

Supreme Court Announces New CLE Rules

The Delaware Supreme Court has issued new rules for CLE, which go into effect November 1, 2024. Lawyers should be aware that the new rules no longer allow CLE make-up plans. The new rules adopt a graduated delinquency-fee structure that increases the penalties for lingering noncompliance and culminates in administrative suspension of any attorney who remains noncompliant as of the April 15 following the end of their compliance year. The new enforcement structure will not apply to attorneys with a 2024 compliance year (i.e. those admitted to the Delaware bar in an even-numbered year). Instead, the order adopting the amendments provides for a transitional enforcement mechanism.

The following table compares the provisions for credit completion, verification, and enforcement under the former rules, the transitional rule, 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	Continuing \$10 per business day until noncompliance is cured	Additional \$200 if credits not completed and

	credits completed and verified		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

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;
- 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.

The rule amendments are available on the Supreme Court’s website. If you have any questions, please contact Patricia Bartley Schwartz, Esq., Executive Director, Arms of Court, at Patricia.Schwartz@Delaware.gov.