

Amendment of Supreme Court Rules 9 and 28

By an order dated January 27, 2025, the Delaware Supreme Court amended Supreme Court Rules 9 and 28. The amendments are effective on March 3, 2025 and are available on the [Court's website](#).

Rule 9(bb), which addresses the sealing of court records on appeal, was amended in light of recent amendments to Court of Chancery Rule 5.1, which governs public access to filings in the Court of Chancery.

As set forth in the Committee Comment, the amendments to Rule 28 are intended to address three primary points. First, the amendments seek to clarify the types of arguments included in amicus curiae briefs that are helpful or not helpful to the Court to focus any such submissions and discourage briefs that merely present or rehash arguments already briefed by the parties to the appeal. Second, the amendments include disclosure requirements for filing amicus curiae briefs, both to require the same filing of the Disclosure of Corporate Affiliations and Financial Interests by corporate amicus as required of the parties and to mandate disclosure of participation or financial support by persons other than the amicus curiae, including a party or its counsel. Similar disclosures are required by the United States Supreme Court and other federal appellate courts. Third, the revisions conform amicus brief content requirements to those of the parties' briefs, as applicable.

If you have any questions, please contact Karlis Johnson, Supreme Court Administrator, at karlis.johnson@delaware.gov.