

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE ADVISORY COMMITTEE TO §
EXAMINE RULE 55 OF THE §
DELAWARE SUPREME COURT §
RULES AND RULE 51 OF THE §
BOARD OF BAR EXAMINERS §
RULES §

ORDER

On this 17th day of March 2025, it appears to the Court that:

WHEREAS, in 1982, the Supreme Court adopted Rule 55, which now grants non-Delaware attorneys employed by or associated with Delaware Volunteer Legal Services, Community Legal Aid Society, Inc., Legal Services Corporation of Delaware, Inc., the Department of Justice of the State of Delaware, the Office of the City Solicitor of the City of Wilmington, the Public Defender's Office within the Office of Defense Services of the State of Delaware, Office of the Child Advocate of the State of Delaware, the New Castle County Office of Law, the Non-profit Pro Bono Committee of the Delaware State Bar Association, the United States District Court for the District of Delaware's Federal Civil Panel, or attorneys who are admitted to practice in other jurisdictions and are associated with a legal assistance program approved or recognized by the Board the right to practice in the courts and administrative tribunals of this State in matters involving such office or the clients of such program;

WHEREAS, to implement the Rule, the Court also adopted Board of Bar Examiners Rule 51, which sets forth the requirements applicable to attorneys practicing law under Supreme Court Rule 55, including the requirement that any person permitted to practice under Rule 55 must sit for the Delaware Bar Examination at the earliest opportunity and continue to do so until that person satisfies the requirements for admission and has been admitted to the Delaware Bar;

WHEREAS, the Department of Justice, the Office of Defense Services, and other agencies representing the public interest are currently experiencing critical attorney staffing shortages;

WHEREAS, the Department of Justice has requested that the Supreme Court consider amending Supreme Court Rule 55 and Board of Bar Examiners Rule 51 to

exempt attorneys admitted to practice in other jurisdictions who are employed by or associated with the public service programs from sitting for the Delaware Bar Examination; and

WHEREAS, the Court has determined that a committee composed of different stakeholders should examine the issue and provide a recommendation to the Delaware Supreme Court.

NOW, THEREFORE, IT IS ORDERED that:

- (1) An Advisory Committee is established to examine Supreme Court Rule 55 and Board of Bar Examiners Rule 51 to consider whether a proposed amendment to the Rules should be adopted exempting attorneys admitted to practice in other jurisdictions who are employed by or associated with Delaware public service programs from sitting for the Delaware Bar Examination.
- (2) Justice Gary F. Traynor shall chair the Committee. The members of the Committee shall consist of one judge of the Sussex County Superior Court; one judge of the Kent County Court of Common Pleas; and one representative of each of the following agencies: the Department of Justice; the Office of Defense Services; the Community Legal Aid Society, Inc; the Legal Services Corporation of Delaware, Inc.; the Board of Bar Examiners; the Supreme Court Rules Committee; and the Supreme Court Clerk's Office. The Committee will be supported by Supreme Court staff attorney Alix M. Robinson, Esquire.
- (3) Any recommendations by the Committee shall be made in the name of the Committee only, and not of the individual members or the institutions by which they are employed. The non-judicial members of this committee shall be immune from civil suit for any conduct in the discharge of their work for this committee.

- (4) The Committee shall provide a recommendation to the Supreme Court on or before June 30, 2025, or such later date as approved by the Supreme Court.

BY THE COURT:

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