SUPREME COURT OF DELAWARE

E. NORMAN VEASEY
CHIEF JUSTICE

DELAWARE STATE OFFICE BUILDING
820 NORTH FRENCH STREET
P.O. BOX 1997
WILMINGTON, DELAWARE 19899

TELEPHONE: (302) 577-8700
FAX: (302) 577-5697

ADMINISTRATIVE DIRECTIVE NO. 133

This 16th day of October 2001,

IT APPEARS THAT:

(1) After considerable study by a Special Advisory Committee of distinguished members of the Bench and Bar, which included extensive public hearings, this Court adopted the Delaware Lawyers' Rules of Professional Conduct (DLRPC), effective October 1, 1985, which superseded the Delaware Lawyers' Code of Professional Responsibility.

(2) Since that time, the Court, through its rule-making authority, has considered changes to the DLRPC on an as-needed basis. *See* Del. Const. art. IV, §13(1).

(3) A comprehensive set of changes to the ABA Model Rules of Professional Conduct proposed by the Commission on the Evaluation of the Model Rules ("Ethics 2000") is currently under consideration by the American Bar Association House of Delegates (ABA).

(4) Accordingly, it appears desirable to appoint a committee in Delaware consisting of a broad range of distinguished members of the Delaware Bar to consider amendments to the DLRPC.

(5) It is appropriate that the need for amendments or additions to the DLRPC be evaluated on an on-going basis through a process of reasoned study and discussion by members of a permanent committee who can best evaluate the need for rule changes and recommend proposals for this Court to consider for adoption through its rule-making procedures.

(6) To accomplish this goal, the Court, effective this date, has adopted new Supreme Court Rule 96 (Exhibit A), which establishes the Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct.

NOW, THEREFORE, IT IS DIRECTED, with unanimous approval of the members of the Supreme Court pursuant to Delaware Constitution art. IV, § 13(1) that:

(A) The Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct shall consist of the following persons, and such other persons as the Chief Justice shall determine from time to time, who shall be appointed to staggered terms as designated:

Dennis L. Schrader, Esquire, Chair (term expires October 15, 2004)
Crystal L. Carey, Esquire (term expires October 15, 2002)

Mark F. Dunkle, Esquire (term expires October 15, 2003)
Anne Churchill Foster, Esquire (term expires October 15, 2004)
Mary M. Johnston, Esquire (term expires October 15, 2002)
John W. Paradee, Esquire (term expires October 15, 2003)
Harvey Bernard Rubenstein, Esquire (term expires October 15, 2004)
Calvin L. Scott, Jr., Esquire (term expires October 15, 2002)
Bruce M. Stargatt, Esquire (term expires October 15, 2003)
Benjamin Strauss, Esquire (term expires October 15, 2004)
W. Jeffrey Whittle, Esquire (term expires October 15, 2002)

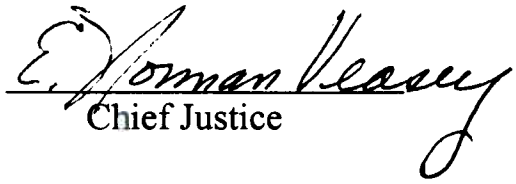
Each member of the Committee shall be eligible, in the discretion of the Court, to be reappointed for one full three-year term after the expiration of that member's initial term. Gayle Lafferty, Esquire, will be the staff liaison from the Supreme Court and Chief Justice Veasey will be the liaison Justice to the Committee.

(B) The Committee shall have the rights and responsibilities vested in it by the Court pursuant to Supreme Court Rule 96.

(C) As an initial matter, the Committee shall review (a) Report 401, which includes amendments to the ABA Model Rules of Professional Conduct proposed by the Ethics 2000 Commission to the ABA House of Delegates; and (b) action taken by the ABA House of Delegates at its August 2001 Annual Meeting.

(D) The Committee shall submit to the Court a preliminary report by January 15, 2002, containing its findings and recommendations on these issues set forth in paragraph (C) to the extent feasible.

(E) Thereafter, the Committee shall continue to monitor the DLRPC, changes and proposed changes in the Model Rules, and consider changes to the Rules when appropriate, and make recommendations to the Court on an annual basis.



Chief Justice

cc: The Honorable Ruth Ann Minner
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Carolyn Berger
The Honorable Myron T. Steele
Members of the Judicial Conference
The Honorable M. Jane Brady
The Honorable Lawrence M. Sullivan
Court Administrators
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER ADOPTING SUPREME	§
COURT RULE 96	§

Before **VEASEY**, Chief Justice, **WALSH**, **HOLLAND**, **BERGER**, and **STEELE**, Justices, constituting the Court *en banc*.

ORDER

This 16th day of October 2001, it appears to the Court that it is desirable to adopt Supreme Court Rule 96, establishing a Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct. The following rule shall be effective October 15, 2001.

NOW, THEREFORE, IT IS ORDERED:

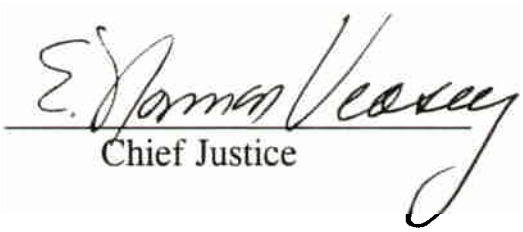
(1) The Supreme Court Rules are hereby amended to include the following new Rule 96:

> **Rule 96. Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct.** A Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct is hereby established. It shall consist of 11 or more members of the Bar who shall be appointed by the Court for staggered 3 year terms or such other terms as the Court may determine. The Court shall appoint the Chair of the Committee. A Justice of the Court may be designated by the Court as liaison to the Committee. It shall be the responsibility of the Committee to monitor these Rules, review the Model Rules of Professional Conduct and amendments or proposed amendments thereto, consider changes in the Delaware Lawyers' Rules where appropriate, draft changes suggested by the Committee and the Court, receive and consider comments from members of the Bar, Bench, and others, and consult with the Court from time to time. The Committee

shall make an annual report to the Court concerning the status of the rules and the work of the Committee. The annual report shall be filed on each anniversary of the effective date of this Rule. The Court may also require additional reports from time to time.

(2) The Clerk of this Court is directed to transmit forthwith a certified copy of this Order to the Register in Chancery, the Prothonotary of the Superior Court in each county, the Clerk of the Family Court, the Clerk of the Court of Common Pleas, and the Chief Magistrate of the Justice of the Peace Courts.

BY THE COURT:



Chief Justice