

Historic advance for women lawyers

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(Photo: Submitted)

In what is being hailed as an historic step in promoting women lawyers to the Delaware bench, the slate of candidates for an upcoming vacancy on the state's prestigious Chancery Court are all female.

It is believed to be the first time in Delaware's history that the commission charged with creating a short list of qualified candidates for the governor chose a lineup of exclusively women lawyers. The Judicial Nominating Commission, which screens all applicants, made its selection last week and the names have been sent to Gov. Jack Markell. He is expected to announce his nominee in mid-October.

According to sources, the candidates are Abigail M. LeGrow, who is a Master in Chancery or judicial officer who assists the court; Tamika Montgomery-Reeves, a corporate lawyer and partner at Wilson Sonsini Goodrich & Rosati in Wilmington; and Elena C. Norman, a partner and corporate lawyer at Young Conaway Stargatt & Taylor in Wilmington. LeGrow and Montgomery-Reeves declined to comment. Norman could not be reached for comment.

Unless Markell rejected the entire slate, which experts say is extremely unlikely, America's preferred court for resolving corporate disputes will have a female judge for the first time since 1994. It will be only the second time in the court's 223-year history that a female will serve as a Chancery judge.

"This breaks glass," said Claire DeMatteis, general counsel with Affinity Health Plan who last year wrote a critical article on the lack of women appointed to seats on the Chancery and Supreme courts. "Let's put this in perspective: No litigant has gone before a woman judge in Chancery Court for 21 years."

"It's about time," said Elizabeth Wilburn Joyce, a partner in the women-owned Pinckney, Weidinger, Urban & Joyce in Wilmington, a member of the National Association of Minority and Women Owned Law Firms. "We are thrilled."

[Del. Supreme Court Justice Berger to retire](http://www.delawareonline.com/story/news/local/2014/06/09/del-supreme-court-justice-berger-retire/10240025/)

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Openings on the Court of Chancery are closely watched nationally by the legal community because the court is considered one of the key reasons American companies prefer to make Delaware their legal home.

More than 65 percent of all Fortune 500 companies are incorporated in Delaware, making the selection for Chancery judgeships "big-ticket appointments," legal experts say. Businesses like that their disputes can be heard by high-quality judges who have expertise in corporate and business matters, experts say. Judge's opinions are studied nationally.

This has contributed to the state's lucrative corporate franchise, which has been a golden goose for more than 100 years. With more than 1 million business entities, the revenues generated in taxes and fees is significant, providing as much as a third of the state's budget. If unclaimed property and personal income tax revenues are included in the tally, the legal franchise rings up as much as 45 percent of the general fund revenues, state officials say.



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But critics say with so many of Delaware corporations led by women, including the DuPont Co., the lack of female jurists potentially threatens the franchise.

To date, the only female to have served on the Chancery Court was former Supreme Court Justice Carolyn Berger, who was appointed a vice chancellor in 1984. She left the court when she became the first female justice on the Supreme Court in 1994.

"People want to feel connection, that the person on the bench is someone I can relate to," said Patricia Enerio, a partner at Proctor Heyman Enerio in Wilmington and founder of Women Chancery Lawyers, a networking group for women corporate and commercial litigation lawyers.

She called the selection of three women candidates a "positive for everyone."

"It's positive for the court, it's positive for the litigants, it's positive for practitioners," Enerio said.

Last year, a Markell administration official said one reason that women have been under-represented on Chancery Court relates to the fact that women lawyers were not applying. Former Chancellor William B. Chandler III, who is chairman of the Judicial Nominating Commission, said in 2014 that the commission is committed to encouraging a cross-section of applicants for the bench.



(Photo: Submitted)

"It's too important not to," he said then. "Delaware needs the best people and a bench that reflects society."

This time, women corporate lawyers put their names in the hat, Enerio said.

"We came forward and made that happen," Enerio said. "All these women are great examples and role models. We need more women to stay in practice so there can be more women eligible for judgeships."

Markell will interview the three women and chose one to fill a seat that will become open with the retirement of Vice Chancellor Donald F. Parsons Jr., whose 12-year term expires on October 22. The nominee's name will be sent to the Senate for confirmation in a special session on October 28, said Meredith Tweedie, chief legal counsel to the governor.

LeGrow was appointed to Master in Chancery in 2011 where she adjudicates cases assigned by the court and deals with administrative matters in such areas as trusts and estates. She previously was an associate in the corporate group at Potter Anderson & Corroon in Wilmington. LeGrow is a graduate of Penn State Dickinson School of Law.

Montgomery-Reeves' work at Wilson Sonsini includes representation of companies and their officers and directors in stockholder class action cases and complex commercial litigation. Before joining Wilson Sonsini in 2011, she worked in the securities and corporate governance department of Weil, Gotshal & Manges in New York. Montgomery-Reeves is a graduate of the University of Georgia School of Law.

Norman is a graduate of Stanford Law School. Before that, she studied English constitutional law and jurisprudence at Oxford University. She has a master's degree in legal and political theory from University College London. Previously, Norman was in the litigation group of Latham & Watkins in New York City and Tokyo, Japan.

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