



# THE JOURNAL

OF THE DELAWARE STATE BAR ASSOCIATION

## THE ACCESS TO JUSTICE ISSUE

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Access to Justice Awards Breakfast  
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Reflections on 75 Years of Civil  
Legal Aid / **p. 20**

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Daniel G. Atkins, Esquire COMMUNITY LEGAL AID SOCIETY, INC.

Janine N. Howard-O'Rangers, Esquire DELAWARE VOLUNTEER LEGAL SERVICES, INC.

Cynthia L. DePue, Esquire LEGAL SERVICES CORPORATION OF DELAWARE, INC.

DELAWARE STATE BAR ASSOCIATION

# 2021 CHRISTOPHER W. WHITE DISTINGUISHED ACCESS TO JUSTICE AWARDS BREAKFAST

**Monday, October 25, 2021**

**Riverfront Events / Hyatt, Wilmington, DE • 8:00 a.m.**

\$35 Per Person • Please RSVP by October 11, 2021

**CELEBRATE  
PRO BONO**  
2021

## AWARDS PRESENTATION

**CHAD S.C. STOVER, ESQUIRE**

*Barnes & Thornburg LLP*

*Achievement Award*

**JILL SPEVACK DI SCIULLO, ESQUIRE**

*Morris James LLP*

*Commitment Award*

**FERRY JOSEPH, P.A.**

*Leadership Award*

**RICHARD H. MORSE, ESQUIRE**

*Community Legal Aid Society, Inc.*

*Service to Children Award*

**SHARYN HALLMAN, DCP**

*New Castle County Office of Law*

*Legal Professional Pro Bono Service Award*

## UNITED WAY OF DELAWARE CHRISTOPHER J. BATTAGLIA MEMORIAL AWARDS

Small Firm

**BENESCH FRIEDLANDER  
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Large Firm

**POTTER ANDERSON  
& CORROON LLP**

Emerald Award:

Most Tocqueville Society Members

**MORRIS NICHOLS ARSHT & TUNNELL LLP**

## PROGRAM WILL ALSO INCLUDE:

**Presentation of the Access to Justice Tribute to  
The Delaware State Bar Association**

Presented by

Bryan Townsend, Esquire

*Delaware State Senate*

Accepted by

Kathleen M. Miller, Esquire

*President, Delaware State Bar Association*

**Presentation of Pro Bono Celebration Week Tribute  
to Delaware Volunteer Legal Services**

Presented by

Krista M. Z. Griffith, Esquire

*Delaware House of Representatives*

Accepted by

Janine Howard O'Rangers, Esquire

*Executive Director of DVLS*

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**COVID-19 POLICY:** The DSBA requires that everyone, including speakers and attendees, must be fully vaccinated against COVID-19 to attend live events. In addition, all participants and attendees, regardless of COVID-19 vaccination status, must wear masks except when presenting, eating, or drinking.



## 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 Image: DICKDUBROFF/FINALFOCUS



There  
are many  
hurdles to  
attaining  
equal  
justice —  
or “access  
to justice.”  
Not  
surprising,  
one hurdle  
is funding.

In August 1976 at the Legal Services Corporation: A Presidential Program of the Annual Meeting of the American Bar Association, U.S. Supreme Court Justice Lewis Powell, Jr. said in his famous speech:

Equal justice under law is not merely a caption on the façade of the Supreme Court building. It is perhaps the most inspiring ideal in our society. It is one of the ends for which our entire legal system exists . . . It is equally fundamental that justice should be the same, in substance and availability, without regard to economic status. This, of course, is our ideal. But we have long known that attainment of the ideal of equal justice is not an easy task.<sup>1</sup>

There are many hurdles to attaining equal justice — or “access to justice.” Not surprising, one hurdle is funding. In 2014, the Delaware Supreme Court formed the Delaware Access to Justice Commission. Among the findings in the Commission’s Report was that the legal aid organizations in Delaware had the resources to serve the civil legal needs of only one-eighth of the State’s low-income population.<sup>2</sup> Since 1999, the Combined Campaign for Justice (CCJ) has coordinated raising funds for the three legal service providers in Delaware: Community Legal Aid Society, Inc. (CLASI), Delaware Volunteer Legal Services, Inc. (DVLS), and Legal Services Corporation of Delaware, Inc. (LSCD). Many members of the Delaware Bench and Bar contribute to CCJ, raising over \$1.4 million in 2020, for example.<sup>3</sup> If you have contributed, thank you. If you have not, please consider doing so.

The Commission included a Subcommittee on Promoting Greater Private Sector Representation of Underserved Litigants. This Subcommittee found that among the most often cited obstacles for lawyers to providing *pro bono* work were fear of lack of subject matter expertise and lack of awareness of the available *pro bono* opportunities.<sup>4</sup> For example, the Report noted that many of the surveyed attorneys were unaware of

the Limited *Pro Bono* Legal Assistance Program at the Leonard L. Williams Justice Center, which provides litigants with free 15 minutes of legal advice.<sup>5</sup> The attorneys also expressed interest in having access to subject matter experts but were unaware that DVLS and the Office of Child Advocate provide such services.<sup>6</sup>

The DSBA can help in these two areas. The DSBA provides CLE training programs in areas of need. For example, litigants are currently in need of assistance with residential evictions. *The Basics of Defending a Residential Eviction Action*, written materials and video, are available for free on the DSBA website.<sup>7</sup> We will continue to provide regular updates and reminders of opportunities to obtaining training.

We are also pleased to announce the reinvigoration of the *Pro Bono* Committee of the DSBA. This Committee, among other things, will be working on a project to collect *pro bono* opportunities and make the links and information available to you in one place on the DSBA website. If you are interested in getting involved with this project, please reach out to Mark Vavala at the DSBA. We will announce more about this Committee’s work in the coming months.

Getting involved in *pro bono* work not only helps fulfill a great need in Delaware, it also offers opportunities to build your skills, provides opportunities for diverse experiences, and provides a sense of self-fulfillment. ☯

#### Notes:

1. Powell, Lewis F. “Legal Services Revisted.” Scholarly Commons. Washington and Lee University School of Law, August 10, 1976. <https://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1010&context=powellspeeches>.
2. “Delaware Access to Justice Commission Reports of the: Subcommittee on the Efficient Delivery and Adequate Funding of Legal Services to the Poor Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants Subcommittee on Promoting Greater Private Sector Representation of Underserved Litigants.” Delaware Courts. Delaware Access to Justice Commission, September 17, 2017. <https://courts.delaware.gov/forms/download.aspx?id=98738>.
3. “2020 Combined Campaign for Justice Donor List.” Delaware Combined Campaign for Justice. Delaware CCJ, March 2021.
4. “Delaware Access to Justice Commission Reports of the: Subcommittee on the Efficient Delivery and Adequate Funding of Legal Services to the Poor Subcommittee on Judicial Branch

Coordination in Helping Pro Se Litigants Subcommittee on Promoting Greater Private Sector Representation of Underserved Litigants." Pg. 19.

5. *Id.* See <https://courts.delaware.gov/help/legalassistance.aspx>.
6. "Delaware Access to Justice Commission Reports of the: Subcommittee on the Efficient Delivery and Adequate Funding of Legal Services to the Poor Subcommittee on Judicial Branch Coordination in Helping Pro Se Litigants Subcommittee on Promoting Greater Private Sector Representation of Underserved Litigants." Pg. 19-20.
7. "CLE: The Basics of Defending a Residential Eviction Action." Delaware State Bar Association, April 14, 2020. [https://media1.dsba.org/public/CLE/Materials/DSB04142020THE\\_B.pdf](https://media1.dsba.org/public/CLE/Materials/DSB04142020THE_B.pdf).

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

# Supreme Court Review 2021:

A Discussion of Decisions at the Highest State and Federal Judicial Levels



**Thursday, October 21, 2021**

**9:00 a.m. – 12:15 p.m.**

Live CLE Seminar at DSBA with Zoom Option

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Visit [www.dsba.org](http://www.dsba.org) for more information and to register.

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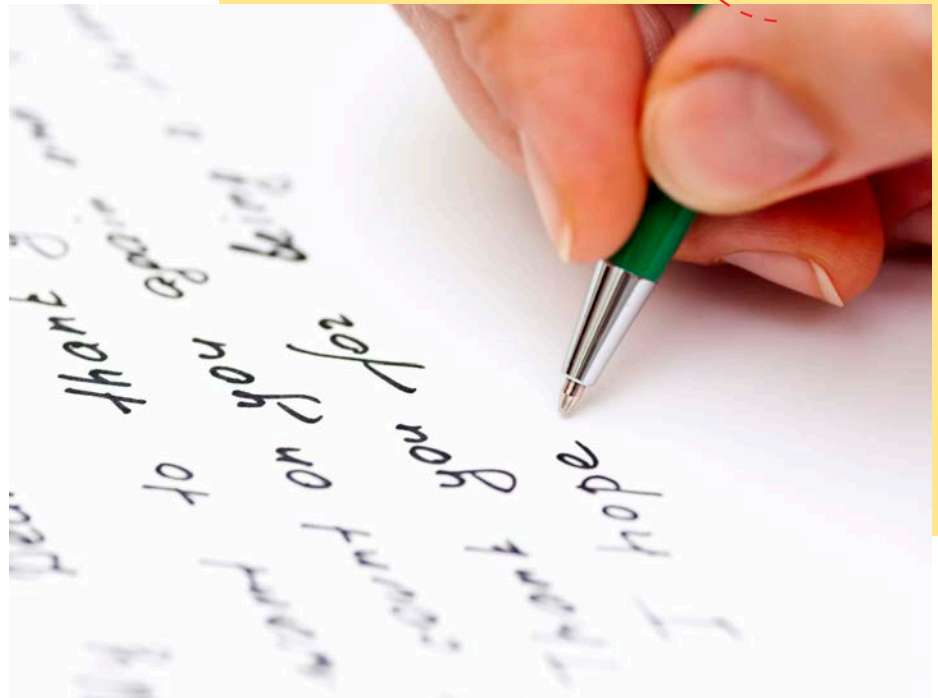
# From Letters to Emails...

**H**ow old is your oldest friendship? Five years? Twenty-Five? Maybe 40? Guaranteed, my mom's got you beat. My mother has been friends with Sadoe Miki for more than 70 years. Not only has their bond survived the decades, it also survived the distance — nearly seven thousand miles between Delaware and Japan. So, when my mom told me recently she hadn't heard from Sadoe in several months, a pit formed in my stomach. She had emailed him repeatedly, but got no response. "That is very unusual," she told me. I feared the worst.

They "met" soon after World War II, when the United States and Japan set up a type of reconciliation program. Elementary school students in the United States were paired with a child from Japan, and each began writing letters to the other about their lives, their cultures, and hopes for their futures. My mother was 8 years old and Sadoe was 12.

Those school-aged children grew into adults, but the letters never stopped. They continued to write to each other as they graduated from high school and then college. My mother married my father and had four children; Sadoe married and had two daughters. Despite work, their families and all of life's distractions, they always found a way to stay in touch.

Letters eventually led to actual visits. Sadoe came to the United States many, many times, and stayed with my mother and our family. Perhaps my favorite memory: my grandfather — my mother's father — who served in the Navy in the



Pacific during WWII, met and hosted Sadoe at his Virginia home. Decades later, my mother and Sadoe's friendship continued to develop and deepen.

I first met Sadoe when I was about 10 years old. I remember being amazed that he could swim two laps under water in our pool before coming up for air. His calm and pleasant demeanor matched his welcoming and sweet smile. A decade or so later my parents picked him up at the airport for yet another visit, and we met for lunch. Sadoe ordered a pint of beer and then proceeded to down it in what seemed like one gulp — I couldn't love the guy more that day.

Their communication lasted so long that pens transformed into keyboards, and stationery into emails, making it even easier to keep in touch. They discussed world events and politics. My mother always made sure to give my brother, my two sisters, and me Japan's perspective on whatever big event happened in the United States and around the globe.

Their friendship held so much power, it blasted through my mother's fear of flying. She wanted to visit Japan and meet his family, so she finally conquered her fears and boarded the very long flight to Japan. She stayed several weeks, spending a good portion of the trip with Sadoe and his family. She met his daughters and saw the country whose postmark had adorned the envelopes of all those letters she





had received for decades. Her experiences in Japan fueled her love for travel. After that, my parents traveled around the world regularly. They certainly made up for lost time.

It's no wonder then why my mother became concerned when her many emails to Sadoe went unanswered for so long. So, I turned to social media like I would to track down contact information for a *pro se* defendant. Sadoe's daughter lived in Pennsylvania — she had met and married a Penn State guy. He had played professional basketball in Japan and she was teaching English when they met. Within days, Sadoe's daughter and my mom spoke by phone. Coincidentally, she had returned to the United States to help her daughter, Sadoe's granddaughter, begin her first year of college at an American university.

My worst fears had not come true. Sadoe was doing well and living in Japan. His daughter explained that he was doing well physically, but was becoming forgetful and having difficulty with complicated matters. He had stopped using the computer. She suggested letters instead. Sadoe and my mother's long friendship had come full circle. Letters that gave way to email, disrupted by age, but reignited with the help of technology. My mother will use her laptop to write her next letter to Sadoe, but it will be mailed, just like the first letters she wrote when she was 8 years old — 75 years ago. 📧

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](mailto:jpowell@delawarefirm.com) and more information is available at [delawarefirm.com](http://delawarefirm.com).

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## MEMBER BENEFIT OF THE MONTH


## The DSBA Mentoring Program

Every year, over 100 attorneys are admitted to the Delaware Bar and become members of the DSBA. As new attorneys make the transition from the classroom and into practice, they face many challenges and potential pitfalls. The DSBA Mentoring Program is designed to elevate the competence and professionalism of Delaware's new and recently-admitted attorneys and thereby increase the probability of their long-term success. This program is designed to match Delaware attorneys with more experienced members of the Delaware Bar in their substantive area of practice or expertise.



It is our hope that the mentoring relationships created through this program will accomplish the following:

- Assist in the development and improvement of the legal skills of the new admittees or recently admitted Delaware Attorneys
- Encourage the use of best practices and the highest ideals of professionalism and civility in the practice of law
- Pass on knowledge of and adherence to recognized traditions and customs unique to the practice of law in Delaware
- Cultivate collegial relationships among the members of the Delaware Bar and involvement in the DSBA

For more information or to become a mentor or find a mentor, log into the DSBA website at [www.dsba.org](http://www.dsba.org) and click on Services in the menu or click the blue button that says Mentoring Services. 

## DSBA HAPPENINGS

## Attention Bilingual Attorneys



The DSBA intends to provide a list of bilingual attorneys on its website. This list would be a resource for other members of the Bar and the general public. If you speak a language other than English, and would like to be included on the list of such attorneys, please reach out to LaTonya Tucker at [ltucker@dsba.org](mailto:ltucker@dsba.org) and indicate the language(s) you speak.

Please note that the inclusion of any attorney on the bilingual list is not an endorsement or representation by the DSBA as to such attorney's fluency in any language, and the DSBA will be relying solely on the attorney's representation that she/he is fluent in such language(s).

## TOP 5

## BIZARRE HALLOWEEN LAWSUITS

### 1 Ferlito v. Johnson & Johnson Products, Inc.

Susan Ferlito attended a halloween party as "Mary" and dressed her husband Frank as "the little lamb" and covered him from head to foot in cotton balls. Frank lit a cigarette and suffered severe burns on over a third of his body. They sued Johnson & Johnson, who made the cotton balls, and a jury awarded \$555,000. Johnson & Johnson appealed and the Sixth Circuit ruled in favor of the company, in part because the Ferlitos admitted they knew cotton would burn.

### 2 Rasta Imposta v. Kmart Corp.

In 2017, costume manufacturer Rasta Imposta sued Kmart and other costume makers for selling a banana costume they felt infringed upon their banana costume copyright. The Third Circuit agreed, citing the color and shape of the costume was similar to Rasta Imposta's and that the company was "entitled to the veritable fruits of its intellectual labor."

### 3 State ex. Rel Koster v. Gotcha Costume Rental and Theatrical Supplies, Inc.

While it never went to a full-blown case, *State ex. Rel Koster v. Gotcha Costume Rental and Theatrical Supplies, Inc.* won a preliminary injunction in Missouri when the state attorney general complained that the selling of scary contact lenses without a prescription violated state and federal laws. The lenses caused scratched corneas, infections, and even blindness. Gotcha agreed to sell them only with a valid prescription.

### 4 Griffin v. The Haunted Hotel, Inc.

Scott Griffin purchased a ticket to an outdoor haunted house in San Diego. As he got to the end of the attraction, a man with a chainsaw jumped out and scared him so much that he fled, fell down, and sued. A California Appellate Court ruled that Griffin assumed the risk, opining that this was a case of someone paying money to experience "extreme fright" and receiving "exactly what he paid for."

### 5 Purtell v. Mason

The Purtells put up lawn tombstones for Halloween which featured messages about all their neighbors after an RV dispute. A big argument in the neighborhood ensued, causing a call to the police which ended with Mr. Purtell in handcuffs. The Purtells sued the officer for violating their free speech. The court ruled that the officer's actions infringed on Purtell's first amendment rights but that the officer had a qualified immunity in mistakenly believing he could force the Purtells to take the tombstones down.



## OF NOTE

Condolences to the family of the **Barbara Cherrix O'Leary, Esquire**, who died on February 26, 2020.

Condolences to the family of the **Douglas W. Lundblad, Esquire**, who died on August 23, 2020.

Condolences to the family of the **Kathleen D. Hadley, Esquire**, who died on August 10, 2021.


Condolences to **Victor F. Battaglia, Sr., Esquire**, on the death of his wife and **Victor F. Battaglia, Jr., Esquire**, on the death of his mother, Antoinette D. Battaglia, who died on August 30, 2021.

Condolences to the family of the **Matthew D. Mason III, Esquire**, who died on September 4, 2021.

Condolences to **Charles J. Durante, Esquire**, on the death of his mother, Louise McConnell Durante, who died on September 14, 2021.

Condolences to **Elia D. Trowbridge, Esquire**, on the death of her father, Taddeo A. DiTaddeo, who died on September 14, 2021.

Condolences to **C. Malcolm Cochran IV, Esquire**, on the death of his father, Charles Malcolm Cochran III, who died on September 16, 2021.

*If you have an item you would like to submit for the Of Note section, please contact Rebecca Baird at [rbaird@dsba.org](mailto:rbaird@dsba.org).* 

## Open Call for Articles!

Do you have  
a great idea?



For information on submitting articles for publication in the *Bar Journal*, please contact Rebecca Baird at [rbaird@dsba.org](mailto:rbaird@dsba.org).

DELAWARE STATE BAR ASSOCIATION

# Fall Festival

SUNDAY, OCTOBER 17, 2021

1:00 P.M. TO 4:00 P.M.

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## Professional Guidance Committee

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

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## CALENDAR OF EVENTS

### October 2021

**Tuesday, October 5, 2021 • 8:30 a.m. – 4:00 p.m.**

#### **Fundamentals of Real Estate 2021**

6.0 hours CLE credit including 0.5 hour in Enhanced Ethics credit  
Live Seminar at DSBA with Zoom Option

**Sunday, October 17, 2021 • 1:00 p.m. – 4:00 p.m.**

#### **DSBA Fall Festival**

Ramsey's Farm, Wilmington, DE

**Tuesday, October 19, 2021 • 9:00 a.m. – 11:00 a.m.**

#### **Wills for Seniors Training hosted by DVLS**

Live Seminar at DSBA with Zoom Option

**Wednesday, October 20, 2021 • 10:00 a.m. – 12:00 p.m.**

#### **Social Security Disability Insurance for Your Practice: Supplemental Security Income and Ethical Considerations and Social Security Overpayments: Appeals and Waivers**

2.0 hours CLE credit

Live Seminar at DSBA with Zoom Option

**Thursday, October 21, 2021 • 8:30 a.m. – 12:30 p.m.**

#### **Retirement Planning Seminar 2021**

3.0 hours CLE credit

Live Webinar at DSBA with Zoom Option

**Thursday, October 21, 2021 • 9:00 a.m. – 12:15 p.m.**

#### **Supreme Court Review 2021: A Discussion of Decisions at the Highest State and Federal Judicial Levels**

3.0 hours CLE credit

Live Webinar at DSBA with Zoom Option

**Sunday, October 24, 2021 • 10:00 a.m. – 4:00 p.m.**

#### **Wills for Seniors**

Elsmere Fire Hall, Elsmere, DE

**Monday, October 25, 2021 • 8:00 a.m. – 10:00 a.m.**

#### **Christopher W. White Distinguished Access to Justice Awards Breakfast**

Hyatt Place / Riverfront Events, Wilmington, DE

**Friday, October 29, 2021 • 9:00 a.m. – 11:00 a.m.**

#### **Demystifying the Path to the Judiciary**

2.0 hours CLE credit

Live Seminar at DSBA with Zoom Option

### November 2021

**Thursday, November 4, 2021 • 2:00 p.m. – 4:00 p.m.**

#### **Unions, Strikes, and Labor Law Issues**

2.0 hours CLE credit

Live Seminar at DSBA with Zoom Option

**Tuesday, November 9, 2021**

#### **Lawyers as Veterans: A look at the World War II Journal of Chief Justice Duffy**

Live Seminar at DSBA with Zoom Option

**Tuesday, November 16, 2021 • 9:00 a.m. – 11:15 a.m.**

#### **Office and Trial Practice**

2.0 hours CLE credit

Live Seminar at DSBA with Zoom Option

**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](http://www.dsba.org).**

# SECTION & COMMITTEE MEETINGS

## October 2021

**Tuesday, October 12, 2021 • 12:00 p.m.**

### **Litigation Section Meeting**

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

**Thursday, October 14, 2021 • 12:00 p.m.**

### **Executive Committee Meeting**

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

**Wednesday, October 20, 2021 • 9:00 a.m.**

### **ADR Section Meeting**

Zoom Meeting, see Section listserv message for link and password

**Wednesday, October 20, 2021 • 12:30 p.m.**

### **LGBTQ+ Section Meeting**

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

## November 2021

**Friday, November 5, 2021 • 12:00 p.m.**

### **Workers' Compensation Section Meeting**

Zoom Meeting, see Section listserv message for link and password

**Tuesday, November 9, 2021 • 12:00 p.m.**

### **Litigation Section Meeting**

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

**Wednesday, November 17, 2021 • 9:00 a.m.**

### **ADR Section Meeting**

Zoom Meeting, see Section listserv message for link and password

**Thursday, November 18, 2021 • 12:00 p.m.**

### **Executive Committee Meeting**

Delaware State Bar Association, 405 North King Street, Suite 100, Wilmington, DE

**Tuesday, November 30, 2021 • 12:00 p.m.**

### **Multicultural Judges and Lawyers 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](mailto:ltucker@dsba.org) or (302) 658-5279 to have your Section or Committee meetings listed in the Bar Journal.

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# Artificial Intelligence

Managing the Growth of AI and its Ecosystem

BY RICHARD K. HERRMANN, ESQUIRE

**L**et me begin by explaining there is nothing novel in this column. Everything discussed has been thought of by others. Instead, its purpose is to introduce you to the topic and offer a shortcut, so you can be kept informed before the subject-matter becomes so vast you will always feel like you are treading water.

We have all heard the term Artificial Intelligence in the past. It was thought of as part of the genre we know as science fiction. It was very *StarTrek-ish*. Well, the science fiction of the past is a real part of our lives today. And all those things connected to it will be known as the “AI Ecosystem.” This is all explained in great detail by Professor

Fred Lederer, founder of William and Mary Law School's Center for Legal and Court Technology. Professor Lederer has created a podcast series, focusing not only on AI but all of the emerging technologies connected to it and, thus, part of its Ecosystem. For example, podcasts cover technologies including AI itself, blockchain, autonomous weapons, cyberwarfare, evidence, virtual reality in the courtroom, autonomous vehicles, constitutional issues, and cybercrime.

One of the first issues, I believe, we will be fighting for years is the scope of AI. Is it a computer capable of learning? Does AI include the requirement of thought, expression, and feeling? Is there a requirement of some kind of consciousness? In the 1980s we began to develop a field called "computer law." As a specialty it was not very successful; it was consumed into existing fields, such as products liability, sales, and intellectual property. Of course, as computers evolved, so did the law. We now have computer crimes, cybercrimes, and privacy issues. As you know, this was not an evolution of the law; it was rather an extension of it. If there has been an evolution at this stage of development, it is in "electronic discovery," which has resulted in more reported opinions than in any field I have experienced.

The law and artificial intelligence will change all of that. The AI Ecosystem, as Professor Lederer has coined it, will be the most significant development in our legal system, since it began. We will face ethics issues, relating to who decides when the trigger gets pulled or the bomb explodes, the person writing the code or the computer? We know, in certain fields of law, a corporation is considered a "person." What about a computer? Will there be a time when

**Will there be a time when a computer commits a crime? What will be the punishment? Will it have any rights, constitutional or otherwise?**

a computer commits a crime? What will be the punishment? Will it have any rights, constitutional or otherwise? I know, none of these issues will be formed or resolved during my lifetime; however, depending on who you are, they may very well be developed during yours.

This is an opportunity. Right now, in Delaware, we have no law relating to Artificial Intelligence. We will, it is only a question of when. Who will shape it? The Courts or the Legislature? Will it become its own specialty or simply be shoved into existing legal rubrics? Some of you have an incredible opportunity. Seize it. Take the time to understand the basics, as they develop, and help shape them. Professor Lederer has paved the way to do this in 45-minute chunks. Tune into the series of podcasts Professor Lederer and his team have developed.<sup>1</sup>

As you drive along the highways of our great state, it will not be long before you see billboards of law firms advertising specialties in Drone Law, Personal Injuries caused by Autonomous Vehicles, and defense cases relating to crimes of conspiracy with AI devices. I am confident you will not see my name on those signs. I am also confident you will recognize some of those names as your colleagues and your friends. These will be exciting times. ⚖️

#### Notes:

1. "Podcasts: Exhibit AI." legaltechcenter.net. Accessed September 21, 2021. <https://www.legaltechcenter.net/a-i/exhibit-ai/>.



**Richard K. Herrmann** is a Visiting Professor at Delaware Law School. He can be reached at [rkherrmann@widener.edu](mailto:rkherrmann@widener.edu).

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# Attorney Investment in Law Firms with Non-Attorney Partners

**O**n September 8, 2021, the American Bar Association Standing Committee on Ethics and Professional Responsibility issued one of its most arcane opinions ever. Formal Opinion 499 is titled “Passive Investment in Alternative Business Structures.” Follow me into the weeds as we explore what, if any, relevance this may have to you or most other practitioners.

We all know that Rule 5.4 of the Delaware Lawyers’ Rules of Professional Conduct based on the ABA Model Rule prohibits a lawyer or law firm from sharing legal fees with a nonlawyer. The Rule also prohibits the forming of a partnership with a nonlawyer and practicing in a business structure in which a nonlawyer owns any interest in the business or serves as a corporate director or officer. Until recently, all jurisdictions had the same or similar rule with the historical exception of the District of Columbia, which for decades has permitted nonlawyer law firm partners as long as those partners were engaged in some manner in providing services to the law firm’s clients. This arrangement permitted accountants and other professionals to have an ownership interest in a law firm.

Recently, Utah permitted nonlawyer owners of law firms. Not to be outdone, Arizona eliminated Rule 5.4 altogether, substituting a system in which nonlawyer owners and investors may be certified by the Arizona Supreme Court as “Alternative Business Structures” (“ABS”).

**Since there are so few jurisdictions which permit nonlawyer members, it is curious why the ABA felt compelled to offer an opinion to attorneys throughout the rest of the country as to whether they could invest in such entities.**

Clearly, the ABA was not faced with a situation where it was called upon to address a wave of attorney questions as to whether it would be permissible for other attorneys to invest in these newly-permitted entity types. Nevertheless, the Committee issued a formal opinion which concluded that a lawyer may passively invest in a law firm operating in a jurisdiction that permits ABS entities, even if the lawyer is admitted to practice in a jurisdiction that does not authorize such nonlawyer ownership of law firms. The Committee specifically concluded that passive investment does not constitute a violation of Rule 5.4 in the jurisdiction in which the attorney is admitted (and which presumably prohibits such nonlawyer ownership). The Committee went on to conclude that such passive investment does not implicate Rule 1.10 imputation of conflicts of interest.

In reaching this conclusion, the Committee followed a somewhat tortured path. It begins by pointing out that lawyers may own businesses or other investment interests separate from the practice of law. The Opinion then goes

on to argue that passive investment in a law firm located in a jurisdiction which permits nonlawyer members is indistinguishable (notwithstanding the apparent Rule 5.4 prohibition) from other ancillary business interests and personal investments. However, the Committee does caution that if the lawyer owns a significant investment interest in a firm which includes nonlawyer members or any other business, a conflict could arise if that interest materially limits the lawyer’s representation of a client.

In concluding that passive investment is permissible by a lawyer admitted in a jurisdiction which still has a Rule 5.4 prohibition against nonlawyer members, the Committee looked to Rule 8.5 in a choice of law analysis. The ABA concluded that the predominant effect of the passive investment would be in the jurisdiction where the ABS was permitted. The Committee went on to argue that if the investing lawyer’s interest was genuinely passive, the lawyer cannot be deemed to be practicing law in the “ABS-permissive” jurisdiction. The Committee, therefore, concluded that the lawyer’s passive investment does not




violate the Rules of Professional Conduct of the ABS-permissive jurisdiction. It should be noted that ABA Opinions are not binding and that State Supreme Courts and disciplinary authorities could reach a different conclusion.

Since there are so few jurisdictions which permit nonlawyer members, it is curious why the ABA felt compelled to offer an opinion to attorneys throughout the rest of the country as to whether they could invest in such entities. I have not seen any data as to how many such law firms might actually exist or whether they are seeking out-of-state investors. The Opinion raises more questions than the narrow, specific question that it answers. Does the ABA believe that other states are planning to allow nonlawyer members? Are law firms with nonlawyer members seeking investors? Are lawyer-investors seeking law firms with nonlawyer members for investment? Will other jurisdictions allowing nonlawyer members follow the Arizona model or the D.C. model? In other words, will the nonlawyer members be other profes-

sionals providing services to clients or will the nonlawyer members be litigation lenders, or nonlawyer investors?

Years from now when firms are practicing as Smith & Jones, Inc., a publicly traded corporate entity, and nonlawyers are buying shares whose prices rise and fall based on the news reports of cases and clients being handled by the firm, you may look back on this Opinion and this column as an explanation as to how this all got started.

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

*"Ethically Speaking" is available online. Columns from the past five years are available on [www.dsba.org](http://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](http://www.delawgroup.com).



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# Spot It and Stop It: Problematic Gaming

**M**any news outlets have run special segments on the growing problem of gaming addiction. China banned kids from playing online video games from Monday through Friday. Sadly, and whether the pandemic and/or post-pandemic world contributes to it, gaming addiction is a growing problem in adults and children. This month, the “DE-LAP Zone” offers information on how to spot gaming addiction as a parent or individual, and resources to stop it.

## The Scope: A Historical View of Video Gaming

A video game or computer game is an electronic game that involves interaction with a user interface or input device — such as a joystick, controller, keyboard, or motion sensing device — to generate visual feedback.<sup>1</sup>

The Strong National Museum of Play offers a very good historical chart on the gaming industry which began in the 1980s with such games as: Pac-Man, Ms. Pac-Man, and Donkey Kong, ending the decade with the Game Boy and Madden Football.

Moving on to the 1990s, the gaming industry evolved into playing on the internet when Microsoft bundled a video game version of the classic card game Solitaire with Windows 3.0. According to Strong National Museum of Play, at the time, millions of users, who would not normally pick up a game console, found that they enjoyed playing computer games. Solitaire became one of the most popular electronic games ever. The decade also offered fan favorites such as: Sonic the Hedgehog, Dune II, and Mortal Kombat. In 1995, Sony released its PlayStation in the U.S. Now, we are entertained with Tomb Raider and Zelda. Closing out the decade, machine triumphed over man as IBM’s supercomputer chess program “Deep Blue” defeated world champion Gary Kasparov in a match. The industry showed that it was “off and running.”

In the new millennium, gaming models expanded to include real life with SimCity and the Xbox with Halo. The Xbox 360 gained millions of fans. In 2002, the U.S. Army released America’s Army video game to help with recruiting. In 2004, Nintendo maintained its dominance of the handheld market with the Nintendo DS, an easy-to-use, portable gaming system packed with two processors, two screens, multiplayer capabilities, and a stylus for touchscreen. Then, Xbox 360 brought high-definition, as well as even better multiplayer options.<sup>2</sup>



### SIDE BAR

#### GAMING INDUSTRY STATISTICS

- There are more than 2.7 billion gamers worldwide.
- 48 percent of gaming studios work on VR/AR (Virtual Reality/Augmented Reality) games.
- Every day 25 new games are released on Steam.
- The global gaming industry will grow at a CAGR of 12 percent between 2020-2025.
- The mobile games industry could be worth \$169.7 billion by the end of 2025.
- Data 2 players received over \$177 million in tournament prizes.
- 45 percent of U.S. gamers are women.
- League of Legends is the most popular game.<sup>5</sup>

**A global pandemic fueled the growth of the video game industry.**

A global pandemic fueled the growth of the video game industry. Millions of people turned to games like Animal Crossing: New Horizons, Among Us, and Fall Guys to play and connect with friends and strangers through the safety of their mobile phones, computers, and consoles.

## Explosion of Interest or Gaming Addiction?

For the majority, gaming offers positive effects to their well-being. On the other hand, gamers — both adults and children — can cross the line into problematic or addictive behavior.

If you are wondering if gaming is taking over your life, here are nine questions to learn if you, the gamer, meet the criteria for problematic use/addiction. Ask yourself:

▪ First, do you spend a lot of time thinking about games even when you're not playing, or planning when you can play next? Has gaming become the dominant activity in your daily life?

▪ Second, do you feel restless, irritable, moody, angry, anxious, bored or sad when you try to cut down or stop gaming, or when you are unable to play?

▪ Third, do you feel the need to play for increasing amounts of time, play more exciting games, or use more powerful equipment to get the same amount of excitement you used to get?

▪ Fourth, have you felt you should play less, but are unable to cut back on the amount of time you spend playing games?

▪ Fifth, have you lost interest or reduced participation in other recreational activities due to gaming?

▪ Sixth, have you continued to play a game even though you knew about the negative consequences, such as not getting enough sleep, being late to school/work, spending too much money, having arguments with others, or neglecting important duties?

▪ Seventh, have you been deceptive, or lied to family, friends, or others about how much you game? Or tried to keep your family or friends from knowing how much you game?

▪ Eighth, do you game to escape from or forget about personal problems, or to relieve uncomfortable feelings such as guilt, anxiety, helplessness, or depression?

▪ Ninth, and finally, have you risked or lost a significant relationship, job, educational, or career opportunities because of gaming.<sup>3</sup>



#### SIDE BAR

### 10 NEGATIVE EFFECTS OF VIDEO GAMES

- Dopamine addiction.
- Reduction in motivation.
- Alexithymia and emotional suppression.
- Repetitive stress injuries and other health risks.
- Poor mental health.
- Relationship issues.
- Social disconnection.
- Exposure to toxic gaming environments.<sup>4</sup>


As a concerned parent and partner, you can use this short quiz to spot a problem or addictive behavior in your loved one's gaming.

### How can you stop it?

Video games do not necessarily lead to mental health problems. However, you can be at high risk for video game addiction if you already suffer from depression, anxiety, or other mental illness. This is due to the way video games affect your brain.

A study that looked at the effect of gaming on mental health found that problematic gaming habits correlated with maladaptive coping strategies, negative emotions, low self-esteem, a preference for solitude, and poor school performance.

While one of the benefits of gaming is an increase in the ability to concentrate, excessive gaming may lead to the opposite. A study done on 3000 children and adolescents from 12 different schools in Singapore found a bidirectional causality in play between video games and attention deficit disorders. While excessive gaming could contribute to a lack of long-term concentration ability, it is also likely that children who already show signs of attention deficit disorders would be more attracted to video games, due to the variety of experiences that they can provide.

Whether it is you, someone you know, or if you are a parent of a child and you have concerns that the line has been crossed into problematic or addictive gaming behavior — there is help to stop it. For more information, referrals, or resources call DE-LAP's confidential line: (302) 777-0124 or email [cwaldhauser@de-lap.org](mailto:cwaldhauser@de-lap.org). 

#### Notes:

1. "Video Game." Wikipedia. Wikimedia Foundation, September 16, 2021. [https://en.wikipedia.org/wiki/Video\\_game](https://en.wikipedia.org/wiki/Video_game).
2. "Video Game History Timeline." Video Game History Timeline | The Strong, March 24, 2016. [https://www.museumofplay.org/about/icheg/video-game-history/timeline?gclid=CjwKCAjwy7CKBhBMEiwA0Eb7aq8nQh6y5mCvBGENpsgLD\\_yYfITKd1P-6fvOnu-4D-Pu6WWBqXlxWxoChzlQAvD\\_BwE](https://www.museumofplay.org/about/icheg/video-game-history/timeline?gclid=CjwKCAjwy7CKBhBMEiwA0Eb7aq8nQh6y5mCvBGENpsgLD_yYfITKd1P-6fvOnu-4D-Pu6WWBqXlxWxoChzlQAvD_BwE).
3. Stonewater Adolescent Recovery Center. "How Do i Know If i Am Gaming Too Much?" November 26, 2018. <https://www.stonewaterrecovery.com/adolescent-treatment-blog/how-do-i-know-if-i-am-gaming-too-much/>.
4. "10 Negative Effects of Video Games." Healthy Gamer. Accessed September 23, 2021. <https://www.healthygamer.gg/blog/10-negative-effects-of-video-games>.
5. "45+ Video Games Industry Statistics, Facts, and Trends for 2021." TechJury, September 9, 2021. <https://techjury.net/blog/video-games-industry-statistics/#gref>.

**Carol P. Waldhauser** is the Executive Director of the Delaware Lawyers Assistance Program and can be reached at [cwaldhauser@de-lap.org](mailto:cwaldhauser@de-lap.org).

**While one of the benefits of gaming is an increase in the ability to concentrate, excessive gaming may lead to the opposite.**

#### RESOURCES

- Addiction Center - Video Game Addiction: [www.addictioncenter.com/drugs/video-game-addiction](http://www.addictioncenter.com/drugs/video-game-addiction)
- Game Quitters: [www.gamequitters.com](http://www.gamequitters.com)
- Delaware Council on Gambling Problems, Inc.: [www.deproblemgambling.org](http://www.deproblemgambling.org)



# Addressing the Pressing Need for Greater Diversity, Equity, and Inclusion in Our Bar

## A Step in the Right Direction

BY JOSEPH MICHAEL BARRY, ESQUIRE

*"The problems of racism and bias in American society are longstanding and run deep, dating back to our history of slavery, and the legal profession sits squarely in that history, but we are not bound by past practices and beliefs."<sup>1</sup>*

Nearly all minority groups are underrepresented in the legal field compared to the U.S. population overall. According to the *2020 Report on Diversity in U.S. Law Firms*<sup>2</sup> published in February 2021 by the National Association of Law Placement (known as "NALP"), "the percentage of Black or African American associates surpassed 5 percent for the first time since NALP began collecting data and the share of associates who are Black women (3.04 percent) finally exceeded the 2009 figure of 2.93 percent."

Similarly, the American Bar Association's *2020 ABA Profile of the Legal Profession*<sup>3</sup> reveals that, out of the 1,328,692 nationally recognized lawyers, 85.9 percent are "Caucasian/White," while only 4.7 percent are "African American" and only 4.6 percent are "Hispanic." And just 36.8 percent are Women:

The percentage of lawyers who are men and women of color — Hispanic, African American, Asian, Native American and mixed race...grew less than 3 percentage points in the past 10 years, from 11.4 percent of all lawyers in 2010 to 14.1 percent of all lawyers in 2020, according to the ABA National Lawyer Population Survey.

On the heels of its 2020 Diversity Snapshot, Law360 described the legal industry as "determined to move the needle, but succeeding at a glacial pace, with firms struggling to tackle a lack of diversity that only increases as attorneys climb the ranks."<sup>4</sup> According to Deborah Edwards, Esquire, the Director of Diversity, Equity & Inclusion at Young Conaway Stargatt & Taylor, LLP, "[s]tudies have shown that diverse teams outperform non-diverse teams and diversity drives performance, innovation, productivity and resilience." Ms. Edwards believes that, more and more, diversity is a key consideration for clients and in-house counsel when engaging counsel. "They want to know data, trends and specific DEI efforts and are looking at published diversity surveys and asking for the diversity demographics of the timekeepers assigned to their matters. Lack of effort or results could result in lost or missed business opportunities," she noted. And William L. Chapman, Jr., Esquire, who is a former Delaware State Family Court Judge and Deputy Attorney General for the Delaware Department of Justice and is currently

the Chief Diversity Officer at Potter Anderson & Corroon LLP, believes that, among other things, over-reliance on grades, rather than “placing a greater emphasis on job relevant behavior — motivation, initiative, work ethic” can present barriers to achieving diversity within the private practice of law. Mr. Chapman further emphasized that, “The stronger our will, resolve, and commitment to increasing the diversity of the bench and bar the more likely we are to make progress.”

A positive step towards greater diversity in our Bar came this past summer. Under the leadership of Kathleen M. Miller, Esquire, of Smith Katzenstein & Jenkins, LLP, the Diversity, Equity, and Inclusion Committee of the Delaware State Bar Association launched its inaugural Diversity Clerkship Program.

“The Diversity Clerkship Program grew out of a recognition that we as a Bar in Delaware needed to do more, much more, to increase diversity,” Ms. Miller said. “What we are doing and how we approach recruiting and hiring causes us to miss out on terrific candidates. We wanted to create an opportunity for candidates to have the experience of a judicial clerkship, which would enhance their career path, and an opportunity for firms to meet candidates they may not otherwise have encountered.”

Following enthusiastic support from many within the state and federal judiciary, the Program initially envisioned one rising third-year law student clerking for each of the Delaware Superior Court, the Superior Court’s Complex Commercial Litigation Division, and the United States Bankruptcy Court (for a total of three clerks). Ms. Miller assembled and mobilized a cross-disciplinary and diverse selection panel that exceeded initial expectations by placing four students in clerkship positions with the Superior and Bankruptcy Courts.

The candidates were very impressive and included many “first in the family” to graduate from college students such as Alan Cardenas-Moreno, who earned his undergraduate degree from George Mason University in just three years, with high honors, while working a nearly full-time job to finance his education. At the time of his clerkship, Mr. Cardenas-Moreno was a rising 3L at William & Mary Law School (and member of the William & Mary Business Law Review and Latin Law Student Association).

Looking back on his summer experience clerking in the Superior Court’s Complex Commercial Litigation Division for the Delaware Superior Court, Mr. Cardenas-Moreno said that working directly with CCLD judges and observing court proceedings was an invaluable, growth-enabling experience compared to the traditional classroom setting. He found the Delaware Bench and Bar to be welcoming, receptive, and approachable, and the environment in Delaware conducive to growth for diverse and first-generation lawyers like himself.

According to Ms. Miller, such experiences are a key component of the Diversity Clerkship Program:

We wanted [the clerks] to have an opportunity to learn about the courts, meet the judges, meet members of the Bar, and see first-hand what a wonderful jurisdiction Delaware is to practice law. So we had to develop the opportunities for the clerks to make these connections. We reached out to other courts to allow the clerks to learn more about the other Delaware courts and Sections of DSBA to ask that they include the clerks in their events. Beyond our wildest expectations, the clerks were invited to and attended many events, including unsolicited offers to meet with firms’ leadership and Chemours’ in-house counsel.

The DSBA Diversity Clerkship Program is not the end of the journey. The Program took a lot of planning, time, buy-in, financing, and commitment. Thanks to Ms. Miller, it was a positive step, but much more attention and effort is needed. According to Ms. Edwards, “[i]ntentional efforts are needed to level the playing field. This includes the creation of pipeline programs, such as the judicial internship program, to provide opportunities in the legal profession.” Ms. Miller’s goal is “to expand the program to more Courts and hopefully, one day, to be able to place multiple clerks with several of the Courts. We started the program with 2L candidates. We will be expanding the program to include 1Ls. The program is still being developed for 2022, but we know we will be able to increase the number of clerks to five or six. Of course, funding is always the factor that dictates how many clerks we can place. We need more help in this area.”

The Bar should be grateful to Ms. Miller for her leadership in getting the Diversity Clerkship Program underway. By Ms. Miller’s example, and (in the words of Mr. Chapman) through our collective will, resolve, and commitment, we must systematically endeavor towards, and ultimately achieve, a more diverse legal community. ⚖️

#### Notes:

1. 2020 Report on Diversity in U.S. Law Firms, NALP, Feb. 2021, [https://www.nalp.org/uploads/2020\\_NALP\\_Diversity\\_Report.pdf](https://www.nalp.org/uploads/2020_NALP_Diversity_Report.pdf).
2. *Id.*
3. ABA Profile of the Legal Profession, ABA, 2020, <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>
4. 2020 Diversity Snapshot, Law360, Sept. 1, 2020, <https://www.law360.com/articles/1306521/the-2020-diversity-snapshot>.



**Joe Barry** is co-chair of Young Conaway’s Bankruptcy and Corporate Restructuring Practice Group and immediate past chair of the Bankruptcy Section of the DSBA. He can be reached at [jbarry@ycst.com](mailto:jbarry@ycst.com).

# *Reflections on 75 Years of Civil Legal Aid*



**WILLIAM M. LAFFERTY, ESQUIRE**  
MORRIS NICHOLS ARSHT & TUNNELL LLP  
CCJ LEAD CAMPAIGN CHAIR

Delaware's three nonprofit civil legal aid agencies, Community Legal Aid Society, Inc. (CLASI), Delaware Volunteer Legal Services, Inc. (DVLS), and Legal Services Corporation of Delaware, Inc. (LSCD) provide essential, life altering, and community preserving legal assistance to the most vulnerable among us. This year is an exciting year for each agency, as we celebrate 75 years of legal services in Delaware with the anniversary of CLASI's founding, 40 years of DVLS, and 25 years of LSCD. The nobility of the work these three organizations do each day is unmatched.

The Combined Campaign for Justice (CCJ) raises money for each of these three nonprofits and represents the embodiment of "the Delaware Way" — lawyers and non-lawyers recognizing the critical importance of providing equal access to justice to low income and vulnerable Delawareans and rallying together to support Delaware's three nonprofit civil legal aid agencies. Funds raised by CCJ

represent 15 percent of the combined operating budgets of these agencies enabling them to serve another 1,000 people who would otherwise have gone unrepresented in matters that are critical to their safety, health, and well-being.

Due to the economic and health crises caused by COVID-19, legal aid is more vital than ever in the frontline defense against issues related to unemployment, housing, public benefits, and domestic violence. Legal aid can help keep people stable, housed, and secure. Together, we can make a powerful difference in helping our neighbors and community members through this crisis. If you are in a position to contribute now, that would help immensely as the agencies prepare for an expected unprecedented increase in demand over the course of this year. On behalf of myself and the entire CCJ leadership team, we thank you for helping us narrow the justice gap in Delaware and congratulations to our three agencies on their prominent anniversaries!





**CYNTHIA L. DEPUE, ESQUIRE**

LEGAL SERVICES CORPORATION  
OF DELAWARE, INC.  
EXECUTIVE DIRECTOR

I had been interested in a career in public service when I first attended law school. I'd been in private practice but decided I still wanted to pursue that goal. In 2003, I was hired by Doug Canfield as a Staff Attorney in our Dover office. Since then, I've enjoyed accomplishing LSCD's mission of providing legal representation and advocacy on behalf of individuals who would ordinarily be precluded from representation because of the cost of hiring an attorney. It is a career that is both rewarding and challenging. Through various rounds of funding cuts and other obstacles along the way, LSCD has continued to strive to provide quality representation and zealous advocacy for Delawareans who would otherwise be left to fend for themselves in the legal arena.

During the last 18 months, as we've all adjusted to both professional and personal challenges during the pandemic, I've been struck by the dedication of our staff and their willingness to face obstacles with good humor and grace, as well as offering creative solutions to meet the needs of our clients. I've also been impressed by the willingness of other members of Delaware's legal community to support and assist our efforts, and who have joined together to help the three legal aid agencies secure resources to enable us to continue to fulfill our respective missions well into the future.

Beginning my tenure as Executive Director during the pandemic has brought some unique challenges and I credit my predecessor, Doug Canfield, who led LSCD for the past 25 years, with helping me meet those challenges. He has been both a mentor and a friend, and someone I have been able to turn to for guidance about matters which would have been much more daunting without his knowledge and insight. Doug worked tirelessly on behalf of LSCD's clients and the low income community in Delaware. He never took his eyes off of the big picture while at the same time recognizing the circumstances and challenges faced by LSCD's clients. He mentored many attorneys throughout his tenure at LSCD and always encouraged them to find effective and creative solutions for their clients' situations. As we recognize our 25 year milestone here at LSCD, I want to personally thank him, as well as extend thanks to him from LSCD's employees and our Board of Directors, for his commitment to accomplishing our goal of providing effective legal advocacy and representation for vulnerable Delaware citizens.

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**JUSTICE RANDY J. HOLLAND**

WILSON SONSINI GOODRICH &amp; ROSATI, SENIOR OF COUNSEL

The Delaware State Bar Association is emphasizing the importance of providing legal services for the poor. It is an appropriate time to pay tribute to a champion of that cause, Doug Canfield, on his retirement from the Legal Services Corporation of Delaware, Inc. Doug has

devoted his professional career to the goal of LSCD: “protecting low income families in the areas of safe and affordable housing, financial stability and consumer protection.” It was inspiring each year for the Bar Foundation to hear Doug relate the accomplishments of LSCD when he made the annual presentation for an IOLTA grant. Justice O’Connor said that a law degree gives one the key to the

courthouse with an obligation to open the courthouse doors for both the rich and the poor. Doug put those words into action as he worked to achieve LSCD’s mission: “to use the practice of law to help low income families in Delaware.” We thank Doug and salute him for his unselfish legal representation that made a qualitative difference in the lives of thousands of low-income Delawareans.

**JUDGE JAMES G. MCGIFFIN, JR.**

FAMILY COURT OF THE STATE OF DELAWARE

Forty years ago I was a serious music student without a passion for life as a serious musician. I was a versatile and competent bass player, but I did not burn with desire to make music my mission. I faced graduation with a music degree and no path to personal happiness and fulfilment. I knew law school would accept me with my music credential, so I sat for the LSAT to encourage results. Without committing to the idea, I applied to schools. I discovered I was an acceptable prospect. I enrolled with Atticus Finch and Arthur Kirkland<sup>1</sup> as my role models.

My first year of law school was a dreadful ordeal, but I survived. In my second year, to avoid the classroom as much as possible, I signed up for the civil legal clinic. I was obligated to spend at least 20 hours each week for both semesters handling cases for disadvantaged folks. I was immersed in poverty law — I did divorces, landlord-tenant disputes, a Supplemental Security Income appeal to Federal District Court. And I loved it. With my humble skill and knowledge I could help people improve their lives. That was a career path that sparked passion.

My job search covered every civil legal services program from as far west as Pittsburg and as far south as Richmond. As luck would have it CLASI had received some new money, generated by the nascent IOLTA program, and was hiring staff attorneys. I was one of those new attorneys.

I started in the poverty law program in the Georgetown office, under the tutelage of Bill Moore. Bill is a brilliant and eccentric lawyer who inspired me with the love he demonstrated for our clients and taught me to channel my own passion productively. After 18 months I moved to Dover to manage that office, and responsibility became my teacher.

As CLASI’s representative in Kent County, I joined with agencies and in activities to help our current and potential clients. My initial interest was in addressing the affordable housing crisis. I joined other advocates and experts in the Delaware Housing Coalition, shedding light on the problem and suggesting solutions.

Governor Carper appointed me to the position of Family Court Commissioner and in that job dove deeply into the issues of domestic violence. After serving a four-year term, I succeeded Judy Schuenemeyer as CLASI’s Executive Director. With Deputy Director Chris White at my side, I helped CLASI enjoy a period of program growth.

As much as I enjoyed the Executive Director job, I missed the day-to-day lawyering of a staff attorney, so when such a job opened in Dover (where I live), I proposed to the Board of Directors that I step down from the big chair and resume direct client service. Fortunately, Chris White was ready to take the reins and did so without missing a beat. For the next 11 years I toiled in the Family Court for victims of domestic violence, in the Justice of the Peace Court for tenants facing wrongful eviction, and in various venues for manufactured home owners holding community owners to the law. I was helping lots of people and I was happy.

I believe many of us have a calling. We are meant to do something to make the world a better place. My colleagues at CLASI shared my calling to work with skill and passion for folks in great need. The reward of answering that call is immeasurable. And I still have fun playing the bass on the weekends.

**Notes:**

1. The protagonist of the movie *And Justice for All* (1979), played by Al Pacino.





**DANIEL G. ATKINS, ESQUIRE**  
COMMUNITY LEGAL AID SOCIETY, INC.  
EXECUTIVE DIRECTOR

Seventy-five years ago three giants of the Delaware legal community created the legal aid society in Delaware. Collins J. Seitz and William Poole came up with the idea, and Clarence Southerland (who later became the first Chief Justice of the Delaware Supreme Court) secured the necessary financial and community support. The first-year budget was \$3,600 (raised almost exclusively from members of the Bar Association) and the one part-time attorney served 204 clients in civil and criminal matters. The civil cases mostly involved matters involving family law and public benefits — in particular, the GI Bill for WWII veterans. There was a pressing concern nationally and in Delaware that the widows and children of the veterans be protected.<sup>1</sup>

Today, Community Legal Aid Society, Inc. (CLASI) unsurprisingly looks different. We now operate with a budget of \$7 million, 60 staff members including more than 30 lawyers, and a full-service office in each county helping 4,000 families a year. We have units focused on domestic violence, immigration, housing, public benefits, disability, and elder law. We administer 35 funding sources: federal, state, county, philanthropic — with accountants, development professionals, and support staff to keep it all in order. Today, we represent more than just people who are poor — we help people with disabilities, the elderly, immigrants, and members of almost any marginalized population.

But in some fundamental ways, decades later, some things remain the same. Today, half of Delaware's civil legal aid cases involve housing or domestic violence. The bread and butter of our work remains helping people, just like we did in 1946, with issues necessary to keep people housed and safe. While our funding sources are diversified, we still rely heavily on the generosity of the Delaware Bar for support through our Combined Campaign for Justice which funds about 15 percent of the work of three civil legal aid agencies. And perhaps most glaringly, the demand for our services still far outstrips available resources. Studies repeatedly show that around the country, and in Delaware, more than 80 percent of the civil legal needs are going unmet.<sup>2</sup>

*Today, we represent more than just people who are poor — we help people with disabilities, the elderly, immigrants, and members of almost any marginalized population.*

Nevertheless, we have achieved significant successes over the years: removing lead paint from public housing, establishing due process rights for public benefit recipients, ending the use of solitary confinement in state prisons, and most recently, increasing public school funding for children in low-income communities. These and other victories were won because of the tireless work of so many — clients, partners, people who have dedicated significant portions of their careers, their lives, to working at CLASI. It is not easy work — our clients are in precarious circumstances, the law does not right every wrong, and there is no worse feeling than not being able to help people who need us so much.

CLASI has survived, and in fact thrived for 75 years, in no small part due to the Delaware Bar's and judiciary's respect for the work we do. CLASI's success is a reflection of the commitment and support we receive from you all in the Delaware Bar. We are grateful for that support and feel privileged to be able to do work that remains so vitally important to so many of our community members. Please continue to reach out to us when you know of anyone who could use our help.

#### Notes:

1. I owe thanks for this paragraph to the excellent history of legal aid in Delaware written by CLASI's former executive director, Judith Schuenmeyer, in *The Delaware Bar in the Twentieth Century* (1994).
2. *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*. Legal Services Corporation (2017) accessed at <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/justice-gap-report>; Delaware Access to Justice Commission Reports of the Subcommittee on the Efficient Delivery and Adequate Funding of Legal Services to the Poor (2017) accessed at <https://courts.delaware.gov/supreme/access.aspx>.

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**JANINE N. HOWARD-O'RANGERS, ESQUIRE**DELAWARE VOLUNTEER LEGAL SERVICES, INC.  
EXECUTIVE DIRECTOR

As we approach the 75th Anniversary of Civil Legal Aid in Delaware, I am proud to say that I have been a part of this community for more than 25 years in one capacity or another. My interest in the law was piqued in a seventh grade social studies class when my teacher would regale us with stories of his sister, a civil legal aid attorney in the Midwest, who provided legal services to low-income Native Americans. That was the year I decided that I wanted to be a lawyer when I grew up and obviously I never changed my mind. Over the years through high school, college, and law school I continued my pursuit of my goal to become a lawyer. By the time I entered law school I believed I would be better suited to a career in corporate law or transactional work. I focused my studies on various corporate law classes like Corporate Finance and Mergers and Acquisitions. My reintroduction to legal aid occurred over the summer between my first and second years of law school when I volunteered with Delaware Volunteer Legal Services, Inc. (DVLS) conducting intakes for the agency. At the same time, I also worked for a Delaware office of a large law firm as a paralegal/law clerk continuing to believe that I was destined for a career in corporate law.

In my final year of law school, at the suggestion of my first legal mentor, the late Professor Christine McDermott, I made the fateful, life-changing decision to take a clinic so that I could face my reticence about litigation. What I discovered was a love of litigation and a real passion for helping those in need and I have never looked back. I was assigned to be the law clerk for then Domestic Violence Attorney, now Professor, Dana Harrington Conner. I was in awe of Dana as I assisted her in representing hundreds of victims of domestic violence in securing protection from abuse, custody of their children, and divorce from their abusers. To put it lightly, Dana was a whirlwind, and I learned a tremendous amount about practicing law in Delaware in Family Court. Having Christine and Dana as mentors so early in my career had a significant impact on all my career choices through the years. These strong women are two of the most dedicated advocates I have had the opportunity to work with and I am honored to be able to call them my friends.

I started my career at DVLS as a staff domestic violence attorney. After three years, I decided to go into private practice. I truly feel as if my time in private practice made me a much better lawyer and I became more well-rounded as a professional. I continued taking on *pro bono* cases and helped DVLS with CLE presentations and always encouraged my colleagues to get involved in *pro bono* work. After a few years of private practice, an opportunity arose to apply for a new staff attorney position with DVLS that combined litigation with recruitment and training of

*pro bono* attorneys. I jumped at the opportunity to return to the legal services community. In fact, I recall one Family Court Commissioner commenting that she was not surprised I returned to DVLS as she always thought that was where my heart was. I guess I should have known that legal aid is where I belonged given the roots of my interest in the law. In 2004, I was selected to be the next Executive Director of DVLS, and I am proud to say that I have been the longest serving Director for the agency. I cannot say enough good things about the Delaware legal aid community. The legal services providers in Delaware have a very collegial and collaborative relationship that I believe is unrivaled. We are also lucky to have a very supportive legal community in general. Many members of our esteemed Bar contribute their time and money to support legal services. In the first year of operations, DVLS was able to recruit 150 volunteer attorneys. Today we have a roster of approximately 800 volunteer attorneys. Prior to the pandemic we regularly would place 500 or more cases a year with *pro bono* attorneys through our various programs. Although that number has decreased as we have navigated the pandemic, I am confident that the Delaware Bar will step up as it always does, and we will return to our pre-pandemic numbers.

I would also be remiss if I did not mention the incredibly dedicated staff of DVLS. Each member of the DVLS team is committed to making the world a better place and to doing our best to make access to justice available to as many deserving individuals as we can. I would like to recognize staff member Tina Ventresca, who has been with the agency since 1993, first as Legal Secretary, then Executive Assistant and now as Director of Finance and Administration. She serves as the backbone of the agency staff and is the longest tenured staff member of DVLS. Although all the DVLS staff are invaluable members of our team, I would like to specially thank staff attorney Jacki Chacona for her incredible commitment to the organization and her unwavering support of the agency. Jacki is one of the hardest working individuals I know, and I would be lost without her constant support

Christine McDermott holding Dana Harrington Conner in the 1990s at a DVLS office gathering. Tina Ventresca is in the background.



The DVLS staff in the 1990s.

and encouragement. Jacki is not only a great friend to me, but she is my work confidant and sounding board. I can always rely on Jacki for her sound judgment when evaluating possible programs and policies for the agency.

The DVLS Board of Directors also deserves our congratulations on leading the agency through its formation 40 years ago to the vibrant agency it is today. I want to specifically thank David Brown for his years of dedication to DVLS. Among others, David was one of the original founders of the agency in 1981. He served longer than any other Board President for the agency and continues to serve on the Board to this day. David is an invaluable member of Board as he brings a wealth of information and historical context to the table at Board meetings. I have had the pleasure of serving as the Executive Director of the agency during the Board Presidency of several esteemed members of the Delaware Bar, including Karen Jacobs, Rich Morse, John Dorsey, and Tiffany Poole. Each of them brought their own unique strengths to the Board in leading the agency forward but what they all had in common was a commitment to the strength and growth of the agency and in serving the community and securing access to justice for as many as our resources will allow. I have frequently said that if I had followed my initial inclination to go into corporate law I would be much richer financially, but I do not know that I would be as rich as I am personally and professionally. Here's to the next 75 years of civil legal aid in Delaware!

## PROFESSOR DANA HARRINGTON CONNER

WIDENER UNIVERSITY  
DELAWARE LAW SCHOOL

My first encounter with Delaware Volunteer Legal Services, Inc. (DVLS) was in 1989 when I was in my first year of law school at Delaware Law School (DLS). I met with a law professor about my desire to become a Delaware attorney and he recommended I speak with a woman named Christine McDermott. Christine was the executive director of DVLS and a law professor. At the time, DVLS was located in Shipley Residence Hall, an old dorm building with a converted first floor for DVLS office space and the law school clinical programs. I recall this meeting very well. Christine's energy and personality were captivating. To this day, whenever I think about DVLS, Christine comes to my mind.

We met in the first few weeks of my first semester of classes and Christine was very clear that I should focus on my studies and come to see her once I had successfully completed my first year of law school. I gave her a copy of my resume and asked her to contact me if she needed any help. Yet, I feared I would not hear from her. In January, following our August meeting, Delaware had a snowstorm. My phone rang and it was Christine. She said she was calling to ask me if I could make my way to the office to help answer the phone lines. That was the beginning of my long-term relationship with Christine and DVLS.

I ended up volunteering to answer the phone on a limited basis in my second semester of law school. In the first semester of my second year, I again volunteered to answer the phones, primarily conducting intake interviews for perspective clients. In my second semester of that year, Christine provided approval for me and another student to enroll in the clinic and work for DVLS for a course credit. During that semester I engaged in outreach at the Sunday Breakfast Mission speaking with prospective clients, conducting intake interviews, and providing limited advice. It was during that time that I met my husband, Todd Conner, who was a certified legal intern working for the clinic and DVLS.

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In my third year of law school, I was admitted to the limited practice of law, pursuant to Delaware Supreme Court Rule 56, and represented indigent clients in need of legal representation in the Family Court. My experience working with Christine, DVLS, and the DCC (Delaware Civil Law Clinic) led me back to DVLS in 1994, when the agency was seeking a domestic violence (DV) attorney shortly after the Protection from Abuse Act was enacted in Delaware. DVLS obtained Victims of Crime Act (VOCA) funding in order to provide legal assistance to survivors of intimate partner violence statewide.

Serving as the DV attorney was one of the most difficult and rewarding experiences I have had in my legal career. I handled Protection from Abuse (PFA) cases, as well as custody, visitation, and divorce matters in all three counties in the State of Delaware in the early years. My primary office was located at the YWCA in the City of Wilmington. The office space was so small that I could reach everything in the room without getting up from my chair. It was a very cozy space to meet with my clients and put them at ease so they would feel comfortable sharing their personal and often difficult accounts of the abuse they suffered. The clients were the same as they are today, very grateful for the representation that DVLS was able to offer free of charge.

The opportunity DVLS provided to me was invaluable. I learned from the best, which made me want to do my best. My mentors included Christine McDermott, David Brown, Dick Kirk, and Karen Jacobs. They were fantastic lawyers willing to take time out of their busy schedules to help a new attorney figure out how to practice law.

***The opportunity DVLS provided to me was invaluable. I learned from the best, which made me want to do my best.***

In 1996, I was promoted to managing attorney. I served in that capacity until Delaware Law School hired me as a full-time faculty member in 2004. I was very fortunate to work with some talented attorneys hired by DVLS in the 1990s, including but not limited to Janine Howard-O'Rangers, Jacki Chacona, Karin Volker, Bill Dunne, and Sonal Patel. The work we engaged in was very serious and at times difficult to handle given the gravity of our clients' circumstances. Yet, it was also a very enjoyable experience as everyone was so committed to the success of the organization and to each individual client.

The one constant at DVLS is Tina Ventresca, the Director of Finance and Administration. Yet, the title does not do justice to the many responsibilities Tina has at the agency. To my knowledge, Tina has been with DVLS longer than any other employee in the history of the organization. Moreover, Tina was instrumental in securing the VOCA and VAWA grants that sparked my lifelong commitment to survivors of intimate partner violence.

I am very thankful for the DVLS Board of Directors, past and present, as well as the DVLS staff and volunteers for all of their important work over the past 40 years. The State of Delaware is very fortunate to have such a dedicated and hard-working group of individuals who have accomplished so much, in what many of us would say, is such a short timeframe. 🏛️

## ***Introducing: Lunchtime with Legal Aid!***

Community Legal Aid Society, Inc. (CLASI) was founded in 1946 by a group of Delaware attorneys who were striving to meet the unmet need of civil legal services in the state. CLASI's creative and persistent advocacy on behalf of vulnerable and underserved Delawarean's has helped thousands across the state secure greater equity. In the years following CLASI's inception, Delaware Volunteer Legal Services, Inc. (DVLS) was founded. DVLS began in 1981 with the mission to help members of the Delaware Bar provide free legal services to folks in crisis who qualified for assistance. Twenty-five years ago, Legal Services Corporation

of Delaware, Inc. (LSCD) was founded to ensure that the legal service industry was reaching as many people as it could, statewide. These three organizations have worked incredibly hard over the last 75 years to help ensure that more and more Delawarean's had access to representation through some of their most challenging life experiences.

As the COVID-19 pandemic ravages on, these organizations have done their best to continue to show up for their client populations, the legal community, and each other. Join us this fall for our Lunchtime with Legal Aid series and hear from the folks on the front lines about the important work that

these organizations are doing. Each month from October to December one of the three legal aid agencies will be sitting down with you on Zoom, to share their experiences and answer questions you have about the work. 🏛️

### **SAVE THE DATE!**

**CLASI:** 12 p.m. - 12:45 p.m. on October 27, 2021

**DVLS:** 12 p.m. - 12:45 p.m. on November 10, 2021

**LSCD:** 12 p.m. - 12:45 p.m. on December 15, 2021



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## 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 Lauren Delle Donne at [ldelledonne@dsba.org](mailto:ldelledonne@dsba.org).

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# Celebrating Access to Justice

BY CAROLEENA GOLDMAN

**T**his year, the theme for the National Celebrate *Pro Bono* week is “Moving forward in a post-pandemic world.” In the past and especially this year, the need for services is incredibly important through tough economic times and to spread access to justice to poor and vulnerable populations. The Delaware State Bar Association celebrates efforts all year round, but especially highlights the work of those in our legal community during October that go above and beyond to help those in need.

Prior to 2007, the *Pro Bono* Awards were given by Delaware Volunteer Legal Services, Inc. (DVLS) to those attorneys who demonstrated a commitment to providing *pro bono* service. Later, *Pro Bono* Awards were broken down into three different categories: the Leadership Award, the Commitment Award, and the Achievement Award. In 2010, these awards were renamed to the Christopher W. White Distinguished Access to Justice Awards in honor of Chris White, who was a long-time attorney with Community Legal Aid Society, Inc. (CLASI) and a member of the Delaware State Bar Association. He worked selflessly to advocate on behalf of the impoverished, homeless, disabled, elderly, and troubled people of Delaware. As many already know, CLASI is supported by the Combined Campaign for Justice of Delaware and joins DVLS and the Legal Services Corporation of Delaware, Inc. to give free legal services to our state’s most vulnerable residents.

In 2009, DSBA joined the National *Pro Bono* Celebration Week to dedicate one week in October to highlight the

**In the past and especially this year, the need for services is incredibly important through tough economic times and to spread access to justice to poor and vulnerable populations.**

hard work of our Delaware attorneys, paralegals, and staff members. The National Celebrate *Pro Bono* Week was created to recognize the professional responsibility and individual ethical commitment that each lawyer possesses to do their part in *pro bono* work.

In 2010, the DSBA position of *Pro Bono* Coordinator was created and led by Susan Simmons. She began this journey for DSBA, and I am happy to follow in her shoes as she has since retired. At the time of this position being created, the incoming DSBA President Matthew M. Greenberg, Esquire, noted:

We are fortunate that Delaware lawyers have always been actively involved in *pro bono* efforts. The DSBA seeks to help in coordinating and identifying new opportunities for attorneys who have yet to participate. I am excited to welcome Susan who will be an excellent catalyst for the Bar’s *pro bono* efforts. With Susan’s help, we will be able to roll out some new *pro bono* programs and enhance existing programs.

Part of Susan’s legacy was that she was key to the creation of the Legal Professional *Pro Bono* Service Award which is given 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. Unlike our other awards, this is given only as warranted not necessarily annually.

On Sunday, October 24, DSBA is partnering up with DVLS for the semi-annual Wills for Seniors event. The Wills for Seniors event offers at no cost, estate-planning services that include wills, advance health care directives, and financial powers of attorney services. Volunteer attorneys are paired up with clients for an hour session where all documents are signed, witnessed, notarized, and in effect. Parcells and the DSBA Multicultural Judges and Lawyers Section are always generous sponsors of this event. Jacki Chacona of DVLS always brings together an incredible army of volunteer attorneys, paralegals, and staff members to help the day run smoothly.



The 2021 Christopher W. White Distinguished Access to Justice Breakfast Awards will take place at the Riverfront Events/Hyatt in Wilmington on Monday, October 25 starting at 8:00 a.m. This year, we have an extraordinary number of nominations and sponsors compared to previous years including award recipients for all five categories which does not always happen. I am pleased to announce our winners for 2021.

The Leadership Award will be presented to the Ferry Joseph, P.A. firm. 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. Ferry Joseph, P.A. was nominated by Jacki Chacona on behalf of Delaware Volunteer Legal Services, Inc. This firm has been working with DVLS for over 30 years and fosters an environment of encouraging their attorneys to get involved. Jacki also highlighted through her nomination that 70 percent of attorneys currently at Ferry Joseph, P.A., are active or past volunteers of DVLS and this firm has assisted with nearly 100 cases.

The Commitment Award will be given to Jill Spevack De Sciuillo, Esquire, of Morris James LLP. 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. Jill serves as the *Pro Bono* Coordinator for her firm and actively represents clients in family law and domestic relations matters. Jill was also nominated by Jacki Chacona on behalf of Delaware Volunteer Legal Services, Inc. She began taking cases with DVLS in 2004, and since then has worked on over 40 cases and serves as a mentor to new volunteers.

The Achievement Award will be presented to Chad S. C. Stover, Esquire, of Barnes & Thornburg LLP. This award is presented to a member of the Bar

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## Congratulations to the 2021 Awardees



### The Achievement Award

CHAD S.C. STOVER, ESQUIRE  
BARNES & THORNBURG LLP

This award is presented to a member of the Bar who has shown an exemplary recent contribution to *pro bono* services (generally in the last one to three years) and stands as a role model to other attorneys. The criteria includes, but is not limited to: The number of *pro bono* hours recently devoted to the legal representation of indigent clients over the lawyer's career; the number of cases accepted for *pro bono* representation; consistency, flexibility, and accessibility in accepting *pro bono* cases; and the lawyer's commitment and service on committees dedicated to promoting and supporting the provision of legal services to those in need.



### The Commitment Award

JILL SPEVACK DI SCIULLO, ESQUIRE  
MORRIS JAMES LLP

This award is presented to a member of the Bar who has demonstrated 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 criteria includes but is not limited to: The number of *pro bono* hours devoted to the legal representation of indigent clients over the lawyer's career; the number of cases accepted for *pro bono* representation over the lawyer's career; and 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 Leadership Award

FERRY JOSEPH, P.A.

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, but not limited to the following criteria: 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; and fostering a culture that recognizes the value of *pro bono* services.



### The Service to Children Award

RICHARD H. MORSE, ESQUIRE  
COMMUNITY LEGAL AID SOCIETY, INC.

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. The sculpture reflecting this award was created by Charles Allmond, Esquire, and donated by the former and current partners of the Wilmington office of Duane Morris LLP and is on display in the offices of the Delaware State Bar Association. A plaque is given to the recipient in recognition of this award.



### The Legal Professional Pro Bono Service Award

SHARYN HALLMAN, DCP  
NEW CASTLE COUNTY OFFICE OF LAW

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



# Access to Justice

For the Public Good



The Delaware State Bar Association's

## Wills for Seniors



**Sunday, October 24, 2021  
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Volunteers offer, at no cost, estate-planning services such as wills, advance health care directives and financial powers of attorneys. Appointments last about one hour and clients leave with all documents signed, witnessed, notarized and in effect. Clients take all paperwork with them when they leave and the documents are immediately effective.

**Wills Training will be hosted by DVLS at the DSBA on 10/19 from 9 a.m. to 11 a.m.**

**Contact Jacki Chacona at (302) 478-8680 x212 or [jchacona@dvls.org](mailto:jchacona@dvls.org) to confirm your eligibility and sign up for the event or to register for the training.**

## ACCESS TO JUSTICE

CONTINUED >

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. Chad was nominated by both his wife Jennifer C. Wasson, Esquire, of Potter Anderson & Corroon LLP and separately from John Balaguer, Esquire, and Roopa Sabesan, Esquire, both from White and Williams, LLP. Chad is a part of Barnes & Thornburg's *Pro Bono* Committee. His dedication to his clients goes beyond the courtroom as he continues to stay in touch and do as much as he can even when the case is over.

The Legal Professional Award will give awarded to Sharyn Hallman, DCP of the New Castle County Office of Law. This is 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. Sharyn serves as the Public Relations Director of the Delaware Paralegal Association of which she has been a member for over 15 years. She was nominated by Claudine Smith, the *Pro Bono* Director of the Delaware Paralegal Association. Sharyn has volunteered for DSBA's Wills for Seniors, the DE High School Mock Trial, Wills for Heroes, and numerous other organizations.

The Service to Children Award will go to Richard Morse, Esquire, of Community Legal Aid Society, Inc. This award is given 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.



**For more information on the DSBA Access to Justice page please visit [www.dsba.org](http://www.dsba.org) and for ideas/suggestions, please email the Director for Access to Justice, Caroleena Goldman at [cgoldman@dsba.org](mailto:cgoldman@dsba.org).**

Richard was nominated by Daniel G. Atkins, Esquire, who is the Executive Director of the Community Legal Aid Society, Inc. Richard led large litigation efforts that have successfully ended solitary confinement in Delaware's prisons leading to the change of how revenue is raised and distributed to benefit children in public schools. Richard has worked or been a member of DVLS, Combined Campaign for Justice, ACLU of Delaware, Office of the Child Advocate, and many other organizations.

Congratulations and thank you to the 2021 Christopher W. White Distinguished Access to Justice Award winners! The number of nominations and sponsorships show just how much your work has been recognized and DSBA is always proud of our Bar's commitment. Thank you to our legal community here in Delaware who donate their time, energy, and talent to provide access to justice for our communities. As said best by Susan Simmons, "*Pro Bono* is not just the right thing to do in the current climate, it is also the smart thing to do."



**Caroleena Goldman** is the new Director for Access to Justice and Small Firms. She joined the DSBA team three years

ago after graduating from the University of Delaware with a Bachelor of Arts degree. She can be reached at [cgoldman@dsba.org](mailto:cgoldman@dsba.org).

**Pro Bono is not just the right thing to do in the current climate, it is also the smart thing to do.**

# The Art Connolly Race Judicata 2021

BY PAT QUANN, EXECUTIVE DIRECTOR  
DELAWARE LAW RELATED EDUCATION CENTER

**T**he 16th Annual 5K Walk/Run was held at the Midnight Oil Brewing Company in Newark on Saturday, June 5, 2021. It was managed by Races2Run. The event was sponsored by the Young Lawyer's Section of the Delaware State Bar Association and coordinated by Nicolas E. Jenner, Esquire, from Landis Rath & Cobb LLP and Justin E. Mann, Esquire, from Greenberg Trauring LLP. The Race was opened by Retired Judge M. Jane Brady, President of the Board of Trustees of DELREC and by Chip Connolly, Esquire.

The Art Connolly Race Judicata raised nearly \$10,000 for the Center. We deeply appreciate the generous support from the following firms and individuals:

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# A Temptation Better Resisted

THE  
*Authority of  
the Court  
and the Peril  
of Politics*  
STEPHEN  
BREYER

## *The Authority of the Court and the Peril of Politics*

By Stephen Breyer  
Harvard Univ. Press, 2021

**T**he last year has seen increasing calls for Justice Stephen Breyer (appointed by a Democratic President) to step down from the Court and allow the current President (also a Democrat) to appoint his successor, particularly as there is a chance the Senate will not be controlled by Democrats after the 2022 election. So far, Breyer has not announced any plans to step down.

In his new, short book, *The Authority of the Court and the Peril of Politics*, Breyer argues against the notion that the Supreme Court is a political institution and that suggested “reforms,” premised on the Court as nothing more than another political body, are a mistake and would, ultimately, weaken the Court and the rule of law. In doing so, he also provides an implicit answer to those calling for him to step down for political reasons — he is not going to do something which suggests that the Court is a political body.

Breyer’s book is a short, quick read; but, it is well-written, well-argued, and well done. He divides his book into three parts. In the first part, he looks at the Court’s power in general. That is, from where does the Court derive its power, and why is the Court obeyed? This is not quite as easy a question to answer as one may think. The Court has been described as the least dangerous branch. It has neither the power of the purse nor the sword. And the Court has not always had a happy history when it comes to respect for its decisions. In 1832, when the Court ruled in favor of the Cherokees, President Jackson is purported to have said “John Marshall has made his decision; now let him enforce it.” The President did nothing to enforce the ruling, and the Cherokees were forced to march the Trail of Tears. Not a great moment in United States history and not a great moment for the Supreme Court and the rule of law. But, over time, the Court gained stature to the point where its decisions today are not just followed, but no one questions whether its decisions should be followed. When Al Gore lost *Bush v. Gore*, he told his supporters: “Don’t trash the Supreme Court;” and, when the Supreme Court ruled in favor of detainees at Guantanamo Bay, President George W. Bush said, “We’ll abide by the Court’s decision. That doesn’t mean I have to agree with it.”

In the second part of his book, Breyer discusses what the Court does to ensure that its decisions are followed, and, chief among these strategies is the simple principle that the Court will avoid basing a ruling on the Constitution where possible. Indeed, ordinarily, the Court’s rulings deal with statutory questions and administrative regulations and policies. If a Court interprets a word or phrase in a statute one way, but Congress and the President disagree, those branches are free to amend the statute at issue. Similarly, when reviewing executive decisions and actions, the Court ordinarily will defer to those decisions and actions — when the proper administrative procedures have been followed. And, if such procedures have not been followed, the executive branch can still pursue the action once it has complied with the proper procedures. Only when the Court bases its decision on the Constitution,



**Anytime any Justice of the Supreme Court takes the time and effort to write a book or give a lecture, that time and effort is worth the review of any practicing attorney, as well as the general public at large.**

are the other branches bound to follow. And so, the Court will ordinarily be hesitant to rule based on constitutional grounds. Again, over time, the Court has cautiously and assiduously built up its own reputation such that the public expects Congress and the President to follow its decisions. At the same time, though, the Court has never overplayed its hand, basing the majority of its decisions on non-constitutional grounds, which allows the other branches room to maneuver and creates a form of dialogue among the branches.

The third part of Breyer's book is the longest and the most important — the dangers of the Court being perceived as political and the erosion of support for the Court and the rule of law such perception can create. Breyer points out that decades ago, the press would rarely, if ever, when reporting on a judicial decision, mention the name or political party of the President who appointed the judge (happily, this is still the case in Delaware, with our political balance requirement). Yet, today, virtually any news story reporting on a District or Circuit decision will indicate the political party of the judge or judges involved and the President who appointed them — implying that the decision rests, at least in part, on that factor. Over the same course of time, judicial approvals in the Senate have increasingly occurred on party-line votes; something that never would have happened years ago. Justice Ginsberg was approved by a vote of 96-3; and, Justice Scalia was approved by a vote of 98-0. Both were well-qualified, even if one didn't necessarily agree with all their views; but, today, either such nomination would lead to a pitched Senate battle.

Breyer resists the notion that judges and Supreme Court Justices are politicians simply espousing the views of one political party or the other. He points to a slate of Supreme Court decisions over the last ten years, some of which might be described as "liberal," others as "conservative." The Court is not "political," nor is it politically-motivated.

Nevertheless, given the current state of reporting, and the growing perception that judges are political, Breyer is concerned:

[w]e [should not] be surprised if proposals for structural change of the Court become a topic of general public concern. But structural change represents a temptation better resisted. For if the public comes to see judges as merely "politicians in robes," its confidence in the courts, and in the rule of law itself can only decline. With that, the Court's authority can only decline, too, including its hard-won power to act as a constitutional check on the other branches. Thus a short-term victory in the great zero-sum game that our politics has become could bring about grave structural damage not only to an essential constitutional institution but also to our system of government.

Breyer goes on to suggest some things that the Court, as well as lower courts, can do to alleviate the problem. He also suggests things that we, as attorneys, as citizens and as a society, can do as well — first and foremost being education and a renewed emphasis on teaching civics (a 2016 survey indicated only one in four Americans could name all three branches of government). His suggestions are all well-taken.

Anytime any Justice of the Supreme Court takes the time and effort to write a book or give a lecture, that time and effort is worth the review of any practicing

attorney, as well as the general public at large. Breyer's argument may seem naïve to some in this day and age, when everything seems to be politicized, but the argument nevertheless has force and it is something which we would ignore at our country's peril. He concludes his work on a hopeful note:

I am an optimist. The rule of law has weathered many threats, but it remains sturdy. I hope and expect that the Court will retain its authority, an authority that ... was hard-won. But that authority, like the rule of law, depends on trust, a trust that the Court is guided by legal principle, not politics. Structural alteration of the Court motivated by the perception of political influence among justices can only feed that same perception, further eroding the public's trust. There are no shortcuts to trust. Trust in the Court, without which our system cannot function, requires knowledge, it requires understanding, it requires engagement — in a word, it requires work, work on the part of all citizens. And we must undertake that work together.

To the short list of "must read" books about the Supreme Court, I would add Justice Breyer's latest work. Whatever our political stripes, we should all be able to agree that the Court is not to be treated as just another political body. Indeed, the future of our country as a constitutional republic may depend on it. 📖

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**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](mailto:Richard.Forsten@saul.com).



**Julie M. O'Dell, Esquire**  
Associate  
Smith, Katzenstein & Jenkins LLP

*Julie is an associate at Smith, Katzenstein & Jenkins LLP, who concentrates her practice in corporate and complex commercial litigation. She is a Member of the Business Law Section of the ABA; Member of the Women and the Law, Litigation, and Corporate Sections of the DSBA; Assistant Secretary of the Rodney Inn of Court; and Member of the Young Lawyers' Committee for the Combined Campaign for Justice.*

**What are three of your personal goals for the remainder of 2021?**

1) I'm hosting my family for Thanksgiving this year, so one goal is to learn how to cook a turkey. For their sake, I hope I can accomplish this goal. 2) I'd like to break the 100 class mark on my Peloton. 3) I'd like to develop more of a green thumb. The chances of plants surviving in my house currently sits at about 50/50.

**What's the best advice you've ever received?**

The best piece I've ever received is that you'll get out of something what you put in. My dad instilled in my siblings and me from a young age that going the extra mile is worth it and that there is no substitute for hard work.

*If there is one thing the DSBA loves, it is recognizing our members for not only being great attorneys, but more importantly, being good people. "Member Spotlight" hopes to shine a light on folks outside of the four corners of their office and recognize them for their dedication to the profession, as well as being outstanding members of their family and communities.*



Photo Credit: DICKDUBROFF/FINALFOCUS

**What's on your desk right now?**

My desk must haves are blue sharpie pens (there's no better pen out there), dedicated notebooks for each of my cases (key for me to keep organized), a running to do list (I live for a good list), ice cubes gum (my favorite to keep fresh), and of course my dog, Hugo, is my background photo on my computer as a reminder why I need to work hard (so my dog can have a better life).

**What do you do when you're not at work?**

When I'm not working I enjoy spending time with my family and friends. I also enjoy going for walks and hikes with my dog in Alapocas Run State Park.

**“One of the most important things I've learned about the practice of law is the true importance of civility.”**

**What are you listening to right now? (e.g., music, news, TV, podcast)**

I've been watching a lot of Sebastian Maniscalco comedy specials on Netflix. He's hilarious and after a taxing week it's great to relax and have a few laughs.

**Who are you following on Instagram (or Twitter, Facebook, social media)?**

I follow so many different kinds of accounts on Instagram — news, reality TV (Bravo is my guilty pleasure), cooking, design, etc. My feed is eclectic but fun to scroll through.

**If I weren't an attorney, I would ...**

If I weren't an attorney I'd love to lean into my creative side and be an interior designer. I love thinking up a vision for a space and then putting it all together.





Julie with her dog, Hugo.

### Why do you enjoy practicing corporate/commercial law?

I enjoy learning about different industries depending on who the client is. During the life of a case, I find it interesting to get a glimpse into and learn some of the intricacies of a business that I'd otherwise have little to no familiarity with. I get a lot of fulfillment from untangling the complexities of the case along with becoming familiar with the business at issue.

### What is one of the most important lessons you've learned about practicing law?

One of the most important things I've learned about the practice of law is the true importance of civility. The way you address the Court, Court staff, and opposing counsel can have a huge effect on how your case will go. You can advocate for your client while also being respectful to all involved. 🕒

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

#### LET US KNOW!

If you would like to be featured in "Member Spotlight" or would like to nominate a Delaware attorney to be featured, please reach out!

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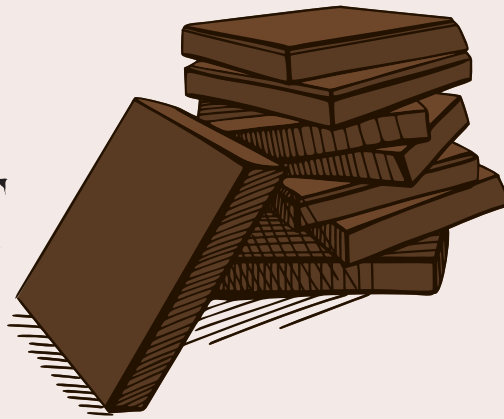






# Chocolate . . .

## ALWAYS A TREAT



Chocolate is synonymous with October and Halloween. After all, 90 million pounds of chocolate candy is sold in connection with Halloween versus 48 million pounds for Valentine's Day.<sup>1</sup> In this month's article, I suggest looking beyond the trick-or-treat bag for this sometimes sweet, sometimes bitter, treat.

### FERRARA'S RICOTTA CANNOLI

Since my first visit to an Italian bakery as a child, one of my favorite desserts has been ricotta cannoli. I'm old school when it comes to pastry, so no vanilla or chocolate custard filling for me. I like the texture of the chocolate chips blended into the sweet ricotta cream. While a trip to New York's Little Italy would be a treat, you can't beat the convenience of ordering Ferrara's delicacies online. A family business dating back to 1892, Ferrara's cannoli allow for maximum crunch by packaging the shells and cream separately. Just before serving, pipe the cream into the shells using the pastry bag provided. A soggy cannoli shell should never put a damper on a dinner party.<sup>2</sup>

### BERKSHIRE MOUNTAIN BAKERY'S BREAD AND CHOCOLATE

In Housatonic, Massachusetts, nestled in the Berkshires, you will find a bread bakery that equals any boulangerie in France. The founder, Richard Bourdon, was featured in a Netflix documentary called "Cooked" and distinguishes his breads by employing "the ancient art of natural sourdough baking." In the bakery's online shop, you can fill your basket with baguettes, ciabattas, and pizza crusts. While you won't find a chocolate croissant, you'll encounter the "Bread and Chocolate," a boule studded with Callebaut chocolate chunks. I enjoy it for breakfast, a snack, or dessert, lightly toasted and smeared with salted butter.<sup>3</sup>

### RUSS & DAUGHTERS' CHOCOLATE RUGELACH

Another New York icon, Russ & Daughters is famous for its bagels and lox along with its sweet baked goods. When stocking up on whitefish salad and pastrami cured salmon, I can't pass up a box of their homemade rugelach. In my opinion, the chocolate flavor is second only to the traditional raspberry. Like Ferrara's, Russ & Daughters has been a family business for generations – 107 years to be exact. For those of you who like trivia: The Russ family business was the first in the U.S. to have "& Daughters" in its name.<sup>4</sup>

### 34° CHOCOLATE CRISPS

Perhaps you have purchased the sesame or cracked pepper flavor of these gourmet snack crackers in your local grocery store. The company founder, Craig Lieberman, coined the name for the latitude in Sydney, Australia, where he encountered a very thin and crispy cracker. While you may not find the chocolate variety in markets, they are available online. I use a few to garnish a scoop of ice cream or a dollop of ricotta. They are equally delicious alongside an espresso or a spicy chai tea.<sup>5</sup>

## BITTERMENS XOCOLATL MOLE™ BITTERS

We've talked a lot about chocolate chips and chunks, but what about chocolate in liquid form? I'm thinking more cocktail than hot cocoa. Bittermens Xocolatl Mole™ Bitters showcase the flavors of cacao, cinnamon, and spice. Founded in 2007 by the Glassers, a husband-and-wife duo, Bittermens is now part of the Sazerac Company, headquartered in New Orleans. I find the mole bitters ideal for enriching a Taco Tuesday cocktail. One of my favorite creations consists of 1 jigger Bombay gin, ½ jigger white Vermouth, ½ jigger Mezcal, 1 jigger Campari, 1 dash Bittermens Xocolatl Mole™ Bitters, and the juice of ½ Meyer lemon. Shake, strain, and pour atop a large ice cube. The rich mole spices complement the smoky Mezcal and the sweet lemon quite nicely. You can find the small jar of bitters in a local liquor store or online.<sup>6</sup>

As Counselor Deanna Troi said: "I never met a chocolate I didn't like." (*Star Trek: The Next Generation*). 🍫

### Notes:

1. "Candy Fun Facts: Mobile Cuisine." Mobile Cuisine | Food Truck, Pop Up & Street Food Coverage, November 4, 2020. <https://mobile-cuisine.com/did-you-know/candy-fun-facts/>.
2. <https://ferrara.goldbelly.com/20478-large-cannoli-12-pack?ref=collection>.
3. <https://berkshireremountainbakery.com/shop/bread-chocolate/>.
4. <https://russanddaughters.goldbelly.com/chocolate-rugelach?ref=search>.
5. <https://34-degrees.com/products/chocolate-sweet-crisps>.
6. <http://bittermens.com/products/xocolatl-mole-bitters/>.



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



## ROXANA C. ARSHT FELLOWSHIP

### THE ROXANA C. ARSHT FELLOWSHIP IS SOLICITING ELIGIBLE CANDIDATES FOR THREE-YEAR FINANCIAL STIPEND

The Women and the Law Section and the Delaware State Bar Association founded the Roxana C. Arsht Fellowship in November 1998 to encourage law students, recent law school graduates and attorneys newly admitted to the Delaware Bar to pursue careers in the non-profit sector in Delaware. In an effort to encourage attorneys to work in non-profit positions, regardless of financial considerations, the Fellowship offers financial assistance for three years to each recipient selected. Applicants must be within three years of law school graduation and working with a non-profit organization that provides legal services that benefit the Delaware community, underrepresented groups, or indigent persons in Delaware. An applicant's annual salary may not exceed \$63,000 to be eligible for the Fellowship.

### APPLICATION PROCESS

For the year 2021, the Fellowship Committee will accept applications from August 16 through October 15, 2021. Applications are available at <https://media1.dsba.org/public/Website/Documents/2021ArshtFellowshipApplication.pdf>

A decision will be announced by December 15, 2021 with one award being approved.

#### QUESTIONS?

If you have any questions regarding the Fellowship, please contact Jessica Zeldin at (302) 476-2976 or [jzeldin@andrewsspringer.com](mailto:jzeldin@andrewsspringer.com).

### IMPORTANT DATES:

**APPLICATION  
START DATE:**  
August 16, 2021

**APPLICATION  
DEADLINE:**  
October 15, 2021

**DECISION  
ANNOUNCED BY:**  
December 15, 2021

Those wishing to make donations to the Roxana C. Arsht Fellowship Fund may do so by sending a check payable to the Delaware Community Foundation, 100 W. 10th Street, Suite 115, Wilmington, DE 19899 and noting "Roxana C. Arsht Fellowship Fund" in the memo line or by donating to the Roxana C. Arsht Fellowship Fund online at [www.delcf.org](http://www.delcf.org).

If you have any questions regarding donating to or fundraising for the Fellowship, please contact Sarah M. Ennis at (302) 888-6800 or [sennis@morrisjames.com](mailto:sennis@morrisjames.com).

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**MORRIS JAMES LLP** seeks an experienced litigation associate to join its Corporate and Commercial Litigation Group, based in Wilmington, Delaware. An ideal candidate would have two to six years of experience, with exposure to complex contract disputes, shareholder litigation, breach of fiduciary duty claims, and other corporate litigation issues, including summary proceedings under Delaware's business statutes (e.g., control disputes, advancement and indemnification proceedings, and books and records demands). Experience counseling fiduciaries on governance, transactional, and investigatory matters under Delaware law would be a plus. Our Corporate and Commercial Litigation Group regularly represents clients in high-value, high-stakes litigation in the Delaware state and federal courts. Our group offers the advantage of dedicated and experienced eDiscovery attorneys that effectively and efficiently manage all aspects of eDiscovery in collaboration with our partners and associates. Join our thriving, friendly, and collegial working environment with opportunities for significant substantive responsibility early in your career. The position offers attractive benefits, bonus opportunities, and competitive salary commensurate with experience. Please email cover letter, resume, and writing sample to Albert J. Carroll at [acarroll@morrisjames.com](mailto:acarroll@morrisjames.com).

**SMALL NEWARK LAW OFFICE** is looking for a Delaware licensed attorney to help grow the practice. Must have interest and/or experience in estate planning and/or residential real estate. Part-time position with the possibility to transition to full-time in the future. Great opportunity for the right candidate to have control over their own client base. Portable business a plus. Send resume to [vcarr@carrlawde.com](mailto:vcarr@carrlawde.com).

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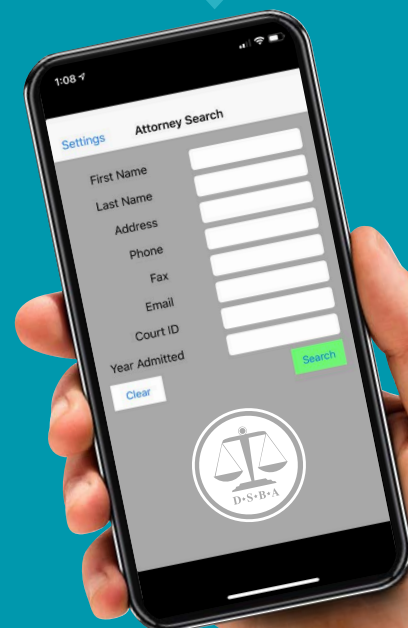
**CASARINO CHRISTMAN SHALK RANSOM & DOSS, P.A.** is seeking an attorney to join its Delaware litigation practice. Starting salary \$100,000+ depending on experience. Qualifications: Admission to Delaware Bar; Excellent verbal communication, writing and interpersonal skills; Excellent time management and organizational skills; Ability to work well with others in a friendly, professional work environment. Send cover letter and resume to: Casarino Christman Shalk Ransom & Doss, P.A., P.O. Box 1276, Wilmington, DE 19899. Attn: Kenneth M. Doss, Esq.

**TYBOUT REDFEARN AND PELL** seeks motivated associates in civil litigation and/or workers' compensation. We offer the opportunity to handle your own case load, while working in a fast-paced environment. Develop your career in firm that has been around for more than 50 years and is dedicated to helping you succeed. Brand new office located in North Wilmington. Salary commensurate with experience. Send resume to: Susan L. Hauske, Esquire at [shauske@trplaw.com](mailto:shauske@trplaw.com).

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**LOST WILL:** Frank J. Weigert, Wilmington, DE. Died 1/24/2020. Looking for original or copy of a Will or Codicil. Please contact Tanya Sellers at (302) 656-3393 or [tsellers@levinsonfirm.com](mailto:tsellers@levinsonfirm.com). 

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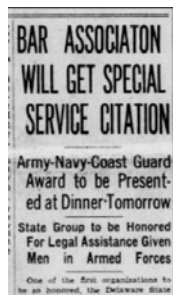


## 10 TIMES

## DSBA Stepped Up to Help Others

BY MARK S. VAVALA, ESQUIRE  
EXECUTIVE DIRECTOR  
DELAWARE STATE BAR ASSOCIATION

**1 September 7, 1944:** DSBA became one of the first bar associations honored by the U.S. Armed Forces for coordinating *pro bono* legal aid to veterans.



**2 September 27, 1947:** The ABA recognized DSBA as the "Best Small State Bar Association," in part for its development of a community legal aid society.



**3 April 18, 1950:** The Bar Association looked next at the problem of people who weren't eligible for free legal aid and developed a Lawyer Referral Program which cost only \$6 for an initial consultation.

**4 1971:** Law Day featured Judge Collins Seitz and Harvard's first Black tenured professor Judge Derrick Bell, both advocates for racial change in the U.S. The event also focuses on individuals who seek to better the local communities.

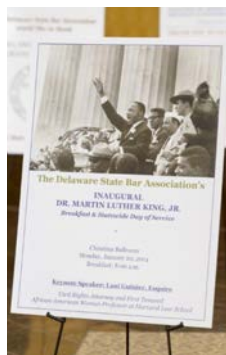


**5 1986:** The DSBA, the Courts, and CLASI celebrated the great work of the Legal Aid Society on its 40th anniversary.

**6 November 11, 2004:** The DSBA sponsored a musical comedy version of *Macbeth* to benefit the Make-a-Wish foundation which featured future DSBA President and Judge James G. McGiffin, Jr. in the title role.



**7 May 2010:** DSBA hired Susan Simmons as the first Coordinator of *Pro Bono*/Access to Justice and a liaison to the various legal help agencies.



**8 January 20, 2014:** DSBA's Martin Luther King Breakfast committee launched its Day of Service, bringing lawyers and community service organizations together.

**9 February 2018:** In an effort to make lawyer referral services available to the community 24/7, DSBA created the automated lawyer referral service.

**10 September 2021:** DSBA President Kathleen M. Miller, Esquire, started an initiative to have DSBA's website provide access to *pro bono* opportunities for attorneys, as well as informational resources to make doing the work easier. ⚖️

**Mark S. Vavala** is the Executive Director of the Delaware State Bar Association. He can be reached at [mavala@dsba.org](mailto:mavala@dsba.org).



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**Heart to Heart Fund's anonymous founder**

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