

Michael Morgan

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

IN THE MATTER OF: :
 :
 Ceremony of Investiture :
 : Courtroom No. 301
 of : Daniel L. Herrmann
 : Courthouse
 HON. FRED STANLEY SILVERMAN : Wilmington, Delaware
 :
 As an Associate Judge of the : October 12, 1993
 Superior Court : 3:00 p.m.

PRESIDING: HON. HENRY DUPONT RIDGELY, PRESIDENT JUDGE
Superior Court of Delaware

SITTING: HON. E. NORMAN VEASEY, CHIEF JUSTICE
Supreme Court of Delaware

HON. VINCENT A. BIFFERATO, RESIDENT JUDGE
Superior Court of Delaware

PRESENT: HON. THOMAS R. CARPER, GOVERNOR
State of Delaware

RICHARD D. KIRK, ESQ.
President, Delaware State Bar Association

CHARLES M. OBERLY, III, ESQ.
Attorney General of the State of Delaware

And Others.

PRESIDENT JUDGE RIDGELY: Welcome to the Special Session of the Superior Court of the State of Delaware.

Please remain standing and join us for the Pledge of Allegiance to the flag.

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(Whereupon, the Pledge of Allegiance to the flag was recited.)

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PRESIDENT JUDGE RIDGELY: Please remain standing and we will now have the singing of "America The Beautiful" by Juanita R. Saunders.

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(Whereupon, "America The Beautiful" was sung by Juanita R. Saunders.)

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PRESIDENT JUDGE RIDGELY: Thank you, Ms. Saunders. Please be seated.

First, I want to thank Governor Carper, who is here, and the Delaware General Assembly for making this happy occasion possible. This month, for the first time in the history of Delaware, there will be seventeen judges on the Superior Court. Fred S. Silverman will be our sixteenth, and the reinforcement he will provide to us is

not a moment too early.

I would like to introduce those who are seated with me here on the bench. To my right is Chief Justice E. Norman Veasey, and to his right is Resident Judge Vincent A. Bifferato. The chair to my left will soon be filled by our newest judge.

The Court wishes to recognize the family members of our next Superior Court Judge, and in particular, Fred's mother, Dorothy Goberman, his wife, Vice-Chancellor Carolyn Berger, Fred's children, Danielle, age 11 and in the 6th Grade and gets to miss school today, and Michael, age 7 in the 2nd Grade and also gets to miss school today, his brother, Carl Silverman, Esquire, of Baltimore, Maryland, his sister, Diane Weene of Brockton, Massachusetts, and Fred's in-laws, Melvin Berger and Elaine Berger, Esquire, of Great Neck, New York.

There is a great deal of legal talent in the family of our next judge. Besides Fred, whom you will hear much more about, Vice-Chancellor Berger sits on our Court of Chancery. Fred's mother-in-law is an Administrative Law Judge, and his brother and sister-in-law are practicing lawyers. It remains to be seen, of course, what Danielle and Michael will be doing,

but I know how that works. A special and warm welcome to you all.

This happy occasion marks the beginning of Fred's career of public service in the judicial area of Delaware. He brings a wealth of experience with him. For the last seven years, he has been the Chief Deputy Attorney General for the State of Delaware, a position once held by others in judicial service, including the man to my immediate right, Chief Justice Veasey. Fred's excellent legal abilities are well-known to the Bench and the Bar. He has already attended our Superior Court Judicial Conference for this month, and we are confident that he will be an able and distinguished Judge of this Court.

There is, of course, much more to say about Fred, and I will defer to the guest speakers for that purpose. It is now my pleasure to introduce the Chief Justice of Delaware, E. Norman Veasey for his remarks.

CHIEF JUSTICE VEASEY: Governor Carper, President Judge Ridgely, Resident Judge Bifferato, Vice-Chancellor Berger, Attorney General Oberly, Bar President Dick Kirk of the Bar Association, distinguished members and former members of the Judiciary, distinguished

members of the General Assembly, members of Fred Silverman's family, notable and distinguished citizens of the State of Delaware, and friends of the very capable person to whom we shall soon refer to as "Judge Silverman".

As Chief Justice, I am honored to be part of this occasion and to bring you greetings from the Supreme Court. This is a very important event, of course, for the Silverman family, as it is to the Delaware Judiciary. Fred Silverman is about to undertake the vital and sometimes onerous and awesome responsibilities of Judge of the Superior Court. This overworked court is our court of general trial jurisdiction. The judges of this court handle difficult, complex and extremely important civil and criminal litigation. The significance of the work of this court cannot be overstated, both in human terms and in terms of the national importance of the work of the various courts of this State.

Fred Silverman's investiture is a symbol of cooperation among the three branches of government, and the fact that, in Delaware, we do things right, particularly when it comes to the Judiciary. This event is symbolic in two ways. First, this investiture

represents one of two investitures -- the other one coming up on Monday with Bill Carpenter -- which are the result of the enlargement of the Superior Court, accomplished this year by action of the General Assembly and the Governor, with the full support -- indeed the urging -- of the Judiciary. With our deepest gratitude, the Governor and the General Assembly have stepped up to recognition of the absolute necessity to strengthen this Superior Court, and they need to be commended for that.

The second important aspect of this investiture is that it represents something which is of overriding importance to the entire State of Delaware. Our nationally-recognized fine Judiciary has not come about by accident. The widespread respect and trust for our Judiciary arises not only because of repeated demonstrations of competence and honesty, but also because of Delaware's continuing Judicial Selection Process, which is a model for the entire nation. Only this morning we saw in the News Journal paper an article by Arthur G. Connolly, Jr., past President of the Delaware State Bar Association and Chair of the Bar Association on Public Comment, making strongly and effectively the case that we do have a model Judicial Selection Process. Our judicial

selections are the result of recommendations of a bipartisan Judicial Nominating Commission, gubernatorial appointment and Senate confirmation.

In addition -- and not many people realize this -- we have a Constitutional provision which is unusual, if not unique in the nation, which mandates the bipartisan nature of our Judiciary. Thus, our Judiciary is removed from politics as much as possible.

Article IV, Section 3, of the Delaware Constitution specifically prescribes the political balance for the Constitutional Courts, the Supreme Court, the Court of Chancery and the Superior Court. In essence, it provides that there cannot be more than a majority of one party over the other in the Judiciary as a whole, and in at least two of the three courts, so there's an external mandate on our judicial -- on our Constitutional courts, and much of that is carried over into our statutory courts as well.

This Judicial Selection Process and the resulting bipartisan composition of our courts supplies the backbone and the strength for Delaware's outstanding and non-politicized Judiciary.

Fred Silverman is a fine product of that

selection process, and joins the judicial officers of this State who carry forward the responsibility of maintaining the integrity, competence, efficiency, and shining national image of our courts. Indeed, he joins, among others, his wife, Vice-Chancellor Carolyn Berger, who is a member of that group, and a brilliant and distinguished member of our Court of Chancery.

As Chief Justice, I have the specific responsibility under the State Constitution for the overall supervision, management and administration of the Judicial branch of our government. I have nothing to do with the judicial appointment process (which is exclusively the province of the Governor, representing the Executive branch of government) or the confirmation process (which is exclusively the province of the Senate, representing the Legislative branch of government). Yet I, like all of the citizens of Delaware, can confidently expect that those persons, like Fred Silverman, who come out of our Judicial Selection Process are of the highest caliber.

We'll hear more about Fred's background today, but I would simply like to note that he and I have at least two things in common. At one time he worked for my

former law firm, many, many years ago, and 30 years ago I was Chief Deputy Attorney General of the State of Delaware, and I found that to be a very important part of my background, and I am confident that Fred Silverman will continue on the Bench the distinguished service and reputation that he earned as Chief Deputy Attorney General.

Therefore, it is with great pleasure that I welcome, on behalf of the Judicial Conference of the State of Delaware, Fred Silverman to be a member of that Conference.

PRESIDENT JUDGE RIDGELY: Thank you, Chief Justice Veasey.

The Oath of Office will be administered by Vice-Chancellor Carolyn Berger. Danielle A. Silverman and Michael A. Silverman will hold the Bible for the administration of the oath. The robing will be by Fred's mother and brother, Ms. Dorothy Goberman and Carl S. Silverman, Esquire.

Please rise while this is done.

VICE-CHANCELLOR BERGER: Please place your right hand on the Bible and repeat after me.

I, Fred Silverman --

MR. SILVERMAN: I, Fred Silverman --

VICE-CHANCELLOR BERGER: -- do proudly swear --

MR. SILVERMAN: -- do proudly swear --

VICE-CHANCELLOR BERGER: -- to carry out the
responsibilities --

MR. SILVERMAN: -- to carry out the
responsibilities --

VICE-CHANCELLOR BERGER: -- of the Office of
Associate Judge of the Superior Court of the State of
Delaware --

MR. SILVERMAN: -- of the Office of Associate
Judge of the Superior Court of the State of Delaware --

VICE-CHANCELLOR BERGER: -- in and for New
Castle County --

MR. SILVERMAN: -- in and for New Castle County
--

VICE-CHANCELLOR BERGER: -- to the best of my
ability --

MR. SILVERMAN: -- to the best of my ability --

VICE-CHANCELLOR BERGER: -- freely acknowledging
that the powers of this office --

MR. SILVERMAN: -- freely acknowledging that the
powers of this office --

VICE-CHANCELLOR BERGER: -- flow from the people I am privileged to represent.

MR. SILVERMAN: -- flow from the people I am privileged to represent.

VICE-CHANCELLOR BERGER: I further swear --

MR. SILVERMAN: I further swear --

VICE-CHANCELLOR BERGER: -- always to place the public interest --

MR. SILVERMAN: -- always to place the public interest --

VICE-CHANCELLOR BERGER: -- above any special or personal interest --

MR. SILVERMAN: -- above any special or personal interest --

VICE-CHANCELLOR BERGER: -- and to respect the right of future generations --

MR. SILVERMAN: -- and to respect the right of future generations --

VICE-CHANCELLOR BERGER: -- to share the rich, historical and natural heritage --

MR. SILVERMAN: -- to share the rich, historical and natural heritage --

VICE-CHANCELLOR BERGER: -- of Delaware.

MR. SILVERMAN: -- of Delaware.

VICE-CHANCELLOR BERGER: In so doing --

MR. SILVERMAN: In so doing --

VICE-CHANCELLOR BERGER: -- I will uphold and defend --

MR. SILVERMAN: -- I will uphold and defend --

VICE-CHANCELLOR BERGER: -- the Constitution of my Country and my State --

MR. SILVERMAN: -- the Constitution of my Country and my State --

VICE-CHANCELLOR BERGER: -- so help me God.

MR. SILVERMAN: -- so help me God.

* * *

(Whereupon, Judge Silverman was robed.)

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PRESIDENT JUDGE RIDGELY: Please be seated.

Fred, we welcome you to the Superior Court of the State of Delaware.

I would like to pass on to you some advice that was passed on to me by Justice Horsey when I was first sworn in as a judge -- one is, be weary of microphones. They are the "Ten Commandments For A New Judge", compiled by Chief Justice Edward J. Devitt of Minnesota. Without

editorial comment, they are as follows:

First and foremost, be kind.

Second, be patient.

Third, be industrious.

Fourth, be prompt.

Fifth, there is no unimportant case.

Sixth, give the office the prestige and dignity expected of it.

Seventh, but don't take yourself too seriously.

Eighth, be tolerant of Appellate Courts if and when you are reversed,

Ninth, don't leave home or the courthouse without your most precious tool, common sense, and Tenth, pray for divine guidance.

I now call upon the Honorable Thomas R. Carper, Governor of the State of Delaware for his remarks.

Governor Carper.

GOVERNOR CARPER: President Judge Ridgely, Chief Justice Veasey, Resident Judge Bifferato, my friend, Judge Silverman, to the Members of our Judiciary to my right and to my left, our Attorney General, Members of our Delaware State Senate and the State House of Representatives, to the family of Fred Silverman and to all Delawarians, it's

a real pleasure to stand before all of you and be able to witness and to be a participant in this important ceremony.

Several years before I met Fred Silverman, I met Carolyn Berger, and I developed an enormous sense of respect for her in my own political career, and when I met Fred and learned of his marrying this woman, I immediately had a strong, positive impression of him, but anybody smart enough to marry Carolyn Berger is a good man, in my judgment, well on his way of doing just fine.

One of my pleasures as Governor has been the opportunity to work with our Attorney General, Charlie Oberly, in the Department of Justice, and Fred, in his role as Chief Deputy, has made that all the more a positive and cooperative relationship, and Fred, on one hand, while I congratulate you on becoming a judge, on the other hand there's a piece of me -- and I say this more for me -- that sort of wishes that you were still a couple of floors below us in the State Office Building, but for you, and I think for the State, this is the right path for you and for us to take.

When Fred and I first met, neither of us were married and neither of us had children, and I stand before

you, ladies and gentlemen, as a changed man, because having a good wife and having wonderful young children changes a person, and I know it has had a good and rounding effect on me, and the same is true with Fred.

I mentioned last week when we gathered in another part of this building for Judge Smalls' swearing-in ceremony, that as Governor, I sought to surround myself with men and women committed to excellence, committed to diversity. I described them as people with good minds, good hearts, small egos and large work ethics. As I've gone forward to nominate others for submission before our State Senate, I tried to look for men and women to submit to you, as my nominees, who share those same characteristics and trades -- good mind, good heart, small ego, large work ethics, committed to excellence, committed to justice.

I want to thank the members of the General Assembly for your vote of confidence in Judge Silverman. I would be remiss if I did not mention Jim Gillian who shared on the Judicial Nominating Commission for me. We have a -- Chief Justice Veasey said we have a wonder legacy started several administrations ago where some of the best and brightest people who served as attorneys in

our State advise a governor, along with lay people, advise the governor of some of the people that they think of and recommend to you.

We tried something different this year, and we have the President of the Delaware State Bar Association here, and what we did was invited the participation of the Bar in an unprecedented way. Their input has been a positive experience for me and my decision-making, and I think also with the members of the Bar.

Fred Silverman brings with him a breath of experience to his new role as a judge within the Superior Court that few men or women in my time in the State can match. It's been mentioned that he first served in private practice for a short period of time, and has really dedicated his life to public service, serving as a Senior Prosecutor within the Department of Justice, a Solicitor within the Department of Justice and in serving as a Chief Deputy within the Department of Justice. He is a well-prepared person to take on these responsibilities.

I believe, Fred, that you will be a credit to the Nominating Commission and the members who voted unanimously to confirm your appointment. You will continue to be a credit to your mother and to your brother

and sister, your in-laws, your wife and your children. You will be a credit to the members of the Judiciary who are here to witness this event, and finally and most of all, I think you will be, in your service, a credit to the People of the State of Delaware.

Congratulations.

THE COURT: Thank you Governor Carper.

Our next speaker will be Richard W. Kirk, President of the Delaware Bar Association.

Mr. Kirk.

MR. KIRK: Thank you, Judge Ridgely.

Distinguished judges and elected officials, colleagues and guests, presidents of the Delaware State Bar Association serve one-year terms, ending on June 30th each year. We're customarily called to make remarks on the occasions of judges' swearing-ins. It's certainly among the happiest of the burdens that we carry as a result of holding office, but it's an entirely accidental thing. There's been some who were not privileged to speak at a single such ceremony, and so my luck in this regard is pretty good indeed, for I will speak at an investiture twice within the space of a week, while two former presidents before me have spoken at investitures for the

new judge of the Court of Common Pleas and the magistrate.

They don't call it the Superior Court for nothing. When I was admitted to practice in Delaware in 1978, there were only 11 Superior Court judges, eight in New Castle County. Of course, they included two who went on to become Supreme Court judges and judges of the District Court. By 1988, there were 15 judges, but that growth alone did not come across to keeping even with the case load. So by 1991, the Superior Court Study Committee on long-range court planning could clearly document the need for two additional judges, and that committee recommended to the Legislature, primarily the 1993 Legislature, the Delaware State Bar Association, under the strong leadership of my predecessor, Jack Schmutz, called for the bill authorizing two new judges and the all-important accompanying sources of funds for the expansion. The General Assembly recognized the need and met it. Our association was gratified when the legislation was signed and pleased to have helped played a role in securing its passage.

In Judge Silverman, Governor Carper saw a lawyer who uniquely had criminal and civil trial experience and administrative ability, the body parts necessary in

constructing a Superior Court judge from scratch. His skill and tonicity as a prosecutor are renowned. His branch of the broad range of civil law issues as State Solicitor is equally renowned to newer people because it is not often as newsworthy. His ability to manage the Department of Justice, the State's biggest law firm, as the Attorney General's Chief Deputy, shows his skills both as an administrator and a politician.

Judge Silverman enjoyed a private practice. He tells this story on himself. He represented the employer in a dispute with a former employee, where the issue was unemployment insurance and specifically the age-old question of voluntary resignation versus unwarranted termination. After much testimony back and forth between the principals, the emotional employer, Judge Silverman's client, said heatedly, "You see, that's why I fired you". The judge was dumbfounded. His client, in a spirited second, had given away what he -- and more importantly the judge -- thought was a very good case. Before trial lawyer Silverman could attempt to salvage the situation, the employee equally said, "You didn't fire me, I quit". So Judge Silverman won -- his client won, but the judge returned to the less-pressured and emotional Attorney

General's Office and now, ultimately, the State has won by his accepting the challenge of the Superior Court Bench.

The Bar Association has particular pride in Judge Silverman. Several years ago in response to the held perception that the Bar Association does not address the needs of government attorneys, Mr. Rubenstein and Judge Silverman were determined to organize a section of the Bar just for that important segment of practice, and the judge has served that section well as its founding, and until now, only chair. He's also served on the Association's Nominating Committee and in various other capacities.

I've known the new judge for more than 10 years, and I believe the circumstances of our meeting have something to say about his circumstances today. At the time I was a brand-new Attorney General in the Civil Commissions. Within six months of my arrival, the administration which had hired me was replaced after a close election. Judge Silverman, whom I did not know, was the State Solicitor Designate in the new administration and was spending much time asking everyone tough questions about what they did in the office. Those in my shoes were very apprehensive about the wholesale changes about to be

brought in by a stranger to the Civil Division, and I'll be quite candid, Judge Silverman was feared, and perhaps even disliked, without ever being known to those who felt those feelings. He turned out to be an extremely supportive and compassionate supervisor, willing to work with each of us in ways that inspired us to get our mutual job done. He did much by way of training and salary structure to make the young deputies who worked for him better, happier lawyers. So my first impression, my colleagues' first impressions, proved to be very wrong. They were misperceptions.

Change is always hard, and the next change in Judge Silverman's life will be hard too as he adjusts to life with the Court and the Court adjusts to him. The work of the Court, the important mission of the Superior Court, that's documented so well in many reports, which culminate in the General Assembly enlarging the Court by adding Judge Silverman to its ranks, is too important to the People of this State to let first impressions or misimpressions create any awkwardness that could detract from that mission. When he's settled in, the new judge's attention to detail and personal sense of pride will become assets of the court and will combine with the

accumulated action contributed by the other 16 Superior Court judges to keep that court among the highest ranks of trial courts in the country.

On behalf of the practicing lawyers of this State, I extend to Judge Silverman and to his family, including his wife, another good friend of the Bar Association, Vice-Chancellor Berger, heartfelt congratulations on your investiture today as an Associate Judge of the Superior Court. We look forward to many years of working together for the citizens of Delaware.

Thank you.

THE COURT: Thank you, Mr. Kirk.

Our next speaker will be the Honorable Charles M. Oberly, III, the Attorney General of the State of Delaware.

MR. OBERLY: I'll try not to touch the microphone.

Fred's family, new Judge Silverman, Mr. Chief Justice, Mr. President Judge, all the Judges of the Courts of the State of Delaware, our Governor, Members of the General Assembly, both the House and the Senate, I am really pleased to be here today, mainly for Fred and his family.

You know, so much of what we do in life is dependent upon faith, and I look back and I wonder where Fred and I both might be if 400 people had thought differently in 1982, maybe 1986 also. I wonder where we would be and I wonder how things would have turned out if we had not had a chance to work together over these years. The only thing that makes me a little nervous about today is the timing of Fred's ascent to the bench. Losing Fred's daily counsel at this point in my life is going to be a burden on me, but it'll be a benefit to the citizens of Delaware.

Losing Fred's daily counsel will be difficult to replace. I know that many people thought that Fred and I just went down each morning and looked at the newspaper and sat across from each other and wondered, "This is a real easy job". I assure you, a lot more was done than that. Every day we did look at the paper and we were able to lay out the ground work of things that were important to us or things that we were going to do that day. Replacing Fred is going to be extremely difficult. Kathy Jennings has big shoes to fill.

For the last seven years, Fred has been Chief Deputy Attorney General of the State of Delaware. I

believe that's a reign longer than anyone in recent history, and before that he was head of the Civil Division for four years, and before that he was a criminal prosecutor. I don't think there are many people that have ever risen to the position that Fred is today that have had as much job experience in government and in all areas, including private practice, and there is no one in Delaware in this audience, even Fred's own wife, who has seen the work product on a daily basis as I have over the last 11 years. Fred has shown a steady hand. He's been the most trusted advisor during many difficult times in my own life. He has shown a sense of balance in dealing with extremely difficult social issues that have confronted him on a daily basis, and most importantly, he has demonstrated both devotion and loyalty, things that we lack too little of today in America, and I assure those members of the Judiciary that have any questions about Fred's devotion, loyalty and hard work, your hearts will be very pleased.

Fred has been tirelessly working in the Attorney General's Office. I doubt if many Attorney Generals realize what he has done for them over these years. I often saw deputies leave Fred's office and many of them

have haggart looks on their faces. I heard some rough comments, but I really can attribute what Fred did to the esteemed Henry Herrmann.

I remember I left the Federal Court and I came over to Morris James, and I thought I knew a lot. I was put under the tutelage of Mr. Herrmann, and he used to mark and scratch up and tear up everything I wrote, and I actually thought I was fairly good. One day he tore parts up of something that I had written in red ink, much as Mr. Silverman used red ink, and I, frustrated and angrily, said, "If I'm this dumb, I don't deserve to be here", and stormed out of his office, but I learned by experience and the less than three years, that the habits carry over, that the exactitude necessary to be a good attorney is something you learn. Now I am forever indebted to Mr. Herrmann, and I suspect many young attorneys in the Attorneys General's Office will also remember later on in their lives that somebody really did take the time to read what you wrote, to criticize what you wrote and hoped and tried to make it better.

Well, I'm losing a day-to-day advisor, but our friendship will never diminish. The people are going to benefit immensely from Fred's intelligence, his wisdom,

his common sense, his compassion and his fairness. I credit Fred for the things he did.

One case in particular that I remember in Wilmington, involved a stabbing by a woman, and there was racial overtones to it, and how Fred handled that particular case, and how even though the police didn't fully agree at that time, everyone came to see the wisdom that Mr. Silverman brought to this particular case, and it was resolved. It was a tragedy, but it was resolved with no loss of further life to the citizens of the State.

So much of what happens is unseen. So much of what we do could create major problems in the State, but Fred has been able to navigate those waters in a way that I can probably only wonder about in the coming years. I suspect that there are some doubters out there, but I am convinced, beyond any doubt whatsoever, that as the years pass, some day they'll honor Mr. Silverman as a judge's judge.

Today Fred joins a list of other chief deputies who have become judges, and as a point of curiosity, I started doing some inquiry and I have it here, a list of those formerly associated with the Attorney General's Office. That list includes the Chief Justice of the

Supreme Court, Justice Veasey, along with Justice Henry Horsey. So was Associate Judge Jerry Herlihy. So was Associate Judge Norman Barron. So was United States District Court Chief Judge Joseph Longobardi and Chief Judge Vincent Poppiti, and least we not forget a number of you judiciary came from, or had their nuturing years, in the Attorney General's Office. They include such judges as Walt Stapleton, Third Circuit Court of Appeals; from the United States District Court, Judges Longobardi, Schwartz, and Caleb Wright; Associate Justice Henry Horsey of the Supreme Court and Associate Judges Myron Steele, William Lee, Henley Graves, Richard Cooch, former Attorney General Richard Gebelein, Vice-Chancellor Carolyn Berger.

From the Family Court, Judge James, Judge Conner, Judge Nicholas, Judge Ableman, all former Deputy Attorneys General.

From the Court of Common Pleas, Judge Ellis, Judge Trader, Judge Bradley, and our newest judge, Judge Smalls.

In addition, several other members of our Judiciary served in a quasi-deputy attorney status with the City Solicitor's Office, Justice Randy Holland, Judge Balick, Judge Goldstein, Judge Toliver, Judge Horgan, and

in the U.S. District Court, Judge Latchum and Judge Robinson. Formerly associated with the U.S. Attorney's Office, we have Judge Wakefield, and soon-to-be-judge, William Carpenter. Even President Judge Ridgely spent some time as a deputy, working in the Court of Common Pleas.

I think it's significant that all of these men and women have all, at one time or another, served the public as a Deputy Attorney General in a Bar as large as ours, as difficult as it is to become a deputy today. I take that point will be even more important to the men and woman that hold this job.

Governor, you made an outstanding choice, and Fred, I wish you the very best in your new position. I know you'll excel.

Thanks.

THE COURT: Thank you, Mr. Oberly. He does have a red pen. It's up here right now, and now I have the privilege of calling upon our new Superior Court Judge, Fred Silverman, for his greetings to all.

Judge Silverman.

JUDGE SILVERMAN: Ladies and gentlemen, Governor Carper, Chief Justice Veasey, President Judge Ridgely,

Resident Judge Bifferato, Senators McBride and Blevins, Representative George, my good friend, Attorney General Oberly, State Officials, Family and Honored Guests.

As the great 20th Century American poet Jerry Garcia says, "Lately it occurs to me, what a long, strange trip it's been".

Friends, for me the path to this wonderful day and this special place has not been short or easy. No one can say that it was my destiny to become a judge, much less that it was God's will that I sit on the Superior Court.

To be sure, the Almighty easily could have kept me off the Bench. (Provided of course, that the Lord first worked it out with Senator Sharp.)

The point is, I was not born to this position, and I am not here simply because I worked my way up through the ranks. I did put in the hours, but ultimately, in order to become a judge, I was judged. At times the process was unpleasant and even unkind, but I happily bring to this new challenge the benefits of the mistakes that I made over the years and the lessons I learned from my first career in public service and through the Judicial Nomination Process.

Quite unexpectedly for me, the first and most awesome lesson learned was about my family.

At a gut level, I came to realize that as much as I wanted this honor -- Now Governor Carper, I know this is a surprise to you because I hid it so well, but I did want this job. You may not have realized that -- anyway, I realized that my family was, and is, the most important thing.

This brings me to my first judicial act. This is an official court proceeding and what court proceeding would be complete without a finding of fact. Let the record reflect that the Court's wife, Carolyn, has been everything a husband could want and more. The virtue of patience, compassion, loyalty and love that I learned from my sweet wife's example is the first lesson I bring to Delaware's Bench. Let's see the Supreme Court try to reverse that finding.

The second lesson I learned on the way here has to do with friendship. During my years at the Attorney General's Office and through this process, I worked with so many remarkable people. I will not name names here for fear of offending someone I leave off the list, and also in the interest of time. However, there's one group of

people I will mention as a special group -- politicians.

As a lawyer, I knew about the bum rap lawyers get. We all know lawyers whose membership in the profession is, shall we say, unfortunate, but on balance, the vast majority of attorneys are honest, honorable professionals who work hard for their clients' best interests. Speaking as someone who, hopefully, is out of politics for at least the next 12 years, and therefore, has little to gain by flattery, I believe politicians, as a group, also get a bum rap.

The cynicism politicians face, much like the cynicism about lawyers, is usually undeserved.

The politicians with whom I have worked have character. Some of them are characters, but their word is their bond; that yea is yea and their nay is nay. They are pragmatic people, whose opinions reflect more of what they see for themselves and less of what is whispered in their ears.

Generally, the problem with politicians is us. We expect politicians to be better than we are and we demand that they answer problems we cannot solve by ourselves.

I hope I remember the lessons that I learned

from the people with whom I worked. These lessons include the virtue of steadfastness, concern for the so-called little people, dependability, consistency and responsiveness. I intend to bring concern for constituent relations with me to the Bench.

This brings me to my final thought. My appointment did not fall in my lap. Many, many people helped me make this day possible. At first, I was uncomfortable because I could not make this happen by myself, and as a judge, I felt I would not be able to repay the people who went to bat for me, or the people who took a bat to me. Then suddenly, the way to reward my friends and to confound the doubters came to me, and it's so simple, I'm embarrassed I didn't see it immediately.

What I have to do now is be the sort of judge my family and friends expect me to be. I will remember and be grateful to the people who stood by me, spoke up for me and who held my hand, but the way I will repay my debt is that I will remember where I came from, how I got here, and, most importantly, why I was put on the Bench. I hope the lawyers and litigants who come before me over the years will find my courtroom to be a calm and pleasant place where they can seek and find justice.

My family and I thank you so very much for sharing this happy occasion with us.

THE COURT: Thank you, Fred, and congratulations and best wishes to you on your appointment. All of us on the Superior Court look forward very much to working with you.

This concludes our Special Session of the Superior Court. You are all welcome to stay and greet our new judge at a reception with refreshments in the First Floor lobby.

The Court is now adjourned.

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(The Court recessed at 3:52 p.m.)

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