanding that grief moves back and forth between pain and function-

ing helps you interpret client behavior. The client who seems coldly businesslike in one meeting and then emotionally overwhelmed in the next isn't unstable—they're just experiencing the natural rhythm of grief.

Practical considerations:

- Build in flexibility. Grief affects cognitive function. Clients might struggle to concentrate, forget details, or need information explained multiple times. Provide written summaries of meetings to offset cognitive difficulties.
- Be mindful about timing. When possible, avoid scheduling difficult matters or deadlines around holidays. If timing can't be avoided, acknowledge it simply: "I know this time of year may be especially difficult."
- Keep grief resources available. Maintain a list of therapists specializing in bereavement, support groups (both secular

and faith-based like GriefShare), and specialized resources (like The Compassionate Friends for those who've lost children). Not every client will need these but having them available demonstrates awareness and compassion.

- Recognize when to refer. If a client's grief is significantly interfering with their ability to participate in their legal matter, gently suggest they might benefit from professional grief support before proceeding.

Understanding grief doesn't require you to become a therapist or counselor. It simply means recognizing that grief affects how people think, communicate, and make decisions—and adjusting your practice accordingly.

Final Thoughts

Understanding grief as a back-and-forth process—rather than predetermined stages—changes how we navigate loss

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ourselves and how we support others who are suffering. During the holidays, when cultural pressure to feel joy collides with the reality of profound loss, this understanding becomes even more critical.

Whether you're personally grieving, supporting a family member through loss, or encountering grief in your professional life, remember there is no "right way" to grieve. Moving between feeling the pain and engaging with life is normal. The holidays may require extra planning, clearer boundaries, and more self-compassion than usual.

Grief is one of life's hardest experiences, and no one navigates it perfectly. What matters is extending to ourselves and others the grace to move through it at our own pace, in our own way, with whatever support we need. That's not weakness—it's wisdom.

If you find that you are struggling and would benefit from additional supports don't hesitate to contact me via cell 302-610-8234 or by email @jdeel@de-lap.org. As a reminder, all communication

with DE-LAP or its representatives are governed by strict rules of confidentiality.

Notes:

1. Elisabeth Kübler-Ross, *On Death and Dying* (New York: Macmillan, 1969).
2. Lauren J. Breen et al., *Cautioning Health-Care Professionals: Bereaved Persons Are Misguided Through the Stages of Grief*, 7 *Narrative Inquiry Bioethics* 3 (2017).
3. Margaret S. Stroebe & Henk Schut, *The Dual Process Model of Coping with Bereavement: Rationale and Description*, 23 *Death Stud.* 197 (1999); *The Dual Process Model of Coping with Bereavement: A Decade On*, 61 *Omega: J. Death & Dying* 273 (2010).
4. Harvard Health Publishing, *Coping with Grief and Loss During the Holidays*, *Harv. Mental Health Letter* (Dec. 2011).
5. John W. James & Russell Friedman, *The Grief Recovery Handbook: The Action Program for Moving Beyond Death, Divorce, and Other Losses* (Harper Collins 2009); <https://www.griefrecoverymethod.com>.
6. GriefShare, <https://www.griefshare.org>.
7. The Compassionate Friends, <https://www.compassionatefriends.org>.
8. Practical strategies draw from sources cited in notes 3-4 and clinical experience with grief support programs. 

Jim Deel serves as the Executive Director of the Delaware Lawyers Assistance Program (DE-LAP), where he leads efforts to address the growing mental health and substance use crisis within the legal profession. Through confidential support, advocacy, and access to treatment, Jim works to reduce stigma and offer meaningful pathways to recovery for attorneys and judges facing mental health challenges, addiction, grief, and burnout.

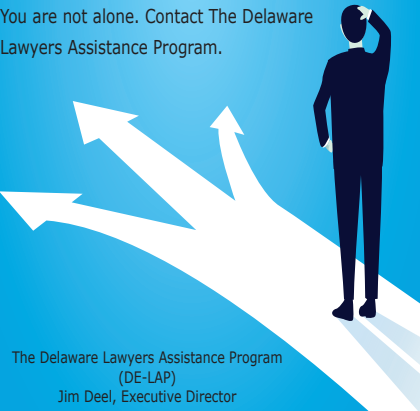
With over two decades of experience spanning the criminal justice, behavioral health, and public safety systems, Jim brings a trauma-informed, multi-disciplinary approach to DE-LAP services. A U.S. Marine Corps veteran and former Department of Corrections employee, Jim has spent his career bridging gaps between legal, law enforcement, and clinical communities. He served on multiple advisory boards, including Wilmington University's Human Trafficking and Behavioral Science departments, and continues to provide education and training on disaster mental health, de-escalation, and crisis intervention across Delaware.

Through his leadership at DE-LAP, Jim remains a steadfast advocate for healthier, more resilient legal professionals and systems.

Do you need help getting on the right path?

Do you, or someone you know, need help with personal problems such as alcohol or drug abuse, gambling, stress, grief, and/or other mental health issues that are affecting work productivity and quality of life?

You are not alone. Contact The Delaware Lawyers Assistance Program.



The Delaware Lawyers Assistance Program (DE-LAP)
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CREATING SPACE IN THE LAW: LEADERSHIP, ADVOCACY & WOMEN

CURATED BY KRISTEN S. SWIFT, ESQUIRE

Over the next several months, the *Creating Space in the Law: Leadership, Advocacy, & Women* column will feature question and answer profiles on Delaware women attorneys who own or lead Delaware law firms and legal departments.

We hope you enjoy getting to know your colleagues a little better! — Kristen Swift

WOMEN - LED FIRMS IN DELAWARE



WITH MARY S. THOMAS, ESQ., OWNER AT THOMAS LAW LLC

Q Introduce us to your firm. What type of law does your firm practice, where is it located, and when did it open?

A I opened Thomas Law LLC, a solo practice focusing on Delaware business litigation, on January 1, 2023. The firm operates out of a small office in a shared suite at 1521 Concord Pike in Wilmington.

Q Let's talk about you. Where did you grow up? When did you know you wanted to be a lawyer? Where did you go to law school?

A I was born in Philadelphia and lived in Bucks County, Pennsylvania for almost my first decade of life. In the late 1970s, my father's job and our family moved north—the job relocated to NJ; the family moved to a small Pennsylvania town near the Delaware Water Gap. Shortly after we moved, when I was in fourth grade, my father (a mechanical engineer) and I got into an argument at the dinner table. Undoubtedly as an insult, my father said, "you argue so much, you could be a lawyer." I took it as a challenge. After finish-

ing my undergraduate work at the University of Delaware in 1991, I married my high school sweetheart (to whom I am still married) and pursued my J.D. at Harvard Law School while my husband pursued a graduate degree in aerospace engineering at M.I.T.

Q Did you always envision yourself starting/leading a law firm?

A The first time I seriously considered starting my own firm was during the pandemic—after I had been practicing law for over 25 years.

Q What were the first 10 years of your career as an attorney like?

A The first 10 years of my career bear little resemblance to my current life. My husband and I had moved to California (in part so that he could pursue aerospace engineering), I worked mainly on the defense side at two large Los Angeles-based firms, for several years focusing primarily on environmental law, and I probably would

not have known the letters “DGCL” as anything other than four random consonants.

Q What was the impetus for opening your own practice/firm/leading an office?

A A confluence of events led me to open my own firm. During the pandemic, I realized technology had advanced to the point where it was possible for me to run a one-person operation. By that time, I also had several friends who had successfully started solo practices or small firms, making the concept less abstract and intimidating. And, finally, although I still have many dear friends there, I knew there was no long-term future for me at the firm where I worked at the time. So, rather than searching for my next job, I created it.

Q Who helped you along the way?

A The list of people who have helped me build my career is too long for this piece. I have been mentored by everyone from legal assistants to the most experienced and nationally recognized litigators. Ultimately, every person with or against whom I have ever worked has helped me in one way or another. Some of those people meant to help me, others actively tried to hinder me, some probably are unaware I exist. The lawyers who directly helped me the most in building my current practice were those who had recently taken the same or a similar path and could direct me to practical solutions for things like billing software, malpractice insurance, and trusted professional advisors. But truly indispensable to my entire career have been my friends and family—particularly my husband, who gave up his career to support mine and to be a full-time stay-at-home dad to our boys. Knowing he had everything under control on the home front made the inevitable long hours and late nights much more bearable.



Mary with her husband and two sons.

Q What are some practical considerations to consider when managing your own firm/office/practice group?

A Particularly if you are a solo practitioner, ensure you have a safety net in place so that someone else can jump in to keep your matters moving should you unexpectedly become incapacitated or otherwise unavailable. I am incredibly lucky to have had colleagues who stepped in and up for me on notable occasions when emergencies arose in my life. I advise formalizing specific procedures for handling those situations (beyond the minimum requirements) before entering your first engagement in a solo environment.

Q What are some of the challenges you overcame to get to this point in your career?

A For me, moving across the country, changing practice areas, and switching to the “other side of the v.” after practicing for more than a decade, essentially meant starting an entirely new career. Twelve years after I had taken the California bar exam, while buying a house on one coast, selling a house on the other coast, and juggling my duties as the mother of a toddler and an infant, I faced the challenge of studying for and passing the Delaware bar exam (under test conditions far less accommodating to lactating mothers than today). With the help of an

incredible family support network, I passed the bar exam despite those added complications. Once clear of that initial hurdle, I faced the longer-term challenge of establishing a solid reputation in a state I considered one of my homes, having proudly graduated from the University of Delaware in 1991. When I returned to Delaware in 2006, though, I discovered I was, for all practical purposes, a newcomer. At first I did myself few favors

toward establishing myself in the state, significantly diluting my Delaware work by spending time on large securities fraud actions pending in other jurisdictions. While working on those cases helped make me a better lawyer, it did little to advance my Delaware relationships. Eventually, though, I transitioned my litigation focus primarily to Delaware matters, finally spending the majority of my time litigating in the Court of Chancery and Superior Court’s CCLD. I also made a concerted effort to become a more active participant in community activities. In 2020 and 2021, the pandemic slowed that effort, but did not stop it. By the end of 2022, I believed I had developed a reputation and a network of relationships sufficient to support a Delaware-focused solo practice. On January 1, 2026, Thomas Law LLC will celebrate its third anniversary.

Q What is the best career advice you’ve received?

A A senior partner at the first firm where I practiced told me that, aside from missing an appellate deadline, there is virtually no mistake a lawyer can make that cannot be remedied. I became a much better lawyer once I believed him.

Q What is the worst career advice you’ve received?

A The worst career advice I have ever received is unsuitable for publication.

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CREATING SPACE IN THE LAW

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Q How do you define success?

A This year I define (business) success as supporting my family with a balance of money and time, knowing I gave my clients my best efforts, and being able to learn from defeat. That definition is likely to change over time.

Q How do you manage requests for your time that are not made by work or your family?

A I have no magic formula for managing requests for my time, but I have gotten much better at saying “no” to requests that have little personal relevance to me (i.e., requests that are not for a friend or a cause I hold close to my heart). Beyond that, the calculus is much too complicated to put into a few sentences or even a few paragraphs.

Q How do you prioritize tasks?

A Prioritizing tasks is relatively easy. I start with project due dates and work backwards to schedule manageable chunks of work (tasks) at appropriate intervals. Any day’s “to do” list consists of the tasks I need to do that day, adjusted earlier in time as necessary so that no day is overcrowded when taking into account the collective task list, including a pad of time for the inevitable last-minute tasks that will be added, plus any scheduled activities (hearings, meetings, etc.). I assign the highest priority to the most onerous/least fun tasks and a lower priority to more enjoyable tasks so that the simpler/more fun tasks will be left for the end of the day. The hard part is forcing myself to do the prioritized tasks in the assigned order. Some days are easier than others. If anyone has found the secret formula to consistently doing tasks in their assigned order, please share!

Q Are there any projects or organizations you are involved in that you want to share?

A At the recommendation of a supportive colleague, I recently started to become involved with the National Association of Women Lawyers (“NAWL”). One set of activities I have found particularly helpful have been Zoom discussions concerning the rule of law, designed to channel concerns that have arisen around that issue over the past year.

Q What activities or interests do you pursue when you are not working?

A I enjoy baseball, particularly games in which my older son—a graduate student at UConn in his last year of NCAA eligibility—plays. We either travel to see the games live or follow some sort of broadcast. I also listen to a fair amount of live music, usually either composed or performed by my younger son (a sophomore music composition and vocal performance major at Penn State). This also involves either travel or some sort of broadcast (usually livestreams). When I am not occupied with work or my boys’ activities, I enjoy reading (potentially too much), travel, and spending time with my husband.

Q For firm owners or those in charge of growing their office or practice group: What strategies did you use to expand your business?

A I have been very lucky that, for the most part, I have had more work available than time. Because I am not looking to add additional lawyers to my firm, I am not pursuing any expansion strategies. My business strategies are simply to maintain my existing relationships and keep my clients as happy as possible.

Q Most memorable moment of your career?

A There are so many memorable moments from my career, it is impossible to pick just one. Instead, I am writing about the most memorable case in which I appeared, one that still resurfaces at unexpected times and places. The underlying fact pattern could serve as the basis for a law school exam question in civil procedure, torts, evidence, and/or wills and estates and involves the rather substantial estate of Larry Lee Hillblom.

Hillblom was the “H” in DHL Delivery Service. He set off a cascade of litigation when, in 1995, he crashed his plane into the Pacific Ocean off the small island of Pagan. Soon thereafter, a woman claiming to be his common law wife filed an action to have Hillblom declared dead as his remains were never recovered from the ocean. Others challenged her. That dispute was followed by a decades-long and ocean-spanning saga involving questions of paternity for more than a dozen children in several countries, multiple allegations of destruction of DNA and other evidence, and more intrigue and drama than I could even begin to summarize.

I first heard about Hillblom’s death and some of the litigation it spawned when my husband and I agreed to a last minute “bump” from a flight from Honolulu to Los Angeles. While we were in our Honolulu hotel room, we randomly turned on a TV news magazine program discussing a dispute between several competing beneficiaries of Hillblom’s estate regarding DNA evidence purportedly in one of their possession, the alleged disappearance or destruction of that DNA, and some rather sordid allegations about Hillblom’s lifestyle.

Months or perhaps a year later, I was with a mid-level associate sitting down for lunch in my firm’s attorney dining room when I heard a senior partner relating much of that same story to a few of our colleagues. I asked whether the senior partner had seen

the same TV program. He said he had not, that these facts related to a case he had just secured for the firm. I told him I thought the facts were fascinating; he smiled and left to go back to his office. I stayed to finish my lunch. When I returned to my office, I found a copy of the complaint on my desk chair and my name listed on the new matter memo for the case. The case occupied about half of my time for the next several years.

The specific dispute we were handling involved legal services provided to the executor of Hillblom's estate. The executor—purportedly at the urging of a representative of a minor child later determined to be Hillblom's son (and one of his heirs)—had sued our clients in the Superior Court of the Commonwealth of the Northern Mariana Islands (the "CNMI"), a U.S. protectorate located southwest of Hawaii. Practicing law in the CNMI, as an "off-island" lawyer, was similar to being admitted *pro hac vice* to practice in another state.

During the course of my work on the matter, I appeared in all of the major civil courts in the CNMI. I attended multiple hearings in Superior Court in Saipan, including one that, with no notice, essentially turned into a mini-trial on a contempt allegation. As a fifth-year associate, I argued before the Supreme Court of the CNMI. While the Superior Court hearings had all been held in its relatively modern courthouse, the Supreme Court heard our calendar in a modular building on the small island of Rota. I later attended hearings in the United States District Court for the District of the Northern Mariana Islands in a courtroom that, on the inside, looked like it could have been pulled out of the District of Delaware.

My experiences with that case taught me many things—about the practice of law, about human nature, and about how little I still know about so many things. They also taught me that the world can simultaneously be overwhelmingly large and remarkably small. Once I was no longer actively involved in that litigation, every few years, in the middle of seemingly unrelated legal research, I would come across the name "Hillblom" and think about my experiences in those different courtrooms on islands in the Pacific Ocean. Some days

those memories made me wonder how that path brought me here, nearly half a world away. Other days it would seem all roads lead from the CNMI to Delaware. In fact, just a few weeks ago, I happened upon a decision tangentially related to the Hillblom estate that is currently pending in the Delaware Court of Chancery.

Q What lesson(s) or advice would you share with someone who tells you they might be ready to start their own practice?

A Do a mental walk-through of a "year in the life" running your own firm. Think about what you would need to be doing administratively and functionally during each month, the resources you would need to have to handle your cases, and whether you really want to take on those challenges. But also remember that lesser minds than yours have succeeded, so do not let fear stand in the way.

Q What are the most important attributes you look for when bringing another attorney onto your team?

A This is a catch-22 for me because I would only be willing to partner with lawyers that I also consider friends, but I have seen so many people lose friends by becoming law partners. For now, I would rather stay a solo practitioner than risk a future business divorce from a close friend.

Q How do you stay motivated to achieve your ambitions?

A For the last 22 years, my kids have been my main motivation. To some extent that is still true, but supporting them is less urgent now that they are becoming self-sufficient adults. Perhaps it is time for additional self-reflection on how to keep myself motivated. 



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The Honorable Michael Newbold Castle: Delaware Lawyer, Governor, and United States Congressman 1939 - 2025

BY HENRY DUPONT RIDGELY

PHOTOGRAPHY PROVIDED BY DICK DUBROFF/FINALFOCUSPHOTOGRAPHY

We lost an iconic Delaware and American statesman with the passing of former Governor of Delaware and U.S. Congressman Michael Newbold Castle on August 14, 2025. He was 86. A Delaware lawyer, two-term Governor, and Delaware's longest serving Congressman, Mike Castle leaves a legacy of more than four decades of service and bipartisan accomplishments that demonstrate how a centrist approach to governance can succeed.

Mike was born in Wilmington, Delaware on July 2, 1939. He was the son of Louisa Johnston (née Bache) and James Manderson Castle Jr., a patent lawyer for DuPont. Mike was a direct descendant of Founding Fathers Benjamin Franklin and Daniel Carroll, Signers of the U.S. Constitution in 1787.

He was raised in Wilmington and graduated from Tower Hill School in 1957. He received a Bachelor of Science degree in Economics from Hamilton College in 1961 and his Juris Doctor from Georgetown University in 1964. Mike was admitted to the Delaware Bar and the District of Columbia Bar that same



year. He returned to Delaware and began his practice of law in Wilmington at the firm of Connolly Bove Lodge & Hutz. He would later practice law as a partner in the firms of Schnee and Castle, Castle and Spence, and ultimately DLA Piper as a partner in its government and regulatory affairs practice.

Mike began his public service as a Deputy Attorney General in 1965. He was elected to the Delaware General Assembly in 1966. He served in the House of Representatives until 1967 and then in the Delaware State Senate from 1968 until 1976 where he was elected Minority Leader. After a

respite from politics that included the practice of law in Wilmington and part ownership of the Bottle and Cork in Dewey Beach, Mike ran for Lieutenant Governor at the request of his longtime friend, Governor Pete du Pont. Mike was elected and served as Lieutenant Governor of Delaware from 1981 until 1985. He next was elected Governor of Delaware and served two terms from 1985 until 1992. For his second term, Mike was elected by a record 71% of the statewide vote.

As Governor, Mike built bridges and bipartisan collaboration through a centrist approach. Laws were enacted to bring more of the banking industry and its jobs to Delaware. The economy strengthened and taxes were cut three times. Mike visited every Delaware school and listened. He strengthened education by reorganizing the State Board of Education, increasing teacher pay, reducing the size of classes and by expanding school-based healthcare. He worked to preserve farmland and to improve the environment. He established the Delaware Transportation Trust Fund which to this day provides funding for Delaware transportation system improvements. Mike was active in the National Governors Association. He served as president of the Council of State Governments, and he chaired the Southern Governors Association and the Republican Governors Association.

Mike was very proud of the quality of the Delaware Bar and the Delaware Judiciary. He devoted significant time and energy to make the Delaware Judiciary, in his words, “the best in the nation.” He had a role in the selection of the judiciary during the du Pont Administration and embraced as Governor the responsibility of making the final decision, with the consent of the State Senate, on judicial appointments. New jurists he appointed included Norm Veasey and Myron Steele. Both would later serve during their respective terms as Chief Justice, as President of the Conference of Chief Justices and Chair of the National Center for State Courts’ Board of Directors. Mike made

history by appointing to the Superior Court Susan Del Pesco, the Court’s first female Judge, and Haile Alford, the first female African American Judge ever to sit in Delaware.

Mike supported a major reform in the organizational structure of the Judicial Branch. The Prothonotary and Register in Chancery were elected county Row Offices with county employees. Even though political parties generally liked Row Office elections, Mike supported the necessary constitutional amendments, legislation and funding to merge the county offices into the state courts. It was the right thing to do to help modernize the administration of justice in Delaware.

Mike was precluded by the Delaware Constitution from running for a third term as Governor, so he ran for Congress to serve both Delaware and our Nation. He was elected and took to Washington in 1993 his successful centrist approach and a deep commitment to constituent service. Mike represented all Delawareans, listened respectfully to everyone, and never asked the party affiliation of anyone seeking his help. And he built bridges.

A survey of Congressional staff by *Washingtonian* magazine named Mike the “#1 Bridge Builder” in Congress. Mike built bridges to get things done, just as he had done as Governor. He explained to *Delaware Public Media* in 2015: “In this state you generally know people. That makes Delaware a different place. And it’s one of the reasons I tended to be more moderate than some people would have liked. I was—and am—a strong believer in working together to get things done. And when you do that, a lot of people come to your assistance to help, from both political parties.”

Mike was a founding member of the centrist Republican Main Street Partnership. He stood tall in the House of Representatives as a fiscal conservative and a social moderate. He advocated for budget reform and reducing the national debt. He worked to pass the

No Child Left Behind legislation and welfare reform. He supported providing resources for quality schools, for the fight against cancer, for public health, for medical research and for our military. He was the co-sponsor of the Brady Bill requiring a 5-day waiting period and computerized instant background checks to help prevent unlawful gun sales to prohibited individuals. He sponsored legislation for the most successful coin program in U.S. history. The 50 State Quarters Program promoted state pride and educated Americans about the history and geography of the states. It generated more than \$6.1 billion in profit that was used to reduce the national debt.

Mike kept his good sense of humor as a Congressman. I recall introducing staff of the National Center for State Courts to Mike in Washington after the U.S. Department of Justice pressed the states to provide free interpreters for all civil litigants in all state courts. At the time, the Conference of Chief Justices was urging Congress to provide federal grants to help start these new programs. None of the NCSC staff accompanying me to the meeting with Mike had met him before. After they requested his support for grant funding to state courts of \$15,000,000 over five years, Mike asked with a wink “Wouldn’t it be cheaper just to teach Spanish to Judge Ridgely?” When our meeting was over the NCSC staff knew, as I already did, that Mike was a true friend of the courts.

Mike served as Delaware’s Congressman for a record nine terms. His service in Congress ended in 2011 after a surprising defeat in the Republican primary for the U.S. Senate. On election night, Mike graciously conceded the election with his wife, Jane, by his side. He thanked his staff and all who supported him and took personal responsibility for the loss. But Mike’s selfless service for the public good was not over.

CONTINUED >



The Honorable Mike N. Castle with his wife, Jane DiSabatino, at the DSCC annual dinner 2011, where he received the Marvel Cup Award.

Mike served on the board of Research!America, a nonprofit advocate for science, discovery and innovation to achieve better health for all. He served on the board and as co-chair of the Concord Coalition, a national advocate for budget reforms and fiscal responsibility. He served as a Trustee for the University of Delaware, a Trustee for Delaware State University, and as an honorary board member of The Boys and Girls Clubs of Delaware. He enjoyed speaking to college students about public

service and urged them to get involved in the political process. He found time for all his pro bono service during his busy practice of law.

The awards and accolades that Mike received over the years are too many to list. To name just a few, Mike received the American Cancer Society's National Distinguished Advocacy Award, its highest national advocacy honor. He was awarded the Josiah Marvel Cup, the highest honor of the Delaware State Chamber of Commerce. The Delaware

Historical Society awarded him its Delaware History Makers Award for extraordinary and lasting contributions to the quality of life in Delaware, our nation and the world. Wesley College, Widener University, Delaware State University, Hamilton College, Jefferson Medical College, and the University of Delaware each awarded Mike an honorary degree for his public service. In 2013 the "Michael N. Castle C & D Trail", a public greenway that he helped to create along the north side of the Chesapeake & Delaware Canal, was named in his honor.

An authentic gentleman, Mike put Delaware and his country first. He skillfully fostered bipartisan collaboration to find practical solutions to make Delaware and America better. He served with integrity, civility, compassion, humility and grace. With the passing of Mike Castle, many of us have lost a great friend. All of us have lost a Delaware and American statesman who always will be a positive role model for principled and effective public service. Mike will be missed.

Mike is survived by his beloved wife of more than 33 years, Jane DiSabatino, and his extended loving family of nieces, nephews, great nieces and great nephews. Please join me in sending sincere condolences to Jane and the Castle family. 🕊

The Honorable Henry duPont Ridgely

is a retired Senior Counsel at DLA Piper LLP(US) and a retired Justice of the Delaware Supreme Court. He previously served as President Judge of the Superior Court of Delaware.





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This seminar will provide an overview of the year's developments in criminal law, corporate law, and general civil litigation. We will also have a discussion led by guest speaker **Dean Erwin Chemerinsky, UC Berkeley Law School**, that highlights the recently concluded 2024 United States Supreme Court term and previews some of the significant cases in the Court's current 2025 term.

LOCATION: DSBA Offices

704 N. King Street, Suite 110 (behind the DoubleTree Hotel), with livestream locations in
Georgetown, Dover and Seaford.

For more information and to register, visit www.dsba.org/event/-Supreme-Court-Review-2025---A-Discussion-of-Decisions-at-the-Highest-State-and-Federal-Judicial-Level/

George B. "Barry" Heckler, Jr., Esquire

1947 - 2025

BY ANTHONY FRABIZZIO, ESQUIRE,
WITH CONTRIBUTIONS FROM JOSEPH RHOADES, ESQUIRE

George B. Heckler, Jr., more commonly known as "Barry," passed away on September 3, 2025, surrounded by family. He was husband to Meredith (Dede) Heckler, and they enjoyed a devoted partnership that lasted 56 years. Barry was a proud graduate of Dickinson School of Law (a bond we shared). His education was interrupted when he was drafted into the United States Army during the Vietnam War. Barry returned to Dickinson to complete his law degree, launching a distinguished legal career.

Barry was the founding and managing partner of the firm which became known as Heckler & Frabizzio. In 1981, he left the firm where he was practicing to start his own firm, with a specialty in workers' compensation. That was a bold and unusual move at the time. Barry was driven to be the best, and the firm expanded in size and stature to become one of the most well-respected insurance defense firms in the State of Delaware.

Barry achieved his success through hard work, striving for perfection, and focused dedication to his clients.

As to his work ethic, Barry began his day before 8 a.m. and worked well into the evening. For many years, Saturday was a workday. He was always the most prepared attorney at hearings. That is not just my opinion. Many Industrial Accident Board Members attested to that when I began appearing before the IAB. It was an intimidating standard to live up to, but it helped make me a much better attorney.



Barry strove for, and usually achieved, being the best at all he did. Every letter to a client had to be perfect. Whenever he reviewed letters—and in the beginning he always reviewed letters—he would strike multiple lines and add his thoughts and phrases, usually on "Post-it" notes impossible to read, so that a letter looked nothing like it did when first drafted. These changes drove the secretaries crazy! They would stare in horror at a letter that came back completely rewritten, so much so that it had to be completely retyped. But the clients loved our work product and appreciated the attention to detail.

Which leads us to dedication to clients. The clients always came first and were hardly ever wrong. According to Barry, they were paying the bills, so we did what they asked, including complying with all the case management plan time deadlines. He always made sure to answer client calls and, if not immediately available, called back within 24 hours. Barry was extremely

personable with clients, took the time to know personal details about them, and always remembered birthdays, illnesses, births and deaths, promotions, etc. And, as many of us know, he ended almost every conversation with a joke. The clients loved his personal touch.

Barry taught the attorneys who came to the firm how to be a good litigator. Many of the workers' compensation defense attorneys in Delaware were trained or influenced by him. He would always say, "You can't be a gunfighter if you are not going to shoot the gun." And he only wanted attorneys in the firm who would not hesitate to take a case to a hearing or trial. Clients loved that about us, and that was one of the principal reasons we grew as a firm.

Attorneys on both sides considered Barry a great lawyer. Joe Rhoades wrote the following to me:

"When I first met Barry, I was a young pup of a lawyer and, to me, he was the 'Prince of Darkness.' He reigned terror at the Industrial Accident Board hearings. Without a doubt, he was the smartest, most prepared person in the room. I was not fond of Barry at the time—but I had great respect for him.

Fast forward to the spring of 1997. At the time, the first major reform to our Workers' Compensation Statute was looming in the General Assembly. Barry, Ed Carter, and I were thrown into a room with other stakeholders and were told by the Governor's office not to come out until we had an agreement on the

changes that needed to be made. That is when I first saw Barry in a different light. He was a smart, organized team player who quickly earned the respect of everyone, especially me. Barry steered us to consensus, and our dealings with each other at that time began a 28-year friendship that I treasure to this day.

In the spring of 2006, our workers' compensation system was in crisis, with Delaware being the 4th most expensive state in which to purchase workers' compensation insurance, mainly due to out-of-control medical costs. Barry and I were asked to serve as members of a 'Working Group,' and Barry quickly became the Group's de facto leader. Barry's word was his bond, and all the members of the Working Group looked to Barry for his insight and guidance. His notetaking was legendary, and his notes were never questioned. He was our 'rudder.' Through working together on subsequent reform measures over the years, the bond between Barry and me grew, so much so that I am proud to call Barry 'brother.'"

It should be noted that due to Barry's hard work, and the work of others, Delaware workers' compensation insurance rates have fallen 66%, and Delaware has improved to being the 12th least expensive state.

In his retirement, Barry spent the winters in Naples, Florida, and the summers in Portsmouth, New Hampshire. While in Portsmouth, he became devoted to St. John's Episcopal Church and formed a friendship with the pastor. Barry noticed that the historic graveyard was in disarray, so he took over spearheading a restoration project. He not only funded the project but located a specialist and worked side by side with him, excavating, cleaning, and repositioning gravestones. Barry was often seen with shovel in hand—even while undergoing punishing medical treatment. He was very proud of that project, and he should be.

He was also very proud of our firm, and we mourn his loss but will strive to continue to live out our core values to continue his legacy. I would not be the

attorney I am today without Barry, and I am grateful to have met him 44 years ago and for his mentorship in law and life. There will never be another like Barry. He will be missed.

Rest in peace, Barry. ☪



Anthony Frabizzio was a long-time partner at Heckler and Frabizzio. He was a past President of the Workers' Compensation Section of the DSBA and presently serves on the Workers' Compensation Oversight Panel.

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John F. Brady, Esquire

1959 - 2025

BY WILLIAM P. BRADY, ESQUIRE

John F. Brady, my oldest brother, and known to many as “the Big Guy,” passed away peacefully at his Angola (Lewes) home on August 10, 2025 after a long illness. John was born on June 13, 1959 and was the oldest of four children of Claire Louise Brady and John P. (“Jack”) Brady. He attended Christ Our King and Saint Mary Magdalen Schools, and graduated from Salesianum High School in 1977.

John earned the rank of Eagle Scout in the Boy Scouts of America in 1975 and, after graduation from the University of Richmond in 1982, served as an Executive with the Boy Scouts in New Jersey, Massachusetts, New Hampshire, Virginia, and Maryland. However, following the lead of our Dad, and biggest role model, he decided to enter law school and become an attorney. John graduated Cum Laude from Widener University School of Law in Wilmington in 1991 and was admitted to practice in Delaware and New Jersey that same year, as well as before the Supreme Court of the United States in 2011.

John’s first job as an attorney was in Sussex County with the firm of Tunnell and Raysor, P.A., where his work under managing partner (later Judge), Richard F. Stokes, launched a long friendship. A Celebration of Life was held for John in Lewes in September, and while Judge Stokes was unable to be present, below is an edited version of his comments read at that time.

I first met John when he interviewed for a job at Tunnell and Raysor. Immediately, his intelligence, keen wit, and can-do attitude were readily apparent. In a job interview, a person



gets a barrage of questions about law and their undergraduate and graduate studies. He answered all the legally related questions extremely well. From John’s resume, my partner Jim Waehler, noticed John also had an interest in history. As a graduate of Virginia Military Institute, Jim asked about John’s opinion about the 1864 battle of New Market where VMI cadets successfully stopped a Union advance. John paused and smiled, saying he appreciated the subject coming up and discussed it. Needless to say, the hiring decision was unanimous.

Nor was John afraid to go to court. Every law firm has its so-called dog cases, those that appear to be hopeless and perhaps without any chance for payment. John’s first case was the all-time dog. No one, including me, wanted anything to do with it. Handed the file like a hot potato, John strode off to the Superior Court. Several hours later, he returned. We thought John had to be consoled. I asked John how the afternoon went. With a wink, he smiled and said “I won.” Asking John how this could happen, he said that he

merely persuaded the jury of the rightness of his client’s cause.

John’s practice reflected his interest in actively pursuing justice. He handled a large criminal case load in the Superior Court. In one case, he represented a young defendant who was charged with kidnapping an elderly woman in western Sussex County. The woman had been locked in the trunk of her car by others and driven around Seaford. John’s client joined the ride later. On its face, the case appeared to be what the trade calls “bad facts.” Not deterred from representing this particular client, John vigorously tried the case in Superior Court and lost.¹ Thereafter, he took an appeal to the Delaware Supreme Court, which found in John’s favor. There was a challenging question of law about the particular language of the relevant statute and John had a lot of legislative experience from being a lawyer for the House of Representatives. Shortly after the case was over, John visited me in an office conference about a different matter. I congratulated John for being the zealous advocate that he was. John was most gracious in the best Delaware professional manner.

Finally, consider John’s picture on one of the tributes on the funeral home website. John sits in his wheelchair with a determined look. His jacket has a slogan: Forward Together. John was a faithful friend, such friendship being the medicine of life. Forward Together, always building bridges, always seeking changes no matter how difficult, and always seeking to reconcile differences with good humor. John stayed the course and fought the good fight.

During his 32-year legal career, John successfully represented clients in every State trial Court in Delaware, multiple local municipal Courts, and the United States District Court, as well as before the Delaware Supreme Court, putting him in rarefied air within the Delaware Bar. During that time, John also became an attorney for the Delaware House of Representatives. That experience later spurred him to throw his hat into the political ring and run for elected office in Sussex County. John was the first openly gay elected official in Delaware and ultimately won seven of nine elections in which he entered. As far as anyone has been able to say, he was the only person to serve as Sussex County Register in Chancery, Sussex County Recorder of Deeds, and Sussex County Clerk of the Peace, having been elected in 2000, 2002, and 2012 respectively, and very likely, the only person who won countywide elections as both a Republican and Democrat candidate. In addition to serving in office, John was Town Solicitor to the towns for Milton, Dewey Beach and Ellendale, Delaware, was both the Chief Deputy Register of Wills for Sussex County and Sussex County Law Librarian, and served on the Delaware Industrial Accident Board. However, one of his most proud accomplishments was serving as a volunteer attorney with the State Office of the Child Advocate, helping to safeguard the welfare of abused and neglected children in Family Court. One of his toughest tasks, but meaningful endeavors, was drafting wills for people who were dying of AIDS in the late 1990s.

It was his last elected position, Clerk of the Peace, that John enjoyed the most and during his four year term, he conducted over 1,000 marriages, including the first same sex marriages in Sussex County, starting in 2013. While his political affiliation may have changed, his commitment to the citizens of Sussex County, regardless of their party, never wavered.

John also gave much to others that flew well under the radar. For more than 30 years following law school, he either taught a bar exam preparation course or assisted individual candidates with preparing to take the Delaware Bar Exam. In addition,

while at the University of Richmond both as an undergraduate and graduate student, he worked in the Campus Police Department as a dispatcher and sometimes patrol police officer (and pulled over at least one current member of the Delaware Bar—not me—for a minor traffic offense during that time). For at least 15 years, he would take vacation time and go back to Richmond to work over the Thanksgiving and Christmas holidays so that the full-time police staff could take off and spend time with their families.

The day before he passed away, John was presented with The Order of the First State at his home by former Lieutenant Governor Bethany Hall-Long, and former Speaker of the House, Pete Schwartzkopf. The Order of the First State is Delaware's highest civilian honor and is bestowed upon individuals whose contributions have had a profound, lasting impact on the State of Delaware and its people, and is reserved for truly exceptional service, leadership, or achievement in any field—public service, philanthropy, education, business, the arts, or community building—that strengthens the fabric of Delaware. As she noted during the presentation, John “deserves recognition for continuous Service on behalf of the Citizens of the State of Delaware... His consistent dedication to excellence in serving his community and his State is to be lauded.” Moreover, she praised John directly, telling him: “[Y]ou have a remarkable legacy, and that legacy is going to continue forward through family, friends and all of us that you’ve touched. We, in Delaware, are better for this.” Despite his declining health, John was acutely aware of the significance of the ceremony and what was being said about him by the Governor and Speaker, and surprised none of his family and friends in attendance by responding in his booming voice that he “never expected to get this award, but [was] very appreciative.” He also immediately spoke up and identified a former legislator when Speaker Schwartzkopf could not recall her name from an incident occurring over 20 years previously.

John knew he was a bit of a big deal in Sussex County, but it was never in any sort of conceited way. He would always

take time to speak with people. The other side of that coin is there are always people who will try to take advantage of someone like that, and, unfortunately, many people took advantage of John and his limitless generosity. However, even when they did, he would invariably still help them, and he never carried a grudge. There was simply not a mean bone in his body. Moreover, he was a gentleman who was respectful and civil to everyone he encountered. I believe the *Cape Gazette* got it right with its headline for his obituary—“Ultimate Public Servant”—which he was. With that being said, I also don’t want to sugarcoat things. John could be a stubborn, a pain in the behind at times. He worked at my (now former) law firm for five years and he would do things that would drive me crazy, but that was just John being himself, and he couldn’t do it any other way. My birthday is towards the end of August. Every year on that day, John would call me at some point, usually while I was busy with a client matter, and always say “I remember being home with Jim and Nancy (our brother and sister) and getting a call from Dad just after 10 p.m. on a Sunday night that we had a little brother.” And I would inevitably respond, “John, why do you have to call me every year and say the same thing?” This is the first year I didn’t get that call. And I really miss that.

John was a lifelong Phillies and Eagles fan and had season tickets to the Phillies for a number of years. He enjoyed traveling to different Major League Baseball stadiums throughout the country, collecting baseball cards and memorabilia, and had an encyclopedic knowledge of baseball statistics and sports trivia. His size 13 sneakers will be impossible to fill. 📌

Note:

1. To put it into context, trial was before a jury. With Judge Stokes presiding.

William P. (“Bill”) Brady is Senior Counsel with Brockstedt Mandalas Federico LLC, and previously was the managing attorney of The Brady Law Firm, P.A. in Wilmington from 2015 to 2025. He served as President of the DSBA in 2019-20.



47th Mid-Atlantic Bar Conference

September 24-26, 2025 | Hyatt Place / Wilmington Riverfront

Between September 24 and 26, the DSBA hosted the state bar associations of New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, together with representatives from the American Bar Association. This Mid-Atlantic Conference, which occurs annually, allows the bar officers and executives to discuss common challenges and learn from each other's experiences. Topics covered this year included solving legal deserts where there are too few practicing attorneys, the rollout of NextGen bar exams, and the effective use of AI by bar associations.

Attendees had the opportunity to explore some First State treasures. On night one, they enjoyed a reception, tour and dinner at the Delaware Art Museum. On night two, just as the rain cleared, they enjoyed a private sail on the Kalmar Nyckel, followed by a reception and dinner at The Copeland Maritime Center.

With many of the attendees living and working in or near the geographic area covered by the Third Circuit Court of Appeals, DSBA President David A. White invited one of the Third Circuit Judges, Tamika Montgomery-Reeves, to say a few words.

For those of you who don't know her, Judge Montgomery-Reeves is a former Vice Chancellor on the Delaware Court of Chancery, a former Associate Justice on the Delaware Supreme Court and, as mentioned, a Judge on the Third Circuit Court of Appeals. Read her opening remarks in blue.

It is a privilege to be here today among members of the bar—people who understand, in a way few others can, the weight and meaning of the law.

We gather today not just as practitioners of a profession, but as participants in a shared mission: the pursuit of justice, the strengthening of the rule of law, and the creation of a society that works for everyone.

The public sees lawyers in courtrooms and conference rooms. They see your arguments and your contracts. But what often goes unseen is the deeper role lawyers play in society. You see lawyers don't just interpret rules. They help to design systems. Lawyers don't just resolve disputes. They help to shape what fairness looks like in practice. Lawyers don't just serve clients. They help to shape the society we all live in.

And with that power comes an undeniable responsibility. A responsibility to give back and to ensure justice is not only a promise but a reality.

Tonight, I want to talk with you briefly about that responsibility.

At the heart of that responsibility is a simple idea: service.

We all know the phrase "equal justice under law." But we also know that justice can feel out of reach without a lawyer.

We see this every day in our trial courts and appellate courts, where litigants appear without counsel, facing housing insecurity, immigration issues, loss of benefits, family related disputes, and other legal challenges. We see many of these litigants on their worst days. And I'd be willing to bet that if you asked them, without counsel, they feel alone and overwhelmed.

This is where lawyers must continue to step up.

Pro bono service is not a bonus. It is not "nice to have." It is a professional obligation—and one of our greatest opportunities.

When pro bono lawyers enter a case, they do more than represent an individual client. They restore balance to the adversarial process. They give judges the tools we need to make

better decisions. They elevate the entire system.

And let's not forget: the quality of pro bono service often is nothing short of excellent. Some of the best legal advocacy I've seen has come from attorneys who took on pro bono matters with the same energy, preparation, and precision they bring to their most high-stakes and high-paying clients.

Our courts depend on that. Courts depend on pro bono counsel to help fill the gaps and ensure justice for all. And right now, both trial and appellate courts need more volunteer attorneys. As our dockets grow, and legal aid resources remain stretched thin, pro bono involvement is not only appreciated—it is essential to the healthy functioning of our legal system.

Now, I know not everyone here is a litigator. Many of you work in transactional practices, in-house roles, academia, or other non-litigation areas. But giving back is not reserved for litigators.

If you are a trusts and estates lawyer, you can help a low-income senior draft a will or set up a power of attorney.

If you are a business attorney, you can help a nonprofit get off the ground or advise a first-time business owner on how to incorporate.

If you are in real estate, you can help families avoid displacement.

The opportunities are endless, and they often require just a few hours of your time to make a lifetime of difference.

Giving back also means investing in the future of our profession. And that begins with mentorship.

We cannot expect our profession to continue to grow as it should if we do not make deliberate efforts to support high school, college, and law students—especially first generation students and those from underrepresented backgrounds. A single conversation or a summer internship can be the spark that sets a young person on the path to law school.

And it doesn't stop there. Our junior colleagues also need our guidance, our stories, and sometimes just our reassurance that they belong here.

Mentorship does not require a formal program. It just requires a willingness to show up. To answer the call. To listen. To offer a steady hand when the profession feels unsteady. And all of us know that as amazing as this profession can be, there are hard days. Days when you are not sure of yourself. Days when you question the decisions you have made. On those days, we all need a mentor. You can and should be that for someone.

I always say that no one gets anywhere in this life alone. And that is so true for me. I have been the beneficiary of amazing mentors, and I have had them at every stage of my career. I am sure that is true of most, if not all, of you in this room. So pay it forward. Give back, as a mentor, to a person who needs it.

Finally, I want to speak about civic engagement—something our communities desperately need now.

Lawyers have a unique capacity to lead outside the courtroom. Lawyers can serve on boards, advise grassroots organizations, run for office, support policy initiatives, and help community members navigate complex legal systems.

Lawyers bring an analytical skillset, a sense of structure, and a commitment to fairness that is needed in many civic spaces.

And you don't need a title to make an impact. Sometimes showing up for a neighborhood legal clinic or offering pro bono governance advice to a community group is just as meaningful as arguing in court.

So, recognizing that I am the only thing standing between you and dinner, let me wrap this up. What's the call to action for you—members of the bar?

It is simple, but it is not small:

- Take a pro bono case. Courts and clients need you.
- Volunteer your skills—litigation or transactional—for those who can't afford them.
- Mentor someone. Help shape the next generation of legal minds.
- Be civically engaged. Our community needs your voice.

These acts are not just charitable. They are foundational to who lawyers are. Lawyers don't just uphold the law—lawyers help define what justice looks like. And in doing so, lawyers help build a better society for all. 🍷



THE DELAWARE STATE BAR ASSOCIATION PRESENTS

DR. MARTIN LUTHER KING, JR.

2026 Annual Breakfast & Statewide Day of Service

DATE/TIME

Monday, January 19, 2026
Breakfast: 7:45 a.m.

LOCATION

Chase Center on the
Riverfront
815 Justison Street
Wilmington, DE 19801



Keynote Speakers: Father-Daughter Duo Leah & Richard Rothstein

**Leah Rothstein: Co-author of *Just Action: How to Challenge
Segregation Enacted Under the Color of Law***

Richard Rothstein: Author of *The Color of Law*

DR. MARTIN LUTHER KING, JR.

Annual Breakfast & Statewide Day of Service

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Individual tickets are available for purchase for \$45 per person. Visit www.dsba.org for online registration.

2025 Christopher W. White Access to Justice Awards Breakfast

Tuesday, October 21, 2025 | Riverfront Events / Hyatt Place

At the annual Christopher White Awards, held on October 21, 2025 at Riverfront Events, attorneys and judges came together to honor those legal professionals being recognized for their outstanding service to indigent and under-represented people (1).

President David A. White, Esquire began the event by accepting the Access to Justice Tribute to the DSBA along with DSBA Executive Director Karl Randall from Delaware State Senator, Bryan Townsend, Esquire (2). Delaware Representative Krista M. Z. Griffith, Esquire, presented the Pro Bono Celebration Week Tribute to Janine Howard-O'Rangers, Esquire, the Executive Director of Delaware Volunteer Legal Services, Inc. (3).

The first award of the day was presented to Zoe Plerhoples, Esquire, of Wharton Levin, who received the Achievement Award (4). Laura C. Graham, Esquire, of Community Legal Aid Society, Inc., received the Commitment Award (5). The Service to Children Award was presented to Kathryn B. Lunger, Esquire (Ret.), of the Office of Defense Services (6). The Leadership Award was presented to The Levinson Firm (7). The final award, the Legal Professional Pro Bono Service Award, was given to Susanne Whitney, who works for John Garey, P.A. (8). Tania M. Culley, Esquire, CWLS, Pro Bono Manager for Young Conaway Stargatt & Taylor, LLP (9). Thank you to the sponsors and the attendees of the 2025 Access to Justice Breakfast. 🏆

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Access to Justice

For the Public Good

7



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8



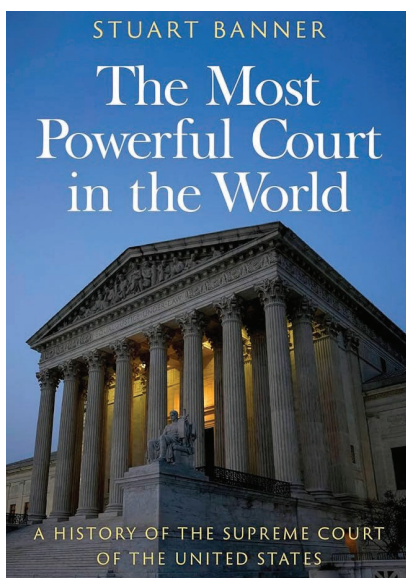
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Supreme Reading



The Most Powerful Court in the World

By Stuart Banner
(Oxford Univ. Press, 2024)

Most “standard” Supreme Court histories will take a reader on a chronological tour of Supreme Court caselaw as it has evolved from the 1790s to today, describing some of the controversies around some of the cases, but, by and large, presenting that history as one long evolving story. Sometimes the evolution of doctrine may be interrupted for a brief aside describing a particular justice, or a particular issue, but, by and large, the focus is on the major cases, one after another, up to the present day. There isn’t anything particularly wrong with this approach, of course, and, done well, it is usually educational and informative.

In *The Most Powerful Court in the World*, however, Professor Stuart Banner goes far beyond the typical Supreme Court history to describe not only the important cases, but also how the Court itself operated, how it was organized, and how its operations and organization changed over time. Perhaps most importantly, he reminds us the Court has always been somewhat controversial, writing that “many people discuss the Court as if in the past the justices confined themselves to technical legal questions and only recently ventured into decided contentious ‘political’ issues. This book is an extended demonstration of the contrary. . . . We have always presented controversial political questions to the Supreme Court.” What Banner does particularly well in his book is to explain how and why many of the Court’s prior decisions which seem so unremarkable today were, in fact, extremely controversial in their time.

Chisholm v. Georgia, decided in 1793, was so controversial that it led to passage of the Eleventh Amendment. In that case, the executor of a deceased South Carolina resident sued the State of Georgia for unpaid invoices on goods sold to the state in federal court. Georgia refused to recognize the federal court’s jurisdiction, taking the position that it enjoyed sovereign immunity. The Constitution, though, provided that federal courts had jurisdiction over matters “between a State and Citizens of another State.” *Chisholm* was simply invoking that jurisdiction. As a resident of South Carolina, he was suing Georgia in federal court. Nevertheless, many lawyers (and presumably all the states) believed the Constitution did not intend to disturb the common law doctrine that a sovereign could not be sued without its consent. The Supreme Court ruled in favor of *Chisholm*, and, in just over two years, the Eleventh Amendment was adopted by the required number of states—demonstrating just how unpopular and controversial the *Chisholm* decision had been.

McCullough v. Maryland, perhaps the Court’s most important case of the 19th century, was extremely controversial in its day. Today it is taken for granted and seems almost quaint; but, imagine if the outcome had been different (as many argued for at the time), and states were free to “tax” or otherwise interfere with federal actions and

policies in areas where the federal government exercises its power. The power to tax is the power to destroy.

In response to *Worcester v. Georgia*, in which the Court upheld the sovereignty of the Cherokee Nation within its boundaries, President Andrew Jackson was reported to have said: “John Marshall has made his decision, now let him enforce it.” It is hard to imagine a more visceral reaction to a Court decision, although whether Jackson actually said the words attributed to him remains unclear.

Simply put, the Supreme Court has been issuing controversial decisions since its earliest days. And Banner does an excellent job of putting these cases in the context of their times and demonstrating that “controversial” decisions are nothing new.

But there is much more to the Court’s history than merely the cases. The Justices’ duties and responsibilities have evolved over time. Originally, the Justices, in addition to hearing appeals as the Supreme Court, also “rode circuit” and would conduct trials and issue rulings in the District Courts in their assigned “circuit” (and, when decisions were appealed from the District Courts to the Supreme Court, the justice in the District Court would also take part in the appeal). The Justices all hated riding circuit though, as roads and travel conditions and weather made such riding arduous, taxing, and unpleasant. Justices would have to spend months away from home to ride their assigned circuit.

As the Court evolved and time passed, circuit-riding was abolished. Justices eventually were granted pensions, and began hiring clerks. For the greater part of its history (until 1935), the Court did not have its own building, and instead the Justices worked from their homes and conducted argument in the basement of the U.S. Capitol building. All of these changes affected the Court.

Historically, the Court was required to hear all appeals filed from lower courts. By the late 1800s, though, the resulting backlog caused the Court to often take years to decide an appeal, with most appeals decided in very short decisions, reflecting both the difficulty in keeping up with

the volume, as well as the fact that many appeals were clearly controlled by existing precedent. It was not until 1926 that the modern certiorari system was created, and the Court could decline to hear many cases and exercise more control over its docket.

There are many Supreme Court histories. All tell the stories of the “important” cases, but few provide all the context for the cases, few provide the background details about the Court and how it functioned over time, and few describe how these changes, in turn, influenced the way the Court was able to approach cases and issue its decisions going forward. The Supreme Court’s history is, it turns out, a bit more complex and interconnected than many standard histories would suggest.

But more than anything, Banner makes clear even as “controversy” has always accompanied at least some of the Court’s decisions, the greater majority of the Court’s cases are relatively “routine” and not of much interest to those beyond the parties involved. In his final two paragraphs, he summarizes as follows:

Ever since the Court was established, the justices have spent most of their time deciding routine cases . . . The famous and controversial cases have always been the unusual ones, the rare cases in which the justices exercise their remarkable power to its fullest extent. These cases, despite their unrepresentativeness, are the ones that have always created the Court’s image in the public mind. But the Court can look very different from the inside, where most workdays are consumed with the daily grind of

cases that most people will never hear of. It is hard to feel powerful or political while laboring on [such] a case...

This difference in perspective was just the same 200 years ago, when Alexis de Tocqueville rightly called the Supreme Court the most powerful court in the world, but when most of its cases were even less noteworthy. The Court’s history has consisted of two parallel stories—on one hand, the oft-told tale of occasional celebrated cases raising contested political questions, and on the other, a lesser-known account of a small institution that has steadily cranked out decisions in a much larger number of obscure cases, year after year. The first story is what accounts for the Court’s centrality in American life, but the second is closer to the justices’ lived experience. If one wants to understand the Court, both are important.

Whatever one’s knowledge of the Supreme Court and its cases, *The Most Powerful Court in the World* will provide additional insight, additional details, and a greater understanding and appreciation of the Court. Reading it is time well spent. ⚖️

Richard “Shark” Forsten is a Partner with Saul Ewing LLP, where he practices in the areas of commercial real estate, land use, business transactions, and related litigation. He can be reached at Richard.Forsten@saul.com.

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A Very Noble Gingerbread

I put my ideas for a November article on the back burner—pun intended—when I found this treasure of a recipe. No holiday sweet could be timelier than this spicy “Lafayette Ginger Bread.”

~ November begins the holiday season when gingerbread abounds.

~ In fact, November 21 is National Gingerbread Cookie Day.

~ This recipe dates back to 100-year-old cookbook published by the Daughters of the American Revolution.

~ The namesake is the Marquis de Lafayette, Revolutionary War hero and trusted friend of General George Washington, our first President. Lafayette served as a Major-General in the Continental Army and fought at the Battle of the Brandywine in nearby Chadds Ford (www.colonialwilliamsburg.org/discover/18th-century-people/nation-builders/marquis-de-lafayette/).

~ The 250th Anniversary celebration of the American Revolution culminates in just a few short months on Independence Day 2026.

I came across this Book of Recipes in the digital collections of the Library of Congress. (Daughters Of The American Revolution. Ellen Hardin



Walworth Chapter, N. Y. (1925) *Book of Recipes*. [New York] [Pdf] Retrieved from the Library of Congress, www.loc.gov/item/25024972/.) Considered a "Souvenir Book" for the 35th Anniversary of the founding of the Daughters of the American Revolution, its contents are quite special. The introduction describes its recipes as follows: "Some are from the cookbook of Mary Washington, mother of General Washington; some have been handed down from great-grandmothers and grandmothers and still remain in the family as 'the kind mother used to make.' Others are purely of the 20th Century Variety..." (Daughters Of The American Revolution, 1925, p. 3).

The recipe for "Lafayette Ginger Bread" was courtesy of the Kenmore Association in Virginia and comes with a moving story.

Lafayette Ginger Bread

Marquis de LaFayette returned to America after the Revolutionary War in the fall of 1784.

After a stay with his beloved friend, George Washington, at Mt. Vernon, one of the Lewis boys accompanied him to Fredericksburg to pay his respects to the general's mother.

They found her in her garden in a short gown, petticoat and cap, raking leaves.

Unaffectedly she greeted him, and together they went into the house where she made him a mint julep which she served with spiced gingerbread.

Listening, with pleased attention, to the Frenchman's praises of her son, her only reply was, "George was always a good boy."

In bidding her good-bye, General LaFayette asked for her blessing. Lifting her hand she prayed that

the favor of God might be with him always.

Deeply moved, he bent and kissed her hand.

Young Lewis said, "I had to choke to keep from crying."

The Marquis, in commenting on the scene afterwards, said: "I have seen the only Roman matron of my day."

This recipe for LaFayette Ginger Bread, as it was ever after called, was found in an old cookery book.

RECIPE

- Cut up in a pan ½ cup of very best fresh butter, with ½ cup of excellent brown sugar, beat to a cream with a paddle.
- Add 1 cup of West Indian molasses and ½ cup of warm milk; 2 tablespoons of powdered ginger and 1 heaped teaspoon of cinnamon, mace and nutmeg, powdered and mixed.
- One wine glass of brandy (I use coffee, now).
- Beat three eggs 'till very light and thick.
- Three cups of flour, sift and stir alternately with the beaten eggs into the batter.
- Last, mix in the juice and grated rind of one large orange.
- Dissolve one level teaspoon of soda in a little warm water and stir in.
- Beat until very light.
- A cup full of seeded raisins is an addition.
- Bake in loaf, sheet or patty pans in a moderate oven.

-Mrs. Vivian Minor Fleming, Regent
Washington-Lewis Chapter, D. A.R.,
Fredericksburg, Va.

(Daughters Of The American Revolution, 1925, p. 51).

The comment on the brandy versus coffee is interesting. I think I'll try both versions over the holidays.

While I've never paired gingerbread with a mint julep, I think it's a grand idea. The cool mint should complement the spicy ginger nicely.

Wishing you a Happy Thanksgiving and a delicious start to the season of special holidays. 🍪

Susan E. Poppiti is the owner of Susan Poppiti Math Tutoring LLC. Susan holds a WSET (Wine and Spirit Education Trust) Level 3 Award in Wines with Merit. You can contact Susan at spoppiti@hotmail.com and find a searchable collection of her "Judicial Palate" articles at cucinadipoppiti.com.

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The most qualified applicants possess experience in representing organizational clients, business process improvement, the ability to exercise proper professional independence, strong written and oral communication skills, and a desire to become an integral part of an excellent legal team.

The Office of Law maintains a hybrid work environment, with a highly flexible telecommuting policy. Candidates must have graduated from an accredited law school, and be a member in good standing of the Delaware Bar (or be eligible for admission under Delaware Supreme Court Rule 55).

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DISCIPLINARY ACTION

INTERIM SUSPENSION. In the Matter of A. Zachary Naylor, No. 422, 2025

Effective Date: October 9, 2025

By Order dated October 9, 2025, the Delaware Supreme Court suspended A. Zachary Naylor, Esquire immediately from the practice of law in Delaware pursuant to Rule 16(a) of the Delaware Lawyers' Rules of Disciplinary Procedure ("DLRDP"), pending the disposition of this matter under the DLRDP.

The Court ordered that during the period of interim suspension, Mr. Naylor shall:

- (a) not practice law in Delaware directly or indirectly, nor shall he provide any law-related services unless he is directly supervised by a Delaware lawyer;
- (b) not have any contact, direct or indirect, with clients, prospective clients, witnesses, or prospective witnesses for purposes of the practice of law or the provision of law-related services;
- (c) not attend any court proceeding or ancillary court proceeding on behalf of a client, address a court on behalf of a client, or make any legal argument on behalf of a client;
- (d) not advertise any law or law-related services;
- (e) not independently, or with another lawyer, own, operate, serve as an officer or director of, or share any interest whatsoever, in any law firm, association, corporation, or other business entity, the purpose of which is, in whole or in part, the practice of law;
- (f) not display to the public any indicia that he is a member of a law firm or available to take clients, including any signage, letterhead, or other written forms, websites, social media accounts or other internet web-based pages.
- (g) provide a copy of the Interim Suspension Order to all employers, whose purpose is, in whole or in part, the practice of law, regardless of whether he is a W-2 employee or a 1099 independent contractor;

CONTINUED >

DISCIPLINARY ACTION

CONTINUED >

(h) fully cooperate with ODC in any efforts to monitor his compliance with the Interim Suspension Order and these conditions;

(i) report any change in employment (including the name of his employer and job responsibilities) to ODC within ten calendar days of his date of hire; and

(j) not share in any legal fees arising from clients or cases referred by him during the period of suspension to any other lawyer or in any legal fees earned for services by others during such period of suspension. ⚖️

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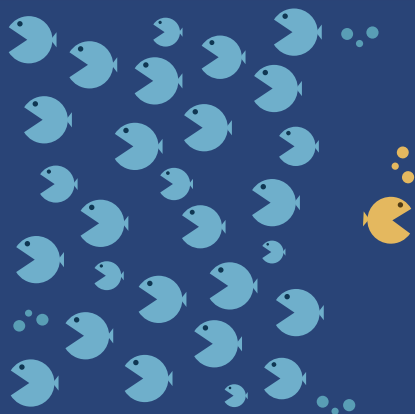


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The Delaware State Bar Association is looking for a number of talented members to join the 2026-2027 Executive Committee and lead the DSBA to continued success.

The following positions on the Executive Committee of the Association must be filled for the year 2026-2027:

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

Note: The Vice President, Kent County and the Vice President, Sussex County will be those persons selected by, respectively, the Kent County Bar Association and the Sussex County Bar Association.

The Nominating Committee wants to consider all interested candidates. If you are interested in serving on the Executive Committee or would like to recommend a candidate, please send your name or the candidate's name along with a CV and at least one letter of nomination to Karl Randall, Executive Director, by email at: krandall@dsba.org or by mail at: Delaware State Bar Association, 704 North King Street, Suite 110, Wilmington, DE 19801 by February 6, 2026.

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

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2025 Delaware Women's Hall of Fame Inductees

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In August, Governor Matt Meyer announced the 2025 inductees to the Delaware Women's Hall of Fame. The Office of Women's Advancement and Advocacy, a Division of the Delaware Department of Human Resources, and the Delaware Women's Hall of Fame Committee received over 50 nominations this year. From this impressive pool, the Committee selected four outstanding women whose remarkable contributions have made a lasting impact on the State of Delaware.

This year's inductees include:

Valerie Biden Owens, who, after leading her brother Joe Biden's campaigns for decades, now serves as Chair of the Biden Institute and is a national advocate for women's leadership and public service.

Claire DeMatteis, a Delaware attorney who has served as senior advisor to three Delaware Governors, served as Senior Counsel to then-U.S. Senator Joe Biden, and has made impactful contributions in all three branches of state government.

Charlotte King, the founder and Chair Emeritus of the Southern Delaware Alliance for Racial Justice, a retired social service administrator, and a longtime advocate who has served on numerous community boards and commissions across Sussex County.

Charlotte Miller-Lacy, a passionate, purpose-driven entrepreneur, visionary leader, author, inspirational speaker, and community game changer. She is the Founder and National Executive Director of I Am My Sister's Keeper (IAMMSK) and the MSK Community Center.

"The Delaware Women's Hall of Fame honors incredible Delawareans who have led with courage, vision, and a deep commitment to others," said Governor Matt Meyer. "Their impact is felt across the state—in our communities, in public service, and in the lives they've touched. We're proud to honor their legacy and thank them for their continued leadership."

"Our 2025 honorees exemplify the unwavering leadership, resilience, and

vision of Delaware women. This year's class continues the legacy of trailblazers who have shaped our state and our nation—women who have advanced equity, driven statewide initiatives, and uplifted our youth and communities by breaking barriers with courage and purpose," said Brenda Wise, Chair of the Delaware Women's Hall of Fame Committee.

The four inductees were recognized at the 44th Annual Delaware Women's Hall of Fame Induction Ceremony, which was held on Wednesday, Oct. 8.

Established in 1981, the Delaware Women's Hall of Fame is the oldest annual celebration of its kind commemorating Delaware women. Members represent women from diverse backgrounds, including artists, athletes, community advocates, military personnel, public servants, and scientists. There is no minimum age requirement, but nominees must have made an important and lasting impact on the lives of Delawareans and have resided in the state for at least 10 years during their lifetime. 🕒



From left to right: Valerie Biden Owens, Charlotte King, Charlotte Miller-Lacy, and Claire DeMatteis, Esquire.



Claire DeMatteis, Esquire.

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