

SUPERIOR COURT
OF THE
STATE OF DELAWARE

Investiture
of

HENRY duPONT RIDGELY

as an Associate Judge of the
Superior Court of the State of Delaware

September 28, 1984
3:00 p.m.

Old State House
Dover, Delaware

LINDA A. LAVENDER
Official Court Reporter

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JUDGE STIFTEL: Welcome to this special session of the Superior Court.

Please remain standing for the Invocation by the Reverend Gregory M. Howe of Christ Church, Dover. Reverend Howe.

REVEREND HOWE: Let us pray. Judge eternal, throned in splendor, before whose bench we must all appear in your good time, hear us we pray, as we gather for the installation of your servant Henry, now called to judge this portion of your people. Give him of your discernment that he may always uphold the law with due care and clarity, for the advancement of justice and the welfare of the people committed to his charge. Hear us, and of your mercy, use him to reveal your will for us, our only final judge. Amen.

JUDGE STIFTEL: Thank you.

It is especially appropriate that this beautiful and historic Statehouse has been chosen as the place for the ceremony and oath of office of Henry duPont Ridgely. This, for the reason that the Ridgely family and the history of Delaware are so intertwined.

Dudley Lunt's "Tales of the Delaware Bench and Bar," published in 1961, is peppered with stories about the Ridgely family. All the books on Delaware talk

about the Ridgely family at length. One exception: I couldn't find the Ridgely name in Westlager's book entitled "The Delaware Indian."

Nicholas Ridgely's history is set out in Emerson Wilson's "Forgotten Heros of Delaware." Nicholas was the youngest delegate to the convention which ratified the Constitution of the United States in 1787. He was the Chancellor of the State of Delaware for thirty years from 1801. Emerson Wilson calls him "one of Delaware's greatest chancellors." Since then, and even now, every chancellor has been called "one of the greatest chancellors in the history of Delaware."

For those who are unfamiliar with the Superior Court, I will mention that in Kent County the Superior Court is the appellate court for the Court of Common Pleas, most Family Court cases, the Justice of the Peace and the Alderman's Courts. It is also the appellate court for all decisions from state agencies -- about nineteen of them -- such as the Industrial Accident Board, the Workmen's Compensation Commission, Delaware Liquor Commission, et cetera. But the main job of the Superior Court is handling the serious felony cases and the most important civil cases.

Twenty-five years ago, there were very few

cases tried in Kent County. There were only fifteen lawyers. Now, there are about one hundred. Settlements were the rule. Now, the court is in session almost every day.

Presently the system is under great pressure because of sheer volume and because people are looking to the courts to provide the legal solutions to our social ills.

Now it is rush, rush, rush, from the criminal field to the civil field and back to the criminal field on a daily basis. There is little time for research and opinion writing. We must avoid becoming mechanical. We need more thinking time. More help is the solution.

Welcome aboard, Henry.

Justice Henry R. Horsey, whom I will call on to say a few words and to administer the oath of office to the new judge, is a relative of Henry duPont Ridgely. His grandmother, Mabel Ridgely, is described at length in Lee Reese's 1977 book, "The Horse on Rodney Square," as one of the real great ladies in the history of Delaware. She compiled and edited a history of the notable family into which she married.

When the oath of office is being administered by Justice Horsey, I respectfully request that all the

audience stand. Mrs. Henry duPont Ridgely will hold the bible for the administration of the oath.

Henry.

JUSTICE HORSEY: Chief Justice Herrmann, President Judge Stiftel, Resident Judge Bush and other members of the judicial and general assembly and citizens, greetings.

I am delighted to be a participant in this ceremony, the investing of Henry duPont Ridgely as an Associate Judge of the Superior Court of the State of Delaware.

The occasion is both a happy and a solemn one. This is as it should be when in one's life a decision is made of such far reaching consequences, not only to Henry and his family, but to the citizens of this state.

I extend my congratulations to Henry's family: to Barbara, his wife; to their sons Daniel and Michael; to Nicholas, Henry's brother in the namesake of Nicholas Ridgely about whom you have already heard and especially to Henry's father, a member of the Delaware Bar for forty-five years.

The character, qualities and personal demeanor of Henry that have played no small part in his selection for this important position in our State Judiciary

are, in large part, a reflection of Henry's parents; father and his deceased mother.

How proud all of you must be at the trust and confidence that is being placed today in your son, your brother, your husband and your father. The duties and responsibilities about to be vested in Henry as an Associate Judge of our Superior Court can be simply stated to do justice according to the law, a rather deceptively simple statement.

Before I administer the oath of office to Henry, I would like to pass on to Henry "Ten Commandments For A New Judge" compiled by a distinguished judge having over forty years of service in both state and federal courts, Chief Justice Edward J. Devitt of the Federal District Court in Minnesota. Their universality is apparent.

I will just briefly list these commandments without editorializing. I'm sure all of you have your own thoughts about them: First and foremost be kind.

Second, be patient.

Third, be industrious.

Four, be prompt.

Five, there is no unimportant case.

Six, give the office the prestige and dignity

expected of it.

Seven, but don't take yourself too seriously.

Eight, be tolerant of appellant courts if and when you are reversed.

Nine, don't leave home or the courthouse with our your most precious tool, common sense.

Ten, pray for divine guidance.

Henry, if you can keep these in mind not only in the first case you preside over but through the years in the countless cases that will follow, you will approach Daniel Webster's description of his ideal judge. And I quote Daniel Webster: "There is no character on earth more elevated and pure than that of a learned and upright judge who exerts an influence like the dews of heaven falling without observation."

Now, are you ready?

Henry, would you put your right hand on the bible. Thank you. Will you repeat after me, please.

(Whereupon, the following oath was administered:)

I, Henry duPont Ridgely, do solemnly swear, that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of

Associate Judge of the Superior Court of the State of Delaware, according to the best of my ability.

JUDGE RIDGELY: Thank you.

JUSTICE HORSEY: Sign this, please.

(Whereupon, Judges Stiftel and Bush placed the judicial robe on Judge Ridgely.)

JUDGE STIFTEL: You may be seated.

Chief Justice Daniel L. Herrmann, Supreme Court of Delaware, will now speak.

CHIEF JUSTICE HERRMANN: Members of the family of Henry duPont Ridgely and any member of the General Assembly that may be here, 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.

Today it is a special pleasure for me because our new judge is the son of a distinguished member of the Delaware Bar whom I have known ever since our law school days together in the 1930s. I extend to Henry Ridgely, Sr., and to the entire family of our new judge, my warm congratulations upon this occasion which I know must be a very happy, meaningful and a memorial one for you all.

I wish to congratulate too the Governor and the State Senate upon their prompt and favorable action

in making this day possible.

I welcome you Judge Ridgely to the State Judiciary.

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

Judge Ridgely takes up his 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 freedom, and with matters involving most important personal affairs of the citizens of Delaware including the corporate citizens of Delaware.

It is evident from the personal and professional record of Judge Ridgely as well as from his record in civic affairs, that he will become a worthy member of the Superior Court and will do much to strengthen it and strengthening is something it most dearly needs.

There is only one different aspect of this occasion which we could wish for today in my view. We could wish that Judge Ridgely will become an additional judge for the Superior Court rather than a worthy replacement for a worthy predecessor.

I cannot resist taking this opportunity to

speaking briefly to that very important aspect of the status of the Superior Court of our state.

The Superior Court of Delaware today has a backlog of over 5,200 civil cases, and I repeat the number, 5,200 civil cases, backlogged more than ever before and is growing constantly.

I would like you all to know today that the average delay in disposition of civil cases in the Superior Court, which Judge Ridgely has become a part of today, the average delay is two years. I say "average." Two years from the filing of the complaint to trial and these are average figures. Many civil cases take as much as three or four years to get to trial in our Superior Court.

And, it takes months even as to motions in our court and the numbers continue to mount.

The judges of that court will be the first to say, as I am now saying, that this is a completely unacceptable, disgraceful situation and one which must not be permitted to continue any longer.

It is disheartening to the judges of that court who are working mightily to keep the court afloat and it is a deprivation of justice to those who have a right to look to that court for prompt justice.

Those who must wait for two years or more

to get to trial in their civil dispute 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 two or three years is justice denied. That when the courts are flooded with more cases than they can handle no one gets justice.

To quote an editorial in our press almost two years ago in responding to then being made pleas along these lines -- let me quote the language. It is better than what I can say, I think. The editorial said: "It is not possible, really, to put a price tag on justice. But among the 4,000 civil cases. . ." It was then 4,000. It is now 5,000. "But among the 4,000 civil cases one could find several horror stories. The worker's compensation cases, for example, that force an injured person to dramatically alter his or her life-style until fair determination of compensation is made at a hearing or trial. Or the small business seeking to recover debts in court forced to close because of cash flow problems while waiting for trial." The editorial continues: "No judge has been added to Superior Court in a decade." And that was two years ago. "Yet, the crime rate has

increased.

"Law enforcement bodies have grown, as has the prosecutorial staff in the Department of Justice. In this decade, too, Americans have become increasingly litigious. The courts struggle under the weight of all this."

And the editor concludes: "The Constitution guarantees equal justice for all. It does not say equal justice for criminals. The right to seek redress in court for civil wrongs is fundamental to our society. Civil justice delayed is justice denied." So the editorial concludes.

A 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.

The appeal for additional judicial man power for the Superior Court has been made repeatedly over the years to no avail.

There are only eleven Superior Court judges when fully manned. There are only eleven Superior Court judges in our entire state. There has been no increase, for more than twelve years, now of Superior Court judges. 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 staff of the Public Defender has quadrupled.

We all know that court reform is not for the short-winded or the fainthearted. I urge all here to put their best efforts in the months ahead to strengthen the judicial man power of the Superior Court.

Although very helpful to try to put Band-Aids on the situation, but it is not a solution, it is not enough to rely upon the 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 a critical situation.

And though we are confident that it will prove helpful, 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.

And though it may prove helpful, it is not enough to rely upon statewide rotation of judges recently reintroduced in the Superior Court.

We must continue all efforts to strengthen the judicial man power of the Superior Court and to

eliminate the unfortunate backlog of thousand of cases and the years of waiting for access to Superior Courtrooms and Superior Court judges, a situation that we are now experiencing.

Until that happens, ladies and gentlemen, the state of the health of the Delaware Superior Court must be reported as critical.

I am not saying all this without thought for I am afraid Judge Ridgely will back off.

I do say now to Judge Henry duPont Ridgely may God bless you in your new endeavors. Go forth and man the ramparts until the reenforcements come about which we hope will be very soon indeed.

JUDGE RIDGELY: Thank you.

JUDGE STIFTEL: Thank you very much, Mr. Chief Justice. Very well said. So I will thank you again.

I now call on O. Francis Biondi, Esquire, President of the Delaware State Bar Association, who will speak for the Bar Association. Mr. Biondi.

MR. BIONDI: Chief Justice and members of the judiciary, Reverend Howe, Judge and Mrs. Ridgely and distinguished guests. I can't help telling you I have the feeling, as I was sitting there the moment that Judge Ridgely was putting on his new robe, that I've got

to learn to treat Senate attorneys with greater respect. Remind me of that.

It is my very great pleasure and privilege to appear here today on behalf of the Delaware Bar at a ceremony so rich in associations with the history of our state, our courts and our profession.

The addition of Henry duPont Ridgely to the bench of the Superior Court forcibly reminds me of the durability of our democratic institutions, our system of government accommodating both change and continuity of principle.

Judge Stiftel has already pointed out that when the celebrated chancellor of the state admitted to the Bar in 1787, one Nicholas Ridgely, like the man we salute today that Ridgely became a member of the bench at the age of forty. He had not yet attained the age of forty when he obtained the bench as our present judge. He served as chancellor of the state for approximately thirty years.

As most of you know Justice Horsey is also a collateral kinsman of the celebrated chancellor. I think I can sum up everything that has been said about the Ridgelys and the law by quoting the comment of Chief Justice Pennewell who was making some remarks here in

1936 here at a Bar Association dinner here in Kent County in summing up his experience of the prior fifty years. He said, "I have never known one of Ridgely blood who did not possess what may be called the legal mind." Now, we lawyers would take that compliment as a compliment.

When the Bar Association for whom I speak today was established in 1923, a cousin of Judge Ridgely, also a Henry Ridgely, was one of our vice-presidents. In 1936 he began a four year term in the office that I now occupy. The Bar Association presidents were apparently made of sterner stuff forty years ago.

Without further genealogical comment, it is enough to say that this family has given generously of its talent to our profession and our state and there is something deeply satisfying in the thought that a family that has given so much continues to give of its best in populating the institution of law with able and dedicated officers.

President Kennedy once remarked that, contrary to the prevailing European view of American government as something very recent, it is actually one of the oldest and stablest institutions of uninterrupted democracy in the world. This probably is because it is a democracy, flexible and resilient and responsive to change and

capable of rewarding the legitimate expectations of the people it serves. That responsiveness to change means that our new Judge Ridgely comes to a court which is much altered from that which his forbearers served, no less altered than this country has been altered over the last two hundred years and transmitted to us along with the duty of vigilance in preserving it.

The court has changed and will continue to change and manned by jurists such as the new judge we honor today, the process of its evolution will be good. I say this with great confidence.

I also would be remiss in my duties if I did not also point out that Judge Ridgely, as Chief Justice Herrmann has observed, is joining a court which is overworked, undermanned and underpaid.

It must be a sheer objective of the bench, the bar, the Governor and General Assembly over the next year or so to attack this problem with the same responsiveness the government of the General Assembly has shown to the needs of Family Court and to the Court of Chancery, the problem of staffing and compensation. It is a civic and moral obligation to the people of this state which cannot be ignored.

I look on this with a rather happy note,

however. I noticed in the local press that Chancellor Brown was reported recently as "reeling with joy" over the new vice-chancellor and the other appropriations made to the Court of Chancery. I hope after the next session perhaps we can have President Judge Stiftel at least doing cartwheels perhaps.

Judge Ridgely brings to the bench an admirable mix of achievement and solid experience as a lawyer including his training at home. We must not forget that his father has been conducting a course in trial tactics for us younger members of the bar for some years. His valuable experience as an attorney for the State Senate must be mentioned because it is a position that has been formerly held by a number of distinguished jurors of this state including President Judge Stiftel.

Perhaps more important than those matters however, is his experience in the world of daily work. As a very young man he has been successfully a policeman, a truck driver and even a merchant seaman. The sympathetically shared experience of the everyday work of those fellow citizens who will come before his court in the pursuit of justice will serve him and us well. He will understand and sympathize with that great majority whose righteous demands to be recognized, heard and be judged

swiftly and fairly have become a clamor in our time.

The accession of Judge Ridgely to this bench carries with it the promise that he will duplicate the strength of his heritage in the complex world of the late twentieth century, a period of change, but not in those fundamentals that sustain the rule of law.

The Delaware Bar wishes Judge Ridgely a long and satisfying career on the bench of this state. Thank you.

JUDGE STIFTEL: Thank you very much,
Mr. Biondi.

I now call on Henry J. Ridgely, Esquire, the new judge's father and a good friend of mine. I am sure he is very proud of his son. Mr. Ridgely.

MR. RIDGELY: Chief Justice Herrmann, Judge Stiftel, Judge Bush, Justice Horsey and ladies and gentlemen. As the father I feel somewhat like the father of the bride. I am not sure what is going to happen in the near future but I would like to touch upon a few matters that I have been asked to bring forth and that is the profile of a young judge.

In talking about the young Judge Ridgely I am dealing with a period of time from the year 1949 up until about the time he was admitted to the bar.

Because a judge is a product of his experiences in addition to being an educated man and being classified and qualified by his fellow members of the bar. He brings something else. What was he before?

Judge Ridgely first came into this world his fighting weight was two and a half pounds. He spent three months in Kent General Hospital recovering and then went over to live in a small community of Camden. At that time a community of about seven hundred people. He lived out in the country for a number of years. Went to Caesar Rodney High School -- not high. A very fine school here until he had gone to the seventh grade.

His parents felt that at that time it might be well to expose him to the challenge of another school St. Andrews. He went to St. Andrews School at Middletown, Delaware for five years and I was pleased because at that time he started to learn the classic language of Latin in the eighth grade and progressed to the advance course that they had to offer at that school.

There he became an athlete. First football, then you have the things that I think has taught him a lot about life. He became a crew member of St. Andrews very strong team and he became a varsity crew first boat or whatever you call it -- at St. Andrews. When

St. Andrews was terminated our president has mentioned the Merchant Marines. His family felt that something else might be advantageous to him and he found a way of becoming a member of the Merchant Marines. Eighteen years of age he loaded an ammunition ship in North Carolina and went to Saigon on a three month cruise. In one hundred and fifteen degree temperatures as a wiper in the engine room he learned a lot about life besides going to law school or contemplating other forms of summer activities.

From St. Andrews he went up to Syracuse. Syracuse University is up in the snow belt. A chief justice's son, a very prominent Wilmington lawyer, I believe went there to the same law school on a three and three program. First three years no electives. The first year of college is the first year of law school. It began at Syracuse University. He was active in the crew and I can't imagine in a more difficult position to be involved in than to actually be coordinated with seven other individuals. He's got to coordinate here with ten others in the Superior Court. He may have learned that at an early age to be able to do this.

From Syracuse he went down to Catholic University and got his juris doctorate there and from there went to George Washington University to get his

master's degree in law. He received his master's degree about a week before he was twenty-five years of age.

Now, there were other things that transpired in his life at this stage. One of those was what has been mentioned as being on the police force at Rehoboth. A very important position for a young man at his then age. I admired him in his uniforms as he came up there with the sidearm on and I suggested to him, "What have they told you about the use of the firearms in the police department?" He said, "Nothing. Take it out and learn how to shoot it off."

We have an experience that we hope from that point on, an experience in Europe. His brother was coming up from Singapore on a motorcycle. He joined his brother in Athens, Greece. He flew over to Luxemburg, a train to Bulgaria down to Athens. For the whole summer the two of them went through Greece, the islands, Italy, Southern France, Spain and split in Paris. During this period of time he learned how to sleep in haystacks and bullrings. He saw the monuments of Spain and Italy and other places.

When he came back and finally had gotten out of law school -- maybe before he got out of law school -- I think Chief Justice had a program of the law students being active in the Attorney General's office. At that

time I am informed that Henry has his first eight jury trials. I am not so sure whether he was even a senior in law school at that stage. Out of the eight jury trials here in the courthouse here on The Green he secured seven convictions. They must have given him the easy ones.

Nevertheless before that he had served in Colonel Harrison Turner's, a very astute public defender here. One summer of attorneyship with him.

So I think the profile of the young Judge Ridgely is such that as he undertakes his new duties he at least has one foot on the bottom rung. I congratulate him and wish him the best.

JUDGE RIDGELY: Thank you.

JUDGE STIFTEL: Thank you. I know call on the new judge. Judge Ridgely.

JUDGE RIDGELY: Thank you. President Judge Stiftel, Chief Justice Herrmann, members of the judiciary and General Assembly, members of the bar, Reverend Howe, family and friends.

Yesterday I spoke with a Dover lawyer who has I might add more than one experience in nuptial matters. He and I observed that becoming a Superior Court judge is much like getting married. If one thinks about it there are many parallels that can be drawn as

far as these proceedings are concerned ranging from deciding details of ceremony all the way through to the uncertainty of what life will be like after the honeymoon.

Today I am happy to report that I am optimistic as I begin my judicial career. I recognize that the important work of the Superior Court will be no easy task and I also am mindful of the heavy responsibilities that I will bear in passing judgment on my fellow citizens.

Yet I know that my fellow judges are eager to help me as I become oriented and that my family, friends and Delaware Bar will also be supportive.

I believe that I will enjoy the work of the Superior Court to be done which is fortunate because as the Chief Justice has eluded there is much of it waiting for me.

I want to pay special tribute today to my father, my late mother, my entire family for all of their guidance and help over the years.

I myself and others may know better but I can count on two hands the father and son law firms that have ever been in Delaware. Such partnerships are especially rewarding and I know I will miss working with my father and my mentor. It is a very special pleasure that I can share this day taking of my oath with my immediate family.

Barbara and I are in the twelfth happy year of our marriage and that is somewhat coincidental as I begin the first year of a twelve year term.

My eight year old son Daniel is very much looking forward to an insider's tour of the courthouse and the other day when I asked Michael, who's three, in one of the few days I have left as a lawyer if he would like to come to the office with me and be a lawyer for the day he said, "No. I want to be a judge."

My family's love and support will be a strength for me. Today I thank Governor DuPont, all twenty-one members of the Delaware Senate with whom I have worked for several years, Chief Justice Herrmann, Justice Horsey and many more for their kind expressions of confidence in me.

As I assume my judicial duties I will do my utmost to follow those ten judicial commandments and to also do my very best to heed the advice that Socrates gave to the judiciary: To hear courteously, answer wisely, consider soberly and decide impartially.

Thank you very much.

JUDGE STIFTEL: Thank you, Judge Ridgely. One of the things you will really enjoy is your new quarters. Kent County did wonders with the courthouse.

It is absolutely beautiful and those responsible should certainly be proud.

Reverend Gregory M. Howe will now give the benediction.

REVEREND HOWE: Go forth into the World in peace: be of good courage; hold fast to that which is good; render to no one evil for evil; strengthen the faint-hearted; support the weak; help the afflicted; honor all who come before you, and may the Lord give you his grace today and always. Amen.

JUDGE STIFTEL: These proceedings are now at an end but Judge Ridgely and his lovely wife, Barbara, and family will remain to greet their many friends. Please come forward.

Thank you for being here. A reception will follow at the Century Club on the second floor on The Green.

Thank you very much.

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CERTIFICATE OF REPORTER

I, Linda A. Lavender, Official Court Reporter of the Superior Court, State of Delaware, do hereby certify that the foregoing is an accurate transcript of the proceedings had, as reported by me, on September 28, 1984, at 3:00 o'clock p.m., at the Old State House, The Green, Dover, Delaware.

WITNESS my hand this 25th day of November

A. D. 1984.

Linda A. Lavender
Linda A. Lavender
Official Court Reporter