

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

IN RE: SPECIAL SESSION OF THE DELAWARE SUPERIOR COURT

THE INVESTITURE OF JUDGE NOEL EASON PRIMOS

\* \* \* \* \*

**Thursday, June 1, 2017**  
**Kent County Courtroom No. 1**  
**3:00 p.m.**

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APPEARANCES: PRESIDENT JUDGE JAN R. JURDEN

JUSTICE JAMES T. VAUGHN, JR.

RESIDENT JUDGE WILLIAM L. WITHAM, JR.

JUDGE JEFFREY J CLARK

SPEAKERS: GOVERNOR JOHN C. CARNEY, JR.

SENATOR F. GARY SIMPSON

ADAM C. GERBER, ESQUIRE

RETIRED JUSTICE RANDY J. HOLLAND

PASTOR GEORGE McDEARMON

\* \* \* \* \*

1 Thursday, June 1, 2017  
2 3:00 p.m.  
3 Courtroom No. 1

4 BAILIFF MICHELAU: The special session of  
5 Superior Court of the State of Delaware in and for Kent  
6 County is now in session.

7 (Delaware Judges enter the courtroom followed by  
8 President Judge Jan R. Jurden, Justice James T. Vaughn, Jr.,  
9 Resident Judge William L. Witham, Jr., and Judge Jeffrey J  
10 Clark who ascend the bench for the ceremony.)

11 JUDGE JURDEN: Please remain standing for the  
12 prayer to be led by Pastor McDearmon.

13 Pastor McDearmon.

14 PASTOR MCDEARMON: Good afternoon. I invite you  
15 to join me in prayer.

16 We assemble in your presence, God of Abraham, who  
17 confidently asks: Shall not the Judge of all the Earth deal  
18 justly? As accountable mortals, we gather before you, the  
19 one Law Giver and Judge. God, the Judge of all, from whom  
20 all governing authority is derived.

21 Heavenly Father, thank you for all of your  
22 providential guidance and work in the life of Noel Eason  
23 Primos which has directed him to and equipped him for this  
occasion and the sober duties that follow.

1           May this be the beginning of many years of  
2 faithful service to the citizens of Delaware, and may his  
3 service be a reflection of your just government of the  
4 Created Order.

5           Thank you for the years of service of his  
6 predecessor, Judge Young. Thank you for all who have come  
7 and assembled here this afternoon and especially Noel's  
8 father and mother.

9           And now, may you grant a dignified investiture of  
10 your servant Noel Primos as judge of the Superior Court of  
11 Delaware in the name of Jesus, whose law-keeping and  
12 blood-shedding reconciled divine justice with divine mercy.  
13 I pray. Amen.

14           ALL: Amen.

15           JUDGE JAN JURDEN: Thank you, Pastor McDearmon.

16           We are now going to be led in the Pledge of  
17 Allegiance by First Lieutenant Caleb Primos. Army, I note.

18           LIEUTENANT PRIMOS: I pledge allegiance --

19           ALL: -- to the flag of the United States of  
20 America and to the republic for which it stands, one nation  
21 under God, indivisible, with liberty and justice for all.

22           JUDGE JURDEN: Thank you. All right. Please take  
23 your seats.

1           Good afternoon everyone and welcome. We are  
2 delighted you are here for Noel Primos's investiture, and we  
3 give you a hearty Superior Court welcome and particularly a  
4 Kent County welcome.

5           There are many, many people here today, many  
6 distinguished guests, friends, and family, and time will not  
7 permit me to recognize everybody and I regret that because I  
8 would love to.

9           But let me just point out that we have with us  
10 today the governor. Governor Carney, thank you for being  
11 here. We have many distinguished jurists. I think every  
12 court is represented and some courts outside the state of  
13 Delaware, and we have every branch well-represented here  
14 today. So welcome to all and thank you for joining us on  
15 this great occasion.

16           I am now going to turn over the gavel to my dear  
17 friend and colleague Judge Witham because we are, after all,  
18 in Kent County and he is Kent County Resident Judge, and I  
19 know better than to keep the gavel here.

20           JUDGE WITHAM: Let's hope we don't have to use it.

21           Once again, I want to wish you all good afternoon  
22 and welcome again to Kent County, and we welcome you to all  
23 these proceedings. It is a very good day for this court to

1 honor our newest judge of the Superior Court of Delaware,  
2 Noel Eason Primos, who becomes the 22nd Kent County Superior  
3 Court judge.

4           The Honorable James T. Vaughn, Justice of the  
5 Supreme Court of Delaware, will give the oath of office to  
6 Noel Eason Primos. Holding the bible will be First  
7 Lieutenant Caleb Glenn Primos and Edward Chester Merriell.

8           Following the oath of office, the robing will be  
9 performed by Mr. William Angelo Primos, Sr., Dr. William  
10 Angelo Primos, Jr., and First Lieutenant Caleb Glenn Primos;  
11 the father, brother, and son of Judge Primos expectedly.

12           JUDGE JURDEN: As they approach the podium, I'd  
13 like to also extend a welcome to Governor Ruth Ann Minner  
14 who's here today. It's nice to see you.

15           JUSTICE VAUGHN: Place your right hand on the  
16 Bible and repeat after me.

17           I, Noel Eason Primos.

18           MR. PRIMOS: I, Noel Eason Primos.

19           JUSTICE VAUGHN: Do proudly swear.

20           MR. PRIMOS: Do proudly swear.

21           JUSTICE VAUGHN: To carry out the  
22 responsibilities.

23           MR. PRIMOS: To carry out the responsibilities.

1 JUSTICE VAUGHN: Of the office.

2 MR. PRIMOS: Of the office.

3 JUSTICE VAUGHN: Of judge of the Superior Court.

4 MR. PRIMOS: Of judge of the Superior Court.

5 JUSTICE VAUGHN: To the best of my ability.

6 MR. PRIMOS: To the best of my ability.

7 JUSTICE VAUGHN: Freely acknowledging.

8 MR. PRIMOS: Freely acknowledging.

9 JUSTICE VAUGHN: That the powers of this office.

10 MR. PRIMOS: That the powers of this office.

11 JUSTICE VAUGHN: Flow from the people.

12 MR. PRIMOS: Flow from the people.

13 JUSTICE VAUGHN: I am privileged to represent.

14 MR. PRIMOS: I am privileged to represent.

15 JUSTICE VAUGHN: I further swear.

16 MR. PRIMOS: I further swear.

17 JUSTICE VAUGHN: Always to place the public

18 interest.

19 MR. PRIMOS: Always to place the public interest.

20 JUSTICE VAUGHN: Above any special or personal

21 interests.

22 MR. PRIMOS: Above any special or personal

23 interests.

1 JUSTICE VAUGHN: And to respect the right.

2 MR. PRIMOS: And to respect the right.

3 JUSTICE VAUGHN: Of future generations.

4 MR. PRIMOS: Of future generations.

5 JUSTICE VAUGHN: To share the rich, historic.

6 MR. PRIMOS: To share the rich, historic.

7 JUSTICE VAUGHN: And natural heritage of Delaware.

8 MR. PRIMOS: And natural heritage of Delaware.

9 JUSTICE VAUGHN: In doing so.

10 MR. PRIMOS: In doing so.

11 JUSTICE VAUGHN: I will always uphold and defend.

12 MR. PRIMOS: I will always uphold and defend.

13 JUSTICE VAUGHN: The Constitutions of my country  
14 and my state.

15 MR. PRIMOS: The Constitutions of my country and  
16 my state.

17 JUSTICE VAUGHN: So help me God.

18 MR. PRIMOS: So help me God.

19 JUSTICE VAUGHN: Congratulations.

20 (Applause.)

21 (Robing performed by Mr. William Angelo Primos,  
22 Sr.; Dr. William Angelo Primos, Jr., and First Lieutenant  
23 Caleb Glenn Primos.)

1 JUSTICE VAUGHN: Congratulations again.

2 JUDGE PRIMOS: Thank you.

3 (Standing ovation.)

4 (Judge Primos ascends the bench.)

5 JUDGE WITHAM: You may be seated. At this time, I  
6 would also like to acknowledge and welcome Andrea Primos,  
7 Noel's -- Judge Primos', I should say -- lovely wife.

8 MRS. PRIMOS: Thank you.

9 JUDGE WITHAM: And I would also like to thank Lisa  
10 Robinson for her help on this day and all of the staff to  
11 make this ceremony presentable as well as able to do it.

12 Thank you.

13 The first speaker we have today for you is going  
14 to be someone who I would have to say is a great pleasure to  
15 have with us today. It's our governor, new governor, the  
16 Honorable John C. Carney, Jr., Delaware's 74th governor of  
17 the state of Delaware.

18 Welcome, Governor.

19 (Applause.)

20 GOVERNOR CARNEY: Thank you very much, your Honor.

21 I should have asked my staff before we got here  
22 what the appropriate protocol was in recognizing all of the  
23 people in this room and I didn't do that, so I'm going to

1 kind of wing it a little bit.

2 Justice Vaughn, former Justices, Chancellors, and  
3 Judges, Justice Witham, other members -- Judge Jurden, Judge  
4 Witham, other members of the Superior Court, Senator  
5 Simpson, other elected officials, my good friend who I don't  
6 see, former Governor Ruth Ann Minner. Where is she? There  
7 you are, Ruth Ann. It's great to see you. Thank you for  
8 coming.

9 (Applause.)

10 GOVERNOR CARNEY: This is a very happy day for  
11 Delaware, a very happy day I hope and I know for the Primos  
12 family. I can't imagine what it felt like, Judge Primos, to  
13 have your son in that uniform holding that bible and putting  
14 that robe on you. I know you are very proud of your son, as  
15 we all are.

16 If you could stand up and be recognized for your  
17 service.

18 (Applause.)

19 GOVERNOR CARNEY: I've not met the father and  
20 mother. Mr. and Mrs. Primos, if you could stand and be  
21 recognized as well. Welcome.

22 (Applause.)

23 GOVERNOR CARNEY: And, of course, Andrea, the

1 strength behind this fine young lawyer and now judge.

2 (Applause.)

3 GOVERNOR CARNEY: Thank you. You don't have to  
4 spend much time with Noel before getting a real sense of who  
5 he is and what are his strongest qualities. His humility  
6 and civility set him apart.

7 Humility in particular is a character trait that  
8 I'm not sure we always see. As I interviewed potential  
9 judges, that really caught my attention. I heard from some  
10 of the members of our judicial nominating commission that  
11 Noel went three quarters of the way through his interview  
12 before mentioning the fact that he had gone to Yale and  
13 Vanderbilt. Noel's humility and his sense of service is  
14 what convinced me of his suitability for this really  
15 important job.

16 And Noel, living in the Kent County part of  
17 Milford, strikes me as a real southern gentleman. Probably  
18 has more to do with his roots in Mississippi than it does --

19 (Laughter.)

20 GOVERNOR CARNEY: But for me, there's something  
21 very reassuring of having somebody like that on the bench.  
22 People that come before these courts, they want to make sure  
23 that they are heard, and I know that Noel will do that.

1 Judge Primos will do that. Noel has a reputation for having  
2 unimpeachable ethics. He's a man of very strong faith and  
3 very strong family ties, as we see here.

4 Noel is the child of Greek immigrants. There's  
5 something really special about that real American story.  
6 And he's practiced almost every kind of law there is which  
7 will make him a very serious and important asset on the  
8 bench.

9 I was particularly struck by the experience that  
10 he had and his legal aid work in Georgetown here in Delaware  
11 and in Mississippi. Again, things that took him a while to  
12 bring out in his JNC interview. Noel simply has the heart  
13 of a public servant, and I know it doesn't fall too far from  
14 the tree here. The apple doesn't fall too far from the  
15 tree.

16 When I was checking out his references, one person  
17 compared Noel to Randy Holland. Pretty strong comparison to  
18 somebody who I have always had a tremendous amount of  
19 respect for.

20 There's a saying in the law that, unlike in  
21 basketball, the best players sit on the bench.

22 (Laughter.)

23 GOVERNOR CARNEY: The best players sit on the

1 bench.

2 (Laughter.)

3 JUDGE PRIMOS: Noel, Delaware is very lucky to  
4 have someone of your character sitting on the bench. We  
5 thank you for your willingness to serve, and I was honored  
6 to have the opportunity to nominate you.

7 I want to close by apologizing for leaving. And  
8 that's not because I don't want to hear the other speakers,  
9 but I was told it is the governor's role to speak and then  
10 leave. Seriously. Now, I don't know whether this is true  
11 or not.

12 Justice Holland, does that sound like our staff  
13 telling me that you had better leave so you can get on to  
14 your next event?

15 JUSTICE HOLLAND: I think you should do whatever  
16 your staff instructs you to do.

17 (Laughter.)

18 JUSTICE HOLLAND: But you are very welcome to  
19 stay.

20 GOVERNOR CARNEY: Now that's an incredible justice  
21 right there.

22 I want to thank everybody in this room for coming,  
23 thank the Senate for confirming this outstanding jurist and

1 lawyer, and thank you for the opportunity to serve as your  
2 governor.

3 God bless.

4 (Applause.)

5 JUDGE WITHAM: Thank you, Governor, for your very  
6 warm and personal remarks.

7 I hope the governor heard that.

8 (Laughter.)

9 RESIDENT JUDGE WITHAM: Our next speaker will be  
10 the Honorable F. Gary Simpson who is the Senate Minority  
11 Leader.

12 Welcome, Senator.

13 SENATOR SIMPSON: Thank you, Judge.

14 It is an honor to be able to speak on this guy's  
15 behalf. It is nice to be able to talk about something good  
16 for a change and not the Delaware budget. I'm very happy.

17 Noel and his wife Andrea and son Caleb went to  
18 church with me about 20 years ago when all of us were going  
19 to the First Presbyterian Church in Milford, and I see the  
20 original pastor at that time sitting in the audience.

21 It wasn't too far removed from law school that  
22 Noel quickly impressed me with his thoughtfulness and his  
23 kind and caring manner. And speaking with his parents today

1 from Mississippi, with the charm and hospitality that they  
2 both exude, it's easy to see where Judge Primos got his  
3 links.

4 Both his private and his public persona exemplify  
5 a person who lives their Christian beliefs, not on his arm  
6 but in his heart. He was the kind of person who lived his  
7 faith every day and still does.

8 Since that time, I have witnessed his scholarly  
9 aptitude and his unique ability to discern the finer points  
10 of law. Some might say that he's a little bit soft, but I  
11 think that's a good jurist, someone that can exude the law  
12 and the fine points of the law without having to be harsh.  
13 And that's the strength of this guy.

14 Now, certainly, I am no judge of what makes an  
15 excellent jurist. The Governor's a lot better judge than I  
16 am, but they do have to come before the Senate for a  
17 confirmation, and I do know this: That a brilliant mind  
18 coupled with a calm and thoughtful manner, a good dose of  
19 common sense, and a desire to bring justice to both sides of  
20 the table sure go a long way with continuing the tradition  
21 of the fine line of judges who have manned our bench over  
22 the years.

23 So, in closing, I offer my sincere, sincere

1 congratulations, Judge Primos, and wish you all the success  
2 in the world as you take on this new duty.

3 Thank you.

4 (Applause.)

5 JUDGE WITHAM: Your remarks, Senator, are most  
6 appreciated.

7 We will now hear from Adam C. Gerber, Esquire, of  
8 the law firm of Morris James. Adam was a former law clerk  
9 to the Honorable Robert B. Young.

10 Welcome, Adam.

11 MR. GERBER: Thank you very much, your Honor.

12 Good afternoon, members of the community, Bar,  
13 Judiciary, Judge Primos. Thank you very much for the  
14 opportunity to take a few moments this afternoon and to  
15 celebrate this occasion with you.

16 As I was trying to put together my thoughts and  
17 think of what to say today, the old adage of "write what you  
18 know" came to mind. And what I know is how much Judge  
19 Primos has meant to me over the years, his friendship and  
20 his mentorship, and I just wanted to take a couple moments  
21 today to express that to him.

22 It is hard for me to believe I've known Judge  
23 Primos and his family for over 12 years now. If I recall

1 correctory, I think I met him when I was clerking here in  
2 the Superior Court for Judge Young. I had the good fortune  
3 to be Judge Young's first law clerk, so there's a certain  
4 symmetry I guess here to Judge Young stepping down and Judge  
5 Primos filling that vacancy.

6           After completing my clerkship here, I took a job  
7 actually directly across the street with Schmittinger &  
8 Rodriguez where I got to work with Judge Primos. And Judge  
9 Primos was instrumental in guiding me through that first  
10 year of practice where everything seemed new and was anxiety  
11 inducing.

12           He was and remains a calming presence in my life  
13 and I'm sure in the lives of many of you as well. When I  
14 was worried about something or stuck and I couldn't see a  
15 way forward, he would sit down with me and take time to  
16 really help guide me through the problem. He has this deep  
17 sense of calm and peace in his demeanor that makes you feel  
18 like no problem is unsurmountable.

19           He never seemed put out when I would come to him  
20 and interrupt him with a problem or a question. I'm sure,  
21 in retrospect, whatever he was working on was a lot more  
22 important than whatever I was worried about, but he never  
23 let on.

1 (Laughter.)

2 MR. GERBER: He was more than a mentor, though, to  
3 me. He became my friend. Although I eventually joined  
4 another firm, we had the opportunity to work together for a  
5 number of years on the Board of Bar Examiners. And we spent  
6 a number of hours working together on that, and I always  
7 looked forward to the opportunity to get together with Noel  
8 and work side by side again with him.

9 Over the years, Noel has taught me countless  
10 lessons, and I think the best way to epitomize what he has  
11 taught me is to say that he showed me how to slow down. He  
12 has taught me that it's all too easy to become distracted by  
13 the next task at hand, the next task to accomplish. You  
14 need to slow down and focus on what you are doing in the  
15 moment. He is so thoughtful and purposeful in all that he  
16 does. He has really been an example to me of that.

17 I had the opportunity on a number of occasions to  
18 observe Judge Primos making arguments and presenting motions  
19 in court. He is remarkably articulate, poised, and  
20 unhurried in his speech. Each word he speaks, whether it be  
21 in court or even in casual conversation seems individually  
22 chosen for a specific purpose. Every word he speaks has  
23 meaning.

1           In my mind, Judge Primos is the epitome of the  
2 Delaware lawyer. That's how I've always thought of him. He  
3 is not only an exceptional intellect but also has true  
4 wisdom. He has an eye for detail but retains his focus on  
5 the bigger picture. To borrow a phrase I heard recently,  
6 he's a lawyer who can see the forest and the trees.

7           Even when he's in the position of opposing counsel  
8 to you, he understands that he's your colleague. I was  
9 speaking to some attorneys within my firm about their  
10 interactions with Noel, Judge Primos, and they are all,  
11 obviously, very positive, but one attorney was quick to  
12 mention that he had had countless cases in which he was  
13 opposing counsel, but he had referred probably at least as  
14 many cases, if not more, directly to Judge Primos. I think  
15 that speaks volumes.

16           Noel showed me -- Judge Primos. Excuse me. I  
17 have to get used to that.

18           (Laughter.)

19           MR. GERBER: He showed me how to slow down in life  
20 outside of the law as well. He showed me by his example how  
21 to live a life of purpose and meaning. He is diligent and  
22 hardworking, but he sets time aside for his family, his  
23 friends, and his church. I aspire to live life with that

1 much intentionality and vitality.

2 I do want to say it's been a joy to get to know  
3 his family, Andrea and Caleb. I still remember meeting  
4 Caleb. He was a boy, and I remember thinking what an  
5 exceptionally thoughtful, polite, and mature boy he was even  
6 then, and now it's very gratifying to see how you've grown  
7 up into such a man as you are getting ready to ship off to  
8 Iraq in the next few months.

9 Judge Primos, thank you very much for allowing me  
10 the opportunity to learn from you. Thank you for showing me  
11 how to live a life with meaning and purpose and for being a  
12 calm presence. I am overjoyed you've received this honor  
13 and this opportunity, and I look forward to following what I  
14 am sure will be an illustrious career on the bench.

15 Thank you. And may your faith continue to guide  
16 you in your life.

17 (Applause.)

18 JUDGE WITHAM: Thank you, Adam.

19 It is with great pleasure as well as a distinct  
20 privilege to introduce the Honorable Randy J. Holland, our  
21 prior justice on the Supreme Court as well as the  
22 longest-serving justice of Delaware. Welcome, indeed,  
23 Justice Holland.

1 Justice Holland.

2 (Applause and standing ovation.)

3 JUSTICE HOLLAND: Thank you all very much.

4 Distinguished members of the Bench and Bar and the General  
5 Assembly and the Executive Branch, it's really an honor for  
6 me to be here today.

7 And, Noel, I hope you outlive my tenure. You're  
8 off to a good start.

9 (Laughter.)

10 JUSTICE HOLLAND: And then I think this is a very  
11 historic occasion. And in my remarks on Noel, I wanted to  
12 put it in the perspective of other great judges who have  
13 preceded Noel and whom he undoubtedly will outdistance  
14 during his career.

15 But we are gathered here today on the historic  
16 Green in Dover. And this was laid out by William Penn in  
17 1783 as a place for courts to meet, and courts have been  
18 meeting here continuously for 300 years.

19 Now, when Judge Primos took his oath of office, he  
20 swore to uphold and defend the Constitution of the United  
21 States and the Constitution of Delaware. And this historic  
22 Green has a very special place in the history of the United  
23 States Constitution because as you go out this afternoon and

1 cross the Green, I encourage you to look at the Golden  
2 Fleece Tavern. And that's where the people of Delaware, the  
3 delegates of Delaware, made Delaware the first state to  
4 ratify the United States Constitution.

5 Now, we're also joined in this room by someone  
6 else who had a connection to the United States Constitution,  
7 and that's Richard Bassett, whose portrait is in the back  
8 corner. He was a delegate to the United States Constitution  
9 from Delaware.

10 But as I mentioned, Judge Primos also swore to  
11 uphold the Constitution of Delaware, and Richard Bassett was  
12 also a delegate to the Delaware Constitutional Convention in  
13 1776 and 1792, and as a judge, wrote a leading  
14 interpretation of the Delaware Constitution that's still  
15 good law today.

16 The Superior Court as such, the words Superior  
17 Court first appeared in the Delaware Constitution of 1831,  
18 and that Article to the Constitution was written by John M.  
19 Clayton. And John M. Clayton is looking down on all of us  
20 from over the bench.

21 Now, many of you may think of John M. Clayton  
22 through Clayton Hall at the University of Delaware or Buena  
23 Vista which was his home, but John M. Clayton and Noel have

1 a lot in common.

2           Just as Richard Bassett was a Dover attorney,  
3 Judge Primos was a Dover attorney, and John M. Clayton was  
4 also a downstate attorney. John M. Clayton also went to  
5 Yale Law School, and like Judge Primos, John M. Clayton had  
6 an impeccable reputation. He served in the Senate with  
7 Daniel Webster and Henry Clay, but his reputation exceeded  
8 both of them. In fact, his reputation was so good that  
9 Zachary Taylor made John M. Clayton the Secretary of State  
10 of the United States of America.

11           But, like Noel, he has something else in common.  
12 John M. Clayton presided over the Superior Court that he  
13 wrote into the Delaware Constitution, so one of your  
14 predecessors, President Judge Jurden.

15           Judge Primos was admitted to the Bar in 1992, and  
16 I met him almost immediately as a member of the Terry-Carey  
17 American Inn of Court. And that was a group of lawyers and  
18 judges in Dover and Georgetown that were established to meet  
19 monthly to discuss ethics, civility, professionalism, and  
20 excellence.

21           And when I think about those qualities, I  
22 immediately think about Judge Primos because he really  
23 personifies that. And in looking at that breadth of

1 qualities, it also made me think of another historic, iconic  
2 judge, Thomas More.

3           You know Thomas More from history as the man for  
4 all seasons because he was a well-rounded person. And I  
5 think if we pause for a moment to reflect on those qualities  
6 as they are evidenced by the life of Judge Primos, we can  
7 see why I think of him as a well-rounded man for all  
8 seasons.

9           We start with excellence. And as you know, he  
10 went to Vanderbilt. But he just didn't go to Vanderbilt.  
11 He graduated with highest honors. He graduated Phi Beta  
12 Kappa, and he was second in his entire college class.

13           Not surprisingly, he went to Yale Law School, one  
14 of the best law schools in the country. But he just didn't  
15 go to Yale Law School. He was an Olin Scholar at Yale Law  
16 School, and there, his paper won first place for student  
17 articles.

18           His legal excellence was recognized by the  
19 Delaware Supreme Court who appointed him to sit on the  
20 Delaware Board of Bar Examiners, grading the Bar exams for  
21 people who would become Delaware lawyers. Who better to  
22 grade their exams than a legal scholar like Judge Primos.

23           His excellence has also been recognized by the

1 American Bar Association. He was selected to be in the  
2 American Bar Foundation. There are a million lawyers in the  
3 United States, but the American Bar Foundation limits it's  
4 membership to one percent of those one million lawyers.

5 We've heard about Judge Primos' civility, and he  
6 was a litigator, and in an adversarial world, he was known  
7 for his civility. And his reputation for civility passed  
8 beyond the Delaware borders. The Third Circuit Court of  
9 Appeals recognized that and asked him to serve on its  
10 Advisory Committee.

11 And civility is something that's been ingrained in  
12 Judge Primos over his career. Nicolas Rodriguez of  
13 Schmittinger & Rodriguez is here with us today who is the  
14 Dean of Civility not only in Dover but in Delaware.

15 And when Judge Primos worked at Schmittinger &  
16 Rodriguez, he had other examples who proceeded him on the  
17 bench: Justice Vaughn, who swore him in; Judge Pyott of the  
18 Family Court; and Judge Clark on the bench he'll be joining  
19 today.

20 Judge Primos was always known for his ethics. In  
21 fact, his reputation for ethics was so outstanding that the  
22 Delaware Supreme Court appointed him to the Preliminary  
23 Review Committee of the Board on Professional

1 Responsibility. Judge Primos was the gatekeeper to make a  
2 determination of whether other Delaware lawyers were  
3 behaving ethically.

4           And, certainly, fourth but not least, is  
5 professionalism. When professionalism is defined in any  
6 context, it always includes something about public service.  
7 And as I've said many times, for lawyers, it's really been  
8 summarized by Justice O'Connor who said: When you have a  
9 law degree, you have the keys to the courthouse door and you  
10 have the keys for rich and poor alike. It's your obligation  
11 to open the courthouse doors for rich and poor alike, and  
12 your obligation as a lawyer is greater than simply the  
13 accumulation of wealth.

14           And Judge Primos took those words to heart. When  
15 he graduated from law school, as you could imagine, from  
16 Yale, he could have done anything anywhere in the country  
17 that would have been extremely lucrative. But what did he  
18 decide to do? He decided to accept a Skadden fellowship and  
19 he went to Community Legal Aid Society in Sussex County, and  
20 there, he worked homeless issues and tried to provide  
21 housing for people that couldn't afford housing.

22           When he concluded working at Community Legal Aid,  
23 he decided to dedicate himself to individual representation,

1 and if we look at his career as a lawyer, the common  
2 denominator is he made the lives for everyday people better.

3           You can see why I thought there was a comparison  
4 between a Renaissance person like Thomas More and Judge  
5 Primos. But the comparison doesn't end there. Thomas More  
6 was also a courageous judge. You remember that King John  
7 signed the Magna Carta, and in the Magna Carta, he agreed  
8 that no one was above the law, including the king. And as  
9 part of the Magna Carta, he assured people they would have  
10 religious freedom.

11           All that changed with Henry VIII. And when Thomas  
12 More was confronted by Henry VIII and asked to disregard the  
13 Magna Carta, Thomas More refused that, and he stood up to  
14 the king, and he eventually paid with his life. But along  
15 the way, he said no one is above the law, not even the king;  
16 and, conversely, everyone is entitled to the protection of  
17 the law, even the devil.

18           So as Judge Primos takes his position on the Court  
19 today, he'll be called upon in accordance with his oath to  
20 afford due process to rich and poor alike, and to people  
21 that are good and perhaps not so good, equal justice under  
22 the law.

23           Now, the other analogy that I see between Judge

1 Thomas More and Judge Primos is a deep personal faith. And  
2 what's important to keep in mind is that when Thomas More  
3 defied the king, he didn't put his personal faith above the  
4 law. What he concluded was the law was to protect everyone  
5 of all faiths, and that's certainly what Judge Primos will  
6 be doing when he's a judge of the Superior Court.

7 Finally, the last analogy is between Thomas More  
8 and Judge Primos and the importance of family, and you see  
9 that today with the presence of his mother and father, his  
10 brother, his wife Andrea, and certainly his son Caleb.

11 As you've heard, Caleb will be deployed to Iraq at  
12 the end of the summer. And when Judge Primos takes the oath  
13 to uphold and defend the Constitution of the United States,  
14 it certainly won't be lost on him that men and women like  
15 his son are putting their lives on the line to defend the  
16 Constitution.

17 We're all extremely fortunate that someone like  
18 Judge Primos, a well-rounded man for all seasons, is willing  
19 to devote himself to public service on the Superior Court.  
20 Judge Primos started today by taking an oath with his right  
21 hand on the Bible and he concluded that oath by saying, So  
22 help me God.

23 So I would like to conclude with the same reminder

1 that I was given at my investiture from the book of Micah:  
2 Act justly, love mercy, and walk humbly with your God.

3           Congratulations.

4           (Applause and standing ovation.)

5           JUDGE WITHAM: Thank you, thank you, Justice  
6 Holland for those very warm, profound, and solemn remarks.  
7 It is now my esteemed pleasure to introduce to you the  
8 Honorable Noel Eason Primos, Judge of the Superior Court of  
9 the state of Delaware, for his remarks.

10           (Applause and standing ovation.)

11           JUDGE PRIMOS: I would like to say first of all I  
12 am honored and humbled by all the words that have been  
13 spoken. I am just rendered speechless by what's been done  
14 today, but I guess I can't be rendered speechless because I  
15 have to give a speech.

16           (Laughter.)

17           JUDGE PRIMOS: So I had better get started. But  
18 before I get to my remarks, I know many of you have traveled  
19 significant distances to be here today and from other  
20 states, and I thank you for that, but I just want to  
21 recognize two people in particular.

22           First of all, my college classmate and suite-mate,  
23 John Bush. If you could stand, John.

1 (Applause.)

2 JUDGE PRIMOS: John traveled here from Louisville,  
3 Kentucky, and I'm thankful, and now I'm going to brag on  
4 you, John. Four weeks ago, I was talking to John about how  
5 my Senate confirmation hearing had gone, and he told me that  
6 he might be having a Senate confirmation hearing before the  
7 United States Senate. And on May 8, sure enough, the  
8 President nominated John to be a judge on the United States  
9 Court of Appeals for the 6th Circuit.

10 (Applause.)

11 JUDGE PRIMOS: I am so proud of you, John. You've  
12 done our Branscomb Dormitory floor proud.

13 (Laughter.)

14 JUDGE PRIMOS: I'd also like to recognize Rob  
15 Hornstein and his lovely wife Correen who traveled here from  
16 Washington. I don't know if Rob is -- Rob and Correen?  
17 Yes.

18 (Applause.)

19 JUDGE PRIMOS: Rob is the former managing attorney  
20 of CLASI's Georgetown Office. He's currently the head of  
21 the civil division of the D.C. Public Defender's Office, and  
22 Rob is the person who persuaded me to come to Delaware.  
23 That's one of the best decisions I ever made, Rob.

1                   (Laughter.)

2                   JUDGE PRIMOS: Glad I listened to you. Thank you,  
3 Rob and Carine, for being here.

4                   And now my remarks. The year was 1863. A young  
5 private named Thomas Smart Logan marched along a dusty  
6 Pennsylvania road under the hot sun of late June with his  
7 regimen, the 2nd Mississippi.

8                   He had not seen any action, Thomas hadn't, since  
9 the previous September when he had been wounded at the  
10 battle of Sharpsburg near Antietam Creek, but now he was  
11 preparing to fight in the next great battle of that long and  
12 bitter war near a town called Gettysburg.

13                   On the first day of that battle, July 1, Thomas  
14 was captured. He was marched over the land to Baltimore  
15 where he was put on a train to Delaware, and on July 6, he  
16 was committed to prison at Fort Delaware for the remainder  
17 of the war.

18                   On June 11, 1865, Thomas was released after  
19 swearing an oath of allegiance to the United States of  
20 America. And I'm sure as he turned his face away from  
21 Delaware for the last time to head west and south, he can  
22 never have imagined that one of his descendants would  
23 someday call Delaware home and would come to love this state

1 even more than the home of his boyhood. But, you see, that  
2 has come to pass because Thomas Logan was my  
3 great-great-grandfather.

4 Now, Thomas Logan, my ancestor, and I were both 26  
5 years old when we arrived in Delaware, but there the  
6 similarities cease. He came as a prisoner and I came  
7 willingly. He found Delaware to be a place of great  
8 privation and hardship, but I found Delaware to be a place  
9 of abundant blessing. He came to live among enemies, but I  
10 came to live among friends who have welcomed and encouraged  
11 me.

12 And, in short, I've come before you today with a  
13 heart overflowing with gratitude to God and to so many of  
14 you who have helped to make my life here a joyful and  
15 fulfilling one.

16 I am thankful to the members of the Delaware Bar  
17 who have made practicing law here a joy and a delight. And  
18 this was brought home to me on the day that Governor Carney  
19 nominated me when the very first call that I received to  
20 congratulate me came from another person who had sought this  
21 position, Jeff Young.

22 Now, it goes without saying that Jeff is one of  
23 the finest litigators around, but there's something much

1 more important about Jeff. He embodies the class and the  
2 grace that are the hallmarks of the Delaware Bar, and I am  
3 thankful for his professionalism which is an example to all  
4 of us.

5 Now, I also have to be very thankful, of course,  
6 to Governor Carney and to the members of the Delaware Senate  
7 who have given me this opportunity to serve the state that I  
8 love so much. I am thankful for the fact that in my career,  
9 I have appeared before some great judges both in the state  
10 and the federal court. Judges like Justice Randy Holland,  
11 one of the greatest jurists in the history of Delaware.  
12 Judges like Governor Carney's father-in-law, Judge Quillen.

13 My very first motion in the old New Castle County  
14 Courthouse was before Judge Quillen, and he listened to me  
15 as if what I had to say in my little motion was important.  
16 And forever after that, as long as he was alive, whenever he  
17 would see me at a Bar function, he would greet me with great  
18 kindness.

19 Judges like former Chancellor Bill Chandler and  
20 Judge Mary Pat Thyngge, who have both been so important to me  
21 both professionally and personally. Chancellor Chandler and  
22 Judge Thyngge, Bill and Mary Pat, if I can be half the judge  
23 that each of you has been, then I will have been a success.

1           Now I turn now to the Kent County judges that it  
2 has been such a wonderful experience to appear before. And  
3 years ago, one of the senior partners at my firm, Paul  
4 Boswell, called me up and said, Noel, how would you like to  
5 help John Noble with the Board of Bar Examiners? Being a  
6 young attorney, I didn't really have a choice, so I said,  
7 yes, I'll do that.

8           (Laughter.)

9           JUDGE PRIMOS: And we must have graded a thousand  
10 Bar exam papers, but I wouldn't have traded that experience  
11 for the world. The opportunity to work with a topnotch  
12 lawyer like John Noble and then afterwards to appear before  
13 him in his courtroom was invaluable. Thank you, Vice  
14 Chancellor Noble, John, for your kindness to me and my  
15 family over the years, and thank you for showing me what an  
16 excellent jurist looks like.

17           Now, the judges of the Kent County Superior Court.  
18 When I started practicing law 24 and a half years ago, the  
19 two judges in the Kent County Superior Court were Henry  
20 duPont Ridgely and Myron T. Steele. Now how is that for two  
21 great judges. You can't get much better than those two.

22           And it is thrilling to me to think, though I  
23 haven't figured it all out with the present judges

1 presently, but it is thrilling to me to think that I may be  
2 sitting in the seat that Hank Ridgely once occupied. The  
3 idea of following in the footsteps of someone who has  
4 mentored me and encouraged me throughout my career is  
5 inspiring to me.

6 Thank you, Hank, and I hope I make you proud.

7 My predecessor, the Honorable Robert B. Young.  
8 His intellect, his work ethic, his common sense, his  
9 knowledge of the courtroom have all set very, very high  
10 standards for me to strive for, and I thank him for being a  
11 great judge.

12 To the judges that I will join on the Kent County  
13 Superior Court, Resident Judge Bill Witham and Judge Jeff  
14 Clark, my thanks goes out to you. Bill, you have always  
15 been kind to me when I was appearing before you and kind to  
16 me since my nomination, and I look forward to learning all  
17 that you have to teach me.

18 Jeff, isn't it ironic that for 16 of the 19 years  
19 that you were at Schmittinger & Rodriguez, our offices were  
20 within steps of each other and now our offices will be  
21 within steps of each other.

22 (Laughter.)

23 JUDGE PRIMOS: You can't get away from me. But

1 seriously, I look forward very much to working shoulder to  
2 shoulder with you again, Jeff, toward a common goal.

3           And now to the great attorneys of Schmittinger &  
4 Rodriguez with whom I practiced for 24 and a half years.  
5 Great attorneys like Harold Schmittinger who was H.S. to me.  
6 He was always so encouraging, and it was inspiring to see  
7 the confidence that he placed in a young and uncertain  
8 attorney like me.

9           I remember one time, the Delaware Supreme Court,  
10 as they sometimes do, assigns a question of law to two  
11 attorneys to brief and argue. Henry Herndon got the  
12 positive side of the question and H.S. got the negative side  
13 of the question, and he asked me to help him on the brief.

14           So we were sitting at oral argument in front of  
15 the justices and Henry was presenting his argument, and H.S.  
16 leaned over to me and said, Noel, why don't you take the  
17 argument.

18           (Laughter.)

19           JUDGE PRIMOS: I think my heart dropped down to my  
20 feet, but I did it, and it meant so much to me that he would  
21 place that confidence in me. I miss H.S. very much.

22           Nick Rodriguez. Nick, you have been the most  
23 important attorney in my career. You have showed me the

1 example of what an attorney should be with your kindness,  
2 your professionalism, your work ethic. I just can't express  
3 how much you have meant to me. You always patiently  
4 listened to whatever question or issue that I brought to  
5 you. You've been so encouraging to me over the years, and I  
6 will miss you very much.

7 Paul Boswell. Paul always had the most  
8 interesting clients. You never could tell how wealthy they  
9 were just by looking at them or meeting them. It was kind  
10 of like the Beverly Hillbillies.

11 (Laughter.)

12 JUDGE PRIMOS: Paul always used to call them the  
13 salt of the earth. But Paul was kind of like that too  
14 because you couldn't really tell how brilliant he was the  
15 first time you met him. He always had a smile on his face,  
16 he was always in good humor, and he allowed this young  
17 attorney to practice with a great attorney by pulling me in  
18 on litigation matters. Thank you, Paul.

19 Bill Fletcher. Bill, you have been so patient  
20 with me over the last 24 and a half years to always answer  
21 every question that I brought to you. And I brought a lot  
22 of questions to you.

23 I've told Bill before I thought he would make a

1 great judge, and he would, but I think he would also make a  
2 great law professor. He was such a good teacher. And if he  
3 didn't know the answer off the top of his head, he would  
4 help me find it and he knew where to find it, and he  
5 wouldn't stop until we had down the answer. Thank you,  
6 Bill. I will miss you.

7 Fred Townsend. Fred, practicing law with you has  
8 meant so much to me. Representing a municipal client like  
9 Kent County and Dewey Beach and the Town of Townsend -- no  
10 relation -- you always knew exactly how to deal with those  
11 clients, exactly how we needed to respond to a situation,  
12 and you were always so generous to me. If we didn't have  
13 enough of a fee to cover our time, you wanted to give the  
14 fee to me. I'll never forget your kindness, Fred, and I  
15 will miss you very much.

16 I also want to thank the staff of Schmittinger &  
17 Rodriguez. The staff are often unseen but make us attorneys  
18 look great, and I couldn't have done anything, I couldn't  
19 have accomplished anything without the staff of Schmittinger  
20 & Rodriguez, and I want to thank them.

21 Now, my family. I thank my family so much for  
22 being here today. My brother-in-law and sister-in-law, Bill  
23 and Joyce Hurst; my cousin, Angie Smith; my brother,

1 Dr. Bill Primos, thank you very much for being here.

2 My parents, Billy and Mary Jane Primos. And I  
3 want everyone to know that the day that the Governor  
4 nominated me, April 13, 2017, was their 60th wedding  
5 anniversary.

6 (Applause.)

7 JUDGE PRIMOS: Daddy and Momma, thank you for  
8 showing me what hard work looks like in the restaurant  
9 business. Thank you for teaching me the importance of  
10 always satisfying the customer. That's an invaluable lesson  
11 in the practice of law. Thank you for sacrificing for my  
12 education. I love you very much.

13 My son, Caleb Glenn Primos. Caleb, I'm very proud  
14 of you, not just because of the uniform that you wear but  
15 because you're a good son and you love your parents. Thank  
16 you for always believing that I could be a judge even  
17 sometimes when I might have doubted that or lost faith in  
18 that. Thank you for that. Thank you for your  
19 encouragement. I love you, son.

20 My wife, Andrea. Who can find a virtuous wife?  
21 For her worth is far above rubies. They call Delaware the  
22 Diamond State. I found something much more valuable than a  
23 diamond when I came to Delaware. I found my bride, Andrea.

1 I would not be here without you, Andrea. I love you very  
2 much.

3 I also want to thank many here who are not part of  
4 my blood family or my family by marriage, but they are  
5 family just the same. They are my brothers and sisters in  
6 Christ. I thank you for your encouragement over the years.  
7 I thank you for your prayers. I thank you for being here.  
8 I love you all very much.

9 Now, in closing, I just want to say that as I  
10 enter into this weighty responsibility, I pray for two  
11 things. One is humility. When King Solomon took the throne  
12 of Israel, he prayed this to the Lord: Give to your servant  
13 an understanding heart to judge your people that I may  
14 discern between good and evil. For who is able to judge  
15 this great people of yours?

16 That is my heart as I enter into this  
17 responsibility. I cannot judge this people, I cannot fairly  
18 treat them according to the law unless God enables me, and  
19 my prayer is that he would give me the wisdom to judge  
20 rightly.

21 Secondly, I pray for humility. And here I'd like  
22 to tell a story about our friend and neighbor, former  
23 Governor Ruth Ann Minner. And I am so thankful that she is

1 here today with us. A number of years ago, my wife Andrea  
2 and I had a birthday party in our home, and one of the  
3 guests was our friend Doris from Maryland. She had recently  
4 moved from Maryland to Delaware, actually.

5 Another one of our guests was Ruth Ann Minner who  
6 at that time was our Lieutenant Governor. So when Ruth Ann  
7 arrived, Andrea brought Ruth Ann into the room where Doris  
8 was seated on the couch to introduce her, and Andrea said,  
9 This is Ruth Ann Minner. She is our Lieutenant Governor.  
10 Well, Doris looked at Ruth Ann and said, And what do you  
11 really do?

12 (Laughter.)

13 JUDGE PRIMOS: So Ruth Ann was completely unfazed,  
14 and in her dignified and polite way, she responded, That's  
15 what I really do. I'm the Lieutenant Governor. That's my  
16 job. Now, I think Doris nearly fell off the couch.

17 (Laughter.)

18 JUDGE PRIMOS: But the point here is that Ruth Ann  
19 never forgot where she came from, she never forgot that she  
20 was one of the people, and she never forgot that her job was  
21 to serve people, and I pray that I will have that same kind  
22 of humility.

23 Earlier today when I took the oath of office, one

1 of the statements that I made was that the powers of the  
2 office flow from the people that I am privileged to  
3 represent. I pray that I will always remember that; that I  
4 will always remember where I came from and that my job is to  
5 serve the people. I pray that I will never forget that's  
6 what I really do. I'm a Superior Court judge. That's my  
7 job. Thank you and God bless you.

8 (Applause and standing ovation.)

9 JUDGE WITHAM: Judge Primos, on behalf of the  
10 Court, the entire Court, I must say, well done.

11 We will now hear the exhortation and prayer to be  
12 given by Pastor George McDearmon.

13 PASTOR McDEARMON: Judge Primos, you have asked me  
14 to exhort you and I will do so briefly by referring your  
15 attention to an episode that is described for us in the 18th  
16 Chapter of the book of Exodus. It is quite a brief period  
17 after Mosses had led the old covenant people out of Egypt.

18 And we read or learn there that from morning to  
19 evening, Moses sat to judge the people. His father-in-law  
20 observed that, and his father-in-law questioned Moses and  
21 said, You will surely wear out, and he wisely counseled  
22 Moses to select out from among the people able men who fear  
23 God, men of truth who hate dishonest gain, and let them

1 judge the people at all times.

2           Forty years later, Moses recalled that scene, and  
3 his recollections are found in the opening chapter of the  
4 Old Testament Book of Deuteronomy. He records what he said  
5 to the people: Choose wise and discerning and experienced  
6 men.

7           And then he recalled what he charged or exhorted  
8 to those judges: Then I charged the judges at that time  
9 saying, Hear the cases between your fellow countrymen and  
10 judge righteously between a man and his fellow countryman or  
11 the alien who is with you. You shall not show partiality in  
12 judgment. You shall hear the small and the great alike.  
13 You shall not fear man, for the judgment is God's.

14           My friend, Judge Primos, I exhort you to be of the  
15 character posterity of those men chosen to assist the great  
16 man Moses in judging the people of Israel. I further exhort  
17 you to seek what you've already mentioned; that is, what  
18 Solomon sought.

19           When the Lord said to him, Ask what you wish me to  
20 give you, Solomon's response was this: So give thy servant  
21 an understanding heart to judge thy people, to discern  
22 between good and evil. For who is able to judge this great  
23 people of thine?

1           The Lord then responded: Because you have asked  
2 for discernment to understand justice, behold, I have done  
3 according to your words; behold, I have given you a wise and  
4 discerning heart.

5           As the episode unfolds, it concludes with this:  
6 They -- that is, the people of Israel -- saw that the wisdom  
7 of God was in him to administer justice. Never tire of  
8 earnestly seeking from the God of all wisdom the wisdom you  
9 need to serve the public good in the state of Delaware.

10           Justice Holland has referred to Micah 6 at Verse  
11 8. He has told you, O Man, what is good. And what does the  
12 Lord require of you but to do justice, to love kindness, to  
13 walk humbly with your God.

14           No doubt in the days ahead there will be burdens  
15 that perhaps begin to accumulate, demands, even  
16 perplexities. I remind you of the words of the Lord Jesus  
17 spoken to the Apostle Paul: My grace is sufficient for you.

18           Judge Primos, I exhort you to be a man like those  
19 old covenant judges, a man who earnestly, regularly seeks  
20 the wisdom of God, who walks humbly before Him; and in your  
21 weakness, to look to the Lord Jesus for the gracious,  
22 upholding power to see you through day by day.

23           Let us pray. Father, may it be your good pleasure

1 that Judge Primos would now take his place among able,  
2 God-fearing men of integrity and wisdom courageously and  
3 competently serving the public good of the state of  
4 Delaware. And may it be on the Last Day that he would hear  
5 from his Savior: Well done, good and faithful servant.

6 And I pray in the name of the crucified, risen,  
7 and reigning Lord Jesus. Amen.

8 ALL: Amen.

9 JUDGE CLARK: All right. Now, in closing, on  
10 behalf of all of the judges on our court, Judge Primos, I'd  
11 like to congratulate you. It's been a wonderful ceremony.

12 I would like to thank everyone for coming and  
13 having to come from so far and near, and I know it's made it  
14 a special day for Judge Primos and it's been a wonderful  
15 crowd, and the entire Court thanks everyone for coming.

16 Also thank each of the speakers for the wonderful  
17 speeches today that will help to inspire Judge Primos as he  
18 goes forwards to do the best that he can for the state, as  
19 we know he will.

20 And, also, I would certainly like to thank the  
21 Superior Court staff who we take it for granted that there  
22 was an awful lot of work put in altogether today, and they  
23 have done a wonderful job.

1 (Applause.)

2 JUDGE CLARK: With that, a final thank you. The  
3 special session of the Superior Court is closed, adjourned.

4 THE BAILIFF: All rise. Superior Court of the  
5 State of Delaware in and for Kent County stands in recess  
6 till the call of the court.

7 (This special session of Superior Court adjourns  
8 at 4:09 p.m.)

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CERTIFICATION OF REPORTER

I, Andrea M. Saatman, RPR, Chief Court Reporter of the Superior Court, Kent County, State of Delaware, do hereby certify that the foregoing is an accurate transcript of the testimony adduced and proceedings had, as reported by me, in this Special Session of the Superior Court of the State of Delaware in and for Kent County in the matter herein stated, as the same remains of record in the Office of the Prothonotary of Kent County at Dover, Delaware.

This certification shall be considered null and void if this transcript is disassembled or disseminated in any manner by any party without express and written authorization of the signatory below.

WITNESS, my hand, this 1st day of June, A.D.,  
2017.

/s/ Andrea M. Saatman  
Andrea M. Saatman, RPR  
Chief Court Reporter