JUDICIAL ETHICS ADVISORY COMMITTEE
OF THE
STATE OF DELAWARE

The Hon. Paul A. Fioravanti, Jr., Chair
The Hon. Sheldon K. Rennie, Vice Chair
The Hon. Noel E. Primos, Secretary
The Hon. Theresa M. Hayes
The Hon. Mardi F. Pyott
The Hon. Kathleen K. Amalfitano
The Hon. Deborah J. Keenan

November 12, 2026

The Honorable

RE: Opinion of the Judicial Ethics Advisory Committee Whether arrangements for severing financial ties with a former law firm meet the requirements of the Delaware Judges' Code of Judicial Conduct

Dear :

You have requested an opinion from the Judicial Ethics Advisory Committee (the "Committee") on whether your arrangements for severing your financial ties with your former law firm, _____, from which you retired as a partner before being nominated, are sufficient to meet the requirements of The Delaware Judges' Code of Judicial Conduct (the "Code"). You have advised the Committee, in a letter dated October 15, 2026, that the arrangements

you have made or propose to make to sever all financial ties with your former firm are as follows:

1. Return of Capital

Your capital account balance was paid to you in full before your nomination to the court.

2. Payment for Work Performed Prior to Retirement from Firm

Your percentage interest in receivables collected for fees earned prior to your retirement have been paid to you monthly at the same time draws are paid to current partners at the firm. Those payments will cease in December 2027, regardless of whether there continue to be outstanding receivables that otherwise would be due to be paid to you based on your participation in the prior matters in which those fees were earned.

3. Retirement Payments

Beginning in January 2026, you were eligible to receive monthly retirement payments from the firm. Those monthly payments will continue to be paid until December 31, 2026. Thereafter, the firm has agreed to make a lump sum payment of the present value of the remaining estimated retirement payments in two installments. Those installment payments will be made no later than December 2027.

In sum, you expect that all of your financial ties to your former firm will be finally severed no later than December 31, 2027.

You have disqualified yourself from any proceedings involving your former firm since assuming your judicial role. You have also represented that you will continue to disqualify yourself from matters involving your former firm until all financial ties are severed on December 31, 2027, if you receive an opinion of this Committee that the foregoing arrangements do not violate any of your ethical obligations as a judicial officer.

The Committee's Advice

Based upon the factual representations made in your letter of inquiry, the Committee believes that the financial arrangements you have made with your former firm meet your obligation under Rule 3.11 of the Code to organize your financial dealings as to minimize the risk of conflict with your judicial duties. Moreover, once the last payment described above is made, the Committee believes that there will be no further basis for disqualification pursuant to Rule 2.11.

Rule 3.11 of the Code reads as follows:

> **Financial, Business, or Remunerative Activities**:
> (D) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit or demean a judicial position, or involve the judge in frequent transactions with lawyers or other persons likely to come before the court on which the judge serves.

Rules 2.11(A)(2)(c), 2.11(A)(3), and 2.11(A)(4), also implicated by your request, provide, as follows:

> **Disqualification**: (A) A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where . . .
>
> (2) The judge . . .
>
> (c) . . . know[s] . . . the judge [has] an interest that could be substantially affected by the outcome of the proceeding; . . .
>
> (3) The judge knows that . . . the judge . . . has . . . any other interest that could be substantially affected by the outcome of the proceeding;
>
> (4) . . . a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter . . . or the judge was associated in the practice of law within the preceding year with a law firm or lawyer acting as counsel in the proceeding;

As your October 15, 2026, letter notes, the Committee considered similar issues in JEAC 2004-2. There are three differences between the facts presented in your October 15, 2026, letter and those addressed in JEAC 2004-2. First, your financial ties to your former firm are not as extensive as those presented in JEAC 2004-2. Second, JEAC 2004-2 applied the Code of Judicial Conduct before it was renumbered and reformatted in 2008. Notably, the applicable provisions of the Code quoted above are nearly identical to the Code as it existed in 2004, prior to reformatting and renumbering. Third, the duration of your continued financial ties

to your former firm will be approximately 18 1/2 months of your taking office, as compared to approximately 13 1/2 months in JEAC 2004-2.

Rule 2.11(A)(4) provides that you should disqualify yourself in any proceeding involving your former firm during the first year of your service as a judge. That period of general disqualification will often allow enough time for a newly appointed judge to completely sever financial relations with a former firm. In your case, the period of general disqualification will be exceeded by only a short time needed to determine the amount of and arrange payment of any remaining sums due to you. Although the duration of your financial ties to your former firm will be approximately five months longer than in JEAC 2004-2, the Committee does not consider this to warrant a different result, provided that you continue to avoid hearing any matters in which your former firm is involved until you have completely severed ties by December 31, 2027.

Conclusion

The Committee concludes that once the payments described above are made, you should be able to hear cases in which attorneys from your former firm act as counsel, provided there is no reason for your disqualification apart from the financial arrangements discussed in this opinion. Moreover, the Committee is of the view that, if all payments described by you are made on or before December

31, 2027, there is no reason to believe that you have violated Rule 3.11 in arranging to sever the financial ties between you and your former firm.

For the Committee,

Paul A. Fioravanti, Jr., Vice Chancellor

cc: The Honorable Gary F. Traynor, Liaison to the Committee
Members of the Judicial Ethics Advisory Committee
The Honorable Paul A. Fioravanti, Jr., Chair
The Honorable Sheldon K. Rennie, Vice Chair
The Honorable Noel E. Primos, Secretary
The Honorable Theresa Hayes
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