

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

\* \* \* \* \*

SPECIAL SESSION

INVESTITURE OF

**THE HONORABLE**

**WILLIAM L. WITHAM, JR.**

AS AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE

STATE OF DELAWARE

\* \* \* \* \*

Thursday, February 18, 1999

2:30 p.m.

Courtroom Number 1

Kent County Courthouse

Dover, Delaware

\* \* \* \* \*

**ORDER OF THE CEREMONY**

\* \* \* \* \*

CALL TO ORDER:

The Honorable Henry duPont Ridgely  
President Judge, Superior Court of Delaware

INVOCATION:

The Reverend Robert L. McKim

Jennie L. Washington  
Official Court Reporter

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

REMARKS AND ADMINISTRATION OF OFFICE:

The Honorable Myron T. Steele  
Vice Chancellor, Chancery Court of Delaware

ROBING:

Mrs. William L. Witham, Jr.

REMARKS:

The Honorable Thomas R. Carper  
Governor of the State of Delaware

The Honorable E. Norman Veasey  
Chief Justice, Supreme Court of Delaware

J.R. Julian, Esquire, President,  
Delaware State Bar Association

Carolyn H. deBernard, Esquire, President,  
Kent County Bar Association

William Prickett, Esquire  
Prickett, Jones, Elliott, Kristol & Schnee

GREETINGS BY THE JUDGE:

The Honorable William L. Witham, Jr.  
Associate Judge, Superior Court of Delaware

BENEDICTION:

The Reverend Robert L. McKim

ADJOURNMENT:

The Honorable Henry duPont Ridgely  
President Judge, Superior Court of Delaware

Jennie L. Washington  
Official Court Reporter

1 Courtroom No. 1  
2 February 18, 1999  
3 2:30 o'clock p.m

4 \* \* \* \* \*

5 (Whereupon, Court was called to session.)

6 \* \* \* \* \*

7 PRESIDENT JUDGE RIDGELY: Welcome to  
8 this Special Session of the Superior Court, for the  
9 investiture of William Witham, Jr., as a Judge of  
10 the Superior Court.

11 Please remain standing for the  
12 invocation by the Reverend Robert L. McKim.

13 REVEREND MCKIM: Let us pray. God of  
14 creation and Lord of life, because we believe you  
15 to be the God of order, with the mind of justice  
16 and the sole of compassion, we are bold to lay open  
17 before you now what we do here today. We crave the  
18 assurance of your attention at this very moment as  
19 we ritualize the investiture of your son as we know  
20 as William Lloyd Witham, Jr., in a critical and  
21 formal role within our human society.

22 We earnestly want your approval and  
23 hereby lay claim on your blessing on him. Bless  
him with the inception and wisdom of a Solomon, and

Jennie L. Washington  
Official Court Reporter

1 empower him with the vigorous courage of a young  
2 David, and season him with the grace and  
3 graciousness of a Jesus of Nazareth.

4 In turn, we offer you the atonings of  
5 each one of us here to follow along with our  
6 awareness and support of our friend Bill, son,  
7 brother, husband, father and citizen, in his new  
8 role as Judge. We pledge before him and you our  
9 continuing interest and encouragement and the  
10 sometimes arduous and often lonely task. It is  
11 critical to the health of your society today.

12 Our prayer is offered in harmony with  
13 the nature of one whom Christians believe to be an  
14 expression of your own eternal spirit. In that  
15 sense, may your prayer be authentic and valid.

16 Amen.

17 PRESIDENT JUDGE RIDGELY: Please be  
18 seated.

19 Let me begin by introducing those who  
20 are seated with me on the bench today. To my right  
21 is Chief Justice E. Norman Veasey of the Supreme  
22 Court of Delaware.

23 To my left is Vice Chancellor Myron T.

Jennie L. Washington  
Official Court Reporter

1 Steele for the Court of Chancery of the State of  
2 Delaware.

3 To the right of Chief Justice Veasey is  
4 Resident Judge James T. Vaughn, Jr. of the Superior  
5 Court.

6 To the left of Vice Chancellor Steele is  
7 where the Superior Court Judge William L. Witham  
8 will soon be seated.

9 Also seated in the jury box are many of  
10 the Superior Court Judges, all of who could not be  
11 here today -- some are still in trial.

12 The Court recognizes the many family  
13 members of our next Superior Court Judge who are  
14 present today. And in particular, Bill's wife,  
15 Donna, and his son Gregory; his sister, Cora Lee  
16 "Cookie" Witham, and her fiancée, George  
17 Giannattasio; his father-in-law, Julian Dunning;  
18 his sister-in-law and brother-in-law, Mr. and  
19 Mrs. William C. Pritchard, III; his nieces,  
20 Miss Abby Kilvington, Miss Becky Kilvington and  
21 Miss Kelly Pritchard; his nephew, Stephen  
22 Pritchard; and Mrs. Witham's aunt, Sarah Robinson.

23 The Court also recognizes Governor

Jennie L. Washington  
Official Court Reporter

1 Carper and the members of the Delaware Senate and  
2 House who are present, the members of the Delaware  
3 Judiciary and Bar, Kent County public officers, and  
4 Bill Witham's many friends.

5 To all of you and each of you, a very  
6 warm and special welcome to the Superior Court.

7 We are here today to mark the beginning  
8 of Bill Witham's career as a member of the Superior  
9 Court, our State's general jurisdiction trial  
10 court. The proceeding is one of investiture, where  
11 the robing is of a special ceremony, significance  
12 and commitment under oath.

13 For this special event, the Judges of  
14 the Superior Court appear in our black robes with  
15 our ceremonial scarlet sash which can be traced to  
16 the law courts of 1635, and before even then, with  
17 whom we share the common law and a common bond.  
18 The robe itself is a symbol of impartiality and the  
19 judge's solemn duty to administer equal justice on  
20 behalf of the people we serve.

21 In the words of President William Howard  
22 Taft, the robe is worn "to impress the judge  
23 himself with the constant consciousness that he is

Jennie L. Washington  
Official Court Reporter

1 a high priest in the temple of justice and is  
2 surrounded with obligations of a sacred character."

3 In Kent County, the number of lawyers  
4 and judges permits us to know each other well. Our  
5 distinguished speakers today will tell you about  
6 our next Judge's distinguished background as a  
7 lawyer, in the military, as a civic leader, and his  
8 outstanding personal qualities and temperament.

9 I have known Bill for 25 years. I am  
10 extremely confident that Bill Witham will wear his  
11 robe very well, and I thank Governor Carper for  
12 nominating him and the Senate for confirming him,  
13 on behalf of all the Superior Court.

14 It is now my pleasure to ask Vice  
15 Chancellor Myron T. Steele to provide his remarks  
16 and to administer the oath of office.

17 Mrs. William L. Witham, Jr. and Gregory  
18 will hold the Bible and then assist with the  
19 robing.

20 Vice Chancellor Steele.

21 THE STATE: Thank you, President Judge  
22 Ridgely.

23 Governor Carper, Chief Justice, members

Jennie L. Washington  
Official Court Reporter

1 of the Assembly, other members of the judiciary,  
2 Judge Witham's family, and members of the bar, and  
3 those members of the New Castle County Bar who drew  
4 the short draw at last night's partner meeting,  
5 friends of Judge Witham's. I must say, President  
6 Judge Ridgely, it was not foul of you and your  
7 colleagues by wearing for the first time your new  
8 attire obviously to mark his arrival on the scene.  
9 Very smart attire by any definition of the word.

10 As my family might say the surest test  
11 of progress achieved is tradition reborn.

12 In three minutes, Bill, I will ask you a  
13 very important question. Today is the day you are  
14 asked to make the third of three important pledges  
15 in your life.

16 First, and most importantly, was your  
17 pledge to Donna, which has resulted in a much  
18 admired, mutually supportive relationship which  
19 continues to produce much joy in your life,  
20 including James, the football hero -- formally  
21 known as Randy -- and Greg, your younger son, and  
22 for the moment, a smaller version James.

23 Second, your oath as a commissioned

Jennie L. Washington  
Official Court Reporter

1 officer in the United States Army, through which  
2 you have risen to the significant rank of Colonel  
3 in the Delaware Army National Guard, and which  
4 reflects your deep commitment to public service at  
5 the expense of real and potentially devastating  
6 sacrifice of personal time and financial  
7 opportunity.

8           Today you are within a minute of a third  
9 pledge, the importance and significance of which  
10 only you can evaluate over time to your own  
11 satisfaction, based upon what you contribute as  
12 well as what you experience from those efforts. I  
13 can only promise you this, if you make this pledge,  
14 you will join a Court recognized as the premier  
15 general jurisdiction trial court in the nation; a  
16 Court renowned for its integrity, its work ethic,  
17 its intellectually robust work product, its  
18 compassion and patience, and its ability to inspire  
19 confidence in its results.

20           Perhaps most telling is the commitment  
21 of the members of this Court to each other,  
22 ensuring that each performs well individually and  
23 that the Court excels as an institution. Highly

Jennie L. Washington  
Official Court Reporter

1 effective leadership from President Judge Ridgely,  
2 Resident Judges Bifferato and Lee, and now from  
3 Resident Judge Vaughn -- whom now, all reports  
4 indicate, is a quick study indeed -- these  
5 leadership and qualities, indeed those attributes  
6 of this Court will proceed in the foreseeable  
7 future. In other words, Bill, you will fit in  
8 quite nicely, I assure you.

9           With all this, and no doubt more in  
10 mind, I will ask you the question I promised I  
11 would ask: Bill, are you prepared to take the  
12 oath? Assuming your answer is yes -- you're  
13 reddened already, it didn't take him long to keep  
14 his mouth shut, as we would say in the guard --  
15 let's make it happen.

16           I ask that you rise with us as we  
17 administer the oath as a symbol of your support for  
18 Bill in his endeavor.

19           Place your right hand on the Bible.  
20 Repeat after me. I -- state your name.

21           MR. WITHAM: I, William Witham, Jr. ...

22           VICE CHANCELLOR STEELE: ... do proudly  
23 swear ...

Jennie L. Washington  
Official Court Reporter

1 MR. WITHAM: ... do proudly swear ...

2 VICE CHANCELLOR STEELE: ... to carry  
3 out the responsibilities ...

4 MR. WITHAM: ... to carry out the  
5 responsibilities ...

6 VICE CHANCELLOR STEELE: ... of the  
7 office of Associate Judge of the Superior Court ...

8 MR. WITHAM: ... of the office of  
9 Associate Judge of the Superior Court ...

10 VICE CHANCELLOR STEELE: ... to the best  
11 of my ability ...

12 MR. WITHAM: ... to the best of my  
13 ability ...

14 VICE CHANCELLOR STEELE: ... freely  
15 acknowledging that the powers of this office ...

16 MR. WITHAM: ... freely acknowledging  
17 that the powers of this office ...

18 VICE CHANCELLOR STEELE: ... flow from  
19 the people I am privileged to represent ...

20 MR. WITHAM: ... flow from the people  
21 for the privilege --

22 VICE CHANCELLOR STEELE: ... flow from  
23 the people I am privileged to represent.

Jennie L. Washington  
Official Court Reporter

1 MR. WITHAM: ... flow from the people I  
2 am privileged to represent.

3 VICE CHANCELLOR STEELE: I further  
4 swear ...

5 MR. WITHAM: I further swear ...

6 VICE CHANCELLOR STEELE: ... always to  
7 place the public interest ...

8 MR. WITHAM: ... always to place the  
9 public interest ...

10 VICE CHANCELLOR STEELE: ... above any  
11 special or personal interest ...

12 MR. WITHAM: ... above any special or  
13 personal interest ...

14 VICE CHANCELLOR STEELE: ... and to  
15 respect the right ...

16 MR. WITHAM: ... and to respect the  
17 right ...

18 VICE CHANCELLOR STEELE: ... of future  
19 generations ...

20 MR. WITHAM: ... of future  
21 generations ...

22 VICE CHANCELLOR STEELE: ... to share  
23 the rich historic ...

Jennie L. Washington  
Official Court Reporter

1 MR. WITHAM: ... to share the rich  
2 historic ...

3 VICE CHANCELLOR STEELE: ... and natural  
4 heritage of Delaware.

5 MR. WITHAM: ... and natural heritage of  
6 Delaware.

7 VICE CHANCELLOR STEELE: In doing so ...

8 MR. WITHAM: It doing so ...

9 VICE CHANCELLOR STEELE: ... I will  
10 always uphold and defend ...

11 MR. WITHAM: ... I will always uphold  
12 and defend ...

13 VICE CHANCELLOR STEELE: ... the  
14 Constitution of my country and my state ...

15 MR. WITHAM: ... the Constitution of my  
16 country and my state ...

17 VICE CHANCELLOR STEELE: ... so help me  
18 God.

19 MR. WITHAM: ... so help me God.

20 VICE CHANCELLOR STEELE: Congratulations.

21 (Applause.)

22 MR. WITHAM: Thank you.

23 (Robing occurred.)

Jennie L. Washington  
Official Court Reporter

1 VICE CHANCELLOR STEELE: You may be  
2 seated.

3 CHIEF JUSTICE VEASEY: Congratulations,  
4 Bill.

5 RESIDENT JUDGE VAUGHN: Congratulations,  
6 Judge.

7 PRESIDENT JUDGE RIDGELY: Bill, we  
8 welcome you to the Superior Court of Delaware.

9 One thing that Bill pointed out, and  
10 I've noticed, if I grow a mustache or if he shaves  
11 his, we'd have some possibilities here.

12 I would now like to invite His  
13 Excellency, Thomas R. Carper, Governor of the State  
14 of Delaware, to make his remarks at this time.

15 Governor Carper.

16 GOVERNOR CARPER: Chief Judge Ridgely,  
17 Chief Justice Veasey, our Vice Chancellor Myron  
18 Steele, our new Judge, but not a rookie anymore,  
19 Judge Vaughn, not the greenest judge to sit. Judge  
20 Witham, congratulations.

21 To our other members of the judiciary  
22 here, you are looking mighty spiffy in their red  
23 sashes. To the Witham family, to Donna and Greg,

Jennie L. Washington  
Official Court Reporter

1 or Randy or James, wherever they are, to your dad,  
2 Mr. Witham, congratulations.

3 MR. WITHAM: Thank you.

4 GOVERNOR CARPER: A lot of relatives,  
5 nieces and sister, and nephews and aunts from New  
6 Jersey, and all kinds of people -- Maryland, was it  
7 from? Maryland, excuse me.

8 I was referred to as "His Excellency" by  
9 Chief Judge Ridgely, and I was with a couple of  
10 guys yesterday who were "His Excellency," the  
11 Ambassador of Israel was here yesterday, the  
12 Ambassador from Egypt was here yesterday, and the  
13 top delegates from the PLO were here yesterday to  
14 have lunch together, and they were all referred to  
15 as "His Excellency." And I turned to the Israeli  
16 Ambassador and said, "That's the way I like to be  
17 addressed too." I said, "You know, I can never get  
18 my wife to call me that." And he said, "Neither  
19 can I."

20 There's a lot of parts of the Governor's  
21 job that this Governor likes. One or two parts  
22 that he doesn't like. I suppose that's true with  
23 most jobs. We -- among the things that turned out

Jennie L. Washington  
Official Court Reporter

1 I really do enjoy, I like parades. It's a good  
2 thing, because there are a lot of them to go to. I  
3 like babies. I even like kissing babies. People  
4 come along and say: Will you kiss my baby? I'm  
5 always happy to. I think a lot of politicians  
6 don't like this. I do. I like that.

7 I like going to graduations. It's a  
8 good thing because I go to a lot of them as well.  
9 And a whole bunch of weddings. I've never been to  
10 a swearing in for a Judge before I became Governor  
11 of this State. As it turns out, I like that, too,  
12 because its a good thing because there is a lot of  
13 them. And as it turns out, they're a lot of fun.

14 It's a real time for celebration, isn't  
15 it? It's a time for personal satisfaction,  
16 celebration, family celebration, for those who have  
17 worked with our nominees and have seen them sort of  
18 grow up to practice law in our State and our  
19 community and be leaders in our community, and to  
20 see them honored by being a judge in the State of  
21 Delaware.

22 Sometimes people say, well, you have to  
23 be -- it's a sacrifice to be a Governor, a mayor, a

Jennie L. Washington  
Official Court Reporter

1 judge, and I would just say: I don't think it's a  
2 sacrifice at all. It's a huge honor, whether it be  
3 the Governor, the mayor, or to be a member of the  
4 judiciary, which I believe to be the finest  
5 judiciary in the country.

6 I just want to sort of step back and  
7 take stock for just a -- just a minute. Bill  
8 Witham has not become a judge in any state. He's  
9 become a judge in the State of Delaware. And  
10 sometimes we sort of sell ourselves short, and I  
11 just want you to take a minute and think about the  
12 kind of State that we are a part of, and the part  
13 he will be helping to lead from his position on the  
14 judiciary.

15 We live in a State that, it's the  
16 strongest economy this side of the Mississippi  
17 River. One of the States regarded as one of the  
18 best places to go in business. Half of the Fortune  
19 500 companies on the stock exchange are  
20 incorporated here. We have leading ag land. We  
21 produce more cars per capita, more banks -- 60  
22 percent of the credit cards are issued by banks  
23 right here in Delaware.

Jennie L. Washington  
Official Court Reporter

1           We are a home of world tourist  
2 attractions like the beaches in our State, like  
3 Dover Downs, River Front in New Castle County.  
4 They just closed on Friday -- on Sunday, rather, on  
5 Valentine's Day, the Nicholas and Alexandria  
6 Exhibit which drew over a half million people.  
7 People drove from throughout America and throughout  
8 the world to little Delaware.

9           This is an extraordinary place. An  
10 extraordinary place.

11           We have the finest judiciary for a  
12 couple of reasons. I will mention a couple of  
13 them. One, we don't elect our judges. There is  
14 nothing wrong with elections. We elect real fine  
15 people. Sometimes even Governor. Some of our  
16 legislators and some of them who are here today,  
17 you know of what we speak.

18           But the people who wrote our  
19 Constitution a hundred years ago had the good sense  
20 to say we ought to have a Governor who nominates  
21 people to serve on the judiciary. We ought to have  
22 the Senate who confirms that or rejects that  
23 decision. Subsequent to that, a Governor was smart

Jennie L. Washington  
Official Court Reporter

1 enough to create the judiciary nominating  
2 commission to actually screen the applicants for  
3 the judiciary and give the Governor a limited  
4 number of names to consider.

5           We have the Delaware Bar Association  
6 involvement from the President, and the role they  
7 play, at this Governor's commission to screen the  
8 worthiness of the candidates who are submitted to  
9 the Delaware General Assembly. And we have a  
10 General Assembly, a Senator of the commission,  
11 Thurmond Adams -- I don't think he's here -- but  
12 the others who serve on the executive committee in  
13 the Senate, who have done a good job over the years  
14 to make sure good qualified candidates who are  
15 nominated -- and nominated by Governors before me  
16 and will be nominated by Governors subsequent to  
17 me -- will be appointed to serve.

18           Politics play in that role, like so many  
19 other places. We are blessed in many respects of  
20 our place, particularly with the strength of your  
21 judiciary and the caliber of the men and woman whom  
22 you serve here and throughout the State. It's a  
23 tribute to our Chief Justice for the leadership he

Jennie L. Washington  
Official Court Reporter

1 provides to our Chief Judge Ridgely.

2           Let's take a minute and talk on a more  
3 personal level, if I can, about Bill Witham. A  
4 number of people have asked me: Why Bill Witham?  
5 Is it because he's a Presbyterian and you are a  
6 Presbyterian? And I say, "Yes." They say, "Is it  
7 because he was a director of the YMCA all these  
8 years and you love to work out every day at the  
9 YMCA?" And I say, "Yes."

10           People say, "Is it because of his  
11 military experience and the fact that the rank that  
12 he holds?" Colonel O6 is the rank I once held in  
13 the Navy, and I say, "Yes." People ask me if it's  
14 because he's a guy who is devoted to his family,  
15 his wife Donna, son Greg, and the other two is just  
16 one, James or Randy, but they ask me if that's why  
17 I nominated him; and I say, "Yes."

18           But I also nominated him because he is  
19 just one good, decent human being. He has been a  
20 credit to his family for as long as I have known  
21 him and a whole lot longer than that. He was  
22 raised right, and the people who bent that twig in  
23 an early age did a great job with him because he

Jennie L. Washington  
Official Court Reporter

1 sure did turn out swell.

2           And it's a credit to you, sir, and to  
3 your family.

4           He has been active in his community in  
5 more ways that I can begin to count, and he has  
6 made a difference in virtually almost every one of  
7 them. And I do respect a guy who wears a uniform,  
8 and not necessarily just this uniform, but the  
9 uniform of our country and served in the Armed  
10 Forces of our country and took serious that oath to  
11 serve our institution.

12           And I like the fact that he has good  
13 judgment. I like the fact that he's well respected  
14 by those of whom he's practiced with, those who  
15 have been opposed to him in court, and those who  
16 have been on his side. I like the fact that he's  
17 smart. I also like the fact that he's not aware  
18 that he's quite that smart.

19           I like the fact that he's a guy who is  
20 able but also humble, and this in my book is  
21 something. I always find people who are good and  
22 they know it. In Bill Witham's case, he's good,  
23 and yet I don't think he's quite aware of how good

Jennie L. Washington  
Official Court Reporter

1 that he really is -- and in a way I hope you never  
2 know that. That's a really endearing quality.

3 But I'm just happy we are all here  
4 today. This is a good day for the Witham family.  
5 This is a good day for Kent County. It's a good  
6 day for this judiciary. It's a very good day for  
7 the State of Delaware.

8 Thank you, all.

9 (Applause.)

10 PRESIDENT JUDGE RIDGELY: Thank you very  
11 much, Governor Carper. It's now my honor and  
12 privilege to ask Chief Justice E. Norman Veasey to  
13 provide us with his remarks.

14 Chief Justice.

15 CHIEF JUSTICE VEASEY: Thank you,  
16 President Judge Ridgely.

17 Governor Carper, members of the  
18 Judiciary, members of the General Assembly, members  
19 of the Delaware Bar, Judge Witham, Judge Witham's  
20 family, citizens of the State of Delaware and  
21 friends and all, I am very honored as Chief Justice  
22 to be here at Bill Witham's investiture and to be  
23 part of what the Governor described as one of these

Jennie L. Washington  
Official Court Reporter

1 really lovely and typically traditional Delaware  
2 events.

3 I go around the country and see a lot of  
4 judges and a lot of judiciaries in other  
5 situations, and there is nothing that compares to  
6 the warm feeling and the chemistry and the bond  
7 that we have in Delaware: The bond of the  
8 judiciary, the bar, and the other two branches of  
9 government, the General Assembly and the Governor.  
10 It is truly remarkable.

11 Bill Witham is about to undertake the  
12 awesome responsibilities of being a Superior Court  
13 Judge, and I say "awesome" advisedly because it's a  
14 tough job. It's a court of general jurisdiction,  
15 civil and criminal -- hard cases. We move them  
16 along fairly and efficiently; and Bill is about to  
17 become one of the laborers in that vineyard.

18 This Court is very overworked. The  
19 judges are handling complex cases. We are very,  
20 very privileged in Delaware that the Governor and  
21 the General Assembly have recently enlarged the  
22 Superior Court creating two new judgeships. This  
23 is one of them. And it's going to help a great

Jennie L. Washington  
Official Court Reporter

1 deal for us to be able to serve the citizens of  
2 Delaware. And the significance of that work cannot  
3 be overstated.

4 Not only are we grateful for the  
5 Governor and the General Assembly for creating the  
6 new judgeships, but we are grateful for the  
7 Governor and the Senate for appointing and  
8 confirming Bill Witham for this position.

9 And, Governor, thank you very much for  
10 your kind words about our judiciary.

11 The Governor is always very gracious in  
12 complementing the judiciary, but I must say that I  
13 think that Governor Carper probably appointed the  
14 majority of the judiciary at this point; and he's  
15 selected very well.

16 Now, the important aspect of this  
17 investiture is that it shows the wisdom that the  
18 Governor referred to of our forefathers a hundred  
19 years ago when they created a system of the  
20 appointment by the Governor and confirmation of the  
21 Senate, bipartisan. That's different -- the other  
22 appointment and the confirmation are similar, but I  
23 don't believe any other State has a

Jennie L. Washington  
Official Court Reporter

1 constitutionally mandated bipartisan judiciary  
2 where you have to have pretty much of an equal  
3 number of each party.

4           So the Governor was talking about all of  
5 the things that he and Bill Witham have in common,  
6 but the Governor is a Democrat and he appointed a  
7 Republican; and that is happening all the time in  
8 Delaware. And it shows, again, our unity and our  
9 bond; and I think that that cannot be overstated,  
10 and I think that has a lot to do with what the  
11 Governor said is the backbone of our judiciary and  
12 why we are thought to be nationally prominent.

13           So Bill is a product of this  
14 investigation process and the appointment process  
15 and the bipartisan process, and I know that he will  
16 be an excellent addition to the judiciary; and that  
17 we will, the citizens of Delaware will be well  
18 served, and the Governor and the Senate will be  
19 very well complemented throughout the State for  
20 this and the other appointments that they have  
21 made.

22           So, it's a great pleasure that I  
23 welcome, on behalf of the entire judicial

Jennie L. Washington  
Official Court Reporter

1 conference of the State of Delaware, our new Judge,  
2 Bill Witham.

3           Congratulations, Bill.

4           (Applause.)

5           PRESIDENT JUDGE RIDGELY: Thank you,  
6 Chief Justice Veasey.

7           Our next speaker is J. R. Julian,  
8 Esquire, who is the President of the Delaware State  
9 Bar Association.

10          Mr. Julian.

11          MR. JULIAN: Thank you, President Judge  
12 Ridgely, may it please the Court.

13                 The elevation of a lawyer to a judgeship  
14 is a special and joyous. It is special because  
15 there are relatively few judgeships; and it is  
16 joyous because we celebrate the success and the  
17 recognition of a special person.

18                 As noted, the Superior Court is our  
19 court of general jurisdiction that fulfills two  
20 important roles. First, it is a trial court that  
21 handles both criminal and civil matters, not only  
22 in terms of significant number of cases but in  
23 their magnitude as well.

Jennie L. Washington  
Official Court Reporter

1           Second, the Superior Court acts as an  
2 Appellate Court for appeals of the administrative  
3 agencies that are significant in number and very  
4 important as part of our judicial process.

5           The role of a judge is very important; a  
6 very important one in the balance of powers. We  
7 know from our early civics lessons that the  
8 legislative branch creates the laws, and the  
9 executive branch imposes those laws, but  
10 interpreting the laws is the responsibility of the  
11 judicial branch.

12           What attributes must a person have to  
13 assume a judicial position? First, the person must  
14 be bright. Because the work, the law, it's  
15 challenging. If it were easy, everyone would do  
16 it.

17           Second, the person must be diligent.  
18 The work can be tedious, and the individual must be  
19 detail oriented in order to harmonize the facts of  
20 each case with the statutory language and prior  
21 court precedent.

22           Third, the person must be balanced; that  
23 is, able to carefully weigh the perspective

Jennie L. Washington  
Official Court Reporter

1 interest of the parties.

2 Fourth, the person must be logical;  
3 that is, have the ability to make reasoned  
4 decisions in an orderly and productive manner.

5 Fifth, the person must possess virtue.  
6 Virtue is not the absence of advice, instead it  
7 is a positive thing unto itself.

8 Bill Witham possesses all these  
9 attributes. More interestingly is how he acquired  
10 them. Obviously, genetics plays an important role.  
11 However, genetics doesn't tell the entire story.

12 In truth, everyone is dealt a hand, but  
13 the ultimate factor is how we play the hand. Bill  
14 Witham developed these attributes through hard  
15 work, which includes not only his professional life  
16 as a lawyer advocate, but also his involvement in  
17 professional activities and service.

18 Bill has practiced law for 24 years,  
19 representing clients in business litigation related  
20 areas, including bankruptcy, creditor rights and  
21 law. As if practicing law full-time was not  
22 sufficient, Bill has contributed an immense amount  
23 of time and effort to pro bono, professional

Jennie L. Washington  
Official Court Reporter

1 activities; that is to say, those activities from  
2 which he was not paid.

3 Bill has served as a member of the Board  
4 of Bar Examiners of the Supreme Court of Delaware,  
5 an extremely important position, Third Circuit  
6 Merit Selection Screening Committee, a member of  
7 the Governor's Magistrate Screening Committee, and  
8 a member of the Delaware State Bar Association  
9 Professional Guidance Committee, an important role  
10 for our bar association in our modern society.

11 But Bill's pro bono activity ponders on  
12 the need parameters. Bill has been a member of the  
13 Delaware Technical and Community College, President  
14 of the Central Delaware Committee on Alcohol and  
15 Drug Abuse, member of the board of Managers of the  
16 Central Delaware YMCA, past president of the Dover  
17 Kiwanis Club, member and sheriff of the Delaware  
18 Parking Authority, member of the Downtown Dover  
19 corporation, and the Regional Ballet, and a member  
20 of the Presbyterian Church of Dover, where he  
21 presently serves as an elder.

22 In addition to all that, Bill had a  
23 distinguished military service of which you heard

Jennie L. Washington  
Official Court Reporter

1 earlier today. Bill's current rank is Colonel.  
2 And despite all these activities in terms of  
3 professional community activities, Bill and his  
4 wife Donna have a successful marriage of 29  
5 years -- not an easy accomplishment in this day --  
6 and they have two fine sons, James and Greg.

7           Thomas Kempis said that at the day of  
8 judgment, we will not be asked what we have read  
9 but what we have done; and I agree. The record  
10 reflects that Bill Witham has done a great deal and  
11 has devoted himself to his family, his profession,  
12 his community and his society. It is the  
13 experience that I describe that has shaped and  
14 molded Bill to be the person that he is today.

15           I have personally known Bill for  
16 approximately 15 years and have always found him to  
17 be a lawyer who aspires to the highest professional  
18 standards. I am confident that Bill will be an  
19 excellent Judge and a great asset to our judicial  
20 branch of government.

21           I want to join President Judge Ridgely  
22 and the Chief Justice on behalf of the Bar  
23 Association in thanking Governor Carper for

Jennie L. Washington  
Official Court Reporter

1 nominating Bill, and to our State Senate for  
2 confirming him for this very important position.

3           Congratulations, Judge Witham. We wish  
4 you the very best.

5           (Applause.)

6           PRESIDENT JUDGE RIDGELY: Thank you,  
7 Mr. Julian.

8           Our next speaker is Carolyn H.  
9 deBernard, Esquire, President of the Kent County  
10 Bar Association.

11           Ms. deBernard.

12           MS. DEBERNARD: May it please the Court,  
13 good afternoon. Your Honors, distinguished guests,  
14 friends and family of Judge Witham. Changes ... we  
15 have had quite a few of them in the last seven  
16 months. Some good and some not so good. And we  
17 are here again today for yet another change. This  
18 one definitely a good one.

19           The Superior Court for Kent County is  
20 welcoming its newest member, and the Kent County  
21 Bar is again proudly watching one of its own making  
22 that esteemed change in his career.

23           As a member of the judicial branch, Bill

Jennie L. Washington  
Official Court Reporter

1 Witham brings a wide variety of experiences with  
2 him. Bill has been a practicing trial attorney in  
3 Delaware since 1975. For the last 24 years, he has  
4 practiced with the law firm of Prickett, Jones,  
5 Elliott, Kristol and Schnee, concentrating in  
6 business litigation, bankruptcy, creditors rights  
7 and real property law.

8 Bill is also a Colonel with the Delaware  
9 National Guard, a graduate of the U.S. Army Command  
10 and Staff College, and a graduate of the U.S. Army  
11 War College. There will be many days in the coming  
12 months that I'm sure those experiences may assist  
13 him more than his 24 years of legal practice.

14 Bill has also been involved in various  
15 community activities, including serving as trustee  
16 for the Delaware Technical Community College.  
17 Being a member and past president of the Dover  
18 Kiwanis Club, and being a member of the Downtown  
19 Dover Corporation, and serving as an elder at the  
20 Presbyterian Church of Dover.

21 Bill has also had experience in  
22 government to an extent. He was the current Kent  
23 County Levy Court attorney, and he has represented

Jennie L. Washington  
Official Court Reporter

1 both the Town of Clayton and the Town of Wyoming.  
2 And although this is only a sampling of Bill  
3 Witham's life to date, it's clear those life  
4 experiences have prepared him for this next change  
5 in his career. Couple these experiences with  
6 Bill's intelligence and his wit, and it is clear  
7 why Governor Carper chose Bill Witham as your  
8 newest judge.

9           On behalf of the Kent County Bar  
10 Association, I would like to say to both Judge  
11 Witham and to his family, congratulations and may  
12 the changes beginning today always be positive ones  
13 for all of you.

14           (Applause.)

15           PRESIDENT JUDGE RIDGELY: Thank you very  
16 much, Ms. deBernard.

17           Our next speaker is William Prickett,  
18 Esquire, of Prickett, Jones, Elliott, Kristol and  
19 Schnee.

20           Mr. Prickett, welcome to Kent County.

21           MR. PRICKETT: Thank you, Judge Ridgely.

22           May it please the Court, family and  
23 friends of our newest judge, I was asked about a

Jennie L. Washington  
Official Court Reporter

1 week ago to speak in this solemn investiture of my  
2 partner, William Witham. I have prepared it  
3 carefully, wrote it out, rehearsed it; and when I  
4 got here, I found that the program omitted me.  
5 Though, so I rejoiced and tore up my notes, settled  
6 down for an enjoyable round of speeches eulogizing  
7 my partner, not worried I would have to say  
8 anything, and then I was passed another program and  
9 miraculously I had reappeared, but without my  
10 notes.

11           And, therefore, I was tempted to rehash,  
12 if you will pardon the expression, Bill Witham's  
13 many attributes as a lawyer, as a man, as a  
14 military figure and a lot of other things. But  
15 since I'm without my notes, let me change my  
16 approach a little bit.

17           First of all, I am here speaking on  
18 behalf of my partners. This is a sad occasion for  
19 us. We lose a colleague who, over the years, has  
20 shared our fortunes and fought with us in many  
21 cases. But, on the other hand, it is a happy  
22 occasion, an honorable occasion; and one where he  
23 follows in the footsteps of many of our other

Jennie L. Washington  
Official Court Reporter

1 partners that have ascended to the bench. And that  
2 is a logical conclusion to the career of a lawyer.  
3 So we lose him, but the State of Delaware gains  
4 him.

5           Second, let me turn to the legal  
6 profession, more broadly than my own partners. We  
7 now have a new Judge. It is our responsibility to  
8 support this Judge by giving him the best we can in  
9 the way of legal service. And so, as we sit here  
10 on this occasion of his investiture, let each  
11 member of the bar pledge himself to this new Judge  
12 to support him as best he can in the discharge of  
13 his difficult duties.

14           I now turn to the judiciary. Members of  
15 the judiciary, you have a new Judge, new vigor, new  
16 power. He is now part of your fraternity. He has  
17 crossed the bar, so to speak, and he is one of you.  
18 He is no longer one of us. Support him. Help him  
19 as he turns to his new duties and helps you in your  
20 very important job for the people of the State of  
21 Delaware.

22           I turn to the people of the State of  
23 Delaware, you will have a new Judge. The best we

Jennie L. Washington  
Official Court Reporter

1 can provide you. Support him because your  
2 freedoms, your rights and your future depends on  
3 judges and judges depend on your support. So  
4 support this Judge as you'd support the rest of the  
5 judiciary.

6 Finally, I turn to Judge Witham. I wish  
7 you well, as do my partners and every person in  
8 this courtroom as you undertake the solemn office  
9 of a Judge of the Superior Court. In a way, it is  
10 an awesome responsibility that you undertake today,  
11 and one that I'm sure you did not take on lightly  
12 because your days of being, in a sense, a carefree  
13 advocate are gone.

14 You have the responsibility literally  
15 for life and death, and you have the responsibility  
16 for our freedoms and for our rights. You no longer  
17 have the luxury of being an advocate. You have the  
18 responsibility of in the end being right, and the  
19 terrible responsibility that you undertake, but a  
20 very Honorable one, and one which I am sure you  
21 will discharge to the best of your ability.

22 It is a lonely job that you have  
23 undertaken. You no longer have the chief reality

Jennie L. Washington  
Official Court Reporter

1 of your partners and your colleagues at the bar,  
2 but you have a new fraternity and that is the  
3 fraternity of your fellow judges. So I am sure  
4 that I speak for everyone in this room as we wish  
5 you well, as you will undertake this solemn  
6 responsibility that means so much to the future of  
7 the State of Delaware.

8 Thank you.

9 (Applause.)

10 PRESIDENT JUDGE RIDGELY: Thank you very  
11 much, Mr. Prickett.

12 It is now my privilege to call upon our  
13 new Superior Court Judge to give his greeting to  
14 all assembled here. Judge Witham.

15 JUDGE WITHAM: Thank you, Chief Judge  
16 Ridgely. Governor Carper, Chief Justice Veasey,  
17 President Judge Ridgely, Vice Chancellor Steele,  
18 members of the judiciary who are present today, and  
19 members of the Delaware Assembly who are also  
20 present today; President Julian, President  
21 deBernard, Mr. Prickett, my fellow members of the  
22 bar and my friends, I hope I do this speech better  
23 than I do the oath of office.

Jennie L. Washington  
Official Court Reporter

1                   PRESIDENT JUDGE RIDGELY: You're doing  
2 fine.

3                   JUDGE WITHAM: I am especially honored  
4 and gratified to share this day with all of you. I  
5 thank you all for coming.

6                   I would like to take this opportunity to  
7 thank Governor Carper for providing me the honor  
8 and responsibility for so many of you have spoken  
9 about today, to proudly to serve the people of  
10 Delaware in this capacity. I'm also gratified to  
11 acknowledge the presence of members of the  
12 legislature who are here today who confirmed my  
13 nomination.

14                   It's especially heartwarming to  
15 acknowledge so many members of my family who are  
16 present today as well. I'm pleased that my father,  
17 William Witham, Sr., his lovely wife Laurel; and  
18 unfortunately, my father-in-law could not be here  
19 today because he has taken ill. I wished he was,  
20 because what I would like to say to all three of  
21 you, you all have something in common.

22                   I don't think you understand the  
23 commonality that all three of you have; and that

Jennie L. Washington  
Official Court Reporter

1 is, that all three of you have served our country  
2 either in time of war or in time of peace. My  
3 father flew <sup>(FIFTY)</sup> three combat missions with the U.S. Air  
4 Force in Europe; and thankfully he came back,  
5 because otherwise I wouldn't be here today.  
6 Laurel, his lovely wife, has served in the U.S.  
7 Navy; and my father-in-law, Julian Dunning, served  
8 in the U.S. Army and I followed his footsteps.  
9 They all should be honored for their service to  
10 their country.

11 My son Gregory is present, and my other  
12 son Randy is, unfortunately, not here. I'm happy  
13 to report to all of you that Greg is a member of an  
14 undefeated basketball team, CYO team, and hopefully  
15 he will close the season undefeated.  
16 Congratulations, Greg.

17 My other son Randy, as some of you may  
18 know, is a member of the University of Richmond  
19 football team, the Spiders, who won the Atlantic  
20 Coast Championship this year, and I will be  
21 traveling down this weekend to see him at his  
22 banquet. Some of you Delaware fans unfortunately  
23 will not have the opportunity to get revenge until

Jennie L. Washington  
Official Court Reporter

1 next year.

2 I'm also pleased that Bobby and Bill  
3 Pritchard, their daughter Kelly, their son Stephen  
4 are present today as well. Donna's Aunt Sarah is  
5 also present from Whiteford, Connecticut.

6 WOMAN FROM THE AUDIENCE: Maryland.

7 JUDGE WITHAM: Whiteford, Maryland --  
8 excuse me. Also, my sister Cookie and her fiancée,  
9 George Giannattasio. We are all also honored  
10 by the presence of Mrs. Max Terry.

11 Also, but not lease, I thank my dear  
12 wife Donna for standing by me, encouraging me and  
13 in times deflating me, if necessary. We've been  
14 married for twenty-nine years, and we are still  
15 going strong.

16 Thank you, Donna.

17 I'm going to try to keep my comments  
18 brief. Otherwise, I will make fewer errors, and I  
19 like succinctness, and also I'm not quite use to  
20 the robe.

21 PRESIDENT JUDGE RIDGELY: We have  
22 noticed that.

23 JUDGE WITHAM: A week or so ago, I spoke

Jennie L. Washington  
Official Court Reporter

1 to a fellow lawyer a remark we some other way. By  
2 President Judge Ridgely, he suggested we could have  
3 some fun inflicting some mischief on unsuspecting  
4 lawyers. I can a sure you that will not happen. I  
5 expect that I will have much to learn. With the  
6 help of my friends on the bench and the bar, I  
7 expect to meet that challenge. I've spent over if  
8 years practicing law of living in Dover for over  
9 preponderance years. So this day marks a pinnacle  
10 point in my career.

11           Needless to say, I have very mixed  
12 emotions. On the one hand, I'm saddened to know I  
13 will be terminating my legal career in practice;  
14 but on the other hand, I recognize that I will now  
15 be embarking on a new career which will be  
16 demanding, but exciting with new responsibilities.  
17 I can promise you that I will strive to be fair,  
18 use common sense, be patient, hardworking; and most  
19 important, try to maintain my sense of humor. I've  
20 been inspired by my fellow jurists, and  
21 particularly with the example set by the late  
22 Judge Terry, who has set a high bar for all of us  
23 to meet.

Jennie L. Washington  
Official Court Reporter

1                   In closing, I leave you a quote from  
2 Chief Justice Bird from the California Supreme  
3 Court, in which you should take heart in these  
4 comments. We must use our courage to ensure that a  
5 judiciary is not governed by the daily polls, but  
6 by the rules of law, preserving not the special use  
7 of eleven but the best interest of all. Devoted  
8 not to self preservation, but to the preservation  
9 of those great constitutional principles which  
10 history has bequeathed to us.

11                   God bless you all, and thank you for  
12 coming.

13                   (Applause. Standing ovation.)

14                   PRESIDENT JUDGE RIDGELY: Thank you,  
15 Bill, and congratulations again on your appointment  
16 and confirmation and swearing in today. You've  
17 done excellent so far. Work starts tomorrow at  
18 about 8:30.

19                   JUDGE WITHAM: Do I stand now?

20                   PRESIDENT JUDGE RIDGELY: You can stand  
21 now.

22                   CHIEF JUSTICE VEASEY: You haven't even  
23 been reversed yet.

Jennie L. Washington  
Official Court Reporter

1                   PRESIDENT JUDGE RIDGELY: All of us are  
2 looking very much to working with you, Bill.

3                   Please remain standing for the  
4 Benediction from Reverend McKim.

5                   (Whereupon, the Benediction occurred.)

6                   PRESIDENT JUDGE RIDGELY: This concludes  
7 the Special Session of the Superior Court of  
8 Delaware. It is to be followed by a reception at  
9 the Century Club hosted by Judge Witham's former  
10 law firm.

11                   At this time, I would ask that the  
12 Judges in the Superior Court jury box exit first,  
13 and we will follow you out.

14                   The Court is now adjourned.

15                   \* \* \* \* \*

16                   (Whereupon, the ceremony was concluded.)

17                   \* \* \* \* \*

18

19

20

21

22

23

Jennie L. Washington  
Official Court Reporter