

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE SUPREME COURT RULE 69 §
REGARDING INCREASE TO THE §
ATTORNEY ANNUAL ASSESSMENT §

Before **STRINE**, Chief Justice, **HOLLAND**, **RIDGELY**, **VALIHURA** and
VAUGHN, Justices, constituting the Court en Banc.

ORDER

This 20th day of January, 2015, it appears to the Court that:

Supreme Court Rules 64(g), 66(e), 69(b)(iii) and (iv), 74(c), and Delaware Rules for Mandatory Continuing Legal Education Rule 3(C)(3)(a) provide the structure by which amounts of the annual assessments governing administration of the Bar by the Delaware Supreme Court are determined. Those assessments include funding for overall administration and for the lawyers' fund for client protection, the office of disciplinary counsel, the Delaware Lawyers' assistance program and continuing legal education.

Overall attorney assessments decreased significantly between 2009 and 2010, in recognition of the difficult financial climate faced by industry, including the legal industry in Delaware. Those assessments have remained unchanged since 2010.

The revenue generated from these assessments is critical to support the increasing cost of Bar activities, including the Arms of the Court operations, since the revenue from these assessments do not currently cover the cost of associated services. An incremental increase to the overall annual attorney assessments, which will bring them back up to the 2007 – 2009 rates, is necessary to more closely align them with the actual costs of those services.

The increases will be implemented over a two-year period to diminish the immediate impact of the increases. Thereafter annual inflationary adjustments shall be implemented for the annual attorney assessments as determined by the Supreme Court, to prevent the need for such large changes in the future.

The increased assessments generally remain considerably less than the assessments rates in 2002, particularly if inflation is factored in. For example, an attorney admitted 5 years or less paid \$190 in assessments in 2002. If increased by inflation, that assessment would have increased to \$250 by 2014. Under this proposal, those attorneys would pay \$125 in 2015 and \$165 in 2016. For attorneys admitted more than 10 years, they paid \$355 in 2002, which would be \$467 in 2014 if the rate had been increased

based on inflation. Under this proposal, those attorneys would pay \$240 in 2015 and \$335 in 2016.

NOW THEREFORE, IT IS ORDERED THAT:

1. Delaware Supreme Court Rule 69 is amended by deleting existing paragraphs (b)(iii) and (iv) in their entirety and substituting in lieu thereof the following language (deleted language is struck through and new language italicized):

(iii) Active assessment. Active members shall pay a registration assessment as determined by the Delaware Supreme Court and shall pay such assessments as shall be made under Supreme Court Rule 66(e), Supreme Court Rule 64(g), Delaware Rules for Mandatory Continuing Legal Education Rule 3(C)(3)(a) and Supreme Court Rule 74.

(iv) Inactive assessment. Inactive members shall pay an annual registration assessment and an annual application assessment as determined by the Delaware Supreme Court but shall pay no other assessments.

2. The amendments shall be effective on February 1, 2015.

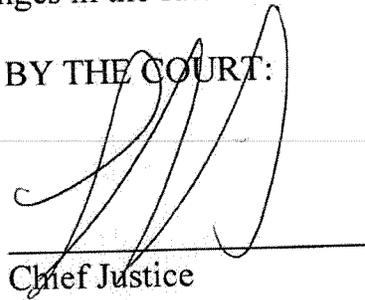
3. As of the signing of this Order, the attorney annual assessments shall be increased to more closely align them with related Bar administration costs for 2015 and 2016 as follows:

	2015	2016
Active members:		
Admitted five years or less	\$125	\$165
Admitted more than five years and less than ten years	\$165	\$225
Admitted ten years or more	\$240	\$335
Government/corporation	\$110	\$145

Inactive members:	\$60	\$75
Emeritus members:	\$10	\$10

4. For subsequent years, annual inflationary adjustments shall be implemented for the attorney assessments as determined by the Supreme Court, to prevent the need for such large changes in the future.

BY THE COURT:



Chief Justice