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FILED
JUN 16 2015
Clerk of the Courts
Rec'd By

RECEIVED
JUN 16 2015
By

June 12, 2015

Hon. James Hivner, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Re: TBLE Petition, Docket No. ADMIN2015-00443

Dear Mr. Hivner:

I am writing on behalf of two individual clients we represent, John J. Krimm, Jr. and Tatjana Stoljarova, respectively, and their sole client employer Bridgestone Americas, Tennessee. In November 2014, Bridgestone Americas announced plans to relocate its national corporate headquarters to downtown Nashville, and to locate here 600 employees many of who are out of state to Tennessee. Relocating a sizable number of employees to Tennessee has logistical challenges. These run the gamut. Lawyers are involved in the group, and are not immune. Nor are those who have already come to our state from successful practices elsewhere.

Not unique to Ms. Stoljarova, Mr. Krimm and Bridgestone, past experience has shown that on occasion, an attorney licensed and in good standing elsewhere who moves to Tennessee and serves exclusively as an in-house attorney for a dedicated client inadvertently may fail to seek timely registration in Tennessee under Tennessee Supreme Court Rule 7, Section 10.01. The Tennessee Board of Law Examiner's (the "TBLE") commitment to educate corporations and in-house attorneys regarding the registration process and to support the proposed changes to the applicable rules for in-house lawyers is appreciated and needed.

The proposed amnesty provision permits discovery of and correction of inadvertent error by in-house lawyers who have failed to previously seek timely regiswtration. It should be adopted. It will allow attorneys to register who may otherwise be barred from doing so if they already have missed the 180-day window of Rule 7, Section 10.01, which is especially important where the error was inadvertent and good faith efforts to address and correct it are present. Absent amnesty, if an attorney has failed timely to register, the Rules do not easily provide a means for the attorney to come into compliance after discovering her or his error. In the past, belated attempts to register have been rejected by the TBLE, the understandable result based upon the harshness of the current language in place. These situations were routinely referred to the Board of Professional Responsibility (the "BPR") - such is a harsh result for the in-house attorney who otherwise met and meets the requirements for obtaining a Tennessee law license. She or he cannot achieve compliance in the eyes of the TBLE or the BPR absent retaking the bar exam in Tennessee even though he or she previously passed the exam in a prior home state.

There are a number of such inadvert attorney license cases currently before the TBLE and the BPR. We urge that the proposed amnesty period be applied to these specific individuals who have previously sought to register, albeit beyond the 180-day period, as well as to individuals who are seeking registration for the first time. We request that future amnesty periods be considered or other means adopted to permit those who have failed to comply, without negative intent or intended purpose to violate any rule, to come into compliance. I submit that the gap so far has not been in a failure to register by intent, but by lack of knowledge or oversight in administratively doing so.

Currently, without a ready mechanism still to come into compliance, an in-house attorney who inadvertently misses the 180-day window is subject to disciplinary action, and a disciplinary record. It is unclear whether they can otherwise obtain a Tennessee law license without sitting again for the Tennessee bar examination. Rule 7, Section 5.01(b) (indicating that comity admissions must be approved "prior to the commencement of law business in Tennessee or employment as a lawyer in Tennessee") can be compared with Formal Ethics Opinion 2012-F-91(c)(concluding that the provisions of Rule 7, Section 5.01 that "prohibit[] a lawyer admitted in another jurisdiction and seeking admission in Tennessee by comity from 'the commencement of law business in Tennessee or employment as a lawyer in Tennessee…' until the application for comity is approved was not intended to prohibit attorneys from providing legal services in Tennessee pursuant to RPC 5.5(d)"). The provisions are not totally in line with one another.

The option of retaking a bar exam is not an insignificant matter to many. The time and expense required to prepare for and sit for the bar examination can completely disrupt needed work, work performance and both economic and family realities. Lives are interrupted, family and individual stress is created, personal, representational and professional uncertainty arises. An unanticipated economic cost is introduced. Jobs in Tennessee for which people have moved to our state to fill and support our business community are placed influx, and have been lost. All of these factors seem disproportionate in result in the context of an in-house attorney, fully licensed and in good standing in another state, who just made an error in complying with our state's registration regulations. Her or his employer remains well suited to assess the lawyer's qualifications and the quality of the lawyer's work for it while she or he rectifies the error. The Official Comments to Rule 5.5(d) provide "The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well suited to assess the lawyer's qualifications and the quality of the lawyer's work."

To permit currently affected in-house attorneys to come within compliance of the Rules and at the same to make the applicable rules more clear, improves the Court's BPR's, and TBLE's respective roles in the administration of our profession in Tennessee. I urge the Court to adopt the proposed amendments and apply them to both currently affected and later attorneys employed in such in-house capacities.

I thank the Court and you for the opportunity to submit these comments.

Respectfully submitted,

Robert E. Boston

REB:ph

May 25, 2015

James Hivner, Clerk
Re: Rule 7, Section 5.03
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

RE: Public Comments Regarding Rule 7, Section 5.03, No. ADMIN2015-00443

Dear Honorable Justices of the Tennessee Supreme Court:

As former Chiefs of Staff of the Army, we write today to offer our support for the proposed rule pending before this Court that would allow attorney spouses of servicemembers to practice law while in Tennessee on military orders. Our collective military careers span 145 years of service to this great Nation, during times of war and peace. Through it all, we have seen the critical role of military spouses in supporting a strong and effective fighting force. We often say that spouses are the foundation of our military. They also serve tirelessly, selflessly, and behind the scenes.

Portable career opportunities for military spouses are a critical element in the willingness of families to continue serving the country, which affects the readiness of our military. Military spouses today are well-educated and actively pursuing careers. Yet military spouses, and attorneys in particular, face significant barriers to employment due to frequent moves that are extremely disruptive to careers. The need to take a new bar examination every two or three years is a significant burden, particularly when the process of applying for, taking, and waiting for the results of a bar exam can last almost a year. As a result, while 85 percent of military spouse attorneys hold an active law license, only 37 percent are actually employed with a job requiring a license. Military spouse attorneys have a 27 percent unemployment rate, and those who are employed suffer from a $33,000 wage gap from their civilian attorney counterparts.

Military families want to fully integrate into their new communities and military spouse attorneys desire to contribute their skills where they are living. Attorney spouses are talented, creative, and hard working. Twelve states already recognize the value of bringing military spouse attorneys into their local legal communities by enacting rules that allow the attorney spouses of servicemembers to practice while accompanying their spouse on orders.[1] These rules have a broad range of support, including the Conference of Chief Justices, the American Bar Association, the U.S. Chamber of Commerce, the Military Officers Association of America, and the White House's Joining Forces initiative.

This state has a tremendous opportunity to demonstrate its strong support of our nation's military and their families. We encourage the Supreme Court to take the lead in promoting this effort.

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[1] As of May 2015, those states are Arizona, Colorado, Idaho, Illinois, Oklahoma, Massachusetts, New York, New Jersey, North Carolina, South Dakota, Texas, and Virginia. The U.S. Virgin Islands also adopted a licensing accommodation for military spouse attorneys.

Adoption of the proposed rule for qualified military spouses recognizes the tremendous sacrifices of our military families and is an appropriate measure of appreciation considering their support for our nation.

Sincerely,

Carl E. Vuono
General USA (Retired)
31st Chief of Staff

Gordon R. Sullivan
General USA (Retired)
32nd Chief of Staff

Dennis J. Reimer
General USA (Retired)
33rd Chief of Staff

Eric K. Shinseki
General USA (Retired)
34th Chief of Staff

George W. Casey, Jr.
General USA (Retired)
36th Chief of Staff

FILED
MAY 22 2015
Clerk of the Courts
Rec'd By _____

ADM2015-00443

State of Tennessee

TWENTIETH JUDICIAL DISTRICT

HAMILTON V. GAYDEN, JR.
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FIRST CIRCUIT COURT
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May 19, 2015

1 PUBLIC SQAURE
502 METROPOLITAN COURTHOUSE
NASHVILLE, TENNESSEE 37201
FAX (615) 880-3318

James Hivner, Clerk
Re: Rule 7, sec. 5.03
100 Supreme Court Bldg
401 7th Ave. N.
Nashville, Tn 37219-1407

To the Honorable members of the Supreme Court,

I am writing in regard to the "Amendment to Petition to Amend Tennessee Supreme Court Rule 7, seeking to add section 5.03 "...to allow for the admission of qualified attorney spouses of active duty servicemen in the United States Uniformed Services while in Tennessee..." After reading the petition and the attachments, and setting aside the fact that I am an Army Veteran and also a member of the American Legion, I I fully support the petition.

I did notice that the wording for the proposed amendment is not gender neutral; perhaps the word "servicemen" could be changed to "active-duty personnel serving in the United States Uniformed..."

Otherwise, should the amendment be granted as it now reads, John Jay Hooker may file another lawsuit (tongue-in-cheek) , based on gender discrimination, i.e., as he did in my court against the former Judicial Performance Commission.

Respectfully,

Hamilton Gayden

Judge Hamilton Gayden

Cheryl G. Rice, President
Beth S. Bates, Vice President
Wendy L. Longmire, Immediate Past President
Linda W. Knight, Treasurer
Ijeoma Ike, Recording Secretary
Kristi Rezabek, Corresponding Secretary
Karol Lahrman, Executive Director

TLAW

Tennessee Lawyers' Association for Women

FILED
MAY 15 2015
Clerk of the Courts
Rec'd By _____

May 12, 2015

The Honorable James Hivner, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Re: Amendment of Tennessee Supreme Court Rule 7;
Docket No. ADMIN2015-00443

Dear Mr. Hivner:

I am writing on behalf of the Tennessee Lawyers' Association for Women ("TLAW") to provide you TLAW's comments concerning the petition to add a new section 5.03 to Tennessee Supreme Court Rule 7, to permit the temporary admission of qualified attorney spouses of active duty servicemembers to practice law in the state of Tennessee.

During TLAW's April 2015 Board meeting, this proposed rule change was presented for review and discussion. Since its formation in 1989, TLAW and its members have been committed to the efficient administration of justice and to achieving the full participation of women lawyers in the rights, privileges and benefits of the legal profession.

TLAW recognizes the sacrifices made by members of our military. TLAW also recognizes that military spouse attorneys face significant disadvantages as a result of their families' service to our country. Because even today most military spouses are women, women are disproportionately impacted by the difficulties associated with continuing to pursue their chosen profession amidst frequent changes in their spouses' duty stations. TLAW supports a rule that assists military spouses in continuing their careers while balancing the legal standards expected by attorneys who practice within this state. The proposed amendment strikes an appropriate balance of maintaining the high standards of our legal community while also assisting military spouse attorneys in pursuing their own careers with minimal disruption to their families. TLAW urges the Court to consider the proposed rule change most favorably.

Sincerely Yours,

Cheryl G. Rice

CGR/ms

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United States District Court
Middle District of Tennessee
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Nashville, TN 37203-3874
E-Mail: joe_b_brown@tnmd.uscourts.gov

Joe B. Brown
United States Magistrate Judge

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FAX: (615) 736-2121

April 14, 2015

ADM2015-00443

FILED
APR 20 2015
Clerk of the Courts
Rec'd By _____

James Hivner, Clerk
Re: Rule 7, Section 5.03
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, Tennessee 37219-1407

Dear Mr. Hivner:

I strongly support the adoption of Section 5.03 to the Tennessee Supreme Court Rule 7 to allow the temporary admission of qualified attorneys who are spouses of active duty service members.

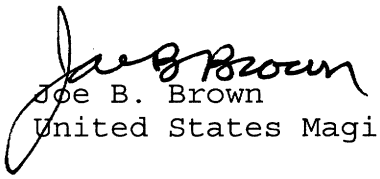
I served on active duty as a Judge Advocate from 1965 until 1971 and continued as a Reserve Judge Advocate Officer until my retirement as a Colonel in the United States Army Reserve. I will have been a practicing attorney for 50 years this July.

This is a much needed change to the rules as it would greatly relieve some of the stress that the spouses of our active duty service members face. Unfortunately, with the increased activities of the military in Iraq and Afghanistan as well as continued deployments to Korea and other locations worldwide, service members are moving far more often than was prevalent in the past. Their spouses will accompany them to a stateside post or remain near their last post during overseas deployment. These spouses need gainful employment. The legal problems facing service members are often unique to the service. Many times it is difficult for them to find attorneys who are experienced with military matters. Spouses of military members who are attorneys are in a unique position to assist in filling this void, and it will allow them to have meaningful employment.

The spouses will be attorneys duly licensed in one or more jurisdictions and fully subject to the discipline of their home state as well as Tennessee should they gain admission under this rule. Given the temporary nature of the exemption, it is not a backdoor approach to allow full admission to practice in Tennessee for an extended period of time.

As a Magistrate Judge in the Middle District of Tennessee, I would have no reservations whatsoever about having a spouse admitted under the proposed rule practicing before me. From my judicial and military experience, I am fully satisfied that they would provide excellent representation. The ability to practice their profession would greatly relieve the stress caused by the military service and deployment of their spouses.

Sincerely,



Joe B. Brown
United States Magistrate Judge

JBB:jmh