

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 JEFFREY J. CLARK

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Friday, April 10, 2015
Kent County Courthouse
Courtroom No. 1
1:00 p.m.

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APPEARANCES: JUSTICE RANDY J. HOLLAND

PRESIDENT JUDGE JAN R. JURDEN

RESIDENT JUDGE WILLIAM L. WITHAM, JR.

JUDGE ROBERT B. YOUNG

DELAWARE SUPERIOR COURT JUDGES

HON. HAROLD K. BRODE

SPEAKERS: REVEREND DR. KARL KRAFT

GOVERNOR JACK A. MARKELL

SENATOR PATRICIA M. BLEVINS

YVONNE TAKVORIAN SAVILLE, ESQUIRE

JUSTICE RANDY J. HOLLAND

* * * * *

1 Friday, April 10, 2015
2 Courtroom No. 1
3 1:06 p.m.

4 BAILIFF BROWNING: All rise, please. The
5 special session of Superior Court of the State of Delaware
6 in and for Kent County is now in session.

7 (The judges of the Delaware Superior Court
8 enter followed by Justice Randy Holland, President Judge
9 Jurden, Resident Judge Witham and Judge Young.)

10 PRESIDENT JUDGE JURDEN: Good afternoon.
11 Welcome to the special session of Superior Court, the
12 Investiture of Jeffrey J. Clark as a judge of the court.

13 Please remain standing while we have the
14 invocation by Reverend Kraft.

15 Reverend Kraft.

16 REVEREND KRAFT: Good afternoon. Governor
17 Markell, honored guests, I just want to take a moment, if I
18 may, to express my thanks for the chance to be part of this
19 very important day in Jeff's life and career. This is truly
20 an honor, and I am humbled by Jeff's invitation to be here
21 as a representative of the Kenton United Methodist Church.

22 My family and I have come to know him as a
23 caring, compassionate, and fair person with a love for local
24 roots and the people with whom he and his family have

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1 interacted over many years. Jeff was actually instrumental
2 in helping my wife, Evelyn, and me take an important step
3 regarding our adopted daughter, and we will always be
4 grateful, Jeff, to you for that.

5 So in the spirit of gratitude and of
6 celebration, I would ask that we be in an attitude of prayer
7 at this time. Let's pray.

8 Our gracious, merciful, and all-loving God,
9 throughout the history of both our faith and life, your laws
10 and precepts have remained supreme. Indeed, the psalmist
11 has written: Your laws are my joy. They are my most
12 trusted advisors.

13 So we call on you, oh, Lord, the Maker of all
14 perfect laws, to be present on this joyful occasion when one
15 who has demonstrated exceptional skill, talent, and caring
16 has been selected for special office within the Delaware
17 court system.

18 As we begin the investiture proceeding for
19 Jeffrey Clark and as he assumes the position of a judge of
20 the Superior Court of the State of Delaware, we pray that
21 you would instill within his heart and mind a desire to
22 honor not only the laws of our state but also your holy laws
23 as taught through your word and exemplified by our Lord

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1 Jesus Christ.

2 As Jeffrey administers his responsibilities,
3 may he draw from your wisdom. We pray your blessing on him,
4 his colleagues, his constituents, and his family that today
5 will be a day of rewarding and fulfilling beginning. All of
6 which we ask in the name of our Lord God, Creator, Redeemer,
7 and Sustainer. Amen.

8 ALL: Amen.

9 PRESIDENT JUDGE JURDEN: Thank you, Reverend
10 Kraft.

11 Please be seated.

12 As we begin, allow me to introduce all who
13 are seated here with me today. To my right is Resident
14 Judge Bill Witham of the Superior Court. To my left is
15 Randy Holland, Justice Randy Holland, of the Supreme Court.
16 And to Judge Witham's right is Judge Young of the Delaware
17 Superior Court. In the jury box are the judges of the
18 Superior Court all robed for this special session of the
19 court.

20 In just a moment, Resident Judge Witham will
21 introduce the family members of Judge Clark, the many Clarks
22 who are here today, and many special guests and dignitaries
23 also here with us today. And to each of you, I wish you a

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1 very warm and special welcome to Superior Court.

2 We are here today to commemorate the
3 beginning of Judge Clark's career as a member of the
4 Superior Court, our State's general jurisdiction trial
5 court. The proceeding is one of investiture. There is an
6 historical robing. There is one special ceremony, one of
7 significant public commitment under oath and dedication of
8 the duties and responsibilities of the job. The robe itself
9 is a symbol of impartiality and a judge's solemn duty to
10 administer equal justice on behalf of the people we serve.

11 Our speakers today will tell you much more
12 about our friend, Jeff Clark, and his impressive credentials
13 and the experience he will bring to the court. And I am
14 confident, as are all of the judges, that Judge Clark will
15 serve the public with distinction as a Superior Court judge.

16 With that, I will turn it over to my friend
17 and colleague, Resident Judge Witham.

18 RESIDENT JUDGE WITHAM: Thank you, President
19 Judge Jurden.

20 Before we begin, I'd like to take a moment
21 and essentially recognize some distinguished guests today.
22 With us are Governor Markell, members of the judiciary,
23 Justice Holland, Justice Ridgely, Vice Chancellor Noble, our

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1 Superior Court judges, officials from the Court of Common
2 Pleas, the Chief Magistrate and magistrates from the Justice
3 of the Peace Courts.

4 In addition, we welcome President Pro Tempore
5 Patricia Blevins and current and former members of the
6 General Assembly along with elected and poignant officials,
7 members of the Delaware bar, and friends and family of Judge
8 Clark -- soon to be Judge Clark, I should say.

9 Lastly, but most importantly, I would like to
10 welcome and recognize the parents of Jeff J. Clark, Donald
11 and Ruth Clark; his wife, Jeff Clark's wife, Kristen; his
12 son, Thomas; and his daughter, Katherine.

13 I would be remiss if I didn't comment about
14 some of the more impressive credentials and experience that
15 Jeff Clark brings to the bench that are not mentioned. He
16 also has extensive public service to this state, and he has
17 a distinguished military service as a West Point graduate.
18 And, of course -- and this is close to my heart as well --
19 he's a fellow Armor Officer of the United States Military,
20 which is an added plus for me, much to Judge Young's
21 chagrin.

22 (Laughter.)

23 RESIDENT JUDGE WITHAM: At this time, we will

1 have the Pledge of Allegiance. Please stand for the Pledge
2 of Allegiance led by the Honorable Harold K. Brode, Kent
3 County Register of Wills.

4 MR. BRODE AND ALL: I pledge allegiance to
5 the flag of the United States of America and to the Republic
6 for which it stands, one nation under God indivisible with
7 liberty and justice for all.

8 RESIDENT JUDGE WITHAM: Thank you, Mr. Brode.

9 We will now have the administration of the
10 Oath of Office at this time. It is my pleasure to ask
11 Justice Randy Holland of the Delaware Supreme Court to
12 administer the Oath of Office with Justice Holland and
13 Jeff's son, Thomas, to assist by holding the bible.

14 JUSTICE HOLLAND: Are you prepared to take
15 the Oath of Office?

16 MR. CLARK: Yes, I am, Justice Holland.

17 JUSTICE HOLLAND: Please repeat after me.
18 I'll say "I," you state your name.

19 I.

20 MR. CLARK: I, Jeffrey J. Clark.

21 JUSTICE HOLLAND: Do proudly swear.

22 MR. CLARK: Do proudly swear.

23 JUSTICE HOLLAND: To carry out the

1 responsibilities.

2 MR. CLARK: To carry out the
3 responsibilities.

4 JUSTICE HOLLAND: Of the Office of Judge of
5 the Superior Court.

6 MR. CLARK: Of the Office of Judge of the
7 Superior Court.

8 JUSTICE HOLLAND: To the best of my ability.

9 MR. CLARK: To the best of my ability.

10 JUSTICE HOLLAND: Freely acknowledging.

11 MR. CLARK: Freely acknowledging.

12 JUSTICE HOLLAND: That the powers of this
13 office.

14 MR. CLARK: That the powers of this office.

15 JUSTICE HOLLAND: Flow from the people.

16 MR. CLARK: Flow from the people.

17 JUSTICE HOLLAND: I am privileged to
18 represent.

19 MR. CLARK: I am privileged to represent.

20 JUSTICE HOLLAND: I further swear.

21 MR. CLARK: I further swear.

22 JUSTICE HOLLAND: Always to place the public
23 interest.

1 MR. CLARK: Always to place the public
2 interest.

3 JUSTICE HOLLAND: Above any special or
4 personal interest.

5 MR. CLARK: Above any special or personal
6 interest.

7 JUSTICE HOLLAND: And to respect the right.

8 MR. CLARK: And to respect the right.

9 JUSTICE HOLLAND: Of future generations.

10 MR. CLARK: Of future generations.

11 JUSTICE HOLLAND: To share the rich historic.

12 MR. CLARK: To share the rich historic.

13 JUSTICE HOLLAND: And natural heritage of
14 Delaware.

15 MR. CLARK: And natural heritage of Delaware.

16 JUSTICE HOLLAND: In doing so.

17 MR. CLARK: In doing so.

18 JUSTICE HOLLAND: I will also uphold and
19 defend.

20 MR. CLARK: I will also uphold and defend.

21 JUSTICE HOLLAND: The Constitutions of my
22 country and my state.

23 MR. CLARK: The Constitutions of my country

1 and my state.

2 JUSTICE HOLLAND: So help me God.

3 MR. CLARK: So help me God.

4 (Applause.)

5 JUDGE CLARK: Thank you, your Honor.

6 RESIDENT JUDGE WITHAM: You may all be
7 seated. Jeff's wife, Kristen, and their daughter,
8 Katherine, will assist in robing.

9 (Judge Clark is robed.)

10 JUDGE CLARK: How do we do this?

11 (Laughter and applause.)

12 (Judge Clark ascends the Bench and shakes
13 hands with Justice Holland, President Judge Jurden, Resident
14 Judge Witham, and Judge Young.)

15 RESIDENT JUDGE WITHAM: It is now my distinct
16 pleasure to invite his excellency -- I think I did my math
17 right, I hope -- the 67th governor of the First State, which
18 is Delaware, to give his remarks.

19 (Applause.)

20 GOVERNOR MARKELL: Well, thank you. I have
21 to say when you were having difficulty with your robe, I
22 thought, boy, I'm going to be getting another request for
23 more money from the judiciary.

1 (Laughter.)

2 GOVERNOR MARKELL: I'm glad it worked.

3 For me, the highlight of this Investiture,
4 Jeff, I think is going to be the opportunity I just had.
5 When everybody's eyes were on you as you were taking the
6 Oath of Office, I was looking out here. And the look of
7 pride that I saw in your folks and your family, your very
8 large family, and the community at large was really
9 inspiring. It was really inspiring.

10 And I feel like there's been so much pride
11 and love in this room for you and so much confidence that
12 you will be, really, a tremendous judge. And I just
13 appreciate the chance to be here to share in this really
14 great moment.

15 I will say I won't identify him by name, but
16 before the Investiture started, one of the very
17 well-respected members of the Bar here in Kent County came
18 up to me and said, "Governor, remember it's Masters week.
19 Keep your comments brief." If he would like to identify
20 himself, I will let him do that.

21 (Laughter.)

22 But to President Judge Jurden and to all of
23 the members of the Superior Court to the justices of the

1 Supreme Court who are here, to all the members of the
2 judiciary, to Senator Blevins, thank you for the role that
3 you took in making sure that this vote not only took place
4 but ended up in a favorable vote. And I'm grateful to all
5 the members of the Senate for the roles that you played.

6 I also want to thank the members of the JNC,
7 the Judicial Nominating Commission, for the important role
8 that you play in making sure that we have such a fine
9 judiciary here in Delaware.

10 To Yvonne and all the members of the Bar,
11 thank you as well.

12 And most importantly, to Judge Clark and to
13 your family, really, heartiest congratulations. I know this
14 is a really big moment for you.

15 You know, we in Delaware take enormous pride
16 in the reputation of our judiciary, not just here in
17 Delaware, and for that matter, not just across the country,
18 but literally around the world.

19 And when I had the opportunity to travel
20 outside of Delaware to do economic development, the quality
21 of Delaware's judiciary is something that always comes up.
22 And that reputation exists because of the outstanding
23 jurists that we have, those who have inspired so much faith

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1 in our legal system.

2 And as a veteran of the United States Army
3 and a well-respected attorney now with almost two decades of
4 experience, Jeff Clark's service to our country and to our
5 community has created a strong foundation from which he can
6 continue to build on the outstanding legacy of our courts.

7 His work ethic is apparent not only to his
8 clients and colleagues but also in all of his commitments to
9 our community. He was a member of the Smyrna School Board
10 for many years. I see the superintendent of the Smyrna
11 School Board here with great pride. He served as a
12 president of that board for three terms. He's a member, as
13 you heard from the pastor, of the Kenton United Methodist
14 Church, and has served as a director of the Smyrna Opera
15 House as well.

16 He has developed over the course of his legal
17 career a reputation as a very dedicated, very focused
18 attorney with incredible professionalism, paying attention
19 to the details. All of these are qualities that will serve
20 our state well in his new role.

21 As an attorney and as a member of the Public
22 Service Commission, Jeff has the practical experience to
23 exercise sound and reasoned judgment on matters of great

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1 importance to our state.

2 And, you know, I've had the opportunity over
3 my time as governor to meet with so many amazing members of
4 the judiciary, and for that matter, many amazing candidates
5 for the top judicial positions in our state, and there are
6 certain qualities that stand out. There's wisdom. There's
7 legal expertise. There's a devotion to public service. But
8 perhaps nothing is more important than an ability to value
9 the rule of law above all else. And that is not as easy as
10 it may sound.

11 There's a biblical commentary that presents
12 the case of a judge deciding a civil dispute involving a
13 monetary award, and it addresses the judge who is tempted to
14 say the poor claimant has no case, but he needs the money
15 more than the rich defendant does.

16 Well, while the intentions of that decision
17 may sound good and honorable, we know that we rely on our
18 judges to take a different approach. To recognize that no
19 matter the circumstances or the intentions, we rely on a
20 system that applies the law consistently in every case, and
21 a loss of confidence in that system would be a grave threat
22 to everybody, especially those who are most disadvantaged
23 among us.

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1 A fair society requires a neutral justice
2 system that everybody can count on from a wealthy
3 businessperson to the ex-offender just released into a
4 crime-ridden neighborhood. As Sigmund Freud said, "The
5 first requirement to civilization is justice; the assurance
6 that a law, once made, will not be broken in favor of an
7 individual."

8 And Jeff has demonstrated a deep commitment
9 to this county and to our state, and importantly, a
10 commitment to the values that are most critical, to having
11 the trusted judiciary that a healthy democracy requires.

12 He's got the intellect, he's got the
13 experience, and he has demonstrated a thoughtful approach to
14 the law, and all of this makes him an ideal person to
15 continue our State's tradition of judicial excellence.

16 Jeff, I am highly, highly confident that you
17 will inspire continued faith and trust in our justice
18 system, and I am truly proud, I am proud, to have nominated
19 you to serve on this court. Congratulations.

20 (Applause.)

21 RESIDENT JUDGE WITHAM: Thank you, Governor
22 Markell.

23 Now I invite the Honorable Patricia M.

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1 Blevins, President Pro Tempore of the Delaware State Senate,
2 to speak.

3 (Applause.)

4 MS. BLEVINS: Thank you, your Honor.

5 I didn't expect to get this emotional. I
6 felt very emotional there when Jeff was being robed. I
7 didn't expect that. And I saw that reflected also in his
8 family, to feel like we are all one here today in these
9 great feelings that we're having.

10 Many of the remarks in the notes that I took
11 about Jeff mirror some of what the Governor said, and I
12 think it's worth repeating because it reflects who he is and
13 what he means to all of us and to the community. We all
14 think different things when we consider Superior Court.
15 It's a fascinating court with ever-changing cases and
16 issues. Cases include the State's most notorious crimes,
17 important and ground-breaking lawsuits, and other civil
18 cases, the whole spectrum of gun, property, and drug crimes
19 that touch every one of Delaware's communities. Nothing
20 this court does is mundane or unimportant. But here's what
21 I think of the most often when I think about the Superior
22 Court: I think about really smart judges, careful
23 decision-makers, people giving strong support and guidance

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1 to hard-working jurists. I think we have an exceptional
2 Superior Court, and I think this court is really lucky to
3 gain Jeff Clark.

4 When you look around this room today, you see
5 so many of Jeff's colleagues from all the roles in which he
6 served. Jeff was raised in public service, and he's made it
7 his life. From the military to the school board to the
8 Public Service Commission, Jeff gave more to his community
9 than anyone I've ever known.

10 Most importantly to me and my Senate colleagues
11 was his service for so many years as a senate attorney.
12 Jeff never tried to anticipate what we wanted to hear
13 because he couldn't give a biased answer if he tried. He
14 always gave us a reasoned, thorough, and accurate
15 interpretation of the law each and every time we asked him
16 to testify on the Senate floor.

17 He drafted laws that made our state a better
18 place, and he gave us good legal advice even when we didn't
19 know enough to ask for it. We are very lucky in Delaware
20 that this great court will have another exceptional judge on
21 board. There couldn't be a better fit for both Jeff and for
22 the court.

23 I don't get many chances to thank our judges

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1 for doing what they do. And I do thank you. You are
2 appreciated. But today I want to thank Jeff Clark for once
3 again stepping up and serving our state and our country.
4 Delaware will once again be better for his service.
5 Congratulations.

6 (Applause.)

7 RESIDENT JUDGE WITHAM: Thank you, Senator
8 Blevins, for your remarks.

9 Our next speaker is the 67th president of the
10 Delaware State Bar Association, my friend, Yvonne Saville.

11 (Applause.)

12 MS. TAKVORIAN SAVILLE: Good afternoon. When
13 we first become admitted as Delaware lawyers, I suspect that
14 many of us wonder what positive contributions we can and
15 will make to our legal community to continue the great
16 traditions of our Delaware Bar.

17 Judge Clark's accomplishments, which have
18 also been expressed by Governor Markell and Senator Blevins,
19 speak volumes as to his 18-year endeavor to uphold the
20 cornerstone values of Delaware practice, which is civility,
21 strong work ethic, and professionalism within the Bench and
22 Bar.

23 For anyone who's ever had a case with Judge

1 Clark, they will certainly attest to his attention to detail
2 and preparation of litigation. While I never served on the
3 opposite side of Judge Clark, I've had the pleasure of
4 acting as an arbitrator or a mediator for him many times
5 before, and his diligence and thoughtfulness with the cases
6 has always impressed me.

7 He learned from some of the best trial
8 lawyers in the state, his partners at Schmittinger &
9 Rodriguez, and he rose to the forefront of his field of
10 practice, and I suspect that's one of the many reasons that
11 we're here today.

12 You can't find a better role model than Judge
13 Clark. In addition to handling an incredibly busy trial
14 practice in both civil and criminal law, Judge Clark also
15 recognized the importance of setting an example for and
16 being available as a resource for non-practitioners both
17 within and outside his firm.

18 He has served our country in the U.S. Army.
19 He's a proud veteran, practiced as a legislative attorney
20 for the Delaware Senate for 16 years, and as you have heard,
21 has been active in his community. We all know that Judge
22 Clark meets all of the high standards that we strive for as
23 practitioners and has gained the respect of his peers.

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1 All of the attributes that made him a
2 successful lawyer - an even temperament, the ability to
3 listen, a strong legal acumen, combined with the
4 finely-honed ability to communicate effectively - are the
5 same qualities that will make his ascension to the Bench a
6 welcome one for all who will practice before him.

7 Knowing that he will apply himself to those
8 judicial duties and responsibilities with the same fervor
9 and spirit that I witnessed in private practice ensures his
10 tenure on the Bench will be an outstanding addition to an
11 already esteemed group of jurists.

12 Jeff, I know today is a great source of pride
13 for you and your family; your wife, Kristen; your children,
14 Thomas and Katherine; and your parents, Donald and Ruth; as
15 well as your entire extended family at Schmittinger &
16 Rodriguez, many of whom are here in support of you today.

17 I also know from our personal conversations
18 that you recognize the wonderful professional and personal
19 support you've had to advance you to the next chapter of
20 your career where you will begin serving the litigants and
21 the citizens of this jurisdiction in a different capacity.

22 You have shared with me how ready you are to
23 tackle these new challenges ahead and how delighted and

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1 humble you are to accept this honored position. We have no
2 doubt that you will continue to be as dedicated as you have
3 always been to our profession and will strive to make the
4 same positive contributions you have made from day one.

5 Congratulations on your appointment to the
6 Superior Court, and best wishes always.

7 (Applause.)

8 RESIDENT JUDGE WITHAM: Thank you, President
9 Saville.

10 We will now hear from the Honorable Randy J.
11 Holland, Justice of the Delaware Supreme Court.

12 Justice Holland.

13 JUSTICE HOLLAND: Thank you, Judge Witham,
14 Governor Markell, Senator Blevins, President Judge Jurden,
15 my colleagues on the judiciary, friends and family of Jeff
16 Clark.

17 This is a great day, and it's a perfect day
18 to a week that started off with a group of significant
19 events. First, there was an article in the News Journal
20 about Governor Markell's many judicial appointments. He's
21 now appointed 35 people to the Delaware judiciary, some of
22 them reappointments, and 19 new appointments.

23 And I think it's also a week when we started

1 the opening day of baseball. The reason I mention baseball
2 is because there's a connection between Governor Markell's
3 appointments and baseball. His 35 appointments, they have
4 all been hits. He's batting a thousand percent.

5 And most people would be happy batting a
6 thousand percent, but that's not Governor Markell. He's not
7 content with singles. And not only does he have a thousand
8 percent batting average, what we really want to look at is
9 his slugging average. And it's my honor today to be sitting
10 between two of his home runs, President Judge Jurden and
11 Judge Clark.

12 (Applause.)

13 JUSTICE HOLLAND: This is also a special day
14 for all of you to be in the room with the judges of the
15 Superior Court. Virtually all of the judges of the Superior
16 Court are here today for this special investiture either on
17 the bench with me or in the jury box.

18 And we have heard several things about the
19 Superior Court, but one thing you should know is that for
20 more than a decade, the Chamber of Commerce of the United
21 States has ranked the judiciaries in all 50 states. And for
22 all ten years, the Delaware judiciary has been ranked number
23 one for being fair.

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1 (Applause.)

2 JUSTICE HOLLAND: And I mention that because
3 the primary reason we have been ranked number one we can
4 attribute to the Superior Court, and as Senator Blevins
5 said, the way they conduct jury trials. So Judge Clark is
6 joining the best court in the United States.

7 I think it's an honor for all of us to be
8 here with him, especially for me, because I met Judge Clark
9 as a law student at Widener Law School. He was an intern
10 for the Delaware Supreme Court with Justice Hartnett. He
11 was one of the prestigious Wolcott scholars, and he made a
12 great impression on me the first time, and the impression
13 has gotten better ever since.

14 Judge Clark graduated from Widener second in
15 his class. And you can imagine when you graduate second in
16 your class, you can just do about anything you want to do.
17 And what did he want to do? He wanted to come home. He
18 came to practice law in Dover, and we've all been better for
19 that decision.

20 His qualities were apparent to me not only as
21 a student but as a young lawyer, and even though he was only
22 a year out of law school, I asked him to be on the Delaware
23 Law Review published by the Bar Association so that we would

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1 have the highest quality of articles being read by the
2 members of the Delaware Bar.

3 When we're looking for judges, we're looking
4 for a lot of different qualities, as you've heard, but one
5 of the things you can imagine we're looking for is judgment.
6 And there's a famous philosopher named Kant who talked about
7 the fact that many professionals, including lawyers and
8 judges, could be experts in the law and they could be so
9 expert that they could even be professors, but they stumbled
10 in application of the law because they lacked judgment.
11 That's not going to happen with Judge Clark. He has superb
12 judgment.

13 A similar theme was picked up by the dean of
14 Yale Law School who wrote a book called *The Lost lawyer*, and
15 in that book, he said the outstanding lawyer, the person
16 who's a role model for everyone else, is not just an expert
17 in the law. He's a person of practical wisdom. And that's
18 what we have with Judge Clark: A person of practical
19 wisdom. And that's very important when your ethics and your
20 moral principles are being tested. Jeffrey Clark has been
21 the ideal lawyer, and he will be the ideal judge.

22 The other thing we're looking for in judges
23 is character. And, again, Dean Kronman talked about the

1 ideal lawyer as a person of character. It's not only an
2 accomplished expert in the law but a human being who has
3 profound skills and discharges them with integrity for the
4 public good. That's Judge Clark.

5 Integrity comes from character. And next
6 week, we'll be celebrating the 150th anniversary of the
7 death of Abraham Lincoln. And Abraham Lincoln made an
8 analogy between character and a tree. And he said a tree
9 really is your character, but the shadow of the tree is your
10 reputation, and we can never get away from our reputation.

11 We are very fortunate in Delaware to have
12 people like Yvonne Saville, the President of the Bar, and
13 the other people who are here today who are persons of
14 integrity and character. As a young lawyer, like a young
15 tree, you need someone who is going to nourish and help you
16 develop your character and grow.

17 Judge Clark was very fortunate to be in the
18 firm of Schmittinger & Rodriguez, and Nicholas Rodriguez was
19 one of his early mentors, a person of exemplary skills who
20 is another ideal lawyer.

21 And Judge Clark realized that he could learn
22 from senior members of the Bar, so immediately upon becoming
23 a member of the Bar, he joined the Terry-Carey American Inn

1 of Court. And that is a group that's dedicated to ethics,
2 excellence, professionalism, and civility.

3 And over the years, by being at his law firm,
4 by being a member of the Inn of Court, his tree grew, and
5 it's now a sturdy oak, and his shadow is sparkling. He has
6 a sparkling representation.

7 Two other things we look for in a judge are
8 commitment to the rules of law, as the Governor mentioned,
9 and the courage to make difficult decisions. On June 15 of
10 this year, we will celebrate the 800th anniversary of the
11 Magna Carta. Eight hundred years ago, 25 bearings at
12 Runnymede told King John no one is above the law. The rule
13 of law is paramount. And ever since then, Magna Carta has
14 been a symbol of the rule of law, a symbol of due process
15 and equal protection for all.

16 If you look at the Delaware Code today,
17 Volume I, Page I, you will find the Magna Carta. Due
18 process and equal protection are as important today as they
19 were 800 years ago, but they continue to be important
20 because they are preserved and protected by judges like
21 Judge Clark.

22 And that's the last attribute: Courage. As
23 we know, Judge Clark has a distinguished military career. I

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1 think as an aside, I should tell you my father was in the
2 Armored Division in WWII, so we have that connection.

3 But as a member of the military, Judge Clark
4 saw the sacrifices that men and women made to preserve the
5 rule of law. And with that knowledge, he is going to have
6 the courage and the commitment to make those hard decisions
7 the Governor was talking about, so that he will uphold the
8 rule of law.

9 So today, Delaware is extremely fortunate
10 that we have the ideal lawyer who will make the ideal judge;
11 a person with courage, character, judgment, and commitment
12 to justice. We're indeed fortunate in Delaware that a
13 person with these remarkable skills would devote them to
14 public service as a judge on the Superior Court.

15 Congratulations.

16 (Applause.)

17 RESIDENT JUDGE WITHAM: Thank you, Justice
18 Holland, for those memorable remarks.

19 We will now hear from our newest judge of the
20 Superior Court, the Honorable Jeff J. Clark.

21 Judge Clark.

22 JUDGE CLARK: Thank you, Judge Witham.

23 I would like to start by thanking Governor

1 Markell for showing the confidence in me to nominate me for
2 this position. I'd also like to thank the Senate, who I had
3 the privilege to work for for 16 years, for confirming me.
4 In addition, I appreciate the Judicial Nominating
5 Commission's consideration of my application and its
6 forwarding of my name to the Governor for his consideration.

7 I appreciate that each and every one of you
8 were able to attend today. I'd also like to particularly
9 thank the Governor, Senator Blevins, Justice Holland, Yvonne
10 Saville, and also Reverend Kraft for being here today.

11 I'm also thankful and I feel very blessed
12 that many members of my family are here, including but not
13 limited to my lovely wife, Kristen, of 24 years, my son,
14 Tommy, my daughter, Katherine, and both of my parents, Ruth
15 and Donald Clark. There is no way that I would have been
16 able to undertake this new career journey without your
17 patience, support, and guidance.

18 I also want to thank the attorneys at
19 Schmittinger & Rodriguez and the staff that I have been
20 privileged to work with for the past 18 years. As a young
21 lawyer, S&R provided me with an environment where I was
22 encouraged to tackle new matters over a wide variety of
23 subject areas and gave me the support to do so. The past

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1 and present staff at S&R have been second to none, and I
2 appreciate the entire firm's kindness throughout the
3 judicial application process.

4 I'd also like to especially thank Denise
5 DeVary for her help and support over the last 15 years.
6 After she's worked with me this long, I am fortunate that
7 she's agreed to go across the street with me to the court
8 and continue to work with me there.

9 Throughout my career, fellow members of the
10 Bar of all three counties have always helped me to be a much
11 better lawyer than I would have been. Especially on the
12 criminal side where I practiced a lot more regularly as a
13 younger lawyer, I learned much from these helpful senior
14 attorneys and was able to provide much better representation
15 to my clients because of their help in fielding courthouse
16 questions, even sometimes in the middle of trials.

17 I hope that I will be able to justify the
18 confidence that's been shown in me. Thanks to all of you
19 who have wished me luck and expressed support for my
20 undertaking this new role. I understand the importance of
21 the Court to the parties and the need to decide matters
22 quickly, impartially, and to put everything I have into this
23 new role.

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1 I am excited about the challenges of the
2 position and pledge to all of you to offer my best effort
3 for every party in every case and to do everything I'm able
4 to do to support the judiciary and the Bar.

5 As we all know, the Delaware judiciary is
6 second to none. There are many, many role models in each of
7 our courts in the state who I've already learned from and
8 hope to continue to learn from as I grow as a judge. I
9 thank you for the examples you set. It's a very humbling
10 and sometimes intimidating position to sit up here with all
11 of you present.

12 I do have enough experience on both the
13 criminal and the civil sides to know how much of a
14 difference the Court makes in the lives of all of the
15 persons that come before it. I'm also aware that I have a
16 lot more than just a little bit still to learn.

17 I hope that my excitement about serving the
18 state in this position will help make me the quick learner
19 that I need to be to justify this confidence. I hope that
20 my excitement and enthusiasm for serving in this position
21 will enable me to effectively follow in the footsteps of the
22 many effective Superior Court judges and members of the
23 other courts of the state, both present today and retired.

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1 In closing, thank you again for coming today,
2 and I hope you can all join us at the reception over at
3 Biggs Museum hosted by my now former law firm, Schmittinger
4 & Rodriguez.

5 Your Honors, President Judge, and Resident
6 Judge Witham, thank you.

7 (Applause and standing ovation.)

8 RESIDENT JUDGE WITHAM: Thank you, Judge
9 Clark.

10 PRESIDENT JUDGE JURDEN: We are now going to
11 have the benediction. Can I ask Reverend Dr. Karl Kraft to
12 please come to the podium and present the benediction.

13 Thank you.

14 REVEREND KRAFT: Pastors love to tell
15 stories, and it just so happens that I heard a story today
16 about a judge. And with your permission, I'd like to share
17 it before I pronounce the benediction.

18 This judge was in West Virginia, and a woman
19 had come forward to him to plead for the release of her
20 husband from jail. The judge said, "Why is your husband in
21 jail?" She said, "He stole a ham."

22 The judge said, "Well, you must really love
23 your husband to be here and to plead for his release from

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1 jail. He must be a wonderful husband." The woman said,
2 "No, he was a terrible husband. He never paid any attention
3 to me. He was always out with his friends."

4 The judge said, "Well then, he must have been
5 a very good father to your children." "No, no," she said.
6 "He neglected my children, never cared about them, never
7 really provided for them."

8 And the judge said, "With all of this going
9 against him, why in the world would you be here pleading for
10 his release from jail?" The woman said, "We're out of ham."

11 (Laughter.)

12 And with that, I'd like to ask that we be in
13 an attitude of prayer. Now, with all who pray that your
14 Will be done on Earth as it is in Heaven, we ask, Oh, God,
15 that you would place a hand of blessing upon the proceedings
16 that have transpired here this afternoon.

17 May all that we have done be pleasing in your
18 sight, and may Jeffrey's work be integral to the creation of
19 a just and equitable life for all who call Delaware our
20 home.

21 (Cell phone ringing.)

22 REVEREND KRAFT: Be with us as we reconvene
23 for fellowship, blessing the food that we are about to

1 receive and the hands that prepared it.

2 Go in peace. May the God of Peace go with
3 you now and forevermore. Amen.

4 PRESIDENT JUDGE JURDEN: Thank you, Reverend.

5 I love the Macarena. That was quite a
6 surprise to us all.

7 Thank you all for attending and making this a
8 special day for our new judge. And this special session of
9 Superior Court is now adjourned. Thank you.

10 BAILIFF BROWNING: All rise, please.

11 (This special session of Superior Court
12 adjourns at 1:48 p.m.)

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