

## **COURT OF CHANCERY COURTROOM PRACTICES**

On June 5, 2020, the Delaware Supreme Court entered Administrative Order No. 7, which adopts various measures that the courts will implement as part of a four-phase plan to reopen the State’s courthouses (the “Reopening Plan”). Consistent with the Reopening Plan, the Court of Chancery will continue to conduct hearings telephonically or using video technology whenever it is practicable to do so at the discretion of the presiding judge.

With respect to in-person hearings and trials, the Court of Chancery will change some of its courtroom practices and procedures in accordance with the Reopening Plan. A summary of these practices and procedures, which will become effective on June 8, 2020, is set forth below.

- All attorneys and members of the public will be screened upon entering a State courthouse in accordance with the protocols set forth in the Reopening Plan. If you or a member of your team is denied access to the courthouse when coming to court for a hearing or trial, you should call the chambers of the presiding judge immediately so that the presiding judge can determine how to proceed. The presiding judge will not overrule a denial of access. Please allow extra time for entering the courthouse to assist with the screening process.
- The Reopening Plan requires 6 feet of social distance from all other individuals (other than someone from your household) throughout the courthouse and in courtrooms. The Reopening Plan sets upper bounds on the number of individuals in a courtroom that vary from phase to phase. Because of the 6-foot social distancing requirement, however, the maximum number of people that may be in a courtroom will be determined, as a practical matter, by the size of the courtroom. Set forth below is the maximum occupancy of each Court of Chancery courtroom, excluding court personnel. To ensure that a proceeding will adhere to these occupancy limitations, counsel in an action must jointly file with the court at least five business days before any in-person proceeding a letter with the names and affiliations (*e.g.*, attorney, client, witness, etc.) of each person who will be attending a hearing or, in the case of a trial, who is expected to attend each day of the trial.

<u>County</u>	<u>Courtroom</u>	<u>Maximum Occupancy</u>
New Castle	12A to 12D	14 (8 at counsel tables; 6 in gallery)
Kent	Courtroom #2	21 (8 at counsel tables; 13 in gallery)
Sussex	1 <sup>st</sup> Floor	4 (2 at counsel tables; 2 in gallery)
	2 <sup>nd</sup> Floor	16 (8 at counsel tables; 8 in gallery)

- To assist in limiting the number of people in a courtroom, video streaming of hearings and trials via a YouTube channel will be available in courtrooms A and B in New Castle County and the main courtroom in Sussex County. Additionally, for most proceedings in all courtrooms, parties can obtain remote access to real time transcription of the proceeding from the court reporter.
- The Court of Chancery is cognizant of the right of public access to judicial proceedings. To assist the Court in accommodating such access given the occupancy limitations imposed by the Reopening Plan, any member of the press who wishes to attend a hearing or trial in-person is requested to file a letter so advising the court at least five business days before the proceeding.
- All participants, including non-litigants, are required to wear a face covering or a mask while in the courtroom. During courtroom proceedings, the judge may authorize the removal of face coverings or masks for the presentation of the case.
- A staff member will monitor the hallway outside the courtroom and will direct participants to their seats to ensure proper social distancing. At the conclusion of a proceeding, the staff member will ensure the orderly exit from the courtroom.
- Markings have been placed in the courtrooms identifying where participants may sit consistent with social distancing requirements. In New Castle County, no more than two people may be in each anteroom to the courtroom at one time.
- Tabletop podiums and microphones will be installed at each of the two counsel tables at the front of the courtroom. Counsel shall conduct all presentations (arguments, questioning of witnesses, etc.) from their tables.

- The ELMO projector and the center podium in the courtroom will not be available for use. If counsel wish to display documents (demonstratives, trial exhibits, PowerPoint presentations, etc.) using the screens in the courtrooms, they must make arrangements in advance to do so.
- Counsel should make every effort to plan their presentations to avoid the need to approach the bench or the witness stand. As always, counsel must request permission from the presiding judge if it becomes truly necessary to do so.
- Counsel should make every effort to deliver copies of demonstratives to chambers and opposing counsel at least one day before a courtroom appearance.
- Counsel may bring their phones into the courtroom but they must be turned off (and not just silenced) during a courtroom proceeding. Counsel may use their phones only during scheduled breaks. Counsel should not leave any of their phones or other belongings in the anterooms.
- If counsel anticipates that longer breaks or more time may be necessary for proceedings in order to operate within the parameters set forth herein, the Court will be receptive to such requests.
- The court will not provide water pitchers. Counsel may bring their own bottled water to courtroom proceedings.
- The courtroom will be cleaned after each hearing or trial day.