

Rule 69. Categories of Bar membership and annual registration.

(a) Categories of membership. — There shall be five categories of members of the Bar of this Court: (i) active, (ii) inactive, (iii) judicial, (iv) retired, and (v) emeritus.

(b) Registration and assessments. —

(i) On or before March 1, all active, inactive and emeritus members, including newly admitted members who were admitted before February 1 of each year, are required to file a registration statement and pay a fee as set by the Supreme Court. Members who are active and engaged in the practice of law in Delaware must also file a certificate of compliance as provided in subsection (c)(i) of this Rule. A reminder notice will be sent by email before the registration period. Every attorney must update their attorney profile with all current contact information including email address. An attorney who has not received the reminder notice by the first week in January should contact the Clerk's office immediately. Late fees will apply to late payments regardless of lack of notice from the Clerk's office.

(ii) Active assessment. — Active members shall pay a registration assessment as determined by the Supreme Court and shall pay such assessments as shall be made under Supreme Court Rule 66(d), Supreme Court Rule 64(g), Delaware Rules for Continuing Legal Education Rule 3(E)(6), and Supreme Court Rule 74.

(iii) Inactive assessment. — Inactive members shall pay an annual registration assessment and an annual application assessment as determined by the Supreme Court but shall pay no other assessments.

(c) Active members. — All members of the Bar who are not inactive, judicial, retired or emeritus members are active members.

(i) Each active member who is engaged in the practice of law in Delaware must annually file a certificate of compliance with the financial recordkeeping requirements of Rule 1.15 of the Delaware Lawyers' Rules of Professional Conduct ("DLRPC 1.15"). Each law firm engaged in the private practice of law in Delaware must have one active member who is responsible for maintaining the firm's books and records in compliance with the recordkeeping requirements of DLRPC 1.15 (the "Delaware Lawyer in Charge"). The Delaware Lawyer in Charge shall be identified as such on the lawyer's certificate of compliance and shall be answerable to the Delaware Supreme Court for any deficiencies in the firm's recordkeeping. The certificate of compliance filed by each active member who is not a Delaware Lawyer in Charge shall (i) identify the Delaware Lawyer in Charge on whom the lawyer is relying for compliance with DLRPC 1.15, or (ii) state that the lawyer does not work for a law firm engaged in the private practice of law in Delaware.

(d) Inactive members.

(i) *Application.* — A member of the Bar who is not engaged in the practice of law in Delaware or who limits that member's practice of law in Delaware to uncompensated services to clients of one or more of Delaware Volunteer Legal Services, Inc., Community Legal Aid Society, Inc., 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, Delaware Council on Crime and Justice, Inc., the Office of Child Advocate, the Office of the Public Defender, the Department of Justice, and the United States Attorney's Office may, upon application to the Clerk of the Court, become an inactive member. Upon compliance with paragraph (b)(ii) of this Rule and Rule 4(E) of the Delaware Rules for Continuing Legal Education, an inactive member may become an active member.

(ii) *Assessment exemption.* —Whenever a member is classified as inactive, the Clerk of the Court shall notify the Lawyers’ Fund for Client Protection, the Office of Disciplinary Counsel, and the Commission on Continuing Legal Education and that member shall be exempt automatically from the assessments described in Rule 64(g), Rule 66(d), Delaware Rules for Continuing Legal Education Rule 3(E)(6), and Supreme Court Rule 74.

(e) Judicial members. —Judicial members are those judges, commissioners, and masters who are disqualified from the practice of law and those retired judges who do not practice law.

(f) Retired members.

(i) Limitations and duties. —A member of the Bar who is not engaged in the practice of law in Delaware may, upon application to the Clerk of the Court, be granted a certificate of retirement and, so long as the member does not practice law in Delaware other than as provided herein, shall not thereafter be required to comply with this Rule. A retired member may not become an active or inactive member without (1) demonstrating, to the Court’s satisfaction, the moral qualifications, competency and learning in the law required for admission to practice and (2) compliance with subsection (b) of this Rule. The Court may refer any retired member seeking to resume active status to the Board of Bar Examiners for determination of suitability to resume active status. Retired members may engage in uncompensated services to clients of one or more of Delaware Volunteer Legal Services, Inc., Community Legal Aid Society, Inc., 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, Delaware Council on Crime and Justice, Inc., the Office of the Child Advocate, the Office of the Public Defender, the Department of Justice and the United States Attorney’s Office.

(ii) Exemption from assessment. —Whenever a certificate of retirement is issued, the Clerk of the Court shall notify the Lawyers’ Fund for Client Protection, the Office of Disciplinary Counsel, and the Commission on Continuing Legal Education. A retired member shall be exempt from the assessments set forth in Rule 64(g), Rule 66(d), and the Delaware Rules for Continuing Legal Education Rule 3(E)(6).

(g) Emeritus members.

(i) An emeritus member shall be at least sixty-five (65) years of age, unless waiver thereof is granted by the Supreme Court.

(ii) A Delaware attorney applying to the Court for emeritus member status must be in good standing at the time of the application for emeritus member status.

(iii) An active attorney must apply to the Court in writing for emeritus member status.

(iv) Except for special assignments pursuant to Court order, emeritus members may represent only non-profit entities, including, inter alia, Internal Revenue Code § 501(c)(3) entities, religious organizations, educational and governmental institutions as well as clients that inactive members of the Bar may represent pursuant to the existing Rules of the Supreme Court. Emeritus members may not represent individuals, whether for compensation or not, except as permitted by this subsection.

(v) Except for compensation as ordered by the Court, emeritus members may not seek or receive compensation or reimbursement of any kind of legal services, although they may be reimbursed for documented out-of-pocket expenses in connection with permitted legal services.

(vi) Emeritus members are exempt from fees and assessments, except for the Supreme Court’s registration fee.

(vii) Emeritus members are under no obligation to fulfill any continuing legal education

requirements, but will be required to comply with Rule 4(E) of the Delaware Rules for Continuing Legal Education, should such emeritus member apply again to become an active member.

(viii) Emeritus members shall use their best efforts to cause Martindale Hubbell and other legal lists to state that such attorney is an emeritus member of the Delaware Bar with the term “emeritus member” being expressly defined on all legal lists and legal stationery as a licensed Delaware attorney whose practice is limited to representing charitable and non-profit organizations without compensation, except where compensation is ordered by the Court.

(ix) The Supreme Court may, at any time, upon notice to an emeritus member and an opportunity to be heard, cause the status of the emeritus member to be changed, by Order, to inactive member.

(h) Continuing obligation to notify the Clerk of the Court of changes. —Each active and inactive member of the Bar is required to notify the Clerk of the Court in writing within 30 days of any change in the information provided in the member’s most recent registration statement.

(i) Certain duties of the Clerk of the Court. —The Clerk of the Court shall: (i) deposit forthwith all assessments received in a special account maintained, regulated and audited by the State for that purpose; (ii) mail to each member of the Bar who files a registration statement and pays the assessments, a registration card, in a form approved by the Court, certifying that such member is in good standing either as an active or inactive member of the Bar; and (iii) distribute funds from such special account: (1) to pay the necessary expenses incurred by the Court in administering this Rule and (2) for such other purposes related to the regulation of the practice of law as the Court shall direct.

(j) Late Fees; Administrative Suspension of Membership. Failure to file the registration statement and pay the registration fee and assessments by March 1 will result in a \$150.00 non-waivable late fee. Failure to file the registration statement and pay all fees and assessments, including late fees, by April 1 will result in an additional \$200.00 non-waivable late fee. If by April 15 the registration statement has not been filed with the Court and all fees and assessments, including late fees, have not been paid, the attorney is deemed administratively suspended from the practice of law. The Clerk of the Court shall issue a notice of administrative suspension by certified mail at the last known address of record to each member of the Bar who has failed to comply with this Rule. A lawyer who has been administratively suspended for failure to file a registration statement or nonpayment of fees and assessments can be retroactively reinstated as a member of the Bar by filing a registration statement and paying the fees and assessments, including all accumulated late fees, on or before July 1. Any lawyer who fails to seek reinstatement by July 1 shall be required to petition for reinstatement under Rule 22 of the Delaware Lawyers’ Rules of Disciplinary Procedure.

(k) Resignation. —Upon acceptance of the resignation by the Court, a member who resigns shall no longer be a member of the Bar.