IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULES OF	§
THE COMMISSOIN ON	§
CONTINUING LEGAL	§
EDUCATION	§

Before **STRINE**, Chief Justice; **HOLLAND**, **VALIHURA**, **VAUGHN**, and **SEITZ**, Justices, constituting the Court *en Banc*.

ORDER

This 16th day of September 2015, IT IS HEREBY ORDERED that the annexed Amended Rules of The Commission on Continuing Legal Education are hereby adopted, to become effective January 1, 2016.

BY THE COURT:

Randy J. Holland

Justice

2015 SEP 16 A 8:13

THE DELAWARE RULES FOR CONTINUING LEGAL EDUCATION

Amended Effective January 1, 2016

Rule 1. Purpose

The Supreme Court of the State of Delaware has determined it is in the best interest of the public and the administration of justice that members of the Delaware Bench and Bar maintain their international reputation of professionalism and competence through continuing legal education. These Rules establish the expectations of the Court for the process of continuing legal education and establish a Commission to assist in their implementation, interpretation and enforcement.

Rule 2. Definitions

(A) "Accredited sponsor" means an organization whose entire continuing legal education program has been accredited by the Commission;

(B) "Attorney" means any member of the Bar of the Delaware Supreme Court, excluding judicial officers;

(C) "CLE" means Continuing Legal Education;

(D) "Commission" means the Commission on Continuing Legal Education;

(E) "Compliance Year" means the year in which the Attorney reaches the December 31 reporting deadline;

(F) "Court" means the Supreme Court of the State of Delaware;

(G) "DSBA" means the Delaware State Bar Association;

(H) "Enhanced Ethics" means both legal and judicial ethics. It also means professionalism, which is a broader concept embodying an attitude and a dedication to ethics, civility, skill, businesslike practices and a focus on service, which encompasses obligations to other Attorneys, obligations toward legal institutions, and obligations to the public whose interests Attorneys must serve;

(I) "Fundamentals Program" means the series of basic courses in legal practice, the subjects of which the Commission will establish;

(J) "In-House Program" means a continuing legal education activity sponsored by a law firm, corporation, governmental agency, or similar entity for the education of its employees or members;

(K) "Judicial Commissioner" means the judicial representative on the Commission under Rule 3(A);

(L) "Judicial Officer" means any member of the Bar of the Delaware Supreme Court appointed to serve as a judge, commissioner, master in chancery or justice of the peace on a Delaware state court;

(M) "Senior Attorney" means every Attorney who has been a member of the Bar of the Supreme Court in any State and in the District of Columbia in good standing for 40 or more years. An Attorney who has been a member of another state's bar has the burden of verifying the 40 or more year status to the satisfaction of the Commission.

(N) "Transcript" means the report prescribed by Rule 5 for verification compliance.

(O) "Uniform Application" means the Uniform Application for the Accreditation of a Continuing Legal Education Activity as approved by the Continuing Legal Education Regulators Association (CLEreg);

(P) "Verification Year" means the year in which the Attorney must verify the accuracy of the CLE transcript.

Rule 3. Commission on Continuing Legal Education

(A) Commission Members: The Commission on Continuing Legal Education is established and shall consist of 7 members appointed by the Supreme Court for a term of 3 years. The terms shall be staggered so that no more than 3 members' terms shall end in the same year. The 7 members of the Commission shall include at least one member of the judiciary and a lawyer from each county. The Commission members shall serve without compensation. Four voting members shall constitute a quorum at any meeting.

(B) Officers: The Court shall appoint 1 member of the Commission as Chair and 1 member as Vice Chair. The Executive Director of the Commission shall serve as Secretary.

(C) Executive Director: The Executive Director shall be selected and employed by the Court.

(D) Ex-Officio Members: The following shall serve as ex-officio members of the Commission, but shall have no vote: The Supreme Court Administrator or the Administrator's designee, the Executive Director and the Director of Continuing Legal Education of the DSBA, the Dean of Widener University Delaware Law School or the Dean's designee, and the Executive Director of the Commission.

(E) Powers and Duties: In addition to administering and interpreting these Rules, the Commission shall be responsible for:

(1) Managing the availability of quality continuing legal educational courses and activities to members of the Bench and Bar;

(2) Determining the number of credit hours to be allowed for any continuing legal educational course or activity;

(3) Producing the Court's annual Pre-Admission Conference;

(4) Approving the curriculum for Fundamentals courses offered pursuant to these Rules and providing guidance for the creation of these courses;

(5) Providing policy statements regarding courses, activities, credits and the interpretation of these Rules;

(6) Recommending to the Court an assessment to be paid by Attorneys concurrently with the annual registration required by Supreme Court Rule 69;

(7) Publishing a schedule of fees to be charged organizations sponsoring continuing legal education programs as a condition of accreditation for attendees to receive Delaware continuing legal education credit;

(8) Reporting annually to the Court on the activities of the Commission.

Rule 4. Educational Requirements

(A) Attorneys Generally: Each Attorney shall complete a minimum of 24 approved CLE credit hours during each two-year period. At least 12 of those credits must be earned by attending, in person, live CLE approved courses also attended by other lawyers from other law firms, organizations or governmental agencies (It is the intent of this requirement that each lawyer have the opportunity to interact with other lawyers from other organizations during the CLE activity). In addition, during the two-year period, at least 4 of the 24 approved CLE credit hours shall consist of approved Enhanced Ethics credits. If more than 24 approved CLE credit hours have been earned during the two-year period, up to 20 of the excess hours may be carried forward and applied to the requirement for the next two-year period. Enhanced Ethics credits cannot be carried forward as Enhanced Ethics, but may be carried forward as general CLE credits.

(B) Judicial Officers: Judicial Officers shall comply with the Educational Requirements of Rule 4(A) or 4(C) as appropriate, based on years admitted to the Bar as outlined in Rule 2(M).

(C) Senior Attorneys: Senior Attorneys shall be subject to these Rules, except that the number of hours required of a Senior Attorney shall be 12 hours during each two-year period, of which a minimum of 2 hours shall be from instruction in Enhanced Ethics. At least 6 of those credits must be earned by attending, in person, live CLE approved courses also attended by other lawyers from other law firms, organizations or governmental agencies.

(D) Newly Admitted Attorneys: The CLE requirement for a newly admitted Attorney shall begin on January 1st of the year after which he/she is admitted to the Bar of the Court. In addition, as to any newly admitted Attorney admitted after December 1, 2015, within two years from that January 1st, the Attorney must attend Fundamentals of Lawyer-Client Relations and two other of the following five courses: Fundamentals of Family Law; Fundamentals of Real Estate; Fundamentals of Civil Litigation; Fundamentals of Will Drafting and Estate Administration, and Fundamentals of Law Practice Management and Technology. Only Fundamental courses offered by the DSBA shall be eligible for approval for this requirement. Attendance at these courses shall be credited towards the Attorney's minimum continuing legal education obligation.

(E) Applicants to the Delaware Bar: Applicants who have passed the Delaware Bar Examination must attend the Court's two-day Pre-Admission Conference. However, if the applicant has been admitted to the Bar of another state for at least five years prior to the date of passing the Delaware Bar Examination, that applicant will be required to attend only Day One of the Pre-Admission Conference.

(F) Attorneys Resuming Active Practice: The CLE requirement for Attorneys resuming active practice shall begin on January 1st of the year after which active practice has been resumed. Attorneys admitted after December 1, 2015 who are resuming active practice and who have not completed the Fundamentals requirements for Newly Admitted Attorneys, are required to do so. This obligation to complete Fundamentals shall not apply to Attorneys admitted prior to December 1, 2015. Any Attorney resuming active practice after being inactive for more than 10 years, however, shall complete Fundamentals of Lawyer-Client Relations within the first compliance period following resumption of active practice. (This obligation applies even though the Attorney may have completed Fundamentals of Lawyer-Client Relations prior to becoming inactive.)

(G) Exemptions: The following Attorneys and Judicial Officers shall be exempt from these Rules:

(1) Any Attorney or Judicial Officer who has filed a Certificate of Retirement pursuant to the Supreme Court Rule 69(f);

(2) Any Attorney holding an elected public office of this State or the United States and who certifies to the Commission by affidavit that the Attorney is not engaged in the practice of law, and whose application for exemption has been approved by the Commission;

(3) Any Attorney or Judicial Officer who becomes an inactive member of the Bar pursuant to Supreme Court Rule 69(d)(i);

(4) Members of the federal judiciary;

(5) Any Attorney suspended by the Court.

(H) Comity: An Attorney whose principal office is located within another mandatory CLE state, who is licensed to practice law in that state and who is in compliance with the CLE requirements of that state and so certifies on the Transcript, shall be deemed in compliance with these Rules.

Rule 5. Verification Requirements for Attorneys

(A) When Attorneys' Credits Shall be Completed: Attorneys admitted to the Delaware Bar in even-numbered years shall complete the CLE credits required by December 31 of even-numbered years; Attorneys admitted in odd-numbered years shall complete the CLE credits required by December 31 of odd-numbered years. Attorneys failing to complete the required CLE credits on or before December 31 of the Compliance Year, must nevertheless verify the Transcript on or before March 31st of the Verification Year accompanied by a specific plan for making up the deficiency, as provided in Rule 10.

(B) When Attorneys Shall Verify Transcripts: Attorneys who are required to complete their CLE credits in a given year shall verify the accuracy of their Transcripts maintained on the Commission website no later than March 31st, of the following year. This is called the Verification Year. Transcripts will be available for review and verification on the Commission website after February 1st of the Verification Year.

(C) Penalties for Late Verification of Transcripts: Attorneys failing to verify their Transcripts by March 31st of the Verification Year shall be fined $300. An additional fine of $100 per month will be added to the initial fine for Attorneys failing to verify their Transcripts by May 1st of the Verification Year. Payment shall be made on the same day as the late Transcript is verified. The Commission may waive all or any part of the penalty for good cause shown.

(D) Audits of Transcripts: The Executive Director shall develop a means for selection of no fewer than 5% of the Transcripts received in each year for purposes of verification. The Executive Director shall cause each of the selected Transcripts to be subjected to any or all of the following verification procedures:

(1) Comparing the Transcript to the Commission's records to assure that each listed course was actually accredited and that appropriate applications were submitted and approved for any activities for which the submitting Attorney sought credit;

(2) Asking the Attorney to submit evidence of attendance at courses or participation in activities claimed on the Transcript;

(3) Communicating with a course or activity provider to obtain verification of the Attorney's participation;

(4) Obtaining an approved copy of the Attorney's most recent compliance report from another mandatory CLE state if the Attorney is claiming compliance under the comity clause of Rule 4.

If the Verification procedures produce reason to believe that an Attorney has submitted a false Transcript or other false information to the Commission, the Executive Director shall bring such information promptly to the attention of the Commission. The late filing of a Transcript may subject the Attorney to a CLE audit.

Rule 6. Attendance Records.

(A) Obligation of the Provider: The program provider shall create and maintain, for at least 3 years, records of attendance at the courses.

(1) Within 45 days after the date on which the program ends, the provider shall submit to the Commission a list of attendees for each activity. This list shall include:

(a) the course identification number as assigned by the Commission;

(b) the full name of each attendee;

(c) the Delaware Supreme Court identification number of each attendee, as available; and

(d) the number of credit hours to which each attendee is entitled, based upon the total number of credit hours approved by the Commission. This number should indicate how many of the credit hours were in Enhanced Ethics.

These records may be submitted to the Commission in writing or by electronic transmission in a format approved by the Commission. The Commission may require verified statements as to the accuracy of the reports it receives. To ensure accuracy, providers should have a representative present to properly record attendance on a sign-in sheet.

(2) In addition to the records submitted to the Commission, the provider shall provide each attendee with a certificate of attendance. This certificate shall include:

(a) the name, address and telephone number of the sponsoring organization;

(b) the course identification number as assigned by the Commission;

(c) the complete title of the course attended;

(d) the date(s), city and state of the course attended;

(e) the total number of credit hours approved by the Commission for the particular course;

(f) the total number of credit hours attended by the Attorney, including a statement of the number of these hours that were in Enhanced Ethics; and

(g) the name and signature of the provider's authorized representative.

The certificate of attendance shall be given to the attendee before the attendee leaves the seminar site. If this is not possible, the certificate of attendance shall be sent to the attendee as soon as possible after the seminar.

(B) Obligation of the Attorney: The Attorney should keep copies of all attendance certificates, course outlines, agendas, cancelled checks, receipts, travel vouchers, and the like, verify attendance, for 3 years after finalization of the approved Transcript. The Commission may periodically request an Attorney to produce independent verification of attendance.

Rule 7. Credit Hours and Accreditation Standards.

(A) Credit Hours: CLE credit hours shall be computed by the following formula: Total minutes /60 = total credit hours). Credit hours shall be rounded to the nearest 1/10th of an hour. Unless otherwise provided in these Rules, only legal education shall be included in computing the total hours of actual instruction. Programs may be split into accredited and non-accredited hours. Non-instructional portions of programs, such as breaks and introductory remarks, shall not be included in the credit computation. Business meetings or

portions of programs devoted to the business of the presenting group do not qualify for credit.

(B) Accreditation Standards: The Commission shall approve continuing legal education activities consistent with the following standards:

(1) They shall have significant intellectual or practical content and the primary objective shall be to increase the participant's professional competence as a lawyer or a judge;

(2) They shall constitute an organized program of learning dealing with matters directly related to the practice of law, the exercise of judicial responsibility, professional responsibility, law office management, use of technology, or the ethical obligations of lawyers or judges;

(3) Credit may be given for continuing legal education activities where (i) in person or televised live instruction is used or (ii) mechanically or electronically recorded or reproduced material is used in an organized program;

(4) Continuing legal education materials are to be offered, and activities conducted, by an individual or group qualified by practical or academic experience in a setting physically suitable to the educational activity of the program;

(5) Thorough, high quality, and carefully prepared written materials should be made available to all who attend the course. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials should, however, be the exception and not the rule.

(C) Activities for which CLE Credit Will Not be Approved: The Commission will not approve for CLE credit:

(1) Courses designed to review or refresh recent law school graduates or other Attorneys in preparation for any bar examination;

(2) Activities for which the Attorney has already received credit in another form, including attendance (e.g., an Attorney who prepared materials and received credit for presenting a seminar may not also receive credit for the publication of those materials, or for attendance during the time spent speaking at the seminar). However, (1) the Attorney may receive credit for attending portions of the seminar which the Attorney did not teach, and (2) the Attorney may receive credit notwithstanding that the Attorney also seeks or receives CLE credit for the activity from another State in which the Attorney is a member of the Bar.

(D) Disabilities and Special Circumstances: An Attorney who has a disability or some other special circumstance, which makes attendance at continuing legal education activities inordinately difficult for a substantial period of time, may file a request with the Commission for a permanent substitute program in lieu of attendance, or a temporary substitute program in lieu of attendance during the period of the disability or special circumstances. The Attorney shall state in writing to the Commission the reasons for the request and a proposal for a continuing legal education plan tailored to the Attorney's circumstances. The

Commission shall promptly review the request, seek such additional information as appropriate and approve or disapprove such plans on an individual basis.

Rule 8. Accreditation of Sponsors and Programs.

(A) Accredited Sponsors: The Commission may designate qualified organizations or persons (other than law firms, legal departments of corporations or government agencies) as Accredited Sponsors. While in good standing, any program of continuing legal education organized and conducted by the Accredited Sponsor shall be an accredited course, provided the program and the Accredited Sponsor complies with these Rules. Any person or organization seeking to become an Accredited Sponsor shall apply by filing with the Commission a completed Form 3 together with a filing fee of $250. To maintain Accredited Sponsor status, a Form 3-A together with a filing fee of $250 shall be filed annually. Filing fees may be waived when the approved continuing legal education activities are free of charge to all attendees or are presented under the supervision of the Delaware State judiciary. The Commission may re-evaluate the status of an Accredited Sponsor and revoke the accreditation for any reason the Commission deems appropriate.

(B) Accreditation of Individual Courses: The Commission may, on its own initiative, or upon application by any Attorney or the sponsor provider of any course, approve credit for all or a portion of a course that otherwise complies with these Rules. Application for accreditation of an individual program shall be on the Uniform Application if made by a program provider, and on Form 4 if made by an Attorney. Applications made by a program provider shall be accompanied by a $50 filing fee. Applications may be submitted before or after presentation of the program; however, if application for course approval is made by an Attorney before attendance, the Attorney shall submit a certificate of attendance within 45 days after the date on which the program ends. The Commission may request additional information from any applicant.

(C) Accreditation for Non-Law Courses: The Commission may approve credit for non-law courses necessary or appropriate to an Attorney's legal practice upon the Attorney's application.

(D) Accreditation for Recorded or Electronically Broadcasted Courses: The Commission may approve credit for recorded or electronically broadcasted courses that otherwise comply with these Rules, provided that the sponsor demonstrates objective means to verify that the Attorney has in fact completed the program (i.e., the Attorney's objective assertion of completion is necessary for credit, but not sufficient). Applications shall be made on the uniform application with an additional application fee of $25.00. The Commission may request additional information from any applicant. If the presentation is recorded from a previously presented course, the original course must have taken place no more than two years before the date of the presentation for which credit is being sought.

(E) Accreditation of In-House Courses: The Commission may approve credit for In-House courses that otherwise comply with these Rules.

Rule 9. Accreditation of Activities

(A) Scholarly Writing: The Commission may approve credit for uncompensated scholarly

writing and publication. Applications shall be made by the Attorney on Form 7. The Commission may request additional information from any applicant.

(1) **What Must Be Included in the Application:** The application for credit hours for such materials must include:

(a) A copy of the material for which credit is sought;

(b) The name and address of any other person participating in the writing or presentation of the content of the material, and a statement of the extent to which that person contributed to the content of the material;

(c) An estimate of the number of hours the Attorney expended preparing the material, and a description of the hours expended;

(d) With regard to published material, the name and address of the publisher and a statement that (a) the written material will be published in a publication having distribution to at least 300 lawyers, (b) the material is an original work and (c) the author(s) received no compensation for writing it.

(2) **Other Conditions and Considerations:**

(a) Only uncompensated scholarly writing qualifies for credit. Payment to the Attorney's firm constitutes payment to the Attorney. Reimbursement of out-of-pocket expenses is not considered compensation. If an Attorney donates all compensation for a scholarly writing to the Delaware Bar Foundation he/she may receive credit.

(b) Credit hours may be allocated to writing and publication, at the election of the author, in the year in which the work is accepted for publication, or publication actually occurs.

(c) If the work is not published, the Attorney may, in the Commission's discretion, receive credit for the preparation of the unpublished material.

(d) The Commission will determine the number of credit hours to be allocated to the writing and publication of the work and will notify the applicant promptly on making its determination. As a general guideline: articles in general circulation newspapers and periodicals generally will not receive credit; a brief published piece worthy of credit in the Commission's judgment receives 2.5 credit hours; substantive articles appearing in professional newspapers and periodicals such as the Delaware Lawyer that evidence research and analysis generally receive five credit hours. Law review articles, books or chapters of published works are eligible for more credit, in the Commission's discretion.

(B) **Instruction in or Participation in the Presentation of Accredited Courses:** The Commission may approve credit for uncompensated teaching in an approved continuing legal education activity, accredited law school, college or university. Applications shall be made by the

Attorney on Form 8. The Commission may request additional information from any applicant.

(1) If a number of Attorneys seek credit for the same course, one application may be submitted on behalf of all. In the absence of an agreement between co-presenters, available credit shall be divided equally among them. Course moderators who do not otherwise teach in the program, but who participate in the program, shall receive credit for 1.5x the time of attendance of the portion of the program moderated.

(2) Only uncompensated teaching qualifies for credit. Compensation to the teaching Attorney's firm constitutes compensation to the Attorney. Reimbursement of out-of-pocket expenses is not considered payment for teaching. An Attorney who donates compensation for teaching to the Delaware Bar Foundation may receive teaching credit.

(3) Presentations accompanied by thorough, high quality, readable and carefully prepared written materials approved by the Commission will be awarded CLE credit, provided the Attorney certifies that the Attorney did the research and prepared the written materials for the presentation. For repeat presentations, Attorneys will be awarded one-half of the credit hours received for the initial presentation.

(C) Court Appointed Commissions:

(1) The Commission may approve credit for Court appointed commissions, including the following:

(a) Service on the Board on Professional Responsibility: Members of the Board on Professional Responsibility and the Preliminary Review Committee will receive 4 Enhanced Ethics credits for each year of service;

(b) Service as an appointed Presenter in any investigation or proceeding before the Court on the Judiciary, or as Special Disciplinary Counsel shall be applicable towards satisfaction of the biannual requirement for instruction in Enhanced Ethics;

(c) Service on the Board of Bar Examiners: Members will receive 12 credits (including 2 Enhanced Ethics for each year of service. Associate members and Secretaries will receive 6 credits (including 1 Enhanced Ethics) for each year of service;

(d) Service on the Board on Unauthorized Practice of Law, to the extent it requires significant research in the law, legal writing or drafting;

(e) Service on the Lawyers' Fund for Client Protection shall receive 2 Enhanced Ethics Credits for each year of service;

(f) Service on the Board of Examining Officers for the Court on the Judiciary.

(2) Applications must include:

(a) A description of the activity for which credit is sought, including an identification of the commission involved;

(b) A statement of the number of hours expended in the activity;

(c) A description of the substantive legal work performed including, for example, contributions to the substance of a continuing legal education program, or research in the law performed;

(d) A copy of any written materials produced by the applicant, as a result of the activity;

(e) Upon receipt of an application, the Commission will determine whether the applicant shall receive credit for the activity and the number of credit hours allocated to it. The Commission shall notify the applicant promptly of its determination.

(D) Pro Bono Legal Services:

(1) The Commission may approve credit for entirely uncompensated Pro Bono Legal Services, and Special Court Appointments, provided:

(a) The services are performed pursuant to (i) appointment of the Attorney by a Delaware court, including the United States District Court for the District of Delaware; or, (ii) an assignment of a matter to the Attorney by Delaware Volunteer Legal Services, Inc., Community Legal Aid Society of Delaware, Inc., the Office of the Child Advocate, or Legal Services Corporation of Delaware, Inc., or (iii) services performed at outreach events such as an accredited law school's "Wills for Heroes" days; or (iv) any service performed that is determined by the Commission to be eligible for CLE credit under this section.

(b) Credit may be earned at a rate of one hour of CLE credit for every six hours of legal services performed, provided the work performed on the matter was totally uncompensated. Credit is limited to 6 credits per two-year compliance period.

(2) Applications must include:

(a) A description of the activity for which credit is sought, including an identification of the organization, committee, or association involved;

(b) A statement of the number of hours expended in the activity;

(c) A description of the substantive legal work performed including, for example, contributions to the substance of a continuing legal education program, or research in the law performed;

(d) A copy of any written materials produced by the applicant, as a result of the activity.

Rule 10. Noncompliance

(A) Attorneys:

(1) False Statements: If the Commission has reason to believe that an Attorney has submitted a false Transcript or other false information to the Commission, it shall forward the Attorney's name to Disciplinary Counsel for investigation and shall notify the Attorney it has done so.

(2) Notice of Noncompliance:

(a) In the event an Attorney shall fail to complete the required credits by December 31 of the Compliance Year, the Attorney shall submit to the Commission a specific plan for making up the deficiency of necessary credits by April 30 of the Verification Year. Submission of the make-up plan must be included with the online Transcript verification. The plan shall be deemed accepted by the Commission unless, within 30 days after the receipt of the Transcript, the Commission notifies the Attorney to the contrary. The Attorney shall report full completion of the plan by May 15 through the Commission website by marking the online plan entries as complete and forwarding copies of the program attendance certificates to the Commission. If the Attorney fails to complete the plan by April 30 of the Verification Year, or to report completion of the plan by May 15 of the Verification Year, within 120 days, the Commission shall send the Attorney a notice of noncompliance informing the Attorney that unless the Attorney presents satisfactory evidence of compliance within 20 days of the date of the notice, the Commission will file a statement of noncompliance with Disciplinary Counsel. An Attorney shall be required to pay to the Commission $10.00 for each business day that the Attorney's make-up plan has not been fully completed and reported to the Commission beginning on May 16 of the Verification Year, to and including the date of filing. The Commission may waive all or any part of this penalty for good cause shown;

(b) In the event that an Attorney shall fail to comply with these Rules in any respect, the Commission shall send a notice of noncompliance. The notice shall specify the nature of the noncompliance and state that unless the noncompliance is corrected, or satisfactory evidence of compliance is submitted within 20 days of the date of the notice, the Commission will file a statement of noncompliance with Disciplinary Counsel;

(c) Before sending an Attorney a notice of noncompliance, the Commission may request the Attorney to submit additional information to enable the Commission to evaluate the Attorney's compliance with these Rules.

(B) Judicial Officers:

(1) Compliance with the requirements of Rule 4(A) or 4(C) by judicial officers shall be

considered as the maintenance of professional competence pursuant to Canon 3A(1) of the Delaware Judges' Code of Judicial Conduct;

(2) If in the sole judgment of the Judicial Commissioner any judicial officer fails satisfactorily to comply with these Rules in any respect, the Judicial Commissioner shall take such action as the Judicial Commissioner deems appropriate to induce compliance. If compliance satisfactory to the Judicial Commissioner is not obtained, the Judicial Commissioner shall refer the matter to the Chief Justice for appropriate action to induce compliance.

Rule 11. Confidentiality

Unless directed otherwise by the Supreme Court, the files, records and proceedings of the Commission, as they relate to or arise out of any failure of any Attorney to satisfy the requirements of these Rules, shall be deemed confidential and shall not be disclosed, except in furtherance of the duties of the Commission or upon the request of the Attorney affected or as they may be introduced in evidence or otherwise produced in proceedings under these Rules.

Rule 12. Review.

(A) Petitions to the Commission: Any Attorney, provider or other person aggrieved by any decision or action of the Commission may petition the Commission for relief within 30 days from the date of mailing of the notice of the action of the Commission. The petition may be accompanied by supporting evidence or documentation including affidavits and may include a request for a hearing. If a hearing is requested, the Commission may conduct a hearing at which the aggrieved party may present evidence and argument in support of the petition.

(B) Petitions to the Supreme Court: If the Commission denies such petition as a whole or in part, and if such action affects the substantial rights of the person claimed to be aggrieved, the person may petition the Supreme Court for relief by serving 2 copies thereof upon the Executive Director of the Commission and by filing 6 copies with the Clerk of the Supreme Court, such service and filing to be accomplished within 30 days of the action of the Commission. No petition shall be accepted unless the provisions of this paragraph have been timely fulfilled.

(C) Supreme Court Review: The Supreme Court may summarily refuse a petition which does not affect the substantial rights of the person claimed to be aggrieved. Appeals from the Commission's action to the Supreme Court shall be briefed, argued and determined from the record of the matter before the Commission and not by means of a hearing de novo. Findings by the Commission relating to disputed issues of fact and credibility will not be reversed by the Supreme Court so long as they are supported by substantial evidence.