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Delaware Supreme Court Re-launches the Commission on Law and Technology

The Delaware Supreme Court, through liaison Justice Karen L. Valihura, has revived, reinvigorated, and redirected the Delaware Commission on Law and Technology.

The Commission, first established as an arm of the Delaware Supreme Court in 2013, worked to provide Delaware lawyers with guidance and education in the use of technology and the practice of law. Since 2013, when the first Commission was formed, the Delaware Lawyers' Rules of Professional Conduct required lawyers to understand and maintain a level of competence in advancements in technology, and the Commission's efforts focused on developing best practices for attorneys' use of technology in this context. The Delaware Supreme Court's September 27, 2023 Order reestablishes and focuses the Commission's mission to address developing technology and to identify critical technological needs and gaps. Recent developments, including the expansion of the permitted possession and use of cellular devices in Delaware's courts and the introduction of generative artificial intelligence, highlight the need to address the continually expanding use of technology in Delaware legal matters. The Court's Order emphasizes the Commission's commitment to improving access to justice for all through developing technology and educating attorneys and self-represented litigants in their understanding of and use of technology.

Justice Valihura and Superior Court Judge Sean P. Lugg will co-chair the Commission, which will be composed of at least 12 members, including representatives from each of Delaware's six courts, as well as representatives from the Department of Justice, Office of Defense Services, the Delaware Department of Technology and Information (DTI), a member of a Delaware litigation firm, a member from a Delaware-based corporation and a representative from the IT department of a law firm.

Appointments to the Commission by the Supreme Court will be for a three-year term, subject to reappointment to additional terms by the Supreme Court. The Order directs the Commission to submit an annual report to the Supreme Court on its findings and recommendations.