



NASHVILLE BAR ASSOCIATION

Improving the Practice of Law through
Education, Service, and Fellowship.



ADM2025-01205

IN THE SUPREME COURT OF TENNESSEE

AT NASHVILLE

IN RE: PETITION FOR THE ADOPTION OF AMENDED TENNESSEE SUPREME
COURT RULE 9, SECTION 10.1

No. ADM 2025-01205

COMMENT OF THE NASHVILLE BAR ASSOCIATION

Pursuant to the August 14, 2025 Order of the Tennessee Supreme Court, the Nashville Bar Association respectfully submits the following written comment to the Petition for the Adoption of Amended Tennessee Supreme Court Rule 9, Section 10.1:

The Nashville Bar Association respectfully submits the comments and proposals below in regard to the Tennessee Bar Association's proposed amendment to Rule 9, Section 10.1., to authorize and require the Tennessee Board of Professional Responsibility to furnish, upon the request of any bar association located in Tennessee, an attorney's contact information, date of birth, demographic information, firm name, date of licensure in Tennessee, and status of license.

As an organization committed to providing education, mentorship, leadership, and service opportunities to the Nashville legal community, the Nashville Bar Association believes that the proposed amendment, with the proposals set forth herein, will significantly enhance its ability to assess and address the needs of the Nashville Bar and to provide more targeted support on issues affecting attorneys' practices and Tennessee's legal system. Furthermore, the Nashville Bar Association believes that the proposed amendment, with the proposals set forth herein, will further enable the Nashville Bar Association to provide professional development, leadership, and mentoring tailored to an attorney's unique stage in practice.

The Nashville Bar Association unequivocally supports the objective of the current rule to protect Tennessee attorneys and retired judges from potential harm arising from public disclosure of confidential information. The proposed amendment largely addresses these concerns by limiting the use of the requested information and requires that an attorney's information will not be made available to the public. The Nashville Bar Association does not share attorney's contact information with the public without permission. The Nashville Bar Association also recognizes that an attorney may prefer that his or her nonpublic information not be shared with any bar

association. To that end, the Nashville Bar Association respectfully proposes that attorneys be able to opt out of their nonpublic information being shared.

The proposed amendment also provides for disclosure of an attorney's "firm name." However, many attorneys do not work for a law firm; many work for government entities, private companies, judges, or other employers who are not a "firm." The Nashville Bar Association submits that the term "firm name" in the amendment should be modified to "employer name" to remove any confusion or uncertainty about disclosure for those attorneys.

The proposed amendment also provides that any bar association may request attorney records. "Bar association" does not appear to be defined in the Rules. There is some possibility that the Rule could be subject to abuse if an illegitimate person or entity deems itself a "bar association" in order to obtain attorney records, perhaps for the purpose of selling that information to advertisers. To avoid that possibility, the Nashville Bar Association submits that the term "bona fide" be added as a qualifier to "bar association" to allow for illegitimate requests to be rejected.

The Nashville Bar Association further respectfully submits that (1) date of birth is considered protected information and (2) "demographic information" is not defined in the proposed amendment.

The Nashville Bar Association, therefore, proposes striking "date of birth" and "demographic information" such that an attorney's information available upon request of a bona-fide Tennessee state or local bar association, unless an attorney opts out of his or her nonpublic information being shared, be limited to an attorney's contact information (phone, email and physical address), employer name, date of licensure in Tennessee, and status of license.

Based on the foregoing, the Nashville Bar Association respectfully requests that the Court provide a mechanism for an attorney to opt-out of his or her nonpublic information being shared with any bona-fide Tennessee state or local bar association, limit the information shared as proposed herein and, with those proposals implemented, adopt the Tennessee Bar Association's proposed amendment to Rule 9, Section 10.1.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Hubbard", written in a cursive style.

Joseph Hubbard,

NBA President 2025

Kim Meador

From: appellatecourtclerk
Sent: Monday, October 13, 2025 10:06 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: NBA Comments on Docket No. ADM 2025-01205 - Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1
Attachments: NBA Comment on TBA's Petition to Amend Rule 9 Section 10.1 Oct 10 2025.pdf

Please process the attached comment.

Jim



James M. Hivner
Clerk of the TN Appellate Courts
Phone: (615) 741-1314
Email: jim.hivner@tncourts.gov
Address: 401 7th Ave. N., Nashville, TN 37219

From: Jeanne Heaton <Jeanne.Heaton@nashvillebar.org>
Sent: Friday, October 10, 2025 2:11 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: RE: NBA Comments on Docket No. ADM 2025-01205 - Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1

Warning: Unusual sender <jeanne.heaton@nashvillebar.org>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Mr. Hivner,

Attached please find the corrected version of the NBA's comment on the proposed amendment to Tenn. S. Ct. R. 9, Section 10.1. This is our final version of the comment. Please confirm receipt and let us know if you have any questions. Thank you.

Jeanne Heaton

From: Jeanne Heaton
Sent: Friday, October 10, 2025 8:18 AM
To: 'appellatecourtclerk@tncourts.gov' <appellatecourtclerk@tncourts.gov>
Subject: RE: NBA Comments on Docket No. ADM 2025-01205 - Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1

Dear Mr. Hivner,

I am writing to request that the NBA retract what we submitted yesterday as our comment. We identified some items in need of clarification and respectfully request to resubmit the corrected version today or Monday. Thanks so much.



Jeanne B. Heaton J.D. CAE | Executive Director
Nashville Bar Association
150 4th Ave N, Ste 1350
Nashville, TN 37219
615.242.9272 | NashvilleBar.org

Improving the Practice of Law through Education, Service, and Fellowship

From: Jeanne Heaton

Sent: Thursday, October 9, 2025 2:35 PM

To: 'appellatecourtclerk@tncourts.gov' <appellatecourtclerk@tncourts.gov>

Subject: NBA Comments on Docket No. ADM 2025-01205 - Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1

Dear Mr. Hivner,

Please find attached the Nashville Bar Association Comment on the recent TBA petition to amend Tenn. Sup. Ct. R. 9. Section 10.1, Docket No. ADM 2025-01205. Please confirm receipt of this email and let me know if you have any questions. Thank you.



Jeanne B. Heaton J.D. CAE | Executive Director
Nashville Bar Association
150 4th Ave N, Ste 1350
Nashville, TN 37219
615.242.9272 | NashvilleBar.org

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Tasha C. Blakney

General Counsel
Adrienne L. Anderson



ADM 2025-01205

October 9, 2025

By Email: appellatecourtclerk@tncourts.gov

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

RE: ADM 2025-01205

Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order referenced above, the Knoxville Bar Association ("KBA") Professionalism Committee ("Committee") carefully considered the amendments to Rule 9, Section 10.1 of the Tennessee Supreme Court proposed in the Order and in the related petition filed by the Tennessee Bar Association. The Committee presented a report with its recommendation on the proposed amendments at the September 17, 2025 meeting of the KBA Board of Governors (the "KBA Board"). After consideration, the KBA Board submits the following comment:

The KBA generally supports amending Section 10.1 to permit Tennessee state and local bar associations to obtain attorney contact information from the Board of Professional Responsibility. For many years, the KBA, like other bar associations, has used information about attorneys from the BPR for things like updating its attorney directory (which includes non-KBA members) and mailing publications or requests to join to non-KBA members.

The current version of the proposed amendment does have certain language inconsistent with the KBA's practice. The current version includes language stating that "the bar associations receiving this information will use this information to communicate with licensed attorneys *and will not make the information public*" (emphasis added). In the past, the KBA has prepared directories that could be obtained by certain members of the public, such as KBA sponsors. Unless bar associations carefully separate information obtained from the BPR from information obtained directly from members—something that would be difficult for them to do—they may not be able to limit the use of

the information to communications with licensed attorneys. The KBA suggests revising that language so that it does not prohibit *all* disclosures to the public.

Also, the KBA's Professionalism Committee noted potential privacy concerns with the fact that the proposed amendment would permit disclosure of information that attorneys have designated confidential without that attorney's knowledge or consent. The Committee was particularly concerned about the prospect of disclosure of an attorney's home address. The proposed amendment states that, if an attorney provides both business and personal contact information, the BPR would provide business contact information to the requesting association. (And presumably this means *only* business contact information.) But some attorneys may use the same address for their home and office. And the language suggests that an attorney's home address will be provided to a requesting association if that is the only address that was provided by the attorney to the BPR.

The proposed amendment could be revised to accomplish the TBA's objective but also mitigate this privacy concern. The rule could require attorneys to designate more than one type of contact information as publicly available. Most communication these days is by email. The rule could be amended to require all attorneys to designate a public email address along with either a telephone number or a physical or post office box address. And the rule could limit disclosure of physical addresses to addresses that attorneys designated as public.

As always, the KBA appreciates the invitation to consider and comment on proposed rule changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan D. Cooper". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jonathan D. Cooper, President
Knoxville Bar Association

cc: Tasha C. Blakney, KBA Executive Director (via email)
Executive Committee of the Knoxville Bar Association (via email)

Kim Meador

From: appellatecourtclerk
Sent: Monday, October 13, 2025 10:08 AM
To: Kim Meador; MaryBeth Lindsey
Subject: FW: Knoxville Bar Association Comment re: ADM-2025-01205
Attachments: ADM 2025-01205.pdf

Please process the attached comment.

Jim



James M. Hivner
Clerk of the TN Appellate Courts
Phone: (615) 741-1314
Email: jim.hivner@tncourts.gov
Address: 401 7th Ave. N., Nashville, TN 37219

From: Tasha Blakney <tblakney@knoxbar.org>
Sent: Thursday, October 9, 2025 3:38 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Cc: Jonathan Cooper <cooper@knoxdefense.com>; James Stovall <jstovall@rjs.law>; John Weaver <john.weaver@knoxcounty.org>
Subject: Knoxville Bar Association Comment re: ADM-2025-01205

Warning: Unusual sender <tblakney@knoxbar.org>

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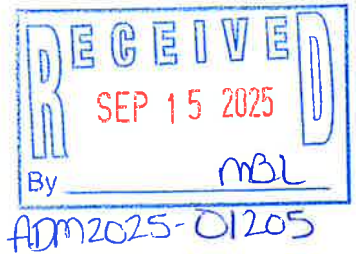
505 Main Street, Suite 50
P.O. Box 2027
Knoxville, Tennessee 37901-2027
Telephone: (865) 522-6522
Facsimile: (865) 523-5662
www.knoxbar.org

Good afternoon, Mr. Hivner:
Attached please find the comment of the Knoxville Bar Association concerning ADM-2025-01205.
With best regards,
Tasha Blakney

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The views expressed in this electronic mail transmission do not necessarily reflect the views of the Knoxville Bar Association.

Tasha C. Blakney, Esq.
Knoxville Bar Association
Executive Director
Ph: 865-522-6522
tblakney@knoxbar.org



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT
RULE 9, SECTION 10.1**

No. ADM2025-01205

**COMMENT OF THE BOARD OF PROFESSIONAL
RESPONSIBILITY TO PETITION TO AMEND TENNESSEE
SUPREME COURT RULE 9, SECTION 10.1**

The Board of Professional Responsibility (the Board), pursuant to Supreme Court Order filed August 14, 2025, respectfully submits the following Comment to proposed amendments to Tennessee Supreme Court Rule 9, Section 10.1, filed by the Tennessee Bar Association.

To protect the confidentiality of attorney registration information, the Board filed a petition on June 18, 2024 asking this Court to amend Rule 9, Section 10.1 making an attorney's home address, personal email and telephone number confidential. On June 26, 2024, the Court entered an Order soliciting comments to the Board's proposed amendments. The Knoxville Bar Association and 17 attorneys filed Comments supporting the Board's petition requesting this Court to make attorney registration information confidential. The Tennessee Bar Association (TBA) and a probate judge filed Comments highlighting courts and the public's need to access an attorney's contact information. The TBA indicated in its Comment that the TBA would welcome working with the Board to revise language addressing this concern. On September 17, 2024, the Board filed a Reply with this Court, offering revised language, developed with the TBA, requiring attorneys to designate public contact information for clients and members of the public and creating an exception allowing Tennessee courts and licensed attorneys to access nonpublic

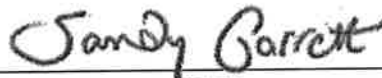
information upon written request. On November 4, 2024, this Court entered an Order, effective January 1, 2025, adopting this revised language and amending Tenn. Sup. Ct. R. 9 Section 10.1.

The Board's purpose in petitioning the Court to amend Tenn. Sup. Ct. R. Section 10.1 was to protect personal information of Tennessee attorneys and judges. This Court previously considered the Board's petition to limit public access to attorney information and concluded that safeguarding attorney information was paramount. However, if this Court concludes that the TBA and local bar associations should have access to attorney's confidential information, in addition to attorney's publicly designated information, then the Board respectfully submits that the Board's attorney portal and registration forms be amended to allow attorneys to choose whether to make available their registration information publicly available.

RESPECTFULLY SUBMITTED,



R. Culver Schmid (BPR No. 011128)
Chair, Board of Professional Responsibility of the
Supreme Court of Tennessee
265 Brookview Centre Way Ste 600
Knoxville, TN 37919



Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel, Board of Professional
Responsibility of the Supreme Court of Tennessee
10 Cadillac Dr Ste 220
Brentwood, TN 37027

Certificate of Service

I certify that the foregoing has been emailed to Sheree Wright, Esq., Executive Director, Tennessee Bar Association, at swright@tnbar.org, on this 15th day of September 2025.

By: R. Culver Schmid
R. Culver Schmid (BPR No. 011128)
Chairman of the Board

By: Sandy Garrett
Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, September 16, 2025 8:20 AM
To: MaryBeth Lindsey; Kim Meador
Subject: Fw: Comment to of the BPR to Petition to Amend Tennessee Supreme Court Rule 9, Section 10.1
Attachments: Comment of the BPR to Petition to Amend R. 9 Section 10.1.pdf

Please process.

Jim

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From: Dana Dunn <ddunn@tbpr.org>
Sent: Monday, September 15, 2025 3:28 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Comment to of the BPR to Petition to Amend Tennessee Supreme Court Rule 9, Section 10.1

Warning: Unusual sender <ddunn@tbpr.org>

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Good afternoon,

Please see the attached Comment and confirm receipt.

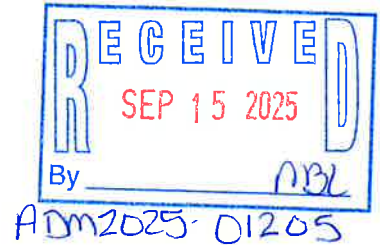
Thank you,

Dana Dunn
Assistant Director
Board of Professional Responsibility
of The Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
Direct Dial: (615) 361-0166
Fax: (615) 367-2480
www.tbpr.org

Please be advised that information relating to the investigation of complaints is confidential and privileged as provided in Tennessee Supreme Court Rule 9, Section 32.

David F. Graham
701 Long Meadow Drive
Fredericksburg, VA 22406

September 15, 2025



Mr. James Hivner
Clerk of the Supreme Court
Supreme Court Building, 401 7th Avenue North Nashville, TN 37219-1407

RE: Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1 100, No. ADM2025-01205

Dear Mr. Hivner,

I write in opposition to the Tennessee Bar Association's (TBA) petition to require the Tennessee Board of Professional Responsibility (Board) to provide, upon the request of any bar association located in Tennessee, contact information about an attorney, consisting of the attorney's phone number, email address, and physical address, as well as other information, including all attorneys' date of birth, demographic information, firm name, date of licensure in Tennessee, and status of license.

This petition would, if ratified, have the practical effect of granting the TBA *de facto* subpoena power over the Board. According to the TBA, the purpose of this petition is to facilitate information sharing and various forms of outreach. The TBA alleges the existence of "unique challenges faced by attorneys in rural communities including professional isolation, limited resources, economic constraints, and conflicts of interest in small communities,"¹ and goes on to explain that this seemingly discrete and insular population of attorneys needs the TBA's "vital support" to overcome these challenges. The TBA's claim is as intemperate as it is unsupportable.

Within their petition, the TBA acknowledges the privacy protections afforded to Tennessee attorneys and sympathizes with those who find invasive and unsolicited contact annoying. Nevertheless, the TBA seeks an amendment to force the Board to help them override the privacy interests they otherwise affirm.

Fortunately, there is a solution that would afford the TBA the relief they seek while simultaneously protecting the privacy interests of Tennessee attorneys. The TBA could simply offer these communications services, free of charge, to those attorneys who wish to disclose this private, and heretofore protected information, and respect the wishes of those who do not.

Sincerely,

David F. Graham

¹ Petition at page 5, paragraph 20.

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, September 16, 2025 8:15 AM
To: MaryBeth Lindsey; Kim Meador
Subject: Fw: Comments, ADM2025-01205
Attachments: ADM-2025-01205 Sep 15, 2025.docx

Please process.

Jim

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From: D G <dfgraham64@gmail.com>
Sent: Monday, September 15, 2025 7:39 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Comments, ADM2025-01205

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Sir/Ma'am,

Attached, please find my letter in opposition to the TBA's petition to amend SC Rule 9, Sec. 10.1, No. ADM2025-01205.

Regards,
David Graham



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August 25, 2025

VIA E-Mail: appellatecourtclerk@tncourts.gov

Mr. James Hivner
Clerk of the Supreme Court
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Re: Tennessee Supreme Court Rule 9, Section 10.1

Dear Clerk Hivner,

On behalf of the Executive Committee of the Memphis Bar Association, please accept this letter as our comment on proposed changes to Tenn. Sup. Ct. R. 9, Section 10.1, which would authorize and require the Board of Professional Responsibility ("Board") to provide, upon request of any Tennessee state-approved bar association, contact information about an attorney consisting of the attorney's phone number, email address, and physical address.

We believe the proposed amendment is necessary because the current rule does not define "members of the public" and does not include an express mechanism by which any local bar association can obtain contact information for attorneys for purposes of sharing the following types of information:

- 1) legal developments or opportunities,
- 2) press releases from state agencies such as the Board of Professional Responsibility, the Commission on Continuing Legal Education, or the Administrative Office of the Courts, and/or
- 3) any other state and local legal information relevant to the practice of law.

Additionally, the current restriction on sharing contact information prevents the Association from notifying attorneys about their eligibility in certain leadership and critical mentoring programs sponsored by the State and local bar associations.

We understand the objective behind the current rule is to protect Tennessee attorneys and retired judges from harm to their persons and property. The proposed amendment addresses these concerns by defining the information that would be shared with State and local bar associations and limiting its use. Additionally, the Association does not share any attorney's information with the public without the attorney's permission.

In closing, the Association respectfully requests that current Rule 9, Section 10.1 be amended to 1) define "members of the public" to exclude bar associations and 2) include a mechanism for bar associations to obtain attorney contact information.

Thank you for your consideration.

Sincerely,



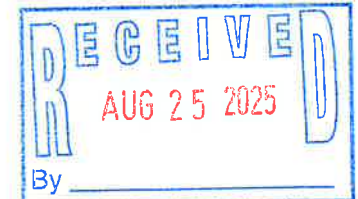
Lauran Stimac
President, Memphis Bar Association



Matt May
Secretary/Treasurer, Memphis Bar Association

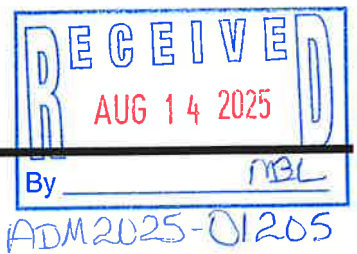


Marlinee Iverson
Vice President, Memphis Bar Association



4DM2025-01205

MaryBeth Lindsey



From: Beck, Kaitlin <Kaitlin.Beck@shelbycountyttn.gov>
Sent: Thursday, August 14, 2025 1:08 PM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01205 FW: Proposed TSC Rule Change
Attachments: Order Soliciting Comments to SCT R9 § 10.1-DEADLINE October 13, 2025.pdf

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I am writing to oppose the proposed TSC amendment allowing the release of personal information to bar associations in the State of Tennessee (Docket No. ADM2025-01205). Should attorneys within the State wish to avail themselves of "information that will benefit them and their practice[s]" provided by such associations, they are capable of opting *in* to communications (the current practice). The number of subscribing attorneys already on the rolls of these organizations would likely demonstrate that many attorneys have already chosen to do so, such that the proposed amendment is unnecessary. Furthermore, bar associations would use the information sought to send "unsolicited emails" and make "undesired telephone calls" to attorneys who have chosen *not* to opt in, causing "annoyance" among this class of attorneys. (See paras. 9 and 10 of the Petition.) For the foregoing reasons, I would ask the Court to DENY the pending petition.

Respectfully submitted,

KDB



Kaitlin D. Beck
Voicemail | 901-222-2881
Text | 901-249-0263

From: Kirk Yoquelet
Sent: Thursday, August 14, 2025 12:46 PM
To: Kirk Yoquelet
Cc: Patrick Frogge ; Chelsea Curtis
Subject: Proposed TSC Rule Change

[This EMAIL was not sent from a Shelby County Government email address. Please use caution.]

This proposal does not impact Conference business but may be of interest to attorneys in the Conference.
Sharing for informational purposes only.

As outlined in the attached proposal. The TSC previously (2024) changed rules pertaining to what information about a licensed attorney is shared with the public by the BPR. This proposal wants to amend this rule again to permit Tennessee bar associations to have access to more information than is currently available to the public.

Again, this does not impact your work but may impact what is shared about your contact information on file with the BPR.

Copied all DPDs and APDs

Kirk Yoquelet



Director of Research/Staff Attorney

TN District Public Defenders Conference

The Historic Castner-Knott Bldg.

618 Church Street

Suite 300

Nashville, TN 37219

Office line (615)741-5562

Direct line (615)741-9895

Fax (615)741-5568

kirk.yoquelet@tn.gov