

ADMINISTRATIVE DIRECTIVE NO. 121

This 16th day of May, 2000,

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 Uniform Rules of Evidence, effective July 1, 1980.

(2) Since that time, the Court, through its rule-making authority, has adopted changes to the Rules of Evidence on an as-needed basis. See Del. Const. art. IV, § 13(1). Changes to the Rules of Evidence also have been effectuated by legislation. See, e.g., 10 Del. C. §§ 4330-32.

(3) Also in the interim the 1974 Uniform Rules of Evidence have been superseded by the 1999 revised Uniform Rules of Evidence and there has been a continuing updating process of the Federal Rules of Evidence pursuant to the Rules Enabling Act, 28 USC §§ 2072-74.

(4) The most fair, effective, and timely way to consider amendments or additions to the Rules of Evidence is through an ongoing process of reasoned study and discussion by a broad range of distinguished lawyers and judges who can best evaluate the need for evidentiary changes and recommend proposed changes to the Rules of Evidence for this Court to consider for adoption through its rule-making procedures.

(5) To accomplish this goal, the Court, effective this date, has adopted new Supreme Court Rule 95 (Exhibit A), which establishes the Permanent Advisory Committee on the Delaware Uniform Rules of Evidence.

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

(A) The Permanent Advisory Committee on the Delaware Uniform Rules of Evidence 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 serve the term designated:

A. Gilchrist Sparks, III, Esquire, Co-Chair	(term expires 5/15/03)
Paula Ryan Steiner, Esquire	(term expires 5/15/03)
Jan R. Jurden, Esquire	(term expires 5/15/03)
The Honorable William N. Nicholas	(term expires 5/15/03)
The Honorable T. Henley Graves, Co-Chair	(term expires 5/15/02)
Steven P. Wood, Esquire	(term expires 5/15/02)
Bernard J. O'Donnell, Esquire	(term expires 5/15/02)
The Honorable Bernard Balick	(term expires 5/15/01)
The Honorable Alex J. Smalls	(term expires 5/15/01)

DELAWARE SUPREME COURT

Douglas B. Catts, Esquire
Edmund D. Lyons, Jr., Esquire

(term expires 5/15/01)
(term expires 5/15/01)

The Honorable Carolyn Berger, Supreme Court Justice, will be the liaison Justice to the Committee and will be an ex officio voting member of the Committee.

(B) The Committee shall have the rights and responsibilities vested in it by the Court pursuant to Supreme Court Rule 95.

(C) As an initial matter, the Committee shall review Federal Rules of Evidence 413 through 415, Federal Rule of Evidence 804(b)(6), as well as Section 1109 of the California Evidence Code and analyze the merit of adopting similar provisions that would amend the Delaware Uniform Rules of Evidence. The Committee shall submit a report to the Court containing its findings and recommendations on these particular issues by September 15, 2000.

(D) Additionally, the Committee shall undertake a comprehensive review of the Delaware Uniform Rules of Evidence compared to the Revised Uniform Rules of Evidence and Federal Rules of Evidence and determine whether changes to the Delaware Uniform Rules of Evidence are desirable. The Committee shall complete its comparative analysis and submit its report with recommendations to the Court by January 31, 2001, recognizing that certain proposed changes to the Federal Rules of Evidence now pending before the Supreme Court may become effective December 1, 2000.

(E) Thereafter, the Committee shall continue to monitor the Delaware Rules of Evidence, legislation and case law affecting the Rules, changes in the Federal Rules of Evidence and the Uniform Rules of Evidence, consider changes to the Rules when appropriate, and make recommendations to the Court on an annual basis.

E. Norman Veasey
CHIEF JUSTICE

cc: The Honorable Thomas R. Carper
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
The Honorable Maurice A. Hartnett, III
The Honorable Carolyn Berger

Members of the Judicial Conference
The Honorable M. Jane Brady
Court Administrators
Clerk of the Supreme Court
Members of the Advisory Committee

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER ADOPTING SUPREME §
COURT RULE 95 §

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

ORDER

This 16th day of May 2000, it appears to the Court that it is desirable to adopt Supreme Court Rule 95, which establishes a Permanent Advisory Committee on the Delaware Uniform Rules of Evidence. The following rule shall be effective May 16th, 2000.

NOW, THEREFORE, IT IS ORDERED.

(1) The Supreme Court Rules are hereby amended to include the following new Rule 95:

Rule 95. Permanent Advisory Committee on the Delaware Uniform Rules of Evidence. A permanent Advisory Committee on the Delaware Uniform Rules of Evidence is hereby established. It shall consist of 9 or more members of the Bench and 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 an *ex officio* member of the Committee. It shall be the responsibility of the Committee to monitor these Rules and legislation affecting these Rules, consider changes where appropriate, draft changes suggested by the Committee and the Court, receive and consider comments from members of the Bar, Bench, and others, and to 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 should be filed on each anniversary of the effective date of this Rule.

(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:
E. Norman Veasey
Chief Justice