

METROPOLITAN COUNCIL

Member of Council

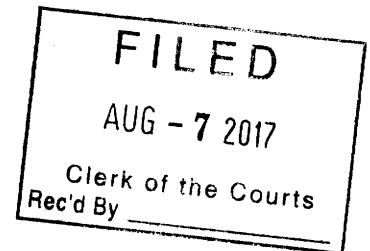
FABIAN BEDNE

Metro Council – 31st District

One Public Square, Suite 204 • Nashville, TN 37201

Telephone 615-829-6226

June 2, 2017



Attn: James M. Hivner, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407
appellatecourtclerk@tncourts.gov

In re: Amendment of Rule 7, Section 7.01, Docket No. ADM2017-0075 - 00785

Dear Justices of the Tennessee Supreme Court:

As a Nashville Metro Councilmember and the first immigrant elected to public office in Nashville's history, I have made it a priority to look at all the ways in which we impede competent, employable applicants from becoming part of our workforce.

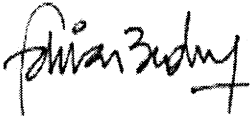
Having meaningful diversity in Nashville will require that we make a concerted effort to remove unnecessary roadblocks to employment. Nashville needs to have professionals who truly understand the people they serve. Preventing immigrants from becoming employable in their prior professions also makes it harder for them to develop the cultural competency needed to integrate into American life.

As an immigrant who earned the Argentinian equivalent of a Master's Degree and professional license in architecture, I have personally been disadvantaged by state regulations that give insufficient consideration to the reality that immigrants often have the expertise and capability required to employ their trade in American jurisdictions. When I was seeking to obtain my architecture license in Tennessee, for example, I was told that I had to go back to college due to my professional incompetence. I ended up working for a leading architecture firm in Tennessee for thirteen years. In that capacity, I was the Project Designer for myriad Nashville landmarks, including the Howard Office Building. The building is still standing.

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Please consider seriously degrees and certifications from other countries when updating Rule 7, Section 7.01. I support the proposal advanced by the Vanderbilt Law School and the University of Tennessee, College of Law, and I urge you to evaluate applicants on their merits before preventing them from obtaining professional licensure. In my experience, giving due credit to an applicant's foreign credentials simultaneously resolves two issues: (1) providing more qualified individuals to meet the growing needs of our community; and (2) allowing talented, skilled individuals to practice in their chosen field of study.

Sincerely,

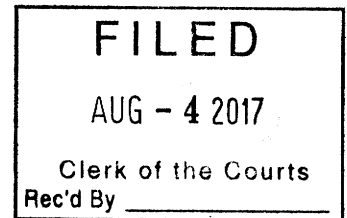
A handwritten signature in black ink, appearing to read "Fabian Bedne". The signature is written in a cursive style with a horizontal line at the end.

Fabian Bedne
Metro Councilmember District 31
Tel: 615.829.6226 - fbedne@gmail.com



Knoxville Bar Association

August 4, 2017



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VIA E-MAIL: appellatecourtclerk@tncourts.gov

James Hivner, Clerk of Appellate Courts
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100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

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mwatson@knoxbar.org

**Re: Proposed Amendments to Tennessee Supreme Court Rule 7,
Section 7.01; No. ADM2017-00785**

Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order referenced above, the Knoxville Bar Association ("KBA") Professionalism Committee ("Committee") has carefully considered current Tennessee Supreme Court Rule 7, Section 7.01 ("Rule"), which governs educational requirements for admission of foreign-educated applicants to the Tennessee Bar and the Petition to Amend the Rule filed by The University of Tennessee and Vanderbilt University (the "Petition"). At the KBA Board of Governors' (the "Board") meeting held on June 21, 2017, the Committee presented a detailed report of its review of the Petition. Based upon the recommendation of our Committee, the Board files this comment in support of the Petition, recommending that Section 7.01(a) of the Rule be amended to reflect the Hybrid Approach (*i.e.*, the Texas approach) as outlined on pages 11 and 12 of the Petition.

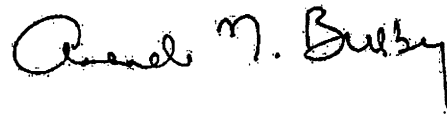
The KBA agrees with The University of Tennessee and Vanderbilt University that the Hybrid Approach supports the Court's goal of ensuring that foreign-educated lawyers are prepared to take the Tennessee bar exam, is narrowly tailored, and provides clarity to applicants prior to their investing substantial resources of time and money required to pursue an LL.M. degree. The KBA believes the Hybrid Approach is preferable to the Practice-Focused Approach or to simply clarifying the "substantially equivalent" language without a Rule change.

The Hybrid Approach not only furthers the Court's interest in protecting the public from incompetent legal representation by setting forth different paths for admission with specific educational background and practice experience requirements, but it is also fair and reasonable to applicants in that it clearly states what is required under each admission path. In making these changes, the KBA also agrees that the Court should affirmatively state that any amendment applies to all foreign-educated lawyers enrolled in LL.M. programs at the time such amendment is adopted.

James M. Hivner, Clerk
Re: Tenn. Sup. Ct. R. 7
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As always, the KBA appreciates the opportunity to comment on proposed Rules and changes to such Rules promulgated by the Tennessee Supreme Court.

Sincerely,

A handwritten signature in black ink that reads "Amanda M. Busby". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail on the 'y'.

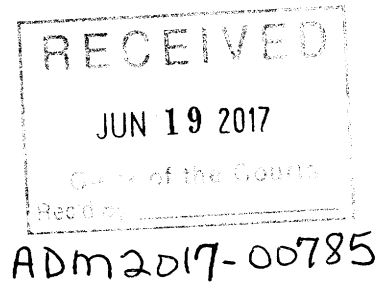
Amanda M. Busby, President
Knoxville Bar Association

Enclosures

cc: Marsha Watson, KBA Executive Director (via e-mail)
KBA Executive Committee (via e-mail)

June 14, 2017

James M. Hivner, Clerk
Re: Tenn. Sup. Ct. R. 7
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407



To whom it may concern,

I am an immigration lawyer practicing in Tennessee since 1990. I received a B.A. from Vanderbilt University in 1986 and a J.D. from the University of Chicago in 1990. I have written five books including three on immigration law topics and have written about the subject of attorney immigration for several publications over the years. That also included preparing a 50-state survey on licensing requirements for foreign attorneys. The ability of foreign-educated attorneys to practice in the United States is not restricted in US immigration law except to the extent that under the H-1B visa category, an attorney must demonstrate licensure (or meeting all of the requirements for licensure except issuance of the work visa). Attorneys in multinational firms can utilize the L-1 intracompany transfer visa. The TN Visa category, created by the NAFTA Treaty, specifically includes attorneys. I have worked on numerous attorney immigration applications over the years and the process is no different than other licensed fields.

I am perplexed why an individual who has received an LLM from a Tennessee university would not be allowed to sit for the bar examination. I know many foreign-educated attorneys in Tennessee who have made remarkable contributions to our state's legal profession. Many of them received no legal education in the US, but managed to take a foreign country's bar examination (and often in their non-native tongue) and pass. That alone is a pretty good indicator of their abilities. One of the top corporate lawyers in Nashville – an attorney who was my mentor during the early years of my practice – was a foreign law graduate who received his license in New York (a state that is quite liberal in allowing foreign lawyers to sit for the bar examination). I've had several foreign lawyers clerk at our law firm using J-1 visas over the years. One is now a prosecutor in Memphis and another runs a well-known immigration law firm in Atlanta.

My point is that we have an opportunity to attract some of the best and brightest lawyers from around the world to Tennessee if we take a welcoming position as a bar. Many have made it to our state over the years and have been made important contributions. I would

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urge you to consider this in your decision making on permitting foreign-educated lawyers to sit for our bar examination.

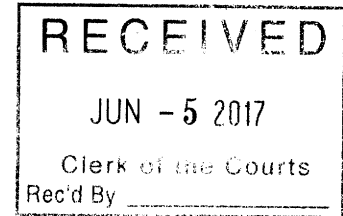
Sincerely,

Greg Siskind
Siskind Susser, PC – Immigration Lawyers
901-682-6455
gsiskind@visalaw.com

C. Mark Pickrell, Esq.
THE PICKRELL LAW GROUP
5701 Old Harding Pike; Suite 200
Nashville, Tennessee 37205
(615) 352-9588

June 1, 2017

Tennessee Supreme Court
Attn: James M. Hivner
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, Tennessee 37219-1407



Re: Proposed Amendment to Rule 7

Dear M. Hivner:

I am writing in response to the Court's request for comments regarding proposed amendments to Rule 7. I am a graduate of the University of Tennessee College of Law, and I have practiced law for twenty-five years.

The University of Tennessee and Vanderbilt University have petitioned for a change in Rule 7, seeking to make it easier for graduates of foreign law programs to sit for the Bar. I oppose their requested change. Quite simply, it should not become easier for foreign law graduates to sit for the Bar than it is for American law graduates. "General equivalency" is a good rule that should, in my opinion, be maintained.

Under existing Rule 7, there are a number of requirements on Americans that are intended to provide a minimum standard of education for prospective lawyers. We require three years of study of law, and, under the ABA's requirements, this course of study involves primarily the study of American law. In addition, we require a bachelor's degree in a field of study other than law. We require degrees from institutions that are accredited by accepted accrediting bodies, or we require direct or heightened scrutiny of non-accredited institutions.

As a profession, we did not always expect seven years of higher education to become a lawyer. We were originally a trade that learned the profession through tutelage. When law started being taught as a collegiate course of study, we permitted undergraduates to study law, earn the LL.B., and sit for the Bar. That course of study, like engineering, generally required five years of higher education.

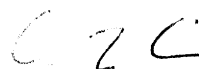
In the 1950s, the American Bar Association pressed for, and the Court accepted for Tennessee, a higher educational standard for prospective lawyers. The general norm of seven years of higher education became the standard across the country. It remains the standard today.

The amendments proposed by UT and Vanderbilt, which would eliminate "general equivalency" as the standard of education for prospective foreign-trained lawyers, would undercut our requirements for Americans. While it may be appropriate to reconsider whether seven years of higher education should be our educational standard, until we reconsider that standard for everyone, we should maintain equivalent standards for Americans and non-Americans. If anything, we should be more cautious about the educational backgrounds of individuals who have not grown up immersed in American culture and American values, particularly American constitutionalism.

I have been an Adjunct Professor of Law at Vanderbilt for almost fifteen years. Obviously, my views expressed here do not represent the views of Vanderbilt University. My experience teaching LL.M. students has reinforced my view regarding the propriety of the existing rule. Quite frankly, my LL.M. students have not, in the main, been properly prepared to become American lawyers. Even if they can learn the jargon of American law, their different social and educational backgrounds are, in my experience, often a significant hindrance to the development of good legal judgment within the American legal system. Creating lower standards for non-Americans is wholly unjustified, based on my experience.

Thank you for soliciting comments regarding this matter.

Respectfully,



C. Mark Pickrell