

Delaware Law Weekly

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ALM

Law Firms Decorate Work Spaces With Fine Art

By Elizabeth Bennett

Of the DLW

Aside from often being filled with lawyers, you might not think Harry's Seafood Grill has anything in common with law firms, but there is another connection.

Those familiar with the restaurant on the Wilmington waterfront have no doubt noticed the wall sculpture, with its pieces resembling shiny silver fishing lures. That piece was obtained and placed by Maxine Manges, president of MKM Fine Art Inc. of Glen Mills, Pa., the same art consultant who brought her touch to the Wilmington offices of Young Conaway Stargatt & Taylor, Greenberg Traurig and The Bayard Firm.

Hiring the likes of Manges is one approach taken by law firms seeking to create a pleasant, professional atmosphere. Delaware Counsel Group chose another,

opting to participate in Wilmington's Art Loop, which meant fine art was placed on its walls without being purchased by the firm. Of late, Elissa Habbart, a founding partner of nearly two-year-old firm, has been purchasing art herself, foregoing the services of a consultant.

Whatever the manner chosen, most sizeable law firms house fine art, well framed and thoughtfully placed.

"One of my primary goals is to sell art, real art," Manges said. "Lawyers aren't afraid to buy real art."

Manges added that the nature of the business, with so much happening in conference rooms and reception areas, means law firms are sophisticated when it comes to aesthetics. The space they present to the world is important, both to illustrate professionalism and create a good work atmosphere for purposes of recruitment and retention. The face the firm presents to clients is normally the weightier factor.

"It's all bound up with image producing. No one is going to put their biggest bang for their buck back where people are working," Manges said.

The money invested in image and atmosphere varies according to square footage and taste.

"I can make an office look fabulous with \$10,000, and I can make it look fabulous with \$50,000 to \$100,000. It depends on the size, how many rooms."

Wherever a project may fall in this range, accounting rules dictate that art is budgeted as a depreciated expense, much like furniture. This despite the fact that properly framed art can retain its value, Manges said. In some instances it may even gain in value.

Of course, fine art can be used for years. The cost of outfitting a new space or refitting an old one is lower if law firms have a collection.

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Bailey Leaving The Bayard Firm After 45 Years of Practice

By Elizabeth Bennett

Of the DLW

Come year's end, The Bayard Firm will have to say goodbye to William D. Bailey Jr., who is retiring from the firm after 45 years.

"Forty-five years is a long time," said Neil Glassman, chairman of the Wilmington-based firm. "There are not many people around who can even understand what it means to practice for 45 years."

Bailey joined Hermann & Duffy, a predecessor of Bayard, in 1960, only two years after it was founded by Daniel L. Hermann and William Duffy, two big names in Delaware judicial history.

While his career evolved over the years, Bailey is expert in three primary areas: eminent domain, medical malpractice and tort law, and the regulation of utilities. He received both his undergraduate and J.D. degrees from the University of Notre

Dame in Indiana and is admitted to practice in the Delaware state and federal courts.

Although Bailey is retiring from the firm, he said he is by no means completely retiring from the law. He will continue to work on administrative proceedings before the public service commissioner as well as some condemnation cases in which he is

deeply involved.

His decision to retire was a simple one. "We have a rule," he said. "I guess it's a good one. I voted for it many years ago."

The rule requires Bayard attorneys to retire at 70, which Bailey will be in December. He plans to keep on practicing independently even after his current

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PERIODICALS

Martin Lectures in Florence

Thomas G. Martin, a partner in the Wilmington office of Fox Rothschild, gave a lecture last month on Delaware corporate and case law to doctor-of-law candidates and the faculty of the University of Florence in Florence, Italy.

Martin was invited to Florence after a legal delegation from Italy visited his firm's office. His practice encompasses corporate law, creditors and debtors rights, commercial litigation, taxation and matters related to investment holding companies.

Before he entered private practice, Martin was in-house counsel for two Fortune 500 energy companies, where he worked on issues including corporate reorganizations, stock and asset transactions, IRS audits and appeals, and tax litigation in federal courts.

Eisenhofer and Barry Co-Author Handbook

Jay Eisenhofer and Michael Barry, attorneys with the Wilmington law firm Grant & Eisenhofer, have co-authored a handbook to help shareholders gain greater influence over corporate affairs.

The *Shareholders Activism Handbook*, issued this month by Aspen Publishers, contains practical information about

how to be an activist shareholder, including tips on talking to management and materials on resolutions, proxy contests and litigation.

The 16-chapter handbook includes an overview of the history of, and legal basis for, shareholder activism. Eisenhofer and Barry also recount evidence that activism and better corporate governance increase returns on investment.

"We've been fighting for shareholder rights on behalf of institutional investors since our firm was established in 1997," said Jay Eisenhofer. "One thing echoing through that experience is that the balance of power is always tipped in favor of the corporation. That's why we felt compelled to write this book. Our hope is that by fully explaining the fundamental rights of company stakeholders — bondholders as well as equity holders — we have taken a major step in leveling the playing field on corporate governance."

The chapters address such issues as establishing an effective corporate governance program, books and records requests, shareholder resolutions and voting rights, merger and tender offers, appraisal rights and securities litigation, including derivative shareholder actions, class actions, and the role of the lead plaintiff.

more space starting in January that should be ready to occupy by May.

"As we approach May we'll be in touch with Maxine [Manges]," Ralston said.

Like Young Conaway, Greenberg Traurig had a collection when it moved to its new offices in the Nemours Building in October.

"We had some pieces in our old place that indicated the type of style," said Jonathan I. Lessner, managing shareholder of the Wilmington office. He added that the interior designer worked with Manges, sending her fabrics and the color scheme.

"We talked about more of an edgy approach," he said. "Representational art wasn't what we were going to be looking for. We wanted abstract, modern. For us we just wanted it to look attractive, and also of the same importance, to stay within budget."

Manges said the Greenberg Traurig

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Art

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Thomas J. Ralston, Young Conaway's director of administration, said when his firm moved to the Brandywine Building four years ago, most of the spending it did was to re-frame pieces so they matched the new decor.

Founded in 1959, Young Conaway has had plenty of time to build a collection. Ralston said longtime partner Stuart Young had an interest and acquired many pieces. Since the firm moved to the Brandywine, it has expanded twice, creating empty wall space and new conference rooms. It's still growing.

"We've learned in subsequent expansion projects that we need to set aside some money for art," Ralston said, adding that next year's budget will include such funds because the firm plans to build out

Social Security

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The respiratory symptoms were deemed "well-controlled" by her doctor, the opinion said.

Judge Jordan then turned to an analysis of the ALJ's decision, noting that to determine eligibility for benefits, "a sequential five-step inquiry" is applied based on the Code of Federal Regulations. The first step is whether the claimant is engaged in any gainful activity. If not, the ALJ must determine if the evidence indicates a severe impairment, and whether the impairment equals the impairments listed in the regulations.

If not, the ALJ must determine if the impairment prevents the claimant from doing his or her past work. If this is the case, the claimant's ability to perform "other work which exists in the national

economy" must be considered, the opinion said, citing the 1986 case, *Brewster v. Heckler*.

Jordan found that the ALJ did not correctly question the expert brought in for the purpose of assessing Charlton's fitness for work in general.

Jordan accepted determinations by the ALJ that Charlton's anxiety and depression and asthma and allergy problems were not relevant to her disability claim. In fact, Jordan accepted all elements of the lower judge's ruling except the one relating to

Charlton's capacity to do other work that exists in the national economy, a determination that had to be made because Charlton was found incapable of doing her former job as a claims processor.

As noted above, Jordan found that the ALJ did not correctly question the expert brought in for the purpose of assessing Charlton's fitness for work in general.

"In this case the record indicates that the ALJ failed to ask the vocational expert any hypothetical question. ... The expert's testimony regarding other work was provided without any evidence that Charlton's age, education, or functional capacity were considered. ... Therefore, the ALJ's decision that Charlton was capable of other work was not based on substantial evidence," Jordan wrote.

Patricia C. Hannigan and Colm F. Connolly, U.S. attorneys, argued on behalf of the commissioner. •

Art

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project took about six weeks from the time she met with the firm to the time the art was on the wall. She was brought in by Francis Cauffman, Foley Hoffman Architects of Philadelphia, with whom she has a longstanding professional relationship.

In a typical project, Manges will meet with her clients to determine their tastes, goals, and the needs of the space, as well as to show them portfolios.

"I show them a lot of stuff, 10 times more than they need," she said.

Manges then uses her own judgment to acquire pieces, which she brings to clients for approval. After 10 years in the business and a career as both an artist and an art educator, her choices are usually well-received. As a collector herself, she simply reabsorbs any pieces her clients don't want.

"I bring them everything I would be happy to buy back," she said.

Like Manges, Elissa Habbart of the

Delaware Counsel Group enjoys collecting art. She felt she didn't need a consultant and is filling her firm's airy wood and brick space with pieces she buys herself.

Habbart said she is taking her time. She has used the Merritt Young Gallery in

Fine art can be used for years. The cost of outfitting a new space or refitting an old one is lower if law firms have a collection.

Ardmore, Pa., among others, and has attended the auctions of the Michigan-based Park West Gallery.

"I basically picked what I liked, what I knew was a fine contemporary artist whose work would basically increase in value," Habbart said. "You study up on the artists for the auctions, make a selection and get

your appraisal."

So far DCG has bought pieces by artists including Misha Lenn, Charles Lee, Tomasz Rut and Itzchak Tarkay.

Many of the pieces Habbart has acquired are representational, but they are interspersed in the space with abstract paintings by Leslie Keller and a few playful sculptures by Jane Quartarone Platz.

These pieces are not owned by DCG, but were placed there for the Art Loop, a project run by the city and its cultural institutions in which galleries, museums, theaters and other venues open their doors to the public the first Friday of most months so people can learn about the local art scene. DCG had a catered event in June as a stop on the loop.

"Before we even picked our space we knew there was going to be art," Habbart said, adding that neither she nor her partners wanted to replicate the look of a traditional firm.

"We were looking to create a space we enjoyed working in. Now that I had my own firm, I had control of that," she said. •

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