

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULE 2(c) OF §
THE DELAWARE LAWYERS' RULES §
OF DISCIPLINARY PROCEDURE §

Before **STRINE**, Chief Justice, **HOLLAND**, **VALIHURA**, and **VAUGHN**,
Justices, constituting the Court *en banc*.

ORDER

This 26th day of February 2015, it appears to the Court that it is desirable to amend Rule 2(c) of the Delaware Lawyers' Rules of Disciplinary Procedure, effective immediately.

(1) Rule 2(c) shall be amended by adding the following underlined language and deleting the stricken language:

(c) *Hearing Panels*. The Board's power to act ~~with respect~~ as to disciplinary or disability matters, including, without limitation, conducting hearings, and making findings, recommendations, reports, and orders, shall be exercised by hearing panels, each of which shall consist of three members of the Board, of whom two shall be lawyers and one shall be a non-lawyer, except as otherwise provided in these Rules. The Hearing Panel Chair shall be a lawyer. The Administrative Assistant shall designate the members of the Hearing Panel and its chair. ~~Decisions of the Hearing Panel on the merits of discipline or disability matters~~ as to whether a lawyer is subject to discipline under Rule 7 or is disabled, require a unanimous vote. The recommendation of the Hearing Panel on the appropriate sanction for discipline or consequence for disability does not require a unanimous vote. If a panel is unable to reach a unanimous decision ~~on the merits~~ as to whether a lawyer is subject to discipline or disabled in a case under submission, two additional members of the Board shall be designated, and the case shall be heard de novo. The Hearing Panel Chair shall decide scheduling, administrative, procedural, and evidentiary matters. If the Hearing Panel Chair is not available to rule on an administrative, procedural, or evidentiary matter,

the parties may address the matter to the remaining lawyer on the Hearing Panel or the Chair or Vice Chair of the Board.

(2) The Clerk of the Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE COURT:

Chief Justice