

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/19/2018
Clerk of the
Appellate Courts

**IN RE: AMENDMENT OF RULE 6, RULES OF THE TENNESSEE
SUPREME COURT**

No. ADM2018-713

ORDER

On April 18, 2018, this Court entered an order adopting the Uniform Bar Examination and amending the relevant sections of Tennessee Supreme Court Rule 7. In addition, the Court stated that it would consider “whether to adopt a post-admission law component and the content of such a requirement.” To that end, proposed revisions to Tennessee Supreme Court Rule 6, which are attached to this order, would require new attorneys to complete a Tennessee Law Course within one year of admission to the Tennessee bar. The Tennessee Law Course would be administered by the Administrative Office of the Court and include, but not be limited to, instruction on areas of Tennessee civil and criminal procedure, real estate, wills, estates and trusts, business organizations, family law, and administrative law.

The Court hereby solicits written comments from judges, lawyers, bar associations, members of the public, and any other interested parties with respect to the attached proposed revisions to Tennessee Supreme Court Rule 6. The deadline for submitting written comments is Monday, June 18, 2018. Comments should reference the docket number set out above and should be e-mailed to appellatecourtclerk@tncourts.gov or mailed to:

James M. Hivner, Clerk
Re: Tenn. Sup. Ct. R. 6
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

The Clerk shall provide a copy of this order, including the attachment, to LexisNexis and to Thomson Reuters. In addition, this order, including the attachment, shall be posted on the Tennessee Supreme Court’s website.

PER CURIAM

Rule 6: ~~Admission of Attorneys~~ Attorney Admission and Post-Admission Requirements.

<p>FILED 04/19/2018 Clerk of the Appellate Courts</p>
--

An applicant who has been approved for licensing under Rule 7 may seek admission to the bar of this Court by either:

(1) Appearing in open court and representing, through a reputable member of the bar, that he or she is a person of good moral character and that he or she has been issued a Certificate of Eligibility to be licensed to practice law under Rule 7 and the statutes of this state; or

(2) filing with the Clerk of the Supreme Court an application for admission by affidavit. Such application shall contain:

(A) A personal statement by the applicant that he or she possesses all qualifications and meets all requirements for admission as set out in the preceding paragraph;

(B) A statement by two sponsors (who must be members of the bar of this Court and must personally know the applicant) endorsing the correctness of the applicant's statement, stating that the applicant possesses all the qualifications required for admission and affirming that the applicant is of good moral and professional character. Upon timely application and for good cause shown, the Board of Law Examiners, in its discretion, may waive this requirement; and,

(C) A copy of the Certificate of Eligibility issued by the Board of Law Examiners pursuant to Rule 7, Section 9.01.

(3) The documents submitted by the applicant shall demonstrate that he or she possesses the necessary qualifications for admission. Upon the applicant's taking the oath or affirmation and paying the fee therefor, the Clerk shall issue a certificate of admission. The fee for admission to the bar of this Court shall be fixed by the Court. Applications may be filed in the offices of the Clerk at Nashville, Knoxville, or Jackson.

(4) Each applicant for admission shall take the following oath:

I, _____, do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Tennessee, and that I will truly and honestly demean myself in the practice of my profession to the best of my skill and abilities, so help me God.

(5) The foregoing oath of admission may be administered by one of the following judicial officials in Tennessee: (A) a Justice of the Supreme Court; (B) a Judge of the Court of Appeals; (C) a Judge of the Court of Criminal Appeals; (D) a Circuit Court Judge; (E) a Chancellor; (F) a Criminal Court Judge; (G) a General Sessions Court Judge; (H) a Judge of any other inferior court established by the General Assembly pursuant to Article VI, Section 1 of the Tennessee Constitution; (I) the Clerk of the Appellate Courts; (J) a Chief Deputy Clerk of the Appellate Courts; or (K) the Clerk (not including deputy clerks) of any of the courts of such trial judges listed above. The oath of admission also may be administered by a justice or judge of the court of last resort in any other state.

(6) Post-Admission Mandatory Tennessee Law Course.

A. Any attorney licensed and admitted to practice law in Tennessee, after the effective date of this Rule amendment, pursuant to the following provisions of Rule 7:

A. Section 3.01, Admission by Examination,

B. Section 3.05, Admission by Transferred Uniform Bar Examination Score,

C. Section 5.01, Admission Without Examination, or

D. Section 10.06, Temporary License of Spouse of Military Service member

shall complete the Tennessee Law Course within one year of admission to the Tennessee bar.

B. The Tennessee Law Course shall be administered by the Administrative Office of the Courts. The content of the Tennessee Law Course will be determined by the Tennessee Supreme Court and may include, but not be limited to, instruction on areas of Tennessee civil and criminal procedure, real estate, wills, estates and trusts, business organizations, family law, and administrative law.

C. The fee for the Tennessee Law Course shall be set as part of the Schedule of Fees promulgated by the Board of Law Examiners pursuant to Rule 7, section 11.01 and collected by the Administrative Office of the Courts.

D. The Administrative Office of the Courts shall supply the Commission on Continuing Legal Education (the "Commission") a Certificate of Compliance upon an attorney's completion of the Tennessee Law Course.

E. The Tennessee Law Course is a post-admission requirement and not continuing legal education, and no fee pursuant to Rule 21, section 8.02 shall be imposed on the provider of the Tennessee Law Course.

F. Any attorney who fails to complete the Tennessee Law Course within one year of admission shall be subject to the following:

1. The Commission shall issue a Notice of Non-Compliance to any attorney who has not completed the Tennessee Law Course within one year of admission. The Notice of Non-Compliance shall require the attorney to remedy the deficiency by completing the Tennessee Law Course within sixty days of the date of the Notice of Non-Compliance.

2. Each attorney who does not complete the Tennessee Law Course within one year of admission shall be assessed an Initial Non-Compliance Fee of One Hundred Dollars (\$100) upon issuance of the Notice of Non-Compliance. The Initial Non-Compliance Fee shall be paid within sixty days of the date of the Notice of Non-Compliance unless the attorney shows to the satisfaction of the Executive Director of the Commission that the Notice of Non-Compliance was erroneously issued, in which case no Initial Non-Compliance Fee shall be due.

3. Each attorney to whom a Notice of Non-Compliance is issued shall file an Affidavit of Compliance with the Commission within sixty days of the date of the Notice of Non-Compliance showing that the attorney has completed the Tennessee Law Course.

4. In the event an attorney fails to complete the Tennessee Law Course within sixty days of the date the Notice of Non-Compliance was issued, timely file the Affidavit of Compliance, or pay the Initial Non-Compliance Fee assessed pursuant to paragraph 2 above, the attorney shall pay to the Commission an additional Continuing Non-Compliance Fee of Two Hundred Dollar (\$200).

5. For any attorney against whom a Continuing Non-Compliance Fee is assessed pursuant to paragraph 4 above, the Commission shall prepare a draft Suspension Order. A copy of the draft Suspension Order shall be provided to the Supreme Court for informational purposes and mailed to the attorney by registered or certified mail, return receipt requested, to the address of record on the most recent registration statement filed by the attorney pursuant to Supreme Court Rule 9, Section 10.1 or other last known address.

6. No later than thirty days after the draft Suspension Order is issued and mailed, the attorney listed in the draft Suspension Order may file an Affidavit of Compliance in a form acceptable to the Commission showing that the attorney has completed the Tennessee Law Course and paid the Initial and Continuing Non-Compliance fees. Upon the Commission's approval of the Affidavit of Compliance and upon the attorney's payment of all outstanding fees, the Commission shall remove the attorney's name from the draft Suspension Order.

7. In the event the attorney fails to complete the Tennessee Law Course or pay the required fees within 30 days after the issuance of the draft Suspension Order, the Commission shall submit to the Supreme Court a final Suspension Order listing the attorney(s) who failed to comply with the requirements of this Rule. At the same time, the Commission shall notify the Board of Professional Responsibility of the names of the licensed attorneys who have retired, taken inactive status, been suspended, or whose license to practice law in this state is otherwise inactive, and who failed to comply with the requirements of this Rule. The Supreme Court will review the final Suspension Order and, upon the Court's approval, shall enter the Suspension Order suspending the law license of each attorney listed in the order. The Board of Professional Responsibility shall not reactivate the license of any attorney whose license is suspended pursuant to this Rule until the Commission certifies that the attorney has completed the Tennessee Law Course and has paid all fees.

8. Each attorney named in the final Suspension Order entered by the Court or whose name is submitted to the Board of Professional Responsibility as ineligible for reactivation for failure to meet the requirements of this Rule shall pay to the Commission a Five Hundred Dollar (\$500) Suspension Fee as a condition of reinstatement of his or her law license. The Suspension Fee shall be paid in addition to both the Initial Non-Compliance Fee (\$100) and the Continuing Non-Compliance Fee (\$200).

9. Payment of all fees imposed in this section shall be a requirement for compliance with this Rule.