

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
05/01/2026
Clerk of the
Appellate Courts

**IN RE: PETITION OF THE TENNESSEE SUPREME COURT ACCESS TO
JUSTICE COMMISSION TO AMEND TENNESSEE SUPREME
COURT RULE 50A**

No. ADM2026-00434

ORDER

On March 24, 2026, the Tennessee Supreme Court Access to Justice Commission (“ATJC”) filed a petition asking this Court to consider amendments to Tennessee Supreme Court Rule 50A. This rule governs Tennessee’s Pro Bono Emeritus Attorney Program.

The Court hereby publishes the ATJC’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 written comments is June 30, 2026. Written comments should reference the docket number above and may be emailed to appellatecourtclerk@tncourts.gov or mailed to:

James Hivner, Clerk
Re: Tennessee Supreme Court Rule 50A
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 Supreme Court Access to Justice Commission to Amend
Tennessee Supreme Court Rule 50A**

FILED
MAR 24 2026
Clerk of the Appellate Courts
REC'd By MBL

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**PETITION OF THE TENNESSEE SUPREME COURT ACCESS TO JUSTICE
COMMISSION TO AMEND TENNESSEE SUPREME COURT RULE 50A**

No. ADM 2026-00434

The Tennessee Supreme Court Access to Justice Commission (the “ATJ Commission”) respectfully petitions this Court to amend Tennessee Supreme Court Rule 50A (“Rule 50A”). Rule 50A provides for the Emeritus Attorney Program and was enacted to improve access to justice and allows for retired attorneys to provide pro bono services through a sponsoring organization. The proposed amendment clearly outlines the qualifications required to apply for emeritus attorney status, clarifies the application process for both attorneys and sponsoring organizations, and modifies the requirements for approved emeritus attorneys. The proposed amendment also aligns Rule 50A with the rules of both the Board of Professional Responsibility and the Commission on Continuing Education. The proposed amendment is described more fully below and set forth in attached Exhibit A.

Introduction

The ATJ Commission was created pursuant to Tennessee Supreme Court Rule 50 (“Rule 50”), which authorizes the ATJ Commission to make recommendations to the Tennessee Supreme Court of programs the ATJ Commission determines to be necessary and appropriate for enhancing access to justice in Tennessee. The ATJ Commission’s mission is to provide collaborative leadership to create solutions and resources that address and eliminate barriers to justice for all. For these reasons, the ATJ Commission petitions the Tennessee Supreme Court to

adopt its recommendations to clarify Rule 50A to increase participation in the Emeritus Attorney Program to better meet the civil legal needs of disadvantaged Tennesseans.

The ATJ Commission was alerted that the current version of Rule 50A does not clearly explain the application requirements and process when an attorney recently applied for emeritus status. The applying attorney had many questions on the qualifications, the application procedure, and how Rule 50A corresponds to rules of the Board of Professional Responsibility regarding retiring from the practice of law. After the application was successfully processed, the Tennessee Supreme Court requested that the ATJ Commission review Rule 50A to determine what modifications are needed to better inform attorneys how to apply for emeritus status and what other improvements were needed to encourage more participation.

ATJ Commission's Review of Rule 50A

The ATJ Commission began its review of Rule 50A at it one of its quarterly meetings in August 2025. The ATJ Commission was presented with the questions that arose during the recent attorney application. It noted the issue of how Rule 50A relates to the Rules of Board of Professional Responsibility regarding when an attorney retires from the practice of law. Attorneys must retire from the active practice of law before their application to become an emeritus attorney can be considered and approved. This requirement is not clearly stated in the current version of Rule 50A and should be clarified. Further, when attorneys retire with the Board of Professional Responsibility, there are multiple options or reasons they may provide for retirement. The current version of Rule 50A does not specify which reason the applying attorney should report to the Board of Professional Responsibility.

During the ATJ Commission's review, the Commission on Continuing Legal Education filed a petition to amend Tennessee Supreme Court Rule 21. Its petition clarified that retired

attorneys do not have to comply with annual continuing legal education requirements. The current version of Rule 50A states that the emeritus attorney must comply with Tennessee's continuing education requirements. While the rules do not directly conflict each other, the ATJ Commission determined that there might be confusion when reading the rules together. The ATJ Commission discussed what, if any continuing legal education requirements should be required by emeritus attorneys. Further, the ATJ Commission considered how to modify Rule 50A so that it would align with the Commission on Continuing Legal Education's proposed amendment.

Next, the ATJ Commission sought input from legal service organizations that currently supervise emeritus attorneys on how the rule could be modified to clarify their obligations. The ATJ Commission identified portions of the rule that should be modified to fit situations where an attorney has had a break in their practice of law but has kept their license active and in good standing. The ATJ Commission determined that Rule 50A should address situations where an attorney is applying for emeritus status after a long-term practice when there might be difficulty in verifying whether the law school the attorney graduated from is still accredited. The ATJ Commission decided that the more important consideration is that the attorney's license is in good standing in Tennessee, or whichever state they practice in, not whether the law school is still accredited.

The ATJ Commission assigned a small working group to address the concerns raised by the most recently approved emeritus attorney applicant, the guidance of the Tennessee Supreme Court, the input from supervisor organizations, and the issues the ATJ Commission identified at its quarterly meeting. The working group developed the proposed amendment to Rule 50A. The ATJ Commission approved the proposed amendment at its fourth quarterly meeting of 2025 and now petitions the Tennessee Supreme Court to adopt the amendment attached hereto.

Proposed Rule 50A

The first changes the ATJ Commission made to Rule 50A streamline the definition of a pro bono emeritus attorney by referring to the relevant sections in the rule, instead of restating them. The ATJ Commission learned that the layout of the definition as it is currently written is confusing to applicants and leads to a general misunderstanding of what is required of an applying attorney. The qualifications were moved to their own section, new section 1.03.

The rule now explicitly states that the applicant must retire from the active practice of law before retiring. If the applicant is licensed to practice in Tennessee, they are instructed to retire their license to practice law pursuant to Tennessee Supreme Court Rule 9, Section 10.3(b). Proposed Section 1.03(a)(1). Tennessee Supreme Court Rule 9, Section 10.3(b) provides that retired attorneys are exempt from the periodic assessment of attorneys. Further, Tennessee Supreme Court Rule 9, Section 10.7(b) excludes attorneys who retired pursuant from Rule 9, Section 10.3(b) from having to pay an annual inactive fee. Adding the specific rule under which pro bono emeritus attorney applicants should report their retirement to the Board of Professional Responsibility eliminates confusion. It confirms the intent of Rule 50A, that pro bono emeritus attorneys are only authorized to provide pro bono or free services and therefore will not be required to pay an annual fee to the Board of Professional Responsibility.

The requirement regarding the length of the active practice of law is clarified. The applicant must have practiced law for at least twenty-five years before applying. If the applicant does not meet that requirement, they may also apply if they have actively practiced law for five of the last ten years immediately before applying. Proposed Section 1.03(a)(2). Proposed sections 1.03(b) and (c) are in the current version of Rule 50A and were not changed. The

proposed Rule 50A removes the requirement in the current rule that the applicant have graduated from an ABA accredited law school.

The proposed definition of a pro bono emeritus attorney provides that the applicant must meet the certification requirements in proposed section 1.06. The ATJ Commission changed the certification requirements to include that the supervising organization must certify that it 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. This language was added to balance the proposed change to not require pro bono emeritus attorneys to complete continuing legal education. The ATJ Commission expressed an interest in ensuring that pro bono emeritus attorneys have the necessary skillset to effectively handle the types of legal issues they are assigned by the sponsoring organization. The sponsoring organization is best suited to ascertain and ensure that its pro bono emeritus attorneys are competent in the substantive areas of law applicable to their cases. Proposed Section 1.02(b)(2) and Proposed Section 1.06(a)(3).

The ATJ Commission made minor changes to the definition of an approved legal assistance organization. The ATJ Commission proposed that the definition of an approved legal assistance match the definition of an approved legal assistance organization in Tennessee Supreme Court Rule 21, the rule governing the Continuing Legal Education Commission. This change corresponds with the one of the ATJ Commission's goals in its review of Rule 50A. Proposed Section 1.02(c). The remaining changes to the definition of an approved legal assistance organization are intended to clarify the existing requirements of an approved legal assistance organization and do not modify the overall substance of the definition. The ATJ Commission modified the definition of a supervising attorney by moving most of the content to the rule section regarding supervision and limitations. Proposed Section 1.02(d).

Proposed Section 1.04 pertains to the scope of representation a pro bono emeritus attorney is authorized to provide. The ATJ Commission added language to specify that a pro bono emeritus attorney may only assist clients of the approved legal assistance organization. No other modifications were made in the section pertaining to the scope of representation.

Proposed Section 1.05 provides the supervision requirements and limitations of a pro bono emeritus attorney. There were only minor changes made to this section. Proposed Section 1.06 pertains to the certification requirements and the substantive proposed changes have been outlined above.

The ATJ Commission modified the section pertaining to withdrawal of emeritus attorney certification. The ATJ Commission noted that the existing provision does not allow for a situation when the pro bono emeritus attorney wishes to no longer serve in that capacity. Therefore, the ATJ Commission added language to provide that a pro bono emeritus attorney may file a notice with the clerk of the Tennessee Supreme Court indicating that they wish to withdraw from being a pro bono emeritus attorney. The pro bono emeritus attorney must fulfill the obligations contained in the Tennessee Rules of Professional Conduct pertaining to withdrawing from cases. Proposed Section 1.07(a)(4).

Lastly, the ATJ Commission removed the provision requiring pro bono emeritus attorneys to earn continuing legal education, as discussed above. This decision was made so that Rule 50A will align with the rules governing the Board of Professional Responsibility and the Commission on Continuing Legal Education. Tennessee Supreme Court Rule 21, Section 2.03(d) states that an attorney who has placed their Tennessee law license on inactive status with the Board of Professional Responsibility under Rule 9, Section 10.3 shall be exempt from the annual reporting requirement under this Rule. The ATJ Commission provided that pro bono emeritus attorneys

should retire pursuant to Tennessee Supreme Court Rule 9, Section 10.3 in the definitions section of the proposed Rule 50A. Therefore, pro bono emeritus attorneys are not required to complete continuing education hours.

Conclusion

The ATJ Commission petitions the Tennessee Supreme Court to adopt its proposed modifications to Rule 50A to clarify the Emeritus Attorney Program. The modifications align Rule 50A with the rules of the Board of Professional Responsibility and the Commission on Continuing Legal Education. More importantly, the proposed modifications clarify the requirements to apply to become a pro bono emeritus attorney and simplify the application process. The ATJ Commission believes that these changes further the spirit of Rule 50A of improving access to justice and will encourage more attorneys to apply to the Emeritus Attorney Program and provides much-needed support to pro bono programs and projects that serve vulnerable Tennesseans.

Exhibit A – Proposed revisions to Tennessee Supreme Court Rule 50A (redline)

Exhibit B – Proposed revisions to Tennessee Supreme Court Rule 50A (clean)

Respectfully Submitted,
TENNESSEE SUPREME COURT
ACCESS TO JUSTICE COMMISSION

By: 
Joy Radice, BPR # 033160
Chairperson

TN Supreme Court Rule 50A

Section 1. Legal Services by Pro Bono Emeritus Attorneys.

1.01. Purpose. Attorneys have a responsibility to provide competent legal services for all persons, including those unable to pay for such services. As one means of meeting the unmet legal needs of those persons who are unable to afford counsel, this Court establishes the pro bono emeritus ~~attorneys~~attorney participation program.

1.02. Definitions.

(a) The “active practice of law” for purposes of this rule means engagement in the practice of law, including, but not limited to: private practice, in-house counsel, public employment, or employment by a not-for-profit organization.

(b) A “pro bono emeritus attorney” is any person, ~~not currently actively engaged in the practice of law, who was or is admitted to practice before the Tennessee Supreme Court or the highest court of any other state or territory of the United States or the District of Columbia, and~~

~~(1) Has been engaged in the active practice of law for a minimum of five of the last ten years immediately preceding application to participate in the pro bono emeritus attorneys' program, or who has taken retired or inactive status but was engaged in the active practice of law for at least twenty-five years preceding application to participate in the pro bono emeritus attorneys' program;~~

~~(2) Has never been disbarred and has not been disciplined for professional misconduct by the bar or courts of any jurisdiction within the last ten years and is not on disability inactive status in any jurisdiction;~~

~~(3) If not a member of the Tennessee bar, has graduated from a law school accredited by the American Bar Association;~~

~~(4) Agrees~~

(1) has met the application qualifications in section 1.03;

(2) is certified under section 1.06;

(3) agrees to abide by the Tennessee Rules of Professional Conduct and to submit to the Tennessee Supreme Court for disciplinary purposes; and

~~(5) Neither~~

(2) neither asks for nor receives compensation of any kind for the legal services to be rendered under this ~~section; and~~rule.

~~(6) Is certified under section 1.05.~~

(c) An “approved legal assistance organization” has the same definition for ~~the~~ purposes of this section ~~is a not-for-profit legal assistance organization which is approved by the~~ as it does under Tennessee Supreme Court Rule 21, Section 4.03(c). An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Any other organization

seeking approval under this section must file a petition with the clerk of the Tennessee Supreme Court certifying that it is a not-for-profit organization and stating with specificity:

- (+) (1) The structure of the organization and whether it accepts funds from clients;
- (2) The major sources of funds used by the organization;
- ~~(3) The criteria used by the organization to determine potential ~~clients'~~ clients' eligibility for legal services performed by the organization;~~
- (+) ~~(4) The types of legal and non-legal services performed by the organization;~~
- (5) The names of all members of the Tennessee bar who are employed by the organization and who regularly perform legal work for clients; and _____
- (6) The existence and extent of malpractice insurance to cover claims made by clients against a pro bono emeritus attorney.

(d) A “supervising attorney” is an active member of the Tennessee bar who in compliance with section 1.05, oversees the work of a pro bono attorney engaged in activities permitted by this section. ~~The supervising attorney must:~~

- ~~(1) Be employed by or~~
1.03 Pro Bono Emeritus Attorney Qualifications.

To be a participating volunteer for an approved legal assistance organization; and

- ~~(a) (2) Assume responsibility for overseeing as a Pro Bono Emeritus Attorney, the work of the pro bono emeritus attorney to the same extent as any supervising attorney in a legal assistance program supervises any other volunteer attorney applicant must~~

- (1) retire from the active practice of law before applying to become an emeritus attorney. If the applicant was a member of the Tennessee Bar, the applicant must retire pursuant to Tenn. S. Ct. R. 9, Sec. 10.3(b). The applicant must have been admitted to practice before the Tennessee Supreme Court or the highest court of any other state or territory of the United States or the District of Columbia.

(2) Have been in active practice of law for at least twenty-five years prior to the filing of the application or have been in active practice of law for at least five of the last ten years immediately prior to the filing of the application.

(b) The applicant must have never been disbarred.

(c) The applicant must not have been disciplined for professional misconduct by the bar or courts of any jurisdiction within the last ten years, nor be on disability inactive status in any jurisdiction.

1.0304. Scope of Representation. A pro bono emeritus attorney, in association with an approved legal assistance organization, may perform any legal work on behalf of a client of the approved legal assistance organization that could be performed by any licensed attorney in the state of Tennessee, except that the ability of a pro bono emeritus attorney to make court appearances is subject to court approval.

1.0405. Supervision and Limitations.

(a) A pro bono emeritus attorney must perform all activities under the auspices of a supervising attorney. It is the responsibility of the supervising attorney to ensure that the pro bono emeritus attorney receives the same supervision as any other volunteer attorney or subordinate attorney, including compliance with the requirements of Tennessee Supreme Court Rule 8, Section 5.1, ~~Sup. Ct. Tenn. R. Sup. Ct. 8, RPC 5.1.~~

(b) The supervising attorney must be employed by or be a participating volunteer for an approved legal assistance organization.

(c) Pro bono emeritus attorneys permitted to perform services under this section are not, and shall not represent themselves to be, active members of the Tennessee bar licensed to practice in the state.

(d) The prohibition against compensation for the pro bono emeritus attorney contained in section 1.02(b)(~~4~~) shall not prevent the approved legal assistance organization from reimbursing the pro bono emeritus attorney for actual expenses incurred while rendering services under this section nor shall it prevent the approved legal assistance organization from making such charges for its services as it may otherwise properly charge. The approved legal assistance organization shall be entitled to receive all court-awarded ~~attorneys'~~ attorneys' fees for any representation rendered by a pro bono emeritus attorney.

1.0506. Certification. An attorney seeking permission to act as a pro bono emeritus attorney shall file an application a petition with the clerk of the Tennessee Supreme Court, which shall consist of:

(a) A ~~certificate~~ 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) ~~02(b);~~ 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; 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; and

(b) A sworn statement by the pro bono emeritus attorney that ~~he or she~~they:

(1) ~~Has~~have read and is familiar with the Rules of Professional Conduct and the Rules of the Supreme Court of Tennessee relating to the conduct of lawyers, and will abide by the provisions of those Rules;

(2) ~~Submits~~submit to the jurisdiction of the Tennessee Supreme Court for disciplinary purposes, as defined by the Rules of Professional Conduct; and

(3) ~~Will~~will neither ask for nor receive compensation for any kind of legal services authorized by this Rule.

Permission for a pro bono emeritus attorney to perform services under this section shall become effective upon the Tennessee Supreme Court's written approval of the application.

~~1.0607~~. Withdrawal of Certification.

(a) Permission to perform services under this section shall cease immediately upon the filing of a notice with the clerk of the Tennessee Supreme Court:

(1) ~~By~~by the approved legal assistance organization, stating that:

(A) ~~The~~the pro bono emeritus attorney has ceased to be associated with the organization, which notice must be filed within five days after such association has ceased; or

(B) ~~That~~ certification of such attorney has been withdrawn. An approved legal assistance organization may withdraw certification at any time and it is not necessary that the notice state cause for such withdrawal. A copy of the notice shall be filed with the clerk of the Tennessee Supreme Court and shall be mailed by the legal assistance organization to the pro bono emeritus attorney;

(2) By the Board of Professional Responsibility, stating that the pro bono emeritus attorney has been determined, after investigation, to have ~~committed a violation of~~violated the Tennessee Rules of Professional Conduct meriting the imposition of discipline; or

(3) By the Tennessee Supreme Court, in its discretion, at any time, stating that permission to perform services under this section has been revoked. A copy of such notice shall be mailed by the clerk of the Tennessee Supreme Court to the pro bono emeritus attorney and to the approved legal assistance organization to which he or she had been certified by the Tennessee Supreme Court.

(4) By the pro bono emeritus attorney, stating that they wish to withdraw from being a pro bono emeritus attorney. The pro bono emeritus attorney must fulfill the obligations contained in the Tennessee Rules of Professional Conduct pertaining to withdrawing from cases.

(b) If a pro bono emeritus ~~attorney's~~attorney's certification is withdrawn for any reason, the supervising attorney shall immediately file a notice of such action in any court or tribunal in which the pro bono emeritus attorney was participating as counsel.

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1.0708. Discipline and Fees. A pro bono emeritus attorney performing services under this section shall abide by the Tennessee Rules of Professional Conduct and is subject to discipline, including withdrawal of certification under this rule, for any failure to comply with those Rules. A pro bono emeritus attorney is exempt from the registration fee required of all practicing attorneys. A pro bono emeritus attorney performing services solely under the authority of this section shall not be deemed to be a person licensed as an attorney by this Court for purposes of ~~Tenn. Code Ann. § 67-4-1702(a)(5)~~. Tenn. Code Ann. § 67-4-1702(a)(5).

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~~1.08. Mandatory Continuing Legal Education. Pro bono emeritus attorneys certified under section 1.05 must comply with Tennessee's continuing legal education requirements. Tenn.~~

~~Sup. Ct. R. 21.~~

TN Supreme Court Rule 50A

Section 1. Legal Services by Pro Bono Emeritus Attorneys.

1.01. Purpose. Attorneys have a responsibility to provide competent legal services for all persons, including those unable to pay for such services. As one means of meeting the unmet legal needs of those persons who are unable to afford counsel, this Court establishes the pro bono emeritus attorney participation program.

1.02. Definitions.

(a) The “active practice of law” for purposes of this rule means engagement in the practice of law, including, but not limited to private practice, in-house counsel, public employment, or employment by a not-for-profit organization.

(b) A “pro bono emeritus attorney” is any person who

- (1) has met the application qualifications in section 1.03;
- (2) is certified under section 1.06;
- (3) agrees to abide by the Tennessee Rules of Professional Conduct and to submit to the Tennessee Supreme Court for disciplinary purposes; and
- (4) neither asks for nor receives compensation of any kind for the legal services to be rendered under this rule.

(c) An “approved legal assistance organization” has the same definition for purposes of this section as it does under Tennessee Supreme Court Rule 21, Section 4.03(c). An organization which receives funding from the Legal Services Corporation is presumptively approved under this section. Any other organization seeking approval under this section must file a petition with the clerk of the Tennessee Supreme Court certifying that it is a not-for-profit organization and stating with specificity:

- (1) The structure of the organization and whether it accepts funds from clients;
- (2) The major sources of funds used by the organization;
- (3) The criteria used by the organization to determine potential clients’ eligibility for legal services performed by the organization;
- (4) The types of legal and non-legal services performed by the organization;
- (5) The names of all members of the Tennessee bar who are employed by the organization and who regularly perform legal work for clients; and

(6) The existence and extent of malpractice insurance to cover claims made by clients against a pro bono emeritus attorney.

(d) A “supervising attorney” is an active member of the Tennessee bar who, in compliance with section 1.05, oversees the work of a pro bono attorney engaged in activities permitted by this section.

1.03 Pro Bono Emeritus Attorney Qualifications.

(a) To be approved as a Pro Bono Emeritus Attorney, the applicant must

(1) retire from the active practice of law before applying to become an emeritus attorney. If the applicant was a member of the Tennessee Bar, the applicant must retire pursuant to Tenn. S. Ct. R. 9, Sec. 10.3(b). The applicant must have been admitted to practice before the Tennessee Supreme Court or the highest court of any other state or territory of the United States or the District of Columbia.

(2) Have been in active practice of law for at least twenty-five years prior to the filing of the application or have been in active practice of law for at least five of the last ten years immediately prior to the filing of the application.

(b) The applicant must have never been disbarred.

(c) The applicant must not have been disciplined for professional misconduct by the bar or courts of any jurisdiction within the last ten years, nor be on disability inactive status in any jurisdiction.

1.04. Scope of Representation. A pro bono emeritus attorney, in association with an approved legal assistance organization, may perform any legal work on behalf of a client of the approved legal assistance organization that could be performed by any licensed attorney in the state of Tennessee, except that the ability of a pro bono emeritus attorney to make court appearances is subject to court approval.

1.05. Supervision and Limitations.

(a) A pro bono emeritus attorney must perform all activities under the auspices of a supervising attorney. It is the responsibility of the supervising attorney to ensure that the pro bono emeritus attorney receives the same supervision as any other volunteer attorney or subordinate attorney, including compliance with the requirements of Tennessee Supreme Court Rule 8, Section 5.1.

(b) The supervising attorney must be employed by or be a participating volunteer for an approved legal assistance organization.

(c) Pro bono emeritus attorneys permitted to perform services under this section are not, and shall not represent themselves to be, active members of the Tennessee bar licensed to practice in the state.

(d) The prohibition against compensation for the pro bono emeritus attorney contained in section 1.02(b)(4) shall not prevent the approved legal assistance organization from reimbursing the pro bono emeritus attorney for actual expenses incurred while rendering services under this section nor shall it prevent the approved legal assistance organization from making such charges for its services as it may otherwise properly charge. The approved legal assistance organization shall be entitled to receive all court-awarded attorneys' fees for any representation rendered by a pro bono emeritus attorney.

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; 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;

(b) A sworn statement by the pro bono emeritus attorney that they:

- (1) have read and are familiar with the Rules of Professional Conduct and the Rules of the Supreme Court of Tennessee relating to the conduct of lawyers, and will abide by the provisions of those Rules;
- (2) submit to the jurisdiction of the Tennessee Supreme Court for disciplinary purposes, as defined by the Rules of Professional Conduct; and
- (3) will neither ask for nor receive compensation for any kind of legal services authorized by this Rule.

Permission for a pro bono emeritus attorney to perform services under this section shall become effective upon the Tennessee Supreme Court's written approval of the application.

1.07. Withdrawal of Certification.

(a) Permission to perform services under this section shall cease immediately upon the filing of a notice with the clerk of the Tennessee Supreme Court:

- (1) by the approved legal assistance organization, stating that:

(A) the pro bono emeritus attorney has ceased to be associated with the organization, which notice must be filed within five days after such association has ceased; or

(B) certification of such attorney has been withdrawn. An approved legal assistance organization may withdraw certification at any time and it is not necessary that the notice state cause for such withdrawal. A copy of the notice shall be filed with the clerk of the Tennessee Supreme Court and shall be mailed by the legal assistance organization to the pro bono emeritus attorney;

(2) By the Board of Professional Responsibility, stating that the pro bono emeritus attorney has been determined, after investigation, to have violated the Tennessee Rules of Professional Conduct meriting the imposition of discipline; or

(3) By the Tennessee Supreme Court, in its discretion, at any time, stating that permission to perform services under this section has been revoked. A copy of such notice shall be mailed by the clerk of the Tennessee Supreme Court to the pro bono emeritus attorney and to the approved legal assistance organization to which he or she had been certified by the Tennessee Supreme Court.

(4) By the pro bono emeritus attorney, stating that they wish to withdraw from being a pro bono emeritus attorney. The pro bono emeritus attorney must fulfill the obligations contained in the Tennessee Rules of Professional Conduct pertaining to withdrawing from cases.

(b) If a pro bono emeritus attorney's certification is withdrawn for any reason, the supervising attorney shall immediately file a notice of such action in any court or tribunal in which the pro bono emeritus attorney was participating as counsel.

1.08. Discipline and Fees. A pro bono emeritus attorney performing services under this section shall abide by the Tennessee Rules of Professional Conduct and is subject to discipline, including withdrawal of certification under this rule, for any failure to comply with those Rules. A pro bono emeritus attorney is exempt from the registration fee required of all practicing attorneys. A pro bono emeritus attorney performing services solely under the authority of this section shall not be deemed to be a person licensed as an attorney by this Court for purposes of Tenn. Code Ann. § 67-4-1702(a)(5).