

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
05/27/2026  
Clerk of the  
Appellate Courts

**IN RE: PETITION TO AMEND SUPREME COURT RULE 21**

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**No. ADM2026-00693**

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**ORDER**

On May 6, 2026, the Tennessee Commission on Continuing Legal Education (“Petitioner”) filed a petition asking this Court to consider amendments to Rule 21 of the Rules of the Tennessee Supreme Court. The proposed amendments seek to combine Sections 6 and 7 and revise the applicable deadlines and fee structures related to attorney noncompliance with annual MCLE requirements.

The Court hereby publishes the Petitioner’s petition for public comment and solicits written comments on the proposed amendments from judges, lawyers, bar associations, members of the public, and any other interested parties. The petition is attached as an Appendix.

The deadline for submitting the written comments is July 21, 2026. Written comments should reference the docket number above and may be emailed to [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov) or mailed to:

Clerk of the Appellate Courts  
Re: Tennessee Supreme Court Rule 21  
401 Seventh Avenue, North, Suite 321  
Nashville, TN 37219-1407

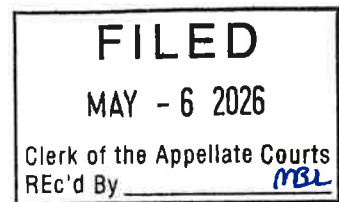
The Clerk shall provide a copy of this order, including the Appendix to LexisNexis and to Thomson Reuters. In addition, this Order, including the Appendix, shall be posted on the Tennessee Supreme Court’s website.

IT IS SO ORDERED.

PER CURIAM

**APPENDIX**

**PETITION OF THE  
TENNESSEE COMMISSION ON CONTINUING LEGAL EDUCATION  
TO AMEND TENNESSEE SUPREME COURT RULE 21**



IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**PETITION OF THE  
TENNESSEE COMMISSION ON CONTINUING LEGAL EDUCATION  
TO AMEND TENNESSEE SUPREME COURT RULE 21**

No. ADM 2026-00693

The Tennessee Commission on Continuing Legal Education (the Commission) respectfully petitions this Court to amend Rule 21 of the Rules of the Supreme Court of Tennessee, which governs mandatory continuing legal education (MCLE) and the Commission's responsibilities in administering and enforcing the Rule.

These proposed amendments seek to combine Sections 6 and 7 and to revise the applicable deadlines and fee structures related to attorney noncompliance with annual MCLE requirements. The Commission's goal is to enhance communication of the standards, foster earlier compliance by attorneys, and promote fairness among attorneys subject to Rule 21.

Tennessee maintains one of the longest compliance calendars among jurisdictions that require CLE, allowing more than 225 days from end of the compliance year until an attorney's law license is suspended. This extended noncompliance timeline provides months between benchmarks, often delaying correction of deficiencies. The proposed structure promotes early resolution of CLE shortages and fees, and aligns the Commission's operations to facilitate timely completion while still allowing more than 150 days to achieve compliance before suspension.

The Commission proposes to:

- Consolidate existing Sections 6 and 7 into one section that clearly states the annual responsibilities of the attorneys and the Commission regarding deadlines, notices, fees, and sanctions.
- Take advantage of technological improvements to shorten periods between noncompliance deadlines after December 31. This is supported by the Court's decision in 2022 to permit CLE hours to be earned entirely online.
- Increase the initial noncompliance fee from \$100 to \$200 to encourage compliance and to align it more closely with the administrative costs of processing and enforcement. The fee has remained unchanged since its inception in 1991.
- Replace certified mail notices for more efficient delivery via standard and priority mail, as well as add mandatory email notifications.

The proposed amendment provides attorneys with clear notice, defined compliance periods, and multiple opportunities to cure deficiencies before a suspension recommendation is made to this Court.

The Commission also proposes moving Sections 6.04 and 9.01 of the Rule to Section 1 to consolidate administrative elements of the Rule. This requires renumbering all sections after Section 6. Additional minor edits are made throughout for clarity and renumbering purposes.

The Commission respectfully requests this Court grant this Petition for amendments to Rule 21, Sections 1, 3, 4, 6, 7, 8, 9, 10, and 11, as well corresponding updates to the regulations for the compliance year ending December 31, 2026. The proposed language is reflected in the attached Appendix A (clean version) and Appendix B (redline version).

Respectfully Submitted,

**TENNESSEE COMMISSION ON CLE**

By: 

Tiffany Gentry Gipson, BPR No. 018662  
Chair

## APPENDIX A

### Sup.Ct.Rules, Rule 21, § 1

#### Section 1. Commission on Continuing Legal Education

**1.11.** The files and records of the Commission are deemed confidential and shall not be disclosed except in furtherance of the duties of the Commission; statistical abstracts may, however, be drawn therefrom in an anonymous fashion.

**1.12.** The establishment of the program for Mandatory Continuing Legal Education for attorneys licensed in Tennessee took effect on January 1, 1987. This Rule shall continue until such time as the Supreme Court shall determine that its program is no longer in keeping with the Court's responsibility to the legal profession in Tennessee and the public which it serves.

## **APPENDIX A**

### **Sup.Ct.Rules, Rule 21, § 3**

#### **Section 3. Continuing Legal Education Requirement**

- 3.01.** (d) An attorney who is eligible for an exemption must annually file a claim of exemption on or before March 1. Applications received after the deadline are assessed late fees in accordance with the compliance timetable included with the Annual Report Statement.

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### Sup.Ct.Rules, Rule 21, § 4

#### Section 4. Continuing Legal Education Credits

##### 4.08.

- (c) An annual maximum of three (3) EP credits earned at the rate of one hour of credit for every five billable hours of pro bono legal representation provided through court appointment, an organized bar association program, or an approved legal assistance organization, or of pro bono mediation services as required by Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District Courts in Tennessee. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 7 of this Rule.

An “approved legal assistance organization” for the purposes of this section is an organization or professional association that (1) provides pro bono legal services in Tennessee and (2) is approved by this Court. An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Organizations or groups which do not provide legal assistance as their primary service or business but wish to develop an initiative or project designed specifically to provide pro bono legal services may apply to be approved by this Court under this section. Any organization seeking approval under this section must file a petition with the clerk of this Court. The Application for Tennessee Supreme Court Approval of Legal Assistance Organization form can be found on the Commission’s website.

- (d) An attorney who provides indigent representation at a reduced hourly rate may receive EP credit for the uncompensated portion of the representation based upon the Commission’s formula as set out in the request form. A maximum of three (3) hours of credit may be earned in any compliance year. Indigent representation credit hours earned in a compliance year in excess of the three (3) credit annual maximum may be carried forward for credit in the succeeding compliance year, but only for the succeeding compliance year and only up to three (3) credit hours. Credits awarded pursuant to this paragraph shall be exempt from the per hour fee imposed by Section 7 of this Rule.

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### Sup.Ct.Rules, Rule 21, § 6

#### Section 6. Annual Report, Compliance, Noncompliance, and Sanctions

**6.01. Establishing Compliance with Rule 21.** Attorney compliance with this Rule is established by:

- (a) earning and reporting to the Commission all required hours or claiming a valid exemption on or before deadlines established in this Rule;
- (b) confirming all fees for attendance have been paid to the satisfaction of the Commission; and
- (c) confirming all noncompliance fees have been paid to the satisfaction of the Commission.

**6.02. Annual Report Statement and Initial Noncompliance Fee.** On or before February 1 of each year, the Commission shall prepare and send an Annual Report Statement to each attorney covered by this Rule notifying the attorney of their compliance status for the most recently concluded compliance year ending December 31.

- (a) The Annual Report Statement shall reflect:
  - 1) the number and details of CLE hours reported to the Commission for the most recently concluded compliance year, including rollback and carry-forward hours as applicable;
  - 2) any unpaid course reporting fees;
  - 3) any noncompliance fees; and
  - 4) a schedule of additional penalties that will result from continued noncompliance.
- (b) Any attorney whose Annual Report Statement demonstrates compliance with Rule 21 is not obliged to respond to the statement unless the statement contains an error. Attorneys who owe a fee, show a shortage of CLE hours for the compliance year, have a pending exemption under Section 2 of this Rule or are otherwise noncompliant with Rule 21 must respond to the statement on or before March 1. A noncompliant attorney must log into their online CLE account, complete the attorney portion of the Annual Report Statement, and pay any fees due.
- (c) Each attorney who is subject to Tennessee's CLE requirements and who does not satisfy the full number of required hours by December 31 shall be assessed an initial noncompliance fee of \$200 following the 30-day provider reporting period.
- (d) Attorneys eligible for Comity Compliance under Section 2.03(c) of this Rule must complete the attorney portion of the Annual Report Statement and submit required documentation supporting their request. Failure to do so on or before March 1 shall result in assessment of the \$200 initial noncompliance fee.
- (e) Any attorney who fails to meet the March 1 deadline for compliance who has not previously been assessed the \$200 initial noncompliance fee shall be assessed such fee.
- (f) The initial noncompliance fee is due on March 1. If any attorney shows to the satisfaction of the Executive Director of the Commission that the fee was erroneously assessed, the initial noncompliance fee shall not be due.

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**6.03. Notice of Noncompliance and Continuing Noncompliance Fee.** On or before March 15 of each year, the Commission shall issue to each noncompliant attorney a Notice of Noncompliance requiring the attorney to remedy their deficiencies on or before April 15 of that year.

- (a) The Commission shall issue a Notice of Noncompliance to attorneys who on or before March 15 have not:
  - (1) timely filed an Annual Report Statement for the preceding calendar year, including attorneys who failed to timely claim an exemption;
  - (2) complied with the requirements of Section 3.01 of this Rule for the preceding calendar year; or
  - (3) have not paid all fees due under this Rule to the satisfaction of the Commission.
- (b) To establish compliance, attorneys shall, on or before April 15, earn and properly report to the Commission the required number of CLE hours; file an Affidavit of Compliance demonstrating all hours have been earned; or claim a valid of exemption with the Commission. In addition, any attorney who receives a Notice of Noncompliance showing a fee due to the Commission shall pay the full amount of the fee on or before April 15 as part of establishing their compliance.
- (c) If, on or before April 15, an attorney fails to remedy any deficiencies listed in Section 6.03(b) the attorney shall be assessed a continuing noncompliance fee of \$200. This is in addition to the \$200 initial noncompliance fee. The continuing noncompliance fee shall be due and payable on April 16.

**6.04 Draft Suspension Order.** On or before May 1 of each year, the Commission shall prepare a draft Suspension Order listing all attorneys who were issued Notices of Noncompliance and who failed to remedy their deficiencies on or before April 15. The Commission shall submit the draft Suspension Order to the Supreme Court for informational purposes and send a copy to each attorney listed in the Order.

On or before May 31 of each year, each attorney listed in the draft Suspension Order who is not compliant with Rule 21 shall file an Affidavit of Compliance in a form acceptable to the Commission showing compliance with Section 3 of this Rule or file a valid statement of exemption for the preceding calendar year. The attorney also shall demonstrate full payment of all outstanding fees. Upon the Commission's approval of compliance, the Commission shall remove the attorney's name from the list of potential suspensions contained in the draft Suspension Order.

**6.05. Suspension Order and Suspension Fee.** On June 1 of each year, the Commission shall submit to the Supreme Court a final Suspension Order listing all attorneys with active Tennessee law licenses who failed to comply with this Rule for the preceding calendar year. The Supreme Court will review the final Suspension Order and, upon the Court's approval, shall enter the Suspension Order suspending the law license of each attorney listed in the order. The suspension shall be effective immediately. The Board of Professional Responsibility shall not reactivate the license of any attorney whose license is suspended pursuant to this Rule until the Commission certifies the attorney has met the requirements of this Rule to the satisfaction of the Commission.

Any attorney named in the Suspension Order entered by the Court for failure to meet the requirements of this Rule shall pay the Commission a \$500 suspension fee as a condition of

## APPENDIX A

reinstatement of their law license. The suspension fee shall be paid in addition to the \$200 initial noncompliance fee and the \$200 continuing noncompliance fee.

No attorney suspended under this Rule may resume practice until reinstated by Order of the Supreme Court.

**6.06. Delivery of Notices.** Notification of an attorney's Annual Report Statement, Notice of Noncompliance, or Draft Suspension Order shall be made by electronic delivery 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 as shown in the MCLE database. All attorneys shall maintain a current e-mail address and provide updated information upon request from the Commission.

In addition, the Commission shall send to attorneys with a valid U.S. postal address all Notices of Noncompliance via United States Postal Service and all draft Suspension Orders via United States Postal Service Priority Mail or a service with similar speed and tracking features. Attorneys without a United States Postal Service address may be served all notices exclusively by digital means. Failure to receive any notice, whether by digital or other means, does not alleviate the attorney's obligation to satisfy the requirements set forth in this Rule.

**6.07. Payments.** Payment of all fees shall be a requirement for compliance with this Rule. The attorney shall demonstrate to the Commission full payment of all outstanding fees.

**6.08. Deadlines.** Deadlines that fall on weekends or holidays are not adjusted. Any necessary action must be recorded in the Commission's digital database by the date indicated. Any day's deadline is 11:59 p.m. Central Time.

**6.09. Reinstatement.** An attorney suspended pursuant to this Rule may file with the Commission an application for reinstatement demonstrating compliance with this Rule. If the application is satisfactory to the Commission, the attorney is otherwise eligible for reinstatement, and the attorney has paid in full all fees due under this Rule, the Commission shall recommend to the Supreme Court that the Court reinstate the attorney's law license.

**6.10. Appeal.** An attorney wishing to challenge a staff decision regarding a recommendation of suspension or a recommendation against reinstatement may address the Commission via digital means at its next meeting. Any attorney not finding suitable relief before the Commission may petition the Supreme Court for modification or reversal of actions of the Commission.

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### Sup.Ct.Rules, Rule 21, § 7 Section 7. Financing

**7.01.** The Commission shall be adequately funded to enable it to perform its duties in a financially independent and responsible manner.

**7.02.** (a) All providers of CLE courses offered to Tennessee licensed attorneys shall apply for accreditation of the courses. Providers of CLE programs approved for Tennessee CLE and offered to Tennessee licensed attorneys shall electronically submit to the Commission an alphabetical list of attendees and pay a fee of \$2.00 per approved credit hour for each attorney licensed in Tennessee who attends the program. This fee shall apply to all provider reports of CLE attendance whether a course is held within the state or outside of the state and includes courses delivered in person or by electronic means. This provider's fee, along with the list of attendees, shall be submitted electronically through the Commission's website within thirty (30) days after the program is held.

Providers submitting attendance for any course, whether held within the state or outside of the state, more than forty-five (45) days after completion of the course shall pay as a late fee one additional dollar per credit hour per attorney. All attendance shall be reported within one year of the date of the completion of the course. Attendance submitted more than one year after the date of completion of the course will not be posted.

(b) Information contained in the attendance report required by this section or any Commission requirement under this Rule, or obtained by the Commission through analysis or comparison of such reports or information, shall be deemed confidential.

**7.03.** Attorneys attending approved programs not accredited by the provider, or other programs for which the sponsor does not report and pay the per-hour fee, shall be responsible for remitting their individual fees at the rate set under Section 7.02. This fee shall be paid at the time of, and along with, the report of such hours. All attendance shall be reported within one year of the date of completion of the course. Attendance submitted more than one year after the date of completion of the course will not be posted.

**7.04.** The Commission will review the level of the fees at least annually and adjust the levels as necessary to maintain adequate finances for prudent operation of the Commission.

**7.05.** The Commission shall deposit all funds collected hereunder with the State Treasurer; all such funds including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Commission. Withdrawals from those funds shall only be made by the Commission for the purposes set forth in this Rule, and for such other purposes as this Court may from time to time authorize or direct.

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### Sup.Ct.Rules, Rule 21, § 8 Section 8. Annual CLE Compliance Summary

**8.01.** Notwithstanding any other provision of this Rule to the contrary, the Commission shall publish an *Annual CLE Compliance Summary* of the activities of the Commission and the CLE reports and requests for exemption received by the Commission during the preceding compliance year. As part of this summary, the Commission shall report on the following topics:

- (a) The number of courses approved and rejected for accreditation;
- (b) The number of providers from whom lawyers holding a Tennessee license have received CLE credit;
- (c) The number of General and EP credit hours earned by lawyers holding a Tennessee license, both in the aggregate and in the following general categories:
  - (1) In-person format programs;
  - (2) Distance learning format programs broken down by the following categories:
    - (i) Live sessions delivered in real time; and
    - (ii) Pre-recorded online digital sessions.
  - (3) pro bono legal representation;
  - (4) teaching;
  - (5) service to the bar in the following areas:
    - (i) bar examiner;
    - (ii) governmental commissions, committees, or other governmental bodies;
    - (iii) Board of Professional Responsibility or as a hearing committee member;
  - (6) published author;
- (d) The number of courses offered per provider and the attendance figures based on the categories above;
- (e) The number of lawyers holding a Tennessee license who have been granted an exemption for the previous compliance year; and
- (f) The number of requests for exceptional relief granted by the Commission during the previous compliance year.

The Commission shall also report generally on the substantive content areas in which CLE credits are being earned and reported. The Commission's report relating to the preceding compliance year shall be published on its website by October 31.

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### Sup.Ct.Rules, Rule 21, § 9 Section 9. Identification of Specialists

**9.01.** Lawyers licensed to practice law in Tennessee may be certified as a legal specialist by any organization that has been accredited by the American Bar Association's House of Delegates to award specialist certifications to lawyers.

**9.02.** Each lawyer who has received a certification as a specialist shall register the certification with the Commission. The Commission shall confirm that the certification presented by the specialist has been issued from an organization that has been accredited by the American Bar Association's House of Delegates to award specialist certifications to lawyers. However, the Commission shall have no authority to certify any lawyer practicing in this State as being a specialist in any area of law.

**9.03.** Upon confirmation that a lawyer has received a specialist certification from an appropriate certifying organization, the Commission shall record the following information in the form of a Roll of Certified Specialists:

- (a) the lawyer's name;
- (b) the lawyer's Board of Professional Responsibility registration number;
- (c) the state and county in which the lawyer maintains the lawyer's principal office;
- (d) the name, address, and a link to the current website of the certifying organization;
- (e) the area or areas of law in which the lawyer has obtained a specialty certification; and
- (f) the date on which the lawyer obtained the specialty certification.

**9.04.** Each lawyer shall renew the lawyer's registration annually with the Commission and, in so doing, shall represent that the specialty certification remains valid. If a lawyer's certification of specialty has expired, or is withdrawn or revoked for any reason, the lawyer must report such fact to the Commission within fifteen (15) days of the expiration, withdrawal, or revocation. If a lawyer fails to renew the specialty certification, or if the lawyer notifies the Commission of the expiration, withdrawal, or revocation of a specialty certification, the Commission shall immediately remove the lawyer's information from the Roll of Certified Specialists.

**9.05.** No lawyer shall at any time represent that the lawyer is a specialist in any area of law without first having a current registration of a valid certification on file with the Commission.

**9.06.** The Commission shall maintain the Roll of Certified Specialists, taking special care to ensure the accuracy and timeliness of information contained therein. The Commission shall also make the Roll of Certified Specialists available for public inspection and shall publish the Roll from time to time. The Commission may satisfy the obligation to publish the Roll of Certified Specialists by maintaining the Roll on the Commission's website.

**9.07.** The Commission, subject to the approval of the Court, may establish and collect reasonable fees from lawyers seeking to register, or re-register, any specialty certification to offset the costs of administering the procedures set forth in this Section.

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### Sup.Ct.Rules, Rule 21

#### Regulations of the Tennessee Commission on Continuing Legal Education

### Section 2--Exemptions from Annual CLE Requirements

- ...
5. An attorney who files an application for retired or inactive status with the Board of Professional Responsibility or petitions to surrender their law license is not required to complete outstanding CLE hours but must pay any outstanding fees. If the attorney requests the change after the initial \$100 noncompliance fee has been assessed, the fee is waived as long as the licensure change occurs prior to March 1 of the current compliance year.

### Section 7. Attendance--Fees and reports

#### A. Attendance Reporting and Fees for Activities Held in Tennessee--Tenn. Sup. Ct. R. 21, § 7.02

1. A provider conducting a CLE course in Tennessee is required to report and pay for credits for any Tennessee-licensed attorney if the attorney wishes to receive credit for the activity.
2. Course attendance shall be posted online via the Commission's website.

**B. Attorney Reporting and Payment for Out-of-State Activities--Tenn. Sup. Ct. R. 21, § 7.03.** An attorney may not report credits earned for courses held in Tennessee. Attorneys may request credit for courses attended out of state only if they are not accredited by the provider.

#### C. Reporting Fee Waiver

1. The per-hour fee assessed to sponsors on in-state programs is hereby waived if
  - a. the program is priced to attorneys at \$10.00 per hour or less;
  - b. gross proceeds from the program are contributed to the Tennessee Lawyers Assistance Program or an organization that is an approved legal assistance organization under Tennessee Supreme Court Rule 21, Section 4.08(c); and
  - c. attendance is reported electronically through the attendance reporting system available on the Commission's website.

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### Sup.Ct.Rules, Rule 21, § 1

#### Section 1. Commission on Continuing Legal Education

**6.04.1.11.** The files and records of the Commission are deemed confidential and shall not be disclosed except in furtherance of the duties of the Commission; statistical abstracts may, however, be drawn therefrom in an anonymous fashion.

**9.041.12.** The establishment of the program for Mandatory Continuing Legal Education for attorneys licensed in Tennessee took effect on January 1, 1987. This Rule shall continue until such time as the Supreme Court shall determine that its program is no longer in keeping with the Court's responsibility to the legal profession in Tennessee and the public which it serves.

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Sup.Ct.Rules, Rule 21, § 3

### Section 3. Continuing Legal Education Requirement

**3.01.** (d) An attorney who is eligible for an exemption must annually file a claim of exemption on or before March ~~31st~~. Applications received after the deadline are assessed late fees in accordance with the compliance timetable included with the Annual Report Statement.

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### Sup.Ct.Rules, Rule 21, § 4 Section 4. Continuing Legal Education Credits

#### 4.08.

...

(c) An annual maximum of three (3) EP credits earned at the rate of one hour of credit for every five billable hours of pro bono legal representation provided through court appointment, an organized bar association program, or an approved legal assistance organization, or of pro bono mediation services as required by Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District Courts in Tennessee. Credits awarded pursuant to this paragraph shall be exempt from the per-hour fee imposed by Section 78 of this Rule.

An “approved legal assistance organization” for the purposes of this section is an organization or professional association that (1) provides pro bono legal services in Tennessee and (2) is approved by this Court. An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Organizations or groups which do not provide legal assistance as their primary service or business but wish to develop an initiative or project designed specifically to provide pro bono legal services may apply to be approved by this Court under this section. Any organization seeking approval under this section must file a petition with the clerk of this Court. The Application for Tennessee Supreme Court Approval of Legal Assistance Organization form can be found on the Commission’s website.

(d) An attorney who provides indigent representation at a reduced hourly rate may receive EP credit for the uncompensated portion of the representation based upon the Commission’s formula as set out in the request form. A maximum of three (3) hours of credit may be earned in any compliance year. Indigent representation credit hours earned in a compliance year in excess of the three (3) credit annual maximum may be carried forward for credit in the succeeding compliance year, but only for the succeeding compliance year and only up to three (3) credit hours. Credits awarded pursuant to this paragraph shall be exempt from the per hour fee imposed by Section 87 of this Rule.

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### Sup.Ct.Rules, Rule 21, § 6

#### Section 6. Annual Report, Compliance, Noncompliance, and Sanctions

**6.01. Establishing Compliance with Rule 21.** Attorney compliance with this Rule is established by:

- (a) earning and reporting to the Commission all required hours or claiming a valid exemption on or before deadlines established in this Rule;
- (b) confirming all fees for attendance have been paid to the satisfaction of the Commission; and
- (c) confirming all noncompliance fees have been paid to the satisfaction of the Commission.

**6.02. Annual Report Statement and Initial Noncompliance Fee.** 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 sent via mail or electronic means to the attorney's address as shown in the most recent registration statement filed by~~ notifying the attorney pursuant to Supreme Court Rule 9, Section 10.1, or to the attorney's last known address as shown in the MCLE database. Service of ~~of their compliance status for the most recently concluded compliance year ending December 31.~~

(a) The Annual Report Statement shall reflect:

- 1) the Annual Report Statement and any other notices required or provided for by this Rule upon any attorney may also be made by electronic means. All attorneys shall maintain a current e-mail address and provide updated information upon request from the Commission. Failure to receive the Annual Report does not alleviate the attorney's obligation to satisfy the requirements set forth in this Rule, including the requirements of section 6.02: number and details of CLE hours reported to the Commission for the most recently concluded compliance year, including rollback and carry-forward hours as applicable;
- 2) ~~6.02. On or before March 31st, each attorney shall complete the Annual Report Statement, indicating his or her completion of, exemption from, or approved substitute for accredited continuing legal education during the preceding calendar year, any unpaid course reporting fees;~~
- 3) any noncompliance fees; and shall deliver the completed Annual Report Statement to the Commission. The completed Annual Report Statement shall disclose all CLE hours earned during the preceding calendar year, including any hours to be carried forward to the following year. \_
- 4) a schedule of additional penalties that will result from continued noncompliance.

(b) Any attorney whose Annual Report Statement demonstrates compliance with Rule 21 is not obliged to respond to the statement unless the statement contains an error. Attorneys who owe a fee, show a shortage of CLE hours for the compliance year, have a pending exemption under Section 3.0+2 of this Rule or are otherwise noncompliant with Rule 21 must respond to the statement on or before March 1. A noncompliant attorney must log into their online CLE account, complete the attorney portion of the Annual Report Statement, and whose Annual Report Statement demonstrates that all pay any fees due the Commission for the preceding calendar year have been paid, shall be exempt from the requirement.

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~~(c) Each attorney who is subject to sign Tennessee's CLE requirements and deliver who does not satisfy the full number of required hours by December 31 shall be assessed an initial noncompliance fee of \$200 following the 30-day provider reporting period.~~

~~(a)(d) Attorneys eligible for Comity Compliance under Section 2.03(c) of this Rule must complete the attorney portion of the Annual Report Statement and submit required documentation supporting their request. Failure to the Commission do so on or before March 1 shall result in assessment of the Annual Report Statement described herein, \$200 initial noncompliance fee.~~

~~(b)(e) Any attorney who fails to meet the March 31st deadline for compliance who has not previously been assessed the one hundred dollar (\$100.00) fee for the applicable compliance year shall be assessed the one hundred dollar (\$100.00) fee on April 1st. The one hundred dollar (\$100.00) fee shall be due and payable on April 1st. \$200 initial noncompliance fee shall be assessed such fee.~~

~~6.03. The Annual Report Statement shall reflect any unpaid course reporting fees and any non-compliance initial noncompliance fee assessed pursuant is due on March 1. If any attorney shows to Section 7.03 along with a schedule of additional penalties which will result from continued non-compliance.~~

~~(e)(f) 6.04. The files and records the satisfaction of the Executive Director of the Commission are deemed confidential and that the fee was erroneously assessed, the initial noncompliance fee shall not be disclosed except in furtherance of the duties of the Commission; statistical abstracts may, however, be drawn therefrom in an anonymous fashion due.~~

Sup.Ct. Rules, Rule 21, § 7

Section 7. Non-compliance and Sanctions

~~7.01. By April 30 of each year, 6.03. Notice of Noncompliance and Continuing Noncompliance Fee. On or before March 15 of each year, the Commission shall issue to each noncompliant attorney a Notice of Noncompliance requiring the attorney to remedy their deficiencies on or before April 15 of that year.~~

~~(a) The Commission shall ~~compile~~ issue a Notice of Noncompliance to attorneys who on or before March 15 have not:~~

~~(1) (a) A list of those attorneys who did not timely file filed an Annual Report Statement for the preceding calendar year, including attorneys who failed to timely claim an exemption;~~

~~(2) (b) A list of those attorneys who have not complied with the requirements of Section 3.01 of this Rule for the preceding calendar year; and OR~~

~~(c) A list of those attorneys who have not paid all fees due under Section 8.03 of this Rule.~~

~~7.02. By April 30 of each year, the Commission shall serve each attorney listed on any of the three foregoing lists a Notice of Non-Compliance requiring the attorney to remedy his/her deficiencies on or before May 31 of that year. The notice shall be served upon the attorney by registered or certified mail, return receipt requested, at the address 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 as shown in the MCLE database. Failure to receive the Notice of Non-Compliance, sent to the attorney's last known address, does not alleviate the attorney's obligation to satisfy the requirements set forth in this Rule, including the requirements of section 7.04.~~

~~(3) 7.03. Each attorney who is subject to the Tennessee CLE requirements who does not satisfy the full number of required hours by December 31 of the previous compliance year shall be assessed an Initial Non-Compliance Fee of One Hundred Dollars (\$100) on January 1 immediately following the end of the~~

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~~compliance year. Any Initial Non-Compliance Fee shall be paid on or before March 31 of that year. If any attorney shows to the satisfaction of the Executive Director of the Commission that the Notice of Non-Compliance was erroneously issued, the Initial Non-Compliance Fee shall not be due Commission.~~

~~(b) 7.04. Each attorney to whom a Notice of Non-Compliance is issued on April 30, who was not previously assessed the \$100 non-compliance fee on January 1st, shall pay to the Commission a non-compliance fee of One Hundred Dollars (\$100). Said fee shall be assessed on the Notice of Non-Compliance. In order To establish compliance, attorneys shall, on or before April 15, earn and properly report to the Commission the required number of CLE hours; file a valid statement of exemption or an Affidavit of Compliance demonstrating all hours have been earned; or claim a valid of exemption with the Commission on or before May 31 of that year showing that he or she has remedied his/her deficiencies. In addition, any attorney who receives a Notice of Non-Compliance Noncompliance showing a fee due to the Commission shall pay the full amount of the fee ~~by May 31~~ on or before April 15 as part of establishing his/her/their compliance. ~~In the event~~~~

~~(b)(c) If, on or before April 15, an attorney fails to claim an exemption or remedy his/her deficiencies, by the May 31 deadline, fails to pay any fee owing to the Commission or fails to timely file an Affidavit of Compliance, the attorney shall pay to the Commission an additional Continuing Non-Compliance Fee of Two Hundred Dollars (\$200). This is in addition to the \$200 initial noncompliance fee. The continuing noncompliance fee shall be due and payable on April 16.~~

~~The Two Hundred Dollar Continuing Non-Compliance Fee shall be due and payable on June 1st.~~

~~7.05.6.04 Draft Suspension Order. On or before July May 1 of each year, the Commission shall prepare a draft Suspension Order listing all attorneys who were issued Notices of Non-Compliance Noncompliance and who failed to remedy their deficiencies by May 31 on or before April 15. The Commission shall submit the draft Suspension Order to the Supreme Court for informational purposes. The Commission also shall mail a copy of the draft Suspension Order to each attorney named in the draft Suspension Order by registered or certified mail, return receipt requested, to the address 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 as shown in the MCLE database. Failure to receive a copy of the draft Suspension Order, sent to the attorney's last known address, does not alleviate the attorney's obligation to satisfy the requirements set forth in this Rule and send a copy to each attorney listed in the Order.~~

~~7.06. On or before August 10 May 31 of each year, each attorney listed in the draft Suspension Order who is not compliant with Rule 21 shall file an Affidavit of Compliance in a form acceptable to the Commission showing compliance with Section 3 of this Rule or file a valid statement of exemption for the preceding calendar year or a valid statement of exemption. The attorney also shall demonstrate full payment of all outstanding fees. Upon the Commission's approval of compliance, the Commission shall remove the attorney's name from the list of potential suspensions contained in the draft Suspension Order.~~

~~7.07. On August 15 6.05. Suspension Order and Suspension Fee. On June 1 of each year, the Commission shall submit to the Supreme Court a final Suspension Order listing all attorneys with active Tennessee law licenses who failed to comply with this Rule for the preceding calendar year. Also by August 15, the Commission shall notify the Board of Professional Responsibility of the names of all licensed attorneys who have retired, taken inactive status, been suspended, or whose license to practice law in this state is~~

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~~otherwise inactive, and who failed to comply with the requirements of this Rule.~~ The Supreme Court will review the final Suspension Order and, upon the Court's approval, shall enter the Suspension Order suspending the law license of each attorney listed in the order. The suspension shall be effective immediately. The Board of Professional Responsibility shall not reactivate the license of any attorney whose license is suspended pursuant to this Rule until the Commission certifies completion of a program of remedial continuing legal education satisfactory to the attorney has met the requirements of this Rule to the satisfaction of the Commission.

~~7.08. Each~~Any attorney named in the ~~final~~ Suspension Order entered by the Court ~~or whose name is submitted to the Board of Professional Responsibility as ineligible for reactivation for failure to meet the requirements of this Rule shall pay to the Commission a Five Hundred Dollar (\$500) suspension fee as a condition of reinstatement of his or her~~their law license. The suspension fee shall be paid in addition to the ~~Initial Non-Compliance Fee (\$100) and \$200 initial noncompliance fee and the \$200 continuing noncompliance fee.~~

No attorney suspended under this Rule may resume practice until reinstated by Order of the Supreme Court.

6.06. Delivery of Notices. Notification of an attorney's Annual Report Statement, Notice of Noncompliance, or Draft Suspension Order shall be made by electronic delivery 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 as shown in the MCLE database. All attorneys shall maintain a current e-mail address and provide updated information upon request from the Commission.

~~In addition to the Continuing Non-Compliance Fee (\$200),~~ the Commission shall send to attorneys with a valid U.S. postal address all Notices of Noncompliance via United States Postal Service and all draft Suspension Orders via United States Postal Service Priority Mail or a service with similar speed and tracking features. Attorneys without a United States Postal Service address may be served all notices exclusively by digital means. Failure to receive any notice, whether by digital or other means, does not alleviate the attorney's obligation to satisfy the requirements set forth in this Rule.

~~7.09.6.07. Payments.~~ Payment of all fees ~~imposed in this section~~ shall be a requirement for compliance with this Rule. The attorney shall demonstrate to the Commission full payment of all outstanding fees.

~~7.10.6.08. Deadlines.~~ Deadlines that fall on weekends or holidays are not adjusted. Any necessary action must be recorded in the Commission's digital database by the date indicated. Any day's deadline is 11:59 p.m. Central Time.

6.09. Reinstatement. An attorney suspended ~~or made ineligible for reactivation by the Commission pursuant to this Rule may file with the Commission an application for reinstatement demonstrating compliance with Section 3.01 of this Rule. If the application is satisfactory to the Commission, if the attorney is otherwise eligible for reinstatement, and if the attorney has paid in full all fees due under this Rule, the Commission will~~shall recommend to the Supreme Court that the Court reinstate the attorney's law license.

~~7.11.6.10. Appeal.~~ An attorney ~~may address the Commission, by telephone during the Commission's scheduled~~

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~~monthly meeting, in regard to wishing to challenge a staff decision regarding~~ a recommendation of suspension or a recommendation against reinstatement. ~~Additionally, may address the Commission via digital means at its next meeting.~~ Any attorney not finding suitable relief before the Commission may petition the Supreme Court for modification or reversal of actions of the Commission.

~~7.12. No attorney suspended under this Rule 21 may resume practice until reinstated by Order of the Supreme Court.~~

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### Sup.Ct.Rules, Rule 21, § 87 Section 87. Financing

**7.01.** The Commission shall be adequately funded to enable it to perform its duties in a financially independent and responsible manner.

**87.02.** (a) All providers of CLE courses offered to Tennessee licensed attorneys shall apply for accreditation of the courses. Providers of CLE programs approved for Tennessee CLE and offered to Tennessee licensed attorneys shall electronically submit to the Commission an alphabetical list of attendees and pay a fee of \$2.00 per approved credit hour for each attorney licensed in Tennessee who attends the program. This fee shall apply to all provider reports of CLE attendance whether a course is held within the state or outside of the state and includes courses delivered in person or by electronic means. This provider's fee, along with the list of attendees, shall be submitted electronically through the Commission's website within thirty (30) days after the program is held.

Providers submitting attendance for any course, whether held within the state or outside of the state, more than forty-five (45) days after completion of the course shall pay as a late fee one additional dollar per credit hour per attorney. All attendance shall be reported within one year of the date of the completion of the course. Attendance submitted more than one year after the date of completion of the course will not be posted.

(b) Information contained in the attendance report required by this section or any Commission requirement under this Rule, or obtained by the Commission through analysis or comparison of such reports or information, shall be deemed confidential.

**87.03.** Attorneys attending approved programs not accredited by the provider, or other programs for which the sponsor does not report and pay the per-hour fee, shall be responsible for remitting their individual fees at the rate set under ~~§8~~Section 7.02. This fee shall be paid at the time of, and along with, the report of such hours. All attendance shall be reported within one year of the date of completion of the course. Attendance submitted more than one year after the date of completion of the course will not be posted.

**87.04.** The Commission will review the level of the fees at least annually and adjust the levels as necessary to maintain adequate finances for prudent operation of the Commission.

**87.05.** The Commission shall deposit all funds collected hereunder with the State Treasurer; all such funds including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Commission. Withdrawals from those funds shall only be made by the Commission for the purposes set forth in this Rule, and for such other purposes as this Court may from time to time authorize or direct.

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~~Sup.Ct.Rules, Rule 21, § 9  
Section 9. Effective Dates of the Rule~~

~~9.01. The establishment of the program for Mandatory Continuing Legal Education for attorneys licensed in Tennessee took effect on January 1, 1987. This Rule shall continue until such time as the Supreme Court shall determine that its program is no longer in keeping with the Court's responsibility to the legal profession in Tennessee and the public which it serves.~~

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### Sup.Ct.Rules, Rule 21, § ~~10~~8 Section ~~10~~8. Annual CLE Compliance Summary

**8.01.** Notwithstanding any other provision of this Rule to the contrary, the Commission shall publish an *Annual CLE Compliance Summary* of the activities of the Commission and the CLE reports and requests for exemption received by the Commission during the preceding compliance year. As part of this summary, the Commission shall report on the following topics:

- (a) The number of courses approved and rejected for accreditation;
- (b) The number of providers from whom lawyers holding a Tennessee license have received CLE credit;
- (c) The number of General and EP credit hours earned by lawyers holding a Tennessee license, both in the aggregate and in the following general categories:
  - (1) In-person format programs;
  - (2) Distance learning format programs broken down by the following categories:
    - (i) Live sessions delivered in real time; and
    - (ii) Pre-recorded online digital sessions.
  - (3) pro bono legal representation;
  - (4) teaching;
  - (5) service to the bar in the following areas:
    - (i) bar examiner;
    - (ii) governmental commissions, committees, or other governmental bodies;
    - (iii) Board of Professional Responsibility or as a hearing committee member;
  - (6) published author;
- (d) The number of courses offered per provider and the attendance figures based on the categories above;
- (e) The number of lawyers holding a Tennessee license who have been granted an exemption for the previous compliance year; and
- (f) The number of requests for exceptional relief granted by the Commission during the previous compliance year.

The Commission shall also report generally on the substantive content areas in which CLE credits are being earned and reported. The Commission's report relating to the preceding compliance year shall be published on its website by October ~~31~~31.

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### Sup.Ct.Rules, Rule 21, § 49 Section 49. Identification of Specialists

**9.01.** Lawyers licensed to practice law in Tennessee may be certified as ~~being~~ a legal specialist by any organization that has been accredited by the American Bar Association's House of Delegates to award specialist certifications to lawyers.

**49.02.** Each lawyer who has received a certification as a specialist shall register the certification with the Commission. The Commission shall confirm that the certification presented by the specialist has been issued from an organization that has been accredited by the American Bar Association's House of Delegates to award specialist certifications to lawyers. However, the Commission shall have no authority to certify any lawyer practicing in this State as being a specialist in any area of law.

**49.03.** Upon confirmation that a lawyer has received a specialist certification from an appropriate certifying organization, the Commission shall record the following information in the form of a Roll of Certified Specialists:

- (a) the lawyer's name;
- (b) the lawyer's Board of Professional Responsibility registration number;
- (c) the state and county in which the lawyer maintains the lawyer's principal office;
- (d) the name, address, and a link to the current website of the certifying organization;
- (e) the area or areas of law in which the lawyer has obtained a specialty certification; and
- (f) the date on which the lawyer obtained the specialty certification.

**49.04.** Each lawyer shall renew the lawyer's registration annually with the Commission and, in so doing, shall represent that the specialty certification remains valid. If a lawyer's certification of specialty has expired, or is withdrawn or revoked for any reason, the lawyer must report such fact to the Commission within fifteen (15) days of the expiration, withdrawal, or revocation. If a lawyer fails to renew the specialty certification, or if the lawyer notifies the Commission of the expiration, withdrawal, or revocation of a specialty certification, the Commission shall immediately remove the lawyer's information from the Roll of Certified Specialists.

**49.05.** No lawyer shall at any time represent that the lawyer is a specialist in any area of law without first having a current registration of a valid certification on file with the Commission.

**49.06.** The Commission shall maintain the Roll of Certified Specialists, taking special care to ensure the accuracy and timeliness of information contained therein. The Commission shall also make the Roll of Certified Specialists available for public inspection and shall publish the Roll from time to time. The Commission may satisfy the obligation to publish the Roll of Certified Specialists by maintaining the Roll on the Commission's website.

**49.07.** The Commission, subject to the approval of the Court, may establish and collect reasonable fees from lawyers seeking to register, or re-register, any specialty certification to offset the costs of administering the procedures set forth in this Section.

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### Sup.Ct.Rules, Rule 21

#### Regulations of the Tennessee Commission on Continuing Legal Education

## Section 2--Exemptions from Annual CLE Requirements

### D. Inactive Status with the Board of Professional Responsibility--Tenn. Sup. Ct. R. 21, § 2.03(d)

...

5. An attorney who files an application for retired or inactive status with the Board of Professional Responsibility or petitions to surrender their law license is not required to complete outstanding CLE hours but must pay any outstanding fees. If the attorney requests the change after the initial \$100 noncompliance fee has been assessed, the fee is waived as long as the licensure change occurs prior to March 31 of the current compliance year.

## Section 78. Attendance--Fees and reports

### A. Attendance Reporting and Fees for Activities Held in Tennessee--Tenn. Sup. Ct. R. 21, § 78.02

1. A provider conducting a CLE course in Tennessee is required to report and pay for credits for any Tennessee-licensed attorney if the attorney wishes to receive credit for the activity.
2. Course attendance shall be posted online via the Commission's website.

**B. Attorney Reporting and Payment for Out-of-State Activities--Tenn. Sup. Ct. R. 21, § 78.03.** An attorney may not report credits earned for courses held in Tennessee. Attorneys may request credit for courses attended out of state only if they are not accredited by the provider.

### C. Reporting Fee Waiver

1. The per-hour fee assessed to sponsors on in-state programs is hereby waived if
  - a. the program is priced to attorneys at \$10.00 per hour or less;
  - b. gross proceeds from the program are contributed to the Tennessee Lawyers Assistance Program or an organization that is an approved legal assistance organization under Tennessee Supreme Court Rule 21, Section 4.08(c); and
  - c. attendance is reported electronically through the attendance reporting system available on the Commission's website.