

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

IN THE MATTER OF:)
Ceremony of Investiture) Thursday, April 22, 1999
) Old Sussex County Courthouse
HON. RICHARD F. STOKES,) Georgetown, Delaware
As Associate Judge of) 3:30 p.m.
the Superior Court.)

PRESIDING: PRESIDENT JUDGE HENRY duPONT RIDGELY.

PRESENT: FORMER PRESIDENT JUDGE ALBERT J. STIFTEL,
 RESIDENT JUDGE WILLIAM SWAIN LEE,
 ASSOCIATE JUDGE T. HENLEY GRAVES,
 CHIEF JUDGE ALEX J. SMALLS,
 THE REVEREND RUTH BATTEN,
 Dr. JAMES R. SOLES,
 And others.

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DAVID WASHINGTON
Official Court Reporter

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PROCEEDINGS

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THE BAILIFF: All rise, please. This Special Session of the Superior Court of the State of Delaware in and for Sussex County is now in session for the Investiture of the Honorable Richard F. Stokes as Associate Judge of the Superior Court of the State of Delaware. God save the State and this Honorable Court. Please remain standing.

11

PRESIDENT JUDGE RIDGELY: Welcome to the Special Session of the Superior Court of the State of Delaware to commemorate the investiture of Richard F. Stokes as a Judge of the Superior Court. The invocation will now be given by the Reverend Ruth Batten of Mount Sinai Holy Church in Milton, Delaware.

17

Reverend Batten.

18

REVEREND BATTEN: Let us pray.

19

(Whereupon, The Reverend Ruth Batten

20

delivered the invocation.)

21

PRESIDENT JUDGE RIDGELY: Please be seated, those of you who can.

23

Let me begin by introducing those who are

1 with me on the bench today. To my immediate right is
2 Resident Judge William Swain Lee. To my left is Judge
3 T. Henley Graves. And to Judge Lee's right is Judge
4 Albert J. Stiftel, my predecessor as the President
5 Judge of the Superior Court. To the left of Judge
6 Graves is the seat which will soon be occupied by
7 Judge Stokes.

8 The Court wishes to recognize the family
9 members of Judges Stokes who are present today, and in
10 particular Richard's wife, Sally, and his son, Hunter,
11 and his mother, Mrs. Edwin Stokes. The Court also
12 recognizes the members of the Delaware Judiciary and
13 dignitaries who are here today, members of the Bar,
14 public officers, and Richard Stokes' many friends. To
15 each of you, a very special and warm welcome.

16 We are here today to commemorate the
17 beginning of Richard Stokes' career as a member of the
18 Superior Court, our State's general jurisdiction trial
19 court. The proceeding is one of investiture where the
20 robing is of special ceremony, significance, and
21 public commitment under oath. The robe, itself, is a
22 symbol of impartiality and a Judge's solemn duty to
23 administer equal justice on behalf of the people we

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1 serve. The ceremonial scarlet sashes which we wear
2 today and which Judge Stokes will wear today can be
3 traced to the law courts of 1635. It is fitting of
4 course that this special session and tradition is
5 being carried out in the Old Sussex County Courthouse
6 which itself is part of Delaware's rich historic
7 heritage.

8 In 1791, the President of the United States
9 was George Washington. The Bill of Rights was adopted
10 and John Dickinson was President of a Delaware
11 Constitution Convention to revise our Constitution of
12 1776. That was also the year this courthouse was
13 built here in Georgetown to replace the one in use in
14 Lewes, as Georgetown then became the county seat. For
15 50 years it was used actively as a courthouse and on
16 occasion it is used today as a courthouse, not only
17 for holding court, but for special ceremonies such as
18 this. The Court thanks the Georgetown Historical
19 Society for allowing us to convene here today.

20 Our speakers today will tell you more about
21 our friend Richard Stokes, a Judge who brings
22 impressive credentials and experience to the Superior
23 Court. I have known Richard for over 20 years and am

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1 confident, as are my colleagues, that he will serve
2 the public with distinction as a Superior Court Judge.

3 In a sense, he has come home, as his first
4 public service in Delaware after Duke Law School,
5 where Judge Lee -- as many in this room know -- went.
6 There are now three downstate Superior Court Judges
7 that went to Duke. So I don't know who you are
8 rooting for during basketball season. But his first
9 public service in Delaware was the law clerk to my
10 predecessor, President Judge Albert J, Stiftel.

11 We welcome Judge Stiftel here today. He is
12 sitting by special designation of the Chief Justice of
13 Delaware, E. Norman Veasey, at my request to
14 administer the oath to Judge Stokes, his former law
15 clerk. Other former law clerks of Judge Stiftel
16 include Vice Chancellor Jacobs, Judge Babiarz, and
17 Chief Judge Poppiti.

18 It is now my pleasure to ask the Honorable
19 Albert J. Stiftel to administer the oath of office and
20 offer any particular remarks he may wish to make.
21 Mrs. Stokes will hold the Bible, as well as Mrs. Edwin
22 M. Stokes and Hunter. Please come forward to do that.
23 And then Mrs. Richard Stokes will then assist with the

1 robe.

2 JUDGE STIFTEL: Very well.

3 I ...

4 JUDGE STOKES: I --

5 JUDGE STIFTEL: Your name, please.

6 JUDGE STOKES: -- Richard F. Stokes --

7 JUDGE STIFTEL: Do proudly swear ...

8 JUDGE STOKES: -- do proudly swear --

9 JUDGE STIFTEL: To carry out the
10 responsibilities ...

11 JUDGE STOKES: -- to carry out the
12 responsibilities --

13 JUDGE STIFTEL: Of the Office of Associate
14 Judge ...

15 JUDGE STOKES: -- of the Office of Associate
16 Judge --

17 JUDGE STIFTEL: Of the Superior Court ...

18 JUDGE STOKES: -- of the Superior Court --

19 JUDGE STIFTEL: To the best of my ability ...

20 JUDGE STOKES: -- to the best of my
21 ability --

22 JUDGE STIFTEL: Freely acknowledging ...

23 JUDGE STOKES: -- freely acknowledging --

1 JUDGE STIFTEL: That the powers of this
2 office ...

3 JUDGE STOKES: -- that the powers of this
4 office --

5 JUDGE STIFTEL: Flow from the people ...

6 JUDGE STOKES: -- flow from the people --

7 JUDGE STIFTEL: I am privileged to represent.

8 JUDGE STOKES: -- I am privileged to
9 represent.

10 JUDGE STIFTEL: I further swear ...

11 JUDGE STOKES: I further swear --

12 JUDGE STIFTEL: Always ...

13 JUDGE STOKES: -- always --

14 JUDGE STIFTEL: To place the public interests
15 ...

16 JUDGE STOKES: -- to place the public
17 interests --

18 JUDGE STIFTEL: Above any special or personal
19 interests ...

20 JUDGE STOKES: -- above any special or
21 personal interests --

22 JUDGE STIFTEL: To respect the right of
23 future generations ...

1 JUDGE STOKES: -- to respect the right of
2 future generations --

3 JUDGE STIFTEL: To share the rich
4 historic ...

5 JUDGE STOKES: -- to share the rich
6 historic --

7 JUDGE STIFTEL: And natural heritage ...

8 JUDGE STOKES: -- and natural heritage --

9 JUDGE STIFTEL: Of Delaware ...

10 JUDGE STOKES: -- of Delaware.

11 JUDGE STIFTEL: And in doing so ...

12 JUDGE STOKES: And in doing so --

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

15 JUDGE STOKES: -- I will always uphold and
16 defend --

17 JUDGE STIFTEL: The Constitutions of my
18 Country ...

19 JUDGE STOKES: -- the Constitutions of my
20 Country --

21 JUDGE STIFTEL: And my State ...

22 JUDGE STOKES: -- and my State --

23 JUDGE STIFTEL: So help me God.

1 JUDGE STOKES: -- so help me God.

2 JUDGE STIFTEL: Very well. Do you have a
3 pen?

4 JUDGE STOKES: It needs a refill.

5 JUDGE STIFTEL: Please sign here.

6 JUDGE STOKES: Yes, sir.

7 JUDGE STIFTEL: I guess you are asking me to
8 sign that?

9 JUDGE STOKES: Please.

10 JUDGE STIFTEL: We have to fill in the rest
11 of it. Thank you very much. I was just asked to give
12 the oath, not to make any more remarks when I
13 originally got this assignment, I guess primarily
14 because the person that made the assignment heard me
15 speak before.

16 But Richard was my law clerk at the same time
17 that Poppiti was way back around 1970, wasn't it,
18 Richard?

19 JUDGE STOKES: Yes, sir.

20 JUDGE STIFTEL: He was a pretty great one.

21 And a lot of people mentioned at the time that my
22 opinions improved substantially during that period.

23 And he and Poppiti both went into the Armed Services

1 as soon as they finished clerking and took the Bar,
2 rather. Stokes went down to San Antonio, if I
3 remember correctly, and this is all from memory, and
4 tried a lot of cases in San Antonio in the United
5 States Army. And Chief Judge Poppiti, he went to Salt
6 Lake City and wrote contracts for the United States
7 Air Force. And so we were always so happy to see them
8 all come back. I am so happy to see Stokes advance
9 because he certainly deserves it.

10 And I remember his very wonderful father who
11 was, I think, if I remember, the Vice President of
12 Beneficial Financial Corporation, chief counsel, and
13 editor of the National Financial Journal, a remarkably
14 abled person. And his lovely mother is here today.
15 It was my great pleasure to eat over at their house in
16 Sharpley, Delaware. And it was one of the most
17 enjoyable periods during that period of time that I
18 enjoyed. Well, we have done our work, I suppose, and
19 we are so very pleased and so happy. And I suppose we
20 can move back to the President Judge. Here is a cheap
21 pen if you want to use it. He has already taken my
22 seat.

23 JUDGE STOKES: You can tell we didn't

1 practice this.

2 JUDGE STIFTEL: You look wonderful.

3 PRESIDENT JUDGE RIDGELY: Richard, we welcome
4 you to the Superior Court.

5 It is now my pleasure to invite Dr. James R.
6 Soles, Chairman of the Board of Trustees for Delaware
7 Technical and Community College and distinguished
8 Professor of Political Science and International
9 Relations at the University of Delaware to make his
10 remarks. And some of you may know that Dr. Soles also
11 is an expert on James Madison who certainly would be
12 at home here.

13 DR. SOLES: He would indeed. Thank you. It
14 is a pleasure to be here. I am reminded of that line
15 of thought: What could be finer than a day in the
16 spring? Well, I know what could be finer than a day
17 in spring. A day in spring in Delaware, a day in
18 spring in Sussex County, Delaware. And even finer: A
19 day in spring in Sussex County, Delaware, and to be in
20 Georgetown. But there is one thing that tops it and
21 that is: A day in spring in Delaware in Sussex County
22 and in Georgetown for the purpose of the Investiture
23 of Richard Stokes as a Judge today. And I think that

1 that makes this a very special day indeed, Richard.

2 Over two thousand years ago -- you know,
3 professors always have to quote: Over two thousand
4 years, Socrates said: Four things belong to a judge,
5 to hear courteously, to answer wisely, to consider
6 soberly, to decide impartially.

7 And I decided to take a look at Judge Stokes
8 to determine whether or not he met this criteria of
9 judgment. So I have taken major events of your life,
10 Judges Stokes, and I have evaluated them, as
11 professors want to do, on a scale of 1 to 10.

12 JUDGE STOKES: Oh, no.

13 DR. SOLES: And I must say you have improved
14 over the years.

15 Since the first thing you did on a scale of 1
16 to 10 was to go to Alexis I. duPont High School. I
17 give that a 5. Going to Colgate instead of the
18 University of Delaware, you get a 3. That's the
19 C-minus/D-plus area. Now, I had you down for Duke at
20 a 7 until I was told there were other judges here from
21 Duke also, so now you are up to a 9, because there is
22 always the University of Virginia.

23 But then you picked up speed in a mighty big

1 way. You married Sally. On a scale of 1 to 10,
2 that's a 20. After that you chose to practice law in
3 Sussex County. From 1 to 10, that's a 20. And then
4 you chose to be Chairman of the Board of Trustees at
5 the Delaware Technical and Community College at a time
6 of change and you administered and served in that
7 position with great distinction and that also was a
8 20.

9 So if we add it all up, you come down to a
10 score of 99, which proves again that Professor Soles
11 never gives a 100.

12 Now, I always have to quote Mr. Jefferson and
13 in writing to his law professor Jefferson said:
14 "Judges should always be men of learning and
15 experience in the laws, of exemplary morals, great
16 patience, calmness, and attention. Their minds should
17 not be distracted to join interest. They should not
18 be dependant upon any man or body of men."

19 We can certainly celebrate today in Delaware
20 as we celebrate the Investiture of Richard Stokes as a
21 Judge of the Superior Court, the fact that in this
22 State our judges are appointed and not elected. And I
23 will make the point that -- and I have had occasion to

1 study the Bench and Bar of this country and I can tell
2 you, not because they are sitting here, because I have
3 been very well behaved, but because it is simply the
4 truth, that there is no stronger bar or a most
5 prestigious bench in the United States.

6 And because you scored so well, Judge Stokes,
7 and because you join such a distinguished group and
8 such a long and distinguished tradition, I would say
9 to you as Shakespeare said in the Merchant of Venice:
10 "It does appear you are a worthy Judge: You know the
11 law, your exposition has been most sound. I charge
12 you by the law where you are a well-deserving fellow.
13 Proceed to judgment."

14 PRESIDENT JUDGE RIDGELY: Dr. Soles, we
15 conferred and you have earned 100 today.

16 JUDGE STOKES: Congratulations.

17 PRESIDENT JUDGE RIDGELY: I now invite Chief
18 Judge Alex J. Smalls of the Court of Common Pleas to
19 address our assembly.

20 Judge Smalls.

21 CHIEF JUDGE SMALLS: Good afternoon,
22 President Judge Ridgely, members of the Superior
23 Court, my former colleague Judge Stokes, his family,

1 distinguished members of the bar, and friends
2 assembled here. I am honored and pleased to be
3 afforded the opportunity to give comments for Judge
4 Stokes who I have come to know and admire. When
5 requested to give comments, Judge Stokes said:
6 Brevity is the order of the day. However, I am not
7 certain that one can be brief and still describe that
8 which embodies Judge Stokes. However, I will attempt
9 to honor his commitment of being brief.

10 Approximately two and-a-half years ago, July
11 26, 1996, Judges Stokes took the oath to the Court of
12 Common Pleas, that great Court that sits right over
13 there. And at the time I knew of Judge Stokes, but
14 did not know Judge Stokes the man. There were
15 questions in my mind about who was this individual and
16 how would we work together as colleagues on the Court
17 to confront a staggering caseload.

18 Over the next several years I came to know
19 Judge Stokes as an individual whom I admired and now I
20 call my friend. In coming to know Judge Stokes, I
21 find that he embraced those qualities and
22 characteristics that we find most desirable in
23 honorable men and distinguished judges. Those

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1 characteristics are: Independence, courtesy,
2 patience, dignity, open-mindedness, impartiality
3 fairness, decisiveness, understanding, and a sense of
4 conscious. I have seen these qualities in Judge
5 Stokes as he discharged his duties on the Court of
6 Common Pleas over the last two and-a-half years. But
7 most of all and foremost, he was concerned about the
8 people that came to the Court. He also was attentive
9 to the administrative issue that makes the Court run.
10 He is an unselfish individual, who is concerned about
11 all those who appear before him and in ensuring that
12 they understand the process for which they have become
13 involved. He is concerned about all: Those who work
14 and those who appear.

15 In my opinion, Judge Stokes is best described
16 in two dimensions. The foremost is he is a committed
17 family man. When you interact or have a conversation
18 with Judge Stokes, it is abundantly clear that he is
19 committed to his family. And I think that makes us
20 all better judges. When you speak with him, the
21 respect, the love, the commitment for his family
22 clearly shows. Then there is Judge Stokes the judge,
23 which embodies those characteristics which I have

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1 talked about very briefly. It includes not only
2 discharge of cases, but the administration of justice
3 and caring for those.

4 And I think as he makes this transition from
5 the Court of Common Pleas to the Superior Court, the
6 loss is not to the Court of Common Pleas, but to the
7 benefit of all of us who gain a person who continues
8 to administer justice in our community.

9 With Judge Stokes the Judge, he is best
10 described by an article I read by Associate Justice
11 Bablitch of the Supreme Court of the State of
12 Wisconsin. It appears in the Winter Journal for 1998.
13 Justice Bablitch writes that there are three qualities
14 of a good judge. First, he indicates that the best
15 judges realize and are keenly aware that they occupy a
16 special place in a democratic society and they know
17 that their fit within that framework is not always
18 understandable.

19 Judge Stokes, in his years on the Court, has
20 discharged his duties clearly indicating that judges
21 occupy that special place and he exercised that
22 authority with restraint, compassion, and
23 understanding.

1 The second principle set forth by Justice
2 Bablitch is that the best decision makers are aware of
3 the necessity for intellectual pursuit and
4 intellectual humility.

5 That is, we don't always know what we think
6 we know and we should always be in pursuit of learning
7 that which we think we ought to learn. Judge Stokes
8 has challenged us as colleagues in the Court of Common
9 Pleas to be all we can and to consider a program of
10 continuing learning. He brought that to the Court and
11 for that the Court is eternally grateful.

12 And then, thirdly, Judge Bablitch indicates
13 that the best judges are constantly aware that we
14 bring valued judgments to the art of judging, but
15 those values should not interfere with our ability to
16 make sound decisions because it's the law that holds
17 this society together. It is the glue that holds a
18 community together. And once we recognize that our
19 values sometimes must play second fiddle for the good
20 of the community, that will make us all better judges.

21 These three principles, argues Justice
22 Bablitch, culminate into a single point which he calls
23 principled decision making.

1 When I look at Judge Stokes and the time we
2 spent together -- and we spent a lot of time in those
3 three years together -- he reflects these principles.
4 I think he is an excellent Judge. He is an excellent
5 person. We will miss him, but we, in fact,
6 congratulate you for the time you have given us. I am
7 honored to have known, to have worked with you in the
8 Court of Common Pleas, and I look forward to working
9 with you on the Superior Court for the State of
10 Delaware. I wish and your family well. God bless you
11 and always smile upon you.

12 PRESIDENT JUDGE RIDGELY: Thank you, Chief
13 Judge Smalls, for your incisive remarks.

14 It is now my privilege to call upon our new
15 Superior Court Judge, Richard Stokes for his reading.
16 Judge Stokes.

17 JUDGE STOKES: Good afternoon. President
18 Judge Ridgely, President Judge Stiftel, Judge Graves,
19 Judge Lee, my good friend Dr. Soles -- even though it
20 was only a 99 -- my very good friend Chief Justice
21 Smalls for giving me 100, Reverend Batten, colleagues
22 and friends, the kind remarks today, I just didn't
23 recognize that person, but I saw my wife and my mom

1 agreeing and I am very, very appreciative of the
2 comments that I have heard.

3 We are here in the courthouse, which was the
4 original courthouse in our county from 1792. It's
5 coming home. Isn't coming home a special occasion for
6 all of us? So it is right to be here today because
7 this was the first, if not one of the first
8 courthouses of the legal system in our county. For me
9 professionally this is coming home after 30 years. In
10 1969, I first met President Judge Stiftel, largely
11 from my father. My father did a lot of pro bono work
12 while he was a corporate attorney. And Judge Stiftel
13 appointed him a lot of cases. I got to know Judge
14 Stiftel. And he was kind enough in the summer of 1969
15 to ask me to be an intern on the Superior Court. And
16 it was a very, very, very fine experience. The Judge,
17 early on, taught me a great deal of things, a great
18 deal of things. It was pro bono, but I was really
19 happy doing it. But even though it was pro bono, in
20 December of 1969, I received a check from the Superior
21 Court for \$300. I think you two might share how that
22 might have sounded.

23 In 1970, I graduated from Duke and I

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1 interviewed with the Superior Court again and Judge
2 Quillen, Superior Court Judge Quillen was in charge of
3 the interviews and he took a chance with me and Vince
4 Poppiti. He took a chance with me. I worked in
5 Superior Court as a clerk for a period of one year
6 before going into the Air Force. And to see Judge
7 Quillen here today and Judge Stiftel here today is
8 very special. It means a great deal to me and means a
9 great deal to my family to have them here and to be in
10 this position. This is what I always wanted to be, a
11 Superior Court Judge.

12 In 1969 to 1970, I left. I guess some would
13 say it would be in his mind to be a Superior Court
14 Judge and after 30 years I have that chance. I can't
15 tell you how thankful I am for that chance. I feel
16 somewhat so fortunate.

17 I think it was almost 60 years ago this
18 month, I think you know Lou Gehrig, the Pride of the
19 Yankees, appeared in Yankee Stadium in his last season
20 and he told the group: That today I consider myself
21 the luckiest man in the world. And I think what he
22 said then is exactly how I feel at this time. I am
23 grateful, very grateful to so many people that have

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1 been helpful to me and have been friends over many
2 years, many, many, many people have been very helpful
3 to me over the years and you are all here today.

4 It would not be right and fair to single one,
5 or a few, or anyone out because there are so many of
6 you. But I would like to especially thank Sally,
7 Hunter, and my mother, and Marilyn who is part of the
8 family too. And for all these years they have been
9 very supportive, very supportive during these years.

10 Well, Shakespeare said: Brevity is the soul
11 of wit -- and I think that's good -- and it is best
12 for clear thinking. And this is true for ceremonies.
13 Ceremonies, I am reminded, can be brief and will be
14 brief. George Washington, in one of his inaugural
15 addresses, two paragraphs, two paragraphs. The
16 thought that Washington expressed was that when a
17 person assumes office, the person has an office of
18 trust and at all times must perform well, recognizing
19 the special confidence that is placed in the person by
20 virtue of taking the oath.

21 Three minutes of Gettysburg, three minutes of
22 Gettysburg, Abraham Lincoln reaffirmed the American
23 promise of liberty, equality, and opportunity under

1 the law. Just three minutes.

2 When asked about what our system is about,
3 the United States Supreme Court Justice Potter Steward
4 this, it's very simple. He said: Justice is
5 fairness. Fairness.

6 So let me close with my heartfelt thanks for
7 this privilege to serve and I pledge that I will
8 perform all my duties with these things in mind at all
9 times. Now, it is true, as in all homecomings as this
10 is, let us dispense with these formalities and let us
11 enjoy ourselves with some food and good company and I
12 want to thank everybody for making this a special day.

13 PRESIDENT JUDGE RIDGELY: Thank you, Richard.
14 All of us on the Superior Court look forward to
15 working with you very much. Welcome. Please remain
16 standing for the benediction to be given by Reverend
17 Batten.

18 (Whereupon the benediction was delivered by
19 the Reverend Ruth Batten.)

20 PRESIDENT JUDGE RIDGELY: The weather has
21 fully cooperated today. We are now adjourned and
22 there will be a reception outside where you may greet
23 our new Judge.

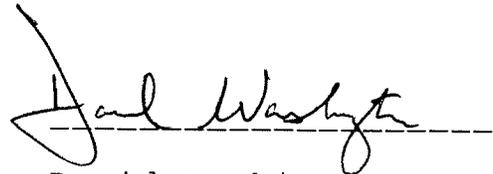
1 THE BAILIFF: This special session of the
2 Superior Court of the State of Delaware in and for
3 Sussex County is now closed.

4 (Whereupon, the Investiture Proceedings were
5 concluded at 4:05 o'clock p.m.)
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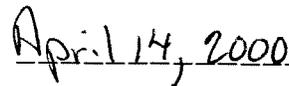
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C E R T I F I C A T E

I, DAVID WASHINGTON, an Official Court Reporter of the Superior Court of Delaware, do hereby certify the above and foregoing pages, 1 through 24, to be a true and accurate transcript of the proceedings therein indicated on Thursday, April 22, 1999, as was stenographically reported by me and reduced to computer-aided transcript under my direct supervision.



David Washington



Date

DAVID WASHINGTON
Official Court Reporter