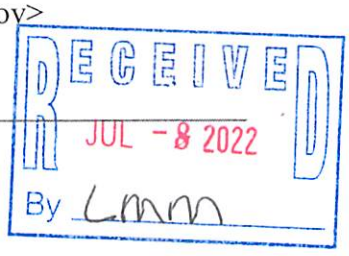
Lisa Marsh - Comments re: docket number ADM2022-00522

From: Andrew Wilson <Andrew.Wilson2@uga.edu>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/8/2022 8:05 PM
Subject: Comments re: docket number ADM2022-00522



Dear Mr. Hivner,

I am a recent graduate of the University of Georgia School of Law who will be sitting for Tennessee's bar exam later this month and beginning work at Nashville firm Manier & Herod shortly thereafter. I write to offer feedback on the Tennessee Supreme Court's solicitation of comments on the Tennessee rule that establishes full-time work requirement for lawyers to be admitted without examination to the Tennessee bar. As the spouse of a medical student, I will likely have to move multiple times to follow her through residency and fellowships. My wife and I have discussed me practicing part time to devote more time to caring for our children during the more demanding stages of her training.

Full-time work requirements for waiving the bar examination erect a barrier to lawyers like myself who are well-trained but contemplate periods of part-time practice to accommodate family needs such as caring for children or elderly parents. My own example demonstrates that this barrier is not limited to women. However, women do a disproportionate amount of care labor in our society. By making it more likely that they will have to retake a bar examination, this rule has the effect of compounding existing societal burdens on working mothers and discouraging them from practicing law. I respectfully recommend allowing lawyers who have worked part-time for the necessary time period prior to practicing in Tennessee to waive the Tennessee bar examination.

Regards,

Andy Wilson
University of Georgia School of Law
J.D. '22

Lisa Marsh - re: docket number ADM2022-00522

From: Kristin Fecteau Mosher <kristin@fecteaulaw.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/11/2022 2:39 PM
Subject: re: docket number ADM2022-00522

Mr. Hivner,
I would like to comment on the proposed change to the rule that lawyers wanting to waive into the Tennessee State Bar not be required to work full time. With downturns in the economy and the burnout rate for litigators, especially, lawyers like me often don't work full time consecutively, so as to try to preserve their law career. I can imagine other lawyers being caught in similar circumstances, and thus, then being denied waiving into the Bar in Tennessee. I do not think it is fair nor promote the best lawyers practicing to have this arbitrary rule. Therefore, I would respectfully request that Tennessee abolish the requirement for working "full time" for a set number of consecutive years, in order to be admitted here from another jurisdiction.

thanks,
Kristin Mosher

The Law Office of Kristin Fecteau, PLLC

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Any reliance on the information contained in this correspondence by someone who has not entered into a fee agreement with The Law Office of Kristin Fecteau, PLLC is taken at the reader's own risk.

The attorneys of The Law Office of Kristin Fecteau, PLLC are licensed to practice law ONLY in Tennessee and do not intend to give advice to anyone on any legal matter not involving Tennessee law.

Brian Kelsey
State Senator
District 31: Cordova,
East Memphis, and Germantown

Senate Chamber
State of Tennessee

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July 7, 2022

Mr. James Hivner
Clerk of the Appellate Courts
Supreme Court of Tennessee
401 Seventh Avenue North
Nashville, TN 37219

ADM2022-00522 Public Comment Regarding SCT Rule 7, Section 5.01(c)
via email to appellatecourtclerk@tncourts.gov

To Whom it May Concern:

I'm writing in support of the Network of Enlightened Women's petition to amend the definition of "active practice law" under Tennessee Rule 7, section 5.01(c)(1)(A). I am told that Tennessee is one of few states that requires a lawyer to practice full-time for five of the seven previous years to be admitted to practice without examination. The American Bar Association Model Rule on Admission by Motion does not mandate full-time work, instead, requiring only that an applicant has "been primarily engaged in the active practice of law". Tennessee should revise its standards to follow the Model Rule, making it easier for part-time lawyers to get licensed. The number of hours a lawyer works is not an accurate measure of the lawyer's expertise, and this rule inadvertently keeps high-caliber lawyers from serving Tennesseans.

It also has come to my attention that this rule disproportionately affects working mothers, who may prefer to reduce their workload to care for their families. As the rule is currently written, these women are not eligible for admission without examination, regardless of their qualifications and career history. By examining how its licensing restrictions affect women, Tennessee can increase opportunities for women in the workforce.

Sincerely,

Brian Kelsey

Brian Kelsey

TO: Tennessee Supreme Court Justices

RE: ADM2022-00522

I write today to express my support for amending Section 5.01(c)(1) of Tennessee Supreme Court Rule 7 to allow part-time attorneys and legal professors to be actively practicing lawyers for purposes of comity. The practice of law is demanding, regardless of how many hours per week spent practicing, and an attorney who works part-time is no less competent or hardworking than one who works full-time. In fact, attorneys who work part-time often do so because they have other responsibilities, such as raising children or taking care of a sick or elderly relative. These individuals should not be penalized for this.

As it's currently written, Rule 7 severely disadvantages out-of-state lawyers who have chosen (or been forced) to work part-time for more than two years in the seven years prior to filing a comity application. This not only affects parents of young children; it also affects middle-aged attorneys who do not have the luxury of working full-time because they care for their elderly parents. Raising small children, caring for an ill family member, and supporting elderly parents often take more than two years, and depending on how long an individual has chosen to work part-time, Rule 7 would force him or her to wait up to five years to waive into Tennessee, despite actively practicing law part-time, or take the Tennessee bar exam (costing hundreds or thousands of dollars and weeks of studying), even though he or she has already passed a bar exam.

This antiquated requirement discourages qualified lawyers from waiving into the Tennessee bar. Many of these qualified lawyers are women, who work part-time to balance raising their children with supporting their families financially. In my life, seeing my mother work part-time and visiting her office after school instilled a sense of duty and hard work in me, and there is mounting evidence that children of working mothers, especially daughters, are more likely to have higher paying, supervisory jobs later in life because of seeing their mothers working.

At the same time, however, women (and all parents) should have the flexibility to work part-time if the necessities of life dictate and if they so choose. Rule 7 prevents this kind of flexibility and drives these qualified lawyers to other states with less stringent requirements. For these reasons, the Tennessee Supreme Court should amend this rule to allow part-time attorneys and legal professors to be actively practicing lawyers for purposes of comity.

Sincerely,

Kymberly S. Kester

TO: Tennessee Supreme Court Justices

RE: ADM2022-00522

I strongly support amending Section 5.01(c)(1) of Tennessee Supreme Court Rule 7 to allow part-time attorneys and legal professors to be actively practicing lawyers for purposes of comity. The practice of law is demanding, regardless of how many hours per week spent practicing, and an attorney who works part-time is no less competent or hardworking than one who works full-time. Of course, attorneys who work part-time often do so because they have other responsibilities, such as raising children or taking care of a sick or elderly relative. These individuals should not be penalized for this.

As it's currently written, Rule 7 severely disadvantages out-of-state lawyers who have chosen (or been forced) to work part-time for more than two years in the seven years prior to filing a comity application. This not only affects parents of young children; it also affects middle-aged attorneys who do not have the luxury of working full-time because they care for their elderly parents. Rule 7 would force such attorneys to choose between waiting up to five years to waive into Tennessee, despite actively practicing law part-time, or take the Tennessee bar exam, a costly and time-consuming hurdle. This antiquated requirement discourages qualified lawyers from waiving into the Tennessee bar. Many of these qualified lawyers are women, who work part-time to balance raising their children with supporting their families financially.

I will share that, when I was a junior associate, part-time positions, while available, were not a secure path to partnership. This led to many females (especially with families) burning out early and leaving the legal market, which obviously deprives our market of immense talent and perspective. Gladly, part-time/flex positions are becoming more commonplace, and firms are getting smart and structuring part-time schedules in a way that recognizes and rewards the value part-time attorneys bring to the table. Let's not hamper this trend by throwing up a roadblock to attorneys who have taken advantage of this tool.

All attorneys should have the flexibility to work part-time if the necessities of life dictate and if they so choose. Rule 7 prevents this kind of flexibility and drives these qualified lawyers to other states with less stringent requirements. For these reasons, the Tennessee Supreme Court should amend this rule to allow part-time attorneys and legal professors to be actively practicing lawyers for purposes of comity.

Sincerely,

Sarah K. Laird

TO: Tennessee Supreme Court Justices

RE: ADM2022-00522

I write today to express my support for amending Section 5.01(c)(1) of Tennessee Supreme Court Rule 7 to allow part-time attorneys and legal professors to be actively practicing lawyers for purposes of comity. The practice of law is demanding, regardless of how many hours per week spent practicing, and an attorney who works part-time is no less competent or hardworking than one who works full-time. In fact, attorneys who work part-time often do so because they have other responsibilities, such as raising children or taking care of a sick or elderly relative. These individuals should not be penalized for this.

As it's currently written, Rule 7 severely disadvantages out-of-state lawyers who have chosen (or been forced) to work part-time for more than two years in the seven years prior to filing a comity application. This not only affects parents of young children; it also affects middle-aged attorneys who do not have the luxury of working full-time because they care for their elderly parents. Raising small children, caring for an ill family member, and supporting elderly parents often take more than two years, and depending on how long an individual has chosen to work part-time, Rule 7 would force him or her to wait up to five years to waive into Tennessee, despite actively practicing law part-time, or take the Tennessee bar exam (costing hundreds or thousands of dollars and weeks of studying), even though he or she has already passed a bar exam.

This antiquated requirement discourages qualified lawyers from waiving into the Tennessee bar. Many of these qualified lawyers are women, who work part-time to balance raising their children with supporting their families financially.

I strongly believe that women (and all parents) should have the flexibility to work part-time if the necessities of life dictate and if they so choose. Rule 7 prevents this kind of flexibility and drives these qualified lawyers to other states with less stringent requirements. For these reasons, the Tennessee Supreme Court should amend this rule to allow part-time attorneys and legal professors to be actively practicing lawyers for purposes of comity.

Sincerely,

Brittany S. Macon

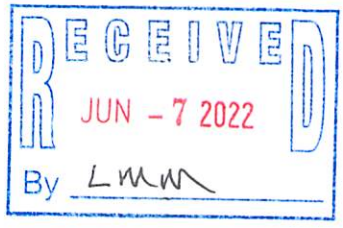
Brittany S. Macon

appellatecourtclerk - Comment for Rule 7, Section 5.01(c) ADM2022-00522

From: Heather Scott <heather.scott@heatherscottlaw.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/7/2022 3:01 PM
Subject: Comment for Rule 7, Section 5.01(c) ADM2022-00522

The Supreme Court should adopt the proposed amendment by the Network of Enlightened Women to Rule 7, Section 5.01(c), Rules of the Tennessee Supreme Court.

Regards,



Heather Scott
Attorney
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Shelbyville, TN 37160
615-604-0996
heather.scott@heatherscottlaw.com

appellatecourtclerk - Docket No. ADM2022-00522

From: Van Bunch <vbunch@BFFB.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 5/27/2022 8:50 AM
Subject: Docket No. ADM2022-00522

As an attorney admitted by comity in TN, by examination in AZ and later in WV (which at the time did not permit comity admission), I wholeheartedly endorse the proposed amendment.

Van Bunch
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Phoenix, AZ 85016-3422
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vbunch@bffb.com

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ADM2022-00522

From: Edgar Rothschild <edgarrothschild@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 5/26/2022 5:58 PM
Subject: Comments on proposed change in comity requirements

Dear Sir/Madam:

I am an inactive, retired attorney but still a member of the TBA. I plan on staying retired, so please take my comments as a disinterested person. With many people practicing law part-time and wanting to take cases across state borders, it makes sense to me that the current rule requiring a lawyer to maintain a full-time practice is too restrictive and the rule should be amended, and comity provided to those with a part-time practice as well.

Sincerely,

Edgar Rothschild
BPR# 04750

Sent from my iPhone

Edgar Rothschild
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edgarrothschild@gmail.com