

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE SUPREME COURT RULES §
71 and 72 REGARDING INCREASE TO §
THE *PRO HAC VICE* 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 71 and 72 provide that attorneys who are not members of the Delaware Bar may be admitted *pro hac vice* in the discretion of the Court. Subsections (b)(vi) of Rules 71 and 72 mandate the payment of a \$300 *pro hac vice* admission assessment annually, which funds are deposited in the registration fund of the Supreme Court “for the purpose of the governance of the Bar and the administration of justice.”

The *pro hac vice* admission assessment was last increased in 2002 and has not kept pace with inflationary rates. Accordingly, these assessments have effectively declined in value since 2002.

The revenue generated from *pro hac vice* admission assessments is critical to support the increasing cost of ongoing court operations and expenses and Bar activities, including the Arms of the Court operations,

access to justice and other initiatives. An increase to the *pro hac vice* admission assessment is necessary to bring the assessment in line with inflationary increases. The increase will be implemented over a two-year period to diminish the immediate impact of this increase. Thereafter annual inflationary adjustments shall be implemented for the *pro hac vice* admission assessment as determined by the Supreme Court, to prevent the need for such large changes in the future.

NOW THEREFORE, IT IS ORDERED THAT:

1. Delaware Supreme Court Rule 71 is amended by deleting existing paragraph (b)(vi) in its entirety and substituting in lieu thereof the following language:

- (vi) Assessment. That a payment for the *pro hac vice* admission assessment determined by the Delaware Supreme Court is attached to be deposited in the registration fund of the Delaware Supreme Court for the purpose of the governance of the Bar and the administration of justice and to be distributed pursuant to approval of a majority of the members of the Supreme Court. The *pro hac vice* admission assessment shall be \$375 in calendar year 2015, \$400 in calendar year 2016, and thereafter increased annually by the rate of inflation as determined by the Delaware Supreme Court. If the case in which the *pro hac vice* admission continues into a subsequent year after the year of admission, such assessment shall be deemed an annual assessment to be renewed and be payable on February 1 of each subsequent year and be deemed delinquent if not paid by March 1 of each subsequent year. A notice that a *pro hac vice* admission maybe subject to renewal shall be mailed to Delaware counsel by this Court. It shall be the duty of Delaware counsel to complete the notice stating whether the case in which the *pro hac vice* admission was granted remains open and to

supervise the remittance of the renewal assessment if the case in which the *pro hac vice* admission was granted remains open. Any Delaware lawyer who fails to file the *pro hac vice* renewal notice with or without assessment as appropriate by March 1 of each year shall pay a \$50.00 late filing assessment.

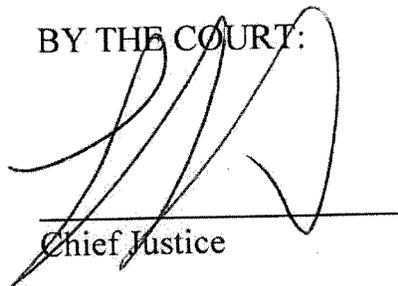
2. Delaware Supreme Court Rule 72 is amended by deleting existing paragraph (b)(vi) in its entirety and substituting in lieu thereof the following language:

(vii) Assessment. That a payment for the *pro hac vice* admission assessment determined by the Delaware Supreme Court is attached to be deposited in the registration fund of the Delaware Supreme Court for the purpose of the governance of the Bar and the administration of justice and to be distributed pursuant to approval of a majority of the members of the Supreme Court, which payments shall promptly be forwarded by the agency to the Supreme Court. The *pro hac vice* admission assessment shall be \$375 in calendar year 2015, \$400 in calendar year 2016, and thereafter increased annually by the rate of inflation as determined by the Delaware Supreme Court. If the case in which the *pro hac vice* admission continues into a subsequent year after the year of admission, such assessment shall be deemed an annual assessment to be renewed and be payable on February 1 of each subsequent year and be deemed delinquent if not paid by March 1 of each subsequent year. A notice that a *pro hac vice* admission maybe subject to renewal shall be mailed to Delaware counsel by this Court. It shall be the duty of Delaware counsel to complete the notice stating whether the case in which the *pro hac vice* admission was granted remains open and to supervise the remittance of the renewal assessment if the case in which the *pro hac vice* admission was granted remains open. Any Delaware lawyer who fails to file the *pro hac vice* renewal notice with or without assessment as appropriate by March 1 of each year shall pay a \$50.00 late filing assessment.

3. The amendments shall be effective on February 1, 2015.
4. As of the signing of this Order, the *pro hac vice* admission assessment shall be increased by \$75 increasing the total yearly assessment in 2015 to \$375. This increase reflects a portion of the increase if the assessment had been adjusted for the rate of inflation during the last 13 years since the last increase.
5. The rate of \$375 will stay in effect until January 1, 2016 at which time the *pro hac vice* admission assessment will increase by \$25 bringing the *pro hac vice* admission assessment to \$400.
6. For subsequent years, annual inflationary adjustments shall be implemented for the *pro hac vice* admission assessment as determined by the Supreme Court.
7. These increases shall continue to be used to advance the administration of justice and Bar activities, including the Arms of the Court and Supreme Court operations, access to justice and other initiatives.
8. Court of Chancery Rule 190(b)(vi), Superior Court Civil Rule 90.1(b)(vi) and Criminal Rule 63(b)(vi), Court of Common Pleas Civil Rule 90.1(b)(vi), Family Court Civil Rule 90(F) and Criminal Rule 61(F), and Justice of the Peace Court Civil Rule 90.1(b)(vi) shall be amended to

increase the amount of the *pro hac* vice admission assessment consistent with this Order.

BY THE COURT:

A handwritten signature in black ink, consisting of several large, overlapping loops and strokes, positioned above a horizontal line.

Chief Justice