

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

IN THE MATTER OF:)
Ceremony of Investiture) August 31, 1992
of)
HON. RICHARD RODNEY COOCH) Superior Court Courtroom No. 301
As an Associate Judge of the) Public Building
Superior Court) Wilmington, Delaware
3:00 o'clock 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. MICHAEL N. CASTLE, GOVERNOR
STATE OF DELAWARE

JOHN F. SCHMUTZ, ESQUIRE, PRESIDENT
DELAWARE STATE BAR ASSOCIATION

HON. WILLIAM T. QUILLEN

EDWARD W. COOCH, JR., ESQUIRE

AND OTHERS

August 31, 1992
3 o'clock p.m.
Courtroom No. 301

(The bailiff opened the court.)

(Reverend Edward E. Godden gave the invocation at this time.)

PRESIDENT JUDGE RIDGELY: I want to thank Governor Castle who is here and the Delaware State Senate for making this happy occasion possible. Your help in promptly filling the vacancy on this board is sincerely appreciated, and it comes just in time for our September Term which will be busier than ever.

Let me introduce those who are seated with me here on the bench. To my right is Chief Justice E. Norman Veasey, and to his right, Resident Judge Vincent A. Bifferato. To my immediate left is Judge Battle R. Robinson of the Family Court, and to her left, Superior Court Judge soon to be Richard R. Cooch will be seated later today.

The Court wishes to recognize family members of our next Superior Court Judge, and in particular Dick's wife, Barbara, his parents, Mr. and Mrs. Edward W. Cooch, Jr., his sister, Miss Anne Doran and her husband, Mr. Bruce Doran, and Dick's niece, Miss Natalie B. Doran. Each of you have a very warm and special welcome.

This happy occasion marks the beginning of Dick's career of public service in the judiciary of Delaware. Dick comes from one of Delaware's oldest families, and he's a direct descendent of

George Read, a signer of the Declaration of Independence and the U.S. Constitution. He brings in his own right impressive credentials to this Court. He is an excellent lawyer with a broad range of legal experience in private practice, as a deputy attorney general, and attorney for the Delaware House of Representatives. We both were lawyers for the General Assembly at the same time, albeit one year when our tenure there overlapped.

Dick is also an accomplished historian, author, and active member of Immanuel Episcopal Church, where his ancestor, George Ross, was rector for fifty years beginning in 1703.

We both were lawyers to the General Assembly at the same time, as I mentioned, and we both have shared the special experience of practicing law with our fathers.

Guest speakers today will tell you more about Dick's background, so I will not preempt this further other than to say there is no doubt that he will be a distinguished Delaware jurist in the tradition of his grandfather, Superior Court and U.S. District Judge, Richard S. Rodney.

It is my pleasure to have E. Norman Veasey speak to you now and to administer the oath of office.

CHIEF JUSTICE VEASEY: Thank you, Judge Ridgely.

Governor Castle, distinguished members and former members of the judiciary, distinguished members of the General Assembly, members of Dick Cooch's family, notable and distinguished citizens of this State, and friends of the very capable person to whom we shall soon refer to as Judge Cooch:

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 for the Cooch family. And it is an important and historic event in our Delaware judiciary. Dick Cooch is about to undertake the vital and sometimes onerous and awesome responsibilities of a 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 national importance of the work of the various courts of the State.

It was a little over 34 years ago that I was admitted not only to the Bar of the Supreme Court of Delaware, but also to the Bar of the United States District Court for the District of Delaware. In those days, we were admitted to the District Court on a regular court day, usually in connection with some motion or other proceeding pending before the Judge who happened to be sitting that day. It was a great stroke of luck and an honor for me that it was your namesake, Judge Richard Rodney, who was sitting on the bench when one of the senior members of the Bar moved my admission to the Bar of the District Court. Although Judge Rodney was previously a Judge of the Superior Court, that was before my time. In admitting me to the bar of the District Court, he was, as always, gracious and welcoming. I had the high honor thereafter to appear before Judge Rodney in a number of my early cases before the District Court. His very presence on the bench was inspiring. I

remember the penetrating eyes, the alert demeanor, and the subtle smile, and I remember the overwhelming sense of intellectual honesty and exactitude that he brought to every matter before him. Of equal, indeed, of transcendent importance was the fact that Judge Rodney was the epitome of civility and he instilled that quality in the lawyers who appeared before him.

Young lawyers, as I was at that time, were the particular beneficiaries of his kindness and courtesy, indeed the gentlemanliness which he uniformly practiced and instilled in others. Things are not always as civil in the practice of law and in the courtrooms of this State and this country today as that which one experienced in Judge Rodney's court in those days. His was a standard of civility which I hope the bench and bar of today and tomorrow will come to emulate.

I am confident that Richard Rodney Cooch not only has those qualities of Judge Rodney in his blood, but he also has in his being the like qualities of Ned and Sarah D. Cooch. I have sensed the pride and spirit of family tradition and continuity which Ned and Sarah D. have felt about Dick's career and do feel about his future as a judge, even though it is in their character to be reserved in such expression.

My professional association with Ned Cooch includes, but is not limited to, the many rewarding and sometimes turbulent years we spent together on the Board of Bar Examiners of the Supreme Court, as we worked through those interesting and difficult times when the Bar was going through a metamorphosis. During those

watershed years of the '70s we were trying to manage and set policy for burgeoning numbers of new lawyers, increasing complications in the admission process, and what was then a new and unfamiliar spirit of aggressiveness among some of those seeking to be admitted to the bar. It was a spirit which was sometimes appropriate and sometimes inappropriate. Those were indeed interesting times, Ned, and I am fortunate that you and Justice Moore and other wise people were at my side in those days. We worked through those problems.

Dick Cooch will soon embark on a new career, often treading on unfamiliar ground, as he renders decisions which not only will make law, but which must also make sense. I am confident that he will serve with distinction as part of what Governor Castle has described as the best judicial system of any state.

In a moment, we will step down to the floor level to administer the oath. Barbara Cooch will hold the Bible for the administration of the oath. After the administration of the oath, Judge Bifferato and Judge Robinson will assist Judge Cooch in robing. Then Judge Cooch will ascend the bench, and we will proceed with the rest of this ceremony.

Would you all please stand for the administration of the oath.

(Oath was administered at this time by Chief Justice Veasey.)

(Whereupon Judge Cooch was robed at this time.)

PRESIDENT JUDGE RIDGELY: Dick, we welcome you to the Superior Court of Delaware.

And now we will hear from Michael N. Castle, Governor of the State of Delaware for his remarks.

GOVERNOR CASTLE: Thank you very much.

Judge Ridgely, Judge Bifferato, Chief Justice Veasey, who heads the best judicial system in the United States of America, Judge Robinson, and Judge Cooch -- I shouldn't do this to the Court but I will -- Bill Quillen turned to me as you went through that oath of office that I think I've taken three times myself. He said, where were you when they wrote that oath of office? Perhaps it should have been vetoed. I think he's absolutely right. We apologize for that. But we congratulate you on your weight lifting as you held the Bible here today.

The Cooch family, Mr. and Mrs. Cooch, all of you, we congratulate you. Obviously Dick will be the first to say, it just doesn't happen because you're put on the face of the earth. It is those who are around you who make all the difference, and you've made all the difference in his case.

To the assortment of judges out here, justices and chancellors and president judges and judges and justices -- Did I miss anyone -- whatever it may be, I'm glad to be with you here today. Let me just say I was thinking about that I've now been Governor for seven and a half years. I have I believe -- unless one of you decides to do something irrational, leave the bench or something, God forbid anything would happen to anybody -- I may have made my last judicial appointment as the Governor of the State of Delaware.

Pete DuPont gave me the latitude as four years as Lieutenant Governor to help make some of the appointments. I have had something to do with the appointment of each and every one of you.

I thought I would say that for a couple of reasons. One I am, of course, very proud of this judiciary, very proud of each and every one of you that make up this judiciary, as I indicated before and as Chief Justice Veasey has said here. In case things do not go well in the primary, I may be back practicing law in front of you. I want you to know where I came from originally.

To all the lawyers, everybody here, we are proud of the judiciary of this State of Delaware, and I am very proud of the fact that we have had an opportunity to appoint such distinguished people.

And I would just let you in on a few things since this is almost my last oath and because the others may not be as well attended. One is there has been nothing more difficult in the entire time that I have been Governor of this State than the selection of a judge from the judicial candidates who have come before me. I have literally sat there for hours on end having my own internal debate about what to do. We have consulted with certainly everybody at the Bar at one time or another. I think about individuals who have applied, and quite candidly, it has been extraordinarily difficult. No bones about it.

In this case, again, it was very, very difficult with outstanding candidates with credentials coming before us, and we

made the choice, and the choice was Dick Cooch. And in any case, the Senate Judiciary Committee and confirmation process, which he might have thought was twice as difficult as the selection by the Governor, before it was all said and done, by God he did it, and he did it well, and he becomes one of the very final members to join this extraordinary judiciary in our State, and I am very proud of each and every one of you because you have made a tremendous difference. Your decisions are absolutely important.

I have a little expression I use that I don't say publicly too much, but now again because I'm coming to my eight years I can sort of say it. We have imports and exports. We in Delaware like to export our taxes. Some other states may not have realized all that we do. Those of you who have been on the Court of Chancery understand pretty well what we do. And those of you who know about our franchise taxes and bank franchise taxes and insurance fees in this State know that the State of Delaware probably exports more of its taxes than any other state, perhaps in excess of 25 percent of our taxes which keeps relatively low taxes. This is not a political speech. It is fact. It is fact, in part, because of our laws obviously, but it's a fact perhaps even more so because our judiciary is aware of our corporate structure and corporate laws. They are aware of our statutes. They are aware of the precedents. They're aware this goes back for centuries in this State. A State that has an outstanding judiciary not in just 1992, but in 1892 and 1792, throughout all of its history we have had judges who made a vast difference as far as making absolutely sure

that Delaware is a state where things are done correctly.

And so, Judge, you join this group of extraordinary people. You yourself are an extraordinary people. We heard already some of that. I'm sure we will hear more of that in other speakers to come. You had an outstanding career. You have helped many individuals. You've had a deep sense of history. Your family is indeed as deeply enmeshed in Delaware as any Delaware family could be. You have stood for that which is right and just and good in our society. We welcome you to this bench. We welcome you to a public position. I have always thought in all the years I've known you that you had that public position in you. It had to be recognized in the form of something. It came out in the form of being a Superior Court Judge. We give you the best as you join the best judiciary in this country. I'm sure you will be a major addition to it. Thank you.

PRESIDENT JUDGE RIDGELY: Thank you, Governor Castle. Our next speaker will be John F. Schmutz, Esquire, the President of the Delaware Bar Association.

MR. SCHMUTZ: May it please the Court. Members of the judiciary, members of the Legislature, Governor Castle, distinguished guests: I appreciate the opportunity to participate on behalf of the Delaware State Bar in this investiture ceremony for Judge Cooch.

As we all know, the Superior Court is a key to the administration of justice in Delaware. All serious crimes must be tried here. The Court must deal with the rapidly rising criminal

case loads; it also provides justice for an increasing load of important civil litigation. To this important Court, Judge Cooch brings inter alia three important qualities: An excellent background, both educationally and in the practice of law; a broad perspective of the history and operation of our State, and finally, a dedication to public service.

A graduate of Friends School, Judge Cooch received his undergraduate degree from Williams College and his J.D. from the University of North Carolina School of Law. He has been a member of the Delaware Bar and admitted to practice in the courts of this State since 1973. During that period he served, as you heard, as a deputy attorney general in the Criminal Division of the Department of Justice and as counsel to the Delaware House of Representatives. Until his confirmation, Judge Cooch was a partner in the firm of Cooch & Taylor here in Delaware in Wilmington. He is also a member, as you might expect, of the Delaware Bar Association, and also the Delaware Trial Lawyers Association, and the ABA.

Judge Cooch and his family have been Delawareans for many generations. I found out it was nine when I arrived here today. As might be expected, in view of his family's long, proud tradition in Delaware, Judge Cooch has been much interested in our State and its history. He has served, for example, as President of the New Castle Historical Society, as a member of the Heritage Commission and various other historical organizations and committees. From a legal viewpoint, he has also served on the Bar Association's

Committee of the Bicentennial of the U.S. Constitution as well as the Federal Court History Committee. He has also been an active member and leader in his church. And when I look at these and other things that Judge Cooch has done and is doing, I am, to say the least, impressed by their depth and breadth.

I came to know Judge Cooch on the Executive Committee of the Delaware State Bar Association where he was a leader and strong contributor from 1985 to 1989, serving the latter two years as treasurer of that Association. Not only did he serve the bar in a leadership position, but his work on many of its important committees and sections indicates his breadth of background and interest. He has, for example, served on the Committee on Professional Ethics which provides advice and opinions to members of the Bar on ethical issues, the Criminal Law Section, the Commercial Law Section, the Special Committee on Public Officials Code of Conduct, and the Family Law Section. He has authored a chapter in the Delaware Appellate Handbook. My work with Judge Cooch on the Executive Committee of the Bar Association confirmed the breadth, intellect and industry shown in his long resume.

Judge Cooch, on behalf of the Delaware State Bar Association, I pledge our support as well as our dedication to work with you and the Court for the betterment of justice and society in our State. I welcome you both personally and on behalf of our Bar Association.

Thank you.

PRESIDENT JUDGE RIDGELY: Next speaker will be Edward W.

Cooch, Jr., Esquire, distinguished lawyer and proud father.

MR. COOCH: Thank you, Judge.

Judge Ridgely, Governor Castle, Chief Justice Veasey, members of the Bench and Bar, and friends of Dick Cooch:

I would first like to ask my wife, Sarah, to stand and be recognized. Without Sarah, of course this day would not be at all possible. I also want to recognize her great contribution and her unflinching support to our new Judge and her great contribution toward whatever success Dick might have achieved that has led to his appointment.

It is, of course, a matter of great pride, as others have mentioned, to Sarah D. and me in seeing Dick named to the bench of this Honorable Court. To you, Governor Castle, for his nomination and to the members of the Senate for his confirmation, we both express our deep appreciation for your confidence in him that will now grant him an opportunity to serve the State that we so dearly love.

Having said that, Governor, I have to tell you a story that Dick fared much better with his telephone call from you advising him of his appointment to the Bench than I did some years ago when I thought I would be appointed a Judge of this same post. It was during Governor Terry's administration that there existed two vacancies on the Court. One of these had to be filled by a Democrat, the other by a Republican.

My wife, Sarah, Dick, and I had gone up to the Poconos for skiing. When we returned home that evening, our daughter,

Anne, told me that Governor Terry had called and that it was very important, that he would call again Sunday.

Sarah D. and I stayed up till about three o'clock a.m. discussing how I would respond to Governor Terry. And sure enough, the next day Governor Terry called. I can still remember, while on the telephone, Sarah D. calling to me to thank him, thank him.

Well, to make a long story short, the Governor asked me to be Chairman of the Liquor Commission.

Dick's appointment to the bench is a matter of mixed emotions. The appointment does, of course, bring a feeling of great satisfaction in seeing one's son succeed in his chosen profession and having the opportunity to serve the State through this Court.

And yet, at the same time, I would be less than candid to the Court if I did not say that I feel a great personal loss. Dick and I have practiced law together for about twenty years, save for a stint that was mentioned of about three years when he was a deputy attorney general, more than twenty if you count his clerkship while in law school. That this phase of our lives has come to a conclusion was made obvious to me the other day as I walked past his empty office, the pictures and certifications off the wall, all in cartons to be moved to new chambers.

Dick, you did yeoman service for the firm, and I know that I speak for all at Cooch & Taylor when I thank you for your service not only to the firm but to the many clients whom you have represented over the years. It was always gratifying to hear a

client speak well of you. We thank you also for serving as managing director for these past few years. No problem was ever taken off the agenda until it had been resolved, usually with ~~anonymity~~^{unanimity}. You'll be a hard act to follow. But more than that, Dick, we will all miss your ever-present good humor and good company.

Frankly, Your Honor, it did not surprise me when Dick told me he aspired to the bench. I am pleased to say that during his legal career, Dick has always found time for public service, whether as a member of the Bicentennial Commission that helped celebrate the two hundredth anniversary of the celebration of independence, as Chairman of the Reconstruction Committee of historic Immanuel Church when the tragic fire destroyed Immanuel Church approximately a decade ago, as President of the New Castle Historical Society or as Co-Chairman serving with Jim McKinstry working on the history of the District Court or in a wide variety of other tasks. Dick has always found time to help make Delaware a better place to work and live.

As a matter of fact, Your Honor, on several occasions, I have remonstrated with Dick when he would tell me he had taken on another task, and gently suggest to him that perhaps he should save some time for the practice of law.

Over the years, however, particularly in Dick's formative days, I always reserved the right to give him fatherly advice. I can remember times at the dining room table when such occasions would occur and Dick and his sister, Anne, would glance at each other as if to say, here comes Dad's lecture number 34.

So since these days have pretty much come to a close, I would like to offer one final word of advice.

Many distinguished judges have served the State through this Court with honor and distinction. The courts in Delaware enjoy a reputation, as Governor Castle has said, of being the best in the land. Discretion is sometimes the better part of valor, so I will not single out any living judge for you to follow to emulate in your career on the Superior Court. But many of you will remember today your grandfather, the late Richard S. Rodney, mentioned so kindly by Chief Justice Veasey, who was a Judge of this Court for 24 years, being first appointed seventy years ago this year.

Those of you who tried a case before him will recall that while on the bench he was ever the kindly judge, always courteous and considerate of both counsel and litigants. This trait, I believe was particularly evident when a young lawyer was trying a case before him, perhaps its first one. The Judge was always prepared. He had read the trial briefs in advance of trial or oral argument. He was always in control of the proceedings, always firm but fair, always witty and in good humor. He was known, more than once, to lighten a tense trial or emotional proceeding with a humorous remark appropriate to the case and the occasion. He told me on several occasions he never worried about appeals. He said he always gave each case he heard his best effort. And off the bench, he was always the same kindly, courteous, witty person, fun to be with. He was truly a friend to all, and when he died, after a

total of 41 years on both the State and Federal courts, he was probably the most popular member of the bench and bar.

In conclusion, I will give you this bit of fatherly advice. If you will mold your service to this Court and to your State in the manner of your grandfather, and the other members of this Honorable Court who have served with such distinction, I am sure you will find the experience you are about to commence to be the most gratifying years of your life.

God bless you, this Honorable Court, and our beloved State.

PRESIDENT JUDGE RIDGELY: Our next speaker will be the Honorable William T. Quillen, former Justice of the Supreme Court.

JUSTICE QUILLEN: Mr. President Judge; distinguished judges of the Superior Court, with a particular greeting to my former colleague, the highly respected Resident Judge of this County and the Senior Judge of this Court, Vincent A. Bifferato; Your Honor, Judge Cooch; Mr. Chief Justice, this time in the right courtroom with the same joyful sentiments; distinguished judges, present and past, of the State and Federal judiciary, with a particular greeting to Judge Cooch's good friend, the Honorable Battle R. Robinson, with whom political defeat in a forgotten campaign forms a personal bond; Your Excellency, Governor Castle; members of the General Assembly, with special tribute to the State Senate for its role in Judge Cooch's appointment; and honored guests all; President Judge Ridgely, may it please the Court:

Last week, Tom Greer, who covered the courts for the News

Journal paper so nobly for so many years called me to inquire about the upcoming anniversary of the Court of Chancery. I invited him to come visit me at the Widener University School of Law and mentioned to him that retired Justice William Duffy had the office next to mine. With the mention of Justice Duffy's name, both Mr. Greer and I said simultaneously: He's a prince.

I was so struck by that small incident that I looked up the word "prince" in the Oxford English Dictionary. "One who is first or preeminent in a specified class or sphere. Being preeminent, he is distinguished beyond others."

Governor Castle, I think you made some of these remarks passe, but I don't know but I suspect this may be the final one of these ceremonies you will attend while vested -- it's a constitutional term -- with the supreme executive powers of the State. While this is not the appropriate forum to evaluate total executive performance, it does not seem inappropriate to say that, insofar as your appointive power has included the power to appoint judges, your performance has been of the highest rank, and if anyone doubts my view on that, I respectfully offer as my only necessary exhibit the ad hoc bench now seated before this audience, each of whom possesses a commission signed by Your Excellency. So to the few things on which our present forum permits comment, let us say to our Governor, "Well done, thou good and faithful servant, thou hast been faithful over a few things."

And, Your Excellency, I just want to add a special thank you for each of us who knows Judge Cooch. I am sure that one

reason the seemingly insignificant prince story struck me is it fit to this current appointment. You have appointed an extraordinary still young man. His scholarly education, his nineteen years of law practice, his service as managing partner of a law firm which has grown mightily and his service to the Bar demonstrate clearly his legal qualifications for this high office.

The truth is that it is always dangerous to predict how a judge will turn out. Different people carry power, including judicial power, with varying effect. But I have no hesitancy and feel no risk whatever, in predicting, just as now in the case of Justice Duffy, people will, in Judge Cooch's case, a quarter of a century from now, remember his judicial service as preeminent and him as a prince. I will try to share the flavor of my confidence.

But first let me give without any guarantee a one paragraph history; the name, Richard Rodney Cooch. First Rodney: The guy in the square who just returned on the horse, different branch, same family. Direct ancestor Rodney's were here before William Penn, that's before 1682, and one served as speaker in the first Delaware Assembly in 1704. As has been noted, the direct ancestors on Judge Cooch's mother's side include George Read, the signer -- reluctant signer actually -- and federal founder and George Ross, the first rector of Immanuel Church, same church as the Reverend Godden's rectorship. Three hundred years makes pretty good parishioners, Reverend.

Slight digression for the benefit of the Superior Court. I see the Chancellor's with us. Judge Cooch's ancestor, George

Read, was active at both the State constitutional conventions of 1776 and 1792. In 1792, he left the United States Senate and turned down the Chancellorship in order to become Chief Justice of the trial law court. He wanted to go where the work was. And, in our original constitution of 1776, with George Read presiding over the convention, it was provided that the law justices "shall have the power of holding inferior Courts of Chancery" as in colonial times. Perhaps Judge Cooch as George Read's heir can help at budget times. End digression.

Cooches. Cooches go way back. Like Rodney Square there is Cooch's Bridge, adjacent to the house of Thomas Cooch who came from England in 1746. The battle of Cooch's Bridge was fought on September 3, 1777, the only battle -- actually a skirmish -- of the Revolutionary War on Delaware soil and purportedly the first in which the new American flag -- thirteen stripes and thirteen stars -- was carried. Thomas Cooch was a respected Justice of the Peace and a Judge of the sole law court, the Court of Common Pleas. He left before the battle but not before, in typical Cooch fashion, burying his silver. He was actually quite old but both he and his silver survived the Cornwallis intrusion. Ned Cooch lives at Cooch's Bridge today. Judge Cooch lives in Rodney House in New Castle, built in 1831 by his great-great-grandfather, Rodney, a distinguished lawyer and a Whig congressman in the 1840s.

Roots can be overdone, but when roots become heritage and manifest multi-generational commitment to country and State and town and church and family, there is value. I, as many in this

room, have known Judge Cooch, his wife Barbara, their children, Richard Rodney, Jr., and Elizabeth Merritt, Judge Cooch's parents, Ned and Sarah D., and Judge Cooch's maternal grandparents, Judge Richard Seymour Rodney and Eliza Cochran Green Rodney. I also met Ned's parents, Lieutenant Governor and Mrs. Edward W. Cooch on occasion, but regrettably did not know them well. This is not history, this is current events. What comes of it? A portrait of human decency.

Manners are here, some simple, as a gentleman stands when a lady enters the room, and some not so simple, as when Mrs. Rodney in the 1940s with white gloves makes a formal Sunday call on her son-in-law, Daniel F. Wolcott, to tell the recent veteran of World War II, during which he lost his leg, that it was his duty to run for the New Castle City Council. Personal manners and civic manners. Judge Cooch always inquires of your family and, like our friend Cale Boggs, he waits to hear the answer. Judge Cooch carries the generational load previously borne by his parents and his grandparents in the New Castle Historical Society and in historic writing. Civic virtue is basically a matter of manners.

Humor is here as many will remember the devilish twinkle in Judge Rodney's eye. He loved it when a lawyer would fawn over him as he denied lineal descendent of Caesar Rodney. "I hope not," he would say, "Caesar Rodney was a bachelor." I remember standing at Rodney House one New Castle Day when Judge and Mrs. Rodney lived there and had opened their home. Mrs. Rodney was standing quietly as people came through. One young woman, thinking Mrs. Rodney was

in line, made seemingly polite conversation. "These old houses are nice, but I certainly wouldn't want to live in one." "Neither would I," said Mrs. Rodney. You could feel but not see her smile. I felt that same humor during the delay of Judge Cooch's confirmation when he answered my call one day with the greeting, Cooch's rumor mill. The inner joy of the Rodney-Cooch humor itself is a joy to behold.

Duty is here. As Ned said, the church burned down in 1980. I doubt if 24 hours passed before Ned Cooch had begun to reorganize the rebuilding effort, an effort that Judge Cooch headed. Tragedy has turned into adventure, destruction into building. Church service is automatic, a given, whether it be as vestryman, committee member, or diocese service. It is as natural as breakfast. It is simply something one does.

Family is certainly here in deeds not words. There is time in a Cooch home for an old-fashioned sit-down meal. Parlor games with family and friends survive. I remember how an emotional local barber told me of the tears on Judge Rodney's cheeks during a haircut shortly after Mrs. Rodney's death. "We were together a long time," he said as he wept without embarrassment. And you can feel the pride in Judge Cooch's eyes as he wheels his children around New Castle. Including children is part of life as it was when fourteen-year-old Sarah Duval Rodney was chosen to unveil the statue of Caesar Rodney, a cousin of her direct ancestor, in the rotunda of the United States Capitol on July 26th, 1934. And we saw how hard Judge Cooch worked to organize a ceremony so his

father, who had been hospitalized, could receive the well-earned Bar Association award for community service. Family nurture, part of life.

Heritage is important because heritage exercised becomes the individual. And the individual today becomes the judge.

Two special qualities about Judge Cooch. He is inclusive. Among their other social entertaining, he and Barbara annually have two huge parties, a New Year's Day party in New Castle and a summer party at Toad Hall on North Indian Beach, in Sussex County. They invite everybody. It is a marvelous demonstration of human good will. Judge Cooch organized -- this is not prestige work, folks -- organized an annual town wharf dance in New Castle so everyone could share the same social event. Our local Historical Society had the typical Dutch and English emphasis on the colonial and federal periods. When Judge Cooch became president, he quietly took into account the Irish, Italian, and Black heritage of our town and brought many more people together. Judge Cooch is inclusive, special quality number one.

We all know the pitfalls for a Judge, none in Delaware, of course. Prejudgment, self-righteousness, pomposity, failure to let the lawyers perform their function, imagined burdens of work hardship, failure to treat everyone equally, lack of courtesy, a misguided air of power off the bench. We are fortunate to have a new Chief Justice who places value on civility, and Judge Cooch is fortunate to have a wife who places value on modesty and humility. She will remind him when he is not on the bench. But Judge Cooch

is already a natural addition to the bench. He simply does not have any inkling of personal character leading to the judicial pitfalls. His cousin, Dan Wolcott, Jr., said it well. Judge Cooch has the perfect temperament for the job. He listens to all sides with patience, he is a diligent student of law and fact, and to quote Dan, "There is not a mean bone in Judge Cooch's body."

Richard Rodney Cooch, with an inheritance of law and gift of temperamental balance was born to be a Judge. Temperament, special quality number two.

Judge Cooch, I have attended a lot of these ceremonies, and I have heard many new judges speak of honor and pride and maybe you have that in your notes now. That is understandable. But don't misunderstand. What you have been given today is not an honor; it is a privilege, the highest calling for any lawyer. It is also a mandate to do on a daily basis a difficult job. In short, you have been hired to perform the work of a high office. Polite deference is immediate. But judgment will come later. Keep perspective.

President Judge Ridgely, the Judges of this Court have the hardest job in the judiciary. Unimaginable crimes, nervous litigants, lay juries, aggressive lawyers, a searching press, appellate review, federal constitutional law, the litigation mushroom -- this is where it is. The State is very fortunate to have you, a young, intelligent and energetic President Judge. We are grateful for good men and women who have sought public office not for the power it represents, nor the prestige it gives, but for

the opportunity it presents to serve the people and the public good.

Judge Cooch comes forth in that spirit. Use him well. I am so very confident that his judicial service will stand tall as a benevolence to his State and that on its completion he will be rightly honored not only with praise and compliments but also with Mark Twain's most precious reward, affection. And then we can say to him: Now ends a noble service. Well done, Sweet Prince.

PRESIDENT JUDGE RIDGELY: Thank you very much.

I now have the privilege to call upon our new Judge, Richard R. Cooch, for his greetings.

JUDGE COOCH: Thank you, President Judge Ridgely.

Chief Justice Veasey, President Judge Ridgely, Governor Castle, members of the General Assembly, other members of the Bench and Bar, family and friends, thank you for coming this afternoon to share this day with me and with the Court.

While this day is one of the most important days in my own life, I hope this day ultimately will be considered to be a significant day for the Bench and Bar as well.

I sought to become a Judge of the Superior Court because of my wish to contribute to the administration of justice in a more direct and substantive way than private practice allows, although I very much enjoyed the various Bar Association, civic, historical and charitable activities that I have been involved with over the years. I hope that someday it will be thought that my years on the bench will have made a difference.

I am very grateful to Governor Castle for demonstrating his confidence in me with my nomination to this position in this last year, and I am equally appreciative of the State Senate's confirmation of me earlier this month. To each of them, and to all others at the Bench and Bar, I pledge my best efforts to make myself worthy of that confidence.

My decision to leave the private practice of law did not come easily. Cooch & Taylor has been a large part of my life since the 1960s when I first worked there during summer vacations in college.

Also, the opportunity to have practiced law and to have developed as a lawyer for almost seventeen years in the same law firm as my father has been a special privilege.

My years at Cooch & Taylor have been years that I will always deeply appreciate and which I will never forget. Although the collegiality and the good working relationship of the Superior Court Judges is part of my reasons for seeking to become a Judge of this Court, it would seem impossible for any working environment to be as agreeable as that of Cooch & Taylor.

I would like to express my thanks also to all who helped arrange this investiture ceremony today, and particularly Chief Justice Veasey, Governor Castle, Jack Schmutz, Bill Quillen and my father for each of their very gracious and generous remarks.

There have been allusions to the fact that some of my family members have also been lawyers and judges in Delaware, so I should probably share with you a story that occurred to the best of

my recollection about 1965.

I was a junior in high school and was having dinner with my parents and my sister Anne in the house in New Castle where I now live. My mother turned to speak to me. Now those of you who know my mother will appreciate her real sincerity and broad mindedness in this remark I'm about to relate to you. "Dick," she said to me earnestly, "if you want to become a doctor that's perfectly all right with your father and me."

Well, luckily for the medical profession and for consumers of medical services, I did not venture into that course and besides, my grades in chemistry came in about a month later determining my fate that I would someday perhaps take this oath of office rather than a Hippocratic oath.

There are so many people who have shaped my life and who are responsible, directly or indirectly, in large measure or small, for causing the investiture ceremony to occur. I will not try to attempt to identify them all. I do, however, want to acknowledge the love and encouragement of my wife, Barbara, who, among others, has been so supportive of me as I decided to apply to become a judge of this Court.

What sort of judicial philosophy do I hold, and what kind of judge will I become? Trying to answer those questions could keep us here all afternoon, and I'm not sure at all that I'm presently able, or will ever be able, to answer those questions.

What I do know is this. With respect to every decision I make, whether it be a quick evidentiary ruling at trial or a

thirty-page opinion, I will do my utmost to make each decision fair and to make each decision right.

With deference to what Justice Quillen said a moment ago, in my view judges aren't born, they're made. While I believe I bring a fair amount of experience and insight to the bench, I have a lot to learn, but I look forward to the years ahead as I seek to become the best judge I can possibly be.

Thank you very much.

PRESIDENT JUDGE RIDGELY: Thank you, Dick, and congratulations and best wishes from all of us on the Superior Court. We look forward to working with you.

JUDGE COOCH: Thank you.

PRESIDENT JUDGE RIDGELY: Reverend Godden, it is time for you to give the benediction.

(The benediction was given at this time.)

(Whereupon the investiture proceedings were concluded at this time.)