

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

10/20/2025

Clerk of the
Appellate Courts

IN RE: PETITION TO AMEND SUPREME COURT RULE 21

No. ADM2025-01538

ORDER

On October 2, 2025, Kent A. Halkett, Esq., Tennessee Lawyer Assistance Program (“TLAP”), and Tennessee Alliance for Legal Services (“TALS”) (collectively, “Petitioners”) filed a petition asking this Court to consider amendments to Rule 21 of the Rules of the Tennessee Supreme Court. The purpose of the petition is to amend Section 3.01(a) in order to require at least one hour of continuing legal education credit for mental health or substance use disorders programming in a three-year period to be included in the yearly required three hours of ethics/professionalism credit.

The Court hereby publishes the Petitioners’ 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 December 19, 2025. 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 21
401 Seventh Avenue, North, Suite 321
Nashville, TN 37219-1407

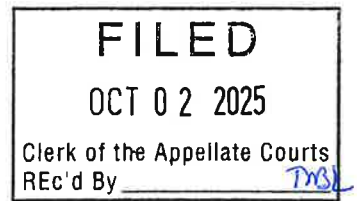
The Clerk shall provide a copy of this order, including the Appendix to LexisNexis and to Thomson Reuters. In addition, this Order, including the Appendix, shall be posted on the Tennessee Supreme Court’s website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX

Petition of the Tennessee Lawyers Assistance Program and the Tennessee Alliance for Legal Services to Amend Tennessee Supreme Court Rule 21



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**In Re: PETITION TO AMEND
TENNESSEE SUPREME COURT RULE 21**

No. ADM2025-01538

Petitioners Kent A. Halkett, Esq., Tennessee Lawyer Assistance Program (“TLAP”), Tennessee Alliance for Legal Services (“TALS”)(collectively, “Petitioners”) respectfully petition the Court to amend its Rule 21: Rule For Mandatory Continuing Legal Education (“Rule 21”) to adopt a change as set forth below. The proposed amended Rule 21 (“Proposed Rule”) is attached as **Appendix A**.

Petitioners offer the following in support of their Petition:

1. The Tennessee Supreme Court (“Court”) has the exclusive jurisdiction to regulate the practice of law in the State of Tennessee, including rules and procedures for attorney licensing.
2. The Court’s Rule 21: Rule For Mandatory Continuing Legal Education (“Rule 21”) applies to every person whose qualifications to practice law are subject to the Court’s Rules of Professional Conduct.
3. The Tennessee Commission on Continuing Legal Education (“Commission”), under the Court’s supervision, exercises general supervisory authority over the administration of Rule 21.

4. The Tennessee Lawyer Assistance Program (“TLAP”), under the Court’s supervision, provides immediate and continuing help to lawyers, judges, bar applicants and law students who suffer from physical and mental disabilities that result from disease, disorder, trauma or age and that impair their ability to practice or serve.
5. Under Rule 21, unless otherwise exempted, each attorney admitted to practice law in the State of Tennessee shall obtain a minimum of fifteen (15) hours of continuing legal education (“CLE”) by December 31st of each compliance year. Of those fifteen hours:
 - a. Three (3) hours shall be approved for ethics/professionalism credit (“EP credit”); and
 - b. Twelve (12) hours shall be approved for General credit.
6. In 2017, the American Bar Association (“ABA”) House of Delegates adopted the Model Rule for Minimum Continuing Legal Education and Comments (“2017 MCLE Model Rule”), replacing the 1988 MCLE Model Rule. The ABA encouraged jurisdictions to review the revisions and consider integrating some or all of its provisions in their respective CLE rules
[\[https://www.americanbar.org/events-cle/mcle/modelrule/\]](https://www.americanbar.org/events-cle/mcle/modelrule/).
7. The 2017 MCLE Model Rule requires that lawyers earn an average of fifteen (15) CLE credit hours per year, including the following specialty credits, that count toward the general CLE requirement:
 - a. Ethics and Professionalism (average one credit per year);
 - b. Diversity and Inclusion (one credit every three years); and
 - c. Mental Health and Substance Use Disorders (one credit every three years).
8. The 2017 MCLE Model Rule defines mental health and substance use disorders programming as “CLE Programming that addresses the prevention, detection and/or treatment of mental health disorders and/or substance use disorders, which can affect a lawyer’s ability to perform competent legal services.”
9. The Comments to the 2017 MCLE Model Rule note that many jurisdictions allow CLE courses addressing mental health and substance use disorder programming to count toward the general CLE requirements and/or ethics and professionalism credits. In Tennessee, the Commission generally counts

programs addressing mental health and substance use disorders toward the EP credits under Rule 21.

10. The comments to the 2017 MCLE Model Rule note that most jurisdictions have a lawyers assistance program that can offer, or help with offering, mental health and substance use disorders programming for the legal communities. In Tennessee, under the Court's Rule 33: Establishment of Tennessee Lawyer Assistance Program (Rule 33"), TLAP offers and helps with offering mental health and substance use disorders programming for lawyers, judges, bar applicants and law students.
11. Mental health and substance use disorders programming furthers TLAP's three express purposes under Rule 33:
 - a. To protect the interests of clients, litigants and the general public from harm caused by impaired lawyers or judges;
 - b. To assist impaired members of the legal profession to begin and continue recovery; and
 - c. To educate the bench and bar to the causes of and remedies for impairments affecting members of the legal profession.
12. The ABA, in adopting the 2017 MCLE Model Rule, reported that mental health and substance use disorders programming was currently available in most jurisdictions, but only three jurisdictions (California, Nevada and North Carolina) required the credits. It advocated for jurisdictions to consider adopting a mandatory requirement, citing the release of the landmark study conducted by Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs. The ABA report stated that lawyers may be reluctant to take credits in mental health and substance use disorders due to potential stigma, but that this concern can be greatly reduced by requiring all lawyers to take the programming
[\[https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2017/2017_hod_midyear_106.pdf\]](https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2017/2017_hod_midyear_106.pdf).
13. Currently, eight jurisdictions (Illinois, Minnesota, Nevada, North Carolina, Oregon, South Carolina and Vermont, plus the U.S. Virgin Islands) have a stand-alone CLE requirement for mental health and substance use disorders programming.

14. In 2016, prior to the adoption of the 2017 MCLE Model Rule, the results of an ABA Hazelden Betty Ford sponsored study were reported in “The Prevalence of Substance Use and Mental Health Concerns among American Attorneys.” The study found that lawyers suffer from depression, anxiety, and substance use disorders at a much higher rate than the general population [<https://search.app/gFWiFYTHSpsNLGFY9>].
15. Depression, anxiety and substance use disorders have increased among law students as well. In the Spring of 2022, professors David Jaffe (American University Washington College of Law), Jerry Organ (University of St. Thomas School of Law) and Katherine Bender (Bridgewater State University) released results from a 2021 Survey of Law Student Well-Being. Of the 33,000 students who participated in the 2020 study, nearly 40% experienced depression and 35% engaged in binge drinking two or more times in the prior two weeks (“It’s Okay to Not Be Okay”. The 2021 Survey of Law Student Well-Being, American University Washington College of Law, Spring 2022) [<https://search.app/oQhHYFq44h8tLrrs7>].
16. The Tennessee Bar Association (“TBA”), in the Wellness Resources portion of its website, reports that “studies have documented that lawyer’s struggle with mental health issues at levels substantially higher than both the general population and other highly educated professionals, and that they are more than twice as likely to contemplate suicide as compared to the general population.” Additionally, the TBA’s Attorney Well Being Committee “works to enhance the understanding of issues associated with well-being through education and other awareness activities” [<https://search.app/NPBchReD5d4Fk6z8A>].
17. TLAP, in the Depression and Suicidality portion of its website, reports that “Suicide is the third leading cause of death among lawyers. Reasons include a number of unique characteristics and circumstances experienced by lawyers: a persistent high level of stress, a pessimistic outlook developed through law school and practice, long hours and isolation of daily work, perfectionism and low tolerance for failure or ‘losing face,’ the high stakes nature of our work, and a reluctance to ask for help” [<https://search.app/sj87fyuFrCuWXt5x5>].
18. Many lawyers are still reluctant to seek help even though organizations like the ABA, TBA, TLAP and others have tried to de-stigmatize issues surrounding mental health and substance use disorders.

19. Requiring lawyers to engage in one hour of mental health and substance use disorders programming every three years may reduce the concern related to a perceived stigma surrounding such issues.

20. Petitioners recommend that the Court adopt the ABA's recommendation for a stand-alone CLE requirement for mental health and substance use disorders programming to ensure that all Tennessee lawyers earn at least one credit that meets this requirement every three years.

21. Additionally, Petitioners recommend that the Court impose a requirement that the programs contain resource information on how to obtain assistance.

For the foregoing reasons, Petitioners respectfully request that the Court grant this Petition to amend current Rule 21: Rule For Mandatory Continuing Legal Education, and approve adoption of the proposed amended Rule 21, attached hereto as **Appendix A**.

Dated: 08/18/2025

Respectfully submitted,

Kent A. Halkett

By: 

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TENNESSEE LAWYERS ASSISTANCE PROGRAM

By: 

J.E. "Buddy" Stockwell, Executive Director

BNA Corporate Center

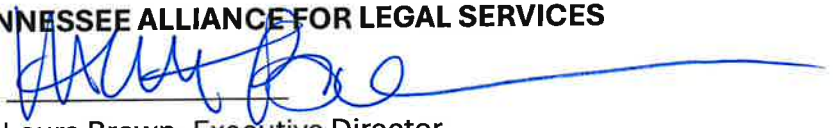
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TENNESSEE ALLIANCE FOR LEGAL SERVICES

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APPENDIX A

No. ADM2025-____

[New text is indicated by bold and underlining.]

Tenn. Sup. Ct. R. 21, Section 3.01 (a) is amended to read as follows:

3.01. (a) Unless otherwise exempted, each attorney admitted to practice law in the State of Tennessee shall obtain by December 31st of that compliance year a minimum of fifteen (15) hours of continuing legal education. Of those fifteen hours, three (3) hours shall be approved for ethics/professionalism credit ("EP credit") and twelve (12) hours shall be approved for General credit. **Every three years, at least one (1) hour shall be approved for mental health and substance use disorders programming, that shall contain resource information on how to obtain assistance, as part of the EP credits earned during those three compliance years.**

CERTIFICATE OF SERVICE

The undersigned certifies that this Petition was emailed to the following individuals and organizations this 2nd day of October 2025.



Kent A. Halkett

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