

Delaware Supreme Court Amends Supreme Court Rules 6 and 55.1, Professional Conduct Rule 5.5, and Judicial Code Rule 2.11.

By an order dated July 14, 2025, the Delaware Supreme Court has amended Rules 6 and 55.1 of the Delaware Supreme Court Rules, Rule 5.5 of the Delaware Lawyers' Rules of Professional Conduct ("DLRPC"), and Rule 2.11 of the Delaware Judges' Code of Judicial Conduct ("Judicial Code").

Supreme Court Rule 6. Effective May 22, 2025, the General Assembly amended 10 *Del. C.* § 147 to create a "mailbox rule" for appeals filed by self-represented inmates in criminal cases. Under Supreme Court Rules 6 and 10, a notice of appeal is timely filed only if it is received in the Supreme Court Clerk's office by the last day of the appeal period. Consistent with the new mailbox rule in Section 147, the Court amended Rule 6(a) to provide that, in appeals of criminal matters only, an appeal filed by a self-represented litigant who is confined in a correctional institution will be deemed timely filed on the date that the notice of appeal is placed in the institution's internal mail system if (1) the notice of appeal is placed in that internal mail system on or before the last day of the thirty-day appeal period; (2) the first-class postage is prepaid; and (3) the notice of appeal is accompanied by a receipt from the institution's staff verifying when the notice of appeal was placed in the institution's internal mail system.

Supreme Court Rule 55.1 and DLRPC 5.5. In November 2024, the Court established an advisory committee (the "Committee") to consider whether DLRPC 5.5 and Supreme Court Rule 55.1 should be amended. DLRPC governs the unauthorized practice of law, and Supreme Court Rule 55.1 sets forth the process for a non-Delaware lawyer to satisfy DLRPC 5.5(d)(1) by registering as Delaware in-house counsel and receiving a Certificate of Limited Practice. After a process that included consideration of public comments on proposed amendments, the Committee recommended that the Court amend the rules. Among other changes, the amendments adopted by the Court reorganize Rule 55.1, including by compiling the eligibility criteria into one section at the beginning of the rule; set forth a procedure for review of applications; and increase the application fee. The amendments also create a new annual registration requirement for in-house counsel who hold Rule 55.1 certificates. Rule 55.1 certificates will be automatically terminated if the holders do not complete the annual registration process. The first annual registration deadline will be November 16, 2026. The Court's order amending Rule 55.1 permits a current certificate holder who is not eligible under the amended rule to show good cause to maintain the certificate.

Judicial Code Rule 2.11. The Court has amended Judicial Code Rule 2.11 to include a comment clarifying the application of rules regarding disqualification when the judge was previously a lawyer in a government agency.

The rule amendments are available on the [Court's website](#). If you have any questions, please contact Karlis Johnson, Supreme Court Administrator, at karlis.johnson@delaware.gov or (302) 651-3906.