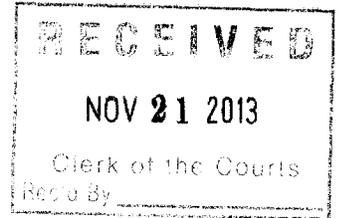


>>> "Harold G. Speer, Jr." <Budspeer@aol.com> 11/21/2013 11:05 AM >>>  
Submitted on Thursday, November 21, 2013 - 11:05am  
Submitted by anonymous user: [74.239.110.100]  
Submitted values are:

Your Name: Harold G. Speer, Jr.  
Your Address: 629 Lynah Ln, Beech Grove, TN 37018  
Your email address: Budspeer@aol.com  
Your Position or Organization: Harold G. Speer, Jr., Attorney-at-Law  
Rule Change: Supreme Court Rule 21  
Docket number: ADM2013-02417  
Your public comments:



Dear Sir or Madam:

I strongly disagree with the recommendation to require five (5) hours of "live" CLE in Tennessee. My review of the ABA.org website shows that 31 states require no live CLE. An additional fourteen (14) states do not require live CLE, but do set some limits on the number of hours that can be satisfied by recorded on-line courses (i.e., Tennessee's current limitation of 8 hrs). Thus, a great majority of the states forty-five (45) do not require any "live" CLE hours. My research on this website shows the following states required annual live hours: CA (4), IN (10), MS (6), PA (12), and TX (3). This website does not show that NJ requires 1/2 of its hours to be live.

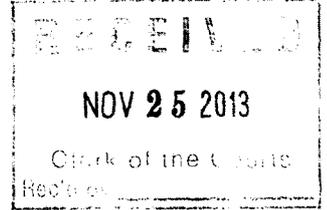
While it may be true that the requirement of live CLE hours "might" help attorneys' interaction and professionalism, there are already rules in place to sanction attorneys who do not interact professionally. Other professions in Tennessee are allowed to satisfy their continuing education requirements without any live hours (i.e., Dentistry) without concern for lack of professionalism. In this day and age of smart phones, video conferencing, webinars, work-from-home jobs, etc., it seems that a requirement for live CLE is a quaint, but unnecessary, desire to return to the "good old days."

Thank-you for considering my comments to the proposed amendment to Rule 21.

Sincerely,

Harold G. Speer, Jr., BPR 013424

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE, TN



IN RE: PETITION TO AMEND  
TENNESSEE SUPREME  
COURT RULE 21

\*  
\*  
\*  
\*  
\*  
\*  
\*

No.: ADM2013-02417

**COMMENT IN SUPPORT OF PETITION BY D. BRUCE SHINE**

Comes D. Bruce Shine, a licensed attorney (BPR No. 000815) in the State of Tennessee since March 31, 1964, joins in support of the Petition to Amend Tennessee Supreme Court Rule 21 governing requirements of continuing legal education as proposed by the Tennessee Commission of Continuing Legal Education and Specialization ("Commission").

The undersigned would state to the Court as follows:

1. I am over the age of 65, having been born on August 11, 1938, and have **NOT** previously requested a waiver of the CLE requirements pursuant to Rule 21, Section 2.04(a), Rules of the Tennessee Supreme Court.
2. For approximately two years, I have had a "draft" Petition to Amend Tennessee Supreme Court Rule 21 Section 2.04(a) seeking removal of the exemption for attorneys over the age of 65 from engaging in annual mandatory continuing legal education but was hesitant to file such a petition.
3. The undersigned would note to the Court the Alternative Dispute Resolution Commission of the Tennessee Supreme Court of which the undersigned has been a member since 1996 and is currently chair, does not and never has

recognized an age exemption for attorneys listed as "Rule 31 Mediators" in terms of their continuing mediation education requirements.

4. The ADRC adopted on April 26, 2004 a requirement pursuant to Tennessee Supreme Court Rule 31, Section 18(a) that all "listed" Rule 31 Mediators have six hours of continuing mediation education every two years. This policy became effective with the renewal process for listed Rule 31 Mediators on January 1, 2005.

5. Some years ago, a Rule 31 Listed Mediator also licensed as an attorney and over the age 65 requested an exemption from the continuing mediation education required by Rule 31, Section 18(a). In moving for such a waiver, the attorney cited Rule 21, Section 2.04(a) of the Supreme Court Rules of Tennessee. The ADR Commission at that time determined Rule 21 applied to licensed attorneys and their "qualifications to practice law" and did not apply to the Alternative Dispute Resolution Commission listing of Rule 31 Mediators. All Rule 31 Listed Mediators in the State of Tennessee since 2005 irrespective of age and whether licensed lawyers or not have been required to take six hours every two years of continuing mediation education cited above.

6. On October 31, 2011, the Commission provided undersigned figures then applicable showing that of the then 17,133 licensed lawyers in Tennessee that those over the age of 75 who had paid their annual license fee and sought an exemption under Rule 21, Section 2.04(a) numbered 949 or .06 percent of the then licensed lawyers in the state. The number of lawyers over the age 75 on October 31, 2011 who had paid their annual license fee and who had **NOT** sought an exemption under Rule 21, Section 2.04(a) numbered 16 or .001 percent of the lawyers then licensed in Tennessee.

7. There is no rational reason nor does an objective academic study exist to support the proposition that attorneys over 65 would not benefit from the continuing legal education requirements inherent in the intent behind the adoption of Rule 21 in 1986.

8. Citizens of the State of Tennessee should be able to rely upon the continued competence of attorneys irrespective of age who hold themselves out to the general public as competent to practice law.

9. While the age of 65 and over exemptions served at one time as a useful means of achieving support among the legal profession for the adoption of Rule 21, the exemption no longer serves the best interest of the citizens of Tennessee as consumers of legal services.

10. Exhibit C to the subject Petition as well as its Exhibit E, amply demonstrate the need and the necessity for the removal of the age 65 exemption as it currently exist under Rule 21, Section 2.04(a) of the Supreme Court Rules of Tennessee.

**WHEREFORE**, the undersigned moves the Court to adopt the Petition to Amend the Tennessee Supreme Court Rule 21.04(a).

By: \_\_\_\_\_



**D. BRUCE SHINE, ESQ.**  
**TN BPF No. 000815**  
**LAW OFFICE OF D. BRUCE SHINE**  
**433 East Center Street, Suite 201**  
**Kingsport, TN 37660-4858**  
**423 246-8433**  
**423 246-7464 (facsimile)**

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PHILIP N. ELBERT  
JAMES G. THOMAS  
WILLIAM T. RAMSEY  
JAMES R. KELLEY  
MARC T. McNAMEE  
GEORGE H. CATE, III  
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BLIND AKRAWI  
CHANELLE A. JOHNSON  
ANDREW A. WARTH

OF COUNSEL  
LARRY W. LINDEEN

November 25, 2013

Mike Catalano, Clerk  
Appellate Court Clerk's Office  
100 Supreme Court Building  
401 7th Avenue North  
Nashville, TN 37219-1407



Re: Tenn. Sup. Ct. R. 21  
Supreme Court No. ADM2013-02417

Dear Mr. Catalano:

I was surprised and disappointed to learn that the Commission on Continuing Legal Education and Specialization has petitioned the Supreme Court to remove the CLE credit exemption in Rule 21, §2.04(a), for those of us who are 65 and over. As a confessed member of the affected class, I am opposed to the change in the Rule.

I have been a consistent supporter of continuing legal education for our profession and a supporter and participant in the formal program in our state. As you know, however, it is not a perfect solution to the problem of disparate quality across the bar; and while the goal of continuing legal education is necessary and laudable, (and helps to promote the profession's image among our citizens) it certainly does not insure that practicing lawyers will keep abreast of the changes in the statutory and case law. Given that there are no absolutes here, I respectfully suggest that the proposed change imposes more unnecessary burdens than positive benefits.

The stated justifications for the change are particularly unpersuasive. Merely because economic and demographic changes have resulted in more practicing "veterans of the bar" does not prove a need to remove the age exemption. And the reliance on the increase in the number of complaints lodged against the age group is tenuous at best and unfair at worst. At the very least, one would expect some nexus be drawn between those complaints that are legitimate and whether 15 hours of continuing legal education a year would have conceivably prevented the

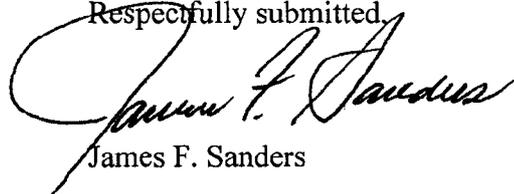
Mr. Mike Catalano  
November 25, 2013  
Page Two

offense(s). In other words, and respectfully, more study and analysis are necessary before the age exemption is removed.

Having talked to a number of "veterans," I hope and expect that you will hear from them, so I shall not belabor the point, nor expand on it; but I would be pleased to discuss the matter further or answer any questions or concerns.

Please register my "vote" as an emphatic, "Don't do it."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James F. Sanders". The signature is written in a cursive style with a large initial "J".

James F. Sanders

JFS/mlk

# CHAMBLISS

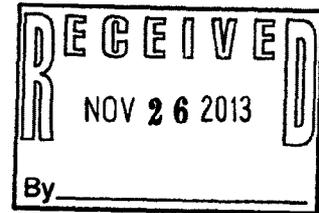
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ALSO LICENSED IN VA AND NY

November 25, 2013

Mr. Michael W. Catalano, Clerk  
Tennessee Supreme Court  
100 Supreme Court Bldg  
401 7<sup>th</sup> Avenue North  
Nashville, TN 37219-1407



Re: Comments on Amendments to Supreme Court Rule 21

Dear Mr. Catalano:

As a Tennessee lawyer now 80 years of age, I strongly support the proposed amendment. For years I have in conversation with lawyers said that I saw no basis for relieving lawyers the requirement of continuing legal education who continue to practice. A part of the joy of practicing law is that we continue to learn and to grow. There is no good reason to excuse lawyers over 65 of the CLE requirement. In fact, I believe that just the opposite is the case, the older we get the more we need to continue learning.

Respectfully,

A handwritten signature in black ink, appearing to read "T. Maxfield Bahner".

T. Maxfield Bahner

TMB/mms

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November 22, 2013

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Justice Cornelia A. Clark  
Supreme Court Building, Suite 318  
401 7<sup>th</sup> Avenue North  
Nashville, Tennessee 37219

Justice Janice M. Holder  
50 Peabody Place, Suite 209  
Memphis, Tennessee 38103

Justice William C. Koch  
Supreme Court Building, Suite 321  
401 7<sup>th</sup> Avenue North  
Nashville, Tennessee 37219

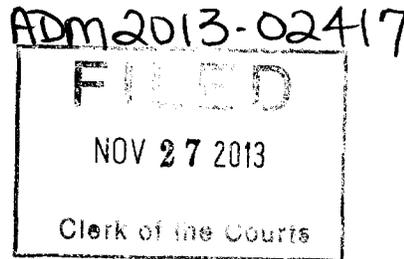
Justice Sharon G. Lee  
505 Main Street, Suite 236  
P.O. Box 444  
Knoxville, Tennessee 37902

Justice Gary R. Wade  
505 Main Street, Suite 200  
P.O. Box 444  
Knoxville, Tennessee 37902

RE: *Petition to Amend Tennessee Supreme Court Rule 21*

Dear Supreme Court Justices:

I have often thought that mandatory CLE in Tennessee is probably on balance good, although I was somewhat skeptical about it initially. It was my view that really good lawyers did not need it because they relied on other resources to keep up with changes in the law. On the other hand, I understood that there were a number of lawyers who would probably benefit from some form of continuing education.



I was also somewhat troubled by the fact that an entire industry has been created by virtue of mandatory CLE, and it is often driven by profit considerations. Some of the programs, very frankly, as I'm sure the Court knows, are not really of any significant benefit to the attendees.

Having said that, the purpose of this letter is to comment on the Commission's proposal to eliminate the exemption for lawyers age 65 and over regarding CLE.

It's my strong view that, although 65 may be an arbitrary age, good lawyers who practice for a number of years simply have gained a tremendous knowledge and understanding of the law and mandatory CLE should not be required for them. I've discussed this with a number of other lawyers who, like me, are still actively practicing and are post-65. None of those to whom I've spoken, think that eliminating the exemption is well-advised.

I respectfully urge you to deny the request, and keep the exemption as it is for lawyers 65 and over.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aubrey B. Harwell, Jr.', with a large loop at the top and a long tail extending downwards.

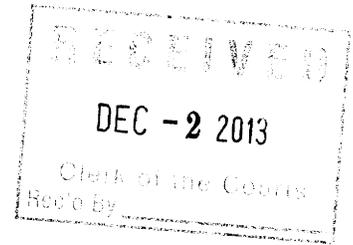
Aubrey B. Harwell, Jr.

ABHJr/lp

c: Tom Greenholtz, Chairperson  
Judy Bond-McKissack, J.D., Executive Director

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November 26, 2013

ADM2013-02417

Mike Catalano, Clerk  
Tennessee Appellate Courts  
100 Supreme Court Building  
401 7<sup>th</sup> Avenue North  
Nashville, Tennessee 37219-1407

RE: Tennessee Supreme Court Rule 21

Dear Mr. Catalano:

In response to the Supreme Court's request for comments concerning the proposed amendments to Tennessee Supreme Court Rule 21, this is to address that part of the proposed amendments, which would reinstate annual CLE requirements for lawyers who are 65 years old or older.

Several years ago, an organization of senior lawyers known as the "Gray Knights" was formed in Shelby County to support Memphis Area Legal Services ("MALS") with pro bono service for its clients, as well as financial contributions. There are currently sixty-seven lawyers serving as Gray Knights.

The pitch used in recruiting Gray Knights has been that senior lawyers, who are no longer obligated to meet the fifteen hour per year CLE requirement, should commit the fifteen hours to pro bono service for MALS' clients. I believe the pitch has been effective, but of course would be negated by the proposed Rule amendment. It has been my experience that work performed in pro bono service for MALS' clients has been of far more value, in terms of continuing legal education, than attending CLE courses.

Accordingly, what I would propose is that lawyers who (1) are 65 years old or older and (2) have been engaged in the practice of law for not less than 35 years, may satisfy their CLE requirement by performing pro bono services on behalf of clients referred to them by MALS and similar organizations throughout the state totaling at least fifteen hours each year.

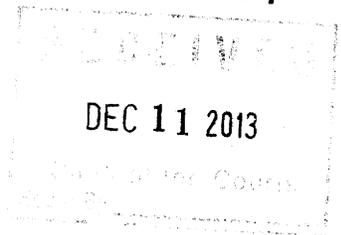
Sincerely,

Allen T. Malone

cc: Linda Warren Seely  
Memphis Area Legal Services

LEW CONNER  
2021 RICHARD JONES ROAD, SUITE 340  
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ADM 2013-2417



December 9, 2013

Chief Justice Gary R. Wade  
Tennessee Supreme Court  
505 Main Street, Suite 200  
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Justice William C. Koch, Jr.  
Supreme Court Building, Suite 318  
401 7<sup>th</sup> Ave. N.  
Nashville, TN 37219-1407

Justice Cornelia A. (Connie) Clark  
Supreme Court Building, Suite 318  
401 7<sup>th</sup> Ave. N.  
Nashville, TN 37219-1407

Justice Sharon Gail Lee  
505 Main Street, Suite 200  
P.O. Box 444  
Knoxville, TN 37902-0444

Justice Janice M. Holder  
50 Peabody Pl., Suite 209  
Memphis, TN 38103-3665

Re: Rule 21

Dear Chief Justice Wade and Members of the Court:

I write in opposition to a change in Rule 21 requiring attorneys over the age of 65 to continue obtaining CLE credits to retain their law licenses. The proposed change will not materially affect me because I am a Rule 31 mediator. As such I will continue with the CLE requirements of that rule. Nevertheless, I oppose the change in the rule because for those of us who have retained a law license to age 65 it is extremely unlikely that CLE will make a significant difference in our competence. Having been involved with CLE from the beginning, I have noticed on many occasions a lack of attention paid to the subject matter of a given course irrespective of age. Moreover, there has been an explosion of a cottage industry in "CLE" and no doubt considerable lobbying of the Commission by that industry to broaden the base to the fullest extent.

No doubt there are those of us, 65 and older, who should not continue to practice law by reason of physical or mental infirmities associated with that age, perhaps including this writer; however, in all likelihood, adding CLE requirements will not in any way identify or cure that issue.

Thanks for considering my thoughts.

Very truly yours,

Lew Conner

LC: mh  
cc: Tom Greenholtz  
Judy Bond-McKissack

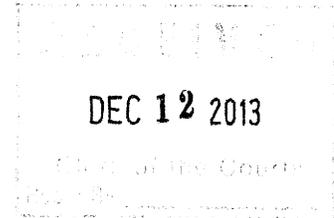
LAW OFFICES  
**HULL, RAY, RIEDER, EWELL, LANE & LYNCH, P.C.**  
(A PROFESSIONAL ASSOCIATION)

THOMAS M. HULL (1930-2010)  
DONALD J. RAY  
WILLIAM C. RIEDER  
GERALD L. EWELL, JR.  
JAMES D. LANE, II  
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December 10, 2013

Mr. Mike Catalano, Clerk  
Tenn. Sup. Ct. R. 21  
Appellate Court Clerk's Office  
100 Supreme Court Building  
401 7<sup>th</sup> Avenue North  
Nashville, TN 37219-1407



**RE: Amended Rule 21, No. ADM 2013-02417**

Dear Sir:

I am writing to comment on the proposed changes to Supreme Court Rule 21, and in particular the exemptions under Section 2. Certainly one cannot argue that the number of attorneys who are still practicing law (at least to some extent) past 65 years of age is increasing. First, there are varying reasons why attorneys continue to maintain a law license past age 65. These reasons could range from many years of well deserved pride and honor that comes from holding a law license. Secondly, there is a huge difference between practicing law and holding a law license. Obviously holding a law license does not mean that individual is necessarily practicing law. To change the rules in the later stage of a long licensed attorney creates an environment that such attorneys are not welcome to the brotherhood.

I would make some alternative recommendations for consideration.

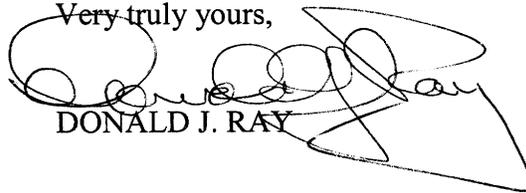
1. Perform some research on incremental license similar to the process young people go through to get a driver's license. For example, a limited license could be issued for an attorney who does not want any privileges of representing any client in Court. Although it's apparently not been studied, there is a likelihood that the research would show this would curtail disciplinary complaints if there is not Court advocacy involved.

2. The research cited in the Petition to Amend ceases its consideration once the attorney passes age 65. Could the same conclusions be made for attorneys who are 70 or older? 75? It seems massively over broad that this rule change provides a life sentence for a lawyer who has earned and wants to maintain the Honorable license perhaps until death. The Honorable Commission has made some valid points, but did not look far enough at alternatives to avoid this

life sentence. Again, would those points be valid for lawyers over 70? 75? If this wasn't studied, then we don't know if there is an alternative that might work.

Like all age groups, there are a few who can contaminate the entire group. In no age group do we "shoot" the rest of the group because of the sins of a few. I just don't think this rule change has been thoroughly researched to find suitable alternatives. Many thanks to the members of the Commission for their service.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald J. Ray", written over a printed name. The signature is highly stylized and somewhat illegible due to its cursive nature and overlapping loops.

DONALD J. RAY

DJR/jt