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May 31, 2024

Court of Chancery Implements Second Tranche of Amendments to Court Rules

The amendments are the part of the Court's multi-year project to update, modernize, and improve the Court's Rules.

Chancellor Kathaleen St. Jude McCormick today signed an order adopting amendments to Court of Chancery Rules 1 through 6, 8, 9, 11 through 15, 23, 23.1, and Rules 79, 79.1, 79.2, and 174. This group of amendments is effective June 14, 2024 and constitutes the second installment of a larger effort to update, modernize, and improve the Court of Chancery's Rules.

This revision and modernization effort is 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Federal Rules of Civil Procedure; update the substance of individual rules to reflect current practice, eliminate outdated features, or make improvements; and ensure the preservation of features that have proven beneficial in practice.

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

In addition to substantive, formatting, and stylistic changes to each of the amendments, 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.

This group of amendments remove the fee schedule for Court of Chancery Rule 3. Going forward, the fee schedule will be made available on the Court's website. In addition to removing the fee schedule from Rule 3, the Court has increased the fee for mediation under Court of Chancery 174 from \$5,000 to \$15,000 for the first day to conform to market prices. A link to the Court's revised fee schedule is available at the following address: <https://courts.delaware.gov/forms/download.aspx?id=246658>.

"I remain immensely grateful to Vice Chancellor Laster, Blake Rohrbacher, and the subcommittee members for their commitment to this project," said Chancellor McCormick. "Each subcommittee member's participation was essential to this project and our system is better thanks to their efforts," she stated.

A copy of the order implementing the amendments to Court of Chancery Rules 1 through 6, 8, 9, 11 through 15, 23, 23.1, and Rules 79, 79.1, and 79.2 may be viewed at the following web address: <https://courts.delaware.gov/forms/download.aspx?id=246428>.