

**IN THE SUPERIOR COURT OF
THE STATE OF DELAWARE**

STANDING ORDER REGARDING COURTROOM OPPORTUNITIES FOR NEWER LAWYERS)))))	COMPLEX COMMERCIAL LITIGATION DIVISION
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ORDER

The decline in courtroom opportunities for newer attorneys (i.e., those practicing for less than seven years (“newer attorney(s)”) is widely recognized and is of concern to both the bench and bar. Given the nature and volume of the motion practice in this Court’s Complex Commercial Litigation Division (CCLD), there is ample occasion to provide in-court presentation opportunities to newer attorneys. The CCLD Judges, therefore, as a matter of unanimous policy, strongly encourage the participation of newer attorneys in all CCLD courtroom proceedings including but not limited to oral argument on motions where the newer attorney drafted or significantly contributed to the motion’s research and briefing.

To animate this policy, the CCLD judges adopt the following guidelines regarding oral argument on motions and other in-court CCLD proceedings:

- (1) After a motion is fully briefed, a party may alert the Court, either as part of a request for oral argument or scheduling communication, that it intends to have a newer attorney argue the motion (or a portion of the motion) if argument is granted.
- (2) If such notice is provided, the Court will:
 - a. Endeavor to schedule the subject motion for oral argument if it is at all practicable to do so.
 - b. Strongly consider allocating additional time for oral argument beyond what the Court may have otherwise allocated were a newer attorney not arguing the motion.
 - c. Permit other more senior counsel of record the ability to provide assistance, where appropriate, to the newer attorney who is arguing the motion.

All attorneys—including newer attorneys—will be held to the highest professional standards and are expected to be thoroughly versed in each case’s factual record and applicable governing law. Too, all attorneys appearing in court should have the degree of authority commensurate with the proceeding.

The CCLD Judges recognize that any number of factors might guide the decision to have a newer attorney to argue a motion, or a portion thereof. Accordingly, the presiding judge will draw no inference whatsoever from a party’s decision to have or not have a newer attorney argue any particular motion before the Court.

The undersigned CCLD Judges hope that Counsel join the Court in effectuating this vital policy. Counsel should seek additional guidance from the presiding CCLD judge in any particular case concerning its scope and application in that proceeding.

IT IS SO ORDERED this 17th day of March, 2022.




Mary M. Johnston, Judge



Eric M. Davis, Judge



Paul R. Wallace, Judge



Abigail M. LeGrow, Judge