

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

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IN THE MATTER OF: Induction :
of BERNARD BALICK as Judge : SPECIAL SESSION
of the Superior Court. :

.. .. .

September 25, 1973
Tuesday - 4 P.M.
COURTROOM NO. 1
PUBLIC BUILDING
WILMINGTON, DELAWARE

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PRESENT:

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

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

HON. ROBERT C. O'HARA,
Associate Judge, Superior Court.

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

HON. CLARENCE W. TAYLOR,
Associate Judge, Superior Court.

HON. JOSEPH T. WALSH,
Associate Judge, Superior Court.

Other Judges, Friends and Relatives.

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P R O C E E D I N G S

PRESIDENT JUDGE ALBERT J. STIFTEL: I welcome everyone to the Special Session of the Superior Court.

Today, Bernard Balick will be sworn in as a new Judge of the Superior Court of the State of Delaware.

It was only a few years ago that his brother, Sidney, saw me outside this courtroom, and told me that he was excited because his brother, Bernard, was about to graduate from Dickinson Law School, and would work with him. I remember him saying, "Judge, wait until you see my brother in action; he is really a legal scholar and he loves the law."

This was 1966. In December, he was admitted to the Delaware Bar. In the six and one-half years since then, Bernard Balick has demonstrated that he is an able lawyer with a genuine interest in helping people to solve their legal problems.

I am sure that Judge O'Hara will mention his dedication to his job as Legal Aid attorney when Judge O'Hara was President of the Legal Aid Society. Bernie was also a very conscientious and indefatigable lawyer when he represented indigent defendants as a Public Defender.

You will hear more about Bernie and his work when the others speak to you this afternoon.

We are indeed fortunate to have such a fine gentleman as Mr. Balick join us. He succeeds Judge Quillen who was certainly one of the finest judges this Court ever had, and who is now Chancellor.

As far as I know, this is the first time we will have a judge whose wife is also a lawyer. Helen, was also a Legal Aid attorney, and has been in this court many times. She is highly regarded. Presently, she is a Master in the Family Court. I have heard accolades about her work there. I know this is an exciting day for her. Of course, it is a great day for his mother and father. They must be as proud of him as he is of them.

This occasion is really a great tribute to our country, where the opportunities existing for all are limitless for those who have goals and wish to work towards them. Bernie's mother and father worked hard to give their children opportunities that they took advantage of.

Now I will administer the oath of office to Mr. Balick; and then I will call upon Irving Morris, Esquire, as President of the Delaware Bar Association. He

will speak for the lawyers, and then I will call upon Thomas Luce, Esquire, County Attorney; one of Bernie's closest friends, to say a few words, and finally, Judge O'Hara will speak.

Do you want to come forward?

Just come forward here, Bernie, please.

Would everybody please stand.

(The oath of the office of Associate Judge of the Superior Court of the State of Delaware is administered to Bernard Balick by President Judge Stiftel at 4:17 P.M.)

PRESIDENT JUDGE STIFTEL: Congratulations.

JUDGE BALICK: Thank you.

PRESIDENT JUDGE STIFTEL: Sign here, please.

(Judge Balick signs his Oath of Office. Whereupon a Judge's robe is placed on Judge Balick by Judge Bifferato. All attendant Associate Judges of the Superior Court shake hands with, and congratulate Judge Balick.)

PRESIDENT JUDGE STIFTEL: Irving Morris, Esquire, President of the Delaware Bar Association, will now say a few words for us.

MR. MORRIS: May it please the Court. The assumption by a lawyer of judicial office is a notable occasion, but not one without a sense of uncertainty in

the life of the individual. His acceptance of the responsibilities of a Judge removes him immediately, and irrevocably, while he serves, from his role of advocate. His acceptance necessarily alters the family patterns of his personal life. As he undergoes these radical adjustments in his professional and personal life, he faces the formidable task of learning and mastering the role of a Judge. The change from lawyer to Judge is an awesome challenge, testing the character and competence of the most able.

To the Judges, as they welcome their new colleague, he is still a somewhat unknown quantity, however frequently he may have appeared before the Court, and however well known and respected as an able and principled lawyer he may be.

Will he work harmoniously and well with his colleagues? Will he assume and carry his share of the substantial work load which confronts a busy Court? Will he, in doing so, join with his colleagues in seeking to do his work with excellence, a goal for which every good Judge continually strives?

Beyond the effect on the particular person, and his fellow members on his bench, but surely not of

lesser significance, is the public's interest and concern. For it is the community who will reap the benefits from a good Judge, or bear the burden of a poor Judge. So the public, too, can be expected to share the uncertainty of the advent of a new Judge.

In the nomination by Governor Tribbitt, and confirmation by the Senate, of Bernard Balick of New Castle County as a Judge of the Superior Court of the State of Delaware; the elected representatives of our people have acted wisely and well. The public may be confident that the expectation of its elected representatives that Judge Balick will prove to be a wise and good Judge, will be realized in full measure. Judge Balick comes to the Bench with unusual experience. He rendered outstanding service as a lawyer on the staff of the Public Defender. His advocacy of those accused of crime is symmetrically balanced by his service as City Solicitor of the City of Wilmington where, among his many other duties, he had responsibility for the prosecution of those accused of crime. Judge Balick is the first lawyer in the history of the State who brings to the Bench the enriching knowledge gained from his experience in representing the prosecution and those accused of crime, while in

government service.

His colleagues on the Bench may be assured that, in Judge Balick, they will have among their midst a scholar of the law. He achieved an outstanding record both in college and in law school. We of the Bar know at firsthand his industry, and ability, and devotion to the law. The Court may confidently look forward to the service of Judge Balick.

Judge Balick has demonstrated in his past record that capacity to grow and learn and thus, as he moves from the Bar to the Bench, we in the Bar have every confidence that he will make this transition with ease and grace, as he has in the past in assuming different responsibilities.

Judge Balick comes from a family trained in the law. Judge Balick's wife, Helen Balick; his brother, Sidney Balick; and his cousins, Jacob, and Stanley William Balick, are among our esteemed colleagues in the Bar. Indeed, the Balicks constitute among them one per cent of the active practicing lawyers of the Bar.

(Laughter)

In these days of recognizing every segment of society, and participation in public office, it is appropriate that the Balicks have a representative on the

Bench.

As President of the Delaware State Bar Association, on behalf of the Bar, and our members who serve on the Bench, I congratulate Judge Balick; and wish for him long life, good health, and every happiness, in his continued service to the people of our State as a Judge of the Superior Court of the State of Delaware.

PRESIDENT JUDGE STIFTEL: Thank you, very much, Mr. Morris.

I now call on Thomas Luce, for his remarks.

MR. THOMAS LUCE: If it please the Court.

I am deeply honored to participate in this great day in the life of my friend, Bernard Balick.

As I see him, Bernie Balick is a bit out of style. I am not referring to the results of those visits to second-hand clothing boutiques with Bill Bradley. What I mean is that Bernie is a bit old-fashioned. One can only hope that is a part of the wave of the future.

For example, he comes from a family in which there are strong ties, one in which the parents are cherished, and the brothers keep on acting like brothers to one another. Furthermore, he is unashamedly, and justifiably pleased with his wife's company. Also,

quaintly enough, he loves books. He not only buys the classics, but he reads, and rereads them; and tests their ideas in the contemporary scene. He has a strong sense of values from his incomparable, religious inheritance. He is enthusiastic about the Bill of Rights, an old-fashioned attitude, that we hope is back in style. The way he treats people is old-fashioned today. My guess is that friendship means more to him than almost anything else. He appreciates people. He is, and wants to be, human and compassionate. He will be the kind of Judge, I am sure, that is respected even by those who are convicted, or sentenced, in his court; because they will know that he respects them.

There is something old-fashioned about this occasion. Here is a man who is from out of an admirable, Jewish home and family, has been imbued with the values that come from the center of our heritage, has been trained in superior schools, has learned the skills of his profession over the past six years, has a sharp mind, and a warm heart; and now, at the moment of maturity, wants nothing more than to have fulfillment, by becoming a good Judge.

There is something classic about that.

My remarks have been very personal, but this is

as it should be. We are counting on Bernard Balick to make a fine contribution to law, and to the Courts, and to the life of our community; because he is the right man in the right office.

PRESIDENT JUDGE STIFTEL: Thank you very much, Mr. Luce.

Judge O'Hara, please.

HONORABLE ROBERT C. O'HARA: If it please my brothers.

Honored guests, friends of our new associate, and Balicks-at-large.

It is indeed a pleasure for me to make a few comments at this time. I have been at this judge business long enough to realize that it takes something a little extra to be a good judge; not just a judge.

Some of the characteristics that make up a good judge are obvious. He must be learned in the law. He must be even-handed. He must have integrity.

But there are some characteristics that are not quite so obvious. He needs, for example, to be a work horse. The work of this particular Court continues to mount every day, and those of us who are sitting here find that there is never a moment, or hardly a moment, but what

there is more to be done.

And consistent with being a good judge, you should have some thick skin. Actually, we are in a rather vulnerable situation as Judges in a trial court. We receive a certain amount of publicity and criticism; and I am not just talking about the media, I am talking about from the people at large. We are in a unique position in that we are not able to reply very often and answer a critic and each of us occasionally receives some criticism that, perhaps, we do not think is our due.

In this respect, a judge needs to have courage. Courage to call them as he really sees them, and not what is expedient at the moment. But I think above and beyond all the characteristics that I have mentioned, and there are many more, the characteristic that means the most to me, as I look at the good Judges I know, is that they are humane; humane in the sense that they understand, revere, and respect the human dignity of the individual that comes before the Court. It is true, yes, we deal in the law; but we deal in it in terms of individuals. And we deal with it in terms of human beings, not only the lawyers that appear before us -- and some of them are human, too -- but the litigants in civil cases, and the criminals, the

individuals charged with criminal acts, and the victims of criminal actions who appear before us. And the good judge never forgets the human dignity of all these individuals over whom he has so much power.

I have known our new associate for a good many years. I have seen him practice in the civil arena, and in courts I have presided over in criminal cases. I have been associated with him when he was the attorney for the Legal Aid Society, and I had the honor of being the President of the Board of Trustees.

I know that he has these characteristics in large measure, and some more. I have no hesitancy in looking forward to the day soon to be with us, when everyone will recognize he is a good Judge. I would go even further. I predict that the day will come when the phrase, "Balick is a great Judge," will fall easily from our lips.

I noted yesterday, in our local press, in a column of Mr. Frank, some reference to our new associate; and in one area he mentioned the fact that there had been talk that he was too young for this position. And Mr. Frank very properly said there were other young Judges who had been appointed to the Superior Court Bench, and that triggered my memory; and I went back over the relatively few years since I have

been interested in judge watching, since my school days and later. Names have come to mind such as Carey, Wolcott, Herrmann, Christie, Stiftel, Wright, Quillen, Bifferato -- all of them in their thirties when appointed to the Superior Court. Just to recount them sounds like a Judicial Hall of Fame.

Our new associate has something to measure up to, and I think he will do that. I would like to extend the appreciation of the members of this Bench to our Governor, who had the courage and foresight to appoint a man of this caliber and to the Senate who had the good grace to endorse him.

Before concluding these brief remarks, I would like to mention something that some lawyers have tended to disbelieve, and that is, that we Judges have our light moments, and in some of those light moments we join with our families. They are joyous occasions, friendly occasions. And all of us, particularly those who know them, look forward to the addition to our circle of Helen Balick, a gracious person, a fine person, and one we look forward to enjoying.

Bernie and Helen, we are happy that you are with us. Join us. We look forward to our association with you.

Thank you.

PRESIDENT JUDGE STIFTEL: Thank you very much,
Judge O'Hara.

Judge Balick, would you like to say a few words --
why not come forward over here, please.

HONORABLE BERNARD BALICK: Family, friends,
members of the Bar and Bench.

The philosopher and essayist, Francis Bacon,
who was the Attorney General and Lord Chancellor of
England, said that an overspeaking judge is no well-tuned
cymbal. It would be most inappropriate for me to violate
this maxim at the very outset of my judicial career. I
will therefore simply express my gratitude for the
opportunity of serving as a judge. I believe that there
is no greater blessing in life than worthwhile work; and
I can imagine no more worthwhile work than this for me.

I pledge that I will devote myself fully to my
judicial duties.

I hope I will prove worthy of this opportunity.

Thank you.

PRESIDENT JUDGE STIFTEL: Thank you, Judge.

Sounds like a Judge, already, doesn't he?

(Laughter.)

Thank you very much.

These proceedings are now at an end. Judge Balick will remain here to greet his many friends. Thank you kindly for coming. We all sincerely appreciate it.

This session is now over.

(Whereupon the Special Session of the Superior Court was adjourned at 4:25 P.M., September 25, 1973.)

Reported by
Theodore E. Roloff