

Delaware Supreme Court Amends Continuing Legal Education Rules.

By an order dated September 30, 2024, the Delaware Supreme Court has amended the Delaware Rules for Continuing Legal Education, effective November 1, 2024.¹ Like the rules in effect before the amendments, the revised rules require Delaware lawyers to complete twenty-four hours of CLE credit every two years, and to do so by December 31 of the applicable compliance year. To encourage compliance, ease administrative burdens on CLE Commission staff, and align the CLE compliance-reporting process with the annual registration process, the amendments change the enforcement mechanisms for noncompliance.

The new rules eliminate the provision for make-up plans and adopt a graduated delinquency-fee structure, culminating in administrative suspension for attorneys who remain noncompliant as of the April 15 following the end of their compliance year. Specifically, attorneys who are not compliant by December 31 of their compliance year will be assessed a \$150 penalty; noncompliant attorneys who do not cure their noncompliance by March 1 will be assessed an additional \$150 penalty; and those who do not cure by April 1 will be assessed an additional \$200 penalty. Attorneys who do not cure their noncompliance by April 15 will be administratively suspended.

In addition to changing the enforcement provisions, the amendments also:

- Expand opportunities for lawyers to earn CLE credit for non-program activities such as service on Court-appointed committees and pro bono work;
- Align the CLE verification deadline and process with the attorney annual registration process;
- Tighten the deadlines for program providers to report attendance at CLE programs;
- Change the composition of the CLE Commission;
- Provide for prorating of the educational requirement during an attorney's first compliance period after resuming active practice;
- Change the fee structure for program providers; and
- Incorporate stylistic changes and other revisions to conform the rules to current practices.

Although the amendments take effect November 1, 2024, the adopting order provides that the new enforcement structure will not apply to attorneys with a 2024 compliance year (i.e. attorneys admitted to the Delaware bar in an even-numbered year). Instead, attorneys admitted in an even-numbered year who do not (i) complete the required credits by December 31, 2024, and (ii) verify such completion by March 1, 2025, may cure the noncompliance by submitting proof of completion of the required credits by May 15,

¹ This order replaces the order previously announced on September 16, 2024.

2025. An attorney who does not cure the noncompliance by May 15, 2025, will be assessed a \$300 delinquency fee, plus \$10 per business day thereafter until the attorney submits proof of completion of the required credits.

The following table summarizes the applicable provisions for credit completion, verification, and enforcement under the former rules, the transitional rule for attorneys required to complete their credits this year, and the new rule (2025 is used as an example):

	Former Rules (Attorney Required to Complete Credits by December 31, 2023)	Transitional Rule (Attorney Required to Complete Credits by December 31, 2024)	Amended Rules (Attorney Required to Complete Credits by December 31, 2025)
Deadline to complete credits	December 31, 2023	December 31, 2024	December 31, 2025
Verification deadline	March 31, 2024	March 1, 2025	March 1, 2026
First Delinquency Fee	\$300 if credits not completed and verified by March 31, 2024	\$300 if credits not completed and verified by May 15, 2025	\$150 if credits not completed by December 31, 2025, and reported by January 10, 2026
Second Delinquency Fee	Additional \$100 if credits not completed and verified by May 1, 2024	Additional \$10 per business day after May 15, 2025, until noncompliance is cured	Additional \$150 if credits not completed and verified by March 1, 2026
Third Delinquency Fee	Additional \$10 per business day after May 15, 2024 until credits completed and verified	Continuing \$10 per business day until noncompliance is cured	Additional \$200 if credits not completed and verified by April 1, 2026
Administrative Suspension	N/A	N/A	Lawyers who have not cured noncompliance by April 15, 2026 will be administratively suspended

The rule amendments are available on the [Court's website](#). If you have any questions, please contact Patricia Bartley Schwartz, Esq., Executive Director, Arms of Court, at Patricia.Schwartz@Delaware.gov or (302) 651-3935.