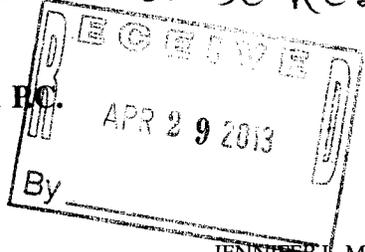


M2013-980-SC-RL2-RL

LAW OFFICES
BALLIN, BALLIN & FISHMAN, PC.
200 JEFFERSON AVENUE
SUITE 1250
MEMPHIS, TENNESSEE 38103-2007
TELEPHONE (901) 525-6278
FACSIMILE (901) 525-6294



MARVIN E. BALLIN
LESLIE I. BALLIN
RANDALL J. FISHMAN
C. BARRY WARD
GRAY W. BARTLETT
BLAKE D. BALLIN
RICHARD S. TOWNLEY
SAMUEL M. FARGOTSTEIN
BENJAMIN D. KATZ

JENNIFER L. MILLER
PARALEGAL
B. JUNE YOUNG
PARALEGAL

BRANDY JACKSON
OFFICE ADMINISTRATOR

April 25, 2013

Michael W. Catalano, Clerk
Tennessee Supreme Court
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

Re: Tennessee Supreme Court Rule 25

To the Justices of the Tennessee Supreme Court:

I have reviewed the proposed amendment to Tennessee Supreme Court Rule 25 and wish to make the following comment.

Section 16 of the Rule regards subrogation. Section 6, Duties and Responsibilities of the Board, grants the Board authority to retain and compensate consultants, actuaries, agents, legal counsel, and other persons as necessary. Therefore, it is my thought that Section 16 regarding subrogation, should include the right to subrogate, not only for the reimbursement payment made, but also for any expenses incurred pursuant to Section 6, such that the Board may likewise recover any fees and expenses it incurred on behalf of the claimant.

Thank you for allowing the Bar to comment. I remain,

Very Truly Yours,

RANDALL J. FISHMAN

RJF/tp

THE WRAY LAW FIRM

Mediation Services • Civil Litigation
www.thewraylawfirm.com

William T. Wray, Jr.
Attorney / Mediator
wmwray@earthlink.net

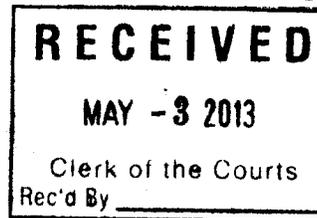
Susan Elliott Hurst
Paralegal
shurst1@earthlink.net

May 1, 2013

In Re: Proposed Amendment to Tennessee Supreme Court Rule 25

Michael W. Catalano, Clerk
Re: Tenn. Sup. Ct. R. 25
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

M2013-00980-SC-RL2-RL



Dear Mr. Catalano:

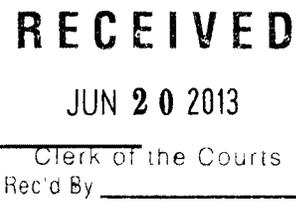
I have an objection to the proposed changes to Tennessee Supreme Court Rule 25.

I object to the deletion of the words "at least a portion of" in Section 1.02 of the Rule.

Very truly yours,

William T. Wray, Jr.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: PROPOSED AMENDMENT)
TO SUPREME COURT) No. M2013-00980-SC-RL2-RL
RULE 25)

BOARD OF PROFESSIONAL RESPONSIBILITY
COMMENTS TO PROPOSED AMENDMENTS TO
TENN. SUP. CT. R. 25

The Board of Professional Responsibility of the Supreme Court of Tennessee (“Board”), pursuant to this Court’s Order filed April 24, 2013, respectfully submits the following comment to proposed Tenn. Sup. Ct. R. 25 § 1.03.

1.03. As used in these rules, “dishonest ~~conduct~~” means the misappropriation or willful misapplication of a person’s money, securities or other property, refusal to refund unearned fees, or borrowing money from a client with no intent or ability to repay.¹

¹ Red font indicates the Board’s most recent proposed changes. Blue and gray fonts indicate prior changes to the proposed Rule.

Board of Professional Responsibility's Comment: The Board respectfully suggests broadening the definition of "dishonest conduct" similar to definitions used by other jurisdictions in their Lawyers Fund programs.²

Respectfully submitted,

Lela Hollabaugh By SC with permission

LELA M. HOLLABAUGH (#014894)
Chairman of the Board of Professional
Responsibility of the Supreme Court of
Tennessee

Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
Tel: 615-244-2582

Sandy Garrett

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

² See Kan. Sup. Ct. R. 227(11)(c)(2)(3); Ky. SCR. 3.820(10)(c)(2); Minn. Client Security Bd. 3.02(i)(1); Virginia State Bar, Clients' Protection Fund Rules, R. 1(6)(b), *available at* <http://www.vsb.org/pro-guidelines/index.php/cpf-rules/>; Wash. APR Appx. F, R. 5(c); West Virginia State Bar, Lawyers Fund For Client Protection Rules, R. 10(c), *available at* <http://www.wvbar.org/committees/standing-committees/lawyers-fund-for-client-protection/lawyers-fund-for-client-protection-rules/>; Wyo. Clients Sec. Fund Proc. R. 1(b)(2).

CERTIFICATE OF SERVICE

I certify that the foregoing has been mailed to Allan F. Ramsaur, Esq., Executive Director, Tennessee Bar Association, 221 4th Ave. N., Ste. 400, Nashville, Tennessee, 37219, by U.S. mail, on this the June 20th day of June, 2013.

Lela Hollabaugh By SG with permission

LELA HOLLABAUGH (#014894)
Chair

Sandy Garrett

SANDY L. GARRETT (#013863)
Chief Disciplinary Counsel