

FOR IMMEDIATE RELEASE

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The Delaware Supreme Court adopts policies to improve work life balance

Starting in September, all Delaware State Courts will begin using new standards designed to improve both the quality of practice and work life balance for legal professionals in the state. The changes, detailed in a Delaware Supreme Court order dated July 18, 2018, move the filing deadline for State Courts from 11:59 p.m. to 5:00 p.m. in non-expedited cases to ease the burden of a late filing deadline on staff and attorneys. The Supreme Court also encouraged all courts to consider adopting other measures recommended in a report submitted to the Delaware Judiciary by several members of the Delaware Bar to ease the burden on legal professionals in the state. The report was drafted in response to the Chief Justice's call to address work life balance for attorneys in his list of Judicial Branch priorities in 2014.

"It is human nature to take the maximum permitted time to complete a task. Attorneys are no different when it comes to court filing deadlines," said attorney Patricia L. Enerio, one of the authors of the report. "And while technological advancement has greatly improved our lives in many ways, it has also made it even easier to work right up to an 11:59 p.m. electronic filing deadline. This has significant consequences on attorneys' and their staff's quality of life. The 5:00 p.m. filing deadline and the other recommended changes in the report will help restore some work life balance to our legal professionals, so that they can enjoy more time with their family or on other pursuits."

Attorney Jessica Zeldin agrees. "Recognizing that finalizing and filing court papers requires focus, the 5:00 p.m. rule sets a deadline that coincides with both the availability of staff and the minimization of family distraction. It does so without affecting the overall time allowed for a particular task. It is a simple measure that should promote quality of work product and quality of life," she said.

In addition to the new 5:00 p.m. filing deadline, the report recommended best practices that the courts could take to help lawyers, their staffs, litigants, and jurors have a better experience in the courthouse and more quality time outside of the courthouse.

Based on the report, the Supreme Court has ordered:

- The State Courts to amend their rules and/or electronic filing policies to require that all electronic filings in non-expedited matters, except for initial pleadings and notices of appeal, must be completed by 5:00 p.m. Eastern Time in order to be considered timely filed that day. All initial pleadings, notices of appeal, and electronic filings in expedited matters must be completed before midnight Eastern Time in order to be considered timely filed that day, except for expedited matters where the parties have agreed upon, or the court has ordered, a different filing deadline. The 5:00 p.m. filing deadline shall become effective September 14, 2018.

- The State Trial Courts to consider adopting best practices and policies to discourage: (i) filing due dates on Mondays or the day after a holiday in non-expedited matters; (ii) the issuance of non-expedited opinions after 4:00 p.m. as a general matter and after noon on Fridays; and (iii) the scheduling of oral arguments and trials in August, except in expedited matters or where there is an important reason for proceeding at that time. The State Trial Courts shall report on their consideration and progress on or before March 15, 2019.

“The proposed changes are all designed to try to address the work life *imbalance* issues in the legal profession, and they indicate that the Delaware Courts are concerned about trying to improve the well-being of the many lawyers that practice here,” said attorney Bill Lafferty, another author of the report. “We are hopeful that these changes will create a more sane structure for the legal community in Delaware and that they will help lawyers and their staff to enjoy both their professional and personal lives more,” he said.

The order and supporting report are available on the Delaware State Courts’ website:
<https://courts.delaware.gov/rules/>.

For more information, please contact:
William S. Montgomery, Supreme Court Administrator
(302) 651-3906
William.Montgomery@state.de.us