

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE: §
§
THE COMMISSION ON LAW §
AND TECHNOLOGY §

A M E N D E D O R D E R

This 26th day of August 2013, it appears to the Court:

- a) Delaware lawyers are required by the Delaware Lawyers' Rules of Professional Conduct to provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for representation.
- b) To maintain the requirements, knowledge and skill, a lawyer should keep abreast of changes in law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.
- c) It is advisable to create an arm of this Court to provide Delaware Lawyers with sufficient guidance and education in the aspects of technology and the practice of law so as to facilitate compliance with the Delaware Lawyers' Rules of Professional Conduct.

NOW THEREFORE, IT IS ORDERED THAT:

1. As of September 15, 2013 there shall be established The Commission on Law and Technology which shall be charged with the responsibility of providing Delaware Lawyers with sufficient guidance and education in the aspects of technology and the practice of law so as to facilitate compliance with the Delaware Lawyers' Rules of Professional Conduct.
2. The members of the Commission shall consist of no less than 15 members appointed by the Court for a term of 3 years. The Officers shall include a chair or two co-chairs, a vice chair and a secretary. The composition of the Commission will consist of at least one attorney representing each of the following categories:
 - (a) Large law firm consisting of at least 50 attorneys
 - (b) Medium law firm consisting of at least 20 but less than 50 attorneys
 - (c) Small law firm consisting of least 10 but less than 20 attorneys
 - (d) Small law firm consisting of at least 1 but less that 10 attorneys
 - (e) Corporate Counsel from a Delaware corporation with its principle place of business in Delaware
 - (f) Delaware Department of Justice
 - (g) Chief Information Officer of a large law firm

- (h) Chief Information Officer of a medium law firm
 - (i) A judge from the Court of Chancery or the Superior Court
 - (j) A judge from the Family Court
 - (k) A judge from the Court of Common Pleas or the Justice of the Peace Court
3. The annexed Rules of The Commission on Law and Technology are hereby adopted, to become effective September 15, 2013.

BY THE COURT:

Chief Justice

Rules of The Commission of Law and Technology

Rule 1: Purpose

It is of utmost importance to the public and to members of the Bar that attorneys maintain their professional competence in technology. The Commission will provide Delaware Lawyers with sufficient guidance and education in the aspects of technology and the practice of law so as to facilitate compliance with the Delaware Lawyers' Rules of Professional Conduct.

Rule 2: Officers and Members of the Commission

The Commission shall consist of no less than 15 members appointed by the Supreme Court for a term of 3 years. The Officers shall include a chair or two co-chairs, a vice chair and a secretary. The composition of the Commission will consist of at least one attorney representing each of the following categories:

- (a) Large law firm consisting of at least 50 attorneys
- (b) Medium law firm consisting of at least 20 but less than 50 attorneys
- (c) Small law firm consisting of at least 10 but less than 20 attorneys
- (d) Small law firm consisting of at least 1 but less than 10 attorneys
- (e) Corporate Counsel from a Delaware corporation with its principle place of business in Delaware
- (f) Delaware Department of Justice
- (g) Chief Information Officer of a large law firm
- (h) Chief Information Officer of a medium law firm
- (i) A judge from the Court of Chancery or the Superior Court
- (j) A judge from the Family Court
- (k) A judge from the Court of Common Pleas or the Justice of the Peace Court

Rule 3: Meetings

The Commission shall meet at least quarterly in person, by video or telephone conference to discuss technology trends and issues affecting the Rules of Professional Conduct in Delaware and nationally.

Rule 4: Guidelines and Best Practices

The Commission shall develop and publish guidelines and best practices, regarding the use of technology and the practice of law, as they may relate to lawyer competence and client confidentiality. The purpose of these guidelines and best practices is to assist members of the Delaware Bar and not to create a threat or risk of any kind. The failure of an attorney to comply with a published guideline or best practice is not admissible for any purpose in a civil action in any court.

Rule 5: Knowledge Bank

The Commission shall create and maintain a knowledge bank of opinions and articles relating to ethical issues involving technology and the practice of law. This knowledge bank shall be available electronically to all members of the Delaware Bar at no charge.

Rule 6: Educational Programs

The Commission shall create and present at least 4 hours of CLE ethics approved education programs annually relating to its published guidelines and best practices. These programs shall be made available to members of the Delaware Bar at no charge. Recordings of these programs shall be made available to members of the Delaware Bar at no charge and shall be maintained so long as the information presented remains current.

Rule 7: Guidance to the Court

The Commission shall be available as a resource to all of the Delaware Courts to provide assistance in any issue that may arise relating to the use of technology in litigation.