

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE WORK LIFE BALANCE §
RECOMMENDATIONS AND THE §
ADOPTION OF NEW FILING DEAD- §
LINES FOR ALL DELAWARE COURTS §

ORDER

This 18th day of July 2018, it appears to the Court that:

WHEREAS, a report was presented to the Delaware judiciary by certain members of the Delaware Bar regarding recommended improvements courts could make to improve work life balance for legal professionals in response to the Chief Justice's call to address work life balance for attorneys in his list of Judicial Branch priorities in 2014. The Report is available on the Delaware State Courts' website: <https://courts.delaware.gov/rules/>;

WHEREAS, the Report, in part, reflects information collected by the Work Life Balance Committee (the "Committee");

WHEREAS, the Committee, composed of members of the Supreme Court Rules Committee, the Court of Chancery Rules Committee, and the Superior Court Rules Committee, was formed to explore changes the courts could make to create a more sensible structure for the practice of law that would improve both the quality of practice and the work life balance of legal professionals in Delaware, and the Committee was unable to reach consensus as to the alteration of the existing filing deadline;

WHEREAS, the Report also contains an analysis of electronic filing statistics of the Delaware courts and the criticisms and concerns that were raised by the Committee;

WHEREAS, as reflected in the Report, courts only accepted documents for filing during regular business hours, with few exceptions, before the advent of electronic filing;

WHEREAS, adoption of electronic filing changed these expectations and allowed legal professionals to file documents until 11:59 p.m.;

WHEREAS, this extension of the filing deadline has contributed to a culture of overwork that negatively impacts the quality of life for Delaware legal professionals without any corresponding increase in the quality of their work product or the functioning of the judiciary;

WHEREAS, the Report recommends a 5:00 p.m. filing deadline in non-expedited cases because it would ease the burden of the existing 11:59 p.m. filing deadline on staff and attorneys;

WHEREAS, the Report recommends additional steps the courts could take to help lawyers, their staffs, litigants, and jurors have a better experience in the courthouse and more quality time outside of the courthouse;

WHEREAS, these additional steps include: (i) disfavoring filing due dates on Mondays or the day after a holiday in non-expedited matters; (ii) disfavoring

issuance of non-expedited opinions after 4:00 p.m. as a general matter and after noon on Fridays; (iii) adopting general practices that every trial judge shall aspire to in all non-expedited trials, when practicable, to start the trial day on time, have a predictable approach to breaks, and end the trial day no later than 5:00 p.m.; (iv) disfavoring the scheduling of arguments or trials in August, except in cases involving exigent circumstances or where there is an important reason for proceeding at that time; (v) the Court of Chancery preparing written electronic filing requirements and guidelines and updating these filing requirements and guidelines on a regular basis; and (vi) returning to the practice of attaching non-confidential filings to the electronic filing notices, rather than the current practice of having to log in and download filings;

WHEREAS, the Supreme Court, as reflected in its Internal Operating Procedures, already has adopted some of the recommended best practices set forth in the Report, including practices disfavoring the issuance of non-expedited opinions after certain times and the scheduling of oral arguments in July and August, except in expedited matters or where there is an important reason for proceeding;

WHEREAS, based on the Report, the Chief Justice, as the administrative head of all the Delaware courts, with the concurrence of the Justices of the Supreme Court, concludes that the recommendations in the Report are sensible best practices that will improve the work life balance of legal professionals and enhance the quality of

their work product and will improve the administration of justice if adopted by the Delaware courts.

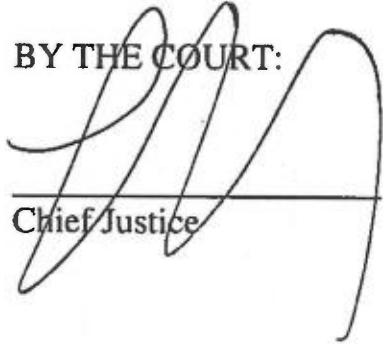
NOW THEREFORE, IT IS ORDERED THAT:

1. The courts shall amend their rules and/or electronic filing policies to require that all electronic filings in non-expedited matters, except for initial pleadings and notices of appeal, must be completed by 5:00 p.m. Eastern Time in order to be considered timely filed that day. All initial pleadings, notices of appeal, and electronic filings in expedited matters must be completed before midnight Eastern Time in order to be considered timely filed that day, except for expedited matters where the parties have agreed upon, or the court has ordered, a different filing deadline. The 5:00 p.m. filing deadline shall become effective September 14, 2018.
2. The trial courts shall consider adopting practices and policies disfavoring: (i) filing due dates on Mondays or the day after a holiday in non-expedited matters; (ii) the issuance of non-expedited opinions addressing dispositive motions or post-trial relief after 4:00 p.m. as a general matter and after noon on Fridays; and (iii) the scheduling of oral arguments and trials in August, except in expedited matters or where there is an important reason for proceeding at that time. The trial

courts shall report on their consideration and progress on or before March 15, 2019.

3. In concert with the deliberations under paragraph 2, the trial courts shall consider the remaining recommendations in the Report carefully and adopt those and other practices that will improve the quality of professional practice by and quality of life of Delaware legal professionals.
4. The Clerk of the Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE COURT:



Chief Justice

FOR IMMEDIATE RELEASE

July 18, 2018

The Delaware Supreme Court adopts policies to improve work life balance

Starting in September, all Delaware State Courts will begin using new standards designed to improve both the quality of practice and work life balance for legal professionals in the state. The changes, detailed in a Delaware Supreme Court order dated July 18, 2018, move the filing deadline for State Courts from 11:59 p.m. to 5:00 p.m. in non-expedited cases to ease the burden of a late filing deadline on staff and attorneys. The Supreme Court also encouraged all courts to consider adopting other measures recommended in a report submitted to the Delaware Judiciary by several members of the Delaware Bar to ease the burden on legal professionals in the state. The report was drafted in response to the Chief Justice's call to address work life balance for attorneys in his list of Judicial Branch priorities in 2014.

"It is human nature to take the maximum permitted time to complete a task. Attorneys are no different when it comes to court filing deadlines," said attorney Patricia L. Enerio, one of the authors of the report. "And while technological advancement has greatly improved our lives in many ways, it has also made it even easier to work right up to an 11:59 p.m. electronic filing deadline. This has significant consequences on attorneys' and their staff's quality of life. The 5:00 p.m. filing deadline and the other recommended changes in the report will help restore some work life balance to our legal professionals, so that they can enjoy more time with their family or on other pursuits."

Attorney Jessica Zeldin agrees. "Recognizing that finalizing and filing court papers requires focus, the 5:00 p.m. rule sets a deadline that coincides with both the availability of staff and the minimization of family distraction. It does so without affecting the overall time allowed for a particular task. It is a simple measure that should promote quality of work product and quality of life," she said.

In addition to the new 5:00 p.m. filing deadline, the report recommended best practices that the courts could take to help lawyers, their staffs, litigants, and jurors have a better experience in the courthouse and more quality time outside of the courthouse.

Based on the report, the Supreme Court has ordered:

- The State Courts to amend their rules and/or electronic filing policies to require that all electronic filings in non-expedited matters, except for initial pleadings and notices of appeal, must be completed by 5:00 p.m. Eastern Time in order to be considered timely filed that day. All initial pleadings, notices of appeal, and electronic filings in expedited matters must be completed before midnight Eastern Time in order to be considered timely filed that day, except for expedited matters where the parties have agreed upon, or the court has ordered, a different filing deadline. The 5:00 p.m. filing deadline shall become effective September 14, 2018.

- The State Trial Courts to consider adopting best practices and policies to discourage: (i) filing due dates on Mondays or the day after a holiday in non-expedited matters; (ii) the issuance of non-expedited opinions after 4:00 p.m. as a general matter and after noon on Fridays; and (iii) the scheduling of oral arguments and trials in August, except in expedited matters or where there is an important reason for proceeding at that time. The State Trial Courts shall report on their consideration and progress on or before March 15, 2019.

“The proposed changes are all designed to try to address the work life *imbalance* issues in the legal profession, and they indicate that the Delaware Courts are concerned about trying to improve the well-being of the many lawyers that practice here,” said attorney Bill Lafferty, another author of the report. “We are hopeful that these changes will create a more sane structure for the legal community in Delaware and that they will help lawyers and their staff to enjoy both their professional and personal lives more,” he said.

The order and supporting report are available on the Delaware State Courts’ website:
<https://courts.delaware.gov/rules/>.

For more information, please contact:
William S. Montgomery, Supreme Court Administrator
(302) 651-3906
William.Montgomery@state.de.us