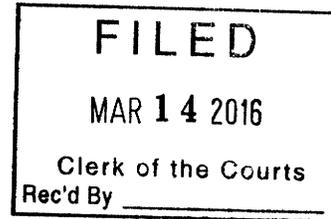


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



**IN RE: PROPOSED AMENDMENT TO TENNESSEE SUPREME
COURT RULE 9, SECTION 22**

No. ADM 2016-00202

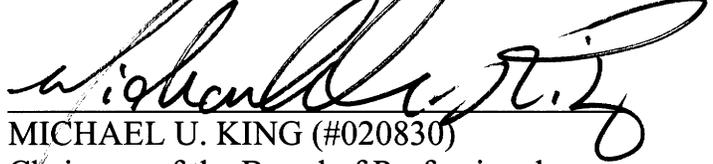
**COMMENT OF THE BOARD OF PROFESSIONAL RESPONSIBILITY
TO PROPOSED AMENDMENT TO TENNESSEE SUPREME COURT
RULE 9, SECTION 22**

Comes now the Board of Professional Responsibility (the Board), pursuant to Order filed February 1, 2016, and submits the following comment to In re: Proposed Amendment to Tenn. Sup. Ct. R. 9, Section 22.

1. The Board supports the proposed amendment to Tenn. Sup. Ct. R. 9, § 22 clarifying that attorneys receiving judicial diversion may be subject to disciplinary proceedings pursuant to Tenn. Sup. Ct. R. 9.
2. Tenn. Sup. Ct. R. 9 § 22.3 provides for the immediate summary suspension of an attorney who has entered a plea of nolo contendere or a plea of guilty or has been found guilty of a serious crime. For clarity, the Board suggests additional language be included in proposed Section 22.7 expressly providing that attorneys receiving judicial diversion are not subject to immediate summary suspension.

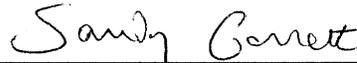
Accordingly, the Board respectfully proposes Tenn. Sup. Ct. R. 9 § 22.7 be modified as reflected in Attachment A.

RESPECTFULLY SUBMITTED,



MICHAEL U. KING (#020830)
Chairman of the Board of Professional
Responsibility of the Supreme Court of
Tennessee

King and Thompson, Attorneys at Law
12880 Paris Street
P.O. Box 667
Huntingdon, TN 38344-0667
Tel: 731-986-2266

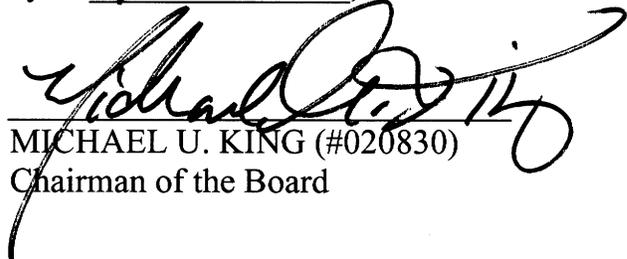


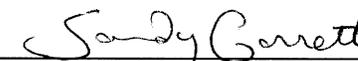
SANDY GARRETT (#013863)
Chief Disciplinary Counsel of the Board of
Professional Responsibility of the Supreme
Court of Tennessee

10 Cadillac Drive, Suite 220
Brentwood, TN 37027
Tel: 615-361-7500

Certificate of Service

I certify that the foregoing has been mailed to Allan F. Ramsaur, Esq., Executive Director, Tennessee Bar Association, 221 4th Avenue North, Suite 400, Nashville, Tennessee by U.S. mail, on this the 11 day of March, 2016.

By: 
MICHAEL U. KING (#020830)
Chairman of the Board

By: 
SANDY L. GARRETT (#013863)
Chief Disciplinary Counsel

Attachment A

22.7 Judicial diversion pursuant to Tenn. Code Ann. § 40-35-313, including dismissal and discharge of the criminal proceedings and expungement from the official records pursuant to Tenn. Code Ann. § 40-35-313(b), shall not foreclose the initiation, investigation or prosecution of disciplinary action on the basis of the conduct constituting the diverted criminal offense(s). An attorney receiving judicial diversion shall not be subject to Immediate Summary Suspension pursuant to Section 22.3(a). The Board shall evaluate the facts and circumstances of each such case and proceed pursuant to Section 15 of this Rule.