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Court of Chancery Launches Multi-Year Project To Update Court Rules

Amendments are designed to modernize and simplify practice before the Court

Chancellor Kathaleen St. Jude McCormick today signed an order adopting amendments to Court of Chancery Rules 7, 10, 17 through 25, and 171. This group of amendments is the first installment of a larger effort to update, modernize, and improve the Court of Chancery's Rules.

This revision and modernization effort is being led by a subcommittee of the Court of Chancery's Rules Committee, co-chaired by Vice Chancellor J. Travis Laster and Attorney Blake K. Rohrbacher. The subcommittee members are Attorneys Corinne E. Amato, Lakshmi Muthu, David Ross, Ethan Townsend, and Jessica Zeldin.

The goals of the project are to: modernize the language and presentation of the rules to bring them closer in style to the current Federal Rules of Civil Procedure; update the substance of individual rules to reflect current practice, eliminate outdated features, or make improvements; and ensure the preservation of features that have proven beneficial in practice.

In addition to substantive, formatting, and stylistic changes to each of the amendments, the order also deletes Rule 171 in its entirety and places the former content of Rule 171 into newly amended Rules 7 and 10. Further, the Court has issued a commentary to each of the amended rules to provide interpretive guidance for practitioners. These commentaries do not add obligations beyond the Rules themselves.

The Court anticipates completing the project in 2025 but will publish the amendments in a series of tranches to minimize delay in providing the benefits of the amendments.

"I am immensely grateful to Vice Chancellor Laster, Blake Rohrbacher, and the subcommittee members for their service," said Chancellor McCormick. "Each subcommittee member's participation enabled the realization of the Court of Chancery's goals. Our system has improved due to their efforts," she said. The Chancellor also thanked the Rules Committee Co-Chairs, Attorneys John P. DiTomo and William M. Lafferty for their leadership to the Court on this project and throughout the years.

A copy of the order implementing the amendments to Court of Chancery Rules 7, 10, 17 through 25, and 171 may be viewed at the following web address: <https://courts.delaware.gov/Forms/Download.aspx?id=214438>.