

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

In the Matter of the Swearing
In of HON. CLARENCE W. TAYLOR
and HON. JOSEPH T. WALSH as
Associate Judges of the
Superior Court. } July 6, 1972
} Superior Courtroom No. 1
} Public Building
} Wilmington, Delaware
} 12 noon.

PRESENT:

HON. ALBERT J. STIFTEL, President Judge,
Superior Court, Presiding.

HON. DANIEL F. WOLCOTT, Chief Justice,
Supreme Court of the State of Delaware.

HON. ANDREW D. CHRISTIE, J.,
Associate Judge, Superior Court.

HON. WILLIAM T. QUILLEN, J.,
Associate Judge, Superior Court.

HON. VINCENT A. BIFFERATO, J.,
Associate Judge, Superior Court.

ALSO PRESENT:

HON. COLLINS J. SEITZ, Chief Judge,
U. S. Court of Appeals for the Third Circuit.

HON. CALEB M. WRIGHT, Chief Judge,
U. S. District Court for the District of Delaware.

HON. JAMES L. LATCHUM, Judge,
U. S. District Court for the District of Delaware.

HON. DANIEL L. HERRMANN, Associate Justice,
Supreme Court of the State of Delaware.

HON. WILLIAM DUFFY, Chancellor,
Court of Chancery of the State of Delaware.

ALSO PRESENT (Cont'd.):

HON. WILLIAM MARVEL, Vice Chancellor,
Court of Chancery of the State of Delaware.

WILLIAM POOLE, ESQ., President,
Delaware Bar Association.

HON. J. CALLEB BOGGS, U. S. Senator,
State of Delaware.

C. DOUGLASS BUCK, JR., President,
County Council, New Castle County.

HON. HARRY G. RASHELL, JR., Mayor,
City of Wilmington.

And others.

P R O C E E D I N G S

HON. ALBERT J. SELFTTEL, P.J.: The Superior Court Judges welcome all of you to this special session of the Superior Court. On July 1, 1972, in an unprecedented, after-midnight special session of the State Senate, four judicial appointments were confirmed. Judge George R. Wright became Resident Judge of Kent County, succeeding our good friend Judge William J. Storey. That same day Judge Wright took the oath and assumed his new office. Today Clarence W. Taylor will take Judge Wright's place on the Bench.

Joseph T. Walsh will become the tenth Judge today and Claude L. Tease will be sworn in as the eleventh Judge of this Court in Georgetown tomorrow.

These two judgeships came into being as a result of legislative action in the last thirty days. Knowing our immediate need, Governor Peterson hurriedly signed the bill and we are here today as a consequence.

The Superior Court is now more than twice the size of the Court when Judge Andrew D. Christie came to the Bench in 1957. He is one of Clarence's close friends and I ask him to say a few words on behalf of the Court.

HON. ANDREW D. CHRISTIE, J.: It is a great pleasure today to welcome my long-time friend, Clarence

Wilson Taylor, to the Bench of the Superior Court. Clarence grew up here in Wilmington but his roots are state-wide, with one set of grandparents having come from Kent County and the other set from Sussex County. He attended the public schools here in Wilmington and graduated from Wilmington High School in 1934. He then went to the University of Delaware, where he was graduated in 1938. At the time he was president of the Senior Class there at the University. He went on to the Law School of Yale and graduated in 1941 and became a member of the New York Bar in 1942.

After a few years of experience in business, both in New York and here in Wilmington, he was admitted to the Delaware Bar in 1947 and began to practice with the law firm then known as Hastings, Shackley, Walz and Wise. He has practiced here in Wilmington ever since, and of course during his career here he has taken part in a great many very important and interesting cases. By the time I came to the Bar in 1948 Clarence already had a reputation of being a very thorough, careful, scholarly and fair attorney.

But in those days there seemed to be some political strife in Delaware and this strife took place not only between the parties, as one would expect, but even on occasion within the various political parties of the State. And there

was a political group here known as the Active Young Republicans and it was made up of young people who did not hesitate to indicate that they knew as much or more about government in general and politics in particular than their elders. Because of his diplomacy and his many other good qualities, Clarence was elected president of this group.

The organization was not an easy one to control or even to preside over. It included such young liberals as Rodney Layton, Jan Bove, Hal Haskell, Ned Carpenter, Doug and Polly Bock, Bill and Louise Conner, Ned Kimmel and many others. Clarence was accepted as a leader of that group and he helped to bridge the generation gap and many other gaps that existed at that time between this group of young people and their elders. Some of that group are said to have behaved themselves very well ever since.

Clarence meanwhile has been assuming leadership positions and bridging various gaps clear through the years. He served for a time as Deputy Attorney General and then he began his long and distinguished career of public service as Chief Attorney for the State Court and later, after the reorganization of County government, as County Attorney. He is acknowledged as an authority on the legal aspects of County government.

He has been active in a great many other things, such as his church, various PTA organizations, on the board of the Wilmington Senior Center, and he has been especially active in various historical organizations, including The Sons of the American Revolution, where he has held high office both on the state level and on the national level. Presently by Presidential appointment he is a member of The American Revolution Bicentennial Commission, from which we will be hearing a great deal in the next few years.

We need as Judges those who have chosen to be legal scholars and those who are so unflappable that they remain fair and objective, even in the thick of serious controversy. The Superior Court has gained such a person in Clarence Taylor and we welcome him to our Court.

WENDELL W. FURBER, JR.: Thank you very much, Judge Christie.

Joseph L. Walsh has had many close associations with Judge Christie when he was active with the Executive Branch. I ask Judge Christie to make a few remarks for the Court.

MR. WENDELL W. FURBER, JR.: Mr. President Judge, Mr. Christie and I have passed since the last Superior Court session and will once again the constitutional

process in all its grandeur has functioned. The people elect, the Governor appoints, the Senate advises and consents, the Judges invest, the Court continues. We should pause to note the process in order that we do not take it for granted. And we should note that on this day the process has worked exceptionally well.

In appointing Joseph T. Walsh, Governor Peterson has exercised his executive prerogative with utmost fidelity. The Court and the Bar are grateful to both the Governor and the Senate.

The record of Joseph T. Walsh speaks for itself with no need for flowery superlatives. First, education. Salesianum School, LaSalle College with honors, Georgetown University Law School with membership on the Georgetown Law Review. One slight digression on education. Whenever I speak with chauvinistic pride of a small school in Delaware, Judge Biddleto reminds me that Salesianum School has made a vital contribution to the legal profession in Delaware and I like that very much associated with some fine educational institutions will lead to the growth of Joe Walsh's success.

Second, in public standing with Chief Judge Paul Lewis of the United States District Court. Joe Walsh was awarded the rank of Lieutenant Colonel while in service in a

judicial context.

Third, military service in the Judge Advocate General Corps of the United States Army with special schooling at the Judge Advocate General's School at the University of Virginia. Service as a military lawyer is perhaps the shortest route to maximum responsibility in the legal field.

Fourth, lawyer for the General Assembly. Most lawyers can find defects in legislation but relatively few can draft good legislation. Joe Walsh knows how to construct and contribute positively.

Fifth, lawyer for the public. Ten years as counsel for the Public Service Commission and acknowledged to be the public utilities expert in Delaware. Counsel to the Wilmington Porting Authority and service with the Youth Services Commission.

The public contributions of special note: One, a deep concern for legal services for the disadvantaged, as evidenced by his service as both an attorney and board member of the Legal Aid Society and now board President. Two, a deep commitment to judicial reform. Joe Walsh authored the legislative reform legislation of 1965 which ushered in a new era of progress in the courts and four decades later.

Sixth and finally, fourteen years of private law practice as a respected profession. The record speaks loud and clear. But, most importantly, Joe Walsh is a gentleman. Civility is cultivated. It is not surprising that Joe Walsh bears his vocation well. Church and family rank first with him. He has been president of his parish council and is both a devoted son and a devoted husband and father in a Catholic family. His wife, Elizabeth, has been a full partner in his useful life. I've heard say as well as his. And it is a big day for six children who from now until the end of their lives will know their father is a judge as well as a dad. And to Joe Walsh's parents I am sure this is a day of special pride. There is no success in life to match the privilege and honor of successful parenthood.

As I speak the Court extends a welcome. Each man must decide what he is to do with his life. Public service is the highest calling and I am sure there is no public service as worthy as a man's service to his country. Joe Walsh has chosen to serve his profession with dignity and public esteem. He has sacrificed income and comfort for the sake of his vocation. But a judge's duty is to the law and to the people. It is a duty that is not always understood.

The Court is now ready to hear the case. The Court will now hear the case of the State of New York versus the People of the State of New York.

schooling, tireless past efforts for clients, public and private, and a sense of duty, a love of state and a desire to serve. To us, the general public, I say be grateful. We are lucky to have the Joe Walshes of this world. They are few. They deserve our respect and our support.

And to you, Judge Francis Scanlon, preceptor for Joe Walsh when he was admitted to the Delaware Bar seventeen years ago, let your Irish heart swell with all the warmth and pride of its loving capacity and maybe shed an Irish tear. It is your day, too.

Joe, the Court wishes you. Welcome.

THE COURT WOULD SAY: Thank you, Judge Quillen. I am accompanied by Chief Justice of the State of Delaware. After a few minutes he will administer the oath of office to Clarence A. Taylor and Joseph T. Walsh. We will all stand when the oath is administered. The Chief Justice.

JUDGE QUILLEN: Judge Stillwell, my remarks will be brief. It is a pleasure to have you and your family here for the oath of office. The two matters are handled by the court. I cannot add anything in the way of remarks. The remarks have said by Judge Taylor. I will say a few words. I am glad to see you and your family here for the oath of office.

abilities of these two gentlemen.

I think we all realize the monumental problem with which the Superior Court is faced today with the great increase in the number of cases which come before it, both on the civil side and on the criminal side. The Judges of the Court have sought to cope to the best of their abilities with this constantly increasing case load and I think we will all agree that they have done a very commendable job within the limits of the available manpower and available court facilities.

The addition of two more members to the Court of the caliber of these two gentlemen will immeasurably lessen the very hard and wending task with which the Superior Court Judges have been faced for the past few years. Also the wisdom of the General Assembly in providing funds to retain four additional Court Reporters will permit the Superior Court to go full steam ahead and gradually lessen the backlog with which it is now faced.

On my own behalf and on behalf of the members of the Court on which I sit, which is often called upon to review what the Superior Court Judges have done, I want to express our satisfaction and appreciation of the fine job done in these appointments and confirmations by the Senate. Two very

able persons have been added to the ranks of the Delaware Judiciary and I am sure that before too long the result of this wise decision will make itself known.

Now, gentlemen, if you will rise.

(The oath of the office of Associate Judge of the Superior Court of the State of Delaware was administered to Clarence W. Taylor by Chief Justice Wolcott. A Judge's robe was placed on Judge Taylor by Judge Christie.

The oath of the office of Associate Judge of the Superior Court of the State of Delaware was administered to Joseph T. Walsh by Chief Justice Wolcott. A Judge's robe was placed on Judge Walsh by Judge Quillen.)

PRESIDENT JUDGE STUMPEL: The Delaware Bar Association has been active in helping the Courts. Michael Goldman and his committee worked many days in supplying the necessary information to public officials on our dire need for additional Judges, for additional space and personnel. Ned Garpenter, the immediate past president of the Delaware Bar Association, was responsible for Mike's appointment and Ned worked constantly to help the Court solve its many problems.

William Poole has been the new president of the Delaware Bar Association for about one month. He has taken the initiative to communicate with the Judges in his desire

to see to it that the administration of justice is improved. We look forward to the continued help of the Bar Association under his leadership to meet the great demands placed on the Courts by our society. William Poole will now comment for the Bar.

WILLIAM POOLE, ESQ.: Chief Justice Wolcott, President Judge Stiffel, members of the Bench and Bar and friends of Judges Taylor and Walsh, it is indeed a privilege and honor for me to participate in these proceedings as the representative of the Delaware State Bar Association.

Delaware has always prided itself in an efficient judicial system with current dockets and evenhanded justice. In recent years this system has been severely tested by the increased volume of litigation, both civil and criminal. Nowhere has this been more apparent than in the Superior Court. Today, as two new Judges take their places on the Superior Court, we move forward in our efforts to meet the challenges of this time ahead.

Let me first of all congratulate and thank the 136th General Assembly for its wisdom and foresight in making possible the expansion of the Superior Court by authorizing three additional Judges. In addition, the General Assembly has provided for the appointment of two additional Justices.

facilities and supporting personnel for the Superior Court. Without these new facilities the Judges who have taken their oaths of office today could not adequately perform the tasks assigned to them. Therefore, I repeat, we are indebted to the foresight and wisdom of the General Assembly.

To the Governor of Delaware we wish to express our thanks for the manner in which these judicial appointments were made. The Judicial Appointments Committee of the Delaware State Bar Association was requested to submit a list of qualified persons who might be considered for appointment as Judges of the Superior Court. From this list Governor Peterson made his selections and the new Judges standing before you today were found to be well qualified by this Committee.

But the real challenge is still ahead of us. Speaking in Los Angeles in 1950 Chief Justice Arthur T. Vanderbilt of the Supreme Court of New Jersey said, and I quote, "Subordinate only to the complaint against dishonest judges is resentment of the law's delays. The grievance is on account not of the delay mentioned in the Magna Carta. English monarchs would not delay a step in the process of litigation if it were to be shown that is not that the public is concerned with the delay but that it is unnecessary

delays."

These same complaints are echoed today on every street corner. It is incumbent upon every one of us in the legal profession to take these complaints to heart and to work with these newly appointed Judges and their brothers on the Bench to keep faith with the people of Delaware and guarantee prompt and evenhanded justice that is not surpassed anywhere in the world.

On behalf of the Delaware State Bar Association I extend to you, Judge Taylor and Judge Walsh, our congratulations and our sincere hope that you will enjoy long and distinguished careers on the Bench.

PRESIDENT JUDGE SHIFFT L: Thank you, Mr. Peole. Now Judge Taylor takes his place in Delaware history as the 46th Delaware Superior Court Judge and Judge Walsh as the 47th. We wish them well.

These proceedings are now at an end. The new Judges, however, still have to greet their many friends. Thank you kindly for coming. We all sincerely appreciate it. God bless you.

Approved by
Tech. P. Office