



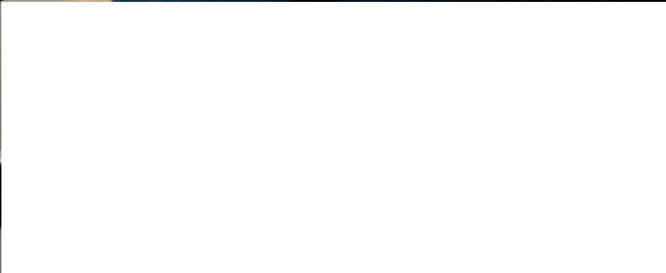
THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

Michael F. McTaggart, Esquire
Delaware State Bar Association
President, 2020-2021



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2020 CHRISTOPHER W. WHITE DISTINGUISHED ACCESS TO JUSTICE AWARDS BREAKFAST

NOMINATIONS ARE NOW BEING ACCEPTED

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

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

The Leadership Award

This award is presented to a legal organization (legal department or law office) that has demonstrated outstanding leadership in the field of *pro bono* service to Delaware's indigent population based on the following criterion including, but not limited to:

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

The Commitment Award

This award is presented to a member of the Bar who has demonstrated a sterling commitment to *pro bono* work throughout his or her career by dedicating time and energy to the support and provision of legal services. The criterion includes, but is not limited to:

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

The Achievement Award

This award is presented to a member of the Bar who has shown an exemplary recent contribution to *pro bono* services (generally in the past one to three years) and stands as a role model to other attorneys. The criterion includes, but is not limited to:

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

Service to Children Award

Awarded to an individual lawyer, legal professional, or organization principally including lawyers, which demonstrates outstanding commitment to, and work for, children in the provision of legal or community services. It may be given to volunteers or those employed in the provision of legal services for children. This award is given as warranted, not necessarily annually.

Legal Professional Pro Bono Service Award

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

Nominations should be submitted to Caroleena Goldman at cgoldman@dsba.org. The deadline for nominations is September 15, 2020. Please include: The name, firm, and title/occupation of the Candidate; name and contact information (firm, address, email, phone, and fax) of the individual nominating the Candidate; and a brief statement of the reasons the Candidate is deserving of the Award.

DSBA BAR JOURNAL

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

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THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

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Cover Photo by Leo McTaggart



This edition of the *Bar Journal* contains articles that recognize the 100 year anniversary of the passage of the 19th Amendment to the United States Constitution.

The 19th Amendment was a truly momentous event and the final passage occurred after a long struggle by many courageous women who fought long and hard for this long overdue right. But before we get to 1920 when the 19th Amendment was finally passed, it is worth noting the efforts in 1848 of Elizabeth Cady Stanton, from Seneca Falls, New York.¹

In 1848, Stanton and several of her friends had a meeting with Lucretia Mott, who was visiting from Philadelphia. Mott was, at that time, considered the leading voice for social change for female rights in America. This group sat down for the first time and reduced to writing a document, titled "Declaration of Sentiments." This Declaration for women's rights, probably the first of its kind in this country, was loosely based on the rights spelled out in the Declaration of Independence in 1776.²

After this meeting, Stanton went home and thought about the events of the day and realized that there was something missing, that the Declaration did not go far enough. She had spent some time working as an apprentice law clerk for her father in New York and knew that the Declaration must contain a provision to give women the right to vote. Stanton proposed an additional Resolution to the document which provided:

Resolved, That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise.

The Declaration of Sentiments, with this final Resolution, was later brought before a convention in 1848 in Seneca Falls and was adopted by the attendees. The Women's Suffrage movement had started. Stanton would work for the rest of her life to achieve the right to vote for women that she added to the Declaration of Sentiments.

The initial group of women who met with Stanton in 1848 had died before the 1920 amendment. However, many families had generations of women who were involved in rallying for this cause. While Stanton passed away in 1902, her daughter Harriet Stanton Blatch worked for women's suffrage from 1906 until the final passage of the amendment in 1920.

It would take until August 26, 1920 before the 19th Amendment would finally be passed by Congress and ratified by 36 states in the union. This fight by a number of women's suffrage groups over this 72 year period is nothing short of extraordinary. The Woman's Suffrage movement fought for the right to vote during the Civil War, Reconstruction, World War I, and even a pandemic known as the Spanish flu in 1918.

While there were many highs and lows in the efforts to achieve women's suffrage, two examples of how difficult these efforts were should be mentioned.

In 1872, Susan B. Anthony convinced the New York registrar to permit her to vote in the November election based on a fair reading of equal protection under the 14th Amendment. After voting, Anthony was arrested for violating the 1870 Enforcement Act for voting without having the legal right. In a farce of a two-day trial, the

presiding judge directed the jury to find in favor of the prosecution. Anthony's sentence was then cleverly suspended to prevent any appeal.

Moving forward to 1917, Alice Paul had become one of the new leaders in the suffrage movement. In an effort to gain attention for the woman's right to vote, Paul and other suffrage picketers began protesting in front of the White House. After several arrests, Paul ended up at the D.C. City Jail where she and Rose Winslow agreed to go on a hunger strike. The prison staff, determined that no woman would die within the prison, began to force feed milk and eggs to Paul. The prison staff unsuccessfully brought in psychiatrists in an effort to have Paul declared insane.

The passage of the 19th Amendment did not make things easier for the women attorneys in Delaware in 1920, simply because there were none. It was not until January 15, 1923 that Sybil Ursula Ward and Evangelyn Barsky were admitted as the first two female attorneys in the Delaware Bar. This only occurred after a 1923 amendment to the Delaware Constitution. There can be little doubt that this Delaware Constitutional amendment was passed as a direct reaction to the passage of the 19th Amendment. Still, it is likely that things were not easy for those first pioneering women attorneys admitted to the Delaware Bar. Even as late as 1969, there had only been 12 women admitted to the Delaware Bar, and only 9 were actively practicing at that time. Change for the better would soon come though as the period from 1970 to 1975 saw the admission of 26 women attorneys, and in 1976, a record 14 woman lawyers (15 percent of the class) were admitted in a single year.³

It would take until August 26, 1920 before the 19th Amendment would finally be passed by Congress and ratified by 36 states in the union. This fight by a number of women’s suffrage groups over this 72 year period is nothing short of extraordinary.

The 19th Amendment led to the opening of more doors for women both in and outside of the government arena. While the 19th Amendment did grant the right to vote to approximately thirty million women in 1920, some of the battles fought by women suffragists are issues that still exist today. Issues like the right for equal treatment under the law, the right to adequate work conditions, and the right for fair pay for work done.

The DSBA remains committed to support the Women and the Law Section, which has done important work as a Section. The Women and the Law Section has worked tirelessly to “address[] the effects of laws upon women in Delaware and the delivery of legal services to them and to further the role of women in the Delaware legal community.” The DSBA has also taken the first steps to invigorate a Diversity Committee to consider and address issues of diversity in our Bar. I have appointed President-Elect Kathy Miller to serve as the Chair of the DSBA Diversity, Equity & Inclusion Committee.

I again applaud the DSBA and the *Bar Journal* for acknowledging this important historical anniversary. On a personal note, I turn my thoughts to the 2022 election when I can bring my daughter Annie to a polling place to vote for the first time. Elizabeth Cady Stanton would be proud.⁴ 

Notes:

1. Much of the historical background information for this article is based on the excellent new book, *Ellen DuBois, Suffrage* (Simon & Schuster 2020).
2. The table used for this momentous occasion was later donated to the Smithsonian Museum along with many of the important papers and records from the Suffrage efforts.
3. The statistical information in this paragraph is contained in Jacqueline Mette, *Women in the Delaware Bar 641*, published in *The Delaware Bar in the Twentieth Century* (H. Winslow ed. DSBA 1994).
4. The statements expressed in this article are solely those of the author and are not to be attributable in any way to his employer.

Michael McTaggart is the current President of the Delaware State Bar Association. He is a Special Assistant United States Attorney in the U.S. Attorney’s Office in Wilmington. In 2019, he retired from the Delaware Department of Justice after 31 years of service. He can be reached at MMcTaggart@dsba.org.

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Rewrite the Script

I have watched a lot of movies in the past couple months (the scale proves as much). And since new releases are limited, my family and I are watching films that I have seen many, many times. It is a different experience watching these movies with my 8- and 10-year old kids — even though I know all the punch lines, I am laughing harder and still feeling the suspense, though I can tell you in detail how each one ends.

Watching their reactions, listening to their comments, and answering their incessant questions to the point of saying, “Just watch the movie!” has been a fun family activity in these times. As the sophistication level of these movies grows, lawyers are popping up more and more in the story lines. As you no doubt are aware, many of these lawyers are not portrayed in a positive light.

In viewing *Jurassic Park* recently, the park's proprietor gets frustrated and references his “bloodsucking lawyer.” A few scenes later, that same lawyer turns into a selfish coward after he deserts endangered children. Of course, he gets his due while hiding in an exposed bathroom stall. The T-Rex eats him whole. I can just envision the millions of moviegoers applauding or smiling at his demise. T-Rex: 1 Lawyers: 0.

Unfortunately, these portrayals mirror people's perceptions of attorneys. Statistics or poll results back this belief. While it is difficult to admit or acknowledge the negative feelings that people have toward one's own profession, the numbers do not lie: in a Gallup poll from 2015, only four percent of respondents rated the “honesty and ethical standards” of lawyers as “very high.” In that same poll, more than one-third (34 percent) rated attorneys' honesty and ethical standards as low (25 percent) or very low (9 percent). A landmark study for the American Bar Association found even harsher truths underlying the popular perception of attorneys:

- 74 percent of those surveyed agreed that “lawyers are more interested in winning than in seeing that justice is served.”



- 69 percent believed “lawyers are more interested in making money than in serving their clients.”
- 57 percent claimed that “lawyers are more concerned with their own self-promotion than their client's best interests.”
- More than half (51 percent) agreed that “we would be better off with fewer lawyers.”¹

Certainly that is my experience when people I meet for the first time find out what I do for a living. They do not hesitate to tell me their favorite lawyer joke, then their second favorite, and then their third unless another person nearby chimes in with one of their own. The jokes are perpetuated in the lawyers as movie characters we see.

We, as practicing attorneys in Delaware, know that these jokes are the exception, not the rule. I say that with confidence as I observe the work my colleagues are consistently doing in Delaware. I read the decisions and marvel at how attorneys are

engaging in creative and novel advocacy. The range of advocacy is wide and diverse, from service on behalf of the less fortunate, to advocacy on a corporate level that serves as a model and precedent for the rest of the country.

These advocacies, careers, and cases should be the basis for the scripts of the future that feature our profession. These examples should serve as the new normal. I am confident that little by little, our profession can change the “blood-sucking” characterizations swallowed whole by an audience that actually rooted for a ravenous dinosaur.

Every year, I have the pleasure of taking part in a course at La Salle University entitled “Film and the Law.” Each class involves a practicing attorney presenting a movie with a legal theme to students, which they then critique, scrutinize, and challenge. The films often give these bright students a new perspective on our profession. I have the honor and weighty responsibility of presenting *To Kill a Mockingbird*, which is the crown jewel of lawyer films. The movie is so popular and influential among lawyers that it remains perched at the top of all greatest legal movie lists. Even so, I find that many of these college students are seeing the movie for the first time (although many read the book in high school).

Every year, it is a joy to watch it with these students for the first time, and then talk about the trial afterwards. Sometimes I feel a bit disrespectful discussing the sufficiency of Atticus Finch’s representation and whether or not he should have re-

quested a change of venue for his client’s case. But the movie provides the opportunity to have these discussions nonetheless.

These discussions result in more complex, and often more positive perspectives of our profession. *To Kill A Mockingbird*, is only one example. A far newer example is *Just Mercy*, a film released last year, based on the book by Delaware native Bryan Stevenson. These are the types of scripts that need to be written, produced, and seen. But to do so, the source material needs to be there. So, let’s do the work, and make it easy for Hollywood to take a real-life story and put it on film. With time, these movies will eclipse the negative portrayals of lawyers, stereotypes that continue to plague our profession.

It begins with how we treat our clients and interact with others in everyday situations. That shapes people’s perceptions of lawyers and can bolster the perception of our profession. In essence, let us re-write the script day by day, interaction by interaction and case by case. In the current times, undoubtedly, everyday there are opportunities to do so. Ⓢ

Notes:

1. Public Perceptions of Lawyers Consumer Research Findings. (2002, April). American Bar Association.

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

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MEMBER BENEFIT OF THE MONTH

DSBA Lawyer Referral Program

Each week, hundreds of citizens turn to the DSBA Lawyer Referral Program to help them match with an interested attorney. It is a natural place for them to go...certainly better than Google or one of those out-of-state lawyer connection sites. Some shrewd Delaware attorneys have opted to join the services, but many have not. The shrewd attorneys get some very worthwhile cases from the referrals made by the system.

If you want to opt-in to the DSBA Lawyer Referral service, go to www.dsba.org and Lawyer Referral will be listed on the homepage. Then, just slide the button to "opt in" and answer the questions about the type of work you would be willing to receive. The more possible areas of law you choose, the more referrals you will receive. Family lawyers would definitely get some cases simply by opting in. And, there is a mechanism to easily opt out if you choose. The public does not get your contact info; they provide a way for you to contact them if you choose to explore their case. If you select the case, you commit to charging them \$35 for the first half-hour consultation and you are obliged to send that to DSBA. The remainder of your relationship with this client is not further regulated. A number of attorneys who have used this service have developed good cases and income and it cost them nothing out of their pockets.

In times like this, it's hard to turn away potential opportunities for work. Take advantage of this benefit offered to you by your Association. 

WHAT ADVICE WOULD YOU GIVE TO THE NEXT GENERATION OF WOMEN LAWYERS?



"For the next generation of women lawyers, it is imperative that you know your value, it is important to identify your passion and purpose, and finally, it is invaluable to build strong professional relationships, through mentorships and sponsorships."

**THE HONORABLE
ARLENE MINUS COPPADGE**

Family Court of the State of Delaware
DSBA MEMBER



"As the co-founder of my own firm, my biggest piece of advice would be to believe in yourself and be willing to take risks! Never apologize before you receive feedback. Be willing to say no. Seek out other women mentors, even if outside your firm. You would be amazed how many of us are here to support you."

KAREN E. KELLER, ESQUIRE

Shaw Keller LLP
DSBA MEMBER

Illustrations by Mark S. Vavala

SAVE THE DATE

2020 VIRTUAL AWARDS CEREMONY

September 30, 2020 | 12:00 p.m.

AWARDEES



COMMUNITY SERVICE AWARD
Samuel D. Pratcher III, Esquire
Pratcher Krayner LLC



LIBERTY BELL AWARD
Robert F. Garey
Delaware Agricultural Lands Preservation Foundation



FIRST STATE DISTINGUISHED SERVICE AWARD
Myron T. Steele, Esquire
Potter Anderson & Corroon LLP

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FOR NEXT MONTH...

How does your pro bono work make you a better lawyer?

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

5 WOMEN WHO WERE FIRST

In honor of the 19th Amendment through which women gained the right to vote, 131 years after the right was bestowed on land-owning men, we look at a few of the First Women who have risen to the top of their fields and how long it took for them to achieve distinction:

1 FIRST WOMAN TO WIN A NOBEL PRIZE

Marie Curie (Physics) | 1903 – only 2 years after the Nobel Prizes were first awarded.

Curie's research on radioactivity, a word she coined, won her respect in the science world and led to the development of x-rays.

Curie once said about women: "I have frequently been questioned, especially by women, of how I could reconcile family life with a scientific career. Well, it has not been easy."

2 FIRST WOMAN TO RECEIVE A PULITZER PRIZE FOR LITERATURE

Edith Wharton for *Age of Innocence* | 1920 – only 4 years after the Pulitzer was first awarded.

Wharton, also the author of *The House of Mirth* and *Ethan Frome*, was originally passed over by the Pulitzer Committee for Sinclair Lewis's *Main Street*, but their decision was overruled by the Columbia University Advisory Board.

Wharton once said about women: "But I have sometimes thought that a woman's nature is like a great house full of rooms: there is the hall, through which everyone passes in going in and out; the drawing-room, where one receives formal visits; the sitting-room, where the members of the family come and go as they list; but beyond that, far beyond, are other rooms, the handles of whose doors perhaps are never turned; no one knows the way to them, no one knows whither they lead; and in the innermost room, the holy of holies, the soul sits alone and waits for a footstep that never comes."

3 FIRST WOMAN TO WIN AN ACADEMY AWARD FOR DIRECTION

Kathryn Bigelow for *The Hurt Locker* | 2008 – 80 years after the first Academy Award for Direction was awarded.

Bigelow, also the director of *Zero Dark Thirty*, *Point Break*, and *Strange Days*, is the only woman to win this distinction.

Bigelow said this about women: "If there's a specific resistance to women making movies, I just choose to ignore that as an obstacle for two reasons: I can't change my gender, and I refuse to stop making movies."

4 FIRST WOMAN APPOINTED TO THE UNITED STATES SUPREME COURT

Sandra Day O'Connor | 1981 – 192 years after the creation of the Court.

O'Connor's 25 year tenure on the Court included her decisions in *Grutter v. Bollinger* and *Hamdi v. Rumsfeld*, as well as co-writing credit for *Planned Parenthood v. Casey* and *Bush v. Gore*.

She said this about women: "Despite the encouraging and wonderful gains and the changes for women which have occurred in my lifetime, there is still room to advance and to promote correction of the remaining deficiencies and imbalances."

5 FIRST WOMAN TO SERVE AS PRESIDENT OF HARVARD UNIVERSITY

Drew Gilpin Faust | 2007 – 371 years after Harvard's first president.

Faust is the author of six non-fiction history books and made her first initiative as president to increase financial aid.

Faust succinctly said: "I hope that my own appointment can be one symbol of an opening of opportunities that would have been inconceivable even a generation ago. I'm not the woman president of Harvard. I'm the President of Harvard."

? FIRST WOMAN PRESIDENT OF THE UNITED STATES

231 years and counting...

OF NOTE

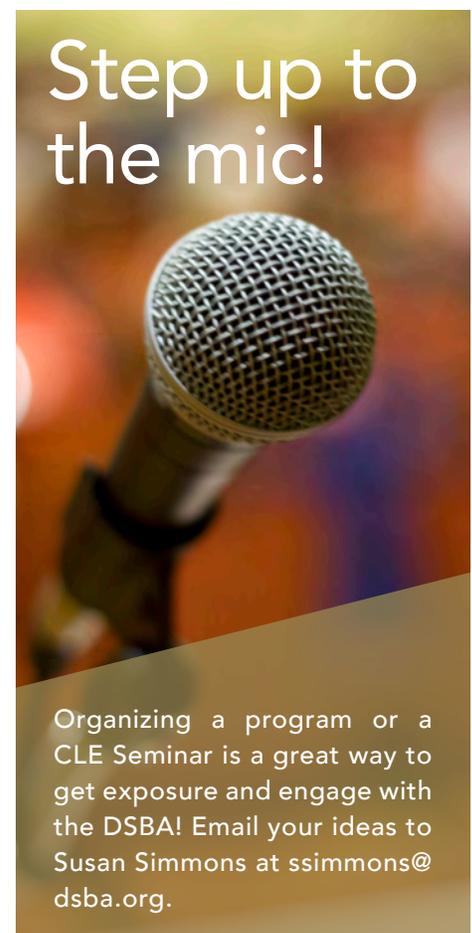
Condolences to the family of **Edward B. Maxwell II, Esquire**, who died on April 25, 2020.

Condolences to **Thomas E. Brown, Esquire**, on the death of his mother, Mary Jane C. Brown, who died on June 22, 2020.

Condolences to **The Honorable Rosemary Betts Beauregard and A. Dean Betts, Jr., Esquire**, on the death of their mother, Rosemary C. "Dusty" Betts, who died on August 4, 2020.

Condolences to **Marsha Z. Borin, Esquire** on the death of her son, Joshua Robert Borin, who died on August 11, 2020.

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



Step up to the mic!

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

Professional Guidance Committee

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

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CALENDAR OF EVENTS

September 2020

Thursday, September 10, 2020 • 10:00 a.m. – 2:15 p.m.
Small Firms and Solo Practitioners Conference

4.0 hours CLE credit

Live Webinar via Zoom

Tuesday, September 15, 2020 • 8:30 a.m. – 4:30 p.m.
Workers' Compensation: Practically Speaking

6.5 hours CLE credit including 1.0 hour Enhanced Ethics credit

Live Webinar via Zoom

Thursday, September 17, 2020 • 9:00 a.m. – 4:00 p.m.
Fundamentals of Will Drafting and Estate Administration

6.0 Hours CLE credit

Live Webinar via Zoom

Thursday, September 24, 2020 • 9:00 a.m. – 11:30 a.m.
**Small Firms and Solo Practitioners Conference Part II:
Multiple Employer Plans, Complaints, Malpractice and Ethics**

2.5 hours CLE credit including 1.5 hours Enhanced Ethics

Live Webinar via Zoom

Tuesday, September 29, 2020 • 4:30 p.m. – 6:00 p.m.
Collectively Coping with the Coronavirus Pandemic Crisis

1.5 Hours CLE credit

Live Webinar via Zoom

Wednesday, September 30, 2020 • 12:00 p.m.
Virtual Awards Ceremony

Live Ceremony via Zoom

October 2020

Date TBD • 2:00 p.m. – 4:00 p.m.

Restorative Justice

2.0 Hours CLE credit

Live Webinar via Zoom

Thursday, October 8, 2020 • 9:00 a.m. – 4:15 p.m.
Fundamentals of Civil Litigation

6.0 Hours CLE credit

Live Webinar via Zoom

Wednesday, October 14, 2020 • 10:00 a.m. – 12:00 p.m.
**Section 203 of the Delaware General Corporation Law:
Where It Came From, Where It Is, and Where It's Headed**

2.0 Hours CLE credit

Live Webinar via Zoom

Wednesday, October 21, 2020 • Time TBD
CLE on Tap: Diversity in the Craft Alcohol Business in Delaware

Live Webinar via Zoom

Thursday, October 29, 2020 • 12:00 p.m. – 2:00 p.m.
Office & Trial Practice 2020

2.0 Hours 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

September 2020

Wednesday, September 9, 2020 • 4:00 p.m.

Real and Personal Property Section Meeting

Zoom Meeting, see Section listserv message for link and password

Friday, September 11, 2020 • 12:00 p.m.

Workers' Compensation Section Meeting

Teleconference Meeting, see Section listserv message for call-in information

Wednesday, September 16, 2020 • 9:00 a.m.

ADR Section Meeting

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

Thursday, September 17, 2020 • 12:15 p.m.

Torts and Insurance Section Meeting

Teleconference Meeting, see Section listserv message for call-in information

Friday, September 18, 2020 • 12:00 p.m.

LGBTQ+ Section Meeting

Teleconference Meeting, see Section listserv message for call-in information

Thursday, September 24, 2020 • 11:45 a.m.

Executive Committee Meeting

Zoom Meeting, link will be sent via email

Thursday, September 24, 2020 • 4:00 p.m.

Family Law Section Meeting

Zoom Meeting, see Section listserv message for link and password

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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Ryan v. U-Drive (Death by Autonomous Vehicle)

Third Celestial Circuit

January 2023

Note: The issue of security in litigation will continue to grow in importance. It will soon become the substance of many discovery disputes. The following is an excerpt of an opinion which may be written in January 2023 and found within the hypothetical web portal for the Third Celestial Circuit.

HERRMANN, J: This is a product liability action involving a claimed defect in an autonomous vehicle manufactured by Defendant U-Drive. It is claimed the decedent's vehicle refused to start and locked its doors because it sensed the decedent was under the influence of a new CyberEnhanced drug. The decedent ultimately died from the drug overdose. Plaintiff claims the unlawful imprisonment by the vehicle contributed to the death. U-Drive has moved for a Protective Order. Two issues pertaining to the Protective Order remain unresolved. This opinion relates to issue number one: The parties cannot agree on the manner in which the Plaintiff should access and manage U-Drive's confidential electronically stored information (ESI) during this litigation.

The background of U-Drive's past litigation experiences are important for an understanding of the rationale in this decision. Defendant has been a party in a number of product liability actions in the past. In many of those litigations, the exchange of confidential information was the subject of protective orders limiting use and access to information declared confidential in the terms of the various orders. Unfortunately, U-Drive has found the orders in these cases have not always provided the protection upon which a litigant ought to be able to rely.

U-Drive cites the following among the examples of protective order violations which have compromised Defendant's confidential information:

- In *Moore v. U-Drive*, a court appointed Special Master reported on the conduct of a paralegal who engaged in "a pattern of complete disregard for the court orders" and freely distributed protected confidential

documents to "various counsel for the Plaintiffs."

- In *Bradley v. U-Drive*, U-Drive's confidential documents were hacked by a party and shared among counsel outside of the protective order.
- In *Toe v. U-Drive* (citation omitted), the Court found that Plaintiffs' counsel released more than one hundred U-Drive confidential documents at a Zoom conference of Plaintiffs' counsel in violation of that court's protective order.

There is nothing in the record indicating any of the Plaintiff's counsel in this action had violated any of the orders referenced above. However, as to the Zoom conference referenced in the *Toe* opinion, it is not disputed that one of the counsel for the Plaintiff in this action attended the Zoom conference and received access to U-Drive confidential documents.



It is clear, from the unfortunate history of U-Drive confidential information in other litigation, that U-Drive has a reasonable basis to request greater protection from this Court. To achieve this protection, a balance must be struck between U-Drive's needs for added security and the fairness required to permit Plaintiffs' counsel to take advantage of the electronic tools available to manage discovery.

The goal, then, is to find an approach which would provide U-Drive with some added protection for its confidential information and provide Plaintiffs' counsel in this case with the same flexibility as U-Drive's counsel — the flexibility to review and share information among themselves. To reach this goal, I believe it is necessary for the electronic documents to be produced and stored in this Celestial Circuit in a system designed to provide access and security for confidential electronically stored information. This Court will, thus, maintain jurisdiction over the documents, as well as jurisdiction over the attorneys of record in this case.

I direct U-Drive to engage, at its sole expense, the services of the electronic discovery vendor CyberLegal, to host all confidential documents produced pursuant to the protective order in this action. Access by both parties to confidentially produced ESI (including U-Drive's access to its own documents) will only be through the CyberLegal system. CyberLegal will arrange for the display of a watermark on every page of every document. The watermark will contain "Confidential by Order TCC 10C-03-151 RKH (XXX)" (where XXX are the initials of the law firm accessing the document). Thus, any document viewed or printed will bear the identity of the party disclosing the document.

IT IS SO ORDERED. 

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

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

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Discrimination and the Professional Conduct Rules

In last month's column, *Summer Reading*, "Ethically Speaking" digested the only two formal opinions issued to date in 2020 by the ABA Standing Committee on Ethics and Professional Responsibility. Of course, right after the *Bar Journal* was posted, the ABA issued Formal Opinion 493. That Opinion, titled Model Rule 8.4(g): Purpose, Scope, and Application, issued the same month as the 100th anniversary of the 19th Amendment. Like the 19th Amendment, it also relates to discrimination and is unlike most other ABA Advisory Opinions.

In 2016, the ABA revised Rule 8.4 of the Model Professional Conduct Rules to add a new subsection (g) to specifically provide that bias, discrimination, and harassment in the practice of law constitutes professional misconduct. The language in the new subsection states:

It is professional misconduct for a lawyer to...engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules. Comment [3] to the new subsection addresses the meaning of 'discrimination' and 'harassment,' and emphasizes that such conduct undermines confidence in the legal profession and the legal system. It defines 'discrimination' to include harmful verbal or physical conduct that manifests bias or prejudice towards others. It includes derogatory or demeaning verbal or physical conduct.

The Comment to the Rule goes on to state that sexual harassment is more specifically described as "unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature." It also explains that the substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of paragraph (g).

The ABA's promulgation of Rule 8.4(g) has been highly controversial. Critics of the Rule, including several *Law Review* articles, legal scholars, and advocacy groups such as the National Lawyers' Association and the Christian Legal Society attacked the Rule as vague, unconstitutional, and an attempt to enforce political correctness at the expense of an attorney's freedom of speech.

States have been slow to adopt the Rule. Vermont was first and one of the few to adopt the entire amendment, as issued. To date, eight states have adopted the Rule, with Pennsylvania being the most recent. Delaware has not added Subsection (g) to the Delaware Lawyers' Rules of Professional Conduct. However, Comment [3] to the Delaware Rules tracks the language found in Model Rule 8.4(g).

The Model was considered and rejected in Texas and South Carolina after opposition from the State Attorneys General, who alleged that the Rule violated attorney First Amendment free speech. The Montana legislature passed a joint resolution declaring the amendment unconstitutional, directing the Supreme Court of Montana to reject adoption. Utah and Nevada considered the ABA amendment, but permitted their comment period to lapse without taking action.

Currently, approximately 23 states and the District of Columbia have black-letter rules dealing with "bias" issues. Thirteen states, including Delaware, do so by Comment. The remaining states have adopted neither the Rule nor Comment addressing these issues. However, those states which already have anti-bias rules differ significantly from the approach found in Rule 8.4(g), and all are narrower than that Rule.

Examples include Massachusetts, which limits bias to conduct before a tribunal. The District of Columbia limits application to employment decisions. Eight states limit their antidiscrimination rules to "unlawful discrimination prohibited by law." In some jurisdictions, a non-disciplinary tribunal must first find that the attorney violated a state, federal, or local antidiscrimination statute or ordinance before a

Formal Opinion 493, issued by the ABA on July 15, 2020, is striking. Most Opinions issued by the Standing Committee on Ethics and Professional Responsibility begin by stating that the Committee received an inquiry from an attorney asking for guidance in interpretation or application of a professional conduct rule to a specific fact situation. Formal Opinion 493 instead reads as a defense or response to the criticisms that have been lodged against the Rule.

disciplinary complaint can be filed. Unlike the Model, 8 of the 23 states specifically require that the discrimination prejudices the administration of justice or otherwise renders the attorney unfit to practice law. While the Model states that the attorney defines the necessary attorney *mens rea* as “knows or reasonably should know,” four states have adopted a higher standard of “knowing, intentional, or willful.”

Formal Opinion 493, issued by the ABA on July 15, 2020, is striking. Most Opinions issued by the Standing Committee on Ethics and Professional Responsibility begin by stating that the Committee received an inquiry from an attorney asking for guidance in interpretation or application of a professional conduct rule to a specific fact situation. Formal Opinion 493 instead reads as a defense or response to the criticisms that have been lodged against the Rule. Among the Committee’s arguments: “Harassment and discrimination damage the public’s confidence in the legal system and its trust in the profession.” A “particular objective” of the Rule is to prevent sexual harassment, it said, although detailing every type of prohibited conduct is difficult. “Broad standards governing professional conduct are permissible and indeed often necessary.”

Responding to criticism that the Rule presents an undue restriction on the First Amendment rights of attorneys and that the Rule has a chilling effect of an overbroad law, the Committee asserts in the Opinion that the Rule promotes a well-established state interest by prohibiting conduct that reflects adversely on the profession.

The Opinion provides several hypothetical situations to show what would be considered to be violations under Rule 8.4(g). Examples include an adjunct professor at a law school clinic who makes repeated comments about a student’s appearance and initiates nonconsensual physical contact of a sexual nature.

The Opinion also sets out a hypothetical in which a religious organization challenges, on First Amendment grounds, a local ordinance that requires all schools to provide gender-neutral restrooms and locker room facilities, and whether a lawyer who represented such an organization would violate Rule 8.4(g). The Committee concluded that it would not.

The Committee opined that a lawyer who is a member of a religious legal organization which advocates on religious grounds for the ability of private employers to terminate or refuse to employ individuals based on their sexual orientation or gender identity does not violate Rule 8.4(g).

In a hypothetical in which a lawyer states, in the context of a law firm function, that lawyers of a certain ethnic or religious orientation should not be trusted would be in violation of the Rule because the comments were made in a law firm setting and were, therefore, “related to the practice of law.” In defense of the Rule, the Committee notes that Comment [4] of Rule 8.4 identifies the scope of conduct related to the practice of law, listing such activities as representing clients, interacting with witnesses, coworkers, court personnel, lawyers and others; operating or managing a law firm or practice; and participating in bar association, business or social activities in connection with the practice of law.

Comment [5] describes circumstances that do not violate Paragraph (g), including a lawyer’s exercise of peremptory challenges in a discriminatory manner, or an attorney limiting one’s practice to providing representation to underserved populations. Finally, the Opinion notes that Rule 8.4(g) does not prohibit legitimate advice or advocacy consistent with the Rules.

Given the criticism this Rule has received so far, it remains to be seen whether the explications provided in Formal Opinion 493 will persuade additional states to consider adoption.

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

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

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



Quashing the Stress of a Pandemic and the Unknown

One lawyer is worried about child-care issues, court dates, and job security. Another is working remotely and finding no boundaries between work and home. Yet a third is suffering from Zoom fatigue and wonders when the concept of Groundhog Day became so normal. A fourth lawyer is witnessing the buttons on his pants practicing "social distancing!"

In law school, we are told "not to assume." On the other hand, in the present pandemic environment, it is safe to assume that many individuals are somewhere between "kind of stressed" and "extremely anxious." Why? The main culprit is that infectious disease outbreaks are one of the most distressing issues to deal with because of the uncertainty and the lack of boundaries it encourages.

More specifically, a pandemic, as with all disease outbreaks, does not have clear time boundaries. It can, and often does, cause us to experience an ongoing state of feeling at risk. This ongoing state of stress is not the kind of stressor that our "fight or flight" system can deal with effectively. Staying braced for a threat over an extended period of time takes a real toll on our bodies and minds. Therefore, it is essential to recognize, address, and quash our stress (and distress) to prevent it from becoming overwhelming. There is nothing weak or irrational knowing that you are exhausted by it all.

Facing the Problem of COVID-19 Fatigue

Nearly everyone is overtired or overworked from time to time. Such instances of temporary fatigue usually have an identifiable cause and a likely remedy. Conversely, unrelenting exhaustion lasts longer, is more profound and is not relieved by rest. It is a nearly constant state of weariness that develops over time and reduces your energy, motivation, and concentration. Fatigue at this level impacts your emotional and psychological wellbeing, too.¹

Today, the enemy is COVID-19. Knowing the enemy is imperative to dealing with it and

what about COVID-19 is actually causing us to experience stress and making us vulnerable to fatigue. Are we simply tired of being cooped up, tired of being careful, tired of being fearful? Are we worried that we will get COVID-19, or a family member will, or we will be carrier? Are we frazzled with care-giving issues that could prevent us from keeping regular working hours? Are we experiencing financial stress and/or afraid that we will be furloughed and/or not be able to maintain our lifestyle? Or, are we spending too much at the food store and worried that our suits for court will not fit?

Undoubtedly, it is likely that we are feeling anxiety over a combination of potential problems of varying degrees of seriousness during this pandemic. Clearly, those concerns may manifest in our thinking causing anxiety and dread. Facing these issues is a real challenge," said Kaye Hermanson, UC Davis Health psychologist in the Department of Physical Medicine and Rehabilitation. "There are no easy solutions. But that doesn't mean we don't have paths to help ourselves and others."

Control vs. Non-Control

Ironically, in researching for this column, the Serenity Prayer came to mind. I believe that our coping tools can start with citing, "God grant me the serenity to accept the things I cannot change; the courage to change the things that I can; and the wisdom to know the difference."

In other words, once you have identified your primary sources of stress, tackle the things you actually can change. For example, you cannot control whether your children are sent home from school for an extended period due to a COVID-19 outbreak, but you can control

Tips to Move Forward

- **Take in COVID-19 information without being overwhelmed.** Warnings and statistics have been overwhelming us for months, but it is important to hear them. It helps you to keep focus on control vs. non-control issues. However, limit listening to the news 24/7. It will make you angrier and more scared.
- **Exercise.** Move a muscle – change a mood. Any exercise, even a simple walk around the block, helps as it releases endorphins and gets some of the adrenaline out when the frustration builds up.
- **Practice slow breathing.** Five minutes of slow breathing can help lower your blood pressure and reduce stress.
- **Take a break.** Close your door and listen to music for 15 minutes.
- **Focus on gratitude.** Write down something about the day for which you are grateful.
- **Use positive/constructive thinking.** Remember, what you tell yourself every day will either lift you up or tear you down.

This Native American parable may be a tool that helps you stay grounded and positive.

An old Cherokee is teaching his grandson about life. "A fight is going on inside me," he said to the boy. "It is a terrible fight and it is between two wolves. One is evil – he is anger, envy, sorrow, regret, greed, arrogance, self-pity, guilt, resentment, inferiority, lies, false pride, superiority, and ego."

He continued, "The other is good – he is joy, peace, love, hope, serenity, humility, kindness, benevolence, empathy, generosity, truth, compassion, and faith. The same fight is going on inside you – and inside every other person, too."

The grandson thought about it for a minute and then asked his grandfather, "Which wolf will win?"

The old Cherokee simply replied, "The one you feed."³

whether you have a plan to deal with childcare if that occurs. You, yourself, may be quarantined — do you have a law office disaster plan? Design a plan and then make a backup plan for your first plan. Neither have to be perfect. In times of fluid change it is a lot easier to activate a pre-existing strategy than to develop one on the fly.

As in the prayer, we must recognize that some things are simply out of our control during this time, whether we like it or not. According to the Institute for Disaster Mental Health, State University of New York:

...issues that you can't really control or change, think about using emotion-focused coping strategies that help you manage your feelings. For example, you may not be able to talk yourself out of worrying about the health of your elderly parents, but you can consider strategies for how you'll handle these unavoidable emotions and prevent them from overwhelming you. We all know the lists of healthy coping methods like mindfulness, exercise, journaling, and so on. These are great ways of maintaining calm if they work for you; but being reminded to follow these practices just adds more stress for some people. Maybe you prefer to manage your emotions by taking a brief break from your worries in the form of a book, game, or TV show, or you like to stress bake, or scream into a pillow. It really doesn't matter what you do so long as you actively do something that helps you both feel and function better.²

The Wisdom to Adapt and Thrive

Ignoring feelings does not make them go away. Maintaining your mental health fitness

and balance is tough in this period of the new normal and monumental change, both professionally and personally. The Delaware Lawyers Assistance Program (DE-LAP) understands that the legal culture is often resistant in asking for help.

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Good luck and quash the distress of the pandemic and the unknown! 

Notes:

1. Fatigue. (2020, July 22). Retrieved August 19, 2020, from <https://www.mayoclinic.org/symptoms/fatigue/basics/definition/sym-2005089>
2. IDMH. (2020). COVID-19: Managing Stress in this Anxious Time. Retrieved August 19, 2020, from <https://www.newpaltz.edu/media/idmh/covid-19/IDMH%20COVID%2019%20Community%20Stress%20Management%20Tip%20Sheet%202020%20Final.pdf>
3. The Fight of Two Wolves Within You. (2019, August 29). Retrieved August 19, 2020, from <https://deanyeong.com/fight-two-wolves-inside/>

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



Prominent women at equal rights conference at Woman's Party.

L to R: Mrs. Agnes Morey, Brookline, MA; Miss Katherine Morey, Brookline, MA & State Chairman of the Woman's Party; Elsie Hill, Norwalk, CT; Mary Dean Powell, D.C.; Emma Wold, Portland, OR; Mabel Vernon, Wilmington, DE, [11/11/22]

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2020

The Centennial Celebration of the 19th Amendment

BY JENNIFER SMUTS

Last year, 2019 celebrated 95 years of Women in the Delaware Bar and this year, 2020 marks the 100th anniversary of the passage of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote. This centennial offers an opportunity to commemorate a milestone of democracy and visit the relevance of equal rights issues today.

Delaware played an important role in the struggle for suffrage. In 1868, Mary Ann Sorden Stuart began to fight for women's rights and a decade later, in 1878, she testified before the U.S. Senate Judiciary Committee in favor of women's suffrage. Ms. Stuart was the Delaware representative for the National Woman Suffrage Association (NWSA), led by Elizabeth Cady Stanton and Susan B. Anthony. In 1895, commencement exercises at Howard High School featured a debate on women's suffrage and an address by Mary Church Terrell, the first president of the National Association of Colored Women (NACW). With that, the Delaware Equal

Suffrage Association (DESA) was founded. By 1896, DESA had seventeen affiliated clubs. With so much momentum, in 1897, the Delaware suffragists addressed the Delaware constitutional convention in favor of suffrage. Unfortunately, the Committee on Elections voted against women's suffrage.

After a significant blow, more than a decade later in 1912, Alice Paul brought new life to the suffrage movement through a demand for an amendment to the United States Constitution alongside state-by-state efforts. Notable Delaware suffragist, Mabel Vernon met Ms. Paul while attending Swarthmore College. Together, the two helped found the National Woman's Party and organized protests for women's suffrage. In 1913, Delawarean Florence Bayard Hilles heard Ms. Vernon speak at the State Fair in Wilmington and converted to the suffrage cause. Between 1914 and 1918, Ms. Hilles led groups of Delaware women to the U.S. Capitol in Washington, D.C. to protest. The suffragists' unrelenting nationwide tours, speeches and propaganda mounted, and by December 1918 President Woodrow Wilson urged the new (66th) Congress to pass the suffrage amendment in January 1919. Suffragists held vigil in D.C. and in February 1919, the U.S. Senate (65th) Congress defeated the suffrage amendment. (Both Delaware's U.S. Senators voted no!) But on May 19, 1919, President Wilson called

the new (66th) Congress into special session, and by May 21, 1919 the U.S. House passed the suffrage amendment. On June 4, 1919, the U.S. Senate (66th Congress) approved the suffrage amendment, and in November DESA voted to open a headquarters in Dover. In 1923, the Delaware General Assembly ratified the 19th Amendment.

African American women were disenfranchised after the passage of the 19th Amendment because they did not fully gain the right to vote — it was not until the 1960s with the Voting Rights Act. African American women in Delaware have always been leaders in the fight for equal rights. As a result of their hard work, more opportunities became available in the 1950s, 1960s, and 1970s.

If 1920 heroines like Susan B. Anthony, Ida B. Wells, or Delaware's own suffragists were around today they would be aiming for much more than just access to the voting booth. "Equal pay for equal work" is not a new argument, however it is still one that women are fighting for today. Currently, white women earn \$0.81 and black women earn \$0.61 for every \$1.00 earned by men. Additionally, the #MeToo movement against sexual harassment and sexual abuse crimes committed by powerful and/or prominent men would be front and center. In order to be "equal," fundamentals such as wellbeing and

Delaware Quick Facts

- Delaware ratified the 19th Amendment on March 6, 1923.
- During one protest in 1917, Florence Bayard Hilles and seven other Delaware women were arrested and imprisoned in the Occoquan Workhouse in Virginia. President Woodrow Wilson pardoned Hilles after three days.
- The Delaware branch of the National Women's Party was one of the most prominent suffrage organizations in the state.

Natl. Woman's Party: Miss Mabel Vernon of Delaware marches to the White House

Photo © Library of Congress / Copyright by Harris & Ewing





Above Left:
*Alice Paul,
standing, facing
left, raising glass
with right hand*

Above Right:
*Mrs. Florence
Bayard Hilles of
Wilmington, DE*

Photos © Library of
Congress / Copyright
by Harris & Ewing.



safety need to be a norm. Opportunity to land well-earned leadership roles in business, science, politics, and society in general, need to be a common occurrence and not thought of as “change agents.” Research shows that women in these types of roles not only benefit the bottom line of the companies they lead, they also provide diverse thinking that helps to evolve society as a whole.

According to the Pew Research Center, 30 percent of U.S. men say gender equality comes at their expense. However understanding male privilege is critical to developing awareness of women’s experiences and taking action to dismantle systems of inequality. While listening to the Delaware State Bar Association’s Oral History project recording of Judge Jane Roth, Roth shared a vivid recollection upon her arrival at Harvard Law School (Class of ’65). The Harvard Law School Dean at the time, Erwin Griswold, invited the 25 females from Roth’s law school class to his residence for dinner. Prior to dinner, each woman had the opportunity to introduce themselves then upon conclusion Dean Griswold politely thanked them for coming and went on to say, “I hope that every one of you realize that you took the place of a young man.” Roth said all of the women held their tongues, but it is very telling that 50 years later she can vividly recall this story. Perhaps Griswold tried to make amends for his naïve behavior, when in 1972 he made a radical hire by welcoming Harriet S. Shapiro as the first woman attorney in the Solicitor General’s office.

Equality is not a negative sum game. There’s a bigger and better pie out there if we work together equally.

I would be remiss if I did not include Judge Susan Del Pesco in this article. I listened to this trailblazer’s Oral History project recording as well and was fascinated to learn that she came to Delaware as a “reader of law” and had to afford Arthur G. Connolly, Jr. a quarterly report to showcase her knowledge and understanding of the law. Once Mr. Connolly was satisfied with her work product, Judge Del Pesco was permitted, in 1975, to take (and successfully pass) the Delaware State Bar exam. The DSBA class of 1975 was the largest class of females admitted to the Bar in one year — six! (Note: From 1923-1974 only 23 females were admitted to the Delaware Bar.)

Judge Del Pesco mentioned many of her male allies in the oral history project including; Jay James, Carl Schnee, and Frank Biondi to name a few. Until last year, Judge Del Pesco chaired the Delaware Women’s Suffrage Centennial Committee. The preliminary Women’s Suffrage Commission was formed to Celebrate, Educate and Continue the work of the Women’s Suffrage movement by commemorating the 100th anniversary and organizing state-level programming and events. On March 28, 2019 the Delaware House passed Concurrent Resolution 21. The resolution celebrates Delaware’s observance of the centennial of the passage and ratification of the 19th Amendment to the United States Constitution, providing for women’s suffrage.

Judge Del Pesco closed her interview with a powerful quote by Martin Luther King, Jr.: “The arc of the moral universe is long, but it bends towards justice.” Change takes a long time, but it does happen. I am convinced that fear, lack of understanding, and/or the ability to envision possibility prohibits change and therefore growth. Make it your business to either participate or see this year’s 19th Amendment centennial celebrations. Understand where we have been, envision where we need to go, and help build a future for your sisters, daughters, nieces, and granddaughters without barriers. 🌐

Jennifer Smuts is the Chief Marketing Officer at Connolly Gallagher LLP. You can reach her at jsmuts@connollygallagher.com, (302) 888-6206 or [Linkedin.com/in/jennsmuts](https://www.linkedin.com/in/jennsmuts).

The Honorable Aida Wasserstein

Justice, Justice Shall Thou Follow!

Deuteronomy 16:20

When I look back at what the suffragists did and what it took to accomplish their goal, I think about by how rocky their journey was and how much it took to get there. There was dissension among their ranks and great upheaval because they challenged the status quo of a society which was not ready to accept what they proposed. Moreover, a lot was left undone. Yet today, 100 years later, we are grateful for, and awestruck by what they accomplished. We consider them our ancestors and cherish their legacy.

Since I was born in 1948, 28 years after passage of the 19th Amendment and in a country other than the United States, I was never prevented from voting because of my sex. By the time I came to this country at age 13 as an unaccompanied minor from Cuba in 1961, American women had earned the right to vote through the blood, sweat, and tears of the suffragists. They put their lives on the line to obtain this for future generations, including my own.

I had the choice of becoming a United States citizen as a young adult. Unlike my peers who were born here, I made a conscious decision to assume the rights and responsibilities of citizenship.

This choice brought both a great obligation and a great privilege. Having chosen this path, I have never taken it for granted. I treasure it and vote in every election.

I also always accept invitations to speak at swearing-in ceremonies

for new citizens. My comments emphasize the importance of being involved, of educating oneself about the issues, and, above all, of exercising an informed vote.

Our world is in great turmoil today and, like the generation 100 years ago, we are shaken to the core. We are uncertain of how to proceed at many levels. It is my hope that we will find our way and make this world a better place.

Perfection may not be achievable. Nevertheless, pursuit of the Biblical mandate to seek justice is long overdue! Now that our eyes have been opened wide in the last six months, will we look, think, and change?

Unlike my peers who were born here, I made a conscious decision to assume the rights and responsibilities of citizenship.

Will we, like the suffragists, rise to the occasion? Will our descendants 100 years from now look at our generation and say: "While not perfect, they heard, struggled and acted according to what they learned"¹

Both the suffragists and the future generations who will inherit our world deserve no less!

Notes:

1. Hertz, J.H., ed. *The Pentateuch and Haftorahs: Hebrew Text English Translation and Commentary* (London: Zonci-Press, 1980); 820.



Judge Aida Wasserstein, retired from two decades on Delaware's Family Court, published *My Name is Aida* in 2019, a children's book about her childhood experience as a Cuban-Jewish immigrant.



Deborah I. Gottschalk

Current research has shown that groups make better decisions when they have input from diverse viewpoints. Our form of government intuitively understood this and is based on citizens providing input by voting, holding office, and advocating for or against policy changes.

The 19th Amendment not only provided many more citizens of our country to express viewpoints as votes, but empowered women to express those viewpoints as advocates and candidates, creating meaningful changes that have improved the lives of many. This alone would be reason enough for me to appreciate the 19th Amendment, but the impact of this amendment has always been more personal.

I grew up hearing that my grandfather's mother didn't like my grandmother, because she was "one of those suffragettes." My grandmother and her best friend hitchhiked, in Boy Scout uniforms, from Philadelphia to Montana to attend college, because the University of Montana had the lowest tuition in the country. She started law school but left after the end of her first year, under pressure from the law school dean who did not think it was an appropriate profession for a woman.

As a child hearing these stories together, I thought a suffragette meant a feminist, or a woman who was independent and spoke her mind. It hadn't occurred to me that there had been a time when women were not even allowed to vote. Until the last few months of her life, when she passed away at 103 and a half in August

2016, my grandmother read the entire *Washington Post* daily and did not miss the evening news. She was always interested in a conversation about current affairs and politics.

I started attending protests and engaging in advocacy work in high school, continued this work in college, putting me on my career path to law school, Community Legal Aid, and now government. I appreciated Delaware's formal bar admission ceremony because it gave my grandmother the chance to witness her granddaughter achieve what had been her desired career. During one of my last visits with her, I was able to tell her that I was starting a new job, as an attorney for the General Assembly.

I started attending protests and engaging in advocacy work in high school, continued this work in college, putting me on my career path to law school, Community Legal Aid, and now government.

Thus, the ratification of the 19th Amendment represents the first step in the changes that women like my grandmother fought for so that I could not only enjoy the role I have been able to have in our society, including my career, but the privilege of always assuming these were things I could do.

Debbie Gottschalk is a Senior Legislative Attorney at the Division of Research and volunteers as a coach for a high school mock trial team. Previously, she was the Chief Policy Advisory at DHSS and practiced at CLASI for 15 years.



Tanisha Lynette Merced

The 19th Amendment stands for more than just a woman's right to vote. Its passage was an expression of justice, dignity, and self-determination; a beacon that our constitution *means* what it says. But the ideals behind the 19th Amendment are not yet fully realized; women still struggle for equality. While the 19th Amendment was a necessary step toward the full realization of self-determination for all women, there is work left to be done.

As celebrations of suffrage take place today, a select few women are heralded as heroes. This is a sad echo of the past. During the suffrage movement, women of color were not uniformly accepted. Excluding key nonwhite suffragists from our view of the past only serves to create a division in the efforts of current activists. I'm reminded of Sojourner Truth's mournful refrain, "Ain't I a Woman?" What, and who, we leave out of history matters.

While they may not all have advocated for me then, I have greatly benefited from the activists that came before me, earning the opportunity to attend college and law school. I have both a fulfilling career and I am a mother of two wonderful children. I have enjoyed opportunities that would have never been available to the many women in my family that came before me. It is, in part, because of this progress that I feel it is my duty to continue the struggle for the full realization of gender and racial equality.

Today, this struggle is as real and necessary as it was in 1878, 1920, and 1965. Gender and racial equality are still under attack. Still, we hear about "religious" exemptions that allow employers to limit insurance benefits to women. The healthcare choices, reproductive options, and pharmaceutical needs of males are unimpeded by these same employers, courts, and legislatures. Why do we allow that? We still see pay inequality based on gender, and women of color are even further down the pay scale. Why is this permitted? And, we are still rebuked and degraded for speaking our minds. Very recently, a male member of Congress demeaned a proud, effective, Latinx Congresswoman with profane epithets charged with the language of violent gender discrimination. Why should we tolerate that?

**Excluding key
nonwhite suffragists
from our view of
the past only serves
to create a division
in the efforts of
current activists.**

The legacy behind the fight for the 19th Amendment commands that we never rest and never acquiesce in the face of challenges. The fight is not over for any woman. The 19th Amendment was just the beginning, and we must rededicate ourselves to ensuring that its fundamental, yet unrealized, purpose is fulfilled.

Tanisha Merced is a lifelong Delawarean who currently serves as the Deputy Insurance Commissioner. Tanisha and her family live in Wilmington, where they enjoy exploring the many parks, nature preserves, and greenways.

Kyle Evans Gay

Kyle Evans Gay

is a mom, an associate at Connolly Gallagher, and a community advocate. She serves on the board of Spur Impact, a Delaware-based nonprofit whose mission is focused on inspiring young professionals to get involved and make an impact in their communities.

On January 16, 2019, I packed a baby bag with diapers and burp clothes, secured my eight-week old daughter into her car seat, and drove to Legislative Hall in Dover from my home in Wilmington. I was going to watch our State Senate vote to approve an amendment to our state constitution that would prohibit discrimination on the basis of sex. It had been a long road to get to that point in time. A constitutional amendment must be approved by two General Assemblies, meaning that it must pass the House of Representatives and the Senate — twice. The first time the amendment was proposed, it failed. But the second time and the third time, on January 16, 2019, the amendment succeeded, cementing equal rights for all women in our state.

I was elated that our state's constitution would include a statement of gender equity that was years overdue.

I sat on the Senate floor that day, holding my daughter, cradling her as she slept through a landmark day in Delaware history. I thought about the people I had spoken to about the amendment, and about the coalition that came together to support it. I thought about the legislators who fought for our rights. I was elated that our state's constitution would include a statement of gender equity that was years overdue.

And as I drove home that night, I thought about Seneca Falls, about the women who marched for the right to vote, and about the first women to become attorneys in Delaware. Countless women had lived their lives without guarantees of freedom and opportunity. They had to fight harder for even less. But without their work and dedication to equality, we never would have achieved the Delaware ERA. And so to them, I am eternally grateful. 🙏



Delaware's "Play-by-Play" to Ratify ERA

Fourteen months into his 30 years in the chamber, Bill Roth was presiding over the United States Senate when the second leg of history appeared to be unfolding on March 23, 1972.

Debate was limited to four hours. The holdouts knew they couldn't muster 34 votes to continue unlimited debate or stop the Equal Rights Amendment. The Senate approved the prospective 27th Amendment to the Constitution, 84 in favor, 8 against. Roth and his Delaware colleague Cale Boggs were co-sponsors. Five months earlier, the House of Representatives had approved the Amendment, with Delaware's first-term Member, Pete du Pont, joining a 354-23 majority.

As Sen. Roth gaveled the Senate's approval, Margaret Manning and Louise Conner were ready in Dover. The pioneering State Senators primed their colleagues to make Delaware the first to ratify the Equal Rights Amendment, just as they had worked with Lt. Gov. Gene Bookhammer to make Delaware the first state to ratify the quickly-enacted 26th Amendment a year earlier, guaranteeing the 18-year-old vote.

Within moments after the U.S. Senate's action, after ritual gruffness from Sens. Calvin McCullough and Frank Grier, the Delaware State Senate ratified the amendment, 18-0 (one absent). Yet, the State House of Representative was not in session that day, so its ratification (37-0, two absent) was delayed a day, enabling Hawaii to be first. A day later, the First State followed the Fiftieth, becoming the second to ratify the amendment.

Nationwide ratification was urged in that August's Republican national convention platform, encouraged by Delaware, where the GOP controlled eight of nine statewide offices (all but the only woman, State Treasurer Emily Womack, a future bank president from Laurel) and both legislative chambers. 🙏

By Charles J. Durante, Esquire

10 Things You Should Know about Women's Suffrage

BY KELLEY M. HUFF, ESQUIRE

This year marks 100 years since the passage of the 19th Amendment, which secured the right to vote for women citizens of the United States.

The road to women's suffrage was an arduous one, and the centennial is cause for great celebration in recognition of the strong visionary women who persisted in the fight. It is also important to recognize the limitations of the 19th Amendment and those women that were excluded from its protections. For many women, the fight for suffrage continued for decades more. And, still today, the fight for women's equality persists. Although progress has been made, the words of Alice Paul still ring true 100 years later: "It is incredible to me that any woman should consider the fight for full equality won. It has just begun." That sentiment can be seen in the gaping hole in our federal Constitution that fails to guarantee equal rights to women. And so the fight continues. As we continue on the path of securing equal rights for women, now is an important time to reflect upon women's suffrage history in our country. Below are 10 important things to know about women's suffrage. These topics are cursory at best. The hope is that they will spark an interest and curiosity to learn more about the complex history of women's suffrage and the work that is still left to be done.

1 The 19th Amendment did not enfranchise all women. The 19th Amendment included all women over the age of 21 who were eligible voters. Most Black women lived in Southern states where they were effectively denied voting rights through suppression tactics such as high poll taxes and literacy tests. For many Black women (and men), the right to vote was not realized until the Voting Rights Act of 1965. Puerto Rico, a U.S. territory, did not enfranchise women until 1929 and the right only applied to literate women until 1935. The extension of the Voting Rights Act in 1975, which mandated bilingual ballots, helped enfranchise many Latina women. Native American women could not vote before the Indian Citizenship Act of 1924, and it took until 1962 for all states to enfranchise Native Americans. Voting restrictions for Asian Americans remained in effect until the 1950s with passage of the Immigration and Nationality Act of 1952.

2 Women had voting rights in some states prior to the 19th Amendment. Wyoming was the first territory to grant unrestricted suffrage to women in 1869, quickly followed by the Territory of Utah in 1870. The Washington and Montana Territories granted unrestricted suffrage in the 1880s. By 1919, 15 states gave full voting rights to women: Wyoming, Utah, Colorado, Idaho, Washington, California, Oregon, Arizona, Kansas, Nevada, Montana, New York, Michigan, Oklahoma, and South Dakota.

3 There are different connotations to the words suffrage, suffragist, and suffragette. The word "suffrage" derives from the Latin word "suffragium," which means the right or privilege to vote. A "suffragist" is anyone who advocates for the right to vote. A "suffragette" was first coined in Great Britain to describe British suffragists that used militant tactics and engaged in civil disobedience to advocate for women's suffrage. The suffix "-ette" refers to something small or diminutive and its use was meant to belittle women suffragists. It was similarly used in the United States to mock "unruly" women suffragists.

4 The Seneca Falls Convention started the women's suffrage movement in the United States. The first women's rights convention was held in Seneca Falls, NY in July 1848 and organized by abolitionists Lucretia Mott and Elizabeth Cady Stanton. A Declaration of Sentiments was signed at the convention, which set the agenda for the women's rights movement. Stanton gave a speech on the convention's purpose:

We are assembled to protest against a form of government, existing without the consent of the governed — to declare our right to be free as man is free, to be represented in the government which we are taxed to support,

to have such disgraceful laws as give man the power to chastise and imprison his wife, to take the wages which she earns, the property which she inherits, and, in case of separation, the children of her love.

5 The Declaration of Sentiments was the first call for women's suffrage in the United States. The Declaration of Sentiments was written by Elizabeth Cady Stanton, and is considered the founding document of the women's rights movement. The document begins by asserting the equality of all men and women and insists that women be granted the same rights and privileges as men — including suffrage, participation, and representation in the government, property rights, and equality in divorce law, education, and employment opportunities. The Declaration was signed by 68 women and 32 men, including abolitionist Frederick Douglass. However, when the document drew public criticism and ridicule, many supporters withdrew their names.

6 The 15th Amendment divided the women's suffrage movement. Ratified in 1870, the 15th Amendment enfranchised Black men, but not women. The amendment caused the women's suffrage movement to split into two competing suffrage organizations.

Susan B. Anthony and Elizabeth Cady Stanton supported universal suffrage but did not believe Black men should be enfranchised before women. As such, they did not support the amendment because it excluded women. They formed the National Woman Suffrage Association (NWSA), which focused on achieving women's voting rights at the federal level.

Lucy Stone and her husband Henry Blackwell supported the 15th amendment and sought to win women's suffrage separately at the state level. Together, along with other reformers Julia Ward Howe, Mary Livermore, and Henry Ward Beecher, they formed the American Woman Suffrage Association (AWSA).

And, still today, the fight for women's equality persists.

7 The failure of the Susan B. Anthony Amendment helped unite the women's suffrage movement. The language of the 19th Amendment was written by Susan B. Anthony and first introduced to Congress in 1878. The amendment is called the Susan B. Anthony Amendment and it reads: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."

The amendment's defeat in 1887, along with the stagnant progress at the state level, helped to unite the efforts of the

NWSA and AWSA. In 1890, the two organizations merged to form the National American Woman Suffrage Association (NAWSA), and, for the first time, suffragists were united behind a single national organization.

8 Violence at the 1913 Women's Suffrage March helped the women's suffrage movement. On March 3, 1913, thousands of women marched in Washington, D.C. at the first national protest for women's suffrage. The march was organized by NAWSA member Alice Paul. The procession was led by Inez Milholland, who was dressed in a flowing white cape and crown and riding astride a large white horse.

Although the march began peacefully, an angry mob formed and began yelling insults at the women, spitting at them and even physically attacking some of them. The police failed to intervene and over 100 women were hospitalized. National papers lambasted the police for their failure to intervene and congressional hearings were held to investigate police misconduct during the parade. The violence ultimately helped garner attention and support for women suffragists.

9 Black women were active in the women's suffrage movement. Black women were active in the suffrage movement, although they were often excluded from formal women's suffrage organizations to appease the southern delegations. The exclusion prompted the formation of separate groups such as the National Association of Colored Women (NACW). The NACW was formed by prominent Black suffragists Harriet Tubman, Frances E.W. Harper, Ida B. Wells, and Mary Church Terrell in 1896. The NACW advocated for both women's suffrage and racial equality. Mary Church Terrell later helped found the National Association for the Advancement of Colored People (NAACP) in 1909.

10 Delaware did not ratify the 19th Amendment until after its passage. Congress passed the Susan B. Anthony Amendment on June 4, 1919, which prohibited the states and federal government from denying United States citizens the right to vote on the basis of sex. On August 18, 1920, Tennessee became the 36th state to ratify the 19th Amendment confirming it as part of the U.S. Constitution. Notably, Delaware rejected the amendment on June 2, 1920, and belatedly ratified it on March 6, 1923. Ⓢ

Kelley Huff is co-chair of the Women and the Law Section of the DSBA. She is a trial attorney with Shelsby & Leoni and her practice focuses on nursing home and medical malpractice litigation. She enjoys spending time with her two energetic kids, devastatingly handsome husband Paul, and "party running" with her Bosslady wolfpack. She can be reached at khuff@mslde.com.

Report: The 2020 Virtual Meeting of the ABA House of Delegates

BY WILLIAM D. JOHNSTON, ESQUIRE

The 2020 Annual Meeting of the American Bar Association's House of Delegates was scheduled to take place August 3-4 in Chicago during the 2020 ABA Annual Meeting. In the midst of the COVID-19 pandemic, a decision was made to hold the first-ever "virtual" ABA Annual Meeting. Accordingly, plans were made for the almost 600 members of the House of Delegates to meet remotely. This is to offer some highlights of what, by all accounts, was a very successful virtual meeting during which the business of the House occurred and an unprecedented number of resolutions were considered by the House.

The Delaware Delegation

As I have 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 again included The Honorable William C. Carpenter, Jr., Delegate-at-Large and immediate past member of the ABA Board of Governors; The Honorable Vivian L. Medinilla, Delegate representing the National Association of Women Judges; Ben Strauss, DSBA Bar Delegate; Lauren DeLuca, DSBA Young Lawyer Bar Delegate; and yours truly, State Delegate.

Preparations for the Virtual Meeting

As soon as the decision was made to hold the inaugural virtual meeting of the House, preparations for the meeting began in earnest with no time to spare. 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. And ABA entities, as well as bar associations, were encouraged to submit resolutions for consideration by the House. That led, as noted, to an unprecedented number of resolutions submitted.

Also critically important, of course, was determining how best to ensure timely and accurate electronic voting by delegates in connection with resolutions and other matters to come before the House.

The upshot was the use of two electronic platforms for the House meeting: a Zoom webinar for all matters other than voting, and a Sync voting platform (with which delegates had 30 seconds to vote "yes" or "no").

Most significantly, House Chair Bill Bay did a remarkable job convening and facilitating the meeting, including responding to the inevitable number of speakers who were still "on mute." And the ABA Policy and Administration staff did their usual, superlative job behind-

the-scenes. It was my privilege and pleasure to serve as a member of the House Committee on Rules and Calendar, responsible for reviewing all resolutions for appropriate form in advance of the meeting and ensuring that the resolutions would be presented in an orderly manner during the meeting.

Remarks from ABA Officers and Others

During the session of the House, we heard from ABA officers and others. Speakers (live and/or taped) included, among others: Chair of the House Bill Bay, ABA President Judy Perry Martinez, ABA Treasurer Michelle Behnke, ABA Secretary Mary Smith, ABA President-Elect Trish Refo, ABA President-Elect Nominee Reggie Turner, and ABA Executive Director Jack Rives.

Throughout the essentially week-long ABA Annual Meeting, participants continued to celebrate the 100th anniversary of the passage of the 19th Amendment to the U.S. Constitution, guaranteeing women the right to vote.

Prior to the conclusion of the Meeting of the House, Trish Refo was elected President of the ABA for 2020-21 and Reggie Turner was elected President-Elect. In addition, Barbara Howard was elected as Chair of the House for 2020-22.

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. Resolutions with bar associa-

tions as their lead sponsor(s) addressed the following: ending armed conflict in Cameroon (10A); guaranteeing that eligible Americans residing in U.S. territories will receive federal benefits under the Supplemental Security Income program (10B); amending the U.S. Constitution to provide for participation of citizens in U.S. territories to vote in national elections (10C); developing and implementing programs to assist law students, recent graduates, and young lawyers experiencing financial hardship due to postponed bar exams and/or unemployment or deferred employment during the COVID-19 pandemic (10D); adoption of U.S. legislation to respond to violations of governing instruments for Hong Kong and the Rule of Law (10E); maintaining the Student and Exchange Visitor Program's temporary exemption for continuing, incoming, and future non-immigrant student visa holders taking any combination of in-person, hybrid, and online classes for the duration of the COVID-19 pandemic (10F); cancellation of in-person bar examinations currently scheduled for September 9-10, 2020 and September 30, 2020-October 1, 2020, and not administering any other in-person bar examination unless and until public health authorities determine that the examination can be administered in a manner that ensures the health and safety of bar applicants, proctors, and other staff (10G); responding to the COVID-19 pandemic eviction and housing crisis and its collateral harm (10H); and the enactment of legislation that imposes civil and criminal sanctions for lynching on the basis of race, color, national origin, age, gender, sexual orientation, gender identity, religion, or the presence or appearance of mental or physical disability (10I).

In addition, resolutions with ABA sections, divisions, forums, and other entities taking the sponsorship lead addressed the following: implementing, maintaining, and encouraging the use of paid family leave for the birth, adoption, or foster placement of a child (100A); interpreting "race," in anti-discrimination statutes, to not be limited to the color of one's skin but also to include other

physical and cultural characteristics associated with race, and encouraging the adoption of legislation that prohibits discrimination on the basis of the texture, style, or appearance of a person's hair (100B); adoption of the *American Bar Association Election Administration Guidelines and Commentary*, dated 2020, with a recommendation that all election officials ensure the integrity of the election process through the adoption, use, and enforcement of the *Guidelines* and that adequate funding be provided to implement the *Guidelines and Commentary* (101); adoption and enforcement of legislation and policies to prohibit and penalize the possession, sale, and trade of shark fins (102A); all nations, including the United States, becoming a party to the 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial matters, and implementation of the Convention (102B); facilitating and promoting neutral and inclusive dialogues between the government of Cameroon and separatist leaders, with related action steps (102C); prohibiting the use by school personnel of seclusion and of mechanical or chemical restraints on preschool, elementary, and secondary students, and limiting the use of physical restraint (103); creating and funding a Guardianship Court Improvement Program for adult guardianships (105); use, in appropriate cases, of a restorative justice response to crime as an effective alternative, or adjunct to, a criminal adjudicatory process (106A); adoption of the black letter of the *ABA Standards for Criminal Justice Discovery*, Fourth Edition (106B); and amendment of Model Rule 1.8(e) of the ABA Model Rules of Professional Conduct to add a narrow exception to the rule that will increase access to justice for the most vulnerable clients (107).

Other resolutions with ABA sections and other entities taking the sponsorship lead addressed: review of decisions of the Patent Trial and Appeal Board, and restoring removal protections for Administrative Patent Judges (108A); transparency of administrative processes to remove trademark registrations from the U.S. Patent and Trademark Office's

Principal or Supplemental Register (108B); making amendments to the *ABA Standards and Rules of Procedure for Approval of Law Schools* regarding, among other matters, the approval of distance education programs and providing temporary relief from a rule or the requirements of a standard to allow law schools to respond to an emergency impacting multiple law schools (109A, 109B, 109C, 109D); providing sufficient federal funding, and other support, of Tribal Veterans Service Officers (110); adoption of "Best Practices for Third-Party Litigation Funding" dated August 2020 (111A); prohibition of strip searches of children and youth except in exceptional circumstances, and outright prohibition of body cavity searches of children and youth (111B); re-authorization and full funding of the Violence Against Women Act (113A); adoption of legislation and policies to require all healthcare providers to obtain specific informed patient consent in advance for all pelvic examinations (113B); adoption of the principles and commentary set forth in the 2015 U.S. Department of Justice guidance titled *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, and adoption of those principles by all law enforcement agencies (113C); protecting the independence of the International Criminal Court (114); and effective reforms of legal systems that affect the fundamental rights of children and youth (115).

Finally, ABA entities took the lead in sponsoring resolutions that addressed: the use of lethal force by law enforcement agencies (116A); the adoption and enforcement of fair lending laws applicable to vehicle loans (116B); discrimination against transgender and non-binary people on the basis of gender identity (116C); adoption of legislation and policies requiring that all incarcerated persons be provided with (i) soap, paper towels, hand sanitizer, and facial tissues, (ii) personal protective equipment, and (iii) sufficient facilities for handwashing (116D); giving the opportunity to pretrial detainees to register to vote and to cast ballots, when eligible to do so

(116E); providing implicit bias training to lawyers, judges, commissioners, referees, probation officers, and court personnel whose job requires interacting with the public, and providing the same to medical professionals and social service professionals who work with the public (116G); repeal of laws that disenfranchise persons based upon criminal convictions, restoration of voting rights, and amendment of the *Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons* (116H); adoption and use of virtual or remote court proceedings as a result of the COVID-19 pandemic (117); guarding against the spread of disinformation that interferes with voting and other core electoral processes, and promoting digital literacy, civic education, and public awareness to build societal resilience to domestic and foreign malign disinformation operations (300A, 300B); enacting legislation to curtail the defense of qualified immunity in civil actions brought against law enforcement officers (301A); proposing that Juneteenth be recognized as a national, paid legal holiday (301B); and calling upon the U.S. Department of Justice and the U.S. Department of Homeland Security to cease, publicly renounce, and investigate the use of force by federal agents to suppress lawful First Amendment activity, the targeted use of force against journalists, legal observers, and others, and the deployment of unidentified federal officers, including the use of unmarked vehicles, to suppress lawful First Amendment activity and to remove individuals from city streets.

For a detailed description of each resolution (and of other resolutions considered by the House or withdrawn from consideration at the Annual Meeting), please see www.americanbar.org.

As I have 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) and in state legislatures to urge, for example, increased funding of legal services for the poor.

Membership

The ABA has pursued a renewed, broad-based effort over the last two years 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 effective 2020, and other benefits.

As I have urged before, if you currently are an ABA member but are not yet engaged in the work of 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 member of the Delaware Delegation would be delighted to discuss with you all of the opportunities that ABA membership presents,

including during the ongoing pandemic. Special thanks to Lauren DeLuca for her service as State Membership Chair for Delaware, appointed by ABA Immediate Past President Judy Perry Martinez.

It continues to be my privilege and pleasure to serve as State Delegate to the ABA House of Delegates. The House will next meet on February 15, 2021 during the currently-scheduled 2021 ABA Midyear Meeting in Chicago. Time will tell whether that meeting will be in-person or virtual. Please stay tuned. And, if you have any questions or comments at any time, please let me know at wjohnston@ycst.com or (302) 571-6679. Most of all, please stay safe and well. 🌍

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 Immediate Past President of the American Counsel Association.



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We are pleased to announce that

MICHAEL C. WAGNER

has become a member of the firm

Mr. Wagner primarily represents stockholders in actions concerning conflicted-interest corporate transactions, often in the Delaware Court of Chancery. A seasoned litigator with more than 20 years of practice, he has represented Fortune 500 companies, private companies, venture capital funds and their start-ups, and financial institutions in a wide variety of corporate and commercial litigation matters in state and federal courts across the country. Licensed in Pennsylvania, Mr. Wagner is an applicant for the Delaware Bar.

and

JULIE M. O'DELL

has become associated with the firm

Ms. O'Dell concentrates her practice in corporate and complex commercial litigation in the Delaware state and federal courts.

July 2020

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BAIRD MANDALAS BROCKSTEDT

is pleased to announce that
Daniel J. DeMott, Esq.
has joined the firm.



Daniel J. DeMott, Esq.

DeMott is an associate attorney practicing real estate, land use, municipal law, and civil litigation. DeMott has southern Delaware roots and will be based in the firm's Lewes office.

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F. Edmund Lynch, Esquire

1940 - 2020

BY SUSAN D. AMENT, ESQUIRE

The world lost a good man on June 4, 2020 and I lost a dear friend. Ed Lynch was my law partner for over 10 years before I joined Morris James, LLP. It is difficult to summarize his life in a short article.

Ed began his legal career at Bayard, Brill and Handelman in 1965. He left there to become a partner at Ament, Lynch and Carr. I have so many fond memories of our workdays together over the years. Get me aside and I will tell you a few stories. Ed ended his legal career having worked for 17 years with Woloshin, Lynch and Associates. His areas of practice included Estate Planning, Estate Administration, and Residential Real Estate.

Ed was a man of deep faith who epitomized practicing law "The Delaware Way." He served as a Deacon with the Catholic Diocese of Wilmington for over 35 years. In that role, Deacon Lynch witnessed marriages, brought Holy Communion to the sick and dying, assisted with daily mass, and baptized many children. The last baptism that he performed with Rev. Msgr. Steven Hurley was of my grandson, Sawyer Ament, in December 2018. Ed had a special way of making all ceremonies he performed memorable. I have heard Deacon Lynch sing The Irish Blessing at a number of weddings. Ed's clients benefited from his strong Catholic values and sharp legal mind. He had a kind and compassionate way with all clients, and they trusted and respected him.

In 2014, I had the honor of presenting Ed with The Monsignor Paul J. Taggart Award at the Saint Thomas More Society dinner at the Wilmington Country Club. The Saint Thomas More Society is a fellowship of attorneys and judges committed to promoting and fostering high ethical prin-



ciples and assisting in the spiritual growth of its members. Ed was one of the founding members of the local Delaware Saint Thomas More Society. The criteria for the recipient of the Monsignor Paul Taggart Award is: a strong and pervasive sense of justice; keen scholarly pursuits and advancement of knowledge; a high degree of intelligence, honesty, integrity, humility, and humor; a record of personal sacrifice for the good of the community; and dedication to children, spouse, family, and associates. Ed nailed it in every category.

In addition to his deep faith and sense of justice for his clients, Ed loved being with his family. He

was married to Aline for 56 years. She was a very strong, kind, and loving wife and caregiver to Ed. Ed and Aline were blessed with three of the nicest kids ever: Eddie, Terri, and Leslie. Ed adored and bragged often about his children and seven grandkids: Zachary, Taylor, Robbie, Kierra, Noah, Ally, and Victoria. They were the loves of his life! If you ever had an extra hour or two, he would proudly show you their pictures and bring you up-to-date on what each one was doing.

Ed also made time for hobbies over the years. He and Aline loved to travel and were able to visit most continents. Ed enjoyed playing the trumpet and singing. He held a third-degree black belt in karate. He enjoyed skiing the black diamonds. He ran the Boston Marathon. Some of you may have seen Ed riding his bike daily around town. Ed was a regular at the Register's Annual Great Bicycle Ride across Iowa. As many of you know, he loved to tell a joke with such zest. I can still hear him laughing at his own jokes. He really knew how to make people smile.

The family honored Ed with a beautiful funeral mass at his church, St. Joseph on the Brandywine on June 11, 2020. Sadly, only a very limited number of guests could attend due to COVID-19. Ed wanted bagpipes at his funeral. That was not possible due to the pandemic. However, his son Ed made sure his Dad got his wish another way. For the last 24 years on Father's Day, young Ed and his Dad would attend a retreat weekend at St. Joseph in the Hills in Malvern, Pennsylvania. Deacon Ed would always lead the Rosary on Saturday night at the Pieta. This year when members met on Father's Day weekend and said the Rosary, one member, John Ginty, played the bagpipes as a special tribute for their friend.

I wish each attorney reading this article could be as blessed as I am to have such a true friend and great mentor in their life. Practicing law can be very challenging. Practicing law as Ed did, was truly "The Delaware Way."

Until we meet again my friend, Deacon F. Edmund Lynch, Esquire. May God hold you in the palm of His hand. ☪

Shawna L. Riley, Esquire

1986 - 2020

BY BAYARD, P.A.

Shawna Riley had a sign hanging in her office at Bayard that captured her personality perfectly. Under a drawing of a pair of stiletto heels with red soles, a quote from Marilyn Monroe: "Give a girl the right shoes, and she can conquer the world." Shawna, small in stature, always wore statement shoes. Shawna joined Bayard, P.A. in the spring of 2019 and passed the Delaware Bar shortly after, in the fall of 2019. She certainly was on a path to conquer the world. We lost her, sadly, on May 29, 2020 to a sudden illness.



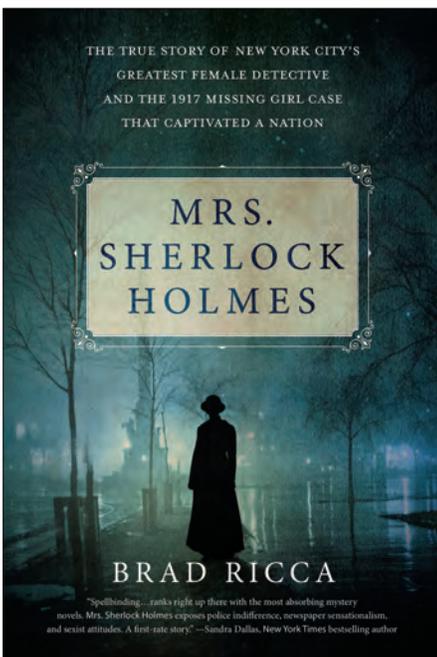
Shawna grew up in Delaware and graduated from Glasgow High School. After receiving her B.A. in Criminal Justice in 2009 from the University of Delaware, Shawna began her career in the financial services industry. She never lost sight of her childhood dream of becoming a lawyer, however, and graduated cum laude from the Villanova University Charles Widger School of Law in 2019. While in law school, Shawna interned with the United States Securities and Exchange Commission and was a member of the *Villanova Environmental Law Journal*. Her Case Note was selected for publication in the *Journal* and she received the John M. Hyson Villanova Environmental Law Journal Staff Writer Achievement Award in 2018. She also earned the Spirit Award in recognition of her work as a Managing Editor of Student Works in 2019.

Shawna was an extremely hard worker, kind, competitive, a go-getter. Her friends and family describe her similarly, especially when it came to her commitment to animal rescue organizations. She always had a strong affinity for animals and volunteered at the local animal rescue. When she was not spending time at the shelter, she was at home spending time with her own rescued dog, Jack, her best friend, Mark, and her beloved family.

Shawna was a shining light. In such a short time with the firm, her contribution to her practice group, and to the firm as a whole, was significant and will always be appreciated. Shawna, you will be forever missed, and have left impossibly big shoes to fill. ☪



The Greatest Female Lawyer You Have Never Heard Of



Mrs. Sherlock Holmes:
The True Story of New York City's Greatest Female Detective and the 1917 Missing Girl Case that Captivated a Nation

By Brad Ricca
St. Martin's Press, 2016

Her name was Grace Humiston and she had an extraordinary career — and yet you have never heard of her. And that's a shame. In *Mrs. Sherlock Holmes: The True Story of New York City's Greatest Female Detective and the 1917 Missing Girl Case that Captivated a Nation*, author Brad Ricca brings the amazing story of Grace Humiston and her many accomplishments back to life — and what a life it was.

Humiston was an heiress, who could have simply lived a privileged, comfortable, and wholly unremarkable life. Instead, she attended the New York University School of Law, initially, at least, so she could better manage her fortune. She completed the coursework in only two years, and graduated in 1903, seventh in her class. Following graduation, she worked for the Legal Aid Society for a year, before using her own money to found the People's Law Firm — a firm she set up to focus exclusively on the needs of the working poor and immigrants.

In early January 1906, Humiston received a letter asking her to investigate the case of 26-year-old Antoinette Tolla, who was scheduled to hang in New Jersey only a few short days later for murder. Tolla had claimed self-defense. Humiston took the train to New Jersey, but was refused permission to meet with the condemned. Doing what she could, she met with the clergyman who ministered to the prisoners. The minister, in turn, expressed his belief in Tolla's innocence and urged Humiston to meet directly with the Governor, as there was little time left before the scheduled execution. Humiston took the afternoon train to Trenton and was able to meet with the Governor later that evening. The Governor said there was nothing he could do, as Mrs. Tolla was guilty, but he gave Humiston his copy of the record on appeal and invited her to review it. Humiston boarded a late train back to New York, pouring over the record as she rode. There were only two days left before the execution.

As she reviewed the record, Humiston was struck by a passage in the court decision denying a new trial: "No pistol seems to have been found other than the one used by the defendant. [Tolla's] account of [the victim's] exhibiting a pistol ... is [therefore] manifestly fanciful." Grace was struck by the word "seems." Why "seems?"

She got off the train at midnight and called the Governor's office, asking he direct the prosecutor's office be made available the next day (Sunday). The Governor obliged. Humiston went and met with the prosecutor, but to no avail. The prosecutor confirmed that no gun (other than the one used by the defendant) had been found. Stymied, Grace then went and met with the coroner, at the coroner's house. After a brief exchange of pleasantries, Humiston came to the point — she wanted to see the gun recovered from the victim's personal effects. The coroner looked at her and said nothing, but then left the room and returned with a loaded pistol that had been on the

Grace Humiston's career was full of amazing cases and great success. Moreover, her devotion to the poor and destitute should serve as inspiration to lawyers everywhere.

victim. Humiston called the Governor from the coroner's house, the Governor directed her to put the coroner on the phone, and then directed Humiston to prepare an affidavit for the Court of Pardons the next day. Humiston won a 30-day stay in the execution, and, ultimately, the sentence was commuted to seven-and-a-half years in prison (it was the first time the board of pardons commuted a death sentence in New Jersey history). Prior to this case, Humiston had never appeared in court or argued a motion.

Antoinette Tolla was not the only person Humiston saved from death row. After visiting one client on death row at Sing-Sing Prison, the warden asked Grace to look into the case of another death row inmate, Charles Stielow. Stielow was not a well-educated man. He had a working vocabulary of about 150 words, yet his signed confession used 369. As a result of Humiston's investigation, Stielow's sentence was commuted to life in prison and then a full pardon. Stielow was innocent. Humiston's efforts led to the actual murderer being found.

The Tolla case or the Stielow case might easily be the most memorable and important case of any lawyer's career, but for Grace Humiston they were only two of many highlights. She investigated peonage in the southern states (a system where poor New York City immigrants, as well as poor Europeans, were "recruited" to farms and plantations in the South, with promises of land and a good life, only to become tenant farmers unable to ever pay their debts). Those investigations led to much publicity and her appointment as Special Assistant United States District Attorney for the Southern District of New York — the first woman to hold such a position. Her work on the peonage cases alone should cause Humiston to be better remembered.

It was a 1917 missing girl case, though, that caused Grace Humiston's star to shine most brightly, and it was this case which led the press to dub her "Mrs. Sherlock Holmes." On February 13, 1917, 18-year-old Ruth Cruger left her family's home on an errand, walked up Claremont Avenue in New York City, and disappeared. The case became a national sensation. The police investigated, and the story was frontpage news, but to no avail. Ruth could not be found. The police concluded that Ruth Cruger had eloped or simply run away. Ruth's father, knowing his daughter would never do such a thing, hired Grace Humiston, who took the case *pro bono*. Within months, Humiston had solved the case, and the story of that investigation, with its various twists and turns, is the central focus of the book and a gripping story.

Grace Humiston's career was full of amazing cases and great success. Moreover, her devotion to the poor and destitute should serve as inspiration to lawyers everywhere. Today, though, she is largely forgotten, and the profession is poorer for that. In *Mrs. Sherlock Holmes*, author Brad Ricca tells the extraordinary story of Grace Humiston with excellent prose and in page-turning style that does great justice to this inspirational lawyer. 📖

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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The Editorial Board welcomes submissions from attorneys and other professionals who wish to share their expertise on law-related topics in the *DSBA Bar Journal*.

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

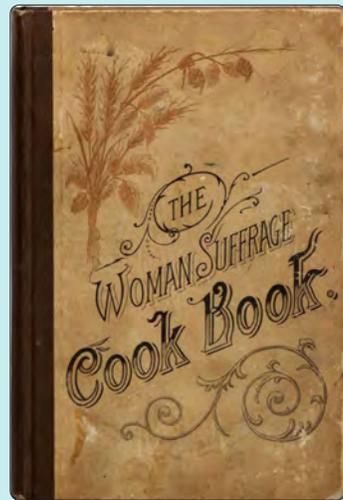


A DINNER IN HONOR OF THE 19TH AMENDMENT

No celebration is complete without a meal or, at a minimum, heavy hors d'oeuvres. In search of the perfect menu to celebrate the 19th Amendment, I took to the Internet. My research led me to Michigan State University's digital repository and a cookbook published over 30 years before the ratification of

the 19th Amendment — *The Woman Suffrage Cook Book: Containing Thoroughly Tested and Reliable Recipes for Cooking, Direction for the Care of the Sick, and Practical Suggestions*. Perfect!

In December 1886, the Massachusetts Woman Suffrage Association held a four-day fundraiser. Activities at the Woman Suffrage Festival and Bazaar included concerts and award ceremonies, and members offered goods for sale to benefit their cause. In Boston, *The Woman Suffrage Cook Book*, edited and published by Hattie A. Burr, made its debut.



In her Preface, Burr writes: "Among the contributors are many who are eminent in their professions as teachers, lecturers, physicians, ministers, and authors, — whose names are household words in the land. A book with so unique and notable a list of contributors, vouched for by such undoubted authority, has never before been given to the public."

These over 150 contributors provide nearly 150 pages of recipes that make for an interesting study. There are no ingredient lists, just narratives. You won't see a bushel, but definitely a peck. Some of the "practical suggestions" at the end remain useful today, such as the one meant "to preserve the complexion."

To honor these recipe authors for their culinary skills and commitment to women's suffrage, I designed a menu of relatively simple preparations (with the exception of the arm workout in the dessert).

Pop Overs

Two cups milk, two cups flour, two eggs, a little salt. Bake quickly in gem pans.

- Mrs. M. A. Everett

(Note: Muffin pans can be substituted for gem pans.)

Tomato Soup

One can tomatoes, half a can of water, a quarter of an onion; boil twenty minutes, strain, and add salt, pepper, a small piece of butter, and half a cup of milk; then return to the stove and thicken with about a teaspoonful of cornstarch. A little red pepper or a clove or two improves it.

- Hulda B. Loud

Chicken Croquettes

One good sized fowl, one-quarter pound butter, one-half pint sweet cream, three tablespoonfuls flour, one-quarter pint chicken stock, a little ground nutmeg, salt and pepper to taste, and the juice of half a lemon. Boil the chicken and let it cool, remove the meat from the bones and cut in small pieces. Melt the butter in a saucepan, stir in the flour, cream, and a little of the stock; after stirring for a few moments take it off the fire and add the chicken and seasoning. Spread on a platter to cool, and when quite cold shape in the form of pears, dip them in egg and cracker-crumbs and fry in boiling-hot lard till they are of



a nice brown. This recipe can be used for any other kind of meat.

- Mr. C. M. Ransom

Spiced Potatoes

Chop fine twelve cold boiled potatoes, season highly with pepper, salt, butter, and chopped parsley; take one and a half pints new milk, take out a little and rub into it one teaspoonful of cornstarch, and a tablespoonful of butter; heat all the liquid, and while doing this prepare enough dry bread-crumbs (seasoned with a taste of cayenne pepper) to cover the top of the dish the potatoes will be baked in, pour the liquid hot on the potatoes, cover the dish with the crumbs, add a few little bits of butter on top to keep them moist, and bake in a hot oven about fifteen minutes.

- Mrs. Sarah R. Bowditch

Green Tomato Pickle, alias Piccalilli

To one peck of green tomatoes finely sliced add one cupful of salt, sprinkled through the layers of fruit; let this stand overnight, and in the morning thoroughly drain off all the liquor. To the above add one-quarter pound mustard seed, one ounce whole cloves, one ounce whole allspice, two cupfuls brown sugar, and two quarts pure cider vinegar. Boil slowly for an hour and a half.

- Sarah E. M. Kingsbury

Excellent Snow Pudding

Half a box gelatine, half a pint cold water; let it soak half an hour, then add half a pint of boiling water. When cool, add the whites of three eggs, two cups sugar, juice of two lemons, and beat the whole well half an hour or more. Set away to cool in a mould. Make a boiled custard of the yolks of the eggs, and one and one-half pints milk; sugar to taste. Serve the solid part floating in the custard, with whipped cream poured over the top.

- Mrs. Forrest W. Forbes

• • •

As Virginia Woolf wrote in her 1929 essay *A Room of One's Own*: "One cannot think well, love well, sleep well, if one has not has not dined well." *The Woman Suffrage Cook Book* is well worth your perusal. 

Source:

1. Burr, Hattie A. (1886) *The Woman Suffrage Cook Book*. Boston: Hattie A. Burr. Available at: https://d.lib.msu.edu/content/biographies?contributor_name=Burr,%20Hattie%20A [Accessed 30 July 2020].



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

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From the DSBA Archives

In September 1987, the Delaware State Bar Association published the first issue of *IN RE: The Journal of the Delaware State Bar Association* (formally *The Newsletter of the Delaware State Bar Association*). The intent of this transition, as noted by the then-new-editor Harvey Bernard Rubenstein, Esquire, was "first to report events, meetings, social notes, rule changes, and the like; second, to explore and discuss questions of professional interest, to offer suggestions for improvements in the legal system, and to exchange diverse views and challenge out-moded precepts." The re-envisioned publication had a "new name, a new format, and, we hope, something of interest to say."

IN RE: was introduced during the tenure of DSBA's first woman President, Susan C. Del Pesco, Esquire. In the May 1987 issue of *The Newsletter*, outgoing President Joseph M. Kwiatkowski wrote that "All of us should be pleased that a fine lawyer, Susan L. Del Pesco, will be the first woman president of the Association commencing June 3, 1987. Susan is a leader who deserves and will receive the full support of the membership. The Delaware Bar can only attain higher respect and admiration locally and throughout the nation under her guidance. I am certain that her tenure will be as pleasant and rewarding as has been mine." 

The Journal of the Delaware State Bar Association

IN RE

Inaugural Issue 1987

Should Judge Bork's nomination to the U.S. Supreme Court be confirmed?

Report from the American Bar Association annual meeting.

Do juries really reflect the conscience of the community as both plaintiff and defense attorneys echo in opening statements or do they haphazardly decide the issues before them?

"We feel that an employer... should not rely on the mere possession of a valid driver's license to indicate a potential employee's driving ability"

Young Memorial Fund brings Elie Wiesel to Delaware

two for disregarding traffic devices, one for speeding and a license suspension. The plaintiffs alleged negligence on the part of Burns as well as negligent entrustment on the part of Harvey & Harvey for allowing Burns to operate the truck.

In returning the verdict, the jury requested permission from Judge Vincent J. Poppiti to read the following statement:

"The jury feels that employers of truck drivers, such as Harvey & Harvey, are responsible to the public to employ only drivers who

driving record suggests an unacceptably high likelihood that he would contribute to causing a serious accident at a future time.

"We feel that an employer, such as Harvey & Harvey, should not rely on the mere possession of a valid driver's license to indicate a potential employee's driving ability. It is clear to the jury that the state of Delaware is not always effective in revoking the right to drive when an individual has demonstrated

"We feel that an employer... should not rely on the mere possession of a valid driver's license to indicate a potential employee's driving ability"

have a strong regard for the safety of others. We are appalled to find that Harvey & Harvey does not require all applicants to supply detailed information concerning their driving records. We feel that this company policy indicates a lack of concern for public safety.

"The jury feels that Harvey & Harvey, upon receipt of Mr. Burns' driving record, should have ceased to employ Mr. Burns in the capacity of truck driver. While we understand the company's concern for the welfare of Mr. Burns as an individual, we feel that the company did not concern itself equally with the welfare of the public. In our opinion, Mr. Burns'

that his driving behavior poses a danger to the general public. An employer of truck drivers must impose rigorous standards with regard to their drivers' behavior. This may well involve a more rigorous awareness than that exhibited by the state.

"Thank you, your honor."

The award consisted of \$710,000 to Phyllis Saxton for her injuries, \$50,000 to her husband for loss of consortium, \$62,500 to each of them for the death of their son, and \$50,000 punitive damages against Harvey & Harvey.

An appeal was taken and dismissed after the parties reached settlement. The Saxtons were represented by Richard Morse. Harvey & Harvey and Burns were represented by William Cattie.

PRESIDENT'S CORNER

Susan C. Del Pesco

Vanished Lawyers

FROM THE EDITOR

HBV

In Wilmington City Council has before it a proposal to amend the City Code to allow 1000-hour business time discounting for the first year of application, regardless of origin, origin, or of training. The goal of the ordinance which reflects a response to the needs of the business community is to encourage the growth of the business community in Wilmington. The ordinance is expected to include a provision for the first year of application, "business time," i.e. a provision to allow the first year of application to be counted as two years for the purpose of the 1000-hour requirement. The ordinance is expected to be adopted by the City Council in the next few weeks.

The ordinance is expected to be adopted by the City Council in the next few weeks. The ordinance is expected to be adopted by the City Council in the next few weeks.

Vanished Lawyers

Despite the Supreme Court's decision in *Debra* there is an ongoing effort to ensure that the proposed bill of the Delaware Bar Association is not passed. The bill, which would require that the Delaware Bar Association be a non-profit organization, is being opposed by a group of lawyers who are concerned that the bill would result in the loss of the Delaware Bar Association's assets.

FROM THE EDITOR

HBV

Young Memorial Fund brings Elie Wiesel to Delaware

FROM THE EDITOR

HBV

FROM THE EDITOR

HBV

Young Memorial Fund brings Elie Wiesel to Delaware

The Young Memorial Fund has announced that it will bring Elie Wiesel to Delaware for a lecture and a performance of his play *The Trial*. The lecture will be held at the Delaware State Bar Association on October 15, 1987. The performance will be held at the Delaware State Bar Association on October 16, 1987. The Young Memorial Fund is a non-profit organization that was established in 1962 to honor the memory of the young people who were killed in the Holocaust.



Elie Wiesel, Nobel laureate and recipient of the 1986 Nobel Peace Prize, was chairman of the U.S. Holocaust Memorial Council from 1981 through 1986. A prolific author, scholar, and lecturer, he has written and translated more than 40 books.

Albert Young, who died in 1986, was a member of the Young Memorial Fund and was instrumental in bringing Elie Wiesel to Delaware.

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Michele Procino-Wells

pictured with Amber B. Woodland and Leslie Case DiPietro, attorneys, Procino-Wells & Woodland, LLC

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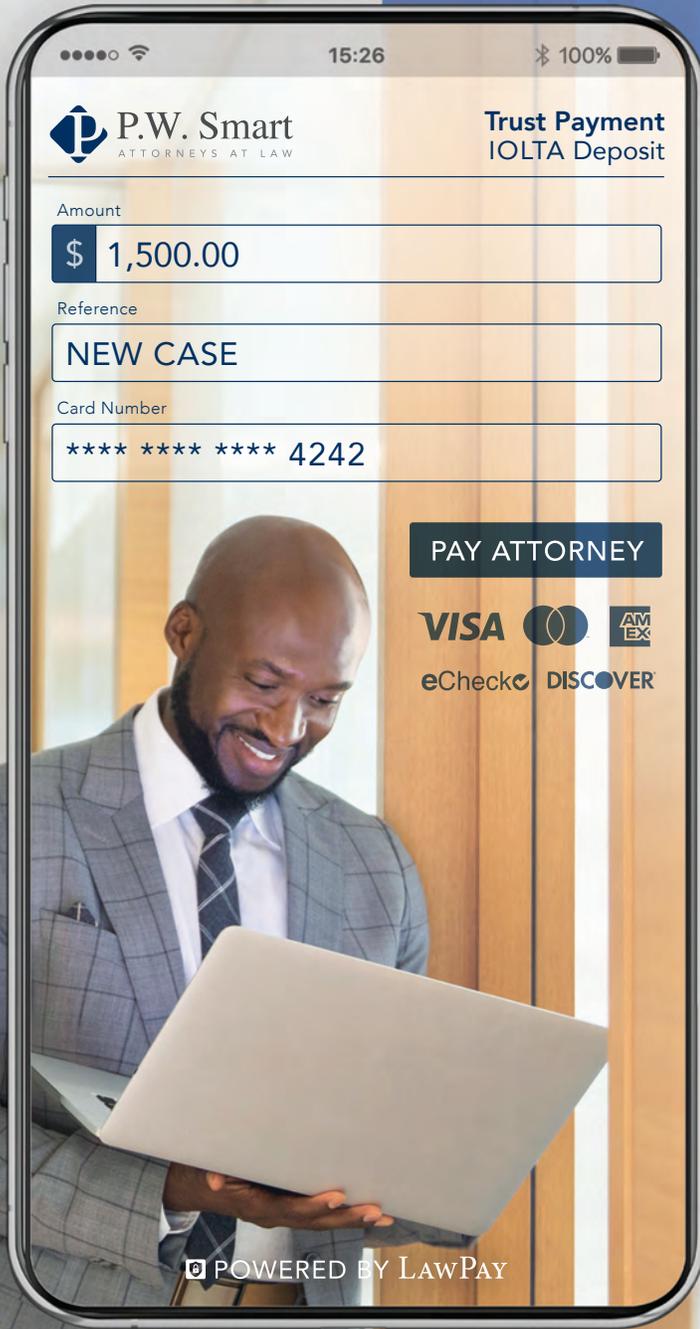
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