

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

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

IN THE MATTER OF:)
)
Ceremony of Investiture) Thursday, June 1, 1989
)
of) Superior Court Courtroom
) Sussex County Courthouse
HON. T. HENLEY GRAVES) Georgetown, Delaware
)
As an Associate Judge of) 2:00 o'clock p.m.
)
the Superior Court)

PRESIDING: HON. VINCENT A. BIFFERATO, ASSOCIATE JUDGE
SUPERIOR COURT OF DELAWARE

SITTING: HON. WILLIAM SWAIN LEE, ASSOCIATE JUDGE
SUPERIOR COURT OF DELAWARE

HON. PAUL E. ELLIS, ASSOCIATE JUDGE
COURT OF COMMON PLEAS OF DELAWARE

PRESENT: HON. MICHAEL N. CASTLE, GOVERNOR
STATE OF DELAWARE

HON. WILLIAM B. CHANDLER, VICE-CHANCELLOR
CHANCERY COURT OF DELAWARE

ARTHUR G. CONNOLLY, JR., ESQ., PRESIDENT
DELAWARE STATE BAR ASSOCIATION

REVEREND JAMES E. MANION
ALL SAINTS EPISCOPAL CHURCH

AND OTHERS.

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

P R O C E E D I N G S

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

THE BAILIFF: The special session of the Superior Court of the State of Delaware in and for Sussex County for the swearing-in of T. Henley Graves is now in session. The Honorable Vincent A. Bifferato presiding.

JUDGE BIFFERATO: Please remain standing.

Welcome to the special session of the Superior Court. Father Manion will give the invocation.

REVEREND MANION: Let us pray.

O God, who has called Thy servant, Henley, to a place of trust and responsibility and to sit in the hall of justice to serve Thy people, judging rightly, may he be ever granted the wisdom of a Solomon, the patience of a Job, and the courage of a Daniel; may Henley be ever mindful and vigilant of the heritage of the State and nation where liberties are a sacred trust and where freedom is the cornerstone of our society; may he never be insulated by routine and convention and popular opinion, but ever be upheld by Thy spirit. We pray, O Lord, bless this good and decent young man as he goes about serving Thy people. Amen.

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

1 THE BAILIFF: Be seated.

2 JUDGE BIFFERATO: On behalf of the Superior
3 Court, I would like to welcome you all to the induction
4 ceremonies of Henley Graves.

5 Judge Stiftel, unfortunately, could not be
6 with us today. He is trying a very important case in
7 Wilmington that must finish tomorrow, and he sends his
8 regrets. This is the first induction ceremony he has
9 missed, I believe, in about twenty-eight years. He is
10 sorry not to be here.

11 William Chandler received three judicial
12 appointments from Governor Castle within three years.
13 On October 25, 1985, he was made Associate Judge, later
14 a Resident Judge of the Superior Court when Judge Tease
15 retired, and recently a Vice-Chancellor.

16 Judge Lee was appointed a Resident Judge to
17 fill the Chancellor's vacancy, and now T. Henley Graves
18 moves into the vacancy left by Judge Lee's appointment.

19 Henley Graves is a true Sussex Countian.
20 Raised in Bethel and schooled in the Laurel School
21 District, he graduated from the University of Delaware
22 in 1970 with a B.A. in economics. He graduated from
23 the University of Maryland Law School with honors in

1 1973. He was admitted to the Maryland Bar and the
2 Delaware Bar.

3 Once out of law school, he worked as a
4 prosecutor in the State's Attorney's Office in
5 Baltimore. He later became a Deputy Attorney General
6 in the State of Delaware for Sussex County, with a
7 total of four years of prosecuting cases.

8 In 1977, Henley joined Tunnell and Raysor.
9 Less than a year later, he joined with James A. Fuqua,
10 Jr., to start his own law firm. That firm has been
11 operating for more than eleven years.

12 Henley has done a lot of prosecuting. He has
13 also done a good bit of defending in recent years,
14 having ably defended first-degree murder cases,
15 primarily as a court-appointed attorney.

16 Henley is married, and his lovely wife will
17 soon hold the Bible when he is sworn in.

18 Judge Paul E. Ellis, the highly-regarded and
19 respected Judge of the Court of Common Pleas in Sussex
20 County, will now say a few words and then administer
21 the Oath of Office to our new Judge.

22 JUDGE ELLIS: May it please the Court, Your
23 Excellency, friends of Henley Graves:

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

1 It is a personal privilege and, indeed, an
2 honor to participate in these proceedings today. Some
3 fourteen or fifteen years ago, I used to have breakfast
4 regularly with Henley's father, Kenny. One morning he
5 asked me how Henley could become a member of the Bar of
6 the State of Delaware. At that time, he was a
7 prosecutor in the State's Attorney's Office of
8 Baltimore City. I suggested that he apply for
9 admission under Rule 55, whereby he could be admitted
10 immediately to practice in the Attorney General's
11 Office pending successful completion of the Bar
12 examination.

13 Shortly thereafter, Henley appeared in court
14 as a prosecutor with the Department of Justice. His
15 performance was exemplary and, indeed, he was one of
16 the best prosecutors that the Courts in this county
17 have witnessed in several years.

18 Not long after his admission, he went into
19 private practice and eventually appeared regularly
20 again in court as a contract attorney to represent
21 those defendants where there was a conflict with the
22 Office of the Public Defender. He held this position
23 until his appointment to the Bench. His performance

1 there was equally exemplary.

2 In his practice before the Court, Henley's
3 performance has always been characterized by three
4 attributes: Number one, he was always prepared; number
5 two, he always represented his clients to the best of
6 his ability, whether it be the State or a defendant;
7 and, foremost, he was always a gentleman.

8 He brings this reputation with him to the
9 Bench, and I am satisfied that he will render himself
10 deserving of the honor which has been conferred upon
11 him and will merit the confidence that has been reposed
12 in him.

13 There is a historical footnote to the
14 proceedings today. Henley becomes the first Democrat
15 from Sussex County to be appointed to the Superior
16 Court in this century. The last Democratic Judge to
17 serve on the Superior Court from Sussex County was
18 William H. Boyce, who was appointed in 1897 and served
19 until 1909. He, too, was a native of Broad Creek
20 Hundred.

21 Most special occasions have a touch of joy
22 and a touch of sadness. So it is today. Looking
23 around, I regret that Henley's father, as well as his

1 father-in-law, are not with us to witness these
2 proceedings. But God is gracious, and I am satisfied
3 that Ken and Lefty know and are smiling down on us with
4 their approval.

5 Henley, if you will come forward, it will be
6 my pleasure to administer the oath to you.

7 JUDGE BIFFERATO: The Bible will be held by
8 Henley's wife, Cheryl.

9 JUDGE ELLIS: Say I...

10 JUDGE GRAVES: I...

11 JUDGE ELLIS: Pronounce your name in full.

12 JUDGE GRAVES: ...T. Henley Graves...

13 JUDGE ELLIS: And repeat after me.

14 ...do proudly swear to carry out the
15 responsibilities...

16 JUDGE GRAVES: ...do proudly swear to carry
17 out the responsibilities...

18 JUDGE ELLIS: ...of the Office of Associate
19 Judge of the Superior Court in and for Sussex County...

20 JUDGE GRAVES: ...of the Office of Associate
21 Judge of the Superior Court in and for Sussex County...

22 JUDGE ELLIS: ...to the best of my ability...

23 JUDGE GRAVES: ...to the best of my

1 ability...

2 JUDGE ELLIS: ...freely acknowledging that
3 the powers of this office...

4 JUDGE GRAVES: ...freely acknowledging that
5 the powers of this office...

6 JUDGE ELLIS: ...flow from the people...

7 JUDGE GRAVES: ...flow from the people...

8 JUDGE ELLIS: ...I am privileged to
9 represent.

10 JUDGE GRAVES: ...I am privileged to
11 represent.

12 JUDGE ELLIS: I swear further...

13 JUDGE GRAVES: I swear further...

14 JUDGE ELLIS: ...always to place the public
15 interests...

16 JUDGE GRAVES: ...always to place the public
17 interests...

18 JUDGE ELLIS: ...above any special or
19 personal interest...

20 JUDGE GRAVES: ...above any special or
21 personal interest...

22 JUDGE ELLIS: ...and to respect the right of
23 future generations...

1 JUDGE GRAVES: ...and to respect the right of
2 future generations...

3 JUDGE ELLIS: ...to share the rich
4 historic...

5 JUDGE GRAVES: ...to share the rich
6 historic...

7 JUDGE ELLIS: ...and natural heritage of
8 Delaware.

9 JUDGE GRAVES: ...and natural heritage of
10 Delaware.

11 JUDGE ELLIS: In doing so...

12 JUDGE GRAVES: In doing so...

13 JUDGE ELLIS: ...I will always uphold and
14 defend...

15 JUDGE GRAVES: ...I will always uphold and
16 defend...

17 JUDGE ELLIS: ...the Constitution of my
18 country and my state...

19 JUDGE GRAVES: ...the Constitution of my
20 country and my state...

21 JUDGE ELLIS: ...so help me, God.

22 JUDGE GRAVES: ...so help me, God.

23 JUDGE ELLIS: Come forward and sign the Oath

1 of Office.

2 (Whereupon, Judge Graves signed the Oath
3 of Office and was then robed by Judge Ellis,
4 after which the following proceedings were had:)

5 JUDGE ELLIS: Congratulations.

6 JUDGE GRAVES: Thank you.

7 (Whereupon, Judge Graves assumed a seat
8 on the Bench and the following proceedings were
9 had:)

10 JUDGE BIFFERATO: It is with great pleasure
11 that I now present to you Governor Michael N. Castle,
12 Governor of the great State of Delaware.

13 GOVERNOR CASTLE: Thank you very much, Judge
14 Bifferato.

15 Judge Lee, and Judge Graves -- welcome to the
16 Bench -- Judge Ellis, and our distinguished Chief
17 Justice Christie, and all the other members of the
18 Bench and Bar who are here today, and particularly
19 Henley's and Cheryl's family, and all those who are
20 celebrating as his friends here today because of his
21 admission as a Judge in the Superior Court of the State
22 of Delaware:

23 I would just like to disavow a couple things

1 here. One, I did not write the Oath of Office that you
2 just took. I had to give the same oath in January.
3 This is supposed to have replaced a more cumbersome
4 oath, and I would like to say that I think the most
5 difficult task you will have as a Judge in the next
6 twelve years is having said that particular oath.

7 I did not know, also, Judge Ellis, that I was
8 appointing the first Democrat to the Superior Court in
9 the Twentieth Century. I just wish that Richard
10 Cordrey and Thurman Adams were here to hear that. I do
11 not know if they are out in the audience or not. I am
12 sure they are fans of Henley's and appreciate it a
13 great deal. But I did not know that, and I may go down
14 in history for that. It would be sort of ironic when
15 it is all said and done.

16 We all know that Henley's nomination to the
17 Superior Court Judgeship comes as a direct result, as
18 Judge Bifferato indicated, of changes necessitated by
19 the confirmation of Bill Chandler as our new Sussex
20 County Vice-Chancellor, which was also something which
21 had not happened for some number of years in the State
22 of Delaware. Let me just say that Bill has done
23 extraordinarily well, and we are very proud of him. He

1 is a better Judge than he is a softball player, as you
2 can see from the cast that he is wearing on his foot
3 here today. We appreciate the work that he has done.

4 I cannot say enough about the work of our
5 Judges, particularly in Kent and Sussex Counties, and,
6 perhaps they are more isolated sometimes than New
7 Castle County Judges because there are fewer of them.
8 The new, young Judges who have taken to this Bench in
9 recent years have done an extraordinary job, setting a
10 pace that all of us are very proud of. And I know,
11 from talking to Judge Stiftel and Judge Bifferato and
12 many of the Judges who have been involved in the system
13 for some time, that they are, indeed, very proud of
14 what these young people are doing and the accomplish-
15 ments that they have had, and I think that all the
16 people of Sussex County can be very proud today. I am
17 convinced that Judge Graves is going to be an
18 extraordinarily good Judge.

19 I will tell you how a Governor's office
20 works, although I probably shouldn't. It is like
21 making sausage. It is not something that you should
22 talk about. But sometimes when you are making
23 decisions on things, there are delays for various

1 reasons. One reason there are delays is simply because
2 you are too busy to get to it, and you simply cannot
3 get it done for one reason or another. Another reason
4 you run into delays on appointments is that, quite
5 frankly, none of the individuals really is the person
6 you want to appoint. Four or five people come forward,
7 but none of them really are as qualified as they should
8 be, and it is sort of frustrating and you tend to delay
9 the appointment.

10 Every now and then you get the series of
11 names upon recommendations who, I think, are so
12 outstanding that it becomes extraordinarily hard to
13 make the choice, and I must admit to you that that was
14 the occasion here. In this case, I was given a series
15 of names, and we went through the normal discussion
16 process and interview process, and I said, "That is not
17 enough." Then I went through another round of
18 interviews and discussion, getting a little further
19 out. I finally went to a third round of discussions,
20 getting a little further out. Not because it was
21 difficult to make the choice because they were not
22 qualified -- we had to find a qualified person -- but
23 because all those individuals were extraordinarily

1 qualified, and, in my judgment, any one of them would
2 have been a very good Judge.

3 Why was Henley picked? He was picked, I
4 think, because it was stated by many, many people whom
5 we spoke to that he had, perhaps, the strongest work
6 ethic of any lawyer here in Sussex County or of any
7 lawyer in the State of Delaware, which is a very
8 significant factor. He had trial experience, as we all
9 know and has been repeated here, both on the defense
10 side and on the prosecution side and in the courts in
11 general. He has been in the courts and he knows the
12 courts, and we think that is extraordinarily important,
13 as well. He is a trial attorney, and he knew his way
14 around.

15 But I would just like to say that I could
16 have appointed several Democrats as judges, just as I
17 had a chance in this particular case, and they would
18 all have done a good job because they all were
19 extraordinary.

20 This is not an easy time for our Bench. They
21 understand that. We pressure constantly to worry about
22 the drug cases and the criminal cases which are coming
23 along. Lawyers pressure on the civil side because

1 things get backed up. It seems to be more complicated
2 today to try cases than it was even five years ago,
3 which was the last time I tried a case, or, perhaps,
4 tens years ago or fifteen years ago or thirty years
5 ago. As a result of that, there are more pressures on
6 the Bench than there have ever been before.

7 We have made great progress in the State of
8 Delaware in the administration of our justice here, and
9 I would hope that we would be able to continue to do
10 that. That is, to make sure that all the cases that we
11 are handling, be they civil or be they criminal, are
12 handled expeditiously, that they are handled fairly and
13 efficiently, and that everybody is treated fairly and
14 efficiently in our State. I think that has happened in
15 the past, I think it is happening better than ever
16 today, and it is my hope that it will happen, also, in
17 the future. I believe with Henley Graves coming to the
18 Bench, we will add to that.

19 So I congratulate you. I am delighted to be
20 here, to be a participant in this ceremony, and we look
21 forward to working with you in your term of office.

22 JUDGE BIFFERATO: Thank you, Governor.

23 Our next speaker is our new Resident Judge of

1 Sussex County, who was recently previewed and featured
2 in the saltwater paper called "The Whale", Judge
3 William Swain Lee.

4 JUDGE LEE: Governor Castle, members of the
5 Bench and Bar, and family and friends of Henley:

6 I come to you today with informal remarks.
7 Certainly, that characterizes my relationship with
8 Henley. For those of you who do not know it, at a time
9 when I was rendered homeless and cast adrift in my
10 mid-life crisis, Henley took me in. Not only was he
11 good enough to take care of me, but he rendered a much
12 higher call, for which his place in heaven is reserved,
13 when he also took my oldest son in for a period of
14 time.

15 The Governor has already touched on it, but
16 it is true. One measure of Henley's qualifications to
17 sit on this Court is the standing and ability of the
18 other candidates who sought the position. Henley
19 brings to this Court boundless energy, a supreme work
20 ethic, more trial experience than probably any Judge
21 who sits on the Court, and a unique sense of fairness.

22 Having lived with him, I think he has a few
23 adjustments to make. I might add that no sooner had I

1 moved out than he found a much better roommate. He
2 married Cheryl right away. In Rehoboth, you have to be
3 careful. It restored our standing in the neighborhood.
4 The guys across the street were worried about us.

5 But having lived with him, we had no trouble
6 sharing one bathroom, because by the time I got up, he
7 had already been up, showered and shaved, and had been
8 working several hours. Indeed, Henley is going to have
9 an adjustment. He will not have to get up at 5:00
10 a.m., but he probably still will. He will not have to
11 stay around until 5:30 every night on those nights when
12 Cheryl has something planned for him and much later on
13 other nights. That will not be required.

14 Indeed, even in a system that is overworked,
15 my biggest worry about Henley is keeping him busy. But
16 I do want to give him this assurance: If he reaches a
17 stage where he does not have enough to do, I am willing
18 to surrender any portion of my caseload that he is
19 willing to assume.

20 Indeed, I think my only function now is to
21 show Henley the ropes and then to get out of his way
22 and to follow in his wake. I look forward to
23 continuing a warm, friendly relationship, one that I

1 have a hard time describing.

2 About this time last year, when he and
3 Cheryl, whom I have known since she was a little girl,
4 got married, I came up afterwards and said, "You know,
5 this is the only wedding I ever cried at." That was
6 not true. But we have a remarkable friendship that I
7 (laughter) -- there go the rumors again.

8 Indeed, if you will remember, we entertained
9 socially at a party a couple years ago, and the
10 invitation was captioned, "From the Lee brothers". I
11 am happy to start the next chapter of a continuing saga
12 with Henley Graves, something that will be captioned,
13 "The Lee brothers on the Bench".

14 JUDGE BIFFERATO: Thank you, Judge Lee.

15 Next, Vice-Chancellor William B. Chandler
16 will say a few words. If he were still in Superior
17 Court, he would not have had enough leisure time to
18 play softball and break his leg.

19 VICE-CHANCELLOR CHANDLER: Thank you, Judge
20 Bifferato.

21 Chief Justice Christie, Governor Castle,
22 distinguished guests, friends and family of T. Henley
23 Graves:

1 It is, indeed, a pleasure for me to join in
2 the celebration today accompanying the investiture of a
3 new Judge to the Superior Court of Sussex County and to
4 witness the magic transformation of T. Henley Graves
5 from a lawyer to Judge.

6 In part, it must be because Judge Graves
7 knows of my great affection for ceremonies like this
8 that he invited me to say a few words. But it was a
9 few words. He told me, I think, that I had three
10 minutes. With that judicial imperative, let me charge
11 ahead.

12 I have known Judge Graves for some period of
13 time. Perhaps not as long as some of you, but I had
14 the good fortune of knowing him in a variety of roles:
15 As a formidable adversary in private practice; as a
16 forceful, professional, and courteous advocate before
17 me on the Bench; as an occasional competitor on the
18 tennis court where, I might add, the unerring aim of
19 his overhead slams have come close, more than once, to
20 creating a new vacancy in Sussex County; and, also, as
21 a good friend.

22 Those of us who observed his skills and
23 talents, whether appearing before us or litigating

1 against us, know that he is exceptionally well-suited
2 for the task that lies ahead. He would not want me or
3 expect me to summarize his credentials, all of which
4 give testimony to the strength he will bring to this
5 Court; but his background and credentials were
6 undoubtedly forceful and positive influences in the
7 process that led to his appointment.

8 That is so, notwithstanding the colloquy that
9 occurred at his confirmation hearing. It is reported
10 to me that during the hearing, Senator Martin, a
11 Democrat from Newark, peered benignly at Judge Graves
12 and began the interrogation into his credentials. When
13 Judge Graves advised that he graduated from Laurel High
14 School, just as Senator Martin had done, he passed the
15 first critical test. The next question posed by
16 Senator Martin, equally important, was, "What is your
17 political affiliation?" "Democrat," answered Judge
18 Graves. "You look like a real nice Judge to me," said
19 Senator Martin.

20 Notwithstanding that levity at his hearing,
21 the real reasons for his appointment, I submit, are
22 quite evident. His experience has been intense and
23 varied, as you have heard from others today. He was a

1 prosecutor and then went into private practice, and,
2 from all that, he has been an active litigator in all
3 our courts. One might fairly say, I think, that this
4 is a great day for the trial Bar, not only in Sussex
5 County, but for the whole state, for Henley Graves is
6 one of our own, the truly quintessential trial
7 attorney.

8 Very few lawyers or judges have the
9 experience that he is bringing to this Bench. He has
10 prosecuted some of the most serious felony cases,
11 including capital murder cases, and he has defended
12 some of the same kinds of cases. His reputation during
13 the service with the Department of Justice can be
14 captured in these simple words: He was a prosecutor;
15 not a persecutor.

16 Always mindful of his oath to insure justice
17 under the law, Henley prosecuted with compassion,
18 resisting concerns about conviction rates and insisting
19 in every case that the result balance fairness to
20 society, to the victim, and to the defendant.

21 His private civil practice has been equally
22 diverse. He has appeared in emotionally-charged
23 property-division and child-custody disputes in the

1 Family Court, as well as complex contract and
2 personal-injury cases in the Superior Court. He has,
3 on occasion, cultivated an appellant practice where, I
4 might add, he contributed to my first reversal as a
5 trial Judge. But I have forgotten all about that.

6 From these diverse experiences were forged
7 the technical and professional skills that are needed
8 to carry out effectively this Court's mission. But
9 more important are Henley's personal qualities: His
10 personable and enthusiastic style, his insight for
11 swift, practical, and fair solutions to problems; his
12 keen sense of humor; his integrity; and his almost
13 unrelenting drive to outwork all of us.

14 Diligence is not in short supply in Henley.
15 More times than I can count, I have seen his car parked
16 on The Circle near his law office on weekends, or I
17 have met him at night in the corridors of the court-
18 house on his way to the law library with a stack of
19 books under his arm and a cup of coffee in his hand.
20 He puts in more than his share of long hours, which is
21 the reason why he is always thoroughly prepared and his
22 presentations are always crisp and penetrating.

23 Just as importantly, he has the ability to

1 communicate clearly and succinctly to the trial Judge
2 as to how and why the law should be applied in a
3 particular way in a particular case. Those qualities
4 of diligence and intensity undoubtedly propelled him to
5 this new journey, and, in my view, will add strength to
6 an already strong Superior Court and complement its
7 rich tradition of excellence.

8 In the search for truth and legal principle,
9 Judge Graves now brings his formidable powers of
10 insight and dedication and his firm sense of fairness
11 and rightness. I am especially pleased, therefore, to
12 welcome him as a valued friend and colleague to a Court
13 for which I hold special affection. As he begins this
14 new chapter in his life and in the history of this
15 Court, I extend to him my warmest congratulations and
16 best wishes.

17 JUDGE BIFFERATO: Thank you, Vice-Chancellor
18 Chandler, and welcome back to Superior Court for the
19 day.

20 Arthur G. Connolly, Jr., Esquire, President
21 of the Delaware Bar, will now say a few words.

22 MR. CONNOLLY: Thank you, Your Honor.

23 Governor Castle, members of the Judiciary,

1 the Bench, and friends of our new Judge:

2 On behalf of the Delaware State Bar
3 Association, I congratulate Judge Graves and extend to
4 him our best wishes for a fulfilling, productive, and
5 happy tenure as a Superior Court Judge. We know he
6 will be a valued addition to this respected and
7 important Court which affects the lives of so many
8 Delawareans.

9 When Judge Chandler left Superior Court to go
10 to Chancery Court, it was Superior Court's loss and
11 Chancery Court's gain. We are gratified that his place
12 on Superior Court will be filled by such an outstanding
13 person.

14 Governor Castle's appointments of Judges
15 Babiarz, Chandler, Lee, Steele, DelPesco, Barron,
16 Herlihy, and now Graves to Superior Court illustrate
17 his determination that Superior Court, as well as the
18 other courts in Delaware, remain among the best courts
19 in the country.

20 Judge Graves' extensive work over the years
21 as a prosecutor, as a criminal defense counsel, and in
22 civil litigation provide him with the experience to be
23 an effective, fully-participating Judge of this Court

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

1 from the moment he is sworn in.

2 I have talked to lawyers who are glad that
3 one so well-qualified will be joining Superior Court.
4 But they all say that they will miss Judge Graves as a
5 fellow lawyer who fought hard and competently, but
6 always with scrupulous fairness.

7 The Bar Association appreciates Judge Graves'
8 active membership in the Criminal Law Section and the
9 work he has done with the Board on Professional
10 Responsibility.

11 I was talking with Judge Graves at the State
12 Bar Night in Dover in January when he told me how much
13 he loves to ski. I hope he will be careful next
14 winter, because although we are fortunate to have him
15 follow Vice-Chancellor Chandler on this Court, we do
16 not want him to also follow the unfortunate precedent
17 set by the Vice-Chancellor when he broke his leg
18 recently playing softball.

19 Judge Graves, we again congratulate you and
20 your family on this happy day, and we extend to you our
21 best wishes.

22 JUDGE BIFFERATO: Thank you, Mr. Connolly.

23 Judge Graves will now say a few words.

1 JUDGE GRAVES: Welcome Governor, Chief
2 Justice, members of the Judiciary, members of the Bar,
3 family and friends:

4 I thought an opening in a first-degree murder
5 case to a jury was tough, but this one tops it.

6 I have been told that I should keep it short,
7 and I think that the heat in here will also add to my
8 keeping it short. I have also been told that the less
9 I have to say, the less there is to appeal from, so I
10 will watch my remarks.

11 It is an extremely pleasant surprise for me
12 to be here. Everything came so quickly in the last six
13 or eight months. I did not even tell my mother that
14 things were progressing the way they were progressing,
15 that I applied and that it was under consideration.
16 When I finally told her to read it in the paper, she
17 looked in the paper and could not find it. I told her,
18 "It is not in 'Ripley's Believe It or Not', Mom; it is
19 in the regular section."

20 I am just about to undertake a new job with
21 awesome responsibilities, which I take quite seriously.
22 I have enjoyed the trial practice and I have enjoyed, I
23 guess, the competition that that brings with it. And I

1 am going to enjoy looking at things from a different
2 angle at this time.

3 I have been told that I was going to hit the
4 ground running. I hope I just hit the ground bouncing
5 a little bit. I have learned, in just a very short few
6 weeks that I have been nominated and confirmed, that
7 there is a powerful friend and ally that I have, and
8 that is the other members of the Superior Court Bench
9 and the other courts of this state, the Court of Common
10 Pleas and Chancery Court.

11 It is a close-knit group of individuals whom
12 I have learned are always there to accept a phone call
13 -- I have had problems even before today and I have had
14 to go to Judge Bifferato for guidance and help -- and I
15 am looking forward to working with them.

16 This is a time of saying thank-you's, also.
17 I am not going to attempt to say thank you to everybody
18 who helped me get to where I am, but there are a few
19 whom I would like to point out. Obviously, I thank the
20 Governor. If it were not for the Governor, I would not
21 be here. I thank the Senate because, without the
22 Senate, I would not be here. I thank my mother
23 because, without my mother, I would not be here.

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

1 I also thank her for, I guess, keeping the
2 heat on all four of us children. She and my father
3 were basically of the belief that a winner never quits
4 and a quitter never wins. I think that was instilled
5 in all four of us, and I thank her for that.

6 I thank all of my family for supporting me.
7 I thank my mother-in-law for her special help
8 throughout this process. I thank Jim Griffin and
9 Richard Stokes, also, who were the other candidates
10 under consideration, who were my good friends
11 throughout these proceedings and who remain my good
12 friends in a tough competition.

13 I thank my partner, Jim Fuqua, who has had to
14 put up with me for twelve years staying around and now
15 has to put with my leaving. And I thank my wife,
16 Cheryl, who has supported me and been so patient during
17 a time that was really trying and nerve-racking.

18 As I said, there are many others whom I
19 personally thanked, and I thank all of you for being
20 here today. I wish to invite you all over to the
21 offices of Fuqua and Graves right across The Circle,
22 where we will have a little reception and refreshments.

23 Thank you.

EILEEN G. KIMMEL
OFFICIAL COURT REPORTER

1 JUDGE BIFFERATO: Thank you, Judge Graves,
2 and welcome to Superior Court.

3 The benediction will be given by Father
4 Manion. Will you all rise, please.

5 REVEREND MANION: Let us pray.

6 Direct us, O Lord, in all our joy in Thy most
7 gracious favor, and further us with Thy continued help
8 when our work is begun, continued, and ending, that we
9 may glorify Thy Holy name and uphold Thy justice for
10 all people. Amen.

11 JUDGE BIFFERATO: The special session of the
12 Superior Court is now adjourned.

13 (Whereupon, proceedings in the above-
14 entitled matter were concluded at 2:39 o'clock
15 p.m.)

16
17
18
19
20
21
22
23