

IN THE COURT ON THE JUDICIARY
OF THE STATE OF DELAWARE

IN RE: §
§
ORDER AMENDING RULES §
OF PROCEDURE §

Before **STRINE**, Chief Justice, **HOLLAND**, **BERGER**, **JACOBS** and **RIDGELY**, Justices, **BOUCHARD**, Chancellor, **VAUGHN**, President Judge, **KUHN**, Chief Judge, and **SMALLS**, Chief Judge constituting the Court on the Judiciary.

ORDER

This 25th day of June 2014,

IT IS HEREBY ORDERED that, effective immediately, the Rules of the Court on the Judiciary are amended as follows:

- (1) New Rule 5 as annexed hereto is promulgated.
- (2) Former Rule 5 is renumbered as Rule 5.1.
- (3) Rule 5.1 is amended by deleting subsections (a) and (b) in their entirety and substituting the following:

(a) *Initial Review.* Each complaint shall be received by the Clerk for initial review of its conformity with Rule 5. A complaint that the Clerk determines does not comply with the requirements of Rule 5(a) or (b) shall

be returned by the Clerk to the complainant with a letter of explanation. A copy of the letter of explanation and the nonconforming complaint shall be maintained by the Clerk. The original of each conforming complaint shall be docketed by the Clerk who shall provide written acknowledgement of docketing to the complainant. The Clerk shall provide the Chief Justice with a copy of each conforming complaint.

(b) *Sua Sponte Dismissal.* The Chief Justice may decline to refer to a Panel of the Preliminary Investigatory Committee, and may dismiss by written order, sua sponte, any complaint that fails to comply with Rule 5(a) or (b) or that, upon consideration of its contents and the attachments required by Rule 5(a), is (1) frivolous, (2) lacking in good faith, (3) based upon a litigant's disagreement with the ruling of a judge, or (4) properly a matter subject to appellate review. A copy of the dismissal order shall be provided to the complainant, the judicial officer, and to the Court.

(4) Rule 5.1 is amended by striking the heading of (c) and substituting the following:

(c) *Referral to Panel.*

BY THE COURT:

/s/ Leo E. Strine, Jr.
Chief Justice

Rule 5. Complaint

(a) *Contents.* A complaint shall (i) bear the complainant's original signature, (ii) set forth the complainant's address, and (iii) name the judicial officer involved. A complaint shall also state with particularity the facts upon which the complainant relies for the complainant's charge that a judicial officer has engaged in (i) wilful misconduct in office; (ii) wilful and persistent failure to perform duties; (iii) the commission after appointment of an offense involving moral turpitude, or (iv) other persistent misconduct in violation of the Delaware Judges' Code of Judicial Conduct. The complainant shall attach to the complaint any transcript or other documentation from the court record that is necessary to give the Court on the Judiciary a fair and accurate account of the context in which the alleged misconduct or disability occurred.

(b) *Verification.* The complaint shall be executed by oath or affirmation under penalty of perjury before a notary public or other person authorized to administer such oath or affirmation.