

## DELAWARE PRACTICE AIDS

*“Delaware practice aids”* are statutes, administrative regulations, court rules, looseleaf services and/or treatises specific to Delaware law including form books, subject treatises, opinions and Internet links.

Delaware materials are located in a variety of areas within the Legal Information Center. See a current **Library Locator** (map) to view where each area of the library is situated. Library Locators are available at both the Circulation and the Reference desks and in other areas of the library where research guides are displayed. Materials in **CLOSED RESERVE** may be obtained from Circulation, while a reference librarian can assist you in getting items that are in the **SPECIAL COLLECTIONS ROOM** or **ARCHIVES**.

### LEGAL INFORMATION CENTER HOMEPAGE [www.law.widener.edu/Law-Library](http://www.law.widener.edu/Law-Library)

Links to an increasingly vast array of Delaware legal information may be found by going to the **Widener School of Law's Legal Information Center** homepage and clicking on **“Delaware Research.”** Among the many links provided are ones to each of the Delaware courts; the online Delaware Code, including the Constitution; the Delaware General Assembly; and various legal organizations and publications. Increasingly, the Delaware courts are providing practice information **ONLINE**, including rules, forms, and decisions; so it is worthwhile for the practitioner to become familiar with these sites and return frequently for updated information.

### STATUTES

Delaware statutes are codified in the ***Delaware Code Annotated*** (**KFD30 1974 .A24**). The Code is kept up to date by pocket parts (every two years), advance annotation pamphlets, supplementary pamphlets and revised volumes. Copies of the Code are available in the **TREATISE** section of the library and on **CLOSED RESERVE**. Superseded copies of the code are in **ARCHIVES**. The current Delaware Code is online at: [www.delcode.state.de.us](http://www.delcode.state.de.us).

***Laws of the State of Delaware*** (**KFD25 .D4**) are in bound volumes in the **SPECIAL COLLECTIONS ROOM**. State session laws are available in **MICROFICHE** on the 1<sup>st</sup> floor, plus those from recent years also are in looseleaf format in **ARCHIVES**.

The bills and laws of the **current** General Assembly are in **CLOSED RESERVE** or they are accessible through the General Assembly's website ([www.legis.state.de.us/Legislature.nsf](http://www.legis.state.de.us/Legislature.nsf)). This website also has archives which include bills from the 138<sup>th</sup> G.A. (1995-1996) to the most recently-completed General Assembly. All bills and resolutions introduced, plus the completed session calendar, are available in bound form in the **TREATISES** section at **KFD6 .A2**. Holdings are from the 128<sup>th</sup> General Assembly (1975-1976) up to the most recently-completed session.

#### ***Delaware Legislative History.***

For instructions on preparing a Delaware legislative history, see ***Doing a Legislative History in Delaware*** at the **REFERENCE DESK** (**KFD75 .Y35 1993**) or see a slightly-updated version **ONLINE**, ***Compiling a Delaware Legislative History***, by going to the Legal Information Center's homepage and clicking on **“Delaware Research.”**

#### ***Delaware Corporation and LLC Laws Annotated.***

Contains the provisions of the Delaware Constitution relative to corporations, the Delaware General Corporation Law, the Delaware Franchise Tax Law, the Delaware Revised Uniform Limited Partnership Act and the Delaware Limited Liability Company Act. Fully annotated with pertinent decisions of the Delaware courts. Updated periodically.  
**TREATISE KFD213 .A33 C58**

#### ***Delaware Laws Affecting Business Entities Annotated.***

Includes the General Corporation Law, Franchise Tax Law, Limited Liability Company Act, treatment of business trusts, Revised Uniform Limited Partnership Act, and registered limited liability partnerships. Fully annotated. Updated semiannually.

**CLOSED RESERVE KFD213 .A29 D45**

**CLOSED RESERVE: CD-ROM available**

#### ***Delaware Criminal and Traffic Law Manual.***

Compilation of selected laws related to criminal and traffic law, including amendments through the end of the 2002 legislative session. Also includes a listing of Justice of the Peace Courts.

**CLOSED RESERVE KFD561 A29 D45**

**CLOSED RESERVE: CD-ROM available**

### COURT RULES AND PRACTICE

***Delaware Rules Annotated.***

Issued as part of the ***Delaware Code Annotated***, these volumes provide an annotated version of all Delaware Court Rules. Some forms are provided. It is published in soft cover, and is updated semi-annually and replaced annually.

**TREATISES & CLOSED RESERVE KFD30.5 .M5 A7**

***Delaware Appellate Handbook, 2nd ed.***

This handbook is for use by Delaware attorneys in appellate practice before the Delaware courts in conjunction with the applicable rules of court and provisions of the ***Delaware Code***. It is found ONLINE by clicking on "Rules, Forms and Directives" on the Delaware Supreme Court website or by going directly to the URL below.

**ONLINE: [www2.law.widener.edu/handbook/tofcont.htm](http://www2.law.widener.edu/handbook/tofcont.htm)**

Finger, David L. and Louis J. Finger.

***Delaware Trial Handbook.***

One volume treatise providing the Delaware attorney with a guide to courtroom practice and procedure. Updated annually through 1999. Still useful even though no further updates planned.

**CLOSED RESERVE KFD538 .F55 1994**

***Delaware Uniform Rules of Evidence***

***Delaware Rules of Civil Procedure***

***Delaware Rules of Criminal Procedure***

All three sets of rules are accessible online through the Superior Court of Delaware website.

**ONLINE: <http://courts.state.de.us/superior/rules.htm>**

***Truth in Sentencing Benchbook.***

Designed to assist sentencing judges, prosecutors, and defense attorneys in creating sentences consistent with the goals of sentencing reform promulgated by the Delaware Sentencing Accountability Commission. One volume, updated annually.

**CLOSED RESERVE KFD583.2 .D45**

**Online: [www.state.de.us/cjc/sentac.htm](http://www.state.de.us/cjc/sentac.htm)**

***Pattern Jury Instructions for Civil Practice in the Superior Court of the State of Delaware.***

Provides civil jury instructions compiled as a reference guide for use in Delaware Superior Court. One-volume looseleaf plus CD-ROM, updated.

**CLOSED RESERVE KFD542.6 .A65 P38**

**ONLINE:**

**[http://courts.state.de.us/superior/pattern\\_online.htm](http://courts.state.de.us/superior/pattern_online.htm)**

## **CORPORATIONS/BUSINESS ENTERPRISES**

ABA Section of Business Law.

***Prototype Limited Liability Partnership Agreement.***

An exploration of the application of the revised Uniform Partnership Act (1997).

**TREATISE KF1380.P76 2003**

**CLOSED RESERVE CD-ROM available**

Balotti, R. Franklin and Jesse A. Finkelstein.

***The Delaware Law of Corporations and Business Organizations, 3rd ed.***

Analyzes the legal framework governing organizations incorporated in Delaware. Part One contains an explanatory text covering the General Corporation Law of Delaware and special purpose banks. Part Two contains the General Corporation Law of Delaware and provisions dealing with business trusts and limited liability companies. Part Three includes a compilation of corporate forms which correspond to relevant portions of the text in Part One. Three-volume, looseleaf set, updated annually.

**CLOSED RESERVE KFD213 .B35 1997**

Block, Dennis J., et al.

***Contests for Corporate Control: Current Offensive & Defensive Strategies in M&A Transactions, 2003***

Course handbook designed to give practical, up-to-date information and insight to officials dealing with specific corporate control issues relating to mergers and acquisitions. This 834-page softbound treatise features presentations by a distinguished and knowledgeable faculty.

**TREATISE KF1544.Z9 C6 2003**

Block, Dennis J., et al.

***The Business Judgment Rule: Fiduciary Duties of Corporate Directors, 5th ed.***

Describes the state of law as it has developed in the courts and statutes. Two volumes with an annual supplement.

**RESERVE KF1423.Z9 B55 1998**

Carey, Wayne J. and Ellisa Opstbaum-Habbert.

***Delaware Limited Liability Company: Forms and Practice Manual.***

Acquaints the practitioner with the benefits of the Delaware Limited Liability Company Act (LLC) and the Delaware Business Trust Act (BTA). The primary focus is on the relationship between the provisions of the BTA and the limited liability company agreement. One-volume, looseleaf, updated annually.

**CLOSED RESERVE KFD207.5 .A65 C37 1995**

**CLOSED RESERVE: Computer disks available**

Drexler, David A., et al.

***Delaware Corporation Law and Practice.***

In-depth analysis of the General Corporation Law of Delaware, with extensive case analysis and practical advice. Highlights include discussions of fiduciary duties of directors, officers and controlling shareholders, hostile takeovers, and operation of a corporate enterprise. Two-volume looseleaf, updated annually.

**CLOSED RESERVE KFD213 .D74 1988**

Field, Arthur Norman and Morton Moskin (eds.)

***Transactional Lawyer's Deskbook.***

Authored by over forty experts in corporate transactional law, this three-volume treatise covers corporate securities, finance, and taxation. There is a heavy emphasis on the laws of Delaware and of New York.

**TREATISE KFN5337.F54 2001**

**CLOSED RESERVE: COMPUTER DISKS AVAILABLE**

James, John E.

***Privileged Communications and the Delaware Corporation: Corporate and Commercial Privilege Litigation in the Delaware Courts.***

This work analyzes the substantial body of case law in the Delaware state and federal courts that has addressed privileged communication disputes, particularly with respect to corporations and other business entities that frequent the Delaware state and federal venues.

**TREATISE KFD541.3 A77 J36 2000**

Lubaroff, Martin I. and Paul M. Altman.

***Lubaroff & Altman on Delaware Limited Partnerships.***

Provides in-depth discussion of Delaware limited partnership law, the complete statutory history of the Delaware LLP statutes from 1983-1995, and relevant forms. Discusses the formation of the partnership, general and limited partners, finance, mergers, dissolution, winding up and termination, foreign limited partnerships, derivative actions, and registered limited liability limited partnerships. One-volume looseleaf, updated annually.

**CLOSED RESERVE KFD207.5 .L833 1995**

Smith, Craig B.

***The Takeover Law of Delaware.***

This *Corporate Practice Series Portfolio* from BNA analyzes Section 203 of Delaware's General Corporation Law, which was adopted to encourage fully-priced tender offers and negotiated acquisitions and discourage highly leveraged takeovers of corporations. It traces the history of the statute, examines the statute in detail, and provides various defensive strategies for coping with Section 203. It also analyzes the constitutionality of the takeover statute, focusing on U.S. Supreme Court decisions.

**TREATISE KF1414.A1 C67 78**

Sparks, A. Gilchrist, III and Frederick H. Alexander

***The Delaware Corporation: Legal Aspects of Organization and Operation.***

Part of BNA's *Corporate Practice Series*. Describes the basic legal aspects of organizing a corporation in Delaware. **RESERVE KF1414 .A1 .C67 1-3RD**

Ward, Rodman, Jr., et al.

***Folk on the Delaware General Corporation Law, 4th ed.*** A comprehensive work on Delaware corporate law with each chapter corresponding to the relevant subchapter in the General Corporation Law of Delaware. Each statutory section is examined in detail, followed by commentary and analysis. Case law (much of it unreported) is analyzed and explained. Three-volume looseleaf, updated biannually.

**CLOSED RESERVE KFD213 .F59 1998**

Wolfe, Donald J., Jr., and Michael A. Pittenger.

***Corporate and Commercial Practice in the Delaware Court of Chancery.***

Description of creation and development of Delaware's Chancery Court into one of the few remaining courts of equity in the United

States. The authors provide a comprehensive examination of litigation procedures and substantive doctrines that they regard as most central to litigation of corporate and commercial disputes before the Delaware Court of Chancery. One volume looseleaf updated annually.

**CLOSED RESERVE KFD531 .W65 2000**

## **ADMINISTRATIVE LAW AND PROCEDURE**

***Code of Delaware Regulations.***

A compilation of all Delaware regulations issued pursuant to the Administrative Procedures Act and the Legislative Council. Contains a history of amendments. Thirteen volumes, updated monthly. A separate volume provides indexing by subject, agency rule number, and statutory authority.

**CLOSED RESERVE KFD35.A2 1996**

***Delaware Government Register.***

Monthly compilation of executive orders, opinions of the attorney general, notices of proposed rules, emergency regulations, a list of regulations in force showing monthly changes, appointments, and administrative agency actions. A cumulative annual index is included.

**CLOSED RESERVE KFD36 .D45 (most recent 2 years)**

**ARCHIVES (From 1996 to date of copies in Closed Reserve)**

***Delaware Register of Regulations.***

Publishes all regulations that are proposed, amended or repealed and any emergency regulation promulgated, Governor's executive orders, appointments, attorney general opinions, and agency hearing and meeting notices. Current year in loose-leaf format in **CLOSED RESERVE**; bound copies from 1996 to current year in **RESERVE KFD34.5 .A24**. Also available **ONLINE** through the General Assembly's home page at:

**[www.legis.state.de.us/Legislature.nsf](http://www.legis.state.de.us/Legislature.nsf)**

## **FORM BOOKS**

***Delaware Basic Legal Forms.***

Print forms, arranged by court, for state and federal courts in Delaware. Two-volume, looseleaf set, updated on an irregular basis. Forms also are on **CD-ROM** available at Circulation for use in the library. In addition, forms increasingly are available through the Delaware court websites.

**CLOSED RESERVE KFD68 .D4**

***Delaware Forms.***

Contains Delaware forms for trusts and wills. One looseleaf volume, not updated. Diskette available.

**CLOSED RESERVE KFD68 D45 2001**

## **MUNICIPAL AND COUNTY CHARTERS AND CODES**

City and town charters may be accessed through the State website at **[www.state.de.us/research/Charters/Frame.htm](http://www.state.de.us/research/Charters/Frame.htm)**.

The Legal Information Center maintains in **CLOSED RESERVE** the

following up-to-date local municipal and county codes:

- **New Castle County Code KFD432 .A3**
- **Kent County Code KFD599.K4 A35**
- **Sussex County Code KFD599 .S9 A3**
- **Wilmington City Code KFD599.5.W5 A35**
- **Newark City Code KFD599.5 .N4 A35**

In addition, many local codes are accessible through one of two websites – either *Municode* or *The General Code*:

**[www.municode.com/Resources/online\\_codes.asp](http://www.municode.com/Resources/online_codes.asp)**

**[www.generalcode.com/webcode2.html](http://www.generalcode.com/webcode2.html)**

## COURT OPINIONS

Decisions of the Delaware courts are reported in the *Atlantic Reporter*. In some courts, decisions for more recent years are available **ONLINE**, so check the individual court website. Unreported and slip opinions of the Supreme, Chancery, Superior and Family courts are received and indexed by the Legal Information Center. The decisions are available in **CLOSED RESERVE** for the most recent year and in bound form in **RESERVE** for previous years. An *index* may be viewed **ONLINE** under “Courts” by going through the Legal Information Center’s homepage to “Delaware Research.” Since we receive our opinions directly from the courts, we cannot ensure that we will have every decision. Patrons may have to obtain missing opinions directly from the court or, in some cases, download them from the court’s website.

## SUBJECT SPECIFIC TREATISES

Beste, Robert K., Jr. and Robert K. Beste, III.

***Automobile Injury and Insurance Claims: Delaware Law and Practice.***

Written from both the defense and plaintiff perspectives. The 342-page hardbound text addresses claims for benefits under Delaware automobile insurance policies and claims for personal injury resulting from automobile accidents. Includes table of cases and index.

**TREATISE KFD191.A4 B47 2003**

**Delaware Reference Desk 302-477-2114**

**Harrisburg Reference Desk 717-541-3934**

**Email: Click “Ask a Librarian” Icon at**

**[www.law.widener.edu/Law-Library](http://www.law.widener.edu/Law-Library)**

privacy of professional information, guardianship, civil commitment, and laws related to practice with juvenile, criminal, and civil matters.

**TREATISE KFD326.5.P73 B75 2000**

Holland, Justice Randy J.

***The Delaware State Constitution: A Reference Guide***

A comprehensive and scholarly account of Delaware’s constitutional history and an authoritative, section-by-section analysis of Delaware’s current constitution.

**TREATISE KFD401 1897 .A6 H65 2002**

Holland, Justice Randy J. and Winslow, Helen L. (eds.) ***Delaware Supreme Court: Golden Anniversary 1951-2001.***

This book features a preface by Chief Justice E. Norman Veasey and a history of the Delaware Courts by Justice Maurice A. Hartnett III. It contains biographies of each justice who has served on the separate Supreme Court as well as 24 chapters by 30 authors on topics including criminal law, corporate law, family law and individual rights.

**RESERVE KFD512 .D44 2001**

## CONTINUING LEGAL EDUCATION MATERIALS

The Legal Information Center maintains a current collection of Delaware-specific treatises which accompany seminars provided by Delaware Continuing Legal Education Commission-accredited sponsors. The treatises are grouped together in **RESERVE**. Many of them include forms, checklists and tips for practice. One way to find these materials is to do a *word* search in the library’s online catalog, e.g., to find books on *debt collection* in Delaware, search for the *words* “**collection AND Delaware.**”

## DELAWARE CORPORATE LAW CLEARINGHOUSE

The Delaware Corporate Law Clearinghouse is an online resource developed and maintained by the Widener University School of Law Legal Information Center, the Stanford University School of Law and the Delaware Court of Chancery. This site offers access to selected filings and opinions in corporate and other business litigation in the Delaware Court of Chancery, the nation’s premier trial court for corporate law. The searchable database of filings and opinions in corporate litigation includes complaints, court opinions and (in some cases) orders, briefs and settlement papers.

**ONLINE: <http://corporate-law.widener.edu>**

Britton, Ann H. and Timothy H. Rohs

***Law & Mental Health Professionals***

Published by the American Psychological Association as part of a state-by-state series; this Delaware volume integrates material from state statutes, administration rules, and judicial decisions and rules dealing with a wide range of mental health issues. It includes such critical areas as licensing, liability, insurance reimbursements,