

## **Court on the Judiciary Appoints Preliminary Investigatory Committee Members**

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In an Order issued on May 30, 2014, the Court on the Judiciary has appointed six new lawyer members and four new non-lawyer members to its Preliminary Investigatory Committee. The Preliminary Investigatory Committee is charged with investigating judicial disciplinary matters referred to it by the Chief Justice. The nine-member Court on the Judiciary is comprised of the Chief Justice and Justices of the Supreme Court, the Chancellor of the Court of Chancery, the President Judge of the Superior Court, and the Chief Judges of the Family Court and the Court of Common Pleas.

The new members of the Preliminary Investigatory Committee join current members **Mark F. Dunkle**, Director at Parkowski, Guerke & Swayze, and **Anne C. Foster**, Director at Richards, Layton & Finger. Both are serving second three-year terms.

The new members serving three-year terms are:

**Peggy L. Ableman**, Special Counsel at McCarter & English, former Judge of the Superior Court and the Family Court.

**Richard Heffron**, President of the Delaware State Chamber of Commerce, formerly Senior Vice President of Government Affairs.

**Suzanne R. Linderman**, retired from the DuPont Company, as President of Sterling Diagnostic Imaging, and most recently as Administrator of Westminster Presbyterian Church in Wilmington.

**Vincent J. Poppiti**, Partner at Fox Rothschild, former Chief Judge of the Family Court and former Judge of the Superior Court.

**Tasha M. Stevens**, attorney at law with Fuqua, Yori & Willard in Georgetown, Delaware.

The new members serving four-year terms are:

**Reid K. Beveridge**, retired Brigadier General in the United States Army and Delaware Army National Guard, and former commanding general of the 261<sup>st</sup> Signal Brigade, currently serving as Stated Clerk of New Castle Presbytery of the Presbyterian Church-USA.

**Michael D. Fleming**, executive with leading global biopharmaceutical and consumer healthcare company, former senior aide to Senator Bill Roth.

**Stephen P. Lamb**, Partner at Paul, Weiss, Rifkind, Wharton & Garrison, former Vice Chancellor of the Court of Chancery.

**David J. Margules**, Partner at Ballard Spahr.

**Patricia R. Urban**, Partner at Pinckney, Weidinger, Urban & Joyce.

The Court also wishes to express its gratitude to the following members of the Preliminary Investigatory Committee whose terms have expired:

**David T. Blake**, retired Senior Vice President of Delmarva Power.

**Charles S. Crompton, Jr.**, of Counsel at Potter Anderson & Corroon.

**James H. Geer**, President, Geer Security Consulting International, Inc.

**Theresa M. Hayes**, attorney at law with Edward C. Gill & Associates in Georgetown, Delaware.

**William O. LaMotte, III**, of Counsel at Morris, Nichols Arshat & Tunnell.

**Joshua W. Martin, III**, Partner at Potter Anderson & Corroon,  
former Judge of the Superior Court.

**Hans Reigle**, Assistant Professor/Assistant Director, Delaware State  
University.

**Alison Whitmer Tumas**, former Judge of the Family Court.

The Court appreciates the former members' contributions and willingness to serve the judiciary and the public in the important work of the Preliminary Investigatory Committee. The former members' consistent dedication to their respective assignments was exemplary.

## **Court on the Judiciary Adopts New Rule Governing Complaints and Amends Former Rule, Effective June 25, 2014**

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In a new Rule, the Court on the Judiciary seeks to clarify the scope of the Chief Justice's review when dismissing a complaint alleging judicial misconduct or disability. Under the rules, the Chief Justice is authorized to dismiss a complaint that, on its face, does not invoke the Court's limited jurisdiction. Most complaints are dismissed by the Chief Justice because they arise from court proceedings and are based upon the complainants' disagreement with the rulings of a judge. To be certain that such dismissals are appropriate, new Rule 5 will require that a complainant must include as an attachment to a complaint any transcript or other documentation from the court record that is necessary to give the Chief Justice a fair and accurate account of the context in which the alleged misconduct or disability occurred. By requiring that the parts of the record that the complainant believes support the allegations are included and can be considered, the reliability of the facial review process should be enhanced.

In a related amendment of former Rule 5, now renumbered as Rule 5.1, the Clerk is required to return a nonconforming complaint to the complainant with a letter of explanation. The [Rules of the Court on the Judiciary](#) can be found at the Delaware Supreme Court's website.