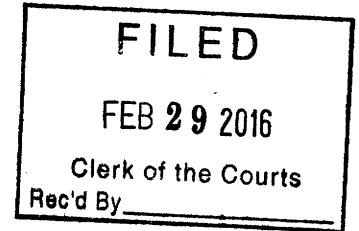


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9, SECTION 32.9

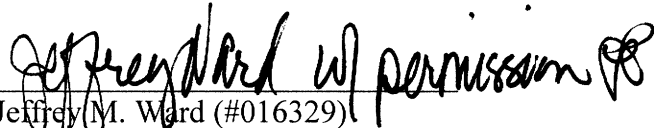
No. ADM2015-02478

**COMMENT OF THE BOARD OF LAW EXAMINERS TO PETITION TO AMEND
TENN. SUP. CT. RULE 9, SECTION 32.9**


Comes now the Board of Law Examiners (the Board), pursuant to Order filed January 28, 2016, and submits the following Comment to the Petition to Amend Tenn. Sup. Ct. Rule 9, Section 32.9.

The Board has no objection to proposed Tenn. Sup. Ct. R. 9, Section 32.9, allowing the Board of Professional Responsibility to share attorney registration information with other Supreme Court Agencies, including this Board. The registration information is vital to the work of the Board of Law Examiners and the Board of Professional Responsibility, as well as the Appellate Court Clerk's Office, in the licensing and admission processes employed by all three offices.

RESPECTFULLY SUBMITTED,




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Certificate of Service

I certify that the foregoing has been mailed to Allan F. Ramsaur, Esq., Executive Director, Tennessee Bar Association, 221 4th Avenue North, Suite 400, Nashville, Tennessee by U.S. mail, on this the 29th day of February, 2015.

A handwritten signature in black ink, appearing to read 'Lisa Perlen', is written over a horizontal line.

Lisa Perlen, Executive Director



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2016 FEB 29 PM 12:11
APPELLATE COURT CLERK
NASHVILLE

February 24, 2016

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James Hivner, Clerk
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Re: Tennessee Supreme Court Order in Connection with Proposed
Amendment to Rule 9, Section 32.9; No. ADM2015-02478

Dear Mr. Hivner:

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Pursuant to the above referenced Order, the Professionalism Committee (the "Professionalism Committee") of the Knoxville Bar Association (the "KBA") has carefully considered current Rule 9 of the Tennessee Supreme Court and the proposed amendment to Section 32.9 thereof (the "Amendment"). Following such review, the Professionalism Committee recommended to the KBA that it support the Amendment. At its meeting on February 17, 2016, the KBA Board of Governors, in fact, adopted the recommendation of the Professionalism Committee.

Members of the KBA recognize the importance of permitting each of the Supreme Court Agencies to have access to the most recent personal contact information of attorneys admitted to practice in Tennessee. Thus, the KBA supports the Amendment with one slight exception. We believe that "and Specialization" should be removed from the name of the Tennessee Commission on Continuing Legal Education to be consistent with that Commission's current name.

As always, the KBA appreciates the opportunity to comment on proposed rules promulgated by the Tennessee Supreme Court.

Should you have any questions, do not hesitate to contact me.

Sincerely,

Wayne R. Kramer
President
Knoxville Bar Association

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED
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NASHVILLE

**IN RE RULE 9, SECTION 32.9
RULES OF THE TENNESSEE SUPREME COURT**

No ADM2015-02478

COMMENT OF THE TENNESSEE BAR ASSOCIATION


The Tennessee Bar Association (“TBA”), by and through its President, William L. Harbison; Chair of the Ethics and Professional Responsibility Committee, Brian Faughnan; General Counsel, Paul Ney; and Executive Director, Allan F. Ramsaur, files this comment supporting changes to Tenn. Sup. Ct. R. 9, § 32.9 to permit sharing of lawyer registration information with Tennessee Supreme Court agencies.

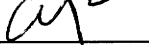
On December 28, 2015, the Tennessee Supreme Court Board of Professional Responsibility filed a petition seeking to amend Tenn. Sup. Ct. R. 9, § 32.9 to allow the Board to share attorney registration information with other Supreme Court agencies. On January 28, 2016, the Court issued an order soliciting comment on the petition with a deadline for written comments of February 29, 2016.


The TBA requested its Committee on Ethics and Responsibility to review this matter and make a recommendation. The Committee unanimously recommended the TBA file this comment in support of the changes recommended in the petition.

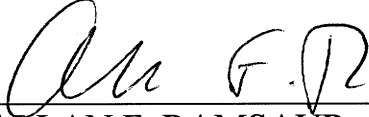
The Board obtains this information as part of the lawyer registration process on behalf of the Tennessee Supreme Court. As such, it becomes the information on which other agencies of the Court rely for name, address, and contact information.

Respectfully Submitted,

By: /s/ by permission 
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals and organizations identified in Exhibit "A" by regular U.S. Mail, postage prepaid within seven (7) days of filing with the Court.



Allan F. Ramsaur

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE
Section 32.9

No. ADM2015-02478

COMMENT OF THE TENNESSEE COMMISSION ON
CONTINUING LEGAL EDUCATION

The Tennessee Commission on Continuing Legal Education (“Commission”), by and through its President, Cynthia Hall and Executive Director, Judy Bond-McKissack, files this comment in support of the Board of Professional Responsibility’s petition to allow the Board to share attorney registration information with other Supreme Court agencies. The agencies of the Court will benefit from having access to personal contact information in order to contact attorneys regarding various issues that impact an attorney’s licensure, compliance and adherence to various Court rules and regulations and orders.

BACKGROUND

Since the earliest days of the Commission’s existence, the Commission on Continuing Legal Education has received a weekly attorney export file of attorney registration information consisting of name, office address, office telephone number, office FAX number, office e-mail address, home address, home telephone number and home email address from the Board of Professional Responsibility (“Board”) which is uploaded to the Commission’s MCLE system to update the Commission’s records with accurate attorney demographic information. The Commission received this information from the Board on a continuous basis until December 2014.

On December 3, 2014 in response to a petition filed by the Board this Court entered an order amending Rule 9 and making an attorney’s home e-mail address confidential. As a result of the entry of that order the Board no longer provided updated information on an attorney’s home information. The Commission was unaware that the content of the weekly attorney export file had changed until October of 2015 when the Commission sent Progress Reports to all active attorneys showing their efforts toward compliance with Supreme Court Rule 21 on mandatory continuing legal education. In October of 2015 the Commission sent Progress Reports to all attorneys by electronic mail for the first time. Some of those reports did not reach attorneys due to inaccurate e-mail addresses in the MCLE system. When the Commission receives notice that any type of mail or e-mail message has failed, the Commission re-sends the mail or e-mail message to the alternative address on record with the Commission. In most cases the alternative address is the home address.

When the Commission re-sent Progress Reports to attorneys at their home e-mail address the Commission began hearing statements from attorneys that the e-mail address used was not their current address and further that the attorney had updated their contact information with the Board of Professional Responsibility. The responses received from the attorneys led the Commission to make additional inquiry. As a result of that inquiry the Commission learned that the Board was no longer providing updated home

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contact information in the weekly attorney export file of attorney registration information. The Commission requested that the Board's information technology provider be sure to include the home contact information fields in the weekly attorney export file. The Board's information technology provider's response to the Commission's request was that the information was confidential and they were prohibited from making it public. He stated further that he did not know if that applied to the Commission but he suggested we the Commission take the issue up with Sandy Garrett, their Chief Disciplinary Counsel. When the Commission's Executive Director raised the issue with the Board's Chief Disciplinary Counsel she cited Supreme Court Rule 9, Section 10.1 which provides that an attorney's personal e-mail address is confidential and not public record and said that she did not know if she could share that information with CLE. The December 3, 2014 change to Supreme Court Rule 9 inadvertently created a situation where the information maintained by the Commission is inaccurate and out of date. This fact led the Commission to engage in further discussion with the Board that led to the present petition being filed with this Court.

RULE 21, SECTION 6.01 REQUIRES THE COMMISSION TO MAIL ANNUAL REPORT STATEMENTS TO ATTORNEYS USING INFORMATION PROVIDED TO THE BOARD UNDER SUPREME COURT RULE 9.

Supreme Court Rule 21, Section 6.01 provides:

6.01. On or before February 28 of each year, the Commission shall prepare and send an Annual Report Statement to each attorney covered by this Rule requesting information concerning the attorney's compliance with Section 3.01 of this Rule in the preceding calendar year. The Annual Report Statement shall be mailed to the attorney's address as shown in the most recent registration statement filed by the attorney pursuant to Supreme Court Rule 9, Section 10.1, or to the attorney's last known address.

In compliance with Supreme Court Rule 21 the Commission has relied on the weekly attorney export file received from the Board to maintain its database of attorney contact information. The Commission has routinely told attorneys that they must update their contact information with the Board and that the Commission will receive their updated information in the weekly updates.

SHARING ATTORNEY REGISTRATION INFORMATION BENEFITS ATTORNEYS

Supreme Court Rule 9, Section 10.1 requires that attorneys notify the Board of a change in their contact information on their annual registration statement and further that attorneys file with the Board a supplemental statement of any change in information within thirty days of such a change. Section 10.1 provides:

10.1. Every attorney admitted to practice before the Court, except those exempt under Section 10.3 (b) and (c), shall, on or before the first day of their birth month, file with the Board at its central office an annual registration statement, on a form prescribed by the Board, setting forth the attorney's current residence, office, and email addresses, and such other information as the Board may direct. The attorney's residence address, cellular telephone number, home telephone number, and personal non-government issued e-mail address are confidential and not public records. If, however, (1) the attorney failed to provide an office address, office telephone number, or office e-mail address; or (2) the attorney

listed the residence address, cellular telephone number or home telephone number, or personal non-government issued e-mail address as the attorney's office address, office telephone number, or office e-mail address respectively, then the attorney's nonpublic information of the same category shall no longer be subject to the protection afforded under this Rule. The attorney may designate the primary or preferred address for receipt of correspondence from the Board. In addition to such annual statement, every attorney shall file with the Board as necessary a supplemental statement of any change in information previously submitted within thirty days of such change.

Supreme Court Rule 21 does not contain a similar provision for attorneys to provide the Commission with contact information. As a result the Commission must rely on the information provided to the Commission from the Board. The inability to receive accurate and timely information from the Board increases the likelihood that notices sent to attorneys from the Commission will not reach them and increases the likelihood of the imposition of penalties and license suspensions. Allowing the Board to resume providing full information in its weekly attorney export file will greatly reduce such adverse action against attorneys.

In addition to reducing the likelihood of adverse actions against attorneys, sharing information reduces the need for attorneys to contact multiple court agencies to provide updated information.

**SHARING ATTORNEY REGISTRATION INFORMATION DOES NOT BREACH
CONFIDENTIALITY OF ATTORNEY INFORMATION**

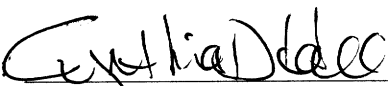
As indicated by the Board in its petition the attorney information provided to the Commission is already confidential pursuant to Rule 21, Section 6.03. Similar provisions exist for other agencies of the Court.

CONCLUSION

The changes to Supreme Court Rule 9, section 32.9 should be adopted by the court. The Commission supports the adoption of the Board's petition for all of the reasons cited above.

Respectfully Submitted;

TENNESSEE COMMISSION ON
CONTINUING LEGAL EDUCATION

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the forgoing Comment has been served upon the individuals and organizations identified in Exhibit "A" by regular first class U.S. Mail, postage prepaid, this 26th day of February, 2016.

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