WOMEN’S HISTORY MONTH

DELAWARE WOMEN’S HALL OF FAME: CELEBRATING 40 YEARS

Featuring members of the Delaware Bar
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Cover: The 14 Delaware Bar members who have been inducted into the Delaware Women’s Hall of Fame. All portraits by Delaware artist Theresa Walton.
March is Women’s History Month, a celebration of women’s contribution to history, culture, and society. Women in the legal profession have made great strides since Caroline B. Kilgore graduated from Pennsylvania Law School in 1883, the first woman to do so. She was also the first woman in the United States to graduate from a three-year law program.¹ In 1900, Caroline, admitted to practice in Pennsylvania, was denied admission pro hac in Delaware because she was a woman. The court’s reasoning was based on the 1897 Delaware Constitution, which provided that: “No person shall be elected or appointed to an office within a county who shall not have a right to vote for a Representative in the General Assembly….” Art. III, § 11.² At the time, attorneys were considered officers and women did not have the right to vote. Therefore, attorneys had to be male.

After passage of the 19th Amendment to the U.S. Constitution (which Delaware ratified on March 6, 1923), affording women the right to vote, the Delaware Constitution was amended to provide: “No citizen of the State of Delaware shall be disqualified to hold and enjoy any office or public trust, under the laws of this State, by reason of sex.” Art. XV, § 10.³ Thus, women could now be admitted to the practice of law in Delaware.

The first two women admitted to the Delaware Bar were Evangelyn Barsky and Sybil Ward in 1923. Evangelyn practiced law for ten years before she was appointed assistant city solicitor in 1935.⁴ She tragically died in 1936 in an “automobile mishap,” as the Wilmington Journal Every Evening reported.⁵ Sybil practiced at Ward & Gray, which today is Potter Anderson & Corroon. She was also the first woman elected to the Wilmington City Council, serving from 1925 to 1929.⁶

Since Evangelyn and Sybil there have been many more “firsts” for women in the Delaware bar, including President Judge of the Superior Court (Jan R. Jurden), President of the Delaware State Bar Association (Susan C. Del Pesco), Chancellor of the Court of Chancery (Kathleen St. J. McCormick), Chief Judge of Family Court (Chandlee Johnson Kuhn), Chief Judge of U.S. District Court for the District of Delaware (Sue L. Robinson), Supreme Court Justice (Carolyn Berger), and U.S. Bankruptcy Court Judge (Helen Balick), among many others.

As Ruth Bader Ginsburg said: “Real change, enduring change, happens one step at a time.” We celebrate all the steps taken by women in the Delaware Bar. We thank all of those who came before us for opening doors, breaking the ceiling, and showing us what is possible. We also thank and celebrate the current members of our Bench and Bar who are mentors and role models for so many women, even if they don’t know it. You inspire us to achieve more and remind us to lend a hand to those coming after us. Happy Women’s History Month.

Notes:
5. Id.

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

Evangelyn Barsky

Evangeline Barsky earned a master’s in 1918 and a law degree in 1922 from the University of Pennsylvania. Once Delaware began allowing women to hold public office and practice law, Barsky ran a law firm with her brother for over a decade before she was appointed assistant city solicitor in 1935. The following year, the entire city mourned when a car crash claimed her life.¹

Notes:

Sybil Ward

Sybil Ursula Ward was from a family of prominent Delaware lawyers. Once admitted to the Bar she worked for her family’s law firm Ward & Gray, which is today Potter Anderson & Corroon. She was also the first woman elected to the Wilmington City Council.¹

Notes:
SEEKING NOMINATIONS
The Delaware State Bar Association and the Awards Committee are seeking nominations for the First State Distinguished Service Award to be presented at the 2022 Bench & Bar Conference. The award is described below:

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

SUBMIT NOMINATIONS BY MARCH 4, 2022 TO:
Mark S. Vavala, Executive Director
Mail: DSBA, 405 N. King Street, Suite 100, Wilmington, DE 19801 or Email: mvavala@dsba.org

Please include: The name, firm, and title/occupation of the Candidate; name and contact information (firm, address, email, phone, and fax) of the individual nominating the Candidate; and a brief statement of the reasons the Candidate is deserving of the Award.
“How can a person know everything at 18, but nothing at 22?” Taylor Swift asks in the song “Nothing New,” albeit without a byline credit to Socrates. The musical question reminded me of the Don Henley line, “The more I know, the less I understand,” and then took me back about 25 years, to a college classroom and a philosophical debate on innocence versus virtue. A student drew the distinction as virtue being capable of acquisition while innocence is only capable of loss, concluding, “Life is the decrescendo of innocence.” Perhaps more concretely, life is also the crescendo of perspective. After all, it is tough to believe and then understand what you cannot imagine in the first place.

As a child, I viewed my mother as my steady, quiet supporter, my advocate, my teacher. And while she continues to fulfill that role, the lens has panned out. I can better see how, over decades of public education service — first as a teacher, then as a school board member, and currently as a community college trustee — she has fought to promote the interests of all students, not just the ones sprouting from the family tree, so they have the chance and the tools to succeed.

More recently, with newfound overlapping time in the house over the past two years, I have gained a greater appreciation for how hard my wife works, not just in courtroom advocacy but in opportunity development for others. It has been my personal equivalent of Henley and Glenn Frey, his bandmate from The Eagles, by happenstance, living above Jackson Browne in Los Angeles in the early 1970s and learning to write a song by hearing Browne’s piano through the floor. As the story goes, he would play a verse over and over until it was perfected and then move on to the next, for hours on end, unwittingly showing the neighbors upstairs the diligence and patience that the craft demands. Like Henley and Frey, I have lucked out in picking up a few notes on professionalism and steadfastness from my wife, as she mentors coworkers and other women in the legal field. On the personal side, there has been the periodic reminder of just how much I do not know about the challenges that others face, notwithstanding the matching job titles.

Similarly, this issue’s article on the Delaware Women’s Hall of Fame and the Office of Women’s Advancement and Advocacy pushed to mind just how long Martin Luther King, Jr.’s arc of the moral universe is. Many of the various ground-breaking accomplishments and achievements are not in a remote, faraway past. On the contrary, the distance of the arc continues to grow, but points on that arc can be jarringly recent. Like so many others, I have been fortunate to have met, appeared in front of, served with, and worked for a number of trailblazing women of the First State, including inductees in the Delaware Women’s Hall of Fame.

Notes:
1. As my soccer and track teammates can attest, the one exception to my mother’s usual calm, even tone was if one of her children (and now grandchildren) was competing in a sporting event. I frequently heard above the din, “Go son!” – the phrasing leaving little doubt as to the identity of the speaker.

Celebrating Women’s History Month

Like so many others, I have been fortunate to have met, appeared in front of, served with, and worked for a number of trailblazing women of the First State, including inductees in the Delaware Women’s Hall of Fame.

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

TO THE NEW MEMBERS OF THE DELAWARE BAR

*THE LIST BELOW REFLECTS NEW MEMBERS ADMITTED IN 2021 AND IN 2022 TO DATE*

Kevin Ahmed
Timothy Raymond Akers, Jr.
Kristin Ashlee Antario
Melanie G. Augustin
Thomas Paul Barnett, Jr.
Carson Renee Bartlett
Samuel E. Bashman
Kevin Albert Beaugez
Avery Benesch
Dwayne J. Benson
Franco W. Benyamin
Paul S. Besson
Aaron A. Black
Abbey E. Block
Andrew E. Blumberg
Shella Borovinskaya
Anastasia Mary Bowchy
Sarah K. diFrancesca
Alexander Dickinson
Emily S. DiBenedetto
Marisa Rachel De Feo
Megan J. Davies
Lisa L. Dailey
Timothy E. Curley
Aaron Cooper
Brandon A. Cook
Daniel M. Cole
Kyle R. Brady
Hana Brajuskovic
Joshua B. Brooks
Andrew L. Brown
Lauren N. Brown
Margaret Ann Brown
Susan L. Burke
Catherine Veronica Butchy
Paul Carango
Michael Carbonara
Matthew W. Catron
Eugene Choi
Erin E. Clawson Zorn
Logan Cole
Daniel M. Cole
Brandon A. Cook
Travis D. Coon
Aarom Cooper
S. Christopher Cundra IV
Timothy E. Curley
Lisa L. Dailey
Megan J. Davies
Lauren G. Debano
Marisa Rachel De Feo
Emily S. DiBenedetto
Alexander Dickinson
Sarah K. diFrancesca
Michael V. DiPietro
Emma K. Diver
Kendell A. Dorvillier
Jack M. Dougherty
Shannon Doughty
Jennifer Mary Duffy
Molly R. Dugan
Paris Shavellle Dupree
Katherine S. Dute
Dakota B. Eckenrode
Joseph Francis Ecker
Chandler R. Elliott-Fehl
Colin Erickson Emrich
Benjamin P. Facey
Elizabeth J. Feeney
David Joseph Ferry III
Ana Lucia Fiscella
Michael Edward Fitzpatrick
Deborah S. Flippen
Jesse C. Flowers
Faith Flugence
Kevin P. Foley
Anna L. Fosberg
Elizabeth J. Freund
Joseph Gadberry
Mindy Gee
Lauren Gitman
Denia Zakaria Glaeser
Victoria A. Gloc-Molloy
Steven William Golden
Michael Barak Gonon
Michael Charles Gorski, Jr.
Daulton Gregory
Samuel Marcus Gross
Landon Yale Hacker
Daniel Patrick Hagelberg
Charles Hallinan
Taylor E. Hallowell
Sarah M. Hand
Nehama Hanock
Courtney David Heinle
Joseph F. Heinlein
Russell Craig Heller
Kelly Henry
Brandon Herling
 Evan William Hockenberger
Eric M. Holleran
Ellis Huff
Sheilah A. Jennings
Amanda R. Jester
Haydyn K. Johnson
Ryan Daniel Jorlin
M. David Josefovits
Jamie Grace Judefind
Caroline Alexis Kaminski
Joanna Gerard Kelly
Rebecca E. Kilmon
Edmond Kim
Carolyn Ann King
Chelsea M. King
Ryan D. Kingshill
Michael Baird Kinnard
Daniel Paul Kluisman
Courtney J.A. Knop
Maria Kotsiras
Courtney Leigh Kurz
Maxine S. Labovsky
Kyle Lachmud
Robert Bruce Lackey
Christine Lafferty
Melissa A. Lagoumis
Christopher Michael Lambe
Carolyn Michelle Larrabee
Emily M. LaSpina
Jessica Lee
Kelsey D. Lessard
Huiqi Liu
Patrick A. Lockwood
Ryan Matthew Logan
Brian Loughnan
Anthony S. Lowe
Carolyn Creighton Lyons
Sean M. MacDonald
Megan F. MacLeish
Clee Alissia Malitiano
Robert Thomas Maguire
Joanna M. Damey
Thomas C. Mandracchia
Joshua A. Manning
Jessica Manzanillo
Emily M. Marco
Andrew Alexander Mark
Tyler James Maron
Juan E. Martinez
David F. Massulli
Zoe Ann Matherne
Emily R. Mathews
Travis G. Maurer
Devan A. McCarrie
Maureen C. McDonnell
Caroline M. McDonough
Kristin L. McLoy
Tara D. McManamy
Robert Anthony McReynolds
Andrew Meck
Laneyeschia Echevarria Méndez
Ryan Michael Messina
Daniel E. Meyer
Matthew S. Middleton
David Edward Milano
J. Garrett Miller
Korinne Muller
Zachary Murphy
Travis Joseph Murray
Eric J. Nascone
Jessica L. Needles
Kenneth L. Norton
Emily A. Nowlan
Lauren Ruth Otto
Jaevan C. Owens
Renee P. Pagano
Martin D. Page
Hillary P. Patterson
Michael A. Pearce
Mallory V. Phillips
Sommer F. Poppe
Timothy R. Powell
Daire James Pyle
Luke T. Rabe
Gabriel Bayley Ragsdale
Stefanie N. Ramirez
Bryan T. Reed
Taylor M. Reeves
Torli L. Remington
Sameen Rizvi
Howard W. Robertson IV
Gabriela Roca-Fernandez
Sophie Rogers Churchill
Amanda Lynn Rossi
Matt Rubinoff
Stephanie H. S. Rudolph
Jacob Ryder
Vaghif Salem
Joshua R. Salzer
Sabha Taslim Saravi
Danielle Marlene Sawyer
Elizabeth R. Schlecker
Zachary J. Schnapp
Griffin A. Schoenbaum
Erica K. Sefton
Alexandria M. Shaffer
Dennis J. Shaffer
Rachel Sara Sharp
Harry W. Shenton IV
Madeline R. Silverman
Emily L. Skauge
Stephanie Joanne Slater
Heather Smillie
Ciara Elizabeth Sprance
B. Nelson Sproat
Michael R. Stacey
Hannah Stephens
Brody C. Stevens
Zachary S. Stiparco
Shuyan Sun
Evan Daniel Sweeney
Margaret W. Taviano
Brendon M. Tavelli
Daniel A. Taylor
Dallas G. Taylor
Lawrence R. Thomas III
Cassandra L. Thompson
Carol E. Thompson
Shelby M. Thornton
Courtney Tibbet
Paige N. Todaro
Elizabeth A. Trachtman
Megan E. Traynor
Robert V. Troiano
Steven C. Trovarelli
Amy E. Tryon
Rachel R. Turney
Joseph Turk
Jillian A. Tyson
Jeremiah Ullm
Anna Umstead
Kirsten M. Valania
Sebastian Van Oudenallen
Vernon M. Vassallo
Matthew D. Venuti
Michael C. Wagner
Thomas A. Warnock, Sr.
Jackson E. Warren
Justin K. Weeks
Bryan Daniel Weiss
Elena Werner
Jonathan M. Weyand
David T. White
Yuhanna V. Whye
Lucille W. Wiesner
Mallary Willatt
Thomas J. Williams
George A. Williams III
Sandy J. Xu
Peter A. Yingst
Thomas A. Youngman
Sandy J. Xu
Peter A. Yingst
Thomas A. Youngman
Donald P. Zeman
Sarah Antonia Zomaya
William Zwirchowski
Donald P. Zeman
Thomas A. Youngman
Mallary Willatt
Thomas J. Williams
George A. Williams III
Sandy J. Xu
Peter A. Yingst
William Zwirchowski

DSBA Bar Journal | March 2022
MEMBER BENEFIT OF THE MONTH

DSBA Section Forums

If you have questions, notices, subjects of interest, or just about anything you want to ask or tell your section, check out the DSBA Forums. The forums are meant to give all members the ability to reach out for help and for others to assist them. Now, more than ever, we need options to work with each other and help whenever we can. DSBA hopes this new member benefit will give our members new ways of doing business and interacting.

To access the forums, just log into www.dsba.org and you will see Forums listed at the top of the Members Area page. Just click there and it will take you to the list of potential forums. Most will want to select from the list of sections, each of which has its own. Posting and responding is fairly easy to do. Enjoy connecting!

DSBA HAPPENINGS

The DSBA Legacy Wall

For the first time in DSBA’s 100 year history, there will be a way to honor a member’s retirement or commitment and contributions to the Delaware legal community or memorialize a member who has sadly left us. DSBA is introducing the new Legacy Wall, entitled “The Legacy of the Delaware Bar: Remembering the Past and Inspiring the Future,” which will be showcased in the main CLE seminar room at DSBA’s offices on King Street. Firms, colleagues, and loved ones will have an opportunity to honor association members from the past or present with a permanent tribute. The plaques will come in various sizes and will have a variety of options that include pictures, names, and text.

The organization helping bring this initiative to fruition is W&E Baum, the same company who designed the Ellis Island Wall of Honor, which includes 724 etched stainless steel panels with over 600,000 names of immigrants that have come to this country.

DSBA hopes to make the Legacy Wall a permanent and powerful tribute to the lawyers who have made and continue to make the Delaware Bar a unique forum for collegiality, intellect, compassion, and duty.

If you are interested in honoring or memorializing someone, visit www.dsba.org/legacywall to see the options and to order a plaque to be included on the wall at DSBA.

TOP 5

GENDER INEQUALITY ISSUES FACING WOMEN

More women are represented in the boardrooms and legislatures, in media, and even on the U.S. Supreme Court. But there are still many more miles to go in the U.S. and International community for women in order to have the same opportunities as men. For example:

1. Poverty
According to the United Nations, women are more likely to live in poverty than men. Discrimination, abuse, and economic structures have kept women back economically.

2. Education
While more women have access to education than ever before, as many as 130 million women worldwide still do not have access to schooling, whether due to poverty, location, a need to work, or local laws and stereotypes.

3. Healthcare
While women will engage with healthcare more than men, their status in society is often determinative in whether they will have any access to it. Cultural norms which see women as inferior to men often stand in the way. Some practices are forced upon women in several countries such as the female genital mutilation. The World Health Organization says that at least three million girls are still at risk of being mutilated due to cultural practices.

4. Safety
In 1995, two-thirds of the countries attending the Beijing Conference implemented laws designed to curtail domestic violence, which affects women disproportionately to men. But, despite these changes, women still experience difficulties in obtaining the essential legal protection or services necessary to escape violent situations.

5. Income Equality
In countries where women are able to work and even achieve high level jobs like CEOs, doctors, and lawyers, there is still a discrepancy in the way women are paid in comparison to their male counterparts. Gender discrimination has not been eradicated, leading many women to end up in low-paying or insecure jobs while disparate pay scales often reduce economic power for women.
OF NOTE

Condolences to the family of Christopher M. De Lillo, Esquire, who died on December 23, 2021.

Condolences to the family of George A. Bramhall, Esquire, who died on January 23, 2022.

Condolences to The Honorable Arlene Minus Coppadge on the death of her mother, Doretha Minus, who died on January 27, 2022.

Condolences to Hayley J. Reese, Esquire, on the death of her father, Michael Reese, who died on January 31, 2022.

Condolences to Bayard W. Allmond III, Esquire, on the death of his mother, Frances O. Allmond, who died on February 1, 2022.

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

MEMBER NEWS

Congratulations to DSBA member Victoria R. Sweeney, Esquire, of Delaware Department of Justice, Civil Division, Defense Litigation Unit, and her husband, Dan Bilodeau, who welcomed their baby son, Thomas Patrick, on December 11, 2021. He weighed 8 pounds, 11 ounces, and was 20 inches long.

DSBA member Richard H. May, Esquire, recently published a collection of short stories entitled Witness for the Defense. Dick’s book of short stories draws upon his experiences observing people’s foibles and everyday curious encounters while serving the Delaware Bar for over three decades. Richard was a partner at Young Conaway Stargatt and Taylor before retiring.

Quick-Look ETHICS

A BI-MONTHLY CONTRIBUTION

BY LUKE W. METTE, ESQUIRE

Must Lawyers Reveal Their Mistakes to Their Clients?

Many lawyers abide by the notion of never admitting anything to an adversary. But what about admitting your mistakes — or at least certain mistakes — to a current client who is paying your bills and to whom you owe a fiduciary duty?

Like any relationship, the attorney-client relationship is built on trust and communication.

Rule 1.4 (Communication) of the Delaware Lawyers’ Rules of Professional Conduct (the “Rules”) requires a lawyer to, among other things: “promptly inform” the client of any circumstance requiring the client’s informed consent (Rule 1.4(a)(1)); “keep the client reasonably informed about the status of the matter” (Rule 1.4(a)(3)); and “explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation” (Rule 1.4(b)).

Rule 1.4, comment 1, states, “Reasonable communication between the lawyer and the client is necessary for the client effectively to participate in the representation” (emphasis added).

Rule 1.4, comment 7 (withholding information) provides that, although in some limited circumstances a lawyer may be justified in delaying the transmission of certain information to a client (such as when disclosure might harm the client), a lawyer “may not withhold information to serve the lawyer’s own interest or convenience.”

ABA Ethics Opinion 18-481 (A Lawyer’s Duty to Inform a Current or Former Client of the Lawyer’s Material Error) provides additional guidance. It concludes a lawyer has an obligation to disclose to a current client (not a former client) material errors: that is, those errors either (1) “reasonably likely to harm or prejudice a client” or (2) that would “reasonably cause a client to consider terminating the representation even in the absence of harm or prejudice.”

All lawyers make mistakes. Put yourself in your client’s shoes and ask yourself what mistakes you would want your lawyer to disclose to you. In that regard, ABA Ethics Opinion 18-481 is instructive and worth the read.

Luke W. Mette is a partner at Armstrong Teasdale LLP. He has been a Delaware lawyer for 33 years and was Chief Disciplinary Counsel in Delaware from 2019-2021. He can be reached at LMette@atllp.com.
Professional Guidance Committee
This committee provides peer counseling and support to lawyers overburdened by personal or practice-related problems. It offers help to lawyers who, during difficult times, may need assistance in meeting law practice demands. The members of this committee, individually or as a team, will help with the time and energy needed to keep a law practice operating smoothly and to protect clients. Call a member if you or someone you know needs assistance.

New Castle County
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   David J. Ferry, Jr., Esquire
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   Mary C. Boudart, Esquire
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   Michael F. McTaggart, Esquire
   Mary E. Sherlock, Esquire**
   I. Barry Guerke, Esquire**
   Dennis L. Schrader, Esquire**
   E. Alan Uebler, Esquire
   David A. White, Esquire

Carol P. Waldhauser, Executive Director
DSBA/DE-LAP Liaison

*Certified Practice Monitor
** Past Co-Chair

CALENDAR OF EVENTS

March 2022
Thursday, March 24, 2022 • 10:00 a.m. – 11:00 a.m.
Was That Wrong 2022
1.0 hours CLE credit in Enhanced Ethics credit
Live Webinar via Zoom

Friday, March 25, 2022 • 9:00 a.m. – 12:30 p.m.
Labor and Employment Law Update 2022
3.3 hour CLE credit including 1.0 hour in Enhanced Ethics credit
Live Webinar via Zoom

Tuesday, March 29, 2022 • 12:00 p.m. – 2:30 p.m.
Maximizing Legal Analytics as a Competitive Advantage in Delaware State Trial Courts 2022
2.5 hours CLE credit
Live Webinar via Zoom

Thursday, March 30, 2022 • 9:00 a.m. – 4:15 p.m.
Fundamentals of Will Drafting and Estate Administration 2022
6.0 hours CLE credit
Live Webinar via Zoom

Thursday, March 31, 2022 • 9:00 a.m. – 12:15 p.m.
Day 1: Superior Court Mediation Training
Mediation Training dates: March 31, 2022; April 6, 2022; April 25, 2022; and April 26, 2022
20.0 hours CLE credit including 2.0 hours in Enhanced Ethics credit
Live Seminar at Delaware State Bar Association, Wilmington, DE

April 2022
Monday, April 4, 2022 • 2:00 p.m. – 3:30 p.m.
Technology, Oil, and Sharia Law: the Saga of the Exxon-Mobil vs. SABIC case
1.5 hours CLE credit
Live Seminar at DSBA with Zoom Option

Tuesday, April 5, 2022 • 9:00 a.m. – 11:00 a.m.
Mediating Personal Injury Cases in Superior Court of Delaware
2.0 Hours CLE credit
Live Webinar via Zoom

Wednesday, April 6, 2022 • 9:00 a.m. – 4:00 p.m.
Day 2: Superior Court Mediation Training
Mediation Training dates: March 31, 2022; April 6, 2022; April 25, 2022; and April 26, 2022
20.0 hours CLE credit including 2.0 hours in Enhanced Ethics credit
Live Seminar at Delaware State Bar Association, Wilmington, DE

Thursday, April 21, 2022 • 8:30 a.m. – 4:15 p.m.
Animal Welfare and Family Law 2022
6.8 hours CLE credit including 0.5 hour in Enhanced Ethics credit
Live Seminar at DSBA with Zoom Option

Monday, April 25, 2022 • 9:00 a.m. – 12:15 p.m. and
Tuesday, April 26, 2022 • 9:00 a.m. – 2:45 p.m.
Days 3 and 4: Superior Court Mediation Training
Mediation Training dates: March 31, 2022; April 6, 2022; April 25, 2022; and April 26, 2022
20.0 hours CLE credit including 2.0 hours in Enhanced Ethics credit
Live Seminar at Delaware State Bar Association, Wilmington, DE

Friday, April 28, 2022 • 12:00 p.m. – 1:00 p.m.
What Non-Bankruptcy Attorneys Need to Know About Bankruptcy
1.0 hour CLE credit
Live Webinar via Zoom

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

March 2022

Wednesday, March 2, 2022 • 4:00 p.m.
Women & the Law Section Meeting
Morris James LLP, 850 New Burton Road, Suite 101, Dover, DE

Friday, March 4, 2022 • 12:00 p.m.
Environmental Law Section Meeting
Teams Meeting, see Section listserv message for link and password

Tuesday, March 8, 2022 • 12:00 p.m.
Litigation Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Friday, March 11, 2022 • 12:00 p.m.
Workers’ Compensation Section Meeting
Zoom Meeting, see Section listserv message for link and password

Wednesday, March 16, 2022 • 9:00 a.m.
ADR Section Meeting
Zoom Meeting, see Section listserv message for link and password

Thursday, March 17, 2022 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Tuesday, March 22, 2022 • 12:00 p.m.
Multicultural Judges and Lawyers Section Meeting
Zoom Meeting, see Section listserv message for link and password

April 2022

Wednesday, April 6, 2022 • 12:30 p.m.
Women & the Law Section Meeting
Zoom Meeting, see Section listserv message for link and password

Friday, April 8, 2022 • 4:30 p.m.
Workers’ Compensation Section Meeting
Heckler & Frabizzio, P.A., 800 Delaware Avenue, Suite 200, Wilmington, DE

Tuesday, April 12, 2022 • 12:00 p.m.
Litigation Section Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

Thursday, April 14, 2022 • 12:00 p.m.
Executive Committee Meeting
Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

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

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“Be prepared.” The motto I first learned in Boys Scouts is apt advice for anyone who asks what they “should be doing” about cybersecurity.

A typical day now brings cyberattacks that vary from the garden variety to the catastrophic. Ransomware shuts down the operations of organizations from the smallest local entity to the largest global company. Data compromise and cyber extortion often accompany a ransomware attack or “just” stand alone. Account compromises lead to the re-direction of electronic payments or sensitive data to “threat actors.” We run the gauntlet of cyber incident response only to stand at the starting gate of the investigations and litigation that increasingly follow.

As a result of the threat landscape and its common consequences, “being prepared” is quickly shifting from sage cybersecurity advice to legal requirement. Various statutes, regulations, rules, guidance documents, contracts, and state common law now require most organizations to implement and maintain some form of cybersecurity governance program. Below is a thumbnail sketch of some of the burgeoning areas of cybersecurity law and an outline of the core elements of a cybersecurity governance program.

In just a handful of years, 26 states have enacted laws that impose “reasonable” cybersecurity requirements on most entities that collect, store, transmit or use personal information of state residents. For example, Delaware’s data security statute requires every “person” that conducts business in the state to “implement and maintain reasonable security procedures and practices to prevent the unauthorized acquisition, use, modification, disclosure, or destruction of personal information collected or maintained in the regular course of business.” These programmatic requirements are distinct from statutory obligations in all fifty states to disclose data breaches that involve such information.

A data breach often provides the impetus for investigations and litigation centered on violations of these general data security laws. The California Consumer Privacy Act is a great example. In addition to authorizing regulatory enforcement actions brought by the California Attorney General’s Office, the statute permits private citizens to recover statutory damages ranging from $100 to $750 per person (or greater individualized damages), where those citizens’ “nonencrypted or nonredacted” personal information is “subject to an unauthorized access and exfiltration, theft, or disclosure as a result of the business’s violation of the duty to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the information....” Cal. Civil Code § 1798.150. By the end of 2022, more than half of the states will have considered or enacted similar statutes.

There also is a bevy of sector-specific cybersecurity laws and regulations at the state, federal and international levels that impose requirements ranging from the general to the granular. At the federal level, we have an alphabet soup of laws and regulations too numerous to cover in this article (GLBA, HIPAA/HITECH, DFARS, etc.). A good example at the state level is the Delaware Insurance Data Security Act, which requires licensees to “develop, implement, and maintain a comprehensive, written information security program that is based on the licensee’s risk assessment and contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee’s information system.”
as the legal and regulatory frameworks governing cybersecurity advance and the risks become manifest, corporate governance must evolve to address them. The corporate harms presented by non-compliance with cybersecurity safeguards increasingly call upon directors to ensure that companies have appropriate oversight systems in place.


A final example comes from Delaware Rules of Professional Conduct 1.1 and 1.6(c), which impose obligations of technological competence and a duty to “make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” Whether violations of such ethical rules could be used to support negligence or malpractice claims remains for future caselaw development.

By design or neglect, each organization now has an iterative, programmatic cybersecurity record. That record will serve as the basis for avoiding or imposing liability when an incident leads to a legal dispute.

In light of the evolving legal and cyber threat landscapes, organizations must maintain a “reasonable” cybersecurity governance program. Although requirements may vary by law, guidance or industry standard, below are the core components of such a program.

- Appointment of a leader to coordinate the program.
- Oversight of the program by senior leaders of the organization.
- Periodic assessment of internal and external cyber risks, in the context of: (1) the entity’s size and complexity; (2) the nature and scope of its activities; (3) the amount and type of sensitive information it creates, collects or holds; and (4) the cost of maintaining security measures.
- Maintenance of: administrative, technical and physical safeguards, policies and procedures that address: identity, access and authentication controls; data, device, systems, and personnel inventories and mapping; encryption of sensitive data in transit and at rest; patching and updating of software and hardware; system hardening (firewalls, segmentation, etc.); multi-factor authentication to any remote system or data access; limited user privileges; restrictions on use of non-organizational devices, applications and accounts; network monitoring for anomalous activity; and frequent data backups.

- Management of third-party service providers, including contractual requirements that they maintain appropriate safeguards, report and cooperate in response to cyber incidents.
- Periodic cybersecurity training for all persons with access to sensitive systems or data.
- Implementation of data classification, retention and destruction protocols.
- Creation of a written incident response plan designed to respond to cybersecurity incidents that affect sensitive data and information systems, whether controlled by the organization or external service providers.
- Integration of cybersecurity and financial fraud safeguards to prevent, detect and respond to technology-facilitated attempts to re-direct financial transactions or sensitive data flows.
- Integration of cybersecurity and disaster recovery/business continuity programs in light of heightened ransomware risks.

Maintaining a cybersecurity governance program that incorporates these core elements is critical to avoiding or mitigating cyber incidents, and the reputational, business and liability risks that are likely to follow.

**Ed McAndrew** is a cybersecurity and litigation partner at DLA Piper LLP, and the co-leader of the Delaware Supreme Court's Commission on Law and Technology. He can be reached at ed.mcandrew@dlapiper.com.
The American Bar Association Ethics Opinion Committee has not issued an opinion since Opinion 500 entitled “Language Access in the Client-Lawyer Relationship.” That Opinion was covered in the October 2021 column. But the ABA has otherwise been active in both ethics and professional responsibility matters.

The ABA House of Delegates resolved to adopt new standards recommended by the Section of Legal Education and Admission to the Bar in February 2022. Those standards revised the anti-discrimination provisions of Standard 205 to preclude discrimination on the added grounds of ethnicity, gender identity or expression, and military status. The current standard already prohibits discrimination in admission policies based on race, color, religion, national origin, gender, sexual orientation, or age.

The resolution also establishes new standards for law school curricula. Those changes would require law schools to provide education to law students on bias, cross-cultural competency, and racism at the start of the program of legal education and at least once again before graduation. For those students engaged in law clinics or field placements, the second educational program on bias, cross-cultural competency, and racism must take place before, concurrently, or as part of the student’s participation in the clinical or field placement course.

The interpretation to the Rule notes the “importance of cross-cultural competency to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced.” The ABA recommends that such programs include orientation sessions for incoming students, lectures on such topics, courses incorporating these topics or other educational experiences incorporating the topics.

The proposed standard notes that the change would not prevent a law school from having a religious affiliation or purpose nor would it prohibit the school from applying policies of admission or employment of faculty and staff related to that affiliation or purpose as long as everyone affected is given notice. It goes on to provide such an affiliated law school may offer preferred admission to persons adhering to the religious affiliation or purpose of the law school as long as it does not preclude admission of applicants on the basis of race, color, ethnicity, religion, national origin, gender, gender identity or expression, sexual orientation, age, disability, or military status.

In the interpretation to the Standard, it is noted that the prohibition concerning sexual orientation and gender identity or
expression does not require a religiously affiliated school to act inconsistently with the essential elements of its religious values and beliefs. The interpretations also provide that a law school may not require applicants, students, faculty or employees to disclose their sexual orientation, although they may provide opportunities for them to do so voluntarily.

Another new standard proposed by the ABA relates to student loans. Per the standard, law schools would be required to provide each admitted applicant information on resources related to financial aid and student loan debt and loan counseling.

Farther down the pipeline is a proposed change to the Model Rules. Not yet before the ABA House of Delegates, the Association of Professional Responsibility Lawyers (“APRL”), a section of the ABA, has developed a draft version of Model Rule 5.5 for discussion. The APRL draft would offer a substantial revision to the multi-jurisdictional practice Rule 5.5.

The current Model Rule lists exceptions to the ban on the unauthorized practice of law. Those exceptions include the representation of a client on a temporary basis in a jurisdiction where the lawyer is not admitted to practice if the legal services arise out of or are reasonably related to the lawyer’s practice in a jurisdiction in which the lawyer is admitted to practice. There are also exceptions for in-house counsel.

Delaware was an early adopter, incorporating all but Subsection (e) of the Model. That subsection permits practice by “foreign” (i.e., non-U.S.) lawyers. Forty-eight states and the District of Columbia have adopted some version of the Model Rule, most with some changes. As a result, considerable care should be taken by attorneys with multi-state practices to determine the local “rules of the road.” Some states have adopted much more restrictive versions of Rule 5.5 while a few are much more liberal. For example, North Carolina allows non-admitted attorneys (both U.S. and foreign) to establish an office in the state as long as they don’t practice North Carolina law.

The APRL-proposed model rule essentially starts over. Instead of stating the exceptions to the unauthorized practice of law, it affirmatively states that lawyers admitted elsewhere may provide legal services in the state if they disclose to the public those jurisdictions to which they are admitted and agree to comply with the local rules of professional conduct and be subject to the disciplinary authority of the host jurisdiction. One could easily read the proposed rule as one providing for reciprocity and national admission, making its adoption by the ABA House of Delegates doubtful and adoption by the Delaware Supreme Court even less likely.

“Ethically Speaking” is intended to stimulate awareness of ethical issues. It is not intended as legal advice nor does it necessarily represent the opinion of the Delaware State Bar Association.

“Ethically Speaking” is available online. Columns from the past five years are available on www.dsba.org.

Charles Slanina is a partner in the firm of Finger & Slanina, LLC. His practice areas include disciplinary defense and consultations on professional responsibility issues. Additional information about the author is available at www.delawgroup.com.
A Campaign to be the Master of Your Transitional Ship

Ironically, at the age of 72, I feel as though I could work forever. On the other hand, I know the day will come when age impedes my ability to work. Subsequently, I decided to practice what I preach, while facing up to my own “best-by” expiration date. Therefore, and after 40 years since I started working for and with attorneys, I became captain of my ship, and started planning my campaign for retirement that was interrupted by Covid-19 and winter.

Avoidance Is Not the Answer

As Americans, we continue to live longer, healthier lives. In fact, many are choosing to work well past the traditional age of retirement. After all, it is about how we feel and function. For many legal professionals, retirement may be the hardest challenge facing them whether they are a partner in a law firm, a small firm, a solo attorney, or the Executive Director of a Lawyers Assistance Program. Why? Generally, legal professionals love what they do and what they do is often their identity.

Knowing that I did not want to be a hypocrite and needed to practice what I preached, I designed my personal blueprint to help ignite the process. I thought about aging and mortality as well as what I am going to do with my life after I retire. In other words, I needed to come to terms with aging and accept, rather than deny, the fact that eventually I will retire from DE-LAP. Succession, transition, and exit planning are all about getting “unstuck” and getting your head out of the sand and becoming the captain of your ship.

I remember to this day one legal professional, who prefers not to be named, who wishes she had gotten past such discomfort and acted when a senior lawyer in her community continued practicing for years after local lawyers concluded he should retire. She admits she didn’t know how to broach the issue with him, particularly because he had been her mentor. Instead, she just hoped for the best. The best didn’t come, and he passed his “expiration date” while still practicing resulting in confusion and shame.
The Fear of the “R” Word

While fear of retirement often gets in the way of implementing change, embarking on research helps quash the fear and the myths associated with retirement such as:

- If retirement isn’t here yet, you don’t need to think about it;
- Retirement is simple: you just need to stop working;
- Retirement will be a permanent vacation;
- If you have enough money to retire, you will be fine; and
- You are going to love spending all that extra time with your significant other.

I knew that career withdrawal and career transitions tend to be most difficult to handle when they are unanticipated and involuntary. Subsequently, and while I was still healthy and thinking clearly, I decided to rethink and reset. To help me, last year, ODC and DE-LAP partnered in a three-part six-hour presentation that was a primer to the practical aspects of retirement which included sessions such as: “Do you want to retire on your own terms?”; “I feel great — I can work forever!”, and “Being a lawyer is who I am — who will I be and what will I do if I retire?” The CLE was a blueprint for us all to prepare for and come to terms with retirement.

More Difficult to Stop than Start: Design a Blueprint for Change, Transition, Retirement

Whether in the practice of law or developing a lawyers assistance program, it is often more difficult for most of us to stop than it was to start our professional lives. Looking through the DE-LAP lens, I was passionate to start a program. Some years ago, I remember hearing on the local and national news that a Delaware lawyer killed his wife, his two young children, and then himself. Sadly, those who knew him saw that he showed signs of stress, anxiety, and desperation; but they were afraid to talk about it. Rather, they kept silent. Depression, loneliness, isolation, and substance abuse disorders are not words that we associate with lawyers. Today, the Delaware Lawyers Assistance Program (DE-LAP) offers a confidential place to end the code of silence. Now a lawyer does not have to suffer silently. If a lawyer or judge is feeling desperate, they can call DE-LAP. Simply, I am passionate about DE-LAP and it is difficult to say good-bye.

The Devil is in the Details: Strategies for Transition

To minimize chances of issues of sadness and regret in your transition to retirement and to maximize the likelihood of a successful transition, I found recommendations from a review of writings and studies on retirement:

- Taper off your work gradually or, if that is not possible, have a part-time job waiting for you. Be “of counsel” or a consultant or start some volunteer work. Remember structure.
- Meet with a financial planner to form realistic expectations about expenses and lifestyle. Get your head out of the sand and just do it.
- Build up your social network prior to retiring by joining an organization, getting a monthly group together for pinochle, or meeting up with people with similar interests.
- Develop your repertoire of ways to spend your time (hobbies, interests, accomplishments, etc.) as you prepare for retirement. Or in the alternative, adopt that furry friend that you always wanted.
- Spend considerable time visiting any new location before making a move, to see how it feels to live there.
- Construct a daily and weekly schedule and commit yourself to following through on it. Each day should include time for exercise and for fun.
- Renew your relationship (if married or otherwise intimately involved); cultivate your listening and negotiating skills and prioritize the challenge of getting to know one another all over again.

What these recommendations above have in common is an emphasis on dealing with retirement in advance — get your head out of the sand and start being a strong captain of your ship.

This isn’t about disconnecting or cutting ourselves off from what we are familiar with. Rather, it’s about keeping an even keel when the seas are changing. If you imagine a boat in water, you’ll realize that it doesn’t perfectly stay level. It rocks and sways with the swells. Having an even keel doesn’t mean, as the captain, we don’t feel moved by the changes of life. It means that when the big waves come, our boat doesn’t capsize. Maintaining perspective helps us to roll with the waves of transition and retirement with each swell. It brings us back to a quiet knowing deep in our heart it was time to say good-bye while we could navigate our boat.

Special thank you to the Delaware Bar for all the years of assisting me to navigate the DE-LAP ship successfully.

If you, or someone you know, needs, or wants to talk about transition, retirement or other issues affecting your quality of life or quality of professionalism call me at (302) 777-0124 or email cwaldhauser@de-lap.org.

Carol P. Waldhauser is the Executive Director of the Delaware Lawyers Assistance Program and can be reached at cwaldhauser@de-lap.org.
THERESA WALTON: A Portrait Is Worth a Thousand Words

BY KRISTEN S. SWIFT, ESQUIRE

Theresa Walton was born in Pennsylvania but moved to Newark, Delaware when she was four years old. She attended public school throughout her education. She always felt a pull towards art projects and even in elementary school she would get picked for special art projects. When she was eight years old, Theresa won a crayon contest. The prize was a giant gingerbread house. It took her family months to eat through that gingerbread house, the first of many sweet experiences.

Her elementary school offered a “teacher for a day” experience where a teacher could pick a student to teach the class for a day. Theresa tenderly recalled being so excited to have been chosen to teach an art class for a day. Where others may have been intimidated, she was instead proud and excited.

Theresa’s early experiences at school led her to pursue a degree in art education at the University of Delaware. Theresa graduated from college when schools in Delaware were becoming desegregated. After graduation, she began working mainly at Wilmington High School as a substitute for art teachers who were taking sabbatical during desegregation to undergo training. Theresa spent 28 years as a public school art teacher, 17 of those years at Brandywine High School.

As she neared retirement, she began working at Delaware State University part-time teaching art history almost exclusively. Eventually, she left the Newark area and moved to the beach. During her transition into retirement, the pandemic started.

The Delaware Art Museum Women Hall of Fame exhibit exemplifies something positive borne from the pandemic. When the pandemic began, Theresa knew she would be stuck indoors. To avoid feeling stuck sitting around inside and idling away her days she made a personal commitment to paint every day.

Soon thereafter, her then-future daughter-in-law posted a masked selfie on Facebook as she was heading into her job as a nurse, with the caption: “Here I go — into the pandemic!”

You may have heard by now that there is a fantastic portrait exhibit at the Delaware Art Museum, featuring the work of Delaware’s own artist Theresa Walton. Theresa single-handedly painted 160 portraits that make up the 40-year commemorative Delaware Women’s Hall of Fame exhibit.
The post inspired Theresa to paint a watercolor portrait of her daughter-in-law’s masked selfie to capture the strange new world we were all experiencing. Theresa posted the watercolor on her own Facebook page. The post spurred requests from families, friends, and acquaintances for similar portraits of their loved ones.

Theresa could not ignore the demand for the masked selfie portraits. After several weeks, she realized she had enough portraits to put on a show. Of course, the pandemic was still in full swing and there were no galleries displaying exhibits. However, the Wilmington, Delaware Art Council offered their public Mezzanine Gallery as a display place.

To complement the masked selfies, Theresa incorporated a study on hope into her exhibit. This time, she reached out to her Facebook contacts and asked them what was giving them hope during the lockdown and pandemic. She requested they send her a picture of something that fed their spirit. Approximately 70 percent of these pictures were grounded in nature. She painted the photos she was sent and used them to augment the mask portraits.

In a serendipitous connection, Theresa was contacted by Melanie Ross Levine, Director of the Office of Women’s Advancement and Advocacy, which among many other things oversees the Delaware Women’s Hall of Fame Committee. Ms. Ross Levin had a vision to create a permanent exhibit showcasing the Women’s Hall of Fame inductees from the last 40 years to now. The timing was perfect to celebrate the 40th year of the Hall of Fame.

Though Ms. Ross Levine initially wanted to use a photographer to bring the exhibit to life, many of the award recipients are no longer living and the pandemic compounded the difficulty in photographing people. At the recommendation of a mutual acquaintance, Ms. Ross Levine viewed Theresa’s work at the Mezzanine Gallery and knew she found the answer — watercolor portraits!
By capturing the likeness of people, Theresa knew more of Jane than a photograph could convey. This led Theresa to undertake several renderings, satisfaction fleeting. Theresa sent four renderings to Judge Brady and Judge Brady's husband. Judge Brady and Judge Brady's husband knew Jane different in various contexts. She knew more of Jane than a photograph could convey. This led Theresa to undertake several renderings, satisfaction fleeting. Theresa sent four renderings to Judge Brady and Judge Brady's husband selected the portrait that is displayed in the exhibit.

Different challenges were presented by capturing the likeness of people Theresa had never met. Many of the portraits are based on photographs procured by the Museum's research team. Though the Delaware Women's Hall of Fame was established in 1981, women who lived as far back as the 1700s have been inducted. Some photographs were available in color, and some were black and white. In some cases, Theresa found the inductee's photograph, while in black and white, benefitted with the interjection of some variation of color.

Other photos were in such poor condition, that it was hard to use them. For example, for one inductee the only available picture was a two-inch-by-two-inch photograph taken from a newspaper article. By the time it was blown up to 5 x 7, the image was barely recognizable as a person.

There were two lingering portraits that were unable to be completed until the very end of the project because there was a lot of difficulty in tracking down a photograph of the inductees. One was a suffragette whose photograph was eventually taken from a black and white film about suffragettes in Delaware. The researchers pulled a still of her image from the film. The second was of Elizabeth Empson Battell, the Golden Fleece Tavern owner from the 1700s. The researchers did find a painting someone prepared in the 1970s of Ms. Battell but Theresa felt it was not appropriate to use that portrait as a basis for her portrait for the Hall of Fame because the painting was based on that artist's version of Ms. Battell and not her actual likeness. Theresa created her rendition of Ms. Battell using a profile to avoid imitating her face without knowing Battell's true likeness.

How we see people changes based on how we know them. Faces change in different roles and take on different attributes in different contexts.

There were two lingering portraits that were unable to be completed until the very end of the project because there was a lot of difficulty in tracking down a photograph of the inductees. One was a suffragette whose photograph was eventually taken from a black and white film about suffragettes in Delaware. The researchers pulled a still of her image from the film. The second was of Elizabeth Empson Battell, the Golden Fleece Tavern owner from the 1700s. The tavern was known for being a stop on the corridor between Philadelphia and Washington, D.C., where George Washington, William Penn, and other colonial figures would stay. There are no known photographs or paintings of Ms. Battell. You’ll notice in her portrait she is looking down. The researchers did find a painting someone prepared in the 1970s of Ms. Battell but Theresa felt it was not appropriate to use that portrait as a basis for her portrait for the Hall of Fame because the painting was based on that artist's version of Ms. Battell and not her actual likeness. Theresa created her rendition of Ms. Battell using a profile to avoid imitating her face without knowing Battell’s true likeness.

Despite the many challenges the project presented, it was such an important undertaking. Attending the exhibit unveiling with her family was an amazing experience. The other attendees shared stories about the inductees. It was marvelous to see people interacting with the exhibit and getting a true sense of these amazing Delaware women.
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I recently spoke with Melanie Ross Levin, Director of the Office of Women’s Advancement and Advocacy (OWAA) for the State of Delaware, to discuss the new art exhibit featuring portraits of every woman inducted to the Delaware Women’s Hall of Fame as well as the many facets of the work of OWAA involving women’s rights.

Melanie Ross Levin is currently the Director of the Office of Women’s Advancement and Advocacy for the State of Delaware. In this role, she oversees Delaware’s women’s rights work, including building support for new legislation and advising the Governor’s Office, the state legislature, and the Secretary of the Department of Human Resources. In this role she has spearheaded several groundbreaking pieces of legislation, including the best paid parental leave benefit for state workers in the country (and the only one that includes teachers) and the first ban on child marriage in the United States. Prior to her role with the State of Delaware, Ms. Ross Levin served as the Director of Engagement and Mobilization at the National Women’s Law Center (NWLC). In this capacity, she led several advocacy campaigns, including the Title IX education campaign *Let Her Learn* and the early learning campaign *Strong Start for Children*. Melanie also led NWLC’s field effort to pass the Lilly Ledbetter Fair Pay Act, the first bill President Barack Obama signed. Early in her career, Melanie also served as a Legislative Fellow in the Delaware General Assembly and a Grassroots Organizer for Planned Parenthood of Delaware. Ms. Ross Levin received her master’s degree in Public Administration from the University of Delaware and her bachelor’s degree in Political Science and Women’s Studies from the University of Delaware. She lives with her husband and two daughters in North Wilmington.
What is the Office of Women’s Advancement and Advocacy?

The Office of Women’s Advancement and Advocacy (OWAA) is responsible for overseeing the State’s women’s right work, including leading the ongoing implementation of women’s rights legislation, evaluating current women’s rights legislation, building support for new legislation, and advising the Governor’s Office, the Legislature, and the Secretary of the Department of Human Resources. The office will review and report on the status of women in the State as well as provide information on the status of women to the public, state agencies, the General Assembly, the Judiciary, organizations, businesses, and institutions, when necessary. The Office of Women’s Advancement and Advocacy also oversees the Delaware Commission for Women, Delaware Women’s Hall of Fame Committee, and the Delaware Women’s Workforce Council.

What is the Delaware Women’s Hall of Fame?

The Delaware Women’s Hall of Fame was established in 1981 to recognize the achievements of outstanding Delaware women and their contributions to communities across the state. The induction ceremony is the oldest annual celebration of its kind commemorating Delaware women. Members represent a variety of professional fields and backgrounds, including artists, athletes, community advocates, military personnel, public servants, and scientists.

Every year, the Delaware Women’s Hall of Fame Committee solicits applications from the public. The committee then meets and reviews the applications. In July, the honorees are publicly announced. The induction ceremony typically takes place in the fall and includes a dinner reception followed by an awards program.

What is the Delaware Women’s Hall of Fame new art exhibit?

To mark the 40th year of the Hall of Fame, the Office of Women’s Advancement and Advocacy commissioned portraits representing every woman inducted to the Delaware Women’s Hall of Fame. All 160 portraits are on display until April 17, 2022, at the Delaware Art Museum.

Where did the idea of an art exhibit come from?

When I first arrived on the job in 2017, I found an old photo display of Members of the Hall of Fame. The display was showing its age and needed to either be repaired or completely redone. I didn’t really like that the display was hidden away in a state building in an area with very little foot traffic. I wanted more for these women. A better display. A better location. A better everything.

As a mom of two young daughters, it is important for me that our public spaces showcase the best that our state has to offer. While it’s common to see lots of portraits in public spaces throughout Delaware of men — it’s very rare to find portraits of diverse women. So, an idea was born!

My office drafted an idea memo and started to look for funding. We secured a small grant from the Delaware Division of the Arts. My boss at the time, Secretary Saundra Ross Johnson from the Department of Human Resources (DHR), was a tremendous help in moving this project along from idea to reality.

What is the plan for future inductees? Will they also have commissioned portraits?

We are currently exploring options for future portraits. What we eventually do will depend on funding and the availability of the artist. We usually have between three and six inductees to the Delaware Women’s Hall of Fame each year, so that would be the pace of portraits we need to keep up with.
How were the images of the inductees presented to the artist?

We used a spreadsheet to coordinate sharing photographs with artist Theresa Walton and to generally keep track of the project. In some cases, a given Delaware Women’s Hall of Fame inductee had several photographs that the artist could choose from. But in other cases, she had a very limited selection of photographs or even no photographs. It took a lot of digging to find the best possible image depending on the inductee. The quality of the photographs was also drastically different depending on when some of the historical inductees were alive.

How did the OWAA become involved with the Art Museum for the Hall of Fame exhibit?

We contacted the Delaware Art Museum first because we wanted to find a location large enough to host the entire exhibit together. With 160 pieces, many locations in Delaware are simply not large enough. The Executive Director of the Delaware Art Museum Molly Giordano has an extraordinary team. We worked with so many of her staff — from communications to curators to events and more. We also worked with the education team to put together some public education components — including a kids art activity. But the biggest challenge thus far was working with her amazing installation staff to hang all 160 portraits. It’s been an amazing cooperative effort. In the future we hope to bring the exhibit to other locations throughout the state. What we really don’t want to do is just store the art away in a closet — these women deserve to be front and center and we are committed to making that happen.

Tell us about your team at the OWAA.

I have the best team. Kim Lowman is our Policy and Research Analyst. When she interviewed with me, she called herself a “professional googler.” That turned out to be spot on. Thanks to her, we turn out work quickly, including several reports on Delaware women. We complement each other well because I tend to be the idea person and she is a super-efficient executer.

Emily Belitskus serves as our Program Assistant. She does everything from administrative work to detailed special projects — like updating all 160 biographies for the Hall of Fame exhibit. She recently graduated from the University of Delaware with majors in History and English. Her educational background was perfect for researching and rewriting all 160 Delaware Women’s Hall of Fame biographies.

Grace Otley serves as our Public Information Officer. She leads OWAA’s social media channels and has a lot of good creative energy. During Covid, Grace helped us quickly transition our events online. Grace isn’t shy about getting in front of the camera, which helps me avoid being front and center in our TikTok videos.

I feel very lucky to work with such a group of talented and dedicated women. They care deeply about the work we do to serve Delaware women and girls, and it shows.

How can I nominate someone for the Delaware Women’s Hall of Fame?

The application process for the 2022 Delaware Women’s Hall of Fame is open until midnight EST on March 15, 2022. Applications can be found at de.gov/women. There is no minimum age requirement, but nominees are only eligible if they have made an important and lasting impact upon the lives of Delawareans, and if they have resided in the state for at least 10 years during their lifetime.

Bar Journal Editor Kristen Swift is a Partner at Weber Gallagher and Chair of the Litigation Section. She can be reached at kswift@wglaw.com. Her full bio is available at www.wglaw.com. All opinions expressed are solely her own.
DSBIS Founder Larry Zutz Retires

BY ROBERT J. KATZENSTEIN, ESQUIRE

The Delaware State Bar Association, Delaware State Bar Insurance Services, Inc. (“DSBIS”), and the Combined Campaign for Justice owe a huge debt to Lawrence I. Zutz, Esquire, figuratively speaking.

At its January 20 meeting, the Board of DSBIS marked the retirement of Larry Zutz from USI Insurance Services and as USI’s liaison to DSBIS.

DSBIS began in 2004, when then-DSBA president Charlie McDowell asked Larry about Zutz Insurance’s past relationships with DSBA. Charlie and Mike Parkowski negotiated a deal, comparable to what Zutz Insurance had with the Medical Society of Delaware, whereby DSBA established DSBIS, a licensed insurance brokerage under the auspices of Zutz Insurance, to market and sell insurance to DSBA members.

DSBIS grew slowly its first few years. Beginning in 2008, DSBIS has provided DSBA with a significant part of its income, and is one reason that DSBA has been able to avoid increasing its membership dues. Equally significant, at least to Larry, is that DSBA has contributed over $450,000 of DSBIS income to the Combined Campaign for Justice.

Zutz Insurance was founded by Larry’s father, the late Harry David Zutz, in 1940. It remained independent until 2006, when it was acquired by a larger company, and today is part of USI. USI and DSBIS enjoy a truly mutually beneficial relationship. Since the beginning, Larry has unabashedly championed the interests of DSBIS to his parent companies.

Larry graduated from P.S. duPont High School (1964), Indiana University, (1968, Phi Beta Kappa), and Yale Law School (1971). He played professional golf from 1971 to 1973, fulfilled an active duty for training tour as an Army infantry officer, and was with the Bayard firm until he became general counsel of Zutz Insurance in 1975 and president in 1989. He has served on the boards of several Delaware non-profits and charities. Larry and his wife, Joyce, have been married for 38 years. They have a daughter, Jessica, a son, Michael, and an eight-year-old granddaughter, Kayla.

DSBIS and DSBA will miss seeing Larry for monthly board meetings, and thank him for his lasting contribution.
Choosing a career in legal aid work can be a difficult one due to the large debt that many of us shoulder to attend law school. There are certainly more lucrative career paths available to someone with a law degree. But public interest lawyering is a great privilege for those able to afford the financial sacrifice. The Roxana C. Arsht Fellowship (the “Fellowship”) is allowing me to share in this privilege as a staff attorney at Community Legal Aid Society, Inc. (CLASI), and for this I am grateful.

My path to my current position at CLASI was a circular one. Before I went to law school, I worked at CLASI for two years as a paralegal. I left to go to law school at the University of Pennsylvania, with the hope of becoming a legal aid lawyer, but with no particular plan to return to Delaware or CLASI. I spent my law school summers interning at legal aid organizations outside of Delaware. After working in other communities, I could not ignore what was a growing desire to return to Delaware, and CLASI, to begin my career.

Specifically, I realized how unique it is to be a legal aid lawyer in Delaware. Delaware is home to only three legal aid organizations, far fewer than most states. Thus, CLASI’s work on behalf of its clients is of critical importance to the communities that it serves. CLASI also engages in exciting policy-level advocacy informed by the needs of its clients. For example, CLASI is closely involved in the coalition working to establish a legislative right to representation for tenants facing eviction. This model of combining individual representation with policy advocacy is an effective way to both assist individuals navigating the civil legal system while we also work to make that system more just and accessible for all people with limited financial means.

Since returning to CLASI in 2019, I have been working in CLASI’s Medical Legal Partnership (MLP) program. The MLP program has a uniquely different client base from most of CLASI’s programs, which rely on clients contacting the office and requesting assistance. The MLP, however, relies on partnerships with

I am often reminded by our clients that having an attorney to provide support and advocacy during the process, even separate from the outcome of the case, can be incredibly valuable.
health and social services providers throughout the state, including Christiana Care and the Division of Public Health. Those partners administer a screening tool to their patients in the healthcare setting to assess a range of civil legal needs. When the healthcare provider identifies that a patient has a legal issue, the provider refers the patient to CLASI for assistance.

The interdisciplinary partnership between health and legal services allows CLASI to employ a more holistic approach to addressing so-called “social determinants of health.” The social determinants of health are the varied factors that impact an individual’s health outcomes, many of which cannot be addressed through traditional, clinical healthcare. Consider a family living in rental housing with substandard conditions that a landlord is unwilling to repair. Poor housing conditions, such as mold, could lead to a variety of health issues. Though a doctor can treat those health issues, a doctor cannot resolve the underlying housing conditions that cause them. But a lawyer can. Through our MLP programs, the doctor that treats the patient’s health issues can refer the patient to CLASI so that a lawyer can help resolve the systemic problem that underlies those health issues: the patient’s housing issues.

Most of the cases that I handle involve family law or public benefits issues. CLASI’s family law practice primarily serves clients who are survivors of domestic violence seeking protection from abuse (PFA) orders in Family Court. Those clients also often need assistance with related issues, including custody and divorce. Obtaining a PFA order through a hearing in Family Court requires a survivor of domestic violence to recount the abuse that she or he endured. For that reason, the process itself can be quite taxing. I am often reminded by our clients that having an attorney to provide support and advocacy during the process, even separate from the outcome of the case, can be incredibly valuable. My public benefits cases involve working with clients who have been denied or cut off from public benefits programs, such as food stamps or Medicaid. I represent individuals in administrative appeals to obtain or maintain eligibility for these important programs. These two areas of practice, family law and public benefits, often feel as different as can be from one another. Yet in both types of cases, I am frequently working with the client toward similar types of goals. Whether it be safety from violence, access to health insurance, or food stability, much of CLASI’s work involves advocating for clients’ rights and access to basic necessities, which many of us, myself included, may take for granted.

I feel incredibly fortunate to spend my days advancing CLASI’s mission of combatting injustice on behalf of vulnerable and underserved Delawareans alongside colleagues who are as committed to doing the same. I am often reminded that my job — unlike many — provides me both a means to get by and a great deal of fulfillment. I am also grateful for the support from the broader legal community in Delaware from which both the entire legal aid system in Delaware and I benefit immensely. The Fellowship is just one example of the many ways that legal aid work is sustained and supported by our colleagues in the Delaware Bar. I extend my sincere thanks to the Delaware State Bar Association, the Women and the Law Section, and, of course, Judge Arsht for this opportunity.

Abby Samuels is a native Delawarean and 2019 graduate of the University of Pennsylvania Law School, where she served as Editor in Chief of The Journal of Law and Social Change, Volume 22. Abby earned an honors B.A. in Political Science and Women’s Studies, magna cum laude, from the University of Delaware in 2014. She worked as a paralegal in the Disabilities Law Program at CLASI for two years between college and law school. Abby’s position at CLASI is her first job as an attorney.
In a representative democracy, with elected officials accountable to the people, how is it that so much of our daily lives are ruled by regulations drafted and administered by unelected government employees? And is that a good thing? Is “administrative” law consistent with the rule of law? These questions are but some of the issues discussed in two books, which take differing views, on the efficacy and desirability of administrative law.

In *The Dubious Morality of Modern Administrative Law*, Professor Richard Epstein takes the “con” side of these arguments. Meanwhile, Professors Cass R. Sunstein and Adrian Vermeule, in their book, *Law & Leviathan: Redeeming the Administrative State*, take the “pro” side, arguing that administrative law, done properly, offers many advantages and efficiencies that would be otherwise lost without some type of administrative law. The two books are both fairly short, easily read, and clear in their arguments. Taken together, they represent a point/counterpoint view on the wisdom, benefits and problems of the modern administrative state. As to who has the better argument, both books make valid points.

For Professor Epstein, as originally conceived, administrative law had (and has) a role to play — but, he argues, beginning with the New Deal, administrative law went from implementing policy and policy choices as determined by Congress to implementing policy and policy choices as determined by the agency or agencies. Sunstein and Vermeule argue that administrators are restrained by what they call the “morality” of the administrative state, and, so restrained, many of the criticisms of the administrative state are either overblown or do not exist.

Both books discuss the *Chevron* case, which holds that where a statutory provision is ambiguous or the intent of Congress is not clear, then courts will defer to an agency’s construction of the statute so long as that construction is a permissible interpretation of the statute. Critics argue that such a test lodges the power to interpret the law in the executive, rather than the judicial branch. Proponents point to agency expertise as a reason for deference. But, as presidential administrations change, agency “interpretation” can change as well, and a statute applied one way during the Bush administration might be applied a different way during the Obama administration. Under *Chevron*, such shifting interpretations are permitted so long as the new interpretation is a permissible one under the statute. Is this really what the framers could have intended — that the meaning and applicability of a law changes depending on who is in office? When Congress passes a law, does it intend for enforcement to vary depending on who controls the executive branch? Justice Scalia was not...
troubled by this, writing in one opinion that “the whole point of Chevron is to leave the discretion provided by the ambiguities of a statute with the implementing agency.” Left unanswered is the question: how can there be the rule of law when the application and interpretation of the law will depend on who controls the executive branch? John Adams once famously expressed his hope that our republic would be a “government of laws and not of men.” But if the meaning of the law is going to vary with those in charge, then we would have a government of men and not laws.

Congress remains free, of course, to correct an ambiguity or an agency reading of statutory language with which Congress disagrees, but the prospects for such a correction will always be dim. Assuming that the agency was acting in accord with the President’s view, then any congressional attempt to change the wording of a statute would likely meet a presidential veto — after all, why would the executive agree to a change in the way an agency was applying a statute if the President agreed with the agency? Given the split in Congress, any override of a veto would be highly unlikely. And so, the ambiguity remains, and when administrations change, so too the interpretation of the ambiguity.

Epstein concedes that there will always be a need for some administrative state. In order to faithfully execute the laws and administer the government, there will always be a need for employees and officials to carry out the day to day work. Those employees and officials will be directed, ultimately, by the chief executive, but there will be a need for delegation. Some administrative law is required.

Sunstein and Vermeule concede that some agency practices raise serious constitutional questions, that they sometimes violate the law, and sometimes act arbitrarily. Nevertheless, they believe that administrative law can rise above these problems.

And so, what are we to make of administrative law? Is it legal? Has it gone too far in its modern size and scope? Should Congress (and state legislatures) provide meaningful guidance and make the policy choices before entrusting the executive branch and agencies to implement those policy choices? And, if the answer to this last question is “yes,” what are we to make of the sometimes dramatic swings in agency administration of statutes that comes with a change in control of the executive branch? Is administrative law “dubious,” or can it be “redeemed”?

In our all-too-polarized political climate, it seems unlikely that Congress or the President will even try to solve these issues. The arrival of Neil Gorsuch (who is famously opposed to Chevron), and others on the Supreme Court, suggests that the Supreme Court may be willing to look more closely at these issues, but until it does, the status quo remains and the administration of much law will depend on the party in charge rather than the law itself.

Richard “Shark” Forsten is a Partner with Saul Ewing Arnstein & Lehr LLP, where he practices in the areas of commercial real estate, land use, business transactions, and related litigation. He can be reached at Richard.Forsten@saul.com.
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DSBA Bar Journal | March 2022
Report: 2022 Midyear Meeting of the ABA House of Delegates

BY WILLIAM D. JOHNSTON, ESQUIRE

On the heels of the first-ever Virtual Annual Meeting of the American Bar Association’s House of Delegates in August 2020, the 2021 Virtual Midyear Meeting, and the first-ever “hybrid” 2021 Virtual Annual Meeting, members of the House were very much looking forward to an in-person-only 2022 Midyear Meeting in Seattle. Alas, the Omicron variant of Covid-19 had other ideas and, barely a month before the meeting was to take place, the ABA Board of Governors converted it to a virtual-only format.

This is my usual report in the midst of these unusual times — offering some highlights of what again was a very successful meeting during which the business of the House was accomplished.

The Delaware Delegation

As I’ve noted in previous reports, the House of Delegates is the principal policy-making body of the ABA. For the most recent meeting, the Delaware Delegation included: the Honorable William C. Carpenter, Jr., Delegate-at-Large and immediate past member of the ABA Board of Governors; Ben Strauss, DSBA Bar Delegate; Lauren DeLuca, DSBA Young Lawyer Bar Delegate; John “Jack” Hardin Young, Senior Lawyers Division Delegate; and yours truly, State Delegate. The Delaware Delegation thanks The Honorable Vivian L. Medinilla for her distinguished service in the House as Delegate from the National Association of Women Judges.

Preparations for the Virtual Meeting

As with the previous pandemic-era meetings of the House, preparations for the meeting began in earnest with no time to spare — a matter made even more urgent by the need to rapidly pivot from in-person to virtual. As before, from my perspective, the ABA volunteer leaders and superb professional staff left no stone unturned. Every effort was made to ensure that the work of the House would be accomplished within the time allocated and that there would be an opportunity for meaningful debate when appropriate. As always, ABA entities as well as bar associations were encouraged to submit resolutions for consideration by the House.

As was the case with the two previous meetings of the House, in light of the number of resolutions to be considered during the Midyear Meeting’s one-day session, the House adopted a special rule limiting the number of speakers in connection with resolutions to three per side. Where there was no opposition to a resolution and the resolution had not been put on the consent calendar of the House, the Chair had the discretion to invoke rules of limited debate (five minutes for the movant, two minutes for other speakers).

Also again critically important was to ensure timely and accurate electronic voting by delegates in connection with resolutions and other matters to come before the House. As with the two previous meetings of the House, we used a single voting platform on our phones. And, as before, the electronic voting proved to be user-friendly, expeditious, and precise. I’m as confident as I can be that the electronic voting is here to stay, even when the House reverts to in-person meetings.

House Chair Barb Howard again did a great job convening and facilitating the Zoom meeting, including responding to the inevitable number of speakers who were still “on mute” or were not available to be “promoted” as a speaker. And the ABA Policy and Administration staff, together with the House Rules and Calendar Committee, did their usual, superlative job behind-the-scenes and on-the-spot during the meeting — including staffing an assistance “hotline.”

Remarks from ABA Officers and Others

During the session of the House, as is typical, we heard from ABA officers and others. Speakers included, among others, Chair of the House Barb Howard, ABA President Reggie Turner, ABA Treasurer Kevin Shepherd, ABA Secretary Pauline Weaver, ABA President-Elect Deborah
Enix-Ross, and ABA Executive Director Jack Rives.

We also heard from the President of the Conference of Chief Justices, Paul A. Suttell, Chief Justice of the Rhode Island Supreme Court. The House’s Issues of Concern Committee presented an outstanding program on redistricting and voting rights.

**Resolutions Adopted by the House**

The House adopted a variety of resolutions and, in doing so, articulated ABA policy embodying the substance of each resolution.

As I’ve previously reported, during the 2021 Midyear Meeting, the House amended its Rules of Procedure to require that a resolution must advance one or more of the ABA’s four goals in order to be germane. Those co-equal goals, adopted by the House in 2008, are: (i) serve our members; (ii) improve our profession; (iii) eliminate bias and enhance diversity; and (iv) advance the rule of law. Also adopted by the House in 2008 is the ABA’s mission statement: “To serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession.”

The House concurred in the action of the Council of the Section of Legal Education and Admissions to the Bar in making certain amendments to Standards 205 (Non-Discrimination and Equality of Opportunity), 303 (Curriculum), 507 (Student Loan Programs), and 508 (Student Support Services) of the ABA Standards and Rules of Procedure for Approval of Law Schools (Resolution 300).

In addition, adopted resolutions with ABA sections and other entities taking the sponsorship lead addressed the following: the adoption by bar admissions authorities, law schools, bar associations, and legal employers of clear and uniform policies allowing for accommodations for lactating individuals (501); actions to be taken by Congress and the Centers for Medicare and Medicaid Services to enhance the transparency and accountability of nursing home ownership and management (601); efforts by courts, legislatures, and other policy-makers to improve adult guardianship laws, policies, and practices (602); the review of processes and procedures used when determining veterans’ discharge upgrade petitions, to ensure fundamental fairness in treatment (603); and the prevention of youth homelessness, and how best to address youth homelessness when it occurs (604).

Other adopted resolutions with ABA sections and other entities taking the sponsorship lead addressed: voluntary restraint on the part of permanent members of the UN Security Council in exercising their veto power with respect to resolutions proposing measures to prevent genocide, serious war crimes, ethnic cleansing, or crimes against humanity (605); prioritizing efforts to combat kleptocracy in countries where government institutions have been captured by corrupt actors (606); facilitating the continued evacuation of Afghans and streamlining the processing of immigration benefits (608); providing an asylum system that affords persons seeking protection from persecution or torture transparency, due process, access to counsel, and a full and fair adjudication (609); identifying and eradicating actual and perceived racial bias, discrimination, and xenophobia in the enforcement of the Immigration and Nationality Act (610); ensuring that all persons in each state, regardless of immigration status, are included in the apportionment count used to redistribute seats in the U.S. House of Representatives following each decennial census (611); adoption of the ABA Ten Guidelines for Residential Eviction Laws (612); and establishing a legal presumption that children involved in dependency (child welfare) cases are present and actively engaged in their own court proceedings unless a child, in consultation with counsel, has waived the right to be present (613).

ABA entities and others also took the lead in sponsoring resolutions that addressed: aligning court decisions on pretrial release from jail with the presumption of innocence by refraining from the use of risk assessment tools and pretrial release evaluations where data demonstrates continued conscious or unconscious racial or economic bias (700); preserving and protecting the right to vote in U.S. elections (800); and amending the Electoral Count Act to include provisions regarding the role of the Vice-President and objections to a state’s electoral count or electors (801).

I am very pleased to report that the Executive Committee of the DSBA, on very short notice and very nimbly, considered numerous resolutions and determined to support resolutions when it was deemed appropriate to do so. In addition, we can all be proud that our own Young Lawyer Bar Delegate Lauren DeLuca followed up with resolution sponsors and offered to speak on the (virtual) floor of the House to express that support.

For a detailed description of each resolution (and of other resolutions considered by the House or withdrawn from consideration at the Midyear Meeting), please see www.americanbar.org. And, while on the ABA’s landing page, please click on the link to the “Practice Forward” homepage. There, you will find valuable content reflecting practice and wellness tips to the benefit of each of us during the pandemic and beyond.

As I’ve noted previously, the practical effect of the House of Delegates adopting policy, as reflected in the above resolutions, is that elected officers of the Association, staff, and volunteer leaders are then authorized to advocate those policy positions — whether with legislators, courts, or others. This, importantly, can translate into grassroots advocacy in Washington (such as the annual ABA Day on Capitol Hill, to take place virtually in 2022 on April 5-6) and in state legislatures to urge, for example, increased funding of legal services for the poor through the Legal Services Corporation.

**CONTINUED >**
Membership

The ABA pursued a broad-based effort to study how best to deliver value to ABA members. The thoughtful, resulting recommendation, embraced by the Board of Governors, included simplifying dues-paying categories and reducing dues, and other benefits.

In particular, the current dues structure has new bar admittees through fourth year attorneys paying $75, fifth through ninth year attorneys paying $150, tenth through fourteenth year attorneys paying $250, fifteenth through nineteenth year attorneys paying $350, and twenty-plus year attorneys paying $450. At the same time, government, solo, and small firm attorneys, as well as retirees, pay $150. Paralegals pay $75, affiliated professionals pay $150, and international lawyer members pay $150. In addition, law firms and other legal employers can achieve even greater savings by enrolling in the ABA’s “full firm membership” program. (I’m happy to say that YCST is a proud participant in that program.)

As I’ve urged before, if you currently are an ABA member but are not yet engaged in the work of ABA sections, divisions, or forums (and their respective committees and subcommittees), please consider increased involvement. And, if you currently are not an ABA member, please consider joining (or re-joining) as a complement to your DSBA membership. I and other members of the Delaware Delegation would be delighted to discuss with you all of the opportunities that ABA membership presents, including during the ongoing pandemic. As always, special thanks to Lauren DeLuca for her service as State Membership Chair for Delaware. As President Reggie Turner reiterated in his remarks during the Midyear Meeting, “Each one, reach one!”

Bill Johnston is a partner with Young Conaway Stargatt & Taylor, LLP. He is a Past President of the Delaware State Bar Association, serves in the ABA House of Delegates as State Delegate from Delaware, is a Former Chair of the ABA Business Law Section, and is a Past President of the American Counsel Association.
TUESDAY SPELLS
CHICKEN TACOS

Tuesday means Taco Night in the Poppiti household. And on Tuesday, March 22nd, our Taco Night will be extra special. The cause for celebration will be twofold: National Poultry Day is Saturday, March 19th, and National Crunchy Taco Day is Monday, March 21st.

This is a kismet pairing indeed, as chicken is my taco filling of choice and crunchy corn is my favorite shell. Below I share my Tuesday evening recipe.

For best results, I recommend air chilled Bell & Evans boneless chicken thighs. Lay the chicken thighs in a Pyrex and season to taste with turmeric, ancho chili powder, Aleppo pepper, sea salt, and fresh ground pepper. Drizzle with extra virgin olive oil. Bake at 400 degrees for 20 to 25 minutes, depending on the thickness of the thighs.

While the chicken is baking, prepare your toppings and place in small, festive bowls:

- Thinly slice the romaine perpendicular to the stalk.
- Grate the wedge of manchego. I prefer the softer 3 month-aged for tacos. A more mature manchego is nice for snacking, not grating.
- Slice the cherry tomatoes in half. Colorful heirloom tomatoes, including yellows and greens, brighten things up.
- Slice the limes into wedges.
- Pinch off the cilantro leaves.
- Pick out your favorite salsas and hot sauces. Mine include Dessert Pepper Trading Co.’s Tequila and Pineapple; Stonewall Kitchen’s Sriracha Aioli; and, any Hank Sauce (see my December 2019 article.)

Let the chicken cool slightly and shred with two forks. If the chicken is cool enough, it’s easier to shred by hand. Turn the oven temperature down to 325 degrees to warm the taco shells.

While the shells are warming, add enough chicken to a nonstick pan for one round of tacos. Add several tablespoons of Desert Pepper Trading Co.’s Black Bean Dip. Stir to coat the chicken and heat through. While the chicken is heating, warm the taco shells according to the package instructions. My crunchy shell of choice is Olde El Paso Stand N’ Stuff for maximum filling and ease of handling. Fill the shells about half-way up with chicken and allow everyone to have fun with the toppings...

CRUNCH.

Ingredients
- 6 to 8 boneless chicken thighs
- Turmeric
- Ancho chili powder
- Aleppo pepper
- Sea salt
- Fresh ground pepper
- Extra virgin olive oil
- Romaine lettuce heart
- ¼ pound manchego cheese
- 1 pint cherry tomatoes
- 2 limes
- 1 bunch cilantro
- Your favorite salsas and hot sauces
- 1 package crunchy taco shells
- Desert Pepper Trading Co.’s Black Bean Dip

Susan E. Poppiti is Associate Faculty in Mathematics at Immaculata University and an AP Calculus instructor at Johns Hopkins Center for Talented Youth. To further her commitment to mathematics education, she also serves as a math content expert for UPchieve, an ed-tech nonprofit providing free, online STEM tutoring to high school students. Susan can be reached at spoppiti@hotmail.com.
**POSITIONS AVAILABLE**

**DELAWARE’S PREMIER HEALTHCARE LITIGATION DEFENSE PRACTICE** at White and Williams LLP is growing. We represent some of the leading healthcare institutions in the state in complex, high stakes cases and are looking for lawyers with 1 to 3 years of litigation experience to join our team. We offer a flexible, hybrid home/office work schedule backed up by 24x7 technical support. In addition to a competitive salary and excellent benefits, we are committed to the professional development of our young lawyers, including through extensive client contact and courtroom opportunities. Delaware bar admission or a willingness to sit for the Delaware bar is required. Please send your resume to Marietta Miles at milesm@whiteandwilliams.com for consideration.

**BAIRD MANDALAS BROCKSTEDT LLC** is recruiting an Associate with 3–5 years of Real Estate experience for its Wilmington, Delaware office. The associate will primarily work on Residential and Commercial settlements and transactions. Delaware bar license required. This is a wonderful opportunity to join a growing statewide practice at a reputable law firm offering great benefits. Please send resume to heather@bmbde.com.

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

**THE LAW OFFICES OF DOROSHOW, PASQUALE, KRAWITZ & BHAYA** have an opening for an Attorney in its Personal Injury and Worker’s Compensation practices in the firm’s downstate offices. An excellent opportunity to practice and work near the beach. Resumes can be emailed to Shaku Bhaya at: ShakuBhaya@dplaw.com or she can be called at the office at (302) 998-0100.

**LITIGATION ASSOCIATE:** Fox Rothschild LLP has an opening in the Wilmington, DE office for an associate with 3 – 5 years of complex commercial litigation experience. A strong academic record and excellent writing skills are required. Large law firm and clerkship experience are preferred. Must be admitted to practice in the State of Delaware. Equal Opportunity Employer — vets, disability. We are not currently accepting resumes from search firms for this position. Link to Apply: https://www.foxrothschild.com/careers-for-attorneys/open-positions.

**FAMILY COURT LITIGATION PRACTICE** seeks Delaware Attorney: To represent clients in Court, to assist with motion practice, discovery, research and case management. The ideal candidate possesses a demonstrated interest in Family Court work, litigation experience, good people skills and empathy for clients. We pride ourselves in work ethic, fairness, communication and respect. Training and guidance provided. Part-time or flexible schedule possible. A great opportunity for the right candidate. Please send resume and cover letter including relevant experience to george@tsakataraslaw.com.

**THE WILMINGTON OFFICE OF WHARTON, LEVIN, P.A.** seeks Delaware Attorney who is licensed in Delaware for its Annapolis, MD office. No prior experience is required but one or two years of Estate Planning or Elder Law background preferred. Job entails significant client contact. Candidate must have strong communication and interpersonal skills. Must enjoy interacting face-to-face with people of different age groups. Please visit our website to review the full spectrum of services which we offer, and to meet our team: www.chesapeakelegalcounsel.com. Note: This position is for the Annapolis, Maryland office only! Benefits include PTO (paid time off), flexible schedule, and paid holidays. To apply: Email resume to brad@chesapeakelegalcounsel.com.

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

**ATTORNEY FOR SMALL ESTATE PLANNING AND ELDER LAW FIRM: Chesapeake Legal Counsel, LLC,** is seeking a Junior Associate Attorney who is licensed in Delaware for its Annapolis, MD office. No prior experience is required but one or two years of Estate Planning or Elder Law background preferred. Job entails significant client contact. Candidate must have strong communication and interpersonal skills. Must enjoy interacting face-to-face with people of different age groups. Please visit our website to review the full spectrum of services which we offer, and to meet our team: www.chesapeakelegalcounsel.com. Note: This position is for the Annapolis, Maryland office only! Benefits include PTO (paid time off), flexible schedule, and paid holidays. To apply: Email resume to brad@chesapeakelegalcounsel.com

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KOLLIAS LAW, LLC seeking full or part-time Delaware licensed associates in a small but busy firm with a friendly supportive environment with flexible hours. Estate Planning and/or Litigation primarily. At least two years’ experience preferred but not required. Bilingual a plus. Salary commensurate with experience. For further details, send resume with cover letter to hr@kolliaslaw.com.

MORRIS JAMES LLP seeks an experienced attorney to join its Tax, Estates & Business Practice Group based in Wilmington, Delaware. An ideal candidate would have a minimum of 3 to 5 years’ law firm experience, with a focus in one or more of the following practice areas of the Group’s multidisciplinary representation: Taxation, Business Planning & Transactions, and Trust & Estate Planning/Administration. Candidates admitted to practice in Delaware are preferred, but other qualified candidates willing to sit for the Delaware bar will be considered. An LL.M. in Taxation is a plus. This position offers unlimited potential to the successful candidate and, commensurate with experience, the opportunity to undertake substantive responsibility in working directly with clients from the outset. Superior communication, drafting, and research skills are required in an environment that promotes working both independently and as a team member. With a broad-based business, tax, and trust & estates practice at its core, the focus of our Tax, Estates & Business Practice Group is to deliver a coordinated and comprehensive approach to the representation of regionally based closely-held businesses and individuals. Among the planning and transactional aspects of the practice are strategic business & succession planning, tax planning & controversies, stock & asset acquisitions including private equity transactions, wealth transfer & estate planning including dynasty and other “Delaware Advantage” trusts, estate & trust administration, and structuring of corporations & alternative entities. Our Tax, Estates & Business Practice Group provides a collegial atmosphere and excellent staff support. The position offers attractive benefits, bonus opportunities, and a competitive salary commensurate with experience. Please email a cover letter, resume, and document drafting and writing samples to Albert J. Carroll at acarroll@morrisjames.com.

CONTINUED >
GENERAL COUNSEL AND CCO: Wilmington-based investment adviser firm seeks general counsel and chief compliance officer. Must have experience with the Investment Advisers Act and related securities and corporate law experience. Relevant industry experience preferred but not required. Will address legal, regulatory, and business issues relating to all aspects of the enterprise. Required: computer literacy, ability to work both independently and in a team structure, strong attention to detail, ability to anticipate issues and address them proactively. Must be a problem solver. Please submit cover letter and resume in confidence to Karen Buckley at karenbuckley@mpainc.com.

FUQUA, WILLARD AND SCHAB, P.A. seeks an associate with partnership potential to work in our Lewes or Georgetown offices. Areas of experience include Real Estate, Land Use, Wills, Estates, and some Litigation but all inquiries are welcome. Email resume or cover letter to Lisa@fwsdelaw.com.

DELWARE DEPARTMENT OF JUSTICE currently has employment opportunities available for Deputy Attorney General positions in multiple divisions. For all opportunities and full job descriptions, please visit: https://attorneygeneral.delaware.gov/executive/hr/career-opportunities/.

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

LOST WILL
LOST WILL: FAITH R. BODDY. Middletown, DE. Died 06/12/2019. Looking for original or copy of a Will or Codicil. Please contact Hope Boddy at (302) 853-9324 or hopeboddy318@gmail.com.

OFFICE SPACE
LOCATION! LOCATION! LOCATION! Central Location DE, MD, PA, and NJ office space near I-95, RT 141 in Newport DE. Two furnished office space with large parking lot, Wi-Fi, shared reception area, kitchen, conference room. Call Laurie (302) 998-1331 ext. 801.

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LAWYERS’ ROW SUITE: 16’X9’ Furnished Office with 11’X7’ Window Plus 8’X7’ Workstation Plus Shared Access to Conference Room (14’X12’), Kitchen, and Reception Area; $900; (302) 888-1275.

BULLETIN BOARD ADVERTISING INFORMATION

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

All Bulletin Board ads must be received electronically and prepayment is required. Submit the text of the Bulletin Board ad and payment to rbaird@dsba.org. For more information, contact Rebecca Baird at (302) 658-5279.
SAVE THE DATE
MONDAY, MAY 2, 2022
DELAFIELD STATE BAR ASSOCIATION
LAW DAY 2022
KEYNOTE SPEAKER
Kermit Roosevelt III
*The Nation that Never Was: The Source of American Constitutional Values*

Kermit Roosevelt III is a professor of constitutional law at the University of Pennsylvania Law School, a former clerk for Supreme Court Justice David Souter, a member of the Presidential Commission on the Supreme Court, and an award-winning author. A frequent op-ed contributor, his work has appeared in *The New York Times*, the *Foreign Policy Research Institute*, *The Washington Times*, *TIME*, *Newsweek*, and *The Hill*, among many other outlets. He serves as a media expert and keynote speaker, discussing topics including the Supreme Court, civil rights, U.S. presidential history, leadership, American politics, patriotism, and U.S. current events.

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From the DSBA Archives

From the first moment women became lawyers, they were involved in improving the welfare of the citizens of this state. In 1923, Sybil Ward and Evangelyn Barsky passed the Delaware Bar, struggling against the bias that women should not be lawyers and beginning a long process that has led the way for other women to make a difference in our profession. Others followed like Annie Saulsbury in 1926, Assistant City Solicitor Marguerite Bodziak in 1931, the Honorable Roxana Arsht, the first woman judge in Delaware, in 1941. Only five other women entered the Bar between Judge Arsht and her daughter Adrienne, who became an attorney in 1966. By 1980, there were still only 80 women admitted to practice, although those 70 women included 3rd Circuit Judge Jane Roth, Federal Judge Sue Robinson, Bankruptcy Judge Helen Balick, Supreme Court Justice Carolyn Berger, Superior Court Judges Peggy Ableman and Jane Brady, Family Court Judges Battle Robinson and Aida Waserstein, Magistrate Mary Pat Thyne, Attorney General Kathy Jennings, and the first Black female attorney, Paulette Sullivan Moore.

Since 1980, women have become a dominant force in the profession. Law schools indicate that women outnumber men in graduates. As the number of women in the law grew, the DSBA Executive Committee established the Women and the Law Section in 1983.

Over the years, the Section became one of the largest and most active sections, providing pro bono education for divorce matters (in 1991 at Del Tech), demanding the opening of a new work-release program for female inmates in 2005, sponsoring the Governor’s Award for Excellence in Early Care and Education in the early 2000s, and supporting the Roxana Arsht Fellowships on an ongoing basis which encourage young attorneys and law school graduates to work in public interest positions. Of course, the section also has its well-attended and dynamic annual retreat at the beach, which is scheduled this year for May 20-21, 2022.

Certainly, despite the growth of the power of women in the legal profession, there are those who still see significant mountains to climb. As a News Journal article in 1993 proclaimed: “Is the justice business gender blind? Women lawyers are growing in number, but their stature in the male-dominated profession remains a question.” This month, we celebrate Women’s History Month and specifically those women who stood against and continue to stand against adversity to make a difference.
We are pleased to announce that

Jamie L. Brown

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

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