



Max B. Walton

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Max Walton is the chair of the firm's government practice and is the managing partner of the Newark, Delaware office. Max concentrates on advising and litigating on behalf of government entities and business. He handles complex commercial, corporate, constitutional, land use, construction, environmental, election, and insurance coverage matters in Delaware state and federal courts.

Max has acted as special litigation counsel for the State of Delaware, state agencies, New Castle County, over a dozen municipalities, and numerous other boards and public bodies. He also acts as general and litigation counsel to numerous businesses, ranging from national corporations, construction companies and consulting firms to quasi-governmental corporations. Max is also the co-chair of the firm's appellate practice group, which handles administrative appeals and appeals of all kinds in the state and federal courts.

Max enjoys taking on difficult cases and solving difficult problems - and is often referred the difficult cases by other members of the Bar. He regularly appears before the Delaware Court of Chancery, the Delaware Superior Court, the Delaware Supreme Court, and the Delaware District Court. Max is known for solving complex legal puzzles and obtaining creative results for his clients.

Max instructs in government law in his capacity as a Senior Fellow in the University of Delaware's Institute of Public Administration. He is a frequent lecturer and gives seminars on various topics including land use law, FOIA, constitutional law, election law, agency procedure, and takings.

Max has been selected for inclusion in *The Best Lawyers of America*® for administrative and regulatory law, land use, zoning and municipal litigation. He is also identified in Delaware Today *Top Lawyers* for appellate, constitutional law, land use and zoning.

Education

- Widener University School of Law (J.D., 1999)
- Washington College (B.A., 1995)

Bar Admissions

- Delaware, 1999
- United States District Court District of Delaware, 2000
- United States Supreme Court, 2005
- United States Court of Appeals for the Third Circuit, 2008

Professional Experience

- Superior Court of the State of Delaware, The Honorable William T. Quillen, Law Clerk (1999 - 2000)

Honors

- Delaware Today Top Lawyers - Government Relations
- The Best Lawyers in America® -Administrative/Regulatory Law, Litigation -Land Use and Zoning, Municipal Law

Representative Experience

- Knights of Columbus Star of the Sea Council 7297 v. City of Rehoboth Beach, 506 F. Supp. 3d 229 (D. Del. 2020)
- League of Women Voters v. State of Delaware Department of Elections, 250 A.3d 922 (Del. Ch. 2020)
- Eaton Corp. v. Geisenberger, 2020 WL 5531589, at *1 (D. Del. Sept. 30, 2020)
- Glenn Allen Farm, LLC v. New Castle County, 2020 WL 5800714, at *1 (Del. Ch. Sept. 29, 2020)
- Republican State Committee v. State of Delaware Department of Elections, 250 A.3d 911 (Del. Ch. 2020)
- Pike Creek Recreational Services, LLC v. New Castle County, 238 A.3d 208 (Del. Super. Ct. 2020)
- Donald M. Durkin Contracting Inc. v. City of Newark, 2020 WL 2991778, at *1 (Del. Super. Ct. June 4, 2020), reargument denied, 2020 WL 5797622, at *1 (Del. Super. Ct. Sept. 29, 2020)
- Port Penn Hunting Lodge Ass'n v. Meyer, 2019 WL 2077600, at *1 (Del. Ch. May 9, 2019), aff'd, 222 A.3d 1044 (Table) (Del. 2019)
- Town of Cheswold v. Central Delaware Business Park, 188 A.3d 2810 (Del. 2018)
- Flowers v. Office of the Governor, 167 A.3d 530 (Del. Super. Ct. 2017)
- Opal Condominium Assoc., Inc. v. Opal Dewey Beach LLC et al, C.A. No. S16C-05-010 (ESB) (Del. Super Ct. Sept. 9, 2016)
- Nichols v. City of Rehoboth Beach, 836 F.3d 275 (3d Cir. 2016)
- Covington v. The City of Rehoboth Beach, C.A. No. 11512 (VCG) (filed September 17, 2015; dismissed October 2, 2015)
- Matter of Gunn, 122 A.3d 1292 (Del. 2015) (en banc)
- Traders Alley LLC v. City of Newark Board of Adjustment, 2015 WL 4722978, at * 1 (Del. Ch. Aug. 7, 2015)
- In re the New Maurice J. Moyer Academy, Inc., 108 A.3d 294 (Del. Ch. 2015)
- Sterling Property Holdings, Inc. v. New Castle County, 2014 WL 3905891 (Del. Ch. August 5, 2014)
- New Castle County v. Pike Creek Recreational Services LLC, 82 A.3d 731 (Del. Ch. 2013)
- New Castle County v. Pike Creek Recreational Services LLC, 2013 WL 6904387 (Del. Ch. December 30, 2013)
- Farmers for Fairness v. Kent County Levy Court, 2013 WL 3333039 (Del. Ch. July 1, 2013)
- Sterling Property Holdings, Inc. v. New Castle County, 2013 WL 1821594 (Del. Ch. Apr. 30 2013)
- Donnelly v. City of Dover, 2011 WL 2086160 (Del. Super. Ct. April 20, 2011)
- Rehoboth Art League, Inc. v. Board of Adjustment of Town of Henlopen Acres, 991 A.2d 1163 (Del. 2010).
- State of New Jersey v. State of Delaware, 552 U.S. 597 (2008).

- Warren v. New Castle County, 2008 WL 2566947 (D. Del. June 26, 2008)
- Abbott v. Gordon, 2008 WL 821522 (Del. Super. Ct. March 27, 2008), aff'd, 957 A.2d 1 (Del. 2008)
- Salem Church (Delaware) Associates v. New Castle County, 2006 WL 4782453 (Del. Ch. October 6, 2006)
- Toll Bros. Inc. v. Wicks, 2006 WL 1829875 (Del. Ch. June 21, 2006)
- Acierno v. New Castle County Department of Land Use, 2006 WL 1668370 (Del. Ch. June 8, 2006)
- Lynch v. City of Rehoboth Beach, 894 A.2d 407 (Table), 2006 WL 568764 (Del. March 7, 2006)