

ADDITIONAL COVID-19 FAQs FOR SELF-REPRESENTED LITIGANTS IN THE SUPREME COURT

The Citizen's Guide, available [online](#) or by mail, offers general guidance on how to file an appeal in the Supreme Court.

Some of the Court's Rules and information in the Citizen's Guide have been temporarily modified in light of the ongoing COVID-19 crisis.

For guidance on Supreme Court proceedings while the current judicial emergency remains in effect, please review the following FAQs. These FAQs will be updated as events require and new questions arise.

1. What if I can't meet a briefing deadline for a reason related to COVID-19?

You can request an extension on Supreme Court Rule 15(b). The Court understands that extensions may be necessary during the judicial emergency.

2. How can I file a document if the courthouses are closed and I don't have access to electronic filing?

Mail the document for filing to:

Clerk of Court
Supreme Court of Delaware
55 The Green
Dover, DE 19901

or

Email the document for filing to: Supreme_CourtFilings@delaware.gov

or

Drop off the document for filing at one of the addresses below.

Supreme Court of Delaware
c/o Leonard L. Williams Justice Center
500 North King Street
Wilmington, DE 19801

Supreme Court of Delaware
55 The Green
Dover, DE 19901

Supreme Court of Delaware
c/o Sussex County Law Library

Sussex County Courthouse Annex
5 East Pine Street
Georgetown, DE 19947

3. How can I get forms to file a notice of appeal or other document in the Supreme Court?

Court forms are available online [here](#).

You can also:

Call 302-739-4155 to request a form.

or

Mail a request to Supreme Court of Delaware, 55 The Green, Dover, DE 19901.

**Please be patient—in-person court staffing has been reduced
in light of the current emergency.**

4. What should I do if I need to file a motion to proceed *in forma pauperis* because I can't pay the filing fee, but I can't get the form notarized at this time?

You can submit the *in forma pauperis* form without notarization while there's a judicial emergency. This Court's [March 22nd, April 14th, May 14th, June 5th, July 6th, August 5th, September 4th, October 2nd, and November 2nd Orders](#) allow any person or party to file an unsworn declaration, verification, certificate, or statement under penalty of perjury in place of a sworn declaration, verification, certificate, statement, oath, or affidavit (except as provided in 10 *Del. C.* § 5354(b)).

Please include and complete the following language with your motion.

I declare under penalty of perjury under the laws of Delaware that
the foregoing is true and correct.

Executed on the _____ day of
_____ (month) _____ (year).

_____ (Printed Name)

_____ (Signature)

**LAST REVISED ON JULY 21, 2020
COVID-19 FAQs
FOR SUPREME COURT APPEALS**

Over the last three months, the Supreme Court has issued multiple orders and announcements regarding court operations while COVID-19 poses a serious threat to public health. Those orders and announcements are available [here](#).

For guidance on Supreme Court proceedings while the current judicial emergency remains in effect, please review the following FAQs. These FAQs will be updated as the situation evolves and new questions arise.

Additional information for self-represented litigants appears [here](#).

1. What happens if my appeal is due between March 23, 2020 and June 30, 2020, but I can't file it then?

Under this Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines that expire between March 23, 2020 and June 30, 2020, are extended through July 1, 2020. So you will have until July 2, 2020 to file your notice of appeal.

2. What happens if transcripts are designated in the notice of appeal?

Under the Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines (like the ones for the filing of transcripts and records) that expire between March 23, 2020 and June 30, 2020 are extended through July 1, 2020. Once the trial court transmits the record with the designated transcripts, this Court will issue a briefing schedule.

3. What happens if the notice of appeal stated that no transcription (or no further transcription) is necessary?

Under the Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines (like the ones for the filing of records) that expire between March 23, 2020 and June 30, 2020, are extended through July 1, 2020. Once the trial court transmits the record, this Court will issue a briefing schedule.

4. My opening brief/answering brief/reply brief in a non-expedited appeal is due sometime between March 23, 2020 and June 30, 2020, do I still have to file the brief at that time?

No, under the Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines that expire between March 23, 2020 and June 30, 2020, are extended through July 1, 2020. You will need to file your brief by July 2, 2020 or, if you cannot file your brief by July 2, 2020, request an extension under Supreme Court Rule 15(b).

5. My opening brief/answering brief/reply brief in an expedited appeal is due sometime between March 23, 2020 and June 30, 2020, do I still have to file the brief at that time?

Yes, under this Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines imposed by court order, such as briefing schedules in expedited appeals, continue to remain in place. But those deadlines may be extended for good cause shown, including a COVID-19 related cause. If you are unable to file your brief by the deadline, file a request for an extension under Rule 15(b).

6. What about a Rule 26(c) or 26.1 brief or response to a Rule 26(c) or 26.1 brief that is due between March 23, 2020 and June 30, 2020?

The deadline is extended through July 1, 2020. You will need to file your brief or response by July 2, 2020, or if you cannot file your brief or response by July 2, 2020, request an extension under Supreme Court Rule 15(b).

7. What about a Rule 25 motion to affirm that is due between March 23, 2020 and June 30, 2020?

Under this Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#) the time to file a motion to affirm that is due between March 23, 2020 and June 30, 2020 is extended through July 1, 2020. You will need to file your motion to affirm by July 2, 2020, or if you cannot file your motion to affirm by July 2, 2020, request an extension under Supreme Court Rule 15(b).

8. What if my response to another type of motion, writ, or notice to show cause is due between March 23, 2020 and June 30, 2020?

Under this Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), your time to respond is extended through July 1, 2020. You will need to file your response

by July 2, 2020, or if you cannot file your response by July 2, 2020, request an extension under Supreme Court Rule 15(b).

9. Are the Rule 42 deadlines for interlocutory appeals also extended through July 1, 2020?

Yes.

10. Can I file a motion between March 23, 2020 and June 30, 2020?

Yes, but the other side will not have to respond until July 2, 2020 at the earliest, unless the Court directs the other side to respond sooner. If the parties can agree on the requested relief, you can file an unopposed motion that the Court will act upon without waiting for the other side's response.

11. I understand that the deadlines are extended, but can I go ahead and file something that is due between March 23, 2020 and June 30, 2020 on the day that it is due (or earlier)?

Yes. Parties who are in a position to file their briefs or responses on the original due date, or at any time before July 2, 2020, are welcome to do so.

12. With the courthouses closed to the public, how do I deliver paper copies of my brief and appendix?

For a brief filed between March 16, 2020 and June 30, 2020, you don't. The Court suspended Supreme Court Rule 10(d), which requires the filing of paper copies of briefs and appendices with the Court, [on March 16, 2020](#).

Pursuant to this Court's [June 5, 2020 Order](#), Supreme Court Rule 10(d) is no longer suspended effective July 1, 2020. For briefs and appendices filed on or after July 1, 2020, parties must provide paper copies in accordance with Supreme Court Rule 10(d).

13. What will happen in appeals in which the briefing was completed by March 23, 2020?

The Court will schedule those matters for decision.

14. What will happen in appeals where a motion, response, and reply were filed (or the time to file a response or reply has expired) by March 23, 2020?

Those matters have been submitted to the Court for decision.

15. Will the Court be holding oral arguments?

On March 18, 2020, the Court announced the cancellation of oral arguments through May. As set forth in the Court's [March 18, 2020 announcement](#), the parties in appeals scheduled for oral argument in March, April, or May could file a motion requesting oral argument by March 27, 2020. The Court has ruled on those motions.

The Court plans to resume in-person oral arguments on July 1, 2020. The COVID-19 pandemic, including current quarantine requirements, could require that arguments be heard by video or teleconference, or postponed. Only one Delaware attorney, and if applicable, one out of state counsel, will be permitted to attend oral argument. Others may watch the argument live at <https://courts.delaware.gov/supreme/oralarguments/>. Upon entering the courthouse, a series of screening questions will be asked, temperature screening will take place, masks must be worn, and social distancing guidelines must be maintained.

16. What if you think an appeal or motion should be decided on an expedited basis and that deadlines should not be extended?

If you think an appeal should be expedited, file a motion to expedite with a proposed schedule for resolution of the appeal. The Court may choose to direct the other side to respond to the motion to expedite sooner than July 2, 2020.

If you think a motion requires expedited consideration, include the word “expedited” in the title of your motion, state why expedition is necessary, and state the position of the other side. The Court may direct the other side to respond to your motion sooner than July 2, 2020.

17. Have notarization requirements been modified?

Yes, the Court's [March 22nd, April 14th, May 14th, June 5th and July 6th Orders](#) allow any person or party to file an unsworn declaration, verification, certificate, or statement under penalty of perjury in place of a sworn declaration, verification, certificate, statement, oath, or affidavit (except as provided in 10 *Del. C.* § 5354(b)). The unsworn declaration, verification, certificate, or statement must, as required by 10 *Del. C.* § 3927, be in substantially the following form:

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed on the _____ day of
_____ (month) _____ (year).

_____ (Printed Name)

_____ (Signature)

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Dover, DE 19901

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Email the document for filing to: Supreme_CourtFilings@delaware.gov

or

Drop off the document for filing at one of the addresses below.

Supreme Court of Delaware
c/o Leonard L. Williams Justice Center
500 North King Street
Wilmington, DE 19801

Supreme Court of Delaware
c/o Kent County Courthouse
414 Federal Street
Dover, DE 19901

Supreme Court of Delaware
Court of Chancery Courthouse
34 The Circle
Georgetown, DE 19947

2. What if my notice of appeal is due between March 23, 2020 and June 30, 2020, but I can't file it then?

Under this Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines that expire between March 23, 2020 and June 30, 2020 are extended through July 1, 2020. So you will have until July 2, 2020 to file your notice of appeal if it is currently due between March 23, 2020 and June 30, 2020.

3. How can I get forms to file a notice of appeal or other document in the Supreme Court?

Court forms are available online [here](#).

You can also:

Call 302-651-3960 or 302-739-4155 to request a form.

or

Mail a request to Supreme Court of Delaware, 55 The Green, Dover, DE 19901.

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Please include and complete the following language with your motion.

I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.

Executed _____ on _____ the _____ day _____ of _____
(month) (year).

(Printed Name)

(Signature)

5. My opening brief/answering brief/reply brief is currently due sometime between March 23, 2020 and June 30, 2020, do I still have to file the brief at that time?

No, under the Court's [March 22nd, April 14th, May 14th, and June 5th Orders](#), deadlines that expire between March 23, 2020 and June 30, 2020 are extended through July 1, 2020. You will need to file your brief by July 2, 2020, or if you cannot file your response by July 2, 2020, request an extension under Supreme Court Rule 15(b).

6. What if my response to a notice to show cause is due between March 23, 2020 and June 30, 2020?

Under this Court's [March 22nd, April 14th, and May 14th Orders](#), your time to respond is extended through July 1, 2020. If you cannot file your response by July 2, 2020, request an extension under Supreme Court Rule 15(b).

7. Can I file a motion between March 23, 2020 and June 30, 2020?

Yes, but the other side will not have to respond until July 2, 2020 at the earliest unless the Court directs the other side to respond sooner. If the parties can agree on the requested relief, you can file an unopposed motion that the Court will act upon without waiting for the other side's response.

8. Can I file a petition for a writ between March 23, 2020 and June 30, 2020?

Yes, but the other side will not have to respond until July 2, 2020 at the earliest unless the Court directs the other side to respond sooner.