

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING THE RULES     §  
OF THE SUPREME COURT OF       §  
DELAWARE, THE DELAWARE       §  
RULES FOR CONTINUING           §  
LEGAL EDUCATION, and THE       §  
DELAWARE LAWYERS' RULES       §  
OF DISCIPLINARY PROCEDURE   §

Before **SEITZ**, Chief Justice; **VALIHURA**, **TRAYNOR**, **LEGROW**, and **GRIFFITHS**, Justices, constituting the Court *en Banc*.

**ORDER**

This 8<sup>th</sup> day of October 2025, it appears to the Court that:

WHEREAS, the Supreme Court of the State of Delaware has adopted the Delaware Rules for Continuing Legal Education (the “CLE Rules”), which set forth the requirements for continuing legal education, and the Delaware Lawyers’ Rules of Disciplinary Procedure (the “Disciplinary Procedure Rules”), which set forth procedures for deciding attorney disciplinary matters;

WHEREAS, Supreme Court Rule 69(j) provides for administrative suspension of lawyers who fail to file the annual registration statement and pay the registration and late fees by April 15;

WHEREAS, Supreme Court Rule 69(j) requires administratively suspended lawyers who do not file the registration statement and pay the registration and late fees by July 1 to petition for reinstatement under Rule 22 of the Disciplinary Procedure Rules;

WHEREAS, Rule 5(D) of the CLE Rules provides for administrative suspension of lawyers who fail to timely satisfy their CLE obligations and then fail to cure their noncompliance by April 15 following the end of their compliance year;

WHEREAS, Rule 5(D) of the CLE Rules requires administratively suspended lawyers who do not complete missing credits, submit proof of completion, and pay all delinquency fees by July 1 following the end of their compliance year to petition for reinstatement under Rule 22 of the Disciplinary Procedure Rules;

WHEREAS, under Rule 22 of the Disciplinary Procedure Rules, lawyers seeking reinstatement following suspension from practice, except for suspensions of six months or less, must prove their rehabilitation and fitness to practice, among other facts, at a hearing before the Board on Professional Responsibility, followed by review by the Court;

WHEREAS, the Court has determined that it is appropriate to establish new procedures for reinstatement from administrative suspension;

NOW, THEREFORE, IT IS ORDERED that:

(1) Delaware Supreme Court Rule 69(j) shall be amended to add the underlined text as follows:

*Late Fees; Administrative Suspension of Membership.* Failure to file the registration statement and pay the registration fee by March 1 will result in a \$150.00 non-waivable late fee. Failure to file the registration statement and pay all fees, including late fees, by April 1 will result in an additional \$200.00 non-waivable late fee. If by April 15 the registration statement has not been filed with the Court and the

registration fee and all late fees have not been paid, the attorney is deemed administratively suspended from the practice of law. The Clerk of the Court shall issue a notice of administrative suspension by certified mail at the last known address of record to each member of the Bar who has failed to comply with this Rule. A lawyer who has been administratively suspended for failure to file a registration statement or nonpayment of fees can be retroactively reinstated as a member of the Bar by filing a registration statement and paying the registration fee plus all accumulated late fees on or before July 1. Any lawyer who fails to seek reinstatement by July 1 shall be required to petition for reinstatement under Rule 22.1 of the Delaware Lawyers' Rules of Disciplinary Procedure.

(2) Rule 5(D) of the CLE Rules shall be amended to add the underlined text as follows:

*(D) Delinquency Fees; Administrative Suspension:* Failure to cure the noncompliance by March 1 as provided in Rule 5(C) will result in an additional \$150 delinquency fee. Failure to cure the noncompliance and pay all delinquency fees by April 1 will result in an additional \$200 delinquency fee. If by April 15 the noncompliance has not been cured, the Attorney is deemed administratively suspended from the practice of law, and the Clerk of the Court shall issue a notice of administrative suspension by certified mail to the Attorney's last known address of record and distribute such notice to the courts in accordance with the Court's procedures relating to administrative suspensions. An Attorney who has been administratively suspended under this Rule may seek retroactive reinstatement as a member of the Bar by completing the missing credits, submitting proof of completion to the Commission, and paying all delinquency fees by the July 1st following the end of the Attorney's Compliance Year. An Attorney who fails to seek reinstatement by that deadline shall be required to petition for reinstatement under Rule 22.1 of the Delaware Lawyers' Rules of Disciplinary Procedure.

(3) Rule 22(a) of the Disciplinary Procedure Rules shall be amended to add the underlined text as follows:

*Proof of rehabilitation.* Reinstatement following suspension from practice, except for suspensions of 6 months or less or administrative suspensions to which Rule 22.1 applies, shall require proof of rehabilitation before the Board and a final order of reinstatement by the Court.

(4) The Disciplinary Procedure Rules shall be amended to add a new Rule 22.1, which shall provide as follows:

**Rule 22.1. Reinstatement following administrative suspension.**

- (a) A lawyer who has been administratively suspended under Supreme Court Rule 69(j) or Continuing Legal Education Rule 5(D) and fails to seek reinstatement by July 1 of the year of the administrative suspension may seek reinstatement by filing a petition for reinstatement with the Supreme Court and serving the petition upon the ODC. The petition shall include the petitioner's explanation for the administrative suspension and the petitioner's plans to remedy the basis for the administrative suspension. The petitioner bears the burden of demonstrating that there are good reasons for reinstatement.
- (b) The ODC shall make a recommendation to the Court on how the petition should be addressed. In making its recommendation, the ODC should consider:
  - (i) the petition for reinstatement;
  - (ii) the length of time since the petitioner was administratively suspended;
  - (iii) the petitioner's fitness to practice, overall competence, and current awareness of recent developments in the law;
  - (iv) the petitioner's compliance with annual registration and continuing legal education requirements before their administrative suspension;
  - (v) the petitioner's status to practice in any other jurisdiction; and
  - (vi) any other information the ODC believes to be relevant.

- (c) Within 30 days of service of the petition for reinstatement, the ODC shall file its recommendation, including the basis for the recommendation, with the Court. The ODC may recommend:
  - (i) granting of the petition, with or without conditions;
  - (ii) referring the petition to the Board on Professional Responsibility for further action in accordance with Rule 22 of these Rules;
  - (iii) referring the petition to the Board of Bar Examiners for determination of the petitioner's suitability to resume active status;
  - (iv) the denial of the petition; or
  - (v) any other course of action that the ODC believes is reasonable under the circumstances.
- (d) Within 15 days of service of the ODC's recommendation, the petitioner may file a reply.
- (e) The Court shall review the petition, recommendation, and reply, if any. If the Court finds that the petitioner has shown good reasons for reinstatement, the Court may enter an appropriate order reinstating the petitioner with any conditions. If the Court finds that the petitioner has not shown good reasons for reinstatement, regardless of whether reinstatement has been recommended by the ODC, the Court may deny the petition or direct further proceedings as appropriate.

(5) The amendments are effective immediately. The Clerk of this Court is directed to transmit a certified copy of this order to the clerk for each trial court in each county.

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Chief Justice