

**Lisa Marsh - Re: ADM2022-00781; Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)**

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**From:** Marian Little <mlittle74@icloud.com>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 7/5/2022 3:51 PM  
**Subject:** Re: ADM2022-00781; Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)  
**Cc:** Marian Little <mlittle74@icloud.com>

<p><b>FILED</b></p> <p>JUL -5 2022</p> <p>Clerk of the Appellate Courts Rec'd By <u>LM</u></p>
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IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

Dear Mr. Hivner, Clerk,

Writing **in support** of the following:

***The Court is now considering amending Rule 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the limitations on Distance Learning credits. The Court solicits written comments from judges, lawyers, bar associations, members of the public, and all interested parties on the amendments now under consideration. The deadline for submitting written comments is Friday, August 5, 2022. Written comments should reference the docket number above.***

I am licensed in both KY and TN and this will eliminate several significant hurdles to obtaining required CLE, including but not limited to: travel costs, time away from employment, exposure to current strains of Covid-19. In my case, it will result in additional CLE hours over the required amount, due to the increased efficiency in obtaining them.

Thank you for consideration of my comments.

Kind Regards,  
MRG

Marian R. Graves, DVM, Esq.  
1572 Peacock Road  
Paris, KY 40361  
Cell: 931.510.2047  
mlittle74@icloud.com

**Lisa Marsh - Comment to Rule 21 Amendment ADM2022-00781**

**FILED**  
JUL -5 2022  
Clerk of the Appellate Courts  
Rec'd By *LM*

**From:** Jim Romer <jromer2@twlakes.net>  
**To:** James Hivner <appellatecourtclerk@tncourts.gov>  
**Date:** 7/5/2022 3:48 PM  
**Subject:** Comment to Rule 21 Amendment ADM2022-00781

Dear Mr. Hivner,

The way the ADM2022-00781 ORDER reads, in Section 3.01(c) it doesn't deal directly with the requirement of having seven hours of Live continuing legal education credits in paragraph one. It addresses only doing away with limiting lawyers to a maximum of eight hours of Distance Learning. Conceivably you could have 10 or 12 hours of Distance Learning and still be required to have 7 live.

Paragraph two does say the Court is considering deleting all of Section 3.01(c) and 4.02(c) but adds "and permanently eliminate the limitations on Distance Learning credits." Notably it does **not address** Rule 4.02(c) that says "A maximum of eight (8) hours of distance Learning credit can be carried forward to the subsequent compliance year."

Bluntly, here is what I would like to see: (1) Eliminate all mandatory Live learning hours. (2) Allow an unlimited number of Distance or Live Learning Hours each year. (3) Carry over all Hours in excess of 15 for as long as they can be used to meet the requirements in any given year. Simply put, eliminate each and every provision of both Section 3.01(c) and 4.02(c). No ifs ands or buts. Just keep the 15 hours requirement.

I have kept my licence and, while retired from the Office and will be 78 years old in a few days, I am very active in matters I consider of great importance that require learning on my part and doing some teaching, some leading and advising.

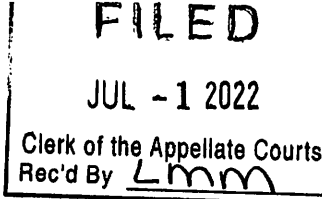
One of the greatest benefits of relaxing the rules has been just being able to do all the required CLE by distance learning. Also, I can learn new things by viewing the "saved recordings," take notes, back them up to repeat something I didn't "get" the first time through, stop the recording when interrupted and come away with a good experience. They also leave a way to contact the presenters if you have questions afterward. Most of all I don't have to make a round trip of 260 miles to Nashville from Jamestown and spend 5-6 hours doing it with nothing else to accomplish except being tired when I get there!

Anyway, I do send my best regards to members of the Court.

--

Jim Romer  
204 Anderson Tinch Ave.  
Jamestown, TN 38556-5221  
H 931-879-7822 M 931-239-7703

"Every human being is unique and unrepeatable."  
St. Pope John Paul II Christmas Day 1978  
"There is purpose and worth to every human life."  
President Ronald Reagan November 4, 1991



appellatecourtclerk - No. ADM2022-00781

**From:** "Darsi N. Sirknen" <dsirknen@wmbac.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 7/1/2022 12:28 PM  
**Subject:** No. ADM2022-00781

Good Afternoon,

In response to the Court's solicitation for comments regarding the proposal to delete sections 3.01 (c) and 4.02(c) from Rule 21, permanently eliminating the limitation on distance learning CLE credits, I would like to voice my support of the proposed amendment. The adaptations we were all forced to make during the height of the Covid pandemic, while stressful at the time, have resulted in several benefits, including the realization that some things that we previously thought could only be done effectively in person can actually be done (and, in many cases, can be done more efficiently) online or on virtual meeting platforms. Many attorneys continue to work from home at least part-time, not out of necessity, but out of the realization that we can do so just as effectively from a home office as we can from a "work office" and add a couple of hours back to our days that we would have otherwise spent commuting. If we are able to perform complicated legal work for clients remotely, it stands to reason that we can also fulfill our CLE requirements remotely. Further, with more attorneys spending more time away from the "central business district" areas where in-person CLEs may most frequently be conducted, it becomes less convenient to attend in person.

Over the past couple of years, I have also done Zoom or other online CLEs while on vacation or otherwise during time that I'm not as focused on billing hours and can, thus, be more focused on the CLE itself. In-person CLE does not often afford such opportunities. I would welcome the opportunity to continue meeting all of my CLE requirements through distance learning. Thank you for your consideration.

Darsi N. Sirknen

 **WOOLF · McCLANE**  
 WOOLF, McCLANE, BRIGHT, ALLEN & CARPENTER, PLLC  
 ATTORNEYS

Post Office Box 900  
 Knoxville, Tennessee 37901-0900  
 Phone: (865) 215-1065 | Fax: (865) 215-1015  
[www.wmbac.com](http://www.wmbac.com)

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**WILSON WORLEY**  
— ATTORNEYS AT LAW —

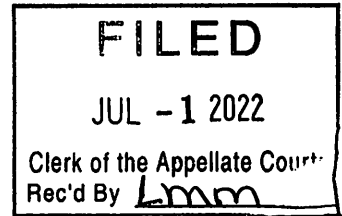
Eastman Credit Union Building, 2<sup>nd</sup> Floor  
P.O. Box 88  
2021 Meadowview Lane  
Kingsport, TN 37662

(423) 723-0400 Main  
(423) 723-0429 Fax  
[www.wwmgs.com](http://www.wwmgs.com)

JOEL A. CONKIN  
Attorney  
[jconkin@wilsonworley.com](mailto:jconkin@wilsonworley.com)

July 1, 2022

The Hon. James Hivner  
Clerk, Supreme Court of Tennessee  
100 Supreme Court Building  
401 7<sup>th</sup> Avenue North  
Nashville, TN 37219



Via Electronic Mail: [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov)

Re: Tenn. Sup. Ct. R. 2, Sections 3.01(c) and 4.02 (c), Docket No. ADM2022-00781

Dear Sir:

This letter will express the support of the attorneys at WILSON WORLEY, P.C. for adoption of the proposed deletions of the above-referenced rules, resulting in the elimination of the limitations on Distance Learning credits for Continuing Legal Education. This measure has been approved by our Executive Committee and is the "official" position of this firm.

Thank you for your consideration and that of the Court.

Very Respectfully Yours,

  
WILSON WORLEY, P.C.  
Joel A. Conkin  
For the Firm

**Lisa Marsh - IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781**

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**From:** Grayson Schleppegrell <Grayson@gkspllc.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/30/2022 2:31 PM  
**Subject:** IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

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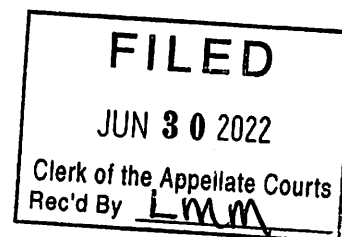
Dear Mr. Hivner,

I wish to convey my support for amending Tennessee Supreme Court Rule 21 to delete sections 3.01(c) and 4.02(c) so as to eliminate the limitations on distance learning CLE credits. I appreciate your consideration of this matter.

Sincerely,

**Grayson Schleppegrell**

Schleppegrell Law, PLLC  
8858 Cedar Springs Lane, Suite 2000  
Knoxville, TN 37923  
P.O. Box 32587  
Knoxville, TN 37930  
Phone: (865) 313-5903  
Grayson@GKSPLLC.com  
www.SchleppegrellLaw.com



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**Lisa Marsh - IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781**

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**From:** Gavin Shepherd <gshepherd@wmbac.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/30/2022 8:09 AM  
**Subject:** IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

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Mr. Hivner,

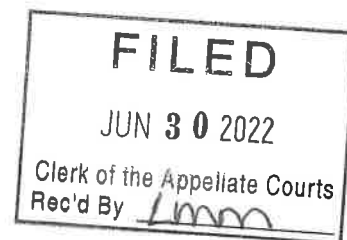
I write to support amending Tennessee Supreme Court Rule 21 to delete sections 3.01(c) and 4.02 (c) in order to permanently eliminate the limitations on Distance Learning credits.

Thanks,

C. Gavin Shepherd



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Knoxville, Tennessee 37901-0900  
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**Lisa Marsh - Comments on Rule 21 Distance Learning Limitation**

**From:** Ford Little <flittle@wmbac.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/30/2022 8:20 AM  
**Subject:** Comments on Rule 21 Distance Learning Limitation

Dear Sir or Madam:

ADM2022-00781

I am in favor of permanently removing the limitation on Distance Learning CLE.

J. Ford Little  
BPR # 013870

**FILED**  
JUN 30 2022  
Clerk of the Appellate Courts  
Rec'd By lmm

J. Ford Little



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**Lisa Marsh - Fwd: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781**

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**From:** appellatecourtclerk  
**To:** Lisa Marsh; Kim Meador  
**Date:** 6/30/2022 1:37 PM  
**Subject:** Fwd: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781  
**Attachments:** IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

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Mr. Hivner,

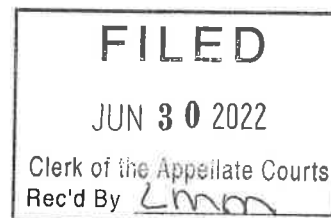
I am in full support of amending Tennessee Supreme Court Rule 21 to delete sections 3.01(c) and 4.02(c) in order to permanently eliminate the limitations on Distance Learning credits.

Thanks,



LEWIS THOMASON

**Mikel Towe** Attorney at Law  
Lewis Thomason, P.C.  
620 Market St., 5th Floor | P.O. Box 2425 | Knoxville, TN 37901  
Tel: [865-546-4646](tel:865-546-4646) | Fax: [865-523-6529](tel:865-523-6529)  
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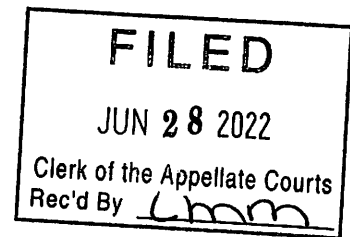


To James Hivner, Clerk

Re: Tenn. Sup. Ct. R. 21; 3.01 (c) and 4.02 (c)

No. ADM2020-00781

From Linda Warren Seely



I submit my comments to the proposal to delete the above referenced sections to Tennessee Supreme Court Rule, 21.

I have been a licensed attorney in the state of Tennessee since 1981, and a listed Family Law Mediator with Domestic Violence special training since 2008. I am currently the Pro Bono Counsel for the law firm Butler Snow but served as the Director of the Section of Dispute Resolution for the American Bar Association from September of 2016 until May of 2021 and prior to that served as the Pro Bono Program Director at Memphis Area Legal Services. Additionally, I have served on the Tennessee Bar Association's Continuing Legal Education Committee and am currently a member of the Tennessee Supreme Court's ADR Commission, Training Subcommittee. Additionally, I am often serving as one of the presenters or moderators. In all these roles, part of my job or responsibility has been to create, distribute, and coordinate both CLE and CME trainings for volunteer attorneys as well as members of the Section of Dispute Resolution and it is from that perspective, I offer these comments.

For many years, all of the CLE and CME programs I created, ran, distributed and coordinated were in person. It was not uncommon to see in person attendees, reading documents unrelated to the program (including their telephones/tablets), sleeping, or otherwise disengaged from the presentation. While there are many ways to engage people during training programs, those attendees who simply 'tune out' are difficult to engage and generally only present because of the mandatory nature of CLE and CME.

When the pandemic hit in March of 2020, the Section of Dispute Resolution was 6 weeks away from our annual Spring Conference which was, and still is, the Section's largest CLE program and biggest fundraiser. We faced a devastating loss of funds, and member expectations when the ABA forbade all in person meetings due to the pandemic. We were fortunate in that there was a core group of Section members, as well as staff, who were able to pivot to a completely virtual Conference and while we didn't have the same level of attendance, we were able to provide attendees with an experience that they indicated to us was at least as educationally satisfactory even if it wasn't as fun or engaging as an in person event.

The Section also pivoted all of its CLE and CME programs to virtual. The ABA kept its prohibition on in person events until very recently and has done so successfully.

I would also point out that there was great concern in the ADR world about whether dispute resolution professionals would go out of business when in person meetings, mediations and arbitrations could no longer meet in person. But, at the time, we were engaged in developing Online Dispute Resolution standards, goals, and processes. Those processes have been almost uniformly adopted by

dispute resolution professionals and recent polls in the field indicate that most will continue to offer ODR. In fact, the Nashville Conflict Resolution Center still conducts all of its mediations online.

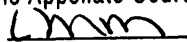
Being able to offer online or virtual trainings has proven to be a boon to providers as well as attendees. First, it makes attendance considerably less expensive, and it makes putting on programming less expensive as well. It also increases the likelihood of securing more, and potentially better speakers due to the removal of the costs and time associated with travel. Second, having used several platforms, the formatting of most puts the attendee front and center and makes disengagement more difficult, it makes sharing information and documents easier, and provides better and more interesting means of presenting information, which also enhances participation and engagement of the attendee. Third, the options for participation that include text-based chats or Question and Answer options easier and more available increase engagement and is more inclusive for those who are reticent to engage verbally. Fourth, for those who have some disabling conditions including physical disabilities or hearing or seeing issues, the use of technology via their own computers means more participation from that community. Finally, I might point out that reduced travel means that this is a 'greener' option since attendance means you won't be using a vehicle or airplane.

All in all, I am a proponent of the use of virtual or online training programs. I see no reason to require in person trainings, and while I love attending in person from time to time, that preference is primarily because I enjoy the social aspects of engaging in person with other attendees and not necessarily because I learn better or am more engaged in the program.

**Lisa Marsh - No. ADM2022-00781**

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**From:** "Keane A. Barger" <KBarger@rjfirm.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/27/2022 12:32 PM  
**Subject:** No. ADM2022-00781

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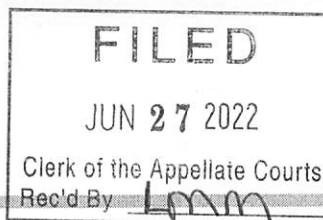
Mr. Hivner:

I fully support eliminating the limitations on distance learning credits. In my experience, whether the means is remote or in person, the content and benefits of a CLE program remain the same. Given that so many lawyers are now practicing fully remotely, it makes good sense that lawyers should be able to acquire all CLEs remotely as well.

Best regards

*Keane A. Barger*  
**RILEY & JACOBSON, PLC**  
1906 West End Ave. | Nashville, TN | 37203  
**(615) 320-3700**  
**kbarger@rjfirm.com**

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**Lisa Marsh - No. ADM2022-00781**

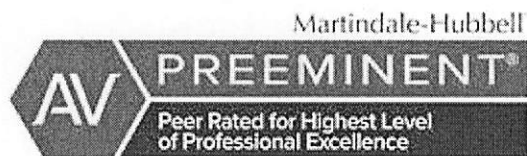
**From:** Russell Fowler <rfowler@laet.org>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/27/2022 11:14 AM  
**Subject:** No. ADM2022-00781

Mr. Hivner:

I am writing in support of the proposed amendment to Rule 21 to permanently eliminate the limitations on distance learning credits. I have taught many CLE courses over my almost 35 years as a member of the Tennessee Bar. In recent years, I have had the opportunity to teach numerous courses remotely over Zoom. Distance learning permits me to teach my CLE courses all over Tennessee to rural bar associations and other lawyer gatherings I might not normally be able to reach. Thus, distance learning is of great benefit to rural and smaller bar associations by improving their access to teachers and courses not otherwise readily available and relieve rural lawyers of the burden of traveling to larger cities to obtain their CLE credit. I have also found that PowerPoints work better over Zoom than in person. They are clearer, more vivid, and easier for the audience to see.

Thank you for considering my views.

**Russell Fowler**  
**Director of Litigation and Advocacy / Managing Attorney**  
**Legal Aid of East Tennessee**  
**Phone: 423-402-4764 / Toll Free: 800-572-7457 / Fax: 423-265-4164**



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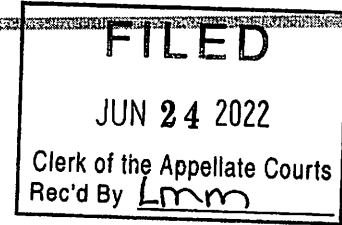
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**Lisa Marsh - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)**

**From:** Michael Dohn <michael.r.dohn@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/24/2022 10:35 AM  
**Subject:** Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)



ADM2022-00781

I am writing to voice my support for permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) of Rule 21.

Regards,  
Michael Dohn  
BPR #037535

**Lisa Marsh - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)**

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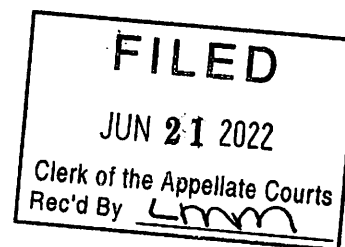
**From:** "Gross, Cynthia (Legal)" <Cynthia.Gross@nashville.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/21/2022 10:46 AM  
**Subject:** Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

---

I am writing in support of the elimination of the in-person CLE hours requirement. I learn from online CLE courses, as much as I do from in-person CLE courses.

Sincerely,

*Cynthia E. Gross*  
Chief of Staff  
Department of Law  
Metropolitan Courthouse, Suite 108  
P.O. Box 196300  
Nashville, Tennessee 37219-6300  
Direct Line: (615) 880-3749  
Main Office: (615) 862-6341  
Fax: (615) 862-6352



**Lisa Marsh - Comment regarding Distance Learning**

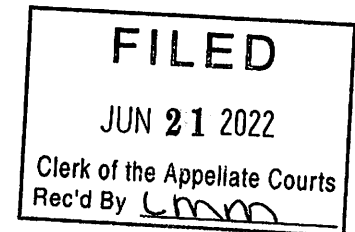
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**From:** Vanedda Webb <vaneddawebb@aol.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/21/2022 5:10 PM  
**Subject:** Comment regarding Distance Learning

ADm2022-00781

Elimination of the cap on distance learning has been so helpful! As a sole practitioner in a rural area, I have found it burdensome to carve out days to attend CLE hours away from my home and my practice. With unlimited online learning, I have so many options easily available. Without additional expenses for travel, it is much more affordable. Better yet, a pre-recorded class allows me to participate at my convenience and without disrupting my court and mediation schedule.

Vanedda Prince Webb, Attorney at Law  
118 S. Main, P. O. Box 1843  
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(731)285-6677  
"Focused on Family Law"

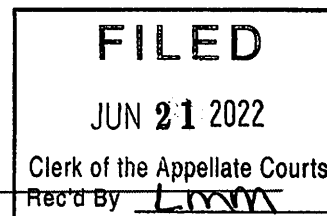




**Lisa Marsh - Comment on Proposed Amendment of Rule 21**

Adms22-00781

**From:** Laura Zaccari <laurazaccari@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/21/2022 9:50 AM  
**Subject:** Comment on Proposed Amendment of Rule 21



Good morning,

In accordance with the June 14, 2022, Order of the Supreme Court of Tennessee, I am providing the following comment in SUPPORT OF permanently eliminating the 8-hour cap on distance learning for continuing legal education requirements.

I have been a full-time teleworker since well before the Covid-19 pandemic. During that time, I enjoyed my periodic trips to Nashville for CLE classes and the ones provided by the Tennessee Bar have always been excellent. I certainly hope that if the limitation on hours that can be earned via distance learning is eliminated, that the TBA and other organizations will still provide in-person options.

However, the benefits for eliminating the distance learning cap are several. As a matter of convenience, distance learning allows me to obtain CLE credit on-demand and not have to plan time away from the office (for which I must take personal time). Pre-recorded classes are especially convenient, but the live web-casts are also far more convenient than in-person classes. Having the on-line option allows me to take a wider variety of CLE classes, rather than having to try to find some sort of in-person class that might apply to my practice area (or finding an in-person class that has nothing to do with my practice area but is just more convenient in terms of timing). In the past, I have missed in-person CLE classes that I would have loved to attend because it conflicted with work obligations. The last couple of years, I have still been able to "attend" these sessions at my convenience because of the online options. Moreover, I don't feel that there is any difference in my level of engagement whether the CLE is provided in-person, live on-line, or pre-recorded on-line. As with their in-person classes, the TBA's online offerings have been excellent (both live and pre-recorded).

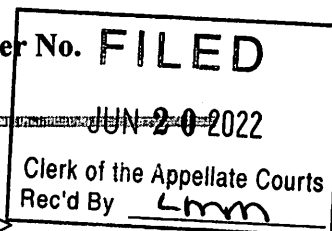
While I live fairly close to Nashville and can usually make it there for in-person classes, I am sure that there are many attorneys who have to drive at least a couple of hours to make it to Memphis, Nashville, Chattanooga or Knoxville, where the vast majority of in-person classes are held. Even if the attorney doesn't mind the trip, the added travel expenses--especially with the current price of gas--could be a consideration. Again, having the option to fulfill CLE requirements online simply provides everyone with more options and additional flexibility.

Tennessee already has fairly substantial CLE requirements compared with many other states, which I generally find to be a positive thing. However, I have really appreciated the added flexibility of being able to earn these credits online and I do not feel that the benefits of the CLE have been diminished at all because of the delivery method.

For these reasons, I SUPPORT permanently eliminating the cap on distance learning for CLE requirements.

Thank you,  
Laura Zaccari

**Lisa Marsh - Possible Amendment of Tennessee Supreme Court Rule 21 (Order No. ADM2022-00781)**



**From:** Giuseppe Ippolito <Giuseppe\_Ippolito@tneb.uscourts.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/20/2022 12:55 PM  
**Subject:** Possible Amendment of Tennessee Supreme Court Rule 21 (Order No. ADM2022-00781)

Hello—

I write briefly to address the Tennessee Supreme Court's potential amendment to Rule 21. I have been licensed in New York since 2006 and was pleased to gain comity admission to Tennessee after moving to Chattanooga for a new job. I would like to offer the perspective of someone who has benefited for a long time from the flexibility that distance learning offers.

Distance learning allows me access to a wider range of material, speakers, and locations than would be economically feasible in live format. As an "experienced attorney" under New York's bar regulations, I need to complete a total of 24 hours every two years across several categories. All of my credits can be completed remotely. After consulting the list of approved CLE providers, I can choose, in a *la carte* fashion, those programs from anywhere in the state (and sometimes outside of it) that best fit my interests and that are most relevant to my areas of practice. Some video programs are live, but most are recorded and available in "on-demand" format anytime. Remote programming comes at a fraction of the cost of the original presentation. If I had to fulfill at least some portion of my biennial requirement in person then I would have to choose carefully where I wanted to go to attend more expensive seminars that bundled information that interested me with information that did not. Considering bundles in full-day or full-weekend seminars would be a necessity; traveling to one city or another for a single one- or two-hour presentation would not be possible. Limitations on travel were a factor even when I lived in New York. I lived in Buffalo, and traveling across the state to New York City or Albany for a particularly interesting seminar or workshop would not have been feasible more than once a year. The same travel issues would affect me here, if I were interested in a particular presentation originally offered in Nashville or Memphis.

Despite having the option to complete all of my New York credits remotely, I still have the flexibility to attend seminars in person when they draw my interest. For example, I have been a member of the Federal Bar Council ("FBC," a New York offshoot of the Federal Bar Association) for about a dozen years. One of FBC's feature events every year is the Fall Retreat, a weekend of CLE programming that brings attorneys together in a relaxed social atmosphere. The Fall Retreat is a wonderful event that I have attended for nine consecutive years (virtually in 2020 out of necessity). I made the trip to Saratoga Springs in 2021, even though I did not have to do so to fulfill CLE requirements, simply because the weekend programming is that good. I will attend the Fall Retreat again this year if the fates allow. I mention my experience with the Fall Retreat only to emphasize that allowing all CLE credits to be obtained remotely poses no threat to good live programming. If attorneys see good content and good networking potential at a decent price then they still will go.

A comparative survey of other states should uncover ways to address any concerns about the integrity of expanded remote learning. For example, New York does require newly admitted attorneys to obtain some of their credits in person for the first two years after admission. New York also requires providers of remote

content to embed codes in the recorded audio or video presentation. The codes have to be submitted to the provider at the end of the presentation, as a way to help ensure that the attorney has watched the full presentation. Other states might have developed other tools worth considering, depending on what concerns are expressed in the comments that you are soliciting. Overall, if courts around the country were able to conduct full jury trials through exclusively remote means then any challenges presented by expanded remote learning should not be insurmountable.

Thank you for taking the time to consider my comments. Do not hesitate to contact me if you wish to discuss my comments further.

Cordially,  
Giuseppe A. Ippolito

**FILED**

JUN 20 2022

Clerk of the Appellate Courts

Read By L. Marsh**Lisa Marsh - Docket No. ADM2022-00781**

**From:** Mahogany Jenkins <mjenkins@bskplc.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/20/2022 1:16 PM  
**Subject:** Docket No. ADM2022-00781

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I have reviewed the court's Order requesting comments to the proposed amendment to Tennessee Supreme Court Rule 21, section 3.01(c), which would eliminate the limitations on Distance Learning credits. I am highly in favor of this amendment. I am a transactional attorney practicing in Knoxville, Tennessee. The number of Live continuing education classes addressing mainly transactional topics locally is limited at best; when considering my specialization—commercial lending—it is all but non-existent. Pre-pandemic, this has meant that at least half of my CLEs taken every year satisfied a licensing requirement but did not make me a better lawyer or a better advocate for my clients. The suspension of the Live requirements in the past couple of years has allowed me to take CLEs much more relevant to my practice areas.

In addition, it can sometimes be difficult to plan around the ebbs and flows of typical legal matters. I often do not know until fairly close to a scheduled CLE date whether I can take the time to travel to a Live session; and sometimes have to cancel those Live sessions when client emergencies pop up at the last minute. Distance Learning has allowed me to prioritize client representation when needed, and prioritize CLE during those inevitable slower periods.

Finally, my engagement with the CLE material or presentations does not depend on whether I am attending a session Live or over Webcast or Zoom. What matters is whether material is relevant and engaging, not the format in which it is delivered.

As such, I support the elimination of limits on Distance Learning.

Best Regards,  
 Mahogany Jenkins

Mahogany P. Jenkins, Esq.  
 Brock Shipe Klenk PLC  
 265 Brookview Centre Way, Ste 604  
 Knoxville, Tennessee 37919  
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[www.bskplc.com](http://www.bskplc.com)

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**Lisa Marsh - EE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)**

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**From:** William cremins <wmcremins@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/19/2022 10:35 AM  
**Subject:** EE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

*ADM 2022-00781*

As comments were solicited regarding RE  
Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c), I suggest allowing remote learning permanently.  
Bill Cremins  
BPR#010937

Sent from my iPhone

<p><b>FILED</b></p> <p>JUN 19 2022</p> <p>Clerk of the Appellate Courts Rec'd By <i>LMM</i></p>
-----------------------------------------------------------------------------------------------------

**From:** Katie Lane <katieglane@comcast.net>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/18/2022 7:54 AM  
**Subject:** Comments on Elimination of CLE Distance Learning Limitations

To whom it may concern:

In person CLEs are too expensive and hard to find if you do not live in a major city. I live in Murfreesboro, which is not a "small" town but prior to 2020, I was forced to clear my schedule for multiple days to attend in-person classes/conferences, often in Nashville, in an effort to obtain multiple CLE hours at a reasonable price. Being able attend via "distance" allows rural and small town attorneys greater access to more classes at a better cost. Universities nation-wide allow distance learning. Distance learning is not a novel concept and is not a difficult service to deliver. HELP SMALL TOWN LAWYERS PLEASE!!!

ADM2022-00781

<b>FILED</b>
JUN 18 2022
Clerk of the Appellate Courts
Rec'd By <u>LMM</u>

**appellatecourtclerk - Comment on Rule 21's in-person CLE requirement****FILED**

JUN 17 2022

Clerk of the Appellate Courts  
Rec'd By LMM

**From:** "Bussell, Allison (Legal)" <Allison.Bussell@nashville.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/17/2022 8:01 AM  
**Subject:** Comment on Rule 21's in-person CLE requirement

ADM2022-00781

I am an Associate Director of Law for the Metropolitan Government of Nashville/Davidson County's legal department, and I oversee our office's litigation function. I am writing to express my support for permanently eliminating the requirement in Rule 21, section 3.01(c) for 7 hours of in-person CLE credits. In addition to the obvious convenience benefit of being able to obtain CLE exclusively online, my office has really benefited from having wider options available for CLE. Because we are a government office, our budget for CLE is far more limited than it would be for attorneys in private practice. As a government attorney, finding relevant CLE is, in itself, a bit challenging. Having broader access to CLE options that do not require expensive, often cost-prohibitive, travel has been hugely helpful to attorneys in our office. I also find that permitting CLE online encourages individuals (including me) to present in CLEs more than options that are purely in-person. Again, traveling in-person for CLE is simply not always an option, particularly where it would require us to pay out of our own pockets. Having CLE options online has really expanded government attorneys' access to teaching and learning opportunities, more akin to what is available in the private sector.

Thank you for soliciting comments, and I hope that the Court will consider making exclusively online CLE a permanent option for attorneys in Tennessee.

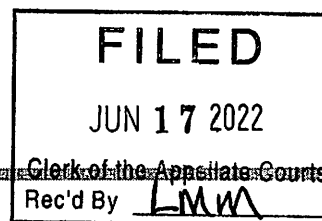
**Allison Bussell**

Associate Director of Law-Litigation  
 Metropolitan Department of Law  
 108 Metropolitan Courthouse | P.O. Box 196300  
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**Lisa Marsh - No. ADM2022-00781**



**From:** Martha Emeson <martha@zendylaw.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/17/2022 5:18 PM  
**Subject:** No. ADM2022-00781

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Dear Mr. Hivner:

I am writing in support of Docket No. ADM2022-00781, which would permanently eliminate the limitations on Distance Learning credits. I think the proposal is excellent. Distance learning is really convenient; you can do it whenever it works for your schedule and wherever you might be. While it can be quite nice to go to in-person CLE events, and is particularly easy to do when you work from 8 to 5 and have an office downtown, the in-person events add a layer of challenges and costs to those of us who are not so situated.

Prior to the pandemic, getting to and attending the required live CLE seminars was often challenging, particularly when I was in my "stay-at-home-mom" phase with a young child. My child logged quite a few in-person CLE hours prior to the start of kindergarten. A friend of mine even contemplated setting up CLE programming specifically designed for parents to attend with their children. The struggle is real.

There are also other advantages to eliminating the live seminar requirement. I like to find and take seminars related to legal issues I am contemplating accepting or am working on. With distance learning I can usually find something relevant and complete it as soon as the need arises. During the pandemic, being able to apply all of those credits (and seminar costs) to my annual CLE requirements, instead of having them not count because I have exceeded the distance hours, has been great. Not having to find in-person seminars to attend at the end of the year--because you don't have enough live credits--is also great.

Also, the distance versus live credit distinction always catches some people unawares when it comes to live webinars. They are indeed live but under the existing pre-Covid rule you only get distance credit for them.

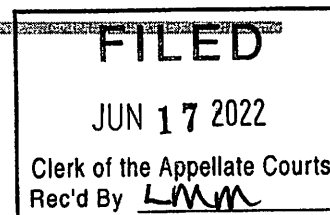
Accordingly, I sincerely hope Docket No. ADM2022-00781 is passed. It will help all lawyers, and will help make the practice of law in Tennessee much more parent friendly.

Respectfully,

Martha Zendlovitz Emeson  
Attorney at Law  
4235 Hillsboro Pike, Suite 300  
Nashville, TN 37215  
Tel.: 615-403-3205  
Fax: 615-369-8653  
E-mail: martha@zendylaw.com

**appellatecourtclerk - Comment re No ADM2022-00781**

**From:** Lesley Tiller <ltillerlaw@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/17/2022 9:51 AM  
**Subject:** Comment re No ADM2022-00781



Dear Mr. Hivner:

RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

I am writing to express my support of an amendment to Supreme Court Rule 21 that would eliminate the limitations on obtaining all CLE credits by distance learning classes. CLEs are expensive and traveling from upper East TN to attend a CLE in another part of the state is even more burdensome.

I believe it is best to take CLE courses that will enrich me as a criminal law practitioner, which is my sole practice area. As such, I like to attend the excellent CLEs hosted by the Tennessee Association of Criminal Defense Lawyers. I feel fortunate to have been able to attend them virtually for the past couple of years because attending in person would require travel of four or more hours each way and would require a hotel stay for at least 2 nights, which can be cost-prohibitive to a sole-practitioner or an attorney that works in a small firm that does not pay for CLE classes and travel.

If the requirements go back to the way they were pre-pandemic, I feel that I wouldn't be able to afford to travel to take useful CLEs in my practice area and would be forced to settle for cheaper options like the Tennessee Law Institute that covers a broad-range of topics, most of which are not useful to me as a criminal defense lawyer. I think allowing all virtual CLEs encourages attorneys to take classes in subject matters that will educate them in their practice areas and, as a result, improves the profession overall.

I wholeheartedly support the proposal to change Rule 21 to allow for all-virtual CLE credits and I certainly hope that the Court will support it as well.

Sincerely,  
Lesley A. Tiller  
Attorney at Law, BPR 029161  
The Scott Firm  
P.O. Box 575  
1211 East Jackson Blvd., Suite 2  
Jonesborough, TN 37659  
phone: (423) 753-0460  
fax: (423) 218-1221

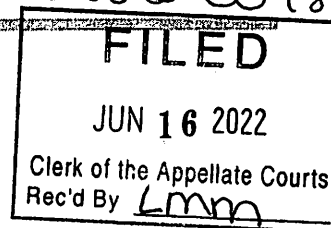
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**appellatecourtclerk - Docket ADM2022-00781 Comment**

ADM2022-00781

**From:** Greg Atwood <gregatwoodlaw@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 9:15 PM  
**Subject:** Docket ADM2022-00781 Comment



I am writing in support of eliminating the distance learning requirements. Many lawyers, myself included, have seen their practices hurt financially over the last 2 years and the ability to obtain high quality CLE online has allowed us to save significant amounts of money on travel expenses. I have also found the online seminars to be just as informative and much easier to attend than live seminars. In person seminars are fun to attend for social purposes, but for actual learning online content is just as effective.

Thanks,

Greg Atwood  
BPR 024296

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Greg Atwood  
Atwood & McVay LLP  
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615-866-5922 fax  
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**appellatecourtclerk - in-person CLE**

ADm2022-00781

**From:** Thomas Cross <crosstomas63@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 4:03 PM  
**Subject:** in-person CLE

**FILED**  
JUN 16 2022  
Clerk of the Appellate Courts  
Rec'd By lmm

I am in my 32nd year of practice in Tennessee. I strongly support dispensing with the in-person attendance requirement for CLEs. A really good, engaging, and informative CLE with an excellent instructor is rare. I have consistently found the best on-line seminars to be better than anything available locally and at a much more reasonable cost. It's great to see other members of the bar at CLE events, but that's what TBA and NBA functions are for. CLE should be primarily about education, and for that we should facilitate attendance at classes with genuinely excellent materials and instructors.

Tom Cross #14810

appellatecourtclerk - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

ADM2022-00781

**From:** "Hataway, Breanne (Legal)" <Breanne.Hataway@nashville.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 3:23 PM  
**Subject:** Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

**FILED**  
JUN 16 2022  
Clerk of the Appellate Courts  
Rec'd By Lmm

To Whom It May Concern,

I am writing in support of the elimination of Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c). As a government attorney, it has been beneficial to me to have the flexibility to do all CLE hours remotely. I am able to attend more virtual CLEs that are related to my practice and are free to me through my employer's subscriptions and memberships. It takes up less of my time traveling to and from the events. I do not have to take time off work and burn my little paid time off to attend live sessions. The past 3 years have demonstrated that remote CLE attendance is effective and efficient. This permanent change will reduce costs and be a major benefit to the profession. Please eliminate Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c).

Sincerely,

Breanne Hataway, TN BPR # 35174



**Breanne N. Hataway**  
Assistant Metropolitan Attorney  
Metropolitan Government of Nashville and Davidson County  
  
Phone: [615-862-6348](tel:615-862-6348)  
Email: [breanne.hataway@nashville.gov](mailto:breanne.hataway@nashville.gov)  
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**appellatecourtclerk - Comment supportive of permanently eliminating limitations to distance learning credits.**

Adm2022-00781

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**From:** "Lackey, Chris (Legal)" <Chris.Lackey@nashville.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 3:10 PM  
**Subject:** Comment supportive of permanently eliminating limitations to distance learning credits.

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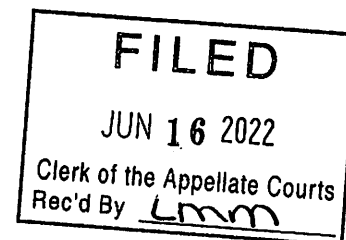
Greetings:

I am writing in support of the elimination of limitations on the distance learning of CLE credits. The elimination of these requirement during the pandemic has made it easier and more affordable to obtain credits that are reflective of the practice areas concerning my practice. This increase in affordability has directly impacted the cost to taxpayers for CLE credits as they relate to government lawyers. I appreciate being able to obtain these credits without the need to travel and with the flexibility necessary to permit attendance even after an event has been held. The distance learning availability of courses has made it much easier to find courses that are affordable and directly relate to my practice areas. I fully support the elimination of any requirement that any amount of CLE learning take place in person.

Thank you for the opportunity to comment.

Sincerely,

Christopher M. Lackey  
Assistant Metropolitan Attorney  
Metropolitan Dept. of Law  
Metropolitan Courthouse, Suite 108  
Post Office Box 196300  
Nashville, TN 37219-6300  
615-862-6376  
Fax: 615-862-6352



**appellatecourtclerk - Elimination of 7 hours of in-person CLE requirement**

**From:** "McCann, Hannah (Legal)" <Hannah.McCann@nashville.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 4:12 PM  
**Subject:** Elimination of 7 hours of in-person CLE requirement

ADM2022-00781

**FILED**  
JUN 16 2022  
Clerk of the Appellate Courts  
Rec'd By Lmm

Good afternoon,

I am an attorney with the Metro Nashville Department of Law. I support the elimination of the requirement that attorneys attend 7 hours of in-person CLE each year. Being able to obtain all of my CLE credit virtually helps with many things, including cost and not having to take time off work to attend a CLE event that may not be nearby. It also opens up opportunities to attend different types of CLEs on different topics in different locations that may be less available otherwise. I personally have found virtual CLEs to be just as informative and engaging as in-person CLEs, and really enjoy the flexibility of being able to obtain all of my CLE credits virtually.

Thank you,

Hannah McCann  
Assistant Metropolitan Attorney  
Department of Law  
Metropolitan Courthouse, Suite 108  
P.O. Box 196300  
Nashville, TN 37219-6300  
Phone: (615) 880-3790  
Fax: (615) 862-6352

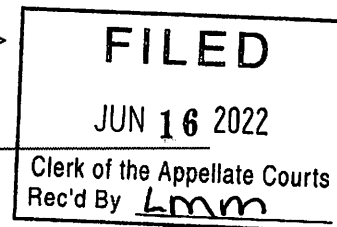
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**appellatecourtclerk - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c) Comment**

**From:** "Ricci, Mallory (Legal)" <Mallory.Ricci@nashville.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 3:25 PM  
**Subject:** Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c) Comment

ADM2022-00781



Good afternoon,

I am writing to voice my support of eliminating in-person CLE requirements in Tennessee. Since the pandemic, employers - including private businesses, law firms, governmental entities, etc. - have revised their workplace policies and practices to reflect a more modern, flexible workforce, after it was discovered that lawyers can thrive in a remote-working environment. Indeed, over the last two years, many local law firms have gone mostly or completely virtual. Beyond the underlying personal safety reasons that catapulted this initiative is a newfound appreciation for flexibility and the promotion of efficiency and work-life balance.

I am a government lawyer and a mother of two young children. After the shift the pandemic brought to my personal and professional life, being required to attend CLEs in-person seems like a step backward and will hamper mine and other lawyers' efforts to make necessary arrangements to attend all-day or multi-day sessions.

In the event people find in-person CLEs more rewarding, the elimination of the Supreme Court's requirement will still allow these events to go forward. Additionally, there are numerous safeguards available to virtual CLE programs, such as passwords, program codes, or various program checkpoints that make sure the viewer is still attending.

All that to say, while I personally still value in-person CLEs, a state mandate requiring a minimum in-person requirement is outdated and overly burdensome. I believe our profession can be appropriately regulated through the use of virtual programming.

Many thanks for your time!

**Mallory Ricci**

Assistant Metropolitan Attorney  
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 direct (615) 862-6383 | main (615) 862-6341  
[mallory.ricci@nashville.gov](mailto:mallory.ricci@nashville.gov)

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**appellatecourtclerk - Order No. ADM2022-00781**

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**From:** "Rustmann, Rachael" <rrustmann@constangy.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 2:36 PM  
**Subject:** Order No. ADM2022-00781

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Good Afternoon,

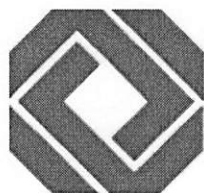
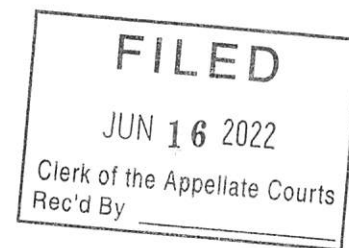
I am writing regarding Order No. ADM2022-00781 seeking written comments related to Rule 21 sections 3.01(c) and 4.02 (c). I support the elimination of these sections given the ability to perform work and attend conferences remotely have improved greatly in the past few years. Also, given attorneys' high workload demands and busy schedules, distance learning CLEs make it far easier for attorneys to get their CLE credits in a flexible manner. I fully support amending Rule 21 to delete sections 3.01(c) and 4.02 (c).

Thank you so much,

---

**Rachael Rustmann**  
**Attorney**

Direct: [615.340.3805](tel:615.340.3805) • Mobile: [210.269.8669](tel:210.269.8669)  
E-mail: [rrustmann@constangy.com](mailto:rrustmann@constangy.com)  
750 Old Hickory Blvd.  
Suite 260-2  
Brentwood, TN 37027  
Main: [615.320.5200](tel:615.320.5200)



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**appellatecourtclerk - Docket No. ADM2022-0078, IN RE: Amendment of Tennessee Supreme Court Rule 21**

**FILED**

JUN 16 2022

Clerk of the Appellate Courts  
Rec'd By *lmm*

**From:** JulieDyessLaw <juliedyesslaw@gmail.com>

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

**Date:** 6/16/2022 6:01 AM

**Subject:** Docket No. ADM2022-0078, IN RE: Amendment of Tennessee Supreme Court Rule 21

To the distinguished Justices of the State of Tennessee,  
Greetings.

Regarding the recent Order in this case, dated 6/14/22, soliciting comments on the proposal to eliminate all limitations on Distance Learning CLE credits for Tennessee attorneys, I submit this letter (in email format) in support of eliminating these limits. The in-person requirements, temporarily suspended due to the Covid pandemic, are of limited value to attorneys and actually negatively impact the citizens of Tennessee. I am a Tennessee attorney, actively licensed now and for the past 10 years, but not currently employed or practicing.

In-person CLE requirements often force TN attorneys to choose CLEs based on geographic and date limitations, rather than selecting CLEs for their focus on areas of practice. The attorney-retaining public would benefit from highly qualified attorneys who are up-to-date in their areas of practice, or areas of personal attorney skills in which any practioner desires further information and education (writing briefs, oral argument, conducting depositions, etc.), via whichever CLEs address these concerns, regardless of whether those CLEs are actually accessible, geographically, to each attorney. For rural, sparsely-populated, and/or under-served communities, the geographical limitations necessarily imposed by in-person requirements are particularly disadvantageous to the public.

In addition, CLEs are often expensive, especially in-person CLEs which require spatial preparations (rooms to host the attending attorneys, paper handouts and/or audio/visual display equipment, coffee service, reception areas, etc.). For solo practitioners, and especially for new solos, the high cost of many CLEs with fascinating and urgent content is often prohibitive. For myself, as a solo in years past, I frequently, and reluctantly, passed on expensive, in-person CLEs in my field that I would love to take, in favor of cheap or free in-person CLEs which were affordable or nearby, but in practice areas which were irrelevant to me and to my clients. By ending in-person limitations, the TN Supreme Court would create many new opportunities for the creation of inexpensive, online CLEs which would be accessible to attorneys all around the State, rather than merely to those in larger cities and to attorneys employed by big firms with budgets for CLE reimbursement. All Tennesseans would benefit by a more level field between clients with deep pockets to pay large retainers for big law firms, and economically-disadvantaged clients who must retain solo attorneys or small firms who pay for their CLEs out-of-pocket. All clients, not just wealthy ones, deserve legal counsel with access to a wide range of informative, updated, and practice-focused CLEs. By permanently removing in-person limits on CLEs, this Court can bring that goal closer to reality.

For attorneys, there is obvious personal benefit in networking and social mingling, in person, with other attorneys on a regular, if infrequent, basis. It is unclear, however, that this personal benefit to individual attorneys is within the purview of State licensing requirements, or of concern to the TN Supreme Court or the profession as a whole. Individual social and career concerns may be safely left to the individual attorneys themselves and their state and local bar and alumni associations.

Of less importance to Tennessee, but highly important to me personally as a Tennessee attorney, is that Distance Learning limits on CLEs impose restrictions on my freedom of movement. In 2021, my husband (a licensed, non-practicing pharmacist) and I sold our house and now travel the world full-time. We keep our licenses active so that if financial or family emergency required us to return to the US and to employment, we could do so quickly. The temporary waiver of Distance Learning limits has allowed me to attend all my CLEs via Zoom, from Mexico, Turkey, or Morocco, where I am now. If this temporary waiver becomes permanent, I will enjoy the same ability to keep my license current from anywhere in the world, as my husband already does with his Continuing Education requirements for his pharmacist license. If the Distance Learning limitations return and remain in effect, I must sacrifice family time for in-person CLEs which are near me during the month of December (the month we plan to spend in the US to be with family for the holidays), and may even need to travel into Tennessee from other states solely to attend a CLE. In the age of modernity we currently enjoy, surely this is unnecessary and even a poor use of limited and expensive resources, such as gasoline. (As for our travels as an unnecessary use of natural resources, I'll add that we are budget-minded slow-travellers and only go to walkable cities so that we don't have to drive cars. We stay in each new location for about 90 days and take public transportation.)

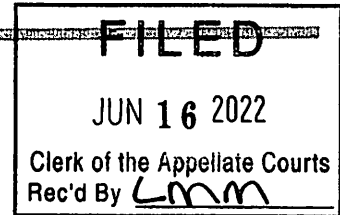
Thank you for your time in reading this email in support of removing all limitations to Distance Learning in Rule 21. I look forward to the Court's holding on this matter. السلام عليكم from Morocco!

With regards,

Julie Dyess Kirk, Bar No. 031437  
Essaouira, Morocco

**Lisa Marsh - Elimination of CLE Distance Learning Limitations**

**From:** Mark Pienkowski <mark@gamutlegal.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 10:25 AM  
**Subject:** Elimination of CLE Distance Learning Limitations



ADM 2022-181

Good morning, I am writing in support of eliminating CLE distance learning limitations. I studied for the bar entirely online and feel confident I can do continuing education in the same manner. Thank you!

--

**Mark A. Pienkowski**  
Attorney at Law | Rule 31 Family Mediator  
C. (865) 316-6812  
[KnoxvilleFamilyLawCenter.com](http://KnoxvilleFamilyLawCenter.com)  
[Pay Online with LawPay](#)

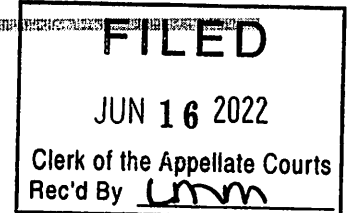
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**appellatecourtclerk - Re: Distance-Learning CLE**

**From:** "Samuel F. Robinson III" <samuelrobinson3@gmail.com>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 7:17 AM  
**Subject:** Re: Distance-Learning CLE



*ADM 2022-0781*

This link requested comments on the Supreme Court's consideration of permanently eliminating the 7-hour "in-person" CLE requirement:

<https://www.tba.org/?pg=LawBlog&blAction=showEntry&blogEntry=76367>

I am responding to that request.

On Wed, Jun 15, 2022 at 2:24 PM appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:  
Mr. Robinson:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner  
Clerk of the TN Supreme Court  
401 7th Avenue N.  
Nashville, TN 37219  
(615) 741-1314

>>> "Samuel F. Robinson III" <samuelrobinson3@gmail.com> 6/15/2022 11:05 AM >>>

I personally hope that the Court will eliminate the requirement that we have a certain number of CLE hours "in person." Because I live in Chattanooga, I frequently have to drive to Nashville or Knoxville to get all my CLE credits by the deadline. I don't believe travelling for CLE is necessary and just makes obtaining our mandatory CLE credits more expensive because we have to pay for gas, food on the road, and lodging. Also, travel usurps more of the time we have to devote to CLE. This time does nothing to enhance our legal knowledge and skills and comes at the expense of our clients because we have less time to devote to our clients' cases.

We are moving toward a less transient world with more innovation in the internet through the development of programs like Zoom, Microsoft Teams, etc. Please strike this unnecessary requirement from the Rules of Professional Responsibility.

Thank you.

Samuel F. Robinson III  
TN BPR No. 02261  
(423) 718-9400 (mobile)  
Chattanooga, TN

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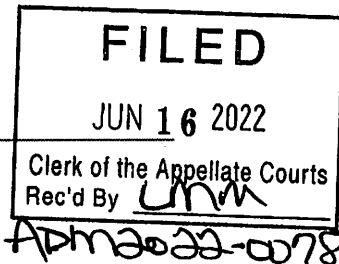
WOLFORD & ROBINSON  
Samuel F. Robinson III  
Attorney at Law  
(423) 622-6461  
(423) 622-5925 (fax)

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WOLFORD & ROBINSON  
Samuel F. Robinson III  
Attorney at Law  
(423) 622-6461  
(423) 622-5925 (fax)

**appellatecourtclerk - CLE Distance Learning Comments on Elimination of Requirement**

**From:** Stephanie Ulmer <dachsiegal@msn.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 2:08 AM  
**Subject:** CLE Distance Learning Comments on Elimination of Requirement



I am in favor of eliminating the limitations on distance learning for legal CLE credits.

Thank you,  
 Stephanie C Ulmer, Esq.  
 BOPR# 020040

## Court Seeks Comments on Elimination of CLE Distance Learning Limitations

In response to the pandemic, the Tennessee Supreme Court temporarily suspended Rule 21, section 3.01(c), which requires lawyers to have seven hours of live CLE credits each compliance year and limits the maximum distance learning credits to eight. 4.02(c), which reiterates the eight-hour distance learning limitation and limits carryover credits to eight hours per compliance year was also temporarily suspended. The court is now considering permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) and is seeking comments from judges, lawyers, bar associations, members of the public and all interested parties on the matter. Written comments are due by Aug. 5 and should be emailed to appellatecourtclerk@tncourts.gov or mailed to James Hivner, Clerk, RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c), 100 Supreme Court Building, 401 7th Ave. N., Nashville, TN 37219-1407. Read the order here.



Call/Text  
(901) 552-6695

**Lisa Marsh - Attorney Susan Bjorklund (027102) Response Re: IN THE SUPREME COURT OF TENNESSEE AT NASHVILLE IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21 \_\_ No. ADM2022-00781 \_\_ ORDER 06/14/2022**

**FILED**

JUN 16 2022

Clerk of the Appellate Courts  
Rec'd By LM

**From:** "Bjorklund, Susan" <Susan.Bjorklund@sbdinc.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/16/2022 11:25 AM  
**Subject:** Attorney Susan Bjorklund (027102) Response Re: IN THE SUPREME COURT OF TENNESSEE AT NASHVILLE IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21 \_\_ No. ADM2022-00781 \_\_ ORDER 06/14/2022  
**Cc:** "Bjorklund, Susan" <Susan.Bjorklund@sbdinc.com>, S Bjorklund <bjorksu@gm...

To the distinguished Justices of the State of Tennessee,

Greetings.

Regarding the recent Order in this case, dated 6/14/22, soliciting comments on the proposal to eliminate all limitations on Distance Learning CLE credits for Tennessee attorneys, I submit this letter (in email format) in support of eliminating these limits.

**My Background:**

I am an in-house attorney living and working in Maryland. My practice is in the areas of privacy, technology, environmental and commercial contracting. Under in-house practice rules, I am able to leverage my Tennessee license in supporting my company. The state of Maryland actually requires no CLE and I have considered obtaining Maryland licensure and giving up my Tennessee licensing to simply being able to focus on CLEs that directly benefit my practice, rather than a "check the box" exercise. However, my love of Tennessee and the pride of have in earning my original license there makes me reluctant to do so. If live credits are reinstated, I will be re-evaluating that position due to considerations I further detail below.

**Physical Distance Restraints**

Because the state of Maryland does not require CLEs of its barred attorneys at my experience level, I have 2 avenues for obtaining live CLE credits:

1. To obtain CLETN pre-approved live CLE credits, I must utilize costly national CLE clearing houses and often the only options are a 45 minute to 2 hour drive (Virginia, Pennsylvania or DC) for me.
2. Attempt to request credit from CLETN during an onerous process that can take months and in my experience is limited in success. Example: Last year, seminars under NAMWOLF and the ACC local chapter (which were approved for credit with other states' licensing bodies) were ultimately rejected by CLETN because the speaker bios were not detailed enough or the session descriptions didn't have digital materials, despite otherwise meeting time requirements of effective and qualifying CLE training.

**Subject Matter Limits**

The nature of my practice includes privacy, technology contracting and environmental law at a national and international level. With all due respect, local Tennessee CLEs on court procedure, or even those on more common topics like employment law or general contracting, are of little to no benefit at this point in my career or practice type. The seminars that provide me the best continuing legal education tend to be

virtual/global conferences. The previously mentioned national CLE clearing houses do not have enough substantive, technical material on my practice topics to be considered useful to me. Hence, I end up spending thousands of dollars on live CLE clearing house training that is not beneficial to my practice, in addition to the thousands I am already spending for virtual/global training relevant for my actual practice.

### **Motherhood**

Pre-pandemic, I drove over 4 hours daily to complete the regimen of live CLE courses on topics completely irrelevant to my practice, as they were the only available options. As a mother who was breastfeeding at the time, that drive, in DC/Virginia traffic, coupled with having to manage a pumping cycle in a live CLE environment was not accommodating to say the least. While I understand that many women are subject to travel needs/court schedules that similarly create breastfeeding obstacles, I have not chosen a career course like that to specifically avoid the hurdles that I encountered trying to secure qualifying live CLE credit. To describe live CLE training as onerous to new mothers / mothers on leave, or even caregivers in general, is an understatement. The impacting potential of reinstating live CLE on working mothers and caregivers should not be underestimated. Many caregivers are not in pre-pandemic operating mode and have a delicate balance of needing to flex for school closures, sickness, etc. Re-instituting one more barrier to re-entry for working mothers and caregivers could have a chilling effect on diversity in the Tennessee bar.

### **Networking**

Due to my practice specialty, I am a member of a number of trade organizations, the Association of Corporate Counsel, Chief, IAPP interest groups. I conduct my networking there. Attending a live CLE with attorneys with whom I have no practice work in common, or even geographic location in common does not facilitate any arguable networking benefit for me. While its unclear why the State of Tennessee would care about who I network with, I would like to clarify that my networking is not done at live CLEs and so I would lose no networking benefit in a strictly virtual model.

Thank you for your time in reading this email in support of removing all limitations to Distance Learning in Rule 21. While Maryland may have me physically, my heart stays in Tennessee. I'd like to proudly keep my license there.

I look forward to the Court's holding on this matter.

**Susan Bjorklund | Sr. Corporate Counsel & Chief Privacy Officer**

Pronouns: **She / her / hers**

Email: [susan.bjorklund@sbdinc.com](mailto:susan.bjorklund@sbdinc.com)

Cell: [\(410\) 504-3645](tel:(410)504-3645)



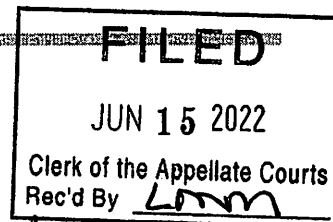
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**appellatecourtclerk - Re: Distance learning**

**From:** Teresa Murray Smith <t3m4s9@gmail.com>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 7:35 PM  
**Subject:** Re: Distance learning



ADM2022-00781

I apologize for late reply as I was out of office most of the day. The docket number on the Order is Admin2022-00780.

On Wed, Jun 15, 2022, 11:00 AM appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:

The TBA typically includes the Supreme Court's Order as part of its publication which Order states to include the docket number with your submission. If you will check that Order and reply with the docket number that would be appreciated. If the Order was not published by the TBA, please let me know and I will locate the docket number.

Thanks,

Jim Hivner

James M. Hivner  
 Clerk of the TN Supreme Court  
 401 7th Avenue N.  
 Nashville, TN 37219  
 (615) 741-1314

>>> Teresa Murray Smith <t3m4s9@gmail.com> 6/15/2022 8:09 AM >>>

The Tennessee Bar Association published that the Supreme Court was seeking comments on proposed changes in Rules 21, Sections 3.01(c) & 4.02(c). My remarks were directed to the proposed changes.

I apologize if my submission was wrongfully directed or premature.

On Wed, Jun 15, 2022, 8:29 AM appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:

Ms. Smith:

To which docket number is this comment directed?

Jim Hivner

James M. Hivner  
Clerk of the TN Supreme Court  
401 7th Avenue N.  
Nashville, TN 37219  
(615) 741-1314

>>> Teresa Murray Smith <[t3m4s9@gmail.com](mailto:t3m4s9@gmail.com)> 6/14/2022 7:53 PM  
>>>

As an attorney living and practicing on a limited basis in upper East Tennessee ( Carter County), it is very difficult to find affordable local in person CLE's. Being able to do it online has been extraordinarily helpful. I hope it will continue. The quality and variety of online programs through the TN Bar Assoc. and others ables me to tailor CLE to course content of interest and fitting my needs. It is much better than local content or traveling 100+ miles or more to obtain courses merely for the hours regardless of the appropriate content to my needs. Please keep distance learning.

Teresa Murray Smith  
BPR #006935  
1607 Southside Road  
Elizabethton, TN 37643  
423-676-2609

**FILED**

JUN 15 2022

Clerk of the Appellate Courts

Rec'd By: LMM

ADM2022-00781

**appellatecourtclerk - distance learning**

**From:** GREG MILLER <campbellcountyhistorian@comcast.net>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 7:45 PM  
**Subject:** distance learning

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To whom it may concern

I am a magistrate and have been on the bench 34 years and I was an assistant district attorney general for six years before that, I have therefor had the privilege of working for the state of Tennessee over forty years. I am writing to first thank you for inviting my comments and to state in the strongest possible terms my complete and total support for allowing distance learning to count fully toward CLE requirements and to carry forward to the next year.

At my age I do not see as well as I once did, and I do not like to drive in large cities or after dark. For older folks traveling is not always easy. However, the most compelling argument for distance learning is the fact that I simply retain much more information when distance learning than when appearing in person. There are fewer distractions, and I am more comfortable and rested. If the format allows for rewinding as with prerecorded lectures, then I feel that I missed nothing. In person after a while, it is very difficult to stay focused. In a very long seminar, I miss far more than I do viewing remotely.

At my age I do not look forward to leaving home and sitting in large groups all day. There are also the health concerns to consider as well.

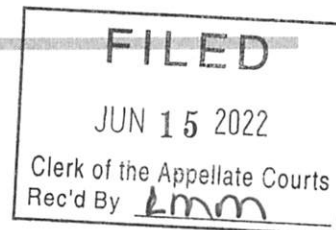
If it should be decided to once again restrict distance learning, then I would ask that an exception be made for those over sixty or with health issues that make travel difficult. However, my hope is that distance learning will be unrestricted and count fully for all CLE and be able to be carried forward year to year.

Thank you for your consideration and I remain respectfully,

Gregory K. Miller  
Magistrate, 8th Judicial District

appellatecourtclerk - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

**From:** Reed Martz <reed@freelandmartz.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 5:29 PM  
**Subject:** RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)



Adm2022-00781

Dear Mr. James Hivner, Clerk,

I write to support amendment of Rule 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the limitations on Distance Learning credits.

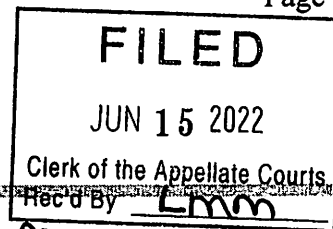
The past two years have proven that distance learning works, does not result in damage to the profession, and in fact improves CLE because 1) the pool of available providers and course offerings is deeper, 2) the cost and inconvenience of in-person attendance is removed, and 3) it allows the attorney to schedule course participation to dates and times not otherwise available (such as nights or weekends). Mandatory in-person education reduces the competition among providers resulting in less informative and more expensive course offerings which may be of limited usefulness because the attorney is forced to choose from what is geographically available rather than what is helpful to her practice.

--

M. Reed Martz  
Providing legal services in AL, GA, MS, and TN  
Offices in Oxford, Miss. and Chattanooga, Tenn.  
Freeland Martz, PLLC  
Mailing and physical address:  
302 Enterprise Drive, Suite A, Oxford, MS 38655  
Office (662) 234-1711 | Direct (662) 715-3057  
[reed@freelandmartz.com](mailto:reed@freelandmartz.com) | [freelandmartz.com](http://freelandmartz.com)







**Lisa Marsh - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)**

---

**From:** Rachel Hodges <rachel@hodgeslawtn.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 3:52 PM  
**Subject:** Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

---

Dear Sir or Madam,

I am writing in support of permanently removing the limitation on distance learning CLE credits. At times, in person credits can be hard to find and are usually more expensive than distance learning hours. In years when in person credits were required, my goal was usually to find the cheapest and most convenient options. With distance learning credits, it is much easier to find CLEs that are more in line with my practice areas and areas of interest. Distance learning credits also give you a broader group of providers and teachers from which to learn.

Again, I whole heartedly support the removal of the limitation on distance learning credits.

Thank you,

Rachel L. Hodges  
Attorney at Law  
P.O. Box 17013  
Chattanooga, Tennessee 37415  
423-402-0868

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Kim Meador - RE: (EXTERNAL)Re: In Re: Amendment of Tennessee Supreme Court Rule  
21 - Attorney Comment

FILED

JUN 15 2022

Clerk of the Appellate Courts  
Rec'd By *ktm*

**From:** Alex Clark <alex.clark@clarklegal.law>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 1:19 PM  
**Subject:** RE: (EXTERNAL)Re: In Re: Amendment of Tennessee Supreme Court Rule 21 -  
Attorney Comment

Mr. Hivner,

My apologies for failing to include that information. My comment is associated with No. ADM2022-00781.

Thank you for taking the time to ensure the inclusion of my comment.

Yours truly,

Alexander W. Clark  
Attorney and Rule 31 Listed Family Law Mediator  
Clark Legal, PLLC  
144 Uptown Square  
Murfreesboro, TN 37129  
615.895.2421

**From:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Sent:** Wednesday, June 15, 2022 1:15 PM  
**To:** Alex Clark <alex.clark@clarklegal.law>  
**Subject:** (EXTERNAL)Re: In Re: Amendment of Tennessee Supreme Court Rule 21 - Attorney Comment

Mr. Clark:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner  
Clerk of the TN Supreme Court  
401 7th Avenue N.  
Nashville, TN 37219

(615) 741-1314

>>> Alex Clark <[alex.clark@clarklegal.law](mailto:alex.clark@clarklegal.law)> 6/15/2022 8:56 AM >>>

To whom it may concern:

As a sole practitioner, the ability to undertake all CLE opportunities via distance learning has been a boon to my practice and, therefore, my clients. Time which would be wasted driving to in person CLE opportunities is now utilized in client service. CLE opportunities that are available via distance learning create greater flexibility in two important ways: 1) available on my schedule and 2) greater breadth of content. I am a big believer in work/life balance, and do all I can to leave work in the office. That said, sometimes CLE is more about the learning and less about the practice. This is not to say it is not practice applicable, but that if I choose to undertake the learning in the evening or on the weekend it is as much about personal growth as it is the CLE. As to content, the content of locally available, in person CLE opportunities is okay, but not great. Further, they tend to be the same year over year as updates. While such opportunities can be very useful, and hopefully will continue to be offered even if the Amendment to TSC Rule 21 is approved, if they are not applicable to your practice, what is the value. As a former teacher, I faced a similar issue with inapplicable professional development opportunities.

It is my sincere hope that Tennessee Supreme Court Rule 21, sections 3.01(c) and 4.02(c) are deleted to allow Tennessee attorneys the maximum flexibility in obtaining CLE credits and the widest breadth in opportunity content.

Thank you for taking the time to read my comment on this important matter.

Alexander W. Clark  
Clark Legal, PLLC  
144 Uptown Square  
Murfreesboro, TN 37129  
615.895.2421

FILED

JUN 15 2022

Clerk of the Appellate Courts  
Rec'd By KJM

**From:** Amy Sosinski <amysosinski@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 12:44 PM  
**Subject:** Public comment, docket No. ADM2022-00781 re: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Hi Jim,

I am one of Judge Thomas' clerks, soon to begin clerking with Judge Holloway, and I am writing in support of amending Rule 21 to eliminate the in-person CLE requirement.

In-person CLE requirements negatively affect attorneys working remotely from jurisdictions outside the US, attorneys with disabilities, and government/public interest attorneys who are already overwhelmed with heavy caseloads. It is, simply put, an unnecessary burden given current technology.

I have had the benefit of videorecorded CLEs through the AOC since well before the pandemic, some of which, for undetermined reasons, qualified as in-person hours even though we did not attend an on-site meeting. I have been able to satisfy my entire CLE requirement without setting foot in another building and appreciate how convenient it is. Instead of having to think about logistics and being away from the office for an afternoon, I was focused on learning the material.

The AOC's short quiz form ensures that we actually watch the video, and during the pandemic other state government CLEs have adopted the "password" system for Zoom lectures. Even though some of these systems were developed in response to the pandemic, we now have a way to remotely educate attorneys while keeping them accountable for paying attention to the material—why shouldn't we make that option available to all attorneys instead of having a de facto separate standard for judicial clerks?

I appreciate your time.

Best,

Amy Sosinski

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JUN 15 2022  
Clerk of the Appellate Courts  
Rec'd By KIM

**Kim Meador - Comment**

**From:** Ashley Cleek <acleek@raineykizer.com>  
**To:** "appellatecourtlek@tncourts.gov" <appellatecourtlek@tncourts.gov>  
**Date:** 6/15/2022 3:28 PM  
**Subject:** Comment

ADM2022-00781

I agree with permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c).

Thanks!

**Ashley D. Cleek** | Attorney at Law  
Rainey Kizer Reviere & Bell PLC

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**Kim Meador - IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21**

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**From:** Cathy Allshouse <callshouse@laet.org>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 11:45 AM  
**Subject:** IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21



Good Afternoon:

I completely support the removal of the requirement of seven live hours for our Tennessee continuing education requirements. By having the option to access distant training, I have been able to attend many wonderful trainings and many that are more on-point for my practices areas than I would otherwise be able to carve out time for due to the extra time required by travel. Also, without the travel requirement, there are many experts in different areas that now have greater opportunity and willingness to offer trainings since doing so no longer has such a detrimental impact on one's calendar.

Sincerely,  
Cathy Allshouse

Cathy Allshouse  
Legal Aid of East Tennessee  
270 North Ocoee  
Cleveland, TN 37311  
Telephone: 423-402-4754  
Facsimile: 423-464-5481

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**Kim Meador - Rule 21 3.01(c) 4.02(c)**

**From:** "C. Philip Carter" <mdjdcarter@aol.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 1:22 PM  
**Subject:** Rule 21 3.01(c) 4.02(c)



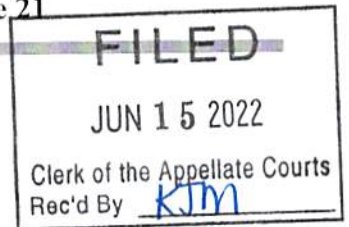
ADM2022-00781

I support the repeal of the above sections and eliminating the distance learning limitations on CLE permanently.

Charles Philip Carter, M.D., J.D.  
BPR# 012947

Sent from the all new AOL app for Android

**Kim Meador - RE: In Re: Amendment of Tennessee Supreme Court Rule 21**



**From:** "Mullins, Derek" <dmullins@bakerdonelson.com>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 1:17 PM  
**Subject:** RE: In Re: Amendment of Tennessee Supreme Court Rule 21

RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c) / No. ADM2022-00781

**Derek W. Mullins**

(423) 209-4211

[dmullins@bakerdonelson.com](mailto:dmullins@bakerdonelson.com)

**From:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Sent:** Wednesday, June 15, 2022 2:16 PM  
**To:** Mullins, Derek <dmullins@bakerdonelson.com>  
**Subject:** Re: In Re: Amendment of Tennessee Supreme Court Rule 21

Mr. Mullins:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner  
Clerk of the TN Supreme Court  
401 7th Avenue N.  
Nashville, TN 37219  
(615) 741-1314

>>> "Mullins, Derek" <[dmullins@bakerdonelson.com](mailto:dmullins@bakerdonelson.com)> 6/15/2022  
9:42 AM >>>

Dear Mr. Hivner:

I enthusiastically support the elimination of the seven-hour in-person CLE requirement moving forward. Practicing law in the pandemic revealed a world of possibilities when it comes to digital and, specifically, remote technology. Lawyers learned to incorporate technology into their practice, including going completely paperless and remote; courts developed strategies to permit



appearances via Zoom and other remote platforms, both for safety reasons and to accommodate attorneys practicing in distant cities; and, most pertinently to this proposition, CLE educators and sponsors learned how to transition classes and presentation into an online format. These changes benefitted the practice of law for the better, and several of the changes should remain following the demise of COVID-related precautions. The elimination of the in-person CLE requirement is certainly one of, if not the most universally beneficial changes to come out of the pandemic, and it is little wonder why state bar associations across the country are contemplating making the changes permanent.

A completely remote CLE requirement lessens the impact of scheduling and attending CLEs on a practicing attorney's schedule, regardless of the nature of their practice. A solo practitioner in Mountain City is able to fit CLEs into her schedule either during or after business hours, when she once had to schedule multiple days to travel to a distant metropolitan area to fulfill her CLE requirements. By the same token, a prosecutor in Jackson is just as capable of fitting in practice-specific classes over the course of the year without having to tear himself away from his caseload for multiple days as a corporate attorney in Nashville is able to gear his CLE selections toward classes offered by entities across the state and country that can improve his client service in a way that simply attending a generalized "cram" CLE session over one to three days in late December simply could not.

While I included the example in the prior paragraph, it is worth highlighting the elimination of the seven-hour live requirement *greatly* benefits attorneys working in smaller counties and cities across this great state. In the years I have actively practiced, I have worked for firms in Nashville and Chattanooga. Finding CLE offerings in those cities is less of a struggle, especially in Nashville. For practitioners in smaller cities and counties across the state, this is much different. Those attorneys have to travel longer distances and detach themselves from their practices for greater amounts of time to fulfill the in-person requirement. The result is a loss in time, money, and resources associated with travel and, in some cases, overnight lodging. These costs are often in addition to CLE tuition that can run into hundreds or thousands of dollars. Removing the in-person CLE requirement permits these attorneys to focus on topics that are specific to their practice from online providers like the Tennessee Bar Association and American Bar Association as well as more practice-specific providers like the Tennessee Defense Lawyer's Association, Tennessee Trial Lawyers Association, or Federal Bar Association, among others.

Stalwarts for live CLEs may point to an increased likelihood that attorneys will "pay attention" or actually "be present" in live CLEs. Respectfully, I think this is disingenuous. Anyone who has either worked for an attorney who attends live CLEs or attended one themselves can attest to the common reality of every attorney in attendance having their laptops open, doing substantive work or shooting off emails to associates, opposing counsel, or support staff while someone delivers a live CLE lecture. This especially true in the aforementioned "cram" CLEs frequently offered during the latter months of any given year. Switching to a completely digital or remote CLE requirement arguably increases the chances an attorney will pay attention to what is on their screen by permitting them to watch CLEs after business hours or, at the very least, during lunch or slower periods. In my view, the only people who could favor maintaining the in-person CLE requirements are those who directly or indirectly profit from offering the live CLEs and charge hundreds to thousands of dollars to each participant. The system should be set up to benefit the practicing attorneys who are supposed to get substantive lessons from the CLE sessions, not the person or entity sponsoring the session or getting a share of the profits to appear and participate in a lecture or panel discussion.

The pandemic forced the entire country to adapt and incorporate new technology into daily tasks, including attorneys and courts engaged in the practice of law. It is high time Tennessee use this opportunity to make one worthwhile adaptation permanent. I enthusiastically encourage the Tennessee Supreme Court to abolish the seven hour in-person requirement and enable practitioners to engage in wholly remote CLEs to satisfy all 15 required hours.

**Derek W. Mullins**

Associate

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
633 Chestnut Street, Suite 1900  
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Phone: (423) 209-4211

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Clerk of the Appellate Courts  
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*ADM2022-00781*

**Kim Meador - Distance CLE**

**From:** Beth Alexander <balexander@pepperlawplc.com>  
**To:** "'appellatecourtclerk@tncourts.gov'" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 12:44 PM  
**Subject:** Distance CLE

Dear Clerk:

I am writing to voice my support for eliminating Rule 21, sections 3.01(c) and 4.02(c). I find that I get as much out of remote learning as I do attending live, in-person CLEs and it is less disruptive to my schedule. I also appreciate that I can watch videos on-demand because it allows me to have a wider choice of CLE rather than choosing based on my schedule and the location.

Thank you,

Elizabeth A. Alexander, BPR # 19273.

**Beth Alexander**

*Member*

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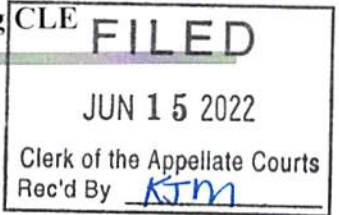


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Kim Meador - No. ADM2022-00781 - Public Comment on Distance Learning



**From:** Jennifer Collins <jennifer.h.collins@gmail.com>

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

**Date:** 6/15/2022 12:26 PM

**Subject:** No. ADM2022-00781 - Public Comment on Distance Learning CLE

Good morning -

I am Jennifer Collins, a dual licensed attorney (TN and MS) who has practiced mainly in Shelby County, Tennessee. I currently work as a paralegal with the Department of Justice as I am the mother of four children (one set of triplet boys included in that number who are starting Kindergarten this year) and was about to experience burnout at my place of employment due to extremely long hours required of the attorneys. I cannot describe how helpful it has been during the pandemic to have the distance learning cap lifted, both because of the dangers of meeting in close proximity (we have childcare assistance who has diabetes and who had a horrible bout with COVID last fall) and because of the financial burden involved in CLE in-person meetings. I will mainly speak to the financial burden as the close proximity issue has been mitigated in part by the vaccine.

It costs a good deal to take a day off for CLE. The classes themselves have ranged from \$175 - 350.00 to have the privilege of reporting in person to the area, not counting the gas to get to the location where the CLE is being held and any food and/or lodging required. It has been hard in the past for me to find a group of in-person CLEs that will match the requirements of being in-person, covering the required type of hours, and not being cost-prohibitive. Even CLEs that I consider to be go-to options have increased their prices or are not being offered because of COVID surges in those areas.

I know that my experience is quite different from most members of the Bar, but I appreciate that you are willing to take my experience into account when crafting your rules.

Thank you,

Jennifer Collins (027985)

**Kim Meador - proposal to eliminate limitations on Distance Learning CLE credits**

**From:** Jerry Shivers <jerry.shivers@fedex.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 12:08 PM  
**Subject:** proposal to eliminate limitations on Distance Learning CLE credits

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JUN 15 2022  
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Rec'd By *KJM*

*ADM2022-00781*

Dear Mr. Hivner,

I am a member of the Tennessee bar (#036391), and I am in favor of the proposal to eliminate limitations on Distance Learning CLE credits. I believe our experience under the temporary suspension of that requirement has demonstrated that the requirement is not essential to the profession. I also am a member of the Texas bar, which has not had any limitation on distance learning credits since I was admitted in 2018.

Regards,

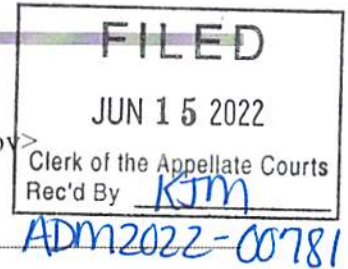
Jerry Shivers

**Jerrald L. Shivers** | Lead Counsel | Labor Relations  
Federal Express Corporation  
3620 Hacks Cross Road, Building B  
Memphis, TN 38125-8800  
office [901.434.8046](tel:901.434.8046)  
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**Kim Meador - Elimination of CLE Distance Learning Limitation.**

**From:** H E LUIPPOLD <luippoldh@bellsouth.net>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 12:49 PM  
**Subject:** Elimination of CLE Distance Learning Limitation.



I am all for allowing attorney's to obtain all their CLE credits through distance learning. There are many reasons one can site as to why this is a good idea. First is cost. It is less expensive to obtain credits via distance learning online. No ballrooms have to be rented and snacks provided as well as travel and hotel expenses if you don't live near a live seminar. Second, you can focus the course subjects you want to take on those of use and interest to your practice, given the many institutions that offer CLE courses. If you don't practice in bankruptcy why sit through a hour of that within a 12 hour course. Three, the technology has evolved so that the material offered online is presented in a way that is on par with being physically present. We all have had Zoom meetings and other online video presentations and these seem to be getting the job done as evidenced over the past 2 COVID years. Four, you can "cheat" by tuning out speakers when physically present by reading a magazine, using your laptop or phone just as easily as you can with online learning. You can't legislate honesty. Also you tend to cheat when uninteresting subjects within a course are being presented. Five, you can break up the courses of interest throughout the year rather than having to block out 2 days of time to physically be present for a seminar. One can take a course late at night for a couple hours or on a weekend and fulfill the 15 hour requirement at one's leisure. Lastly, physical presence may be useful for networking and seeing old friends; but the purpose of why you are there is for the course information, as there are numerous ways in this modern world to network and keep in touch with friends and colleagues. My feeling is that the physical presence requirement was meant to insure that participants learned something i.e. got a continuing education. You can't force people to learn something and pay attention. So, to force those of us that are not "cheaters" to physically attend and incur higher costs is unfair given the state of communications technology. I hope you change the rule so we can obtain our 15 hours online at our leisure.

Thank you for reconsidering this rule,  
Peter Luippold, J.D., LL.M.

**Kim Meador - potential deletion of sections 3.01(c) and 4.02(c) of Rule 21**

**From:** Phil Gombar <pgombaratty@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 1:36 PM  
**Subject:** potential deletion of sections 3.01(c) and 4.02(c) of Rule 21

<b>FILED</b>
JUN 15 2022
Clerk of the Appellate Courts
Rec'd By <u>KJM</u>

ADM2022-00981

The deletion of the sections of Supreme Court Rule 21 limiting online CLE credits is long overdue. I can think of little to no value in requiring attorneys to attend CLE courses in person in the age of ubiquitous online options. Any benefit that does exist certainly doesn't belong to the attorneys being compelled to attend.

Phil Gombar  
BPR# 020099

FILED

JUN 15 2022

Clerk of the Appellate Courts  
Rec'd By KIM

ADM2022-00781

**Kim Meador - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)**

**From:** Richard Murrell <Richard.M.Murrell@tn.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 3:14 PM  
**Subject:** RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

I favor eliminating the requirement of in-person hours for continuing legal education if the requirement of inter-active rather than prerecorded sessions is maintained. There are opportunities for in-person conferences that provide networking for attendees. For the course work, as long as the remote sessions are live, the presenter takes and responds to questions, and the material is approved by the Commission and available to participants, distance learning makes more available higher caliber training.

Richard M. Murrell, CAJ  
Administrative Judge  
Administrative Procedures Division  
Office of Tennessee Secretary of State Tre Hargett  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 8<sup>th</sup> Floor  
Nashville, TN 37243  
615.948.2193 office  
615.741.4472 fax  
richard.m.murrell@tn.gov



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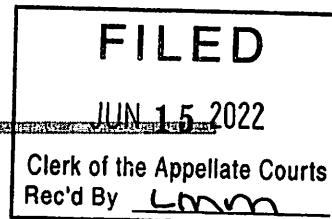
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**Lisa Marsh - Docket Number ADM2022-00781**



**From:** Lacey Buchanan <Lacey@mitchellattorneys.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 11:27 AM  
**Subject:** Docket Number ADM2022-00781

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To Whom it May Concern,

I fully support permanently ending the "in-person" requirements for CLEs in Tennessee.

I am the mother to two disabled children, as well as a practicing lawyer. I love my children and I love my job, and as you can imagine, finding the balance between both is never easy. I work hard to be a good mother to my children and a good attorney to my clients, but it keeps me incredibly busy. I am on the road constantly, driving to Court, client meetings, therapies for my children, doctor's appointments, and other obligations. With gas prices and general cost of living rising so dramatically, the already difficult constraint on my time has now also become a constraint on my budget as well. I have always made time to complete my CLE's in person when that was the requirement, because CLE's are important and it is important that I stay in compliance at all times for my own integrity, but it wasn't easy to do. I live rurally so I often used to drive many hours to attend CLE's that were pertinent to my area of law. A trip to Nashville for a half day CLE would be an entire day off work for me when you included 2 hours of driving each way. While I did it, it was a huge burden. Often times, I would attend CLE's on topics that did not help my practice in any way because the CLE's were closer to home and I didn't have time to travel further to attend the more pertinent CLE's.

When the in-person requirement for CLE's was dropped, it felt like a weight off my shoulders. I have been able to take many more CLE's that are more targeted to my practice areas, and have continued to attend several in person, at my choosing, because I now have more flexibility in my schedule to schedule in person CLE's. I have taken more CLE's since the in-person requirement was removed than I was ever able to do previously, which only helps further my education and skill.

The in-person requirement is unnecessary in a world where remote work is not only possible, but easily accessible and readily acceptable and available. It is time to progress and let attorneys use their CLEs for issues and topics that help their practice of law, not just to prove they can be a warm body in a room. As attorneys, we are trusted with complex legal issues and navigating difficult challenges every day. I am asking that we be trusted with this as well. This is an area where we can handle the responsibility of in-person versus online CLE's at our own discretion and continue to maintain our integrity and skill at a professional level. This is not an area where we need oversight.

Thank you for considering this issue. It is important to me and many others.

Sincerely,

LACEY N. BUCHANAN  
MITCHELL & MITCHELL  
Attorneys at Law

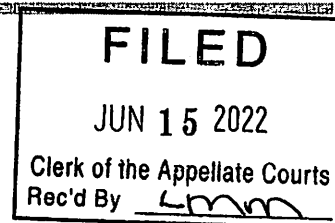
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**Lisa Marsh - Fwd: Docket No. ADM2022-00781**

**From:** appellatecourtclerk  
**To:** Lisa Marsh; Kim Meador  
**Date:** 6/15/2022 1:14 PM  
**Subject:** Fwd: Docket No. ADM2022-00781  
**Attachments:** Docket No. ADM2022-00781



I'm one attorney in favor of the permanent elimination of the limitation on Distance Learning credits. Compliance with the CLE requirement was greatly simplified during the pandemic. I could watch and receive credit for more relevant (although remote) CLE that I would not have otherwise been able to attend in person. Since I live and practice in Knoxville and a great deal of available CLE is offered in Nashville, elimination of this limitation would make compliance much easier for me. I appreciate your consideration of this change.

Best regards,

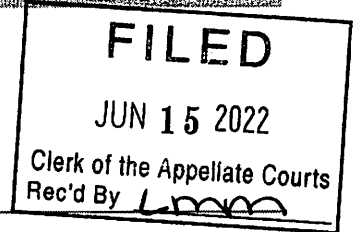
Deborah Buchholz

**BROCK · SHIPE · KLENK**

265 Brookview Centre Way, Suite 604  
Knoxville, Tennessee 37919  
(865) 338-9700

**Lisa Marsh - ADM2002-00781 - comment supporting proposed change**

**From:** Audrey Calkins <audrey.m.calkins@gmail.com>  
**To:** <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 10:43 AM  
**Subject:** ADM2002-00781 - comment supporting proposed change



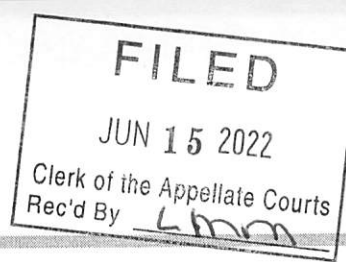
Good morning,

I write to express my favorable view of the Supreme Court's proposal to eliminate the restrictions on Distance Learning credits from Tennessee Supreme Court Rule 21. (As a federal government employee, these comments are in my personal, individual capacity only, which is why I am using my personal email address.) As a federal employee, I am limited to the CLEs that I am able to attend based on those that the government will reimburse--both online and in-person. The NAC in South Carolina only recently reopened for in-person CLEs, and trips to the NAC are my only opportunity to take in-person CLE that the government will reimburse. I have to apply for and be approved to attend these seminars, which is not guaranteed. Moreover, many seminars are now virtual CLE programming (and have been for the duration of the pandemic and will likely continue this way). Waiving the in-person CLE requirement will save me money and time and help me more easily meet my required CLE credits.

Also, I was the chair of the TBA's federal law section this past year. We put on a virtual CLE seminar that featured speakers based in New Hampshire, Nashville, Memphis, Knoxville, and South Carolina. This virtual format saved the TBA money by not requiring the speakers to travel for an in-person event, and I anticipate that we will have more viewers of this online, recorded session by the end of the year than we would have had for a single-day, in-person event. I also cannot use government time to travel for out-of-town in-person CLE events (and have to take vacation time to do so), so the continued emphasis on virtual CLEs makes it more likely that I will be able to attend events put on by the TBA and other bar associations in Tennessee.

Please let me know if you have any questions or need anything else.

Audrey Calkins



**Lisa Marsh - Docket No. ADM2022-00781**

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**From:** Callie Caldwell <Callie.Caldwell@butlersnow.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 10:49 AM  
**Subject:** Docket No. ADM2022-00781

---

Please see below for my written comment and excuse my error of not including the docket number.

**Callie C. Caldwell**  
*Professional Development Coordinator*  
**Butler Snow LLP**

D: (901) 680-7241 | F: (901) 680-7201  
6075 Poplar Avenue, Suite 500, Memphis, TN 38119  
P.O. Box 171443, Memphis, TN 38187-1443  
[Callie.Caldwell@butlersnow.com](mailto:Callie.Caldwell@butlersnow.com) | [vCard](#)

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**From:** Callie Caldwell  
**Sent:** Wednesday, June 15, 2022 10:48 AM  
**To:** 'appellatecourtclerk@tncourts.gov' <appellatecourtclerk@tncourts.gov>  
**Subject:** Comment on Elimination of CLE Distance Learning Limitations

Good morning,

I am writing to encourage the Court to permanently eliminate limitations to distance learning sections 3.01 (c) and 4.02(c) of Rule 21. By suspending the limitation the past several years, my colleagues at Butler Snow have saved considerable time and money by being able to attend online programs specific to their niche practice that haven't been offered locally. I have also benefited from this rule, as I am in a non-traditional legal role and seek CLE that blends professional development with the law. Most of the programs aimed at my profession are only taught on national platforms. Furthermore, the quality of online programs have greatly increased since the pandemic began and the offerings are now top-notch.

Some of our attorneys prefer to attend in person and will continue to do so regardless of any changes to the rule. However, this change will allow lawyers with niche practices (for instance, our Public Finance attorneys that work on NMTC matters) to seek out the best expertise from across the country.

Respectfully,  
Callie Caldwell – TBPR 029668

**Callie C. Caldwell**

*Professional Development Coordinator*

**Butler Snow LLP**

D: [\(901\) 680-7241](tel:(901)680-7241) | F: [\(901\) 680-7201](tel:(901)680-7201)

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[Callie.Caldwell@butlersnow.com](mailto:Callie.Caldwell@butlersnow.com) | [vCard](#)

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**Lisa Marsh - No. ADM2022-00781- IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21**

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**From:** "Chotard, Richard" <richard.chotard@vanderbilt.edu>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 12:05 PM  
**Subject:** No. ADM2022-00781- IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

**FILED**

JUN 15 2022

Clerk of the Appellate Courts  
Rec'd By 

Dear Mr. Hivner,

I strongly support the Court's proposed amendment.

1. In a less common legal practice, distance learning credits are the most useful to stay current and improve one's practice.
2. Much of our work and communication is now done remotely, which is consistent with the court's recognition that distance learning is as valuable as in-person learning.
3. A requirement for in-person learning imposes more cost with respect to travel time and potentially more cost if the in-person presentation is provided by a local commercial entity relative to broader opportunities for access to lower cost CLE via distance learning.
4. Distance learning often allows the opportunity to view content when convenient; so, one may view the most germane comment and better absorb it with some flexibility.
5. For live distance learning opportunities, the chat function allows for more questions in a larger forum.
6. Distance learning allows for focus on educational content rather than networking, which is often an element of in-person CLE.
7. Distance learning provides more equal access to education for attorneys who have limitations that make attendance at in-person learning a challenge.

Thank you for your consideration of these points in support of the Court's proposed amendment.

Best regards,  
Richard

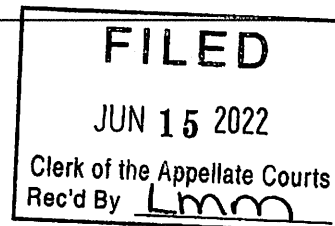
**Richard D. Chotard**  
Senior Associate General Counsel  
Office of the General Counsel  
Vanderbilt University  
615.343.4088 | [richard.chotard@vanderbilt.edu](mailto:richard.chotard@vanderbilt.edu)

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**appellatecourtclerk - Re: Elimination of CLE Distance Learning Limitations**

**From:** "John Honeycutt" <jbh@honeycutt-law.com>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 7:35 AM  
**Subject:** Re: Elimination of CLE Distance Learning Limitations



No. ADM2022-00781

**HONEYCUTT LAW FIRM, PLLC**

**John B. Honeycutt, Jr.**  
Post Office Box 2484  
Cornelius, North Carolina 28031

Telephone: 704-997-5450  
Facsimile: 877-554-6209  
Website: Serving the Carolinas and Tennessee

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----- Original message -----

**From:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**To:** John Honeycutt <jbh@honeycutt-law.com>  
**Subject:** Re: Elimination of CLE Distance Learning Limitations  
**Date:** Wednesday, June 15, 2022 8:33 AM

Mr. Honeycutt:

To which docket number is this comment directed?

Jim Hivner

James M. Hivner  
Clerk of the TN Supreme Court  
401 7th Avenue N.  
Nashville, TN 37219  
(615) 741-1314

>>> "John Honeycutt" <jbh@honeycutt-law.com> 6/15/2022 7:27 AM >>>

I would strongly urge the Court to eliminate CLE distance learning limitations. In this age of increasing technology, it seems unnecessary, even counter-productive, to require in-person attendance at CLE events. In addition, the cost of attending some of the half-day and full-day events is a burden on many lawyers. Elimination of CLE distance learning limitations has been very successful in other jurisdictions, including North Carolina, and has resulted in an efficient and streamlined system.

**HONEYCUTT LAW FIRM, PLLC**

**John B. Honeycutt, Jr.**

Post Office Box 2484

Cornelius, North Carolina 28031

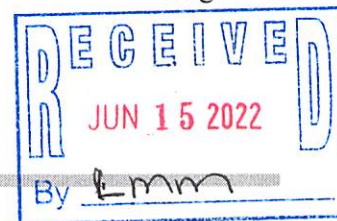
Telephone: 704-997-5450

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Website: Serving the Carolinas and Tennessee

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**Lisa Marsh - Comment on No. ADM2022-00781**

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**From:** "Miranda H. Jones" <Miranda.Jones@ag.tn.gov>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 8:08 AM  
**Subject:** Comment on No. ADM2022-00781

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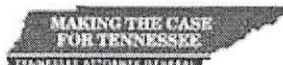
To Whom It May Concern:

As an attorney who often works remotely in order to live near relatives who are medically unwell, I cannot overstate how wonderful it would be if the Court were to follow through with the proposal in No. ADM2022-00781 and eliminate the limitations on distance learning credits by deleting sections 3.01(c) and 4.02(c). Distance learning, like distance work, is a natural progression of modern technology. It saves resources in the form of gas, electricity, and space. And, as I mentioned, it allows those of us with family members who may need special medical attention to participate in long distance conferences to complete CLE requirements without sacrificing family care in order to travel to those conferences.

Regards,

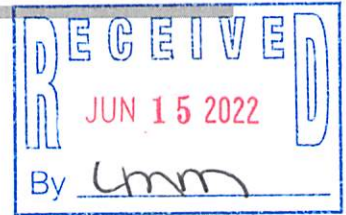
**Miranda H. Jones**

Assistant Attorney General  
Law Enforcement and  
Special Prosecutions Division  
Office of the Tennessee Attorney General  
P.O. Box 20207, Nashville, TN 37202-0207  
Phone: 615.521.0417  
Email: Miranda.Jones@ag.tn.gov



**Kim Meador - Re: Comment on Elimination of CLE Distance Learning Limitations**

**From:** Jake Perry <jperry@rma-law.com>  
**To:** appellatecourtclerk <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 7:39 AM  
**Subject:** Re: Comment on Elimination of CLE Distance Learning Limitations



I'm sorry, I forgot to include this in my last email. It is regarding No. ADM2022-00781.

I would also add that since distance learning is already allowed to some degree, there should not be any concern as to the quality of distance learning versus in-person learning. Otherwise, why allow it at all? In fact, it is easier to digest/absorb online CLE as it is usually segmented into smaller classes instead of the all-day programs attorneys often sign up for to meet the in-person CLE requirements.

Jacob L. Perry, Attorney  
**Rochelle, McCulloch & Aulds, PLLC**  
109 North Castle Heights Avenue  
Lebanon, Tennessee 37087  
Phone: 615-444-1433  
Fax: 615-443-8775  
E-mail: jperry@rma-law.com  
Website: www.rma-law.com



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On Jun 15, 2022, at 7:26 AM, appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:

Mr. Perry:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner  
Clerk of the TN Supreme Court  
401 7th Avenue N.  
Nashville, TN 37219  
(615) 741-1314

>>> Jake Perry <jperry@rma-law.com> 6/14/2022 6:37 PM >>>

I believe the limitation on CLE distance learning should be removed for many reasons, some of which are the following:

(1) With busy work schedules, it is very difficult to find the time to attend in-person CLEs that fit an attorney's schedule. And when such a CLE is found, many times it is not a topic of law that interests the attorney or the attorney actually practices (they just need the in-person hours). Conversely, with distance learning, there is more flexibility to schedule the CLE and for it to be a topic of interest. For example, when I need a break at work, I will sometimes watch CLE on a whim so the time is still put to good use and is productive.

(2) it is more cost effective to conduct online CLE. Many times, in-person CLE requires travel for a topic that is relevant to a lawyer. Further, for lawyers that already conduct online CLE, many services provide unlimited CLE with their subscriptions. So, it is the same price for the attorney to get 15 hours online versus 8 hours.

(3) In the same vein as point number 1, online CLE provides attorneys an opportunity to pick and choose topics of interest to them and that are more relevant to their practice. This will help our Bar better serve our clients.

(4) For those that enjoy in-person CLE, it will still be around and available.

Jacob L. Perry, Attorney  
**Rochelle, McCulloch & Aulds, PLLC**

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Lebanon, Tennessee 37087  
Phone: 615-444-1433  
Fax: 615-443-8775  
E-mail: jperry@rma-law.com  
Website: www.rma-law.com

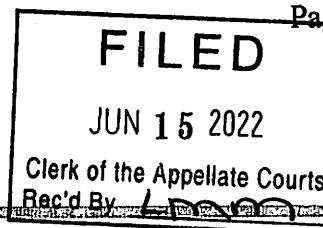


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**Lisa Marsh - No. ADM2022-00781**

**From:** Lisa White <lwhite@masonllp.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/15/2022 8:56 AM  
**Subject:** No. ADM2022-00781

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Regarding the request for comments about ending Tennessee's In-Person CLE Requirements:

I fully support permanently ending the "in-person" requirements for CLE in Tennessee.

The in-person requirement was the bane of my existence for three years when I worked remotely from New Zealand before the pandemic. Because my office was located in Tennessee and I was "practicing law in Tennessee" (although I was living 9000 miles away), I was not exempt from the in-person requirement. I tried to petition for an exemption. Denied.

Before moving, I attempted to fulfill 2 years of remote + in-person hours (so the in-person hours would carry over), plus every time I was in the US, I would scour for any in-person CLE just to fulfill this requirement. This took time away from my work, but more importantly, it took time away from my family during the few weeks each year I spent in the US. It was an unnecessary nightmare. One year, I was literally 1/3 hour short--which I tried to proactively get waived. No....I had to wait until after I was out of compliance and so I could spend hours petitioning. Why??

The in-person requirement is unnecessary in a world where remote work is possible. It is time to progress and let attorneys use their CLEs for issues and topics that help their practice of law, not just to prove they can be a warm body in a room.

Thank you for considering this issue. It is important.

If there is anything I can personally do to help champion this cause, please do not hesitate to call on me.

Lisa A. White

**Lisa A. White**  
**Attorney**

**d 202.640.1162 | m 865.414.9113**

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JUN 14 2022

Clerk of the Appellate Courts  
Rec'd By LM**appellatecourtclerk - ADM2022-00781**

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**From:** "Stephen L. Carpenter JD LLM" <Stephen@carpenterlewis.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/14/2022 6:59 PM  
**Subject:** ADM2022-00781

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I write to express my SUPPORT for making permanent the proposed rule to eliminate a requirement for "live" continuing legal education credits in each compliance year and to ALLOW Distance Learning credits, in part or in full, to comply with the CLE requirements every year.

My experience has been that the distance learning courses are of equal or BETTER quality than most live events I have attended over the years. I have personally presented live CLE classes several times over the years and even as a presenter I find that the content is often too generic. I also find that the attorneys who are most competent to present the live courses often opt not to do so, leaving the usefulness of the live CLEs lacking for me and others in my firm because the presenters are often not knowledgeable when asked questions. Whereas my experience with nearly all of the online/distance courses I've taken are presented by high-calibre attorneys and it allows me to choose more specialized courses that offer advanced material not offered live by a local Knoxville attorney.

I regularly attend online CLE courses hosted and presented by national experts in a specialized area and I find that the discussion of the topics is truly worth attending. I look forward to it rather than dread it. In my opinion, the distance learning courses have, overall, better content and better presentation - and that the interaction and questions of the participants usually has been more relevant as well - plus distance learning eliminates the lost time from driving to a public venue. Attending shorter distance learning classes keeps my attention much better than the typical all-day live event.

I live near a larger city and I find it difficult to find live courses on topics I want to attend and often have, prior to the suspension of the rule due to COVID-19, attended courses that did not enhance my knowledge or skills, simply so that I could gain the required "live" credits. In my opinion, my attending a marginally useful class does not fulfill the intended purpose of continuing legal education. I feel that the generally superior content available online much better satisfies the objective of the rule without sacrificing the desired opportunity for interaction.

I truly hope the Court will conclude that the live requirement is unnecessary.

Stephen

Stephen L. Carpenter JD LLM  
Attorney & Counsellor at Law  
Carpenter & Lewis PLLC  
10413 Kingston Pike, Suite 200  
Knoxville, Tennessee 37922  
Telephone: (865) 690-4997  
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Email: [stephen@carpenterlewis.com](mailto:stephen@carpenterlewis.com)

Website: [www.carpenterlewis.com](http://www.carpenterlewis.com)

**Kim Meador - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)--No. ADM2022-00781-COMMENT**

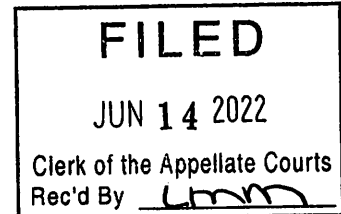
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**From:** Guzall Samantha <samanthaguzall@yahoo.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/14/2022 8:14 PM  
**Subject:** RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)--No. ADM2022-00781-COMMENT

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**James Hivner, CLerk,**

**Sir:**



**I support permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) .**

As a practicing attorney in Tennessee for 22 years, I have spent significantly more travel time and cost in meeting the 7 hour in person requirement.

For example, in order to take the 7 hour in person classes I am limited in choosing a provider that at a minimum charges \$145.00 (based on the lowest income status) for yearly dues which includes three CLE classes. \$45.00 per credit hour thereafter. The in person courses are only offered one time per year in my county for 3 credits in person. The remaining four are usually over an hour drive. Also, the in person courses are very limited in subject matter.

Since the in person requirement was waived, I have been able to complete all courses online with a different provider(which do not provide in person courses) for \$150.00 for ALL 15 credits. That is a significant difference. Also, the courses I can choose from have been by far the most interesting and knowledgeable/teachable courses I have taken in over 20 years. I actually look forward to them(really!).

**Therefore, I support permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) .**

Thank You,

Samantha E. Guzall  
TBPR#020108

Law Office of Samantha E. Guzall

P.O. Box 1144

Spring Hill, TN 37174

Phone 615.509.1759

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**Kim Meador - ADM2022-00781 - limitation on distance learning**

---

**From:** Jason Lee <jlee@burrowlee.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/14/2022 5:56 PM  
**Subject:** ADM2022-00781 - limitation on distance learning  
**Cc:** Jason Lee <jlee@burrowlee.com>

---

I strongly support the proposal to eliminate the 8-hour cap on Distance Learning CLE's. Based on the changes since the Covid pandemic, the world is moving towards more and more remote communications and learning. This would be a very positive change for lawyers on a permanent basis.

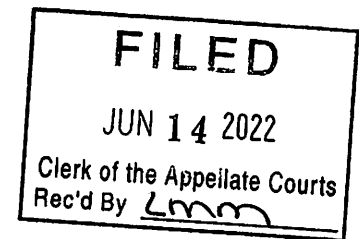
Thanks,  
Jason

Jason A. Lee,  
Attorney-at-Law



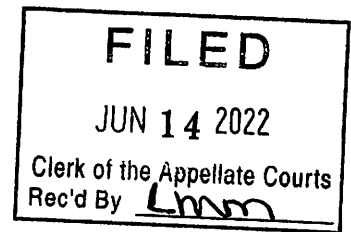
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**From:** Michael Mossman <michael@mmossman.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/14/2022 6:47 PM  
**Subject:** No. ADM2022-00781



To The Court:

I am writing in support of the Court amending Rule 21.

Two reasons come to mind:

1. I need to and want to maintain my TN law license but moved out of state a number years ago. It's an inconvenience and a huge expense to come back to TN to complete the CLE requirement.

2. I have found that on line CLE is a better Continuing Legal Education experience. There are a variety of courses to chose from which I can watch at a time convenient for me.

Finally, I'll be 70 yrs old soon. I'll be exempt from the CLE requirement thereafter I believe. I'm proud that I've been a member in good standing of the TN Bar since 1979. I have no interest in deactivating my law license and will therefore abide by the guidelines set forth by the Court.

With that said I wish the Court or the Board of Professional Responsibility would change the manner in which it reports BPR actions.

The perspective is that if you are named pursuant to a BPR action you must have committed an ethical or legal wrong to be noted under the caption. However when a lawyer's license is inactivated because of a disability or because he/she no longer wants to pay fees or is no longer actively practicing that announcement is made under BPR Actions with suspended or disbarred attorneys.

This is just my observation. But I think it should be addressed.

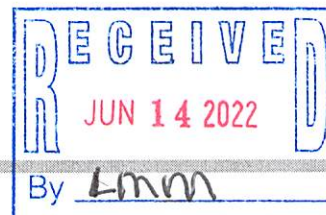
Respectfully,

Michael I. Mossman

TBA# 006636

Sent from my iPad

appellatecourtclerk - No. ADM2022-00781



**From:** Will Williford <will@mikebreen.com>  
**To:** "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>  
**Date:** 6/14/2022 2:27 PM  
**Subject:** No. ADM2022-00781  
**Cc:** "nimary29@gmail.com" <nimary29@gmail.com>, "andrewbubis@gmail.com" <andr...>  
**Attachments:** Proposed Amendment R. 21, Sections 3.01(c), 4.02(c)\_ORD.pdf

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Mr. Hivner,

My name is William Williford and I am a Tennessee lawyer (BPR No.: 039888).

I am only writing to express my support for "IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21" No. ADM2022-00781. I support and would happily back the proposed amendment as outlined in the aforementioned Order. I also intend to rally support amongst my fellow Tennessee barristers to reach out and voice their support for this amendment as well. Thank you.

Very Respectfully,

*William J. Williford, M.A., J.D.*

**Mike Breen, Attorney at Law, P.S.C.**

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P.O. Box 3310  
Bowling Green, Kentucky 42101

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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED  
06/14/2022  
Clerk of the  
Appellate Courts

IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

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No. ADM2022-00781

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**ORDER**

In response to the COVID-19 pandemic, this Court temporarily suspended Tennessee Supreme Court Rule 21, section 3.01(c), which requires lawyers to have a minimum of seven hours of Live continuing legal education credits in each compliance year and limits lawyers to a maximum of eight hours of Distance Learning credits in each compliance year. We also temporarily suspended section 4.02(c), which reiterates the eight-hour limitation on Distance Learning credits per compliance year and limits carryover Distance Learning credits to eight hours per compliance year.

The Court is now considering amending Rule 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the limitations on Distance Learning credits. The Court solicits written comments from judges, lawyers, bar associations, members of the public, and all interested parties on the amendments now under consideration. The deadline for submitting written comments is Friday, August 5, 2022. Written comments should reference the docket number above and may be emailed to [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov) or mailed to:

James Hivner, Clerk  
RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)  
100 Supreme Court Building  
401 7th Avenue North  
Nashville, TN 37219-1407

The Clerk shall provide a copy of this Order to LexisNexis and to Thomson Reuters. In addition, this Order shall be posted on the Tennessee Supreme Court's website. It is so ORDERED.

PER CURIAM

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

**MICHAEL WHITE v. MARTIN FRINK, WARDEN**

**Circuit Court for Trousdale County  
No. 2021-CV-4942**

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**No. M2022-00429-CCA-R3-HC**

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**ORDER**

The record in this appeal was filed on June 2, 2022. Currently before the Court is the Appellant's motion to check out the record. Rule of Appellate Procedure 25(c) provides that *pro se* litigants "shall be allowed to remove the record from the appellate clerk's office only upon order of the appellate court." The Appellant is appealing the summary ruling on his habeas corpus petition. The record consists almost entirely of the Appellant's petition, the State's response and the trial court's orders, copies of which the Appellant should already possess. Accordingly, his motion to check out the record is hereby denied at this time. Instead, the Clerk shall forward the Appellant a copy of the table of contents of the record along with a copy of this order. The Court hereby waives the requirement that the Appellant cite to the relevant page numbers of the record in his appellate brief. *See* Tenn. Ct. Crim. App. R. 10(b). The Appellant shall now have thirty days from the date of this order to file his brief.

Judge Robert L. Holloway, Jr.