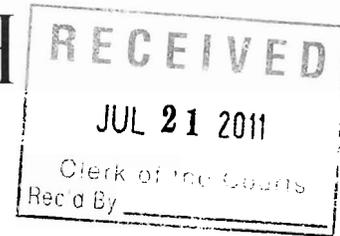


M2011-1411

PARKER & PUGH

Attorneys at Law
118 Franklin Street
Clarksville, Tennessee 37040
Phone- (931)551-4403
Fax-(931)551-8992



Douglas B. Parker (Retired)
Elizabeth Parker Pugh
John D. Parker

Michael T. Pugh
Shelby S. Silvey

July 18, 2011

Michael Catalano, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219

Re: Court appointed counsel

Dear Sir,

I have read with much dismay the proposal regarding an all new way to shaft attorneys. The solution to this problem is painfully clear yet nobody will address it. The solution is to stop appointing everyone a free lawyer. Recently my firm was doing court appointed work for a couple whose teenage son had gotten into trouble and their yearly income was \$100,000.00. This is the root of the problem. Why can no one see this? As I was writing this letter a man came in looking for an attorney to sign his form for a free lawyer and he had made a \$10,000.00 bond. This is where the changes should be made. If he can make a bond like that he can certainly pay a lawyer.

This new proposal asks attorneys yet again to take a hit in their wallets. You want us to be a public defender but we wouldn't get the pay, the insurance, the vacations, the staff, the building, and we are still responsible for the huge amount of overhead it takes to run an office.

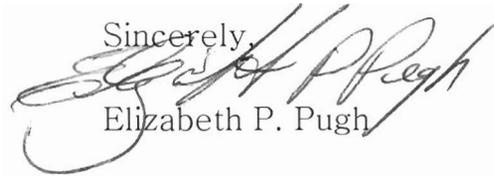
You are probably wondering why any attorney would bother with this mess at all but once again it comes down to everyone getting a free attorney. No one has to hire one so if you want work, you will do appointed work and you won't get paid for months. The Administrative Office of the Courts promised us

we would get paid within ten days with their new ICE system. Well, I have claims still unpaid from April 6 but that is another battle.

I know everyone thinks it is fun to stick it to lawyers but at every turn we are asked to work for free or told that our services are no longer needed (see worker's comp and uncontested divorces) but yet we are expected to maintain an enormously expensive office and devote all of our time for "indigents" that live better than we do while we are supposed to keep our mouths shut a be good little rented mules.

Please consider the dismal affect this proposition would have on lawyers all over the state in firms big and small and don't allow this to go through.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth P. Pugh". The signature is fluid and cursive, with a large initial "E" and "P".

Elizabeth P. Pugh

M2011-1411-SC-RL2-RL

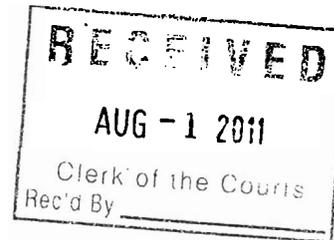
SANTORE & SANTORE
ATTORNEYS AT LAW
121 E. DEPOT ST.
GREENEVILLE, TENNESSEE 37744

FRANCIS X. SANTORE (1931 - 2004)

FRANCIS X. SANTORE, JR.

July 25, 2011

Mr. Michael W. Catalano, Clerk
TENNESSEE SUPREME COURT
100 Supreme Court Building
401 Seventh Avenue South
Nashville, TN 37219



P.O. Box 113
(423) 639-3511
Fax (423) 639-0394

IN RE: Proposed Amendment to Supreme Court Rule 13

Dear Mr. Catalano:

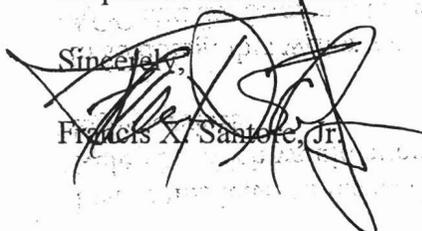
I write this letter to respectfully object to the Proposed Amendment to Supreme Court Rule 13, which would allow the AOC to enter into contracts with firms/individuals for legal services.

In so doing, this writer wants to make clear that he appreciates the efforts of both the AOC and the Supreme Court in attempting to raise the parsimonious rates by which indigent counsel are now paid, rates which, frankly, are lower than those by which my plumber is paid. However, taking the decision of court appointments away from local judges—who know who practice before them and who know whom will do an efficient, fair and decent job representing the indigent—and placing it in the hands of the AOC in Nashville is not the solution. The idea of such services going to the lowest bidder is, in my respectful opinion, abhorrent.

Besides, our AOC, with which I deal on a regular basis and which is always there to help, is swamped with work already. This new task would push the overworked and underpaid staff of the AOC to exhaustion.

I respectfully suggest that the issue of raising the rates for legal services provided, rates which have not been raised in a quarter-century, be addressed instead of the manner by which these services are allocated. Again, please note my respectful objection to the Proposed Amendment.

Sincerely,


Francis X. Santore, Jr.

OLDHAM & DUNNING, LLC

Attorneys at Law

109 Public Square
Gallatin, Tennessee 37066
Telephone: (615) 452-1001
Telefax: (615) 451-9226

Bruce N. Oldham
Sue H. Dunning

July 29, 2011

Mr. Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

Re: No. M2011-01411-SC-RL2-RL



Dear Mr. Catalano:

I am writing in opposition to the aforementioned rule change wherein the Administrative Office of the Courts would have the power and authority to select representation for indigent persons under TCSR Rule 13, Section 7.

As the system is now operated, the judge has the ability to select an attorney to appoint for specific cases. This gives the judge the option to appoint one attorney in several cases if the same litigants are involved (one parent with multiple children with various last names, but different case numbers). The judge can also consider litigants with criminal charges pending regarding the same fact situations so that attorneys with knowledge in both litigation arenas are providing advice to the litigant. There are also extreme or unusual fact patterns which warrant special attorneys being appointed.

I do not often take cases by appointment in Juvenile court, but I was formerly a registered nurse, so when my local Juvenile Judge calls and requests that I accept an appointment, I know that it is because someone involved in the case has unusual medical issues and it will be critical that the litigant be appointed an attorney who can understand complex medical problems. For instance, I was asked to be a guardian ad litem for a one-year old child who had a profound seizure problem and someone needed to elect between two horrible choices: whether the child should receive a trial of experimental potentially lethal medication or undergo surgery which would remove half the child's brain. In another case, I was appointed to represent a mother whose child had been profoundly brain damaged by its father and decisions had to be made whether to maintain the child on life support indefinitely or allow the child to die. That same mother had been charged with endangerment for leaving the child in its father's care and constant coordination with the court appointed criminal attorney was necessary.

I have also requested to be appointed in a number of cases where I had previously represented a parent in a former domestic matter and that parent is now involved in Juvenile Court proceedings. Having former knowledge of the client and the situation

greatly enhanced my ability to bring the matters to conclusion expeditiously (and with a cost savings to the State), while giving the client confidence in her counsel's ability to assist them through the process.

We also all know that a number of new attorneys accept appointments with the expectation that they would learn how to practice law as they work. These are likely to be attorneys who would accept lower compensation from the AOC bidding structure. Some attorneys have a knack or flair for certain practice areas where others do not, yet may lack insight into their own shortcomings. A judge exercising his discretion in making appointments is likely to know these things, while these are not considerations that are likely to be ascertainable to the AOC in the contracting process.

The residents of the State of Tennessee who are most at risk by the passage of this amendment are the persons who are the most vulnerable: children and their indigent parents. They are also the persons who are least able to voice their concerns (and have their voices heard) when the system fails them. I recently read a case where the State of Tennessee was sued because a child was "safety placed" with a non-relative and the child died while in the non-relative's care. I think the passage of this amendment will place the State of Tennessee at significant risk if the system by which a judge, exercising his discretion based upon knowledge of the facts and persons involved, is replaced by a system in which the local judge is deprived of the ability to make appropriate appointments on a case by case basis.

Sincerely,



SUE HYNDS DUNNING

SHD/ms

OFFICE OF
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C. BERKELY BELL
District Attorney General
423.581.6700

August 4, 2011

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

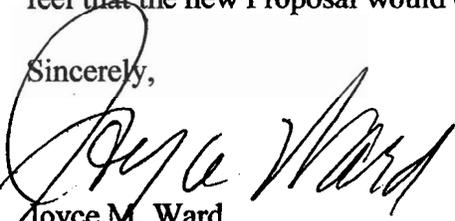


Dear Mr. Catalano:

With regard to the new proposed Amendment to Supreme Court Rule 13, the consequences would be detrimental to our indigent defendants. In our experience, we often need to appoint separate counsel due to conflicts of interest. For example, several persons may be charged in a car burglary ring. Each of them meet the criteria for court appointed counsel. Although the public defenders' office will represent of them, we must find attorneys for the remaining from the private bar.

When defendants are in custody and are unable to make bond we are required to comply with the ten-day rule. We find that new attorneys are willing to accept appointed cases until they build sufficient practice to avoid appointments due to other court conflicts. I feel that the new Proposal would create a great disservice to our judicial system.

Sincerely,


Joyce M. Ward
General Sessions Court Judge for Hamblen County


Kathy Robertson
Judicial Commissioner for Hamblen County General Sessions Court