

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

IN THE MATTER OF: )  
Ceremony of Investiture ) October 5, 1984  
of ) Superior Courtroom No. 1  
HONORABLE RICHARD S. ) Public Bldg.  
GEBELEIN ) Wilmington, Delaware  
As an Associate Judge ) 1:00 o'clock p.m.  
of the Superior Court )

PRESIDING: HON. ALBERT J. STIFTEL, PRESIDENT JUDGE  
SUPERIOR COURT OF DELAWARE

SITTING: CHIEF JUSTICE DANIEL L. HERRMANN  
SUPREME COURT OF DELAWARE

JUSTICE WILLIAM DUFFY

PRESENT: CHARLES CROMPTON, ESQUIRE, PRESIDENT ELECT  
DELAWARE BAR ASSOCIATION

And others.

Friday, October 5, 1984  
1:00 o'clock p.m.  
Courtroom No. 1

(The Bailiff opened the Court.)

PRESIDENT JUDGE STIFTEL: Welcome to this Special Session of the Superior Court. I am pleased to note that a good friend of mine, Brother Ronald Giannone, who has become very famous in this community for his programs for the poor and underprivileged, will give the Invocation.

BROTHER RONALD GIANNONE: O God, You are Father and we are Your children. We acknowledge You as our Creator and Redeemer, for without You we can do nothing. Send forth Your spirit upon which You may give him the sevenfold gifts of Wisdom, Understanding, Counsel, Fortitude, Knowledge, Piety and Reverance.

May Your Holy Spirit rest upon him as he is invested as Judge of the Superior Court of the State of Delaware. May justice and mercy blended with compassion be Your gift to him. We place all our cares and trust in Your Hands. May Your Blessings be upon Richard, his wife Jerri, and their children, now and forever.

Amen.

PRESIDENT JUDGE STIFTEL: Thank you.

We are fortunate to have Richard Gebelein join the Superior Court today. He is well known here in Delaware, having held one of the most important jobs in this State, Attorney General, for four years.

Richard did not begin his life in this State. He was born in Darby, Pennsylvania, in 1946. At an early age, the family moved to Longwood Estates. However, he went to school in Delaware and graduated from Salesianum.

He was an innovative youngster and for a while was a hard-working apiarist. At the age of twelve or thirteen he published a young persons' newspaper called the "Longwood Herald".

After graduating from Salesianum, he went on to the University of Pittsburgh, where he took an accelerated program and graduated in three years -- in 1968.

At 21, while still living at Longwood Estates, he was the youngest Magistrate ever to be elected in the State of Pennsylvania. While he was a Magistrate, he performed many marriages in the living room while his mother played the organ during the civil ceremonies.

Richard graduated from Villanova Law School and moved into Delaware, where he became the law clerk for Chancellor Duffy in 1970. His life and activities in Delaware are fairly well known by most of us. I am sure that Justice Duffy and the other speakers will elaborate on this a little more.

Though Rich appears to be a mild, deliberate individual, before a jury he becomes demonstrative. On one occasion, he picked up two kilos of marijuana and accidentally tossed the contents all over the courtroom during one of his forceful arguments.

He is a man with Soul. Only once that I know of was he without one, and that was when he lost the sole of his shoe during an argument before a jury. He was one place and the sole was another place.

I mention that Richard is a Major in the State Headquarters of the Delaware National Guard.

In fact, I think of Richard Gebelein as a soldier of good fortune. He has fought for his principles and he has always battled back from disappointments, with the blessings of the Angel of Good Fortune.

Generally, the person who tries to work for the good, believing in its eventual victory, while he may

suffer setbacks, will really never know defeat. I think Richard fits that category.

Richard got married in 1980 and has worked as hard in begetting a family as he has in the practice of law. Zachary, the oncoming family politician, is two and one-half years old; Lauren is eleven months old; and a new member of the family is due around Halloween.

I now call upon Justice William Duffy, who has been specially authorized by written Order, signed by Chief Justice Herrmann, which I have in my possession, to say a few words and to administer the Oath of Office to the new Judge.

When the Oath of Office is being administered by Justice Duffy, I respectfully request that all the audience stand. Mrs. Richard Gebelein will hold the Bible for the administration of the Oath.

Justice Duffy.

JUSTICE DUFFY: President Judge Stiftel, Mr. Chief Justice, my Brother Judges, distinguished guests, ladies and gentlemen:

It is with pride and great affection that I join in welcoming Judge Gebelein to the Delaware Bench. As Judge Stiftel has told you, while I was serving as Chancellor, Richie earned his first appointment in our

judicial system.

Fresh out of Villanova Law School, he came here as a law clerk in the Court of Chancery and just think, if he had not accepted that appointment he might still be marrying folks over in Pennsylvania. Or better still, if he had remained in that jurisdiction he might now be serving on a High Court in that State.

But happily for me and happily for the Superior Court and the State of Delaware, Judge-To-Be Gebelein opted to come to our jurisdiction and here he has remained.

Over the years I was indeed blessed with many splendid law clerks and Richie Gebelein was among the best. He was a good lawyer from the day he arrived. Thorough in research, sound in analyzing issues, he completed any assignment with careful craftsmanship.

After leaving the Court of Chancery, Richie enriched his life in the law by serving as a Public Defender, as a Deputy Attorney General and as a private practitioner. Moreover, as the President Judge indicated, Richie was the sole partner in the largest law firm in the State of Delaware, in the office of the Attorney General. Few, if any, lawyers have arrived at this Court with that kind of collective experience in public and private practice.

Judge Gebelein has superb credentials for service as a Judge on this Court. But a Judge must be more than the sum of his legal experience.

He must be patient, don't let his own ego get in the way of lawyers and litigants.

He must be willing to work and willing to work hard in this busy Court. He must do that out of respect for his Brother Judges and to meet his duties to the public.

And he must be willing to listen to and be open and receptive to the legal contentions made in the courtroom.

Judge Gebelein has a quiet strength about him which I think will make him both a patient and a courteous Judge and I am confident that he will be a careful listener as he strives to understand the issues before him and to do justice with a kind and understanding heart.

Judge Gebelein joins the Bench, which in my judgment is remarkable for its collegiality and the warm companionship which his Judges share under President Judge Stiftel. I know that Judge Gebelein will find much satisfaction in the Superior Court in his new life in the Superior Court and I'm equally confident that he and his

wife, Jerri, will find a large measure of happiness too in their association with his new colleagues and their families.

I certainly wish both of them very well indeed. Mr. Gebelein, are you ready to take the Oath of Office?

JUDGE GEBELEIN: I am.

JUSTICE DUFFY: Repeat after me. I, Richard S. Gebelein . . .

JUDGE GEBELEIN: I, Richard S. Gebelein . . .

JUSTICE DUFFY: . . . do solemnly swear . . .

JUDGE GEBELEIN: . . . do solemnly swear . . .

JUSTICE DUFFY: . . . that I will support the Constitution of the United States . . .

JUDGE GEBELEIN: . . . that I will support the Constitution of the United States . . .

JUSTICE DUFFY: . . . and the Constitution of the State of Delaware . . .

JUDGE GEBELEIN: . . . and the Constitution of the State of Delaware . . .

JUSTICE DUFFY: . . . and that I will faithfully discharge the duties . . .

JUDGE GEBELEIN: . . . and that I will faithfully discharge the duties . . .

JUSTICE DUFFY: . . . of the Office of Associate Judge . . .

JUDGE GEBELEIN: . . . of the Office of Associate Judge . . .

JUSTICE DUFFY: . . . of the Superior Court of the State of Delaware . . .

JUDGE GEBELEIN: . . . of the Superior Court of the State of Delaware . . .

JUSTICE DUFFY: . . . according to the best of my ability.

JUDGE GEBELEIN: . . . according to the best of my ability.

JUSTICE DUFFY: Congratulations, Judge Gebelein.

PRESIDENT JUDGE STIFTEL: Congratulations.

JUDGE GEBELEIN: Thank you.

(Whereupon, Judge Richard S. Gebelein was robed by Superior Court President Judge Albert J. Stiftel.)

PRESIDENT JUDGE STIFTEL: Be seated, please.

The next speaker fits the remarks made by Oliver Wendell Holmes:

"Law is the business to which my life is devoted, and I should show

less than devotion if I did not do what in me lies to improve it."

Chief Justice Herrmann.

CHIEF JUSTICE HERRMANN: Thank you very much, Judge Stiftel.

Members of the Family of Judge Richard Gebelein, fellow members of the Delaware Bar and Bench, Honored Guests, Ladies and Gentlemen:

It is always a privilege to participate in the induction ceremonies of a new Judge of our State, which is an event of great significance to the welfare of the people of our State.

I extend to the entire family of our new Judge, warm congratulations upon this occasion which I know must be a very happy, meaningful, and memorable one to them all. Judge Gebelein, welcome to the State Judiciary.

I congratulate you upon your attaining the high judicial post of Associate Judge of the Superior Court of Delaware. I extend to you my very best wishes for a long, successful and happy judicial career.

You take up your duties, today, as a member of one of the three most important Courts of our State - a Court that deals with life and death matters, with

matters of our liberties and freedom, and with matters involving some of the most important personal problems and affairs of the citizens of Delaware - including the corporate citizens of our State.

Today, you become vitally involved in the improvement of the administration of justice - in the words of Daniel Webster: "The greatest concern of man on earth."

Judge, it is evident from your personal and professional record as well as your fine record in civic and public affairs, that you will become a worthy member of the Superior Court and will do much to strengthen it, and strengthening is something the Superior Court most urgently needs.

Ladies and gentlemen, there is only one aspect of this happy occasion which we could wish to be different today. We could wish that Judge Gebelein were becoming an additional Judge for the Superior Court, rather than an appointment to an existing seat on that Court.

The need for additional Judges in the Superior Court of our State is, and has for a long time been,

critical. And I am compelled to take a few minutes to speak to that subject.

The Superior Court, today, has a backlog of over 5,200 civil cases - more than ever before - and it is constantly growing. Generally speaking, the average delay in disposition of civil cases is two years from the filing of the complaint to trial, and these are average figures. In many civil cases it takes as much as three or four years to get to trial.

And generally speaking, it takes months to have a motion heard in our Superior Court and the numbers continue to mount.

This is a sad and completely unacceptable situation and one which must not be permitted to continue. The Judges of the Superior Court would be the first to say so. It is disheartening to the Judges who are working valiently to keep that Court afloat. It is a deprivation of justice to those who have a right to look to that Court for prompt justice.

This unfortunate situation on the civil side of the Court's calendar has been caused, in some measure, by the priority given to criminal cases under the prevailing policy mandate governing the Courts.

During fiscal 1984, there were about 3,600 criminal cases filed in the Superior Court. The Superior Court has enjoyed an enviable national reputation for the disposition time of criminal cases. But that fine reputation is imperilled by the Court's lack of judicial manpower and its consequent inability to maintain its standards even in the administration of criminal justice.

In this connection, and as a matter of general interest, it should be noted that there are almost 100 Driving Under the Influences cases now awaiting trial in the Superior Court throughout the State.

Those who must wait for 2 years or more to get to trial in their civil disputes are our fellow citizens who deserve much better treatment at the hands of their judicial system.

It is not enough to tell the public that the Courts are clogged with too many cases. The public knows that "Justice delayed (for 2, 3, or more years) is justice denied". And that when the Courts are flooded with more cases than they can handle, no one gets justice.

The backlog of thousands of cases, a waiting period of years to get to trial, and months to get to argument on motions, must be deemed unacceptable to all Delawareans, and unworthy of our State.

The appeal for additional judicial manpower for the Superior Court has been made repeatedly over the years to no avail. The need for additional Superior Court Judges has been pushed aside for other needs of the judicial system. And certainly the time has arrived for united concentration on the needs of the Superior Court.

There are only 11 Superior Court Judges in our entire State. There has been no increase in the number of Superior Court Judges for more than 12 years and in the meantime, the number of Delaware Lawyers has more than doubled. The number of Delaware Deputy Attorneys General has more than doubled. And the Delaware Public Defender's staff has quadrupled.

We must renew our efforts to strengthen the judicial manpower of the Superior Court. Band-aid measures are not enough.

It is not enough to rely upon the valuable help of Retired Supreme Court Justice William Duffy, and the valuable assistance of members of the Supreme Court who have, from time to time, taken on Superior Court cases, in an effort to relieve the critical situation in the Superior Court's work load.

And it is not enough to rely upon the adoption of the alternative dispute resolution mechanism of mandatory arbitration in certain civil cases, which is being initiated this very month in the Superior Court.

It is not enough to rely upon State-wide rotation of Judges of the Superior Court recently re-introduced.

We must intensify our efforts to strengthen the judicial manpower of the Superior Court and to eliminate the backlog of thousands of cases and the years of waiting for access to Superior Courtrooms we are now experiencing.

Until that happens, the state of the health of the Superior Court of Delaware must be reported as "critical". And I feel obliged today to take this

occasion to point it out to the citizens and leaders of our State who are here.

I would not outline the details of this regrettable situation until after our new Judge had taken the Oath of Office for fear he might have changed his mind and back off.

Judge Gebelein, Good Luck and may God bless you in your new endeavors. Go forth and man the ramparts with your new colleagues on the Court and await the reinforcements which we hope will soon arrive.

PRESIDENT JUDGE STIFTEL: Thank you, Chief Justice Herrmann and may God bless you for your remarks.

I now call on Charles Crompton, President Elect of the Delaware Bar Association. He will speak for the Bar Association.

MR. CHARLES CROMPTON: Judge Stiftel, Chief Justice Herrmann, Justice Duffy, Judge Gebelein:

I speak with great pleasure on behalf of the Delaware Bar Association and President Frank Biondi who is unable to be with us today.

The swearing-in of a new Judge is always a happy occasion in which his accomplishments, the affection and admiration of his colleagues and the legitimate pride of his family and friends are elevated.

Many kind things have been said and will be said about Judge Gebelein today, all of them richly deserved, and I think it's my special task to bring in this brief message some idea of why the Delaware Bar Association greeted with such complete satisfaction the elevation to the Bench of Judge Gebelein from our remarks to the Superior Court.

He assumes this new role as a member of this distinguished Court with a mixture of the vigor of youth with an extraordinarily wide experience in the administration of justice, his thorough knowledge of the systems of justice and particularly, the criminal justice system has been learned through a long and varied apprenticeship which will surely be invaluable in his role as Judge of this Court.

He's clerked in the law of Chancery, he's taught the law at three different universities or colleges in the area. I didn't know he had also performed marriages, but that's certainly an important fact in his background, too.

He served as a trial lawyer, a Deputy Attorney General, and as the chief officer of the State of Delaware

during his term as Attorney General from 1979 to 1983.

In that tenure as the head of what Justice Duffy has described as the largest law firm in the State, was one that was marked by achievement and innovation.

He really organized the new Department of Justice and created many new services and traditions in that office. While he has been a prosecutor and an able one, he has also served with the Public Defender which will ensure he will bring a finely balanced viewpoint to the adjudication of criminal law that comes before this Court.

His most recent public post further adds to the variety of his experience. His recent employment demonstrates his concern for the quality of the profession and the standards of conduct of the members of the Delaware Bar.

Now, why are these experiences and qualifications I have just described of particular satisfaction of the Bar Association which I represent, when they are achievements which would obviously be impressive and pleasing to anyone contemplating the addition of a new Judge to the Bench.

I think it's fair to say that Richard Gebelein is a lawyer's lawyer because of the varied, intense experiences and the intense and professional way he handled the assignments during his internship for the Bench. We are confident he will enjoy an exceptional level of respect upon the members of the Bench and Bar and the public who come before him.

We are persuaded that Judge Gebelein, deeply intelligent, humane and literate, will always prove to be wise in his judgments on the Bench. He will be an ornament to this Court and a source of satisfaction and pride to his brethren at the Bar.

Congratulations.

PRESIDENT JUDGE STIFTEL: Thank you very much, Mr. Crompton.

I now call on the new Judge, Judge Gebelein.

JUDGE GEBELEIN: Mr. Chief Justice, Justice Duffy, President Judge Stiftel, President Elect Crompton, Members of the Bench and the Bar, Family Members and Friends:

I've often attended these ceremonies and some of the words I heard most often are those that it is an honor, a privilege and a pleasure to be here. I won't disappoint you. I'll use them all again today.

It is truly an honor for me to be here today as a member of the Superior Court Bench. It's an honor because it demonstrates the confidence and trust that Governor du Pont placed in me and that the Senate placed in me, that I will be fair and I'll do a good job as a Judge.

I'll do my best in the coming years to justify that trust. But it's an honor not just for me, but for all of those, who, over the years have taught me, counseled me, taught me to become the person that was worthy of that trust.

Any person is to a great extent a reflection of the thoughts, principles and ideas that he has acquired from others. It's a privilege to be here because I'm joining a long line of distinguished people who have held judicial office in Delaware and who would have thought twenty years ago when I left Salesianum as a graduate that I would be a lawyer, let alone a Judge?

The Judiciary is a small group of people, but they exercise the awesome responsibility of that co-equal branch of government. It is indeed an awesome job, too.

The Judge is given authority over the property and even the lives of people. It is a privilege to join

that group. Knowing the members of the Superior Court, I can say that I join a very fine group of individuals. I hope to live up to the standards that they have already set.

It's a pleasure to be here because with me to share this day and this honor are so many of those that have helped me, taught me and assisted me.

I've always been extremely blessed to have good family and good friends. My parents are here. It's they who took me when I was just a blank piece of paper and they wrote on it the goals, the ideals and the principles that I would live with.

They gave me an ability to deal with people. They gave me material things as well, but then that really wasn't as important. They share the honor today.

My brother Walter is here. He was my older brother and he taught me what it was like to grow up sharing his experiences. I had a ready-made model to follow. He took me on my first trips away from home.

In fact, I think it was him that first got me interested in politics. God forbid. He shares the honor today.

Justice Duffy is here also and it was mentioned it was he who fourteen years ago convinced me to clerk for the Court of Chancery. Had he not been successful in convincing me to do that, I would in all probability have accepted one of the higher paying jobs with the private Bar in Philadelphia. I probably never would have become involved in public service. And certainly I wouldn't be here today.

But more importantly than that he demonstrated to me the high standards that exemplify the Delaware Judiciary, an absolute integrity, the dedication and the hard work.

As a law clerk I was a little bit surprised to find Justice Duffy usually in the office long before we came to work. He also taught me that a very important business man could also take time out to practice his religion, the religion that we share.

And most importantly he taught me that while the Court often deals with lofty principles of law, it always deals with people and a Judge must remember that. He shares in the honor today.

My wife Jerri is here today. We really weren't sure about that. Two years ago I was supposed to go to the Joint Finance Committee hearing at the Department of Justice and as we were getting ready to leave the office I got a call that we had to go to the hospital and Zachary was a result of that. I was absolutely convinced that today we would be doing this in the Delivery Room.

We married fairly late in life, just four years ago, and when you take two people who are fairly set in their ways and you put them together you learn a lot about compromise and negotiation. She showed me these past four years the meaning of love, loyalty and support.

We had met sometime before I first ran for Attorney General and we courted all through that campaign year. After the election I decided that any woman who would go through all of that was either crazy or she would be somebody who would survive any crisis. She's not crazy and she shares the honor today.

My children are here, Zachary and Lauren and the one to come, hopefully not in the next twenty minutes. They have taught me both the joy and the agony of being

a parent. They have taught me the true values in life.

They taught me to understand my parents in a way I never did before. They also taught me it's extremely hard to be impressed with yourself when you are changing a diaper. They too share the honor today.

There are of course numerous friends, I would say literally over a hundred friends here today. All of them have contributed to my life and they all share in this honor.

I look forward to working closely with the other Judges of the Court. There is much I expect to learn from them and I hope to live up to their standards.

Thank all of you for sharing the day with me and thank you for your support and the friendship through the years.

PRESIDENT JUDGE STIFTEL: Thank you, Judge Gebelein, and welcome.

Brother Ronald Giannone will now give the Benediction.

BROTHER RONALD GIANNONE: May the Lord bless you, keep you. May the Lord let His Face shine upon you and be gracious to you. May the Lord look upon you kindly and give you His Peace.

Amen.

PRESIDENT JUDGE STIFTEL: These proceedings are now at an end, but Judge Gebelein and his lovely wife, Jerri, his children, Zachary and Lauren, and his parents, Walter and Margaret, and his brother, Walter, will remain to greet their many friends. Please come forward.

Thank you for being here. There will be a reception on the first floor of the Public Building. All are invited.

Thank you.

(Whereupon the investiture proceedings were concluded at 1:40 o'clock p.m.)