

Supplement to Judicial Nomination Commission Questionnaire

Applicant: Richard C. Kiger  
Position: Vice Chancellor, Court of Chancery  
Dated: July 14, 2009

III. PROFESSIONAL INFORMATION

14. Previous Employers

- a. Employer: New Castle County, Delaware  
(Note: the position is statutory. Under the statute, the salary and benefits are provided by the county, but the appointment is by the Chancellor and the employee reports only to the Chancellor.)

Position: Chief Deputy Register in Chancery\_\_\_\_\_

Dates of Employment: January 1, 1999 to June 1, 2007

Reason for Leaving: eligible to begin receiving a pension

Supervisor: Hon William B. Chandler, III

- b. Employer: Court of Chancery of the State of Delaware

Position: Master in Chancery

Dates of Employment: October 1, 1984 through December 31, 1998.

Reason for Leaving: I was offered another position by the Chancellor which offered better benefits including exceptional job security.

Supervisors:

Hon. Grover C. Brown  
October, 1984 to March, 1985

Hon. William T. Allen  
June, 1985 to June, 1997

Hon. William B. Chandler, III  
June, 1997 to December, 1998.

c. Employer: City of Wilmington, Delaware

Position: Assistant City Solicitor, Wilmington, Delaware

Dates of Employment: 1982 to October, 1984.

Reason for Leaving: Chancellor Brown offered me the position of Master in Chancery which had been created by the General Assembly in the session that ended in June, 1984.

Supervisor: Robert D. Goldberg, Esquire

d. Employer: New Castle County, Delaware

Position: Assistant County Attorney

Dates of Employment: August, 1977 to January, 1981.

Reason for Leaving: change of administration in the 1980 election.

Supervisor:

Hon. Joseph J. Farnan

J. Dallas Winslow, Esquire

e. Employer: Court of Chancery of the State of Delaware

Position: Judicial Law Clerk

Dates of Employment: August, 1976 to August, 1977.

Reason for Leaving: Judicial clerkships last only one year.

Supervisor:

Explanatory note: At the time in question law clerks were not assigned specifically to one judge, and so the law clerk worked for the judge who needed a clerk at the moment. I was hired for this position by Chancellor Quillen, who retired before the clerkship began. I worked for Chancellor Marvel, then-Vice Chancellor Brown, and then-Vice Chancellor Hartnett.

15. "Please describe your current practice or employment."

I am currently self-employed. I limit my work to mediation, serving as attorney ad litem when appointed by the Court of Chancery, and serving as a fact finder when appointed by the Court of Chancery. I have accepted appointment as a personal representative of one estate. This was done as a favor. Except for completing this estate, I have no plans to accept more appointments as a personal representative except as a favor to a close friend.

16. "Please describe any judicial or trial-practice experience you have had, if any, since your admission to the bar."

While employed as an assistant county attorney and as an assistant city solicitor I handled litigation in each of the Delaware courts except Family Court.

My experience that is most relevant in terms of this position is that as Master in Chancery over a period of almost fifteen years. As the only Master in Chancery at the time I conducted trials and held court in each county on a regular basis.

The nature of the work I did with the Court of Chancery typically had to do with matters that are often inflammatory by their nature, such as disputed guardianships, inheritances and title to real estate. I also handled business cases that involved liquidations, claims of one partner or shareholder against others, construction cases, evidentiary issues in corporation law cases, and injunctions. When specially appointed by the Court to do so, I conducted an election of directors and officers of a corporation and on other occasions held trials for an accounting of partnership assets. I was the person designated as the contact person for members of the Bar asking for an emergency hearing before a judge and so, depending on the matter in hand and other matters before the judge, I often worked extensively behind the scenes in dealing with emergencies. As to this last comment, the obvious involvement is in scheduling and getting everyone needed to proceed in the same place with the necessary paper work and sometimes witnesses, but in some cases it also meant doing research, writing bench memos, and occasionally working for the judge in putting together the final order or opinion for the judge's review.

17. "If you acted as an arbitrator in the past three years, please submit the caption of each matter in which you acted as an arbitrator and the names, addresses, and telephone numbers of the attorneys involved in the arbitration."

Case: Patrick M. Ferraro v. Richard J. Ferraro, Delaware Court of Chancery, C. A. No. 3394-VCS

Attorneys: Joseph J. Bodnar, Esquire  
2101 North Harrison Street  
Wilmington, DE 19802  
(302) 652-5506  
Attorney for Plaintiff

Melvyn A. Woloshin, Esquire  
Woloshin, Lynch, Natalie & Gagne, P.A.  
3200 Concord Pike  
Wilmington, DE 19803  
(302) 477-3200

This case was sent to arbitration as the result of an office conference the attorneys attended with Vice Chancellor Strine.

18. Experience with Litigation.

All my work from 1984 through the end of 1998 was served in a judicial capacity in the Court of Chancery. From January 1, 1999 until June 1, 2007 I served as the Chancellor's Chief Deputy Register of Wills for New Castle County, and so have had no private practice. I have undertaken special assignments, such as research, committee work, and as a Special Master, when asked to do so by Chancellor Chandler during this latter period. Before June 1, 2007, I served as mediator in cases whenever a member of the Court of Chancery asked me. In order to do this better, I enrolled in and completed the Superior Court course in mediation. I accepted no compensation other than my salary for any mediations I conducted before June 1, 2007. Since then I have conducted mediations and acted as attorney ad litem whenever a member of the Court of Chancery appointed me to do so. Some of these cases were pro bono because it was likely to be a hardship to the families if I were to ask for a fee.

I do not view myself as being at liberty to provide copies of research done for the Court or as attorney ad litem, due to the confidential nature of these matters. Mediation by its very nature does not lead to the writing of decision.

Given this background, I submit information on cases I decided while in the Court of Chancery.

The application does not define "recent cases" and so I have chosen the ten cases listed below. I have chosen these cases on the basis of variety of subject matter and the significance of the case itself. The cases are listed in reverse chronological order.

All the opinions I wrote at the Court of Chancery were submitted to WestLaw and Lexis. It was up to those two publishers to decide which opinions to put on-line. A listing is given in the binder for the 123 cases I decided that are reported on Lexis, and the 152 cases that are reported on WestLaw.

1. In the Matter of the Estate of Walter Artymenko  
Reg. Of Wills Folio No. 104407  
December 30, 1999.

For Petitioner:

Mary C. Boudart, Esquire  
2323 Pennsylvania Avenue  
Wilmington, DE 19806  
(302) 428-0100

For Respondent:

Anthony Figliola, Jr., Esquire  
Figliola & Facciolo  
1813-A Marsh Road  
Wilmington, DE 19810  
(302) 475-0460

2. In the Matter of Sarah Coleman  
C. M. No. 2609 (Sussex)  
June 3, 1998

For Petitioner:

Kathryn Bunville, Esquire  
Formerly with Department of Justice  
Current location unknown

For Respondent:

Pasquale Coleman, Pro Se  
Address Unknown

3. Hubert Taylor v. Stanley Taylor et al.  
C. A. No. 15670  
February 13, 1998

For Petitioner:

Hubert Taylor, Pro Se  
Last known address and telephone number:  
Delaware Correctional Center  
Smyrna, DE  
(302) 653-9262

For Respondent:

J. Scott Shannon, Esquire  
Formerly with Department of Justice  
Marshall Dennehey Warner Coleman & Goggin  
P. O. Box 8888  
Wilmington, DE 19899-8888  
(302) 552-4329

4. Concord Towers, Inc. v.  
McIntosh Inn of Wilmington, et al.  
C. A. No. 15656-NC  
June 16, 1997

For Petitioner:

Jeffrey Weiner, Esquire  
1332 King Street  
Wilmington, DE 19801  
(302) 653-0505

For Respondents:

Edward M. McNally, Esquire  
Morris, James, Hitchens & Williams  
P. O. Box 2306  
Wilmington, DE 19899-2306  
(302) 888-6880

Richard D. Kirk, Esquire  
Bayard, P.A.  
P. O. Box 25130  
Wilmington, DE 19899-5130

William J. Rhodunda, Esquire  
(Formerly with New Castle County Law Dept.)  
Drinker, Biddle & Reath LLP  
1100 N. Market Street  
Wilmington, DE 19801-1254  
(302) 467-4200

Eric Episcopo, Esquire  
(Formerly with New Castle County Law Dept.)  
129 Peoples Way  
Hockessin, DE 19707  
(302) 234-2219

Shawn Tucker, Esquire  
Drinker, Biddle & Reath LLP  
1100 N. Market Street  
Wilmington, DE 19801-1254  
(302) 467-4200

5. Birowski et al. v. Redman et al.  
C. A. No. 12402  
February 21, 1997

For Petitioner:

Brian J. Winward, Pro Se  
Delaware Correctional Center  
Smyrna, DE  
(302) 653-9261

For Respondents:

Gregg Wilson, Esquire  
(Formerly with Department of Justice)  
New Castle County Law Dept.  
87 Reads Way  
New Castle, DE 19720-1648  
(302) 395-5146

6. City of Wilmington v. Wilmer et al.  
C. A. No. 14968  
January 17, 1997

Julianne E. Hammond, Esquire  
Deceased

Henry Heiman, Esquire  
Cooch & Taylor, P.A.  
P. O. Box 1680  
Wilmington, DE 19899-1680  
(302) 984-3893

7. In the Matter of the Estate of Evan Roy Wright  
Reg. Of Wills Folio No. 110362  
February 18, 1997

For Petitioner:

Joseph M. Nicholson, Esquire  
Young, Conaway, Stargatt & Taylor  
P. O. Box 391  
Wilmington, DE 19899  
(302) 571-6653

For Respondents:

Felice Glennon-Kerr, Esquire  
MacElree Harvey, Ltd.  
5721 Kennett Pike  
Centerville, DE 19807  
(302) 654--4454

8. In the Matter of Michael R. Kalbach  
Reg. Of Wills Folio No. 113435  
February 11, 1997

For Petitioner:

Stanley T. Czajkowski, Esquire  
Deceased

9. In the Matter of the Estate of Martin Cohen  
Reg. Of Wills Folio No. 94460  
April 4, 1996

For Petitioner:

Steven R. Director, Esquire  
Bayard, P.A.  
P. O. Box 25130  
Wilmington, DE 19899-5130  
(302) 429-422

For Respondents:

David L. Baumberger, Esquire  
Chrissinger & Baumberger  
Three Mill Road, Suite 301  
Wilmington, DE 19806  
(302) 777-0100

Charles Cohen, Pro Se  
Last known address and telephone number  
Delaware Correctional Center  
Smyrna, DE  
(302) 653-9261

Edward Cohen, Nancy Finnel,  
Susan Finnel Ruff, Andrew Finnel, Pro Se  
Addresses and telephone numbers unknown

10. In the Matter of Susan S.  
C. M No.7764  
February 8, 1996

For Petitioner:

David J. Ferry, Jr., Esquire  
Ferry, Joseph & Pierce  
P. O. Box 1351  
Wilmington, DE 19899  
(302) 575-1555

Attorney ad Litem for Disabled Person:

Nicholas R. Bischoff, Esquire  
Office of the Attorney General  
1843 North State Drive,  
Nogales, AZ 85621  
(520) 761-4787

23. Prior Applications for Judicial Office:

Superior Court, Associate Judge, 2002  
Court of Common Pleas, Judge, 2000  
Court of Chancery, Vice Chancellor, 1997  
Superior Court, Associate Judge, 1993  
Superior Court, Associate Judge, 1992  
Superior Court, Associate Judge, 1988  
Superior Court, Associate Judge, 1987

25. Hobbies and Avocational Interests:

1. Reading, with an emphasis on American history and Delaware history.
  - a. I am presently doing research for an article on Delaware history

examining the role of the Dutch West Indies Company in the colony of New Sweden.

b. I am presently writing an article on the genesis of the Delaware Freedom of Information Act, 29 Del.C. Chapter 100.

2. Collecting books on Delaware history.
3. Crossword puzzles.
4. Travel in the United States.
5. Bucket list goals:
  - a. to publish a crossword puzzle in The New York Times.
  - b. to learn and become fluent in a second language.
  - c. to spend Midsummer's Eve in Sweden (inspired by The National Geographic).

26. Membership in civic, religious, charitable and other organizations.

Professional activities:

Attorney General's Senior Citizen Victimization Task Force (2000 to 2002)

Chief Justice's Committee on Pro Se Litigation (1996 to 2001)

Supreme Court Technology Coordinating Committee (1994 to 1998)

Board of Editors, *Delaware Lawyer* (1982 to 1994)

DSBA Program Committee (1981 to 1988; Chairman, 1985 - 1986)

DSBA Bench and Bar Committee (1981 to 1986; Chairman, 1984-1985)

Special Committee on the Constitutional Bicentennial (1985 - 1988)

Chairman, Subcommittee organizing a luncheon ending the Bicentennial Celebration (Benno Schmidt, President of Yale, keynote speaker)

Estates and Trusts Section, DSBA

Preliminary Review Committee of the Board of Professional Responsibility

Court of Chancery Task Force (1984-1985)

Court of Chancery Fiduciary Rules Committee

Lecturer, Delaware Law School of Widener University,  
Bar Review Course (1992-1996)

Charitable and community activities.

Member, Delaware Humanities Forum Council (2000 -2006)  
Board of Directors, Rockwood Museum (1990-1993 and 1997-  
1999)

Board of Directors and Treasurer, Russian Ballet Theatre of  
Delaware (1994-1995)

Trustee, Silverbrook Methodist Church (1976-1983)

Member, Board of Trustees and Treasurer, Delaware Coalition  
for Open Government (2007 to present)

Board of Directors, Wilmington District Committee on Urban  
Center Ministries of the United Methodist Church

I have also given lectures and conducted seminars throughout the state, frequently for continuing education courses sponsored by Delaware State Bar Association, and for also for groups unrelated to the organized Bar. I have accepted an honorarium only twice, both times before 2003.

27. "Please provide the name, address, and telephone number of three persons who are in a position to comment on your qualifications for a judicial position and of whom inquiry may be made by the Commission without embarrassment to you."

1. Victor F. Battaglia, Sr., Esquire  
Biggs & Battaglia  
P. O. Box 1489  
Wilmington, DE 19899-1489  
(302) 655-0677

2. Charles J. Durante, Esquire  
Connolly, Lodge, Bove & Hutz  
P. O. Box 2207  
Wilmington, DE 19899  
(302) 658-9141

3. Kurt M. Heyman, Esquire  
Proctor Heyman LLP  
116 West Street  
Wilmington, DE 19801  
(302) 472-7302

28. References from people with whom I have worked and who held administrative support staff positions.

1. Ramona Monsen  
Court of Chancery  
New Castle County Courthouse  
500 North King Street  
Wilmington, DE 19801  
(302) 255-0507

Mrs. Monsen was my secretary for 12 years in the Court of Chancery. She is presently Chancellor Chandler's secretary in Wilmington.

2. Shirley Wood  
2095 Central Church Road  
Dover, DE 19904  
(302) 734-1267

Mrs. Wood was the secretary to Justice Hartnett when he was a Vice Chancellor and in Supreme Court. Our times in the Court of Chancery overlapped by about 11 years. During that time we worked together on many matters involving cases in Kent County, Delaware and on many projects and cases as requested by then-Vice Chancellor Hartnett.

40(f). Law suits.

1. Borden v. Sinsky was an action on behalf of shareholders that concluded many years ago. I became a shareholder when my mother gave me shares of stock in the corporation after my father's death. The lawyer who represented the shareholders in this case was Edward B. Maxwell, Esquire, who I believe has retired. For further information on this lawsuit, please direct inquiries to Young Conaway Stargatt & Taylor, P. O. Box 391, Wilmington, DE 19899-0391; (302) 571-6620.

2. Jones v. McCaman et al. was a tort action arising out of the plaintiff's application for a pension that was greater than the pension board awarded him. It was dismissed as to me many years ago. I was a party to the suit because I was employed by the plaintiff's former employer when he applied for the pension. I had no decision making authority with respect to the pension nor did I advise the pension board as to what it should do. Independent counsel (Vincent A. Theisen, Esquire) had been engaged for that purpose. My attorney in that action was Carl Schnee, Esquire. Please call him if more information is needed as to this lawsuit. His address is YMCA of Delaware, Community Service Building, Suite 1100, 100 West Tenth Street, Wilmington, Delaware 19801-6607; (302) 571-6903.

3. Morris v. Kiger was a law suit filed against my sister by her former husband. I was substituted as the defendant after my sister died because I was the executor of her estate. I was represented in that proceeding by Michael Arrington, Esquire, Parkowski Guerke & Swayze, P.A., 800 King Street, Suite 203, Wilmington, DE 19801 (302) 594-3333. The case ended in 2006 after trial in Superior Court. Please contact Mr.Arrington if you have any questions about this law suit.

42. "What do you believe is the best Delaware Supreme Court decision and why?"

I have not read every Delaware Supreme Court decision, but I have read many, so bearing this qualification in mind, I choose *Lewis v. Hanson*, Del.Supr., 128 A.2d 819 (1957), *aff'd. sub nom., Hanson v. Denckler*, 357 U.S. 235 (1958), as the best decision of the Delaware Supreme Court because it asserted successfully, as determined by the United States Supreme Court on appeal, the jurisdiction of Delaware courts to determine the validity of a trust whose situs is in Delaware and, therefore, the validity and effect of the exercise of the power of appointment under study in the instant case. The clear implication arising from this holding is that the law of Delaware determines the validity of every question of law concerning a trust located in Delaware. This decision, by determining which law applies as to a certain kind of trust (i.e., those sited in Delaware), makes Delaware a very desirable place to locate a trust because the case law is abundant, enabling one creating or interpreting a trust to make plans based on the best evidence of what a Delaware court might do if asked to rule on the trust or the action taken. This case is the foundation for making other case law and, critically, actions taken by the General Assembly, applicable to such trusts and gives Delaware its national pre-eminence in this area of law. While little public attention is paid to so-called Dynasty Trusts, I suspect that the amount of wealth brought into Delaware and made subject to its tax laws as a result of such trusts is substantial. I refer to any assets of the trusts that are subject to Delaware taxation, but also to the incomes generated for lawyers and others who pay taxes and the value to the community of tax-paying entities that provide employment, buy services, rent space and do the other things that every business must do. The trust business in Delaware contributes greatly to the State's tax base and that result is traceable to *Lewis*.

Once one accepts the premise of *Lewis*, it is easy to see that in an appropriate case this principle may be extended by logic to other areas of law. As such, the importance of *Lewis* to Delaware jurisprudence cannot be overstated.

43. "What do you believe is the worst Delaware Supreme Court decision and why?"

Applying the same qualification stated in response to question 42, I choose *Wilmington Parking Authority v. Burton*, Del.Supr., 157 A.2d 715 (1959), rev., 365 U.S. 715 (1961) as the worse decision of the Delaware Supreme Court. I choose *Burton* because it presented the Delaware Supreme Court with an opportunity to build upon the rich civil rights heritage of which all Delaware lawyers can justly be proud, as exemplified by the Court of Chancery and the Delaware Supreme Court in *Gebhart v. Belton*,

Del.Supr. 91 A.2d 137 (1952), *aff'd. sub nom. Brown v. Board of Educ.*, 349 U.S. 294 (1955). Because the Supreme Court reversed the decision of the Chancellor, 150 A.2d 197 (1959), *Burton* was a lost opportunity to lead the nation once again.

44. "State the reasons why you believe you would be a qualified candidate for the judicial vacancy you are currently seeking. If you currently hold that position, please state the reasons why you believe you should be reappointed. Please use a separate sheet if necessary."

My work in the Court of Chancery as Master in Chancery gave me many years of experience in the work of the Court. Much of that time was spent in the courtroom. It seems pointless to collect such statistics, and so I did not at the time, but it is fair to say that I conducted hundreds of hearings, perhaps well over a thousand hearings, between 1984 and 1999. There were also, of course, office conferences, meetings with judges, attendance at administrative meetings in Supreme Court chambers in Wilmington, attendance in Dover annually at the Joint Finance Committee hearing on the judiciary budget and at other meetings outside Wilmington, and attendance at seminars on matters that come before the Court, to name some of those activities that come most readily to mind.

Most of the seminars I attended were presented in Delaware, but Chancellor Allen was generous in helping me to attend seminars out of state, such as the seminar in corporation law that was conducted for several summers at Harvard by Dean Robert Clark. I attended the Harvard Summer Program four times, which enabled me to take, in addition to Dean Clark's class, courses in English (Prof. Donahoe) and American legal history (Prof. Horowitz), which was important to me because of their relevance to the work of the Court of Chancery, which is deeply grounded in the history of this country and England. Courses in the evolution of legal thought in the United States (Prof. William Fisher) and courses in civil procedure taught by former United States Supreme Court law clerks (Profs. Fallon and Parker) were also valuable. These seminars were intellectually stimulating and helped me to understand my job better and to do my job better. I profited greatly from these studies and always returned to Wilmington looking forward to resuming my work and bringing new insights to the cases before me.

I noticed during the years that I worked in the Court of Chancery that my writing changed; for the better I think. This change is attributable in large part to Chancellor Allen, who encouraged me to work on my writing and gave me valuable constructive criticism. We talked about opinions issued by a number of judges, how their styles differed, what was effective and why it was effective. With his assistance and encouragement I also took a PLI course in effective legal writing.

I learned much from each judge I worked with, starting with the judicial clerkship. For example, as a law clerk I analyzed Justice Duffy's opinions for format and style as well as content so that I could write better draft opinions for the members of the Court. This was valuable training. I also learned that the view from the bench really is

different. There is a clarity that comes with being able to approach a case in terms of what the case is truly about and how it should be approached. Chancellor Brown's and Chancellor Chandler's opinions are models of how a judge can do this and then discuss the case in language that is accessible to others who were not present in the courtroom, and for that matter who are not lawyers. If I could write as cogently and well as either one of them, I would be grateful for the improvement in my work. They and Justice Duffy have been my role models.

No study of books is as valuable as sitting with people such as these judges and talking about why a case was presented as it was, what the lawyers were attempting to do, why some areas of evidence were explored whereas others were not, contrary to the expectation of the student learning from the judge. I was extraordinarily fortunate to have similar discussions with many other people as well, who became my friends—Judge Seitz, Justice Berger, Judge Caleb Wright and Justice Joseph Walsh, to name only a few. My understanding of the work of the Court of Chancery grew with each such conversation and I believe my performance in my job improved as a result. This is how you learn to read pleadings from the judge's viewpoint, conduct an office conference or hearing, and control the courtroom.

The Master in Chancery position was created by the General Assembly in 1984, acting upon the recommendations of a committee formed to study the Court of Chancery and to recommend to the Chief Justice and the Governor changes that the members of the committee believed would help the Court to continue to carry out its work in an efficient manner despite the increasingly heavy case load it was called upon to handle. The committee was chaired by Justice Duffy and quickly became known as the Duffy Committee and the report to the Chief Justice and the Governor was referred to as the Duffy Report.<sup>1</sup> In the fall of 1984, shortly after Chancellor Brown appointed me as the first Master in Chancery, Justice Duffy congratulated me on the appointment and said to me that because the nature of the job was not precisely described at the end of the legislative process, I had an opportunity to make something special of this change in the Court of Chancery, a chance to make an important contribution. He said to me, "This job will only be what you make of it," and he was very encouraging and, actually, inspiring when he said this. I took this remark as being in the nature of a commission based on his faith in me. Every day I came to work from October 1, 1984 through December 31, 1998, I did my best to learn about the Court and its work and the people and causes that came before it and to carry out the duties assigned to me to the best of my ability because I understood, and understand, how important the Court is and how important its work is, and I believed, and still believe, that to do anything less would be to betray Justice Duffy's and Chancellor Brown's faith in me and to let down all the other people who trusted me to do my best each day. I never allowed myself to forget that the judge who assigned a case to me did so because he had faith in me to handle it appropriately and that the people who

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<sup>1</sup>I can readily provide a copy of the Duffy Report to anyone who would like a copy.

come before the Court have concerns of the greatest importance to them, although someone else might not share that assessment. I'm not saying I didn't make mistakes or that there are things I would not do differently today, given the chance. I am saying that I did my best and as a result I grew as a person and I grew in the job.

Let me close these remarks with a few observations that are more objective and easier to evaluate as achievements or reasons for nominating someone to become a judge.

There are three things in my life of which I am proud without any concern that I might be mistaken or deluding myself.

1. Justice Berger and Justice Hartnett nominated me to receive the Daniel L. Herrmann Award for Professionalism from the Delaware State Bar Association. The award was presented at the Bench and Bar Conference in June, 1999. The purpose of the award is to recognize lawyers who exemplify the ethical standards and professional judgement that every lawyer should strive to achieve. I am proud to have been so recognized by peers and colleagues, but prouder that two people I admire unreservedly think this highly of me.

2. The other matter in my career of which I am proud is an amendment to Title 13 of the Delaware Code. Section 101 (b) states who may marry by defining who may not. I no longer remember why, but sometime about 1984 I read this section of the Delaware Code and was surprised to find that marriage between people of different races was forbidden.

The president of the Delaware State Bar Association at the time was Henry Herndon. I wrote to Henry to ask that the law be changed because it was wrong that such a law should still be on the books. I said in my letter that the hard-bound volume containing Title 13 was beginning to show wear and that it would probably be replaced with another hard-bound volume in the next few years or early 1990s at the latest. If that were to happen, it was possible that the new hard-bound volume would be the one in service at the turn of the century. The turn of the century is not something mystical, let alone a reason to delay doing something, but it is symbolic as a time of new beginnings. I wrote to Henry that it would disgrace the people of Delaware if our State were to enter the next century, the next millennium, with a law against miscegenation on its books. Not only would that book be in every law library in Delaware, it would be in every law library of any size in every state in the nation, every law school in the United States. I argued that something should be done about this, now, to make sure that we entered the 21<sup>st</sup> century without this stain on our accomplishments. I drafted a bill to present to the General Assembly and enclosed it with my letter.

Henry agreed that this change should be made and took my request to the Executive Committee of the Bar Association. The Executive Committee approved the proposed amendment to Title 13 and agreed to seek its enactment. The draft I had

written was turned over to people more skilled in drafting legislation. The revised bill to amend Title 13, section 101, was introduced in the legislature that spring. It was passed in June and signed by the Governor shortly afterwards.

I see this as an unqualifiedly positive accomplishment and as proof that one person can make a difference if he tries.

3. The remaining accomplishment of which I am proud is membership in Phi Beta Kappa. I realized when I entered college that one day I might live far from Delaware and could not expect anyone somewhere else in the country to know whether the University of Delaware was a good school. Phi Beta Kappa is another matter. It is a national organization with high standards for membership. I sought out the contact person on campus in the first weeks of college and learned the requirements for admission, seven consecutive semesters with a grade point average of at least 3.5 where the highest possible grade point average is 4.0. I did not choose courses based on the likely ease of the subject, and there were times I took courses I knew had potential to stop me from reaching my goal. I understood very well that my job in college was to get an education, not focus solely on grade point average. I was notified in the eighth semester of college that I qualified for admission to Phi Beta Kappa and was invited to join.

Membership in Phi Beta Kappa is important to me because it recognizes a level of achievement that is undeniably high. It is something to be proud of if that is all one considers. It has additional meaning for me. It means I have something, no matter how minimal, in common with many of the people who have made important contributions to our country. In my case, it also shows that planning and perseverance towards a goal are worth the effort.