

Investiture of

THE HONORABLE

KATHARINE L. MAYER

As a Commissioner of
The Superior Court of the
State of Delaware



Friday, November 4, 2016

3:00 p.m.

Leonard L. Williams Justice Center

Courtroom 8B

Wilmington, Delaware

ORDER OF THE CEREMONY

OPENING OF COURT

The Honorable Jan R. Jurden
President Judge
Superior Court of the State of Delaware

INVOCATION

Ben Jones
Pastor, Valley Point Church

PLEDGE OF ALLEGIANCE

Led by Josephine Mayer and Samantha Mayer
Awesome Kids!

ADMINISTRATION OF OATH OF OFFICE

Mark S. Vavala, Esquire
Acting Executive Director, DSBA

The Bible will be held by Mark Mayer
Spouse - Principal, Talley Middle School

ROBING

Parents of Katharine Mayer,
Eloise and Martin Peres

INTRODUCTION OF SPEAKERS

The Honorable Richard R. Cooch
Resident Judge
Superior Court of the State of Delaware

SPEAKERS

Michael P. Kelly, Esquire
Chairman, McCarter & English, LLP

Kathleen M. Miller, Esquire
Smith, Katzenstein & Jenkins, LLP

ORDER OF THE CEREMONY (CONTINUED)

REMARKS

The Honorable Katharine L. Mayer

ADJOURNMENT

The Honorable Richard R. Cooch
Resident Judge
Superior Court of the State of Delaware

RECEPTION IMMEDIATELY FOLLOWING

McCarter & English, LLP
405 N. King Street, 8th Floor
Wilmington, DE 19801

*(Transcript of ceremony prepared by
Thomas E. Maurer, Official Delaware Superior Court
Reporter.)*

(Audience members rise while members of the Delaware Superior Court judiciary enter the courtroom.)

JUDGE JURDEN: Please have a seat.

Good afternoon, members of the Bench and Bar, distinguished guests, and friends and family of our newest commissioner, a warm welcome from the Superior Court judges and commissioners.

Before the invocation I'd like to take a minute to introduce some of the family members here today with Commissioner Mayer. We have Mark Mayer, her husband. We have the awesome kids, as you see listed in the program. Stand up, awesome kids. That's Joey and Sami Mayer. As you can see, they're very shy and reserved.

We have Commissioner Mayer's brother-in-law Jeff Mayer and his wife Lee. Where are they? There you are, welcome. And we have her sister-in-law Susan Mayer, welcome. Unable to be here are Commissioner Mayer's brother David and his wife Jennifer, for a very good reason, they are the proud parents of a baby boy as of yesterday. Welcome news. And her sister Jeanine was unable to travel from

Illinois.

Commissioner Mayer, we're very excited about this day today, and we're going to get underway. So if we can have Pastor Jones up to do the invocation.

Pastor Jones, welcome.

PASTOR BEN JONES: Thank you.

Would you please join me in prayer.

Our Heavenly Father, we respectfully come before you in the name of your son Jesus Christ. And today we have gathered to honor and to ask for your blessing on Katharine as she serves in this essential role as a commissioner. We ask that you would bestow your wisdom onto her that she would be able to discern truth and to administer justice fairly.

In the Proverbs we are told that from you all wisdom comes and from you all knowledge and all understanding, and we ask that from you now. And we're thankful for Katharine and for her commitment to uphold the laws that you have put into place through your leaders of our great country. And we ask that you would continue to show your favor on us and on our country and on Katharine.

And we pray all of these things in your son

Jesus' name, amen.

JUDGE JURDEN: Amen. Thank you, Pastor Jones.

Before we have the awesome kids lead us in the Pledge of Allegiance, I'd like to recognize a few people in our midst, alumni of the Superior Court. We have Justice Hank Ridgely, former president judge. And look what I brought just because you're here, President Judge (indicating), our sacred red sash, which I keep near and dear to me. We have Judge Ableman. Welcome back, Judge Ableman. We have Commissioner Vavala. And we have somewhere Commissioner White, there we go. Did I miss anybody? Welcome back.

All right. We are now going to be led by Joey and Sami in the Pledge of Allegiance. Would you girls like to come right in front of this podium here. And everyone please rise.

(Katharine and Mark Mayer's children lead in the reading of the Pledge of Allegiance.)

JUDGE JURDEN: Well done.

(Applause.)

JUDGE JURDEN: And now we're going to have

the administration of the oath by Commissioner Vavala, now DSBA acting executive director. And it's fitting that he should administer the oath because not only is he a terrific guy and was a wonderful commissioner, but Commissioner Mayer is filling the vacancy created by his retirement. So, welcome.

And we're going to have the Bible -- do you want your husband to hold the Bible? Come on up.

Principal Mayer.

MARK MAYER: Thank you, your Honor.

MR. VAVALA: I...

MS. MAYER: I, Katharine Mayer.

MR. VAVALA: Do proudly swear.

MS. MAYER: Do proudly swear.

MR. VAVALA: To carry out the responsibilities.

MS. MAYER: To carry out the responsibilities.

MR. VAVALA: Of the Office of Commissioner of the Superior Court.

MS. MAYER: Of the Office of Commissioner of the Superior Court.

MR. VAVALA: To the best of my ability.

MS. MAYER: To the best of my ability.

MR. VAVALA: Freely acknowledging.

MS. MAYER: Freely acknowledging.

MR. VAVALA: That the powers of this office.

MS. MAYER: That the powers of this office.

MR. VAVALA: Flow from the people.

MS. MAYER: Flow from the people.

MR. VAVALA: I am privileged to represent.

MS. MAYER: I am privileged to represent.

MR. VAVALA: I further swear.

MS. MAYER: I further swear.

MR. VAVALA: Always to place the public
interests.

MS. MAYER: Always to place the public
interests.

MR. VAVALA: Above any special or personal
interests.

MS. MAYER: Above any special or personal
interests.

MR. VAVALA: And to respect the right.

MS. MAYER: And to respect the right.

MR. VAVALA: Of future generations.

MS. MAYER: Of future generations.

MR. VAVALA: To share the rich, historic.

MS. MAYER: To share the rich, historic.

MR. VAVALA: And natural heritage of
Delaware.

MS. MAYER: And natural heritage of
Delaware.

MR. VAVALA: In doing so.

MS. MAYER: In doing so.

MR. VAVALA: I will always uphold and
defend.

MS. MAYER: I will always uphold and defend.

MR. VAVALA: The Constitutions of my country
and my state.

MS. MAYER: The Constitutions of my country
and my state.

MR. VAVALA: So help me God.

MS. MAYER: So help me God.

MR. VAVALA: Congratulations.

(Audience applause.)

JUDGE JURDEN: And now Commissioner Mayer
will be robed by two extremely important people who
in my excitement I did not introduce, my apologies,
her parents Martin and Eloise Peres, welcome.

(Mr. and Mrs. Peres place robe on
Commissioner Mayer.)

COMMISSIONER MAYER: Thank you.

THE COURT: Thank you, Mr. and Mrs. Peres,
thank you.

(Audience applause. Commissioner Mayer hugs
her parents.)

JUDGE JURDEN: We will now be joined by
Commissioner Mayer.

(Commissioner Katharine L. Mayer takes the
bench.)

JUDGE JURDEN: Let's have another round of
applause, shall we.

(Audience applause while Commissioner Mayer
takes the bench.)

JUDGE JURDEN: And I turn it over now to
resident Judge Richard R. Cooch.

JUDGE COOCH: Welcome everybody, and
especially to Commissioner Mayer and her family.

I join Judge Jurden in congratulating
Commissioner Mayer. Commissioner Mayer, you've
already proven yourself in the last few weeks to be a
first-rate commissioner, together with Commissioners

Parker and Manning, and you'll be an excellent addition to this Court.

COMMISSIONER MAYER: Thank you.

JUDGE COOCH: The commissioners have a wide range of responsibilities and duties in both civil and criminal cases. Their work is essential to the successful functioning of the Superior Court. Under an administrative directive of the Superior Court, the resident judges of each county have supervisory authority -- at least on paper -- over the commissioners of that county. But I can already see that you are not going to need much supervision by me, you are a self-starter. Welcome aboard, Commissioner Mayer.

It's now my privilege to introduce the first speaker, Michael P. Kelly. He needs no introduction to this audience. Suffice it to say, he is an up-and-coming young attorney at McCarter & English, and everybody foresees a bright future ahead of him in that firm. Mr. Kelly.

(Audience applause while Michael Kelly approaches the podium.)

MR. KELLY: Thank you, your Honor, for that

wonderful introduction.

President Judge Jurden, Judge Cooch, members of the Superior Court, and Justice Seitz, thank you for all coming here, it's my honor. And, Judge Cooch, you remind me of my future, when I was ten my father said to me, "Mike, you're going to go far," and then he nailed the door to the boxcar shut.

But I am so flattered to be, you talk about a jury of your peers, how about a jury of my superiors, huh?

I want to thank the Reverend for a wonderful invocation. Does this count for my Sunday obligation for mass?

REVEREND JONES: Sure.

MR. KELLY: I also want to recognize Commissioner Mayer's family, Samantha and Josephine, you're wonderful kids, you have a wonderful mother. But just remember one thing now: I know you've argued with mom in the past, but now she's a judge, so if you lose an argument with her, she could put you in jail, just remember that. Well, she could hold you in contempt, all right.

And, Mark, congratulations to you. Mark is

a wonderful guy, I've known him for a long time. He's a coach. I call him an iron man because he works out every day, in great shape. He told me that he's never been in better shape in his life. In fact, he said to me, "Mike, I get up and go to the bathroom at six a.m. every morning." And I said, "That's great, Mark." He said, "Yeah, but I don't wake up till seven."

I just want to say about Katie, I know this is a political season that we're in the middle of, we're probably tired of it, but I was thinking about what I would say to describe Commissioner Mayer. And I'm sorry, but I have to quote Donald Trump, if you'll indulge me. "She's going to be good. She's going to be so good. She's going to be great. She's better than China, better than Mexico. So good you won't even recognize how good she is." Boy, this is a tough crowd over here, come on.

She is going to be good. In fact, I was trying to remember, I didn't know Commissioner Mayer until I started McCarter & English the year 2000. And we hired Jim Freebery, who is a former prosecutor, and Tony Winchester, who we stole from

Skadden Arps. And the next hire was Bill Taylor, who was a bankruptcy attorney. And the minute Bill arrived at our office he said to me, "Thanks for hiring me, but we got to hire Katie Mayer." I said, "Who's this Katie Mayer? You got to hire her." I said okay.

So the next day went by, "We got to hire Katie Mayer." I said, I never heard of this Katie -- "we got to hire Katie Mayer." So I said all right. I looked at her resume, very impressive, top of her class in law school. And from day one I recognized, realized why Bill Taylor was so insistent: she did all the work, he got all the credit, he couldn't do anything without Katie Mayer.

And I've never met someone with such a combination of gifts. And I look at the qualities that I see in our distinguished Bench, and I've tried cases in 30 states, we do have a distinguished Bench, and I'm so proud to be a Delawarean. But I look at the qualities that make a good judge and Katie has all of them. She's very bright, she's very hard-working, she has great common sense, and she has compassion.

So it's a big loss for McCarter & English, it really is. I think she's one of the, we have senior members here from my firm, and she's one of the best bankruptcy attorneys -- Judge Davis, no slight to you, but I've never seen you in Bankruptcy Court -- but she's one of the best Bankruptcy Court attorneys I've ever seen. And it's a big loss for the firm, but it's a big gain for not only Superior Court but for the State of Delaware.

And, frankly, she took a big pay cut to take this job. And that's a whole 'nother issue I'll go on the record saying -- Thomas, get this down straight so we can show it to the governor -- judges are underpaid, we got to fix that, we got to make room in the budget. But the fact that she did that, and I said, "Why do you want to do that?" And she said, "I just want to serve, and I think I can make a difference." And, boy, it doesn't get any better than that.

So, thank you, Commissioner Mayer, for all that you did for the firm and all you did for me, and thank you for your willingness to help us all in Delaware.

(Audience applause.)

JUDGE COOCH: Before I introduce the next speaker, I would like to recognize the presence of Justice Seitz seated there. He also in his own way exercises a form of supervisory authority over Commissioner Mayer, but one not removed from Superior Court. Welcome, Justice Seitz.

We next call upon Kathleen Miller, a highly-regarded attorney at Smith, Katzenstein & Jenkins, and equally important for this ceremony, a long-time good friend and professional colleague of Commissioner Mayer. Ms. Miller.

MS. MILLER: I almost feel like I'm on the Dating Game.

Good afternoon, President Judge Jurden, Resident Judge Cooch, members of the Bar, the Bench, family and friends. It's a great honor I am here to speak on behalf of five of our other friends in honor of Katie Mayer. These are former colleagues who, along with her Honor, we call ourselves the Chardonnay Girls Club. And more on that later, I promise to keep confidentiality.

We all met while practicing law well over

a decade ago. And while she may be a bit vertically challenged, she is no petite litigator. Having appeared alongside and adverse to her, we can attest that she is always focused, well-prepared, and present a cogent argument to the Court. And I think most importantly, she was always reasonable. Even if you were adverse to her in the most highly-contentious litigations, she was truly what we expect of Delaware lawyers. And, in my view, that is probably one of the highest compliments you can give to an attorney.

It is that approach we know she will bring to the matters that she's going to handle now from this side of the bench, and which we know will lead you to great success. Katie is a terrific role model. And as you see, she has two wonderful girls here, who I think they agree with that. Yes? Joey and Sami.

Katie balances a successful career and a family. And she does it all -- briefs, depositions, field hockey games, dance classes, homemade theme birthday cakes -- they were good, I saw them -- and she makes it all work and does it all in a very

understated way. You're never going to hear Katie banging her own drum. But it does need to be banged, and so that's why we are here. Girls, we hope you are proud and inspired by your mom, as we are, she's a wonderful role model for you.

So back to the Chardonnay Girls Club. This started with a group of practitioners who just met in court appearances, and it started as something social. As you can probably tell by the name, we do enjoy Chardonnay. But the name of the group is deceiving, not only because we do have a beer drinker among our group, but it's not about the wine, obviously, it's about friendship and support. The CGC has become a very close-knit group providing support both professionally and personally. When one of its members experiences adversity or other situations, the CGC will circle wagons and provide whatever support is needed. Whether it be simply providing a form of a pleading you haven't dealt with before, being a sounding board, or getting your cup filled -- and I am not talking about wine. What started out as a shared enjoyment of a nice glass of wine turned into more, and much, much more. And we

are very honored to have the gift of Katie's
friendship.

Katie was the secretary of the board --
which you are not relieved of, by the way -- and she,
without disclosing any details, her minutes were
insightful, and thorough, and mostly hysterical --
whether or not they were factually based. So if you
have not already had the experience with your
colleague now, the members of the Bench, I'm sure you
will enjoy her wicked, light-hearted sense of humor
as we have. And if you are looking for someone to
take minutes of the meeting, just a little word of
caution: think twice, but you will enjoy it at the
end.

Commissioner Mayer, we are going to miss
practicing with you, but we are very proud of you,
you've joined this wonderful and esteemed Bench. And
we know you'll exhibit the highest standards, and
you'll meet every challenge that comes your way, and
do so with all that you are, which makes us all very
proud to call you a friend. Congratulations.

COMMISSIONER MAYER: Thank you.

JUDGE COOCH: Thank you, Ms. Miller.

And before turning now to the honoree, I do also wish to recognize Governor Markell's counsel, Meredith Tweedie, who's present in the courtroom. Thank you for being here, Ms. Tweedie, and all the support that your office has given to this process.

Now is the time that we continue in our welcoming of Commissioner Mayer to hear from Commissioner Mayer. Commissioner Mayer.

COMMISSIONER MAYER: Thank you.

President Judge Jurden, Resident Judge Cooch, distinguished judges and members of the Bar, my family, dear friends, colleagues, coworkers, both past and present, thank you.

I wish to first thank the Judicial Nominating Commission, Governor Markell, and the Senate for the nomination and appointment, I'm honored to be given this opportunity and touched by everyone's presence here today.

I should start by saying I'm not very funny. I could try, but I would fail miserably. Despite Ms. Miller's very nice comments, I'm only funny on paper, not in person. And those minutes, by the way, will be a best-selling book in the future.

So you will have to bear with me as I muddle through this, especially since, as many of you know, I'm not overly fond of attention, but there are a lot of people I would like to thank, so here goes.

Those that know me have heard me say that life is one adventure after another. My first real adventure was moving from Florida to Delaware for college. And, yes, that was crazy, but you see, I'd never seen snow, so I figured Delaware was a good place to start.

So I'd like to thank my parents for supporting me as I made my way. Sending three kids each to separate colleges far from home could not have been easy for them, but thanks to them I found a new home in Delaware. Apparently they agreed with that choice because they retired from sunny Florida to Delaware. So if anyone here wants to meet someone crazier than me, I'll introduce you to them later.

With that support, though, I started a new adventure in life and met my husband Mark. I swore I wouldn't live up to the cliché and tried to find a bad boy, nothing like my father. He then spent the last 20 years proving me wrong. If you've ever

driven past a school and seen someone dress as Superman directing traffic, or Captain America putting kids on the bus, or Mr. Incredible at drop-off, that's him. Some think he's nuts, but I would say most think he is inspiring. Every time I turn around I see a 212 Degree magnet, T-shirt or sign, as my husband is fond of saying, "Life changes when you give that extra degree and effort." So I want to thank Mark for his support, encouragement, confidence and influence over these years, he is my personal superhero always giving that extra degree.

Most importantly, I want to thank him for his sacrifices. The years have been good, but obviously there was a lot that came with that. And I want to especially thank him for the two amazing children he has given me. They are two brave and, as you can see, wacky but beautiful girls, and every minute with them is a blessing.

And to our friends that are here today, I'm glad the Channin crew made it past security and the background checks, I'm pleased to see that, you are my rock when I need you and you keep me sane. I'm also happy to have Stephanie Wills here; without her

friendship I would never have made it through law school. I was supposed to be planning my wedding while I was studying for the Bar, but I was adamant I was only taking that test once. So while other brides may have been rejoicing, and shopping trips, and taste testings, Steph and I were making flash cards and grilling each other.

I'll never forget the day the Bar results came out while I was clerking for then-President Judge Ridgely, yet I still have nightmares that there was a typo. My experience clerking for the Superior Court had a long-lasting impact. Justice Ridgely, now retired, was influential in challenging me to want to become a better lawyer. There was one day early on when he had a very short break from court and came rushing back to chambers and asked me to quickly find a case for him.

Now, for those that may not know, this is the whole job of law clerks is to find the cases. He gave me the short name and said it was from the Supreme Court. I immediately started searching like crazy and came up with nothing. I was beyond embarrassed to say I couldn't find a case by the

Delaware Supreme Court with a name close to the one he gave me. When he came to check on me and I fessed-up, he very patiently said, "I meant the United States Supreme Court, not the other one." Needless to say, I never made that mistake again.

My next adventure began 15 years ago when I joined McCarter & English. In our lives as lawyers we sometimes spend more time at the office than our own home. I was extremely fortunate to find a second home that believed in all the right things -- family values, diversity, mentoring, and support. I was the first female attorney in the Delaware office, and later, while expecting my second child, the little blonde one, I became the first female partner in Delaware.

I would not have had the career I did without the opportunities afforded to me at McCarter to grow as a lawyer. Mike Kelly, in particular, is the exception to every rule, he knows no limits to protecting his McCarter family, regardless of the sacrifice to himself, and I've seen many. He embodies the philosophy that all lives matter. I will always admire Mike for the positive examples

he set.

When Dave White joined us, things only got better. I would have been lost without his counsel and calming guidance over the years. To David Adler, to Dave Kott, Lisa Bonsall, Cathy Mohan, thank you for making me a part of the team. I was never asked to carry the bags, but always treated as your equal and with respect, thank you for having the confidence in me to do great things. I will be eternally thankful to Mike and my family at McCarter for all the years we had together.

I would also like to thank -- and I don't think they made it today -- but Chief Judge Shannon and Judge Gross from the United States Bankruptcy Court. Part of my practice was with the Bankruptcy Court, and with that came a life-style of little time to prepare, long days and nights, and many adversaries. I wish to thank both Chief Judge Shannon and Judge Gross for their constant humanity when I appeared before them, they are reminders every day of the Delaware way and that we should never lose sight of honor and integrity no matter the complexity of the situation.

And to the CGC that was also there to have my back, thank you for being the amazing women that you are. Whether we were colleagues or adversaries, we were always first and foremost friends. Thank you for your never-ending support and laughter when I needed it most.

Last, I want to thank everyone at the Superior Court that has welcomed me: Commissioner Manning, Commissioner Parker, the judicial staff, the law clerks, bailiffs, prothonotary's office, and administration have been incredibly patient as I get acclimated to my new role. President Judge Jurden, Resident Judge Cooch, and all the other judges have been extraordinary. Every time my husband meets someone new, he has the same reaction: "Wow, you're so lucky to work with such amazing people."

I could not ask for better mentors and colleagues. I loved my family at McCarter, but I was ready for a new adventure. And since the time of my clerkship I knew I wanted to return to the Superior Court, and I'm honored to find myself here. I would never have enough time to thank everyone, and I've already taken up too much time, but thank you to

everyone who came today, thank you for all I have been given, I know that much is expected in return, and I look forward to my latest adventure.

And one last comment: For my daughter, who didn't think this was real because you couldn't find me on Google, I hope you have no doubt now.

Thank you.

(Audience applause.)

JUDGE COOCH: Commissioner Mayer, your excellent remarks reflect all the well-deserved accolades that you've received today, congratulations again.

COMMISSIONER MAYER: Thank you.

THE COURT: As the program indicates, McCarter & English is graciously hosting a reception at their offices just across the street, to which all are invited.

There being no further business to come before the Court, we stand adjourned.

JUDGE JURDEN: And I just want to warn you, get there before the Chardonnay girls get there.

(Commissioner Katharine Mayer investiture ceremony concluded at 3:32 p.m.)

