

SUPREME COURT OF DELAWARE

LISA A. DOLPH  
*Clerk*

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SUPREME COURT BUILDING  
55 THE GREEN  
DOVER DE 19901

DORIS J. ADKINS  
*Chief Deputy Clerk*  
DEBRA J. ZATLOKOVICZ  
*Senior Court Clerk*  
RENÉ A. WORRELL  
*Senior Court Clerk*  
ELIZABETH A. FELICIANO  
*Senior Court Clerk*

(302) 739-4155  
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June 1, 2020

Register in Chancery	New Castle County Kent County Sussex County
Prothonotary	New Castle County Kent County Sussex County
Court of Common Pleas	New Castle County Kent County Sussex County
Family Court	New Castle County Kent County Sussex County
State Law Library	New Castle County Kent County Sussex County
Chief Magistrate Justice of the Peace Court	
Board on Professional Responsibility	
Office of Disciplinary Counsel	
Board on the Unauthorized Practice of Law	
Board of Bar Examiners	

Commission on Continuing Legal Education

Lawyers' Fund for Client Protection

Administrative Office of the Courts

Attached is a copy of the Administrative Directive No. 188, dated June 1, 2020, **regarding Supreme Court Rule 64(e)**.

/s/ Lisa A. Dolph

Lisa A. Dolph

Clerk of the Supreme Court

cc: Honorable John C. Carney, Jr.  
Honorable Collins J. Seitz, Jr.  
Honorable Karen L. Valihura  
Honorable James T. Vaughn, Jr.  
Honorable Gary F. Traynor  
Honorable Tamika R. Montgomery-Reeves  
Honorable Jan R. Jurden  
Honorable Andre Bouchard  
Honorable Alex J. Smalls  
Honorable Michael K. Newell  
Honorable Kathleen M. Jennings  
Honorable J. Brendan O'Neill  
Gregory P. Williams, Esquire  
Chair, Supreme Court Rules Committee  
Gayle Lafferty, Esquire  
State Court Administrator  
Daniel F. Wolcott, Jr., Esquire  
Delaware Code Revisor  
Katherine Neikirk, Esquire  
Senior Staff Attorney  
Karlis Johnson,  
Court Administrator  
Charlene Wickman, Lexis/Nexis  
Carolyn Meier, Lexis/Nexis  
Elizabeth Pease, West Group

## ADMINISTRATIVE DIRECTIVE No. 188

This 1<sup>st</sup> day of June, 2020:

WHEREAS, disciplinary counsel in most states provide some form of guidance to lawyers seeking to comply with local rules of professional conduct; and

WHEREAS, the Preamble/Scope to the Delaware Lawyers' Rules of Professional Conduct (the "DLRPC") provides that compliance with the DLRPC depends primarily upon voluntary compliance, secondarily upon reinforcement by peers and finally, when necessary, upon enforcement through disciplinary proceedings; and

WHEREAS, the Office of Disciplinary Counsel ("ODC") has over the years offered ethics guidance on an *ad hoc* basis, and formalizing the process for seeking advice is more likely to generate compliance inquiries from members of the Delaware Bar,

NOW, THEREFORE, IT IS DIRECTED, with the unanimous approval of the members of the Supreme Court, under Del. Constr. Art. IV, §13(1) that:

Pursuant to Supreme Court Rule 64(e), the powers and duties of disciplinary counsel shall also include the provision of informal, non-binding, confidential guidance for contemplated, prospective conduct and/or decisions of lawyers seeking to comply with the DLRPC; provided, however, that such guidance shall not create an attorney-client relationship with disciplinary counsel. ODC shall take appropriate steps to maintain the confidentiality of such guidance. A lawyer who sought or received guidance from disciplinary counsel may waive such confidentiality in any subsequent, related disciplinary proceeding in which that lawyer is a respondent.

BY THE COURT:

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

cc: The Honorable John C. Carney, Jr.  
The Honorable Karen L. Valihura  
The Honorable James T. Vaughn, Jr.  
The Honorable Gary F. Traynor  
The Honorable Tamika R. Montgomery-Reeves  
Luke W. Mette, Esq., Chief Disciplinary Counsel  
Gayle P. Lafferty, Esq., State Court Administrator  
Karlis P. Johnson, Supreme Court Administrator  
Lisa A. Dolph, Clerk of the Court

State of Delaware       §  
                                  § ss.  
Kent County             §

I, Lisa A. Dolph, Clerk of the Supreme Court of the State of Delaware, do hereby certify that the foregoing is a true and correct copy of the Administrative Directive No. 188, dated June 1, 2020, regarding Supreme Court Rule 64(e), as remains on file and of record in said Court.

IN TESTIMONY WHEREOF,

I have hereunto set my hand and affixed the seal of said Court at Dover this 1<sup>st</sup> day of June, A.D. 2020.

/s/ Lisa A. Dolph  
Lisa A. Dolph  
Clerk of the Supreme Court