James Hivner, Clerk
100 Supreme Court Building
401 7th Ave. North
Nashville, TN 37219-1407

FILED
JUL 31 2015
Clerk of the Courts
Rec'd By_____

Re: Rule 7 Section 5.03
Docket No: Admin201500443

Dear Mr. Hivner:

I am writing to express my support for the proposed revision to Rule 7 of the Supreme Court Rules regarding licensing accommodations for attorney spouses of Servicemenbers. I am a licensed attorney in the state of Tennessee and am also a military spouse.

When I first met my husband four years ago, he had just returned to Fort Campbell from a deployment with the Army Special Forces to Afghanistan. From that point to the present we have had to balance not only multiple deployments, distance, separate homes and finances but also our respective careers. My husband worked extremely hard in his military career. He is a Major with the Fifth Special Forces Group. I also worked extremely hard to make it to this point in my legal career. I attended Washington and Lee University School of Law, graduating in 2005 and returned to Knoxville to practice law. I have been working at Baker Donelson the last four years building the expertise and a client base.

What my husband and I, and all military families affected by the current rule have in common is that we are all adaptable, intelligent and hardworking individuals. By supporting this rule change, the Tennessee legal community can change for the better the life of a military spouse, and by extension, military families. Military spouses sacrifice a lot already to support their partners in this climate of military cuts, multiple tours and terrorist uncertainty. With your support, we can make it so military spouse attorneys will not have to put their careers on hold so that their servicemember can focus on his/her mission.

I know that you have received letters in support that site the statistics relating to why this rule change is needed. Rather than recite again those statistics, this letter is meant to color the effect the current rule (and a proposed change) would have had on my family. When my husband and I got married, we took a wonderful two week honeymoon and then he left for a deployment to Yemen. This was our 4th deployment together as a couple. While he was gone, I continued to work in Knoxville as I had done while we were dating. We knew when he returned there would be a lot of transition. My husband was a Captain at the time and pinned Major. He had been in the military since college and had planned make it a 20+ year career (for among other reasons, retirement benefits). His career path placed Command General Staff College as his next stop. This school would require a move from Tennessee to Kansas. Kansas, like Tennessee, does not allow military spouses to waive in to practice. For me, that meant moving to a far away state where neither of us have any family for a two year period and being unable to work as an attorney until I took the Kansas bar (which is only offered two times a year). Of course we didn't find out or assignment to Kansas in time for me to study and take the summer bar, so I would have had to wait until February and not had results until spring. This would have put licensed work almost a year after we would have moved.

After many, many long and heartfelt discussions, we made the decision to stay in Tennessee, have my husband resign from active duty and join the Army Reserves. I can't say we made this decision solely because of the effect it would have on my career and our family but I can say it was a significant point of discussion, a point of discussion that should be eliminated. Our forces are losing stars like my husband because of things like Rule 7.

The proposed Rule 7 represents a common sense accommodation for military spouse attorneys, allowing a three year temporary admission for a qualified attorney married to an active duty service member. These attorneys would have to have passed at least one bar exam, be in good standing with no disciplinary history in all jurisdictions where he/she is admitted and to have the moral fitness require of Tennessee attorneys.

I do not see a downside to passing proposed Rule 7. I do not believe any attorney military spouse looks forward to base reassignments and job transition. I know this to be a fact for attorneys in private practice who have spent time and energy building a client base only to have to leave those clients for to support the military spouse's career.

I urge you to support and pass proposed Rule 7.

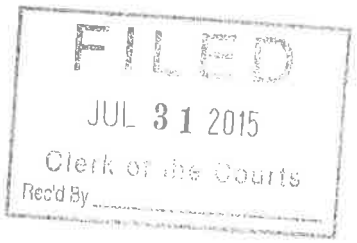
Very Truly Yours,

Meghan H. Morgan

Meghan H. Morgan

July 31, 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:

Since submitting our petition seeking a rule change allowing qualified military spouses temporary admission into the practice of law in the State of Tennessee, we have received overwhelming support for this proposal from women lawyer groups, veterans, legislators, bar associations, and judges.

However, a commenting attorney has suggested military spouses should be admitted to practice with a supervision requirement. Apparently the military spouse attorney would have to get a licensed attorney in the state to agree to sign their pleadings and appear with them in court. We feel adding a supervision requirement is impractical, unnecessary, and would effectively counter the purposes of the proposed rule.

A requirement that the military spouses be "supervised" by regularly licensed attorneys would create numerous administrative and ethical difficulties. For example, a supervision requirement would create ambiguity for the client as to the identity of her lawyer. It would create potential conflict issues, as the supervising attorney would presumably be precluded from representing a party adverse to the client. This would create a significant disincentive to the supervising attorney to assume the supervisory role.

Further, the supervisor requirement would almost guarantee higher fees charged to the client since a supervisor attorney would be unlikely to provide supervision to a military spouse without remuneration, particularly if the representation required court appearances in counties outside where the supervisor typically practices. And requiring the military spouse attorney to identify qualified attorneys to serve in the supervisor role in the locality where she is practicing (or where an action is pending) places an unnecessary burden on her, particularly when, as a recent transplant to our state, she lacks an extensive network of attorneys she can call on.

The military spouse attorneys who will benefit from this temporary admission graduated from accredited law schools, successfully passed the bar in other jurisdictions, and met the ethical requirements for practice in Tennessee. In some cases, they will have practiced for several years already and have been licensed in several other jurisdictions. They are subject to discipline in this state, as well as the other jurisdictions in which they are admitted to practice.

Our state does not require supervision of attorneys admitted by reciprocity or in-house counsel, much less brand new admittees to the bar who have, in all likelihood, never appeared in court. So we hope that the Court will not single out the military spouse attorneys by adding the onerous and unnecessary requirement of supervision.

Further we strongly feel that the temporary licensing period should be for three years rather than any shorter limit. Annual reapplication would result in a further burden on the military spouse in addition to unnecessary administrative work for any licensing authority.

The Tennessee Bar Association suggests the court should adopt a one-year period based on the fact that three states have adopted this length. That position fails to note that five states have permanent periods, two have two-year and three have periods that can end conditionally. We chose a three-year period since most duty assignments are two to three years in length. If the court should chose to implement a shorter period, we ask that it provide clear guidance on time frames for when to request a renewal and mandate a required response time for such a request.

The bottom line is that Tennessee should provide our dedicated military spouses with the longest time period and simplest licensing procedure possible.

Lastly, we note that the petitioner, Josie Beets, and her family relocated to her husband's new duty station in Virginia in July after three years in Tennessee without having had the privilege of practicing law here; and, the petitioner, Johanna Thibault's husband recently deployed to the Middle East for six months and she is not licensed to practice law in his absence to help support their family.

Tennessee has yet another opportunity here to demonstrate its strong support of our nation's military and their families. We encourage the Tennessee Supreme Court to take the lead in promoting this effort. Adoption of the proposed rule currently pending before the Tennessee Supreme Court Rule allowing admission for military spouses recognizes the tremendous sacrifices of our military families

and is an appropriate measure of appreciation considering their support for our nation.

Respectfully,

/s/ with permission
Josie E. Beets (Military Spouse)

/s/ with permission
Martha L. Boyd (U.S. Army, 1990-96; U.S. Army Reserves 1996-2005)

/s/ with permission
Robert Echols (U.S. Army and Army National Guard, 1966-2001, BG ret.),

/s/ with permission
Charles K. Grant
(U.S. Air Force, 1986-1988)

/s/ with permission
James E. Mackler (U.S. Army 2003-2011;
U.S. Army Reserve 2011-2013; 2013-present)

/s/ with permission
George C. Paine II (U.S. Army, 1968-1970)

/s/ with permission
Kathleen Pohlid (Colonel, U.S. Marines, Retired)

/s/ with permission
Johanna R. Thibault (Military Spouse)

/s/ with permission
Robert D. Tuke (U.S. Marines, 1969-1973)

FILED
JUL 30 2015
Clerk of the Courts
Rec'd By _____

July 22, 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 a lifelong Tennessean and military spouse attorney, I write you today concerning the proposed rule pending before this court that would allow attorney spouses of servicemembers to practice while in Tennessee pursuant to orders. Since graduating from law school I have experienced the difficulties this proposal addresses; I passed two bar exams, moved twice in three years, and been underemployed because of my husband's military career. The proposed rule can relieve the burden other military spouse attorneys who find themselves in similar situations while stationed in Tennessee.

In 2010 after my husband's second deployment, we made the decision that it was feasible for me attend law school. We knew that to achieve my career choice would require that we live apart for several years. My husband received orders to Fort Campbell, and I moved halfway across the county to start law school in Knoxville at the University of Tennessee College of Law. When I graduated in December of 2012 my husband was in Afghanistan on his third deployment, and we were waiting for orders moving us to a new assignment. Without orders for our next assignment location, I took the 2012 February Tennessee bar examination knowing we would move. Before the Tennessee results were posted we were preparing to be stationed in Georgia. A few weeks before I was to sit for the July 2013 Georgia bar examination, my husband was finally given orders to Oklahoma. Several thousand dollars later, I had two state bar licenses that did not allow me to practice while I was in Oklahoma.

As active duty military spouses we move often, and finding jobs is difficult enough on top of trying to determine if we need to sit for another bar examination. Sometimes we are forced to take lower paying jobs because it is not feasible for us to sit for an additional bar exam before we change duty stations.

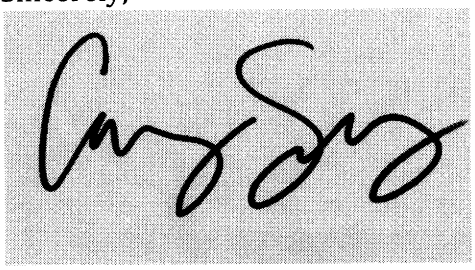
My husband and I were lucky that our finances did not force me to stay in Tennessee to work. Knowing we would not be in Oklahoma longer than two years my husband supported my decision not to sit for a third bar examination in twelve months. Instead of working in a low paying research position, I volunteered with the Fort Sill Trial Defense Services. I worked over twelve hundred pro bono hours, and it was

the best opportunity for me to advance my career in my chosen legal field. Despite the challenges I have faced in progressing my career, we were lucky to have the financial stability to make these choices.

In December 2014, Oklahoma adopted a military spouse rule two years after the initial proposal. I am proud of Oklahoma for adopting the most supportive rule I have seen when they included a waiver of application fees, but their delay impacted my ability to practice and at least three other military spouse lawyers that I am aware of.

I hope that this Honorable Court will help ease the burden of military spouses whom have much to offer to our profession. The sacrifices that military families have made and continue to make show that any military spouse attorney admitted under this rule would give their all to the Tennessee legal community.

Sincerely,



Carly Summers-O'Rourke
Bar No. 031692 (TN)
Bar No. 518623 (GA)

George C. Paine II
3702 Whitland Ave.
Nashville TN 37205

FILED
JUL 30 2015
Clerk of the Courts
Rec'd By

July 30, 2015

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

Re: Amendment to Rule 7, Military Attorney Spouses, No. ADMIN201500443

Dear Members of the Court:

On April 6, 2015, eight attorneys and I filed a petition to amend the Supreme Court Rules to allow for temporary licensing of military attorney spouses who are stationed in Tennessee while serving in the armed forces.

Attached to our petition was Exhibit E that listed some forty-two Nashville attorneys and judges who support our position. Since that time others have joined this effort and I've appended the current list that shows total seventy-five attorneys and judges.

Many thanks for your consideration of our request. With best personal wishes, I am

Yours very truly

George C. Paine II

Nashville Veterans Supporting the MSJD Network Proposal
Updated

1. Lawrence R. Ahern III
2. C. Dale Allen
3. Russell S. Baldwin
4. H. Lee Barfield
5. Nicholas R. Barry
6. Mark A. Baugh
7. James F. Blackstock
8. Joseph M. Boyd Jr.
9. Martha L. Boyd
10. Hon. Robert S. Brandt
11. W. D. (David) Broemel
12. Hon. Joe B. Brown
13. Robert N. Buchanan III
14. Jack Byrd
15. William L. Campbell Jr
16. Brett R. Carter
17. John P. Cauley
18. Prof. Donald (Don) Cochran
19. Erin Coleman
20. Hon. Lew Conner

21. C. Hayes Cooney
22. Donald E. Dawson
23. Kevin M. Doherty
24. James M. Doran Jr.
25. James H. (Jay) Drescher
26. Hon. Frank F. Drowota
27. Hon. Daniel B. Eisenstein
28. Kenneth P. (Pete) Ezzell Jr.
29. Michael D. Galligan
30. John E. Gillmor
31. Frank Grace Jr.
32. Hon. Hamilton V. (Kip) Gayden
33. James C. Gooch
34. Charles K. Grant
35. John A. Gupton III
36. James A. Haltom
37. James H. Harris III
38. Lawrence H. Hart
39. H. Wynne James
40. Chanelle A. Johnson
41. Richard H. (Dick) Knight Jr.
42. Kenneth H. King Jr.

43. Randall L. (Randy) Kinnard

44. Tracey A. Kinslow

45. John D. Kitch

46. Hon. Walter C. Kurtz

47. Rebecca Lyford

48. James E. Mackler

49. Henry A. Martin

50. Joseph L. (Jack) May

51. Roger T. May

52. Alan D. Mazer

53. Joe Napiltonia

54. Everett Scott Neely

55. Prof. Michael A. Newton

56. Hon. Seth W. Norman

57. William L. (Bill) Norton III

58. Hon. George C Paine II

59. Robert E. Parker

60. Robert A. Peal

61. Kathleen G. (Kathy) Pohlid

62. Fritz Richter III

63. John S. Seehorn

64. Hon. Kevin H. Sharp

65. Keith B. Simmons

66. Bradford Telfeyan

67. Bob F. Thompson

68. Clark H. Tidwell

69. Charles A. Trost

70. Robert D. (Bob) Tuke

71. Warren H. Wild Jr.

72. Kurtis J. Winstead

73. Hon. Thomas A. Wiseman

74. Hon. Randall Wyatt

75. Vincent P. Wyatt

FILED
JUL 30 2015
Clerk of the Courts
Rec'd By

JUL 30 2015

July 28, 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:

I am Lieutenant Colonel Wanda Bruce Graham, U.S. Army Retired Personnel and Administrative Officer. I write you today concerning the proposed rule pending before this court that would allow attorney spouses of servicemembers temporary admission to practice law while in Tennessee pursuant to orders. This issue is personal to me because of my 25 years of military service as a Chief Personnel Officer seeing first-hand the challenges that professional military spouses encountered. When the military member was required to move via a permanent change of station (PCS), the spouse had to accompany the military member unless they were deployed to a hostile military environment. Professional military spouses such as lawyers had greater career challenges with every move. Adoption of Rule 7 will change this for these military family members who along-side our active duty troops give their all to this great nation of ours. Help them maintain their professional careers as they are a viable part of the military family.

As noted in the petition, military families move often and those moves make building a legal career difficult. Lawyers married to servicemembers face significant barriers to employment due to these frequent moves. The need to take a new bar examination every two or three years is extremely disruptive to careers, particularly when the process of applying for, taking, and waiting for the results of a bar exam can last almost a year. The unemployment statics provided in the petition illustrate the detrimental affect the military lifestyle can have on the spouses' legal careers.

Adoption of Rule 7 as proposed by the petitioners recognizes the tremendous sacrifices made by our military families and is an appropriate measure of appreciation considering their support for our nation. Because this issue is personal to me, I support this petition and the rule change as proposed. I would like to encourage the Tennessee Supreme Court to take the lead in demonstrating Tennessee's strong support of our nation's military and their families. Please join me in supporting our military families.

Sincerely yours,

Wanda Bruce Graham
Lieutenant Colonel, U.S. Army (Retired)
414 Enclave Court
Brentwood, TN 37027-7893

E-mail: wandagraham@comcast.net
Cell: 615-491-7380

MOAA
Military Officers Association of America

VADM Norbert R. Ryan, Jr. USN (Ret)
President

FILED
JUL 30 2015
Clerk of the Courts
Rec'd By

July 24, 2015

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

Dear Honorable Justices of the Tennessee Supreme Court:

On behalf of the 390,000 members of the Military Officers Association of America (MOAA), I am writing you today concerning the proposed Rule 7, Section 5.03, No. ADMIN2015-00443, pending before this court that would allow attorney spouses of servicemembers to practice while in Tennessee pursuant to orders. I urge this Court to advance this rule as it provides an appropriate balance between Tennessee's interest in maintaining the highest professional standards for lawyers and the important public policy interest in supporting Tennessee's military families.

MOAA commissioned a report in 2014 regarding military spouse employment. What we found was that the employment picture for military spouses is grim. Military families move often – 79 percent of military families have moved in the past five years. 50 percent have moved twice in the same time span.[1] Frequent moves make building a career difficult; military spouses have a 26 percent unemployment rate, and a 90 percent underemployment rate (meaning they possess more formal education and experience than is needed at their position).[1]

Lawyers married to service members face significant barriers to employment due to these frequent moves among duty stations. The need to take a new bar examination every two or three years is extremely disruptive to careers, 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 have a job requiring such a license.[2] Military spouse attorneys have a 27 percent unemployment rate,[2] and suffer from a $33,000 wage gap from their civilian attorney counterparts.[1]

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[1] Military Officers Association of America & Institute for Veterans and Military Families, Military Spouse Employment Report (February 2014) available at http://vets.syr.edu/research/research-highlights/milspouse-survey/.

[2] Military Spouse JD Network, 2014 Member Survey Report of Findings (May 2015), available at http://www.msjdn.org/wp-content/uploads/2012/12/2015-MSJDN-Survey-Report.pdf.

201 N. Washington Street
Alexandria, VA 22314-2539
800.234.6622 phone
www.moaa.org

In recognition of the unique challenges facing military spouse attorneys, the Military Spouse JD Network has fought nationwide, with the support of MOAA, for licensing accommodations for attorney spouses of servicemembers. Twelve states and the U.S. Virgin Islands have already enacted a rule that allows the attorney spouses of servicemembers to practice while accompanying their spouse on orders.

Tennessee has the opportunity to demonstrate its strong support of our nation's military and their families. We encourage you to take the lead in promoting this effort. Adoption of the proposed rule recognizes the tremendous sacrifices of our military families and is an appropriate measure of appreciation considering their support for our nation. We hope you will join us in supporting our military families.

Sincerely, + Best Regards!

Fed Ex 7-27-15

FILED
JUL 28 2015
Clerk of the Courts
Rec'd By

July 26, 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 member of the Military Spouse JD Network and practicing attorney myself, I write you today concerning the proposed rule pending before this court that would allow attorney spouses of servicemembers to practice while in Tennessee pursuant to orders.

My interest in this rule change is a personal one. I have experienced first-hand the challenges and obstacles that are mentioned in the petition. I arrived in Tennessee almost exactly a year ago, newly married and ready to continue my public interest legal career. However, my first year of marriage coincided with my first year of unemployment.

When I received a job interview, I was bombarded with questions about how long I would be able to remain at the job, why I was seeking a job as a paralegal, and why I was choosing not to take the Tennessee Bar Exam. I had not anticipated my husband's military service to essentially inhibit my own legal employment. As my husband serves his country, I also hope to serve those in need. I love my husband and his service to the country. I am asking the Tennessee Supreme Court to support our family's service, much as they already support my husband's service.

Please consider adopting the proposed rule allowing military attorney spouses a temporary license to practice law while stationed in Tennessee. In recognition of the unique challenges facing military spouse attorneys, twelve states have already enacted a rule that allows the attorney spouses of servicemembers to practice while accompanying their spouse on orders. 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. The military has a sizable presence in the state of Tennessee, and adopting this new rule would remove one of the many barriers military spouses already have on their legal careers.

Sincerely,

Sarah Ford

Sarah Ford

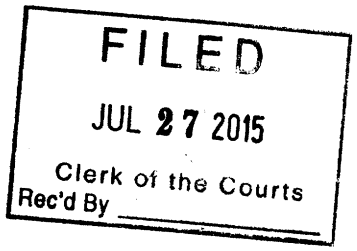
BELMONT UNIVERSITY

1900 Belmont Boulevard
Nashville, TN 37212-3757

phone 615-460-8400
fax 615-460-6004

July 22, 2015

James Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, Tennessee 37219-1407



Subject: Rule 7, Section 5.03; docket number ADMIN201500443

Dear Justices:

It is my privilege to write in support of Section 5.03, "Temporary Admission for Attorney Spouses of Servicemembers," which has been proposed as an addition to Tennessee Supreme Court Rule 7. As a former servicemember and a Tennessee attorney I recommend that this proposal be adopted.

For the last fourteen years the weight of fighting two wars has fallen largely on a small subsection of the American population – our severicemembers. Because a significant percentage of servicemembers today have families, these families have paid a significant price for protecting our freedom. For those families that include a spouse who practices law there is an additional cost. Each time the servicemember spouse is transferred to different state the family faces a difficult choice. In states other than the twelve that have rules or policies similar to the proposed rule at issue here, the military family must either: (1) relocate together as a family to a jurisdiction where the attorney spouse is not authorized to practice law, significantly affecting the family's income, (2) separate the family with the attorney spouse remaining behind so that he or she can continue to practice law, or (3) leave the military altogether. The proposed rule would avoid this unnecessary dilemma with a common sense solution – a temporary license for a military spouse to practice law in Tennessee under the conditions outlined in the rule. These conditions include admission to practice in another U.S. jurisdiction, moral character and fitness equivalent to other Tennessee applicants, membership in good standing everywhere the spouse is licensed, and timely termination of the temporary license in three years or in the event that the conditions justifying it cease to exist.

Thank you for your service to the citizens of the State of Tennessee as members of this Court and for your consideration of this common sense solution on behalf of our servicemembers and their families.

Sincerely,

Alberto R. Gonzales
Dean and Doyle Rogers Distinguished Professor of Law

BELMONT UNIVERSITY

1900 Belmont Boulevard
Nashville, TN 37212-3757

phone 615-460-8400
fax 615-460-6004

July 21, 2015

FILED
JUL 27 2015
Clerk of the Courts
Rec'd By _____

James Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, Tennessee 37219-1407

Subject: Rule 7, Section 5.03; docket number ADMIN201500443

Dear Justices:

It is my privilege to write in support of Section 5.03, "Temporary Admission for Attorney Spouses of Servicemembers," which has been proposed as an addition to Tennessee Supreme Court Rule 7. As a former servicemember, the spouse of a former servicemember, and a Tennessee attorney I feel strongly that this proposal should be adopted – it is the right thing to do.

For the last fourteen years the weight of fighting two wars has fallen largely on a small subsection of the American population – our servicemembers. Because a significant percentage of servicemembers today have families, these families have paid a significant price for protecting our freedom. For those families that include a spouse who practices law there is an additional cost. Each time the servicemember spouse is transferred to a different state the family faces a difficult choice. In states other than the twelve that have rules or policies similar to the proposed rule at issue here, the military family must either: (1) relocate together as a family to a jurisdiction where the attorney spouse is not authorized to practice law, significantly affecting the family's income, (2) separate the family with the attorney spouse remaining behind so that he or she can continue to practice law, or (3) leave the military altogether. The proposed rule would avoid this untenable and unnecessary dilemma with a common sense solution – a temporary license for a military spouse to practice law in Tennessee under the conditions outlined in the rule. These conditions, including admission to practice in another U.S. jurisdiction, moral character and fitness equivalent to other Tennessee applicants, membership in good standing everywhere the spouse is licensed, and timely termination of the temporary license in three years or in the event that the conditions justifying it cease to exist, strike the right balance and passage of this rule is the least that we can do as Tennesseans to support our military families.

Thank you for your service to the citizens of the State of Tennessee as members of this Court and for your consideration of this common sense solution on behalf of our servicemembers and their families.

Sincerely yours,

Donald Q. Cochran
Associate Professor of Law
Belmont University College of Law

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FILED
JUL 27 2015
Clerk of the Courts
Rec'd By

July 23, 2015

James Hivner, Clerk
Tennessee Supreme Court
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407

Re: **Comments Regarding Rule 7, Section 5.03,**
No. ADMIN2015-00443

Dear Honorable Justices of the Tennessee Supreme Court:

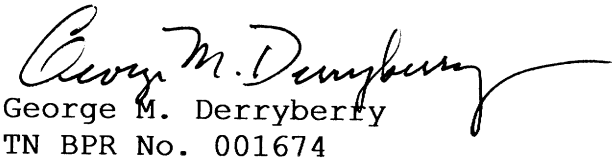
Before attending the University of Tennessee School of Law on the GI Bill, I served on active duty as an artillery officer in the Second Marine Division. I later served in the early seventies as Executive Officer of Mike Battery in Chattanooga.

As a licensed Tennessee attorney and a Marine veteran, I write concerning the Court's proposed rule that would allow attorney spouses of service members temporary admission to practice law while in Tennessee. I personally know local veterans who also are attorneys, and whose attorney spouses have experienced significant barriers to gainful employment because of the frequent moves experienced in military service. The need to take a new bar examination every two to three years is extremely disruptive, particularly as the process of applying for, taking, and awaiting the results of a bar exam can last almost one year. The unemployment statistics provided in support of the rule change petition demonstrate the harm that an honorable military lifestyle can have on the spouses' legal careers.

The Court's adoption of Rule 7 as proposed would recognize the sacrifices made by our military families, but also would remove an unnecessary and inappropriate barrier for spouses of military members

with no potential for adverse effect on the integrity of the Tennessee judicial system or its practitioners. I firmly support this petition and the proposed rule change, and respectfully urge its approval and adoption by the Tennessee Supreme Court.

Sincerely,



George M. Derryberry
TN BPR No. 001674
Formerly 087762/0802 USMC

Nashville School of Law

4013 ARMORY OAKS DRIVE
NASHVILLE, TENNESSEE 37204

615/256-3684
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FILED
JUL 27 2015
Clerk of the Courts
Rec'd By _____

July 23, 2015

ADM2015-00443

James M. Hivner, Esq.
Appellate Court Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, Tennessee 37219-1407

Re: Tenn. Sup. Ct. R. 7, § 5.03

Dear Mr. Hivner:

This letter is in response to the Tennessee Supreme Court's April 13, 2015 order inviting comments regarding the proposed revision to Tenn. Sup. Ct. R. 7 that would add a new Section 5.03 pertaining to the temporary admission to the practice of law in Tennessee of otherwise qualified attorney spouses of active duty members of the armed forces of the United States. I join the many distinguished members of the bench and bar who support the petition to adopt Section 5.03.

Service in the armed forces entails great personal sacrifice, not only by the persons who are serving but also by their families. In addition to the burden of being placed in harm's way, active duty servicemembers and their families must cope with the lack of a stable home caused by frequent deployments and assignments to bases throughout the United States and the world.

These assignments and the possibility of reassignment take a particular toll on spouses with law degrees who desire to practice law because of the requirement that attorneys must be admitted to the bar in the jurisdictions where they practice. When active duty servicemembers are transferred, their attorney spouses are often faced with the Hobson's choice of either accompanying their spouse and giving up their practice or continuing their practice and not accompanying their spouse. The purpose of Section 5.03 is to provide a reasonable, third alternative enabling an attorney spouse of an active duty servicemember who is transferred to a post in Tennessee to obtain a temporary Tennessee law license while his or her spouse is posted in Tennessee.

I am confident that the Court will be able to satisfy itself that the proposed rule, either as presented or as revised by the Court, will (1) assure that persons seeking a temporary Tennessee law license are appropriately prepared to practice law, (2) provide that these persons are fully subject to the jurisdiction of the Tennessee Board of Professional Responsibility, and (3) require persons receiving temporary law licenses to pay fees and privilege taxes commensurate with those paid by other lawyers practicing in Tennessee.

In closing, permit me to make a final observation regrading the qualifications for temporary licensure in Exhibit A of the amendment to the petition filed on April 6, 2015. Proposed Section 5.03(a)(i) requires that the applicant

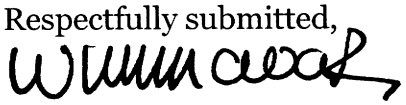
> has been admitted, after examination, as an attorney of another state, commonwealth, or territory of the United States *with educational qualifications for admission to the bar equivalent to those of this State*. [emphasis added]

By virtue of Tenn. Sup. Ct. R. 7, § 2.01(b), applicants who have graduated from a law school approved by the Tennessee Board of Law Examiners are eligible to take the Tennessee bar examination. The Tennessee Board of Law Examiners has approved the Nashville School of Law under Tenn. Sup. Ct. R. 7, § 2.01(b), but, at least to my knowledge, has not approved any non-ABA accredited law school located in another state.

The educational requirements in other states do not necessarily contain a provision similar to Section 2.01(b). Thus, as currently drafted, proposed Section 5.03(a)(i) does not clearly address the eligibility for temporary licensure of persons who have passed another state's bar examination after graduating from a non-ABA accredited school that has not been approved by the Tennessee Board of Law Examiners. I suggest that this ambiguity can best be resolved by allowing spouses of active duty servicemembers who have "been admitted, after examination, as an attorney of another state, commonwealth, or territory of the United States" to obtain a temporary law license in Tennessee.

Please convey to the members of the Court my thanks for considering these comments and for their careful stewardship of the practice of law in Tennessee.

Respectfully submitted,



William C. Koch, Jr.

Harlan Dodson
Paul S. Parker
Margaret L. Behm
Donald Capparella
Tracy D. Kane
Tyler Chance Yarbro
Jason Gichner
Jillian Mastroianni
Elizabeth Sitgreaves

DODSON PARKER
BEHM & CAPPARELLA PC

Of Counsel
Michael B. Bressman
Cynthia C. Chappell
Candi Henry

Harlan Dodson Jr.
(1916-1986)

July 20, 2015

RECEIVED
JUL 22 2015
By

FILED
JUL 22 2015
Clerk of the Courts
Rec'd By

Mr. James Hivner, Clerk
Re: TBLE Petition
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Re: Rule 7 Section 5.03, ADMIN2015443, Military Spouse Admission to Practice

Dear Justices of the Tennessee Supreme Court:

I write in support of the proposal for temporary admission to the practice of law of military attorney spouses who are in the state of Tennessee pursuant to military orders of the service member spouse.

Military spouses face a unique burden because of the frequency in which military families are required to move. Given the reality of military service, the vast majority of those affected are women. The residency and other requirements for entry to the bar make it difficult for military spouses to practice law and negatively impact their careers.

This unintentional barrier against military spouses practicing in Tennessee can be removed by the Court's approval of this common sense proposal, which includes appropriate qualifications and processes by which the license is terminated or extended. The proposal also demonstrates our state's support of our military and is good public policy.

Sincerely,

MARGARET L. BEHM

JIM COOPER
5TH DISTRICT, TENNESSEE
COMMITTEES:
ARMED SERVICES
OVERSIGHT AND
GOVERNMENT REFORM
WEB SITE: www.cooper.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

PLEASE MAIL TO NASHVILLE OFFICE:
605 CHURCH STREET
NASHVILLE, TN 37219-2314
(615) 736-5295
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FAX: (202) 226-1035

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

June 9, 2015

James Hivner, Clerk
Re: Rule 7 section 5.03, Docket No. ADMIN201500443
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Dear Justices of the Tennessee Supreme Court:

I recently learned that Ms. Josie Beets, on behalf of the Military Spouse JD Network, has petitioned the Court requesting temporary admission to the practice of law for qualified military attorney spouses. As an attorney and member of the House Armed Services Committee, I am writing in support of this petition and urge its full consideration.

This rule proposal makes sense. If implemented, Tennessee will join the twelve other states that allow the temporary licensing of qualified military spouse attorneys. Our country has taken numerous measures to ensure a high quality of life for our military families. This rule will further our efforts by allowing military spouses to better support their families, continue their own career development, and establish an employment record that will make them more employable in future relocations.

This proposed rule change has the potential to enhance servicemember retention and keep our armed forces number one. Because military families move frequently, attorney spouses have difficulty attaining the five years of practice required to waive into Tennessee's bar without examination. Allowing licensed military spouse attorneys to waive the five-year practice requirement will alleviate the burden of relocation. The exception provides a broader range of employment options for qualified spouses, which can be a critical factor in a servicemember's determination as to whether to continue service.

I strongly support the proposed rule change and believe that it will be beneficial to military families and Tennessee's legal community. Thank you for your consideration.

Respectfully,

Jim Cooper

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

waller

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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.
JUDGE
FIRST CIRCUIT COURT
hamiltongayden@jis.nashville.org
(615) 862-5901

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

P. O. Box 331214 Nashville, Tennessee 37203 www.tlaw.org

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

Joe B. Brown
United States Magistrate Judge

Office: (615) 736-2119
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.

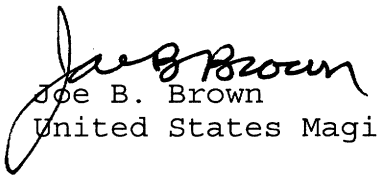
I served on active duty as a Judge Advocate from 1965 until 1971 and continued as a Reserve Judge Advocate Officer until my retirement as a Colonel in the United States Army Reserve. I will have been a practicing attorney for 50 years this July.

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