

President's Corner



By Elizabeth M. McGeever, Esquire

This month's column highlights some of my "comings and goings" as Bar President and other recent activities at the DSBA. On December 10, 2007, I had the privilege to speak at the swearing in ceremony for 106 new Delaware attorneys. My remarks focused on three things that are important for all lawyers: maintaining a sense of humor; giving back to the community; and making time for family, friends, and self. At the reception after the admission ceremony, Governor Minner welcomed the new admittees and their families. We are probably one of a handful of states (perhaps the only) that has its entire Supreme Court and Governor participate in the admission process.

On January 24, 2008, the New Lawyers Section hosted a social event that drew Section members and other Bar members together for a wonderful cause. The event was held to collect calling cards for our troops overseas so they could call their loved ones for Valentine's Day. The Section collected more than 1,800 minutes of calling cards and over \$500.00 to purchase cards. Many thanks to Jennifer Becnel-Guzzo, Fon Muttamara-Walker, and Dana Reynolds for organizing this successful event.

In January 2008, the Executive Committee voted to increase Association dues for the 2008-09 Bar year. The increases, which vary based on membership category, are relatively modest. For example, in the 15-year plus membership category, dues will be increased from \$230 to \$250. Association dues have not been increased since 2004. Members of the Executive Committee and I believe that the Association is best served if dues are reviewed every four to five years and raised in small

increments to keep up with cost of living and other increases. This approach is preferable to deferring review for several years and then having to play "catch up" with more substantial dues increases.

On February 1, 2008, a group of Bar members who represent governmental entities met to discuss reorganizing and reactivating the DSBA's Government Law Section. The Section will focus on a variety of topics frequently encountered in a government law practice such as the Freedom of Information Act, immunity claims, ethical issues, and administrative procedure. Max Walton initiated the effort and, based on the turnout and high level of interest, we should expect to see more from this Section, including a possible CLE program later in the year on federal §1983 claims. All private and public sector attorneys who either practice government law or are interested in government law are welcome to attend the next Section meeting. To accommodate colleagues who practice south of Wilmington, the meeting will be held at the Appoquinimink Library, 651 North Broad Street, Middletown, Delaware on April 10, 2008 at 12:30 p.m. For more information about the Section, contact Max Walton at mwalton@cblh.com.

In February 2008, I attended the National Conference of Bar Presidents meeting in Los Angeles. As I have mentioned before, the NCBP provides programming to educate Bar leaders on issues facing the organized Bar. One of the programs focused on the opportunities and challenges of a global legal market. It explored the ethical issues surrounding the outsourcing of legal services, many of which have been addressed in Opinion 2006-3 from the New York City Bar Committee on

Professional and Judicial Ethics (available at www.nycbar.org/Publications/reports/show_html.php?rid=503). There was also discussion of opening American legal markets to foreign lawyers. As you may know, Delaware has taken steps in that direction. In October 2007, the Delaware Supreme Court adopted Rule 55.2 which allows Foreign Legal Consultants to practice in Delaware. The Supreme Court also recently amended Rule 5.5(c) of the Delaware Rules of Professional Conduct to authorize foreign lawyers to provide legal services in Delaware on a temporary basis.

Another NCBP program involved the regulation of aging attorneys. The discussion centered on a report on aging attorneys issued last year by a Joint Committee of the National Conference of Bar Counsel and the Association of Professional Responsibility Lawyers (available at www.nobc.org/nobc-aprl.pdf). Panelists addressed how the organized Bar can work with the courts and disciplinary agencies to implement the recommendations in the report, including making a demographic assessment of a jurisdiction's lawyers, taking steps to identify and support lawyers with age-related impairments, facilitating procedures for appointment of successor, caretaker or "inventory" counsel, and assisting with transitions out of practice. Bar associations are urged to consider these issues now because the number of aging lawyers is expected to grow rapidly in the short term. In a Michigan survey, the number of lawyers in that state turning 70 has been stable for many years, but it is predicted to double by 2009 and triple by 2011!

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Looking ahead, the DSBA will celebrate Law Day with a lunch on Monday, May 5, 2008. Law Day was established fifty years ago when President Eisenhower designated May 1 as a day dedicated to the principle of government under law. Three years later, Congress formally recognized May 1 as the official date for observing Law Day. ABA President-Elect Tommy Wells will be our luncheon speaker. It has been several years since we have had an ABA President or President-Elect speak in Delaware. Accordingly, I urge you to attend the lunch and give President-Elect Wells a warm First State welcome. He is an interesting speaker with a good sense of humor. ☞

role in defusing the distorted images that portray our profession today.

As the half-hour discussion concluded, one of the youth asked about the most difficult case of my short career. In my response to the question, I relayed a scenario in which a boy had been raised by his grandparents, my clients, since he was just a few months old due to his parents' issues with substances and/or crime. Then, nearly a decade into the child's life, one seemingly rehabilitated parent filed for the child's return, causing the child to suffer extreme mental anguish which included suicidal thoughts. Fortunately, the Judge found my legal argument convincing as to the appropriate standard, and the witnesses' testimony met that standard.

As Jay and I were leaving, a woman thanked us for our time, especially for the time and effort on behalf of the grandparents' guardianship matter. With the Court matter resolved, the child had since returned to his previously pleasant demeanor in the woman's youth group. It served as a strong reminder that attorneys are very visible, frequently discussed members of their community. Our direct, positive interaction can dispel generalizations and misconceptions. Be prepared. ☞

Delaware State Bar Association CLE Seminar



An International Dialogue:
Current Trends Affecting the Governance and Structure
of Delaware Business Entities
in the Public and Private Capital Markets

May 29 and May 30, 2008
The Chase Center on the Riverfront

Sarbanes-Oxley, Ethical Considerations Regarding Managers of
Entities Facing Indictment, Private Equity Markets, the Blackstone
IPO, Issues Concerning Public LLCs, and the Delaware Series



Look for registration information coming out soon.