

1           SPECIAL SESSION OF THE SUPERIOR COURT  
 2           OF THE STATE OF DELAWARE  
 3           IN AND FOR NEW CASTLE COUNTY

                  - - -

4   IN THE MATTER OF:                   :Friday, July 11, 2014  
 5    :at 11:00 a.m.  
 6   CEREMONY OF INVESTITURE:  
 7    :  
 8           OF                               :  
 9    :  
 10   FERRIS W. WHARTON                 : Superior Court  
 11    : Courtroom 8B  
 12   AS AN ASSOCIATE JUDGE           : New Castle County Courthouse  
 13    :  
 14   OF THE SUPERIOR COURT            :  
 15    :

                  - - -

16   BEFORE:   HON. JAMES T. VAUGHN, JR., PRESIDENT JUDGE  
 17    SUPERIOR COURT OF THE STATE OF DELAWARE

18                   HON. RICHARD R. COOCH, RESIDENT JUDGE  
 19    SUPERIOR COURT OF THE STATE OF DELAWARE

20   PRESENT:   HON. MATTHEW DENN  
 21    LT. GOVERNOR OF THE STATE OF DELAWARE  
 22    KATHLEEN M. JENNINGS, ESQ.  
 23    STATE PROSECUTOR OF THE STATE OF DELAWARE  
 24    J. BRENDAN O'NEILL, ESQ.  
 25    PUBLIC DEFENDER OF THE STATE OF DELAWARE  
 26    Members of the Delaware General Assembly,  
 27    Judges of the State and Federal Courts,  
 28    commissioners and others.

29    BONNIE R. ARCHER, RPR  
 30    SUPERIOR COURT OFFICIAL REPORTERS  
 31    500 North King Street - Suite 2609  
 32    Wilmington, Delaware 19801-3725  
 33    302.255.0652

1 Present:

2           As noted.

3                                 - - -

4           PRESIDENT JUDGE VAUGHN: Good morning,  
5 everyone. Welcome to this special session of the  
6 Superior Court for the Investiture of Ferris W.  
7 Wharton as a judge in this court.

8           Please remain standing for the invocation of  
9 Reverend Don Godwin of Aldersgate United  
10 Methodist Church.

11           REVEREND GODWIN: Bow your heads with me.  
12 Almighty and eternal God just and merciful judge  
13 of all creation, look down from heaven this day  
14 upon your faithful servant, Ferris Wharton,  
15 chosen by those who know him best, given  
16 authority to administer justice among the  
17 peoples, to protect the innocent and to pass  
18 sentence on and punish the guilty. Grant to him,  
19 Almighty God, the gift of your holy wisdom, a  
20 spirit of discernment and your holy grace that he  
21 may boldly, discretely and mercifully fulfill the  
22 duties of his charge as Superior Court Judge in  
23 the well-being of your people and justice in your

1 holy name.

2 Amen.

3 PRESIDENT JUDGE VAUGHN: Thank you, Reverend.

4 Please also remain standing for the Pledge of  
5 Allegiance led by Judge Wharton's nephew, Kevin  
6 C. Wharton.

7 (Whereupon, the Pledge of  
8 Allegiance was recited.)

9 PRESIDENT JUDGE VAUGHN: All right. Now,  
10 please be seated.

11 Ladies and gentlemen, seated with me on the  
12 bench today is Resident Judge Richard R. Cooch,  
13 the resident judge in New Castle County. In a  
14 few minutes, Judge Wharton will be seated here to  
15 my left, and in the jury box are the Superior  
16 Court Judges and Commissioners with robes on for  
17 this special session of the Court.

18 The Court recognizes the family members and  
19 many friends of our next Superior Court Judge,  
20 who are present today, and in particular, Judge  
21 Wharton's brother, Guy L. Wharton, Jr., and his  
22 sister-in-law, Susan Wharton, and their children,  
23 Kevin, Abbey and Kyle. Also, Judge Wharton's

1 niece, Kate Williams, and her children, Devin and  
2 Callie, and Judge Wharton's nephew, Michael  
3 Miller and his daughter, Grace.

4 The Court also recognizes Lieutenant Governor  
5 Matthew Denn, other elected and appointed  
6 officials and members of the Delaware Judiciary  
7 and the Bar.

8 To all, a warm and special welcome to the  
9 Superior Court.

10 We are here today to commemorate the  
11 beginning of Ferris Wharton's career as a member  
12 of the Superior Court, our State's general  
13 jurisdiction trial court. The proceeding is one  
14 of investiture, where the historical robing is of  
15 special ceremony, significance and public  
16 commitment under oath.

17 The robe itself is a symbol of impartially  
18 and the judge's solemn duty to administer equal  
19 justice on behalf of the people we serve.

20 We will now proceed with the oath. Judge  
21 Wharton's niece, Kathleen Williams, will hold the  
22 Bible and his brother, Guy, will then assist with  
23 the robe.

1 Right hand on the Bible.

2 "I, Ferris W. Wharton"

3 FERRIS W. WHARTON: "I, Ferris W. Wharton"

4 PRESIDENT JUDGE VAUGHN: "Do proudly swear"

5 FERRIS W. WHARTON: "Do proudly swear"

6 PRESIDENT JUDGE VAUGHN: "To carry out the  
7 responsibilities"

8 FERRIS W. WHARTON: "To carry out the  
9 responsibilities"

10 PRESIDENT JUDGE VAUGHN: "Of the office of  
11 Judge of the Superior Court"

12 FERRIS W. WHARTON: "Of the office of Judge  
13 of the Superior Court"

14 PRESIDENT JUDGE VAUGHN: "Of the State of  
15 Delaware"

16 FERRIS W. WHARTON: "Of the State of  
17 Delaware"

18 PRESIDENT JUDGE VAUGHN: "To the best of my  
19 ability"

20 FERRIS W. WHARTON: "To the best of my  
21 ability"

22 PRESIDENT JUDGE VAUGHN: "Freely  
23 acknowledging"

1 FERRIS W. WHARTON: "Freely acknowledging"

2 PRESIDENT JUDGE VAUGHN: "That the powers of  
3 this office"

4 FERRIS W. WHARTON: "That the powers of this  
5 office"

6 PRESIDENT JUDGE VAUGHN: "Flow from the  
7 people"

8 FERRIS W. WHARTON: "Flow from the people"

9 PRESIDENT JUDGE VAUGHN: "I'm privileged to  
10 represent."

11 FERRIS W. WHARTON: "I'm privileged to  
12 represent."

13 PRESIDENT JUDGE VAUGHN: "I further swear"

14 FERRIS W. WHARTON: "I further swear"

15 PRESIDENT JUDGE VAUGHN: "Always to place"

16 FERRIS W. WHARTON: "Always to place"

17 PRESIDENT JUDGE VAUGHN: "The public  
18 interest"

19 FERRIS W. WHARTON: "The public interest"

20 PRESIDENT JUDGE VAUGHN: "Above any special  
21 or personal interest"

22 FERRIS W. WHARTON: "Above any special or  
23 personal interest"

1           PRESIDENT JUDGE VAUGHN: "And to respect the  
2 right"

3           FERRIS W. WHARTON: "And to respect the  
4 right"

5           PRESIDENT JUDGE VAUGHN: "Of future  
6 generations"

7           FERRIS W. WHARTON: "Of future generations"

8           PRESIDENT JUDGE VAUGHN: "To share the rich,  
9 historic"

10          FERRIS W. WHARTON: "To share the rich,  
11 historic"

12          PRESIDENT JUDGE VAUGHN: "And natural  
13 heritage of Delaware"

14          FERRIS W. WHARTON: "And natural heritage of  
15 Delaware"

16          PRESIDENT JUDGE VAUGHN: "In doing so"

17          FERRIS W. WHARTON: "In doing so"

18          PRESIDENT JUDGE VAUGHN: "I will always  
19 uphold and defend"

20          FERRIS W. WHARTON: "I will always uphold and  
21 defend"

22          PRESIDENT JUDGE VAUGHN: "The constitutions  
23 of my country and my state"

1           FERRIS W. WHARTON: "The constitutions of my  
2 country and my state"

3           PRESIDENT JUDGE VAUGHN: "So help me God."

4           FERRIS W. WHARTON: "So help me God."

5           PRESIDENT JUDGE VAUGHN: Congratulations.

6           JUDGE WHARTON: Thank you.

7           (Applause.)

8           (Whereupon, Ferris W. Wharton puts the robe  
9 on with the assistance of his brother, Guy L.  
10 Wharton, Jr., and Judge Ferris W. Wharton takes  
11 the bench.)

12          RESIDENT JUDGE COOCH: Congratulations.

13          PRESIDENT JUDGE VAUGHN: All right. Now  
14 before today's speakers are recognized, I would  
15 like to warmly welcome Ferris to the Superior  
16 Court. His qualifications and experience make  
17 him fully deserving of the honor which the  
18 Governor and Senate have conferred upon him.

19          I am sure Ferris will be an excellent  
20 Superior Court Judge and distinguished member of  
21 the Delaware Judiciary.

22          Ferris and I have known each other for many  
23 years. We both were admitted in the mid '70s,



1 and we've known each other pretty much ever since  
2 then, and I know that we will have no trouble  
3 working together in our new relationship as  
4 colleagues on the Superior Court.

5 Each of us on the Superior Court look forward  
6 to working with Ferris as our newest colleague.

7 I would now like to invite the Honorable  
8 Matthew Denn, Lieutenant Governor of the State of  
9 Delaware to make his remarks.

10 LT. GOVERNOR DENN: Good morning, Everyone.  
11 Good morning, Your Honor.

12 If one measure of a life well lived is the  
13 inability of your peers to think of any stories  
14 about you that can be shared properly at an  
15 investiture ceremony, Ferris Wharton has lived a  
16 full life, indeed.

17 I was coming up with nothing, really, in  
18 preparation for today. I actually reached out to  
19 some of Ferris' former colleagues in the  
20 Department of Justice, who are now sitting on the  
21 bench. I just wanted to quote from a couple of  
22 responses that I got.

23 From the Honorable Robert Surles of the Court

1 of Common Pleas: Quote, We struggled to come up  
2 with any stories appropriate for the occasion,  
3 end quote.

4 From the Honorable Paul Wallace of the  
5 Superior Court: Quote, I just don't know how  
6 these stories translate into an investiture  
7 speech, unquote.

8 So today we are going to have to play it  
9 straight, and the straight truth is that Ferris  
10 Wharton comes to the Superior Court Bench with  
11 what may be the most extensive courtroom trial  
12 experience of any attorney in recent history. He  
13 has been on both sides of fence, and he has  
14 excelled on both sides of the fence.

15 Ferris waited for a long time to be appointed  
16 to the Bench, a really, really long time, and  
17 although I know the wait was frustrating, the  
18 opportunity that it gave him to see the Criminal  
19 Justice System from multiple perspectives, I  
20 think, is going to make him an even more superb  
21 judge than he would have been otherwise.

22 Although, it's what the public has seen most  
23 often in Ferris, the criminal side of things, his

1 expertise is certainly not limited to criminal  
2 law.

3 In 2001 and 2002, I was working as the  
4 governor's legal counsel, and Ferris was the  
5 State Chief Deputy Attorney General, and the  
6 relationship between the Governor's Office and  
7 the Attorney General's Office is a complicated  
8 one.

9 Two elected officials, at that time, of  
10 different political parties, one of whom believes  
11 that the Attorney General's Office is there to  
12 follow the orders of its client, and one of whom  
13 believes that the Attorney General's Office has  
14 an independent role to play. My views on this  
15 are evolving, by the way.

16 Back in 2001 and 2002, I worked side by side  
17 with Ferris to try to navigate the State through  
18 some complex civil litigation, sometimes on our  
19 good days, actually managing to avoid having the  
20 State get sued altogether, and in that arena,  
21 just as we have seen so many times in the  
22 criminal arena, Ferris was very smart but also  
23 very practical and able to master the details

1 without losing sight of the big picture.

2 I am very glad that Ferris is going to be a  
3 judge for two independent reasons. First,  
4 because he is now officially disqualified from  
5 playing for the Republican team in the annual  
6 Easter Seals Democrats versus Republicans Charity  
7 Volleyball Game. He has been ruining that for us  
8 for close to a decade now, and it's come to an  
9 end.

10 Second, because his basic decency and  
11 honesty, his brains and his really unparalleled  
12 experience in the courtroom are going to make  
13 him, as President Judge Vaughn suggested, really  
14 a model of what we want our Superior Court Judges  
15 to be.

16 Ferris, you earned this. You deserve this.  
17 You are going to be fantastic at doing this job.  
18 I just can't wait to watch you do it.

19 Congratulations again. Thank you.

20 (Applause.)

21 PRESIDENT JUDGE VAUGHN: Thank you. We will  
22 now hear from Kathleen M. Jennings, Esquire,  
23 State Prosecutor.

1 Kathy.

2 MS. JENNINGS: Justices, Chief Judge Vaughn,  
3 Resident Judge Cooch, Members of Judiciary,  
4 Lieutenant Governor Matthew Denn, Family of  
5 Ferris Wharton and Friends, welcome.

6 I am honored by Ferris' invitation to speak  
7 at his investiture. We go back a long way,  
8 having attended Mount Pleasant High School  
9 together; although, he is quite a bit older than  
10 I am.

11 Ferris has come a long way since those days,  
12 and today begins his tenure as a Judge of the  
13 Superior Court.

14 Ferris, the way you have traveled that road  
15 makes you uniquely qualified to ascend to the  
16 Bench.

17 As many of you know, Ferris is an outstanding  
18 athlete, from playing soccer and basketball and,  
19 perhaps, other sports that I'm forgetting in high  
20 school, to baseball and you name it thereafter.

21 He is in his 17th or 18th year of heading out  
22 to Iowa to participate in RAGBRAI. He is a  
23 runner and competes in triathlons.

1 I have been told, Ferris, that you celebrated  
2 your nomination by jumping off the Cape May-Lewes  
3 Ferry and swimming to shore as leg one of a  
4 triathlon.

5 I also understand that you celebrated by  
6 going to see a band called Dark Star Orchestra,  
7 the cover band for the Grateful Dead. Yes, Judge  
8 Ferris is a Deadhead.

9 Your competitive skills and athletics  
10 translated seamlessly into your career in the  
11 courtroom.

12 Ferris was simply an outstanding prosecutor.  
13 In the courtroom and in the field, you were  
14 always yourself, incisive, well prepared,  
15 succinct, persuasive and smart as hell.

16 Ferris is never a grandstander, but he is  
17 always a fierce competitor in the cause of  
18 justice.

19 Your cases and your accomplishments in the  
20 courtroom are legendary. As Steve Wood reminded  
21 me this morning, Ferris' wit is legendary as  
22 well.

23 When Ferris was trying the kidnap murder

1 trial of Lynch, State versus Lynch, for example,  
2 a news reporter came up to him, asking him for  
3 comment. Of course, everyone in the courtroom  
4 here knows Ferris said, "Comment, I have no  
5 comment." And the news reporter asked, "Why?"  
6 Whereupon, Ferris replied, "Because you'll put it  
7 in the paper."

8 As a defense attorney, you have represented  
9 your clients with equal skill and dedication.  
10 Deputies, young deputies, maybe some not so  
11 young, returning from a trial with Ferris, not  
12 infrequently had their butts kicked, became  
13 better lawyers for the experience, and that says  
14 it all.

15 Ferris once told me that he is, quote,  
16 pathologically competitive, end quote. I  
17 experienced that firsthand. In the trial of  
18 State versus Allison Saunders, a Wilmington  
19 police officer I was defending at the time.  
20 Judge Norman Barron presided over the trial.  
21 Neither side gave an inch, and we certainly  
22 didn't make it easy for the judge to preside. So  
23 much so that after the trial was over Judge

1 Barron called us up to the bench, and said, "I  
2 will never preside over a trial that the two of  
3 you try again." And he didn't. Certainly, our  
4 friendship survived.

5 Besides Ferris' command of the courtroom, he  
6 brings to the bench an equally strong asset, his  
7 people skills, and you're a Republican. I had to  
8 get that in.

9 Ferris has life-long friends for a reason.  
10 People like -- no, love him. Okay, Ferris.  
11 That's as sentimental as you'll ever allow me to  
12 get, but they do.

13 People respect him, and people just want to  
14 be around him.

15 When we were young pups at the Department of  
16 Justice, many of us formed enduring bonds: Judge  
17 Butler, Steve Walter, Bobby O'Neill, Susan  
18 Purcell, Dirk Derstein, Steve Wood, and we could  
19 go on and on with Ferris.

20 Our lives centered on work because that's how  
21 you make your bones. Ferris worked hard, and he  
22 played hard. Thursday nights at Gallucios,  
23 followed by painful Friday morning meetings



1 before Gene Hall.

2 I recall one Halloween party at Susan  
3 Purcell's house, where Ferris allowed us to dress  
4 him up like Pee-wee Herman. Yes, he did.

5 So, Ferris, be nice to us. I still have the  
6 photos.

7 Ferris is a loyal, honest and wonderful  
8 friend to so many. Just look around this  
9 courtroom.

10 Ferris cares deeply for people, his mother  
11 the most, and his devotion to her is profound,  
12 and it's emblematic of the character of this man.

13 Ferris also cares deeply for criminal  
14 justice, dedicating his entire professional life  
15 to it. It is his passion, his calling. I am not  
16 sure when the bug bit him, whether it was at his  
17 first murder scene, was it working with victims  
18 as one of the first rape unit prosecutors; was it  
19 in the courtroom battles, the camaraderie of  
20 fighting together in the trenches? Was it the  
21 stories of human behavior nobody else could  
22 believe or was it righting the wrongs done to  
23 those victimized by violence?

1 (Baby crying.)

2 I promise I will be brief.

3 Likely, it is all of these things. I know  
4 some of it was just the pure joy of loving your  
5 work. Ferris was so good with people.

6 I recall one case that Ferris and I tried  
7 together, Alan Bass, and so maybe only the  
8 criminal lawyers in this room will appreciate it,  
9 but we were preparing for trial. We were  
10 preparing one of the victims for trial.

11 Ferris was the consummate professional,  
12 preparing her extremely well, as he sat in his  
13 office with me sitting by his side, and at the  
14 very end, Ferris asked the question, "Do you have  
15 any questions for me?" whereupon, she asked,  
16 "Mr. Wharton, What are you doing for dinner  
17 tonight?" That was the only time I've seen  
18 Ferris speechless.

19 Then there was the infamous Francis Naughton  
20 trial, and there were some young male victims in  
21 that case that Ferris was so good to, and long  
22 after the trial was over, they came to our office  
23 door-to-door selling flowers. Ferris bought all

1 of their flowers. It's the only time I've seen  
2 Ferris buy flowers.

3        Seriously, Ferris has always been drawn to  
4 the pursuit of justice, righting the wrongs that  
5 others do. He has an unerring sense of right and  
6 wrong, forged in the trenches, and he brings,  
7 perhaps, the finest sense of justice to the bench  
8 of any person I know.

9        So, Ferris, with your sense of fair play,  
10 your mastery of the art of the trial, your  
11 compassion for others, your passion for justice,  
12 your wisdom and your unerring sense of humor, you  
13 will serve well, my friend.

14        We are grateful to Governor Markell for  
15 having selected the best person to serve on the  
16 Bench, but please do us a favor, Ferris, and ask  
17 Judge Butler to lighten up on our young deputies.  
18 Thank you.

19        (Applause.)

20        PRESIDENT JUDGE VAUGHN: We will now hear  
21 from Brendan O'Neill, Esquire, Public Defender  
22 for the State of Delaware.

23        MR. O'NEILL: Thank you, Your Honor.

1           Good morning. Lieutenant Governor Denn,  
2 Members of the Bench, Members of the Bar,  
3 colleagues, friends and family, welcome.

4           Thanks for coming to share in this great day  
5 for Judge Wharton, and even a better day for the  
6 people of Delaware. We're all lucky to have  
7 Judge Wharton sitting on our bench on the  
8 Superior Court, and I commend Governor Markell  
9 for making such a great selection, and as far as  
10 I'm concerned, Ferris is the second best  
11 appointment that Governor Markell has ever made.

12          Judge Wharton, on behalf of those of us in  
13 the Public Defender's Office, thank you. Thank  
14 you for all you did, for our clients and for us.  
15 You were a great teacher, and that was mostly by  
16 example. Day in and day out, you showed us what  
17 it means to be a true professional.

18          In everything you did, you showed us how to  
19 practice law in the right way. You were always  
20 on time. You were always prepared. You were  
21 always gracious to opposing counsel, to  
22 witnesses, to litigants and to court staff.

23          You were always respectful to the Court, but

1 never, ever intimidated by a judge, and oh, yes,  
2 you were always dressed to the nines. You  
3 single-handedly set the fashion bar at the Public  
4 Defender's Office higher than it had ever been  
5 before. Who knew that Books Brothers suits and  
6 Repp ties could look so good on anyone, and the  
7 rest of us are still trying to measure up.

8       Unfortunately, now that you're rocking that  
9 black robe at work, we are losing our way. We  
10 are already backsliding toward Ralph Wilkinson.

11       Those of us in the PD's Office thank you for  
12 being such a great colleague for the past six  
13 years that have just flown by. You have been a  
14 huge asset to our law practice. You have not  
15 only tried more cases than anybody, you were  
16 generous with your time, willing to share the  
17 wisdom earned during a lifetime spent in the  
18 courtroom. Never pushy, never judgmental but  
19 always willing to help whenever asked.

20       On a personal level, I thank you for being  
21 there to counsel me on many issues. I recall  
22 walking down the hallways in the Public  
23 Defender's Office in the late afternoon or early

1 evening, and it so happens that you were the only  
2 public defender who was present, but I'd ask you  
3 for advice. You were always ready, willing and  
4 able to give me good and sound advice. I only  
5 wish I had been smart enough to follow it more  
6 often. So thank you for everything.

7       And now that you are on the bench, there is  
8 no doubt that you will continue to teach all of  
9 us by your example. You will show all of us,  
10 lawyers, court staff and judges, that civility is  
11 more than just a word that is something that is  
12 practiced every day, and that it is a two-way.  
13 Civility is reflection of the kind of  
14 professionalism you've always exhibited  
15 throughout your career, and it is the by-product  
16 of a genuine respect for the lawyers in our Bar  
17 and the judges on our Bench.

18       Judge Wharton, all of us lawyers, myself  
19 included, look forward to appearing in your  
20 courtroom. We know that you will treat us well  
21 and that our clients will get a fair shake, and  
22 that's really all we can ask for.

23       Oh, yes, one last thing. If I'm ever in your

1 courtroom begging for a continuance, please  
2 remember I tried to be nice to you when you  
3 worked in the PD's Office.

4 Thank you. We are happy to have you, and  
5 good luck.

6 (Applause.)

7 PRESIDENT JUDGE VAUGHN: Thank you. It is  
8 now my privilege to call upon our new Superior  
9 Court judge for his greetings.

10 JUDGE WHARTON: Thank you, President Judge  
11 Vaughn. I can't see that far to see all the  
12 judges in the front row. I see Justice Ridgley,  
13 Judge Jordon, Judge Andrews, Judge Newell, Judge  
14 Chapman, Judge Coppadge, Judge Coonin. And  
15 what's Charley Oberly doing there?

16 Welcome. And to my colleagues on the  
17 Superior Court, welcome. Thank you for being  
18 here. Thank you, Lieutenant Governor Denn, for  
19 your kind remarks, filling in for Governor  
20 Markell, who is out of state today. I know you  
21 don't want to do that on a permanent basis. It  
22 pains you to do so. You have given up that. I  
23 appreciate that. You really need to step up your

1 opposition research game if you are going to be  
2 successful. There's a lot out there you could  
3 have used. I appreciate the fact you didn't.

4 Kathy, what can I say? Those comments were  
5 over the top. I really appreciate that. I wish  
6 I was the person you were talking about.

7 Kathy and I did go to high school together.  
8 She was a year behind me, most people think 20.  
9 She was about two when she graduated from high  
10 school, and we had a lot of good times as  
11 prosecutors together.

12 I especially appreciate you bringing up that  
13 Allison Saunders case and being kind enough to  
14 mention you were victorious in that case, not to  
15 mention that rather.

16 Brendan, I also appreciate your remarks, and  
17 thank you for taking me on as a lawyer in the  
18 Public Defender's Office. I learned so much  
19 there about being a better lawyer. It was a  
20 pleasure to work with you and the staff.

21 There are so many other people I need to  
22 thank today, more than time permits. So in the  
23 interest of brevity, what I thought I would do is



1 I would simply thank the 133,152 of my fellow  
2 Delawareans who did not vote for me in 2006. If  
3 they had not shown that wisdom, I probably  
4 wouldn't be here today.

5 Since I know that nobody here was among those  
6 133,152 that did not vote for me, I did want to  
7 take -- right -- take some time and thank some  
8 people I do need to thank.

9 I will be able to express my appreciation to  
10 a relative handful of all those people who really  
11 need and deserve my thanks. One of the hazards  
12 of attempting to thank personally everybody who I  
13 need to thank is that I will undoubtedly omit  
14 some people, and I apologize in advance for that.

15 First, I would like to thank Governor Markell  
16 for giving me this opportunity. Everybody has  
17 their own story about when they got the call from  
18 the governor telling them that they would be --  
19 he would be submitting their name to the State  
20 Senate. My story comes in multiple parts.

21 The first time I received a call from  
22 Governor Markell, I had not actually received a  
23 call. It was a voice mail at my office -- I'm

1 saying this because he's not here, of course. It  
2 was because I wasn't in the office at the time.  
3 He called about 6:30 at night. It was bad news.  
4 He said, "I'm going in a different direction."  
5 So I thought, Well, you know, if only I had been  
6 there. He probably went to the next person on  
7 the list then.

8 So the next time, I had an idea about when he  
9 would be making a call. So I stayed late every  
10 night, and I spoke to him in person. That wasn't  
11 the issue, but on the brighter side of things,  
12 the State did get their money out of me that  
13 week.

14 Then the third time I was waiting for Judge  
15 Davis' 9:30 sentencings to begin, and I saw Sean  
16 Sullivan. He said, "When do you think the  
17 governor is going to call?" I said, "Well, could  
18 be any minute. Could be the end of the month.  
19 Who knows."

20 Of course, Judge Davis entered the courtroom  
21 for his 9:30 sentencing at 9:28, and nobody was  
22 there. So he had to recess. That's when I got  
23 the call, I think. He may have been on the

1 bench.

2       At any rate, the governor called and told me  
3 that he was submitting my name. First, he asked  
4 me if I still wanted the job, and I said, "Sure."  
5 So he said, "Well, I have to ask you to keep that  
6 sort of under your hat for a couple of hours  
7 until I make my notifications. I have to call  
8 the Senate, some senators. I don't want it  
9 getting out before I tell them." So I said,  
10 "Well, Governor, I've waited 12 years. I can  
11 wait a couple more hours. No problem."

12       So I do want to thank the governor. I also  
13 want to thank the members of Judicial Nominating  
14 Commission for their persistence in stubbornly  
15 referring me to the governors. I appreciate  
16 that.

17       I want to thank people too, some people who  
18 are not here today. I want to begin by thanking  
19 my father. My father set high standards and  
20 expected much of his children, but there was no  
21 stronger supporter of his children than he. He  
22 was there for everything we did, rearranging his  
23 work schedule to come to watch me play in an

1 eight-minute running clock, junior high JV  
2 basketball game that took place between the  
3 halves of the regular varsity game. Nobody cared  
4 about those games, but he did, and he was there.  
5 He supported us. He would have been so proud to  
6 be here today, but he passed away 11 years ago  
7 nearly.

8 My mother -- I say my father, there's no  
9 stronger supporter of her children than my  
10 father. That's not true. My mother, who is 93,  
11 circumstances sort of prevent her from being here  
12 today, but she would tell me my father was  
13 stubborn, but in her own gentle way, there isn't  
14 a stronger, more determined person than I have  
15 ever met in my life.

16 Whenever I see her -- I try to visit her all  
17 the time -- I say, "Mom, how does it feel to be  
18 93?" She shakes her head and says, "Shocking."

19 My sister, Sue. My sister, Sue, was killed  
20 in 1987 in an automobile crash, and she left  
21 behind three small children.

22 Robbie, who was about ten months at the time,  
23 was the youngest. Those three children are here

1 today. They are all grown. Katie, who held the  
2 Bible. Mike, who is helping baby-sit over there,  
3 and Robbie, who is helping as well.

4 You mean so much to me. Every time I look at  
5 you, I am reminded of my sister. I really  
6 appreciate your presence here today.

7 There are two others who are not blood  
8 relatives I want to mention. The first is Marie  
9 Glynn, and the second is Peter Letang.

10 Marie and I worked together for over a dozen  
11 years, and, of course, everyone knows Peter.  
12 Both of them fought epic battles against cancer  
13 and ultimately died. I miss them. I wish they  
14 were here today. I know they would be if they  
15 were still alive. I especially miss the ability  
16 not to hear Peter tell an improved version of the  
17 ceremony in the years to come.

18 To my brother, Guy, and his wife, Sue, they  
19 have set an example for me. They have raised  
20 four wonderful children, Corky, who is not here;  
21 he is a bit of a prodigy in math and physics.  
22 Whenever I tell my mother that he is in Cornell  
23 at graduate school studying physics, and she just

1 looks at me, shakes her head and says, "Well, he  
2 didn't get that from me." He didn't get that  
3 from me either. He didn't get it from my  
4 brother. Sue, no.

5 But Kyle is the next oldest is here. He had  
6 a lacrosse career at The Haverford School, Johns  
7 Hopkins University. Unlike many of his peers, he  
8 actually has a well paying job.

9 Abbey, who is also here, taking care of kids,  
10 she has a real -- they are not hers. Let's get  
11 that straight. She has a real affinity for that  
12 and will be a wonderful elementary schoolteacher.

13 Kevin, who led the Pledge of Allegiance, I  
14 was privileged to be at his commissioning as the  
15 second lieutenant in the Marine Corps in May. We  
16 are looking forward and honored by him as a  
17 Marine. I know my father, who was a Marine  
18 colonel, would have been just as proud at your  
19 commissioning.

20 Professionally, I have been blessed to spend  
21 the bulk of my career in public service, in the  
22 Attorney General's Office, the United States  
23 Attorney's Office, and Public Defender's Office.

1 Richard Gebelein hired me in the Attorney  
2 General's Office. Charley Oberly gave me any  
3 number of opportunities to grow and to develop my  
4 skills. I appreciate that very much.

5 I've already talked about Kathy a little bit.  
6 She was one of my first supervisors, my second  
7 supervisor actually.

8 Tim Barron was my first. He taught me, among  
9 other things, the value of the nolle prosequi.  
10 It is a weapon I sorely miss in the Public  
11 Defender's Office. It is the ability to do that.  
12 I don't want to do this anymore. You don't know  
13 how many times I wanted to do that as a public  
14 defender.

15 I thank Charley for allowing me the  
16 opportunity to go to Dover and supervise that  
17 office there. I know I wasn't your first choice  
18 to do that or your second or your third, but I  
19 was the one who said yes.

20 I had an opportunity to see how trial judges  
21 work. I had a great opportunity to try, probably  
22 spend more days in trial in front of then Judge  
23 Ridgely than any judge I have ever spent time in

1 front of, month long trials, many of them capital  
2 murders.

3 I learned from Justice Ridgely the value of  
4 doing the same thing in the same circumstance  
5 every time. People expect that, and it's the way  
6 fairness is administered, and I hope I am able to  
7 do that as a judge myself.

8 I spent three months trying a case with Gene  
9 Hall. Many of you may think that that was a  
10 punishment. It was not. I learned so much  
11 talking with Gene, trying capital murder cases  
12 with Charley Butler.

13 We drove up and down the highway trying David  
14 Dawson, scheming on our way. The poor defense  
15 never had a prayer.

16 Judge Brady, Jane Brady, who allowed me to be  
17 New Castle Prosecutor, State Prosecutor and Chief  
18 Deputy Attorney General, trying cases with Steve  
19 Wood, who is one of the finest trial lawyers  
20 anybody will have an opportunity to see.

21 And, finally, I would be -- I have to say as  
22 a trial lawyer the culmination, high point of my  
23 career was when I had the opportunity to try



1 State versus Thomas Capano with Colm Connelly.  
2 There is no one who was better prepared, more  
3 ethical, a finer colleague than Colm, and even  
4 though on my tombstone, it will be the other guy  
5 who tried the case with Colm. I appreciate that,  
6 and I appreciate the opportunity you gave me to  
7 become an Assistant United States Attorney and  
8 work with you and Richard Andrews and many other  
9 fine, fine Assistant United States Attorneys.

10 In 2006, I made a decision to leave that  
11 great, high paying, prestigious job to run for  
12 Attorney General. I promise you, I will make  
13 better decisions as a judge.

14 And to Brendan and the Public Defender's  
15 Office, that is a difficult job. It takes  
16 exceptional lawyers to do that job well. Unlike  
17 the Deputy Attorney General, the Public Defenders  
18 have no power of the nolle prosequi. Sometimes  
19 when you are caught between a difficult client  
20 and a difficult State with all the evidence, you  
21 feel like you are merely shadow boxing the  
22 apocalypse. You don't know what to do, but there  
23 are wonderful lawyers working in that office.

1           Todd Connor was a great supervisor. I was  
2           able to bounce things off of him on a daily  
3           basis. Bob Goff took on some of the most  
4           challenging cases you could imagine, some of the  
5           most disreputable clients and represented them in  
6           the finest tradition of Delaware lawyers.

7           Kevin O'Connell is another great lawyer in  
8           the Public Defender's Office. If any of you were  
9           present at the party that the Public Defender's  
10          Office had for me when I left a few weeks ago,  
11          you know now why Kevin was not asked to speak  
12          today.

13          I have had the privilege to practice in this  
14          Court for nearly 30 years. In that time, I have  
15          tried cases with and against some of the finest  
16          lawyers of the day.

17          I've also tried cases before all but a very  
18          few of the judges of this Court, who have served  
19          in this Court in that time, and some of whom have  
20          gone on to serve as Justices of the Supreme  
21          Court, on the Chancery Court, United States  
22          District Court. I hope I have learned something,  
23          if not only by osmosis, from their collective

1 wisdom.

2 As for the current members of the Court, I  
3 cannot ask for more welcoming and helpful group.  
4 I appreciate your kindness in accepting me as one  
5 of your colleagues. Thank you very much. I'm  
6 not done -- almost though.

7 In preparing my remarks today, I had an  
8 opportunity to look at the transcripts of the  
9 ceremonies of previous investiture ceremonies,  
10 most of which are online. Curiously, Judge  
11 Butler's is not yet online. I can only assume he  
12 is still revising and extending his remarks.

13 But I was struck by Judge Wallace's remarks  
14 about humility, and Judge Wallace's remarks, I  
15 think, are endorsed by a higher authority, not  
16 the Supreme Court. I am referring to the gospels  
17 of Mark and Luke. They tell us whoever exalts  
18 himself will be humbled, whoever humbles himself  
19 will be exalted.

20 I had a real life opportunity to experience  
21 that. I had a car that was being repaired in a  
22 place on the 4th Street -- if you indulge, just  
23 one more story. So I told them, leave it on 4th

1 Street. I will pick it up after my run, which I  
2 did. I was coming down Greenhill Avenue about to  
3 turn onto 4th Street. Before I got to Greenhill,  
4 there was a car coming out of a restaurant on the  
5 left-hand side. It was four young ladies in the  
6 car, and so, you know, I'm running. I'm feeling  
7 pretty good, and a woman in the back rolls down  
8 the window, and she gives me a thumbs up, two  
9 thumbs up. I'm feeling even better. I don't  
10 know if that's why I didn't see the metal spike  
11 in the ground on the corner of 4th and Greenhill  
12 or not, but I didn't and I face planted.

13 So before I even had a chance to see if I was  
14 injured, I looked around, and, fortunately, they  
15 didn't see my fall, but I did learn a lesson from  
16 that. That's a lesson that Proverbs teaches. It  
17 is contracted to say that the pride goeth before  
18 the fall, literally.

19 One more person I want to thank -- I don't  
20 know if he had a chance to be here or not -- is  
21 the person I am replacing, and that is Judge  
22 Toliver. I wanted to thank him, first of all,  
23 for retiring when I was still young enough to

1 apply for this position. I also wanted to thank  
2 him for cleaning out his office and for leaving  
3 robes for me. I looked in the closet, and there  
4 were two robes, one of which had the initials BB  
5 in it, which I took to be Bernard Balick, who I  
6 don't believe served on this Court since 1994,  
7 and the other was not actually a robe. It was a  
8 dress. You'll have to ask him about that.

9 He gave me an explanation that, as a judge,  
10 he would not have believed. I do want to thank  
11 him for his example as a judge though. For a  
12 person he would describe as vertically  
13 challenged, he left some awful big shoes to fill.

14 It is said that with great power comes great  
15 responsibility. With God's help, I will do my  
16 best to do justice in all that I do and for all  
17 who come before this Court.

18 Thank you.

19 (Applause.)

20 PRESIDENT JUDGE VAUGHN: Please remain  
21 standing for the benediction.

22 REVEREND GODWIN: Go forth into the world in  
23 peace, be of good courage, hold fast and raise up

1 that which is good, rendered to no one evil for  
2 evil, strengthen the faint hearted, support the  
3 weak, give comfort to the afflicted, honor all  
4 who appear at the earthly bar of justice as  
5 children of our heavenly father. Love and serve  
6 the Lord, rejoicing in the power of the holy  
7 spirit now and forever more.

8 Amen.

9 PRESIDENT JUDGE VAUGHN: Thank you, Reverend.

10 Ladies and gentlemen, this concludes the  
11 special session of the Court. A reception will  
12 follow on the eighth floor.

13 Court is adjourned.

14 (Whereupon, the Investiture of The Honorable  
15 Ferris W. Wharton concluded at 11:52 a.m.)

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