

**MEMORANDUM**

**TO:** Tennessee Supreme Court

**FROM:** Legal Aid of East Tennessee, Legal Aid Society of Middle Tennessee and the  
Cumberlands, West Tennessee Legal Services, and Tennessee Alliance for Legal Services

**DATE:** June 30, 2026

**RE:** ADM2026-00434 – Comments in Support of the Petition of the Tennessee Supreme Court  
Access to Justice Commission to Amend Tennessee Supreme Court Rule 50A

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To the Honorable Justices of the Tennessee Supreme Court:

We respectfully submit this comment in support of the Tennessee Supreme Court Access to Justice Commission's petition to amend Tennessee Supreme Court Rule 50A governing the Pro Bono Emeritus Attorney Program. This comment is submitted by Deb House, Executive Director, Legal Aid of East Tennessee (LAET); DarKenya Waller, Executive Director, Legal Aid Society of Middle Tennessee and the Cumberlands (LAS); Ashley Holliday, Executive Director, West Tennessee Legal Services (WTLS); and Laura Brown, Executive Director, Tennessee Alliance for Legal Services (TALS). Ms. House has served as the Executive Director of LAET for the past four years, and she has served as a public interest lawyer with LAET since 1988. Ms. House currently serves on the House of Delegates of the TBA and is the Chair of the Board for the Tennessee Alliance for Legal Services. Ms. Waller joined LAS in 2008 and became the Executive Director in 2018. Ms. Waller served on the Board of Directors for the Nashville Bar Association and as former Chair of the Board of the TN Alliance for Legal Services and currently serves on the Civil Council of the National Legal Aid and Defenders Association (NLADA). Ms. Holliday joined WTLS in 2009 and became the Executive Director in 2024. She is on the Henderson County Family Justice Center Advisory Committee and is the Vice-Chair of

the Tennessee Alliance for Legal Services Board of Directors. Laura Brown is the Executive Director of Tennessee Alliance for Legal Services (TALS). She is starting her fifth year at TALS and is currently on the board of the Tennessee Fair Housing Council. TALS was formed in 1977 to support the legal aid organizations and access to justice in Tennessee.

The proposed amendments represent a practical, thoughtful, and well-balanced effort to increase the availability of pro bono legal services for Tennesseans while maintaining appropriate safeguards for attorney competence, supervision, and professional accountability. The Tennessee Supreme Court has long recognized that access to justice is a critical priority for the state. Through the creation of the Access to Justice Commission and the Court's broader Access to Justice Initiative, Tennessee has acknowledged that many residents face serious civil legal issues without the assistance of counsel. Despite the dedication of legal aid organizations and volunteer attorneys across the state, the demand for civil legal services continues to exceed available resources.

The need for these changes is substantial. According to the Legal Services Corporation's 2022 Justice Gap Study, low-income Americans receive inadequate or no legal assistance for approximately 92 percent of their civil legal problems. Nearly three-quarters of low-income households experience at least one civil legal issue each year, and legal aid organizations are forced to turn away eligible clients because available resources cannot meet demand. These unmet legal needs involve fundamental issues such as housing, family stability, consumer protection, public benefits, healthcare, veterans' benefits, and personal safety. Tennessee is not immune from these challenges. The Tennessee Supreme Court itself has recognized that individuals facing civil legal problems often must navigate the legal system without counsel because they cannot afford representation.

The proposed changes directly address this problem by making it easier for experienced attorneys to continue serving the public after retirement. Tennessee has a significant population of highly skilled attorneys who have spent decades practicing law and who possess valuable expertise that should not be lost simply because they have retired from active practice. The Access to Justice Commission's petition properly identifies several unnecessary barriers within the current version of Rule 50A that tend to discourage retired attorneys from participating in pro bono service. The proposed amendments address these barriers without sacrificing client protection.

We particularly support the following proposed changes because they:

- Clarify the qualifications required to become a Pro Bono Emeritus Attorney;
- Explain the relationship between Rule 50A and Tennessee Supreme Court Rule 9 governing attorney retirement status; and
- Expand opportunities for experienced attorneys to volunteer while maintaining supervision and competency safeguards.

We do have a concern about the proposed change that places the responsibility for certifying/ensuring the competency of the pro bono emeritus attorney on the approved legal assistance organizations as found in Proposed Section 1.02(b)(2) and Proposed Section 1.06(a)(3). This is a change from the previous version of Rule 50A. We agree that pro bono emeritus attorneys should have the necessary skills to effectively handle legal issues; however, in almost all cases, the supervising/approved legal assistance organizations are not trained or equipped to make such a certification and do not routinely certify or ensure the competency of any attorney to practice law. Additionally, it is unclear what exactly it means to “ensure” that someone is competent to practice law and what such a certification would entail.

We propose that the following changes to Proposed Rule Section 1.06:

1.06. Certification. An attorney seeking permission to act as a pro bono emeritus attorney shall file a petition with the clerk of the Tennessee Supreme Court, which shall consist of:

(a) A certification by an approved legal assistance organization stating the following:

(1) that the pro bono emeritus attorney is currently associated with that legal assistance organization;

(2) that the pro bono emeritus attorney meets the requirements of section 1.03;

(3) that the legal assistance organization will ~~ensure the competency of the pro bono emeritus attorney in the substantive area of law relevant to the pro bono emeritus attorney's work~~ supervise the pro emeritus attorney's work; and

(4) that an attorney employed by or participating as a volunteer with that organization will assume the duties of the supervising attorney as required under this section;

Every additional attorney who participates in the Emeritus Attorney Program represents more Tennesseans who can receive legal advice, representation, and assistance during difficult circumstances. Given the documented gap between civil legal needs and available resources, Tennessee should encourage qualified retired attorneys to contribute their experience and expertise through pro bono service.

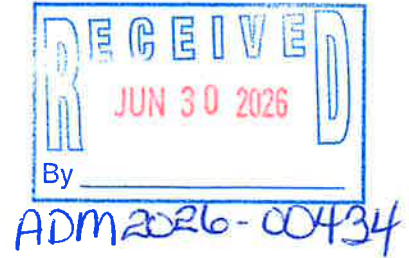
For these reasons, we respectfully urge the Tennessee Supreme Court to adopt the proposed amendments to Rule 50A with the modification to Proposed Section 1.06 as outlined above.

Thank you for the opportunity to comment.

**MaryBeth Lindsey**

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**To:** Jim Hivner  
**Subject:** RE: Comment on Rule 50A amendments



**From:** Laura Brown <[LBrown@tals.org](mailto:LBrown@tals.org)>  
**Sent:** Tuesday, June 30, 2026 11:59 AM  
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**Subject:** Comment on Rule 50A amendments

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Good morning,

Please see the attached comment.

Thank you,

Laura



**Laura Brown, PhD, J.D. | Executive Director**

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