

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: ADOPTION OF RULE 50, RULES OF THE SUPREME COURT
OF TENNESSEE, ESTABLISHING THE TENNESSEE
ACCESS TO JUSTICE COMMISSION

Filed:



ORDER

The Court hereby adopts new Rule 50, Rules of the Supreme Court of Tennessee, establishing the Tennessee Access to Justice Commission. The new Tenn. Sup. Ct. R. 50, as set out in the attached Appendix, shall take effect as of the filing date of this order.

The Clerk shall provide a copy of this order, including the attached Appendix, to LexisNexis and to Thomson-West. In addition, this order, including the attached Appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

FOR THE COURT:



JANICE M. HOLDER, CHIEF JUSTICE

APPENDIX

RULE 50, RULES OF THE TENNESSEE SUPREME COURT

[The text of new Tenn. Sup. Ct. R. 50 is as follows:]

Rule 50. Tennessee Access to Justice Commission.

Section 1. Establishment of the Tennessee Access to Justice Commission.

1.01. The Supreme Court of Tennessee hereby establishes the Access to Justice Commission (hereinafter referred to as the "Commission").

1.02. The Commission shall consist of ten members who shall reflect, to the extent feasible, the diversity of the ethnic, gender, and geographic communities of Tennessee.

1.03. The Supreme Court shall designate one member to serve as Chair of the Commission. Commission members shall elect a Vice-Chair to serve a one-year term and who is eligible to serve a total of three years.

1.04. The initial term for each member shall be designated at the time of appointment. The Chair shall serve an initial term of three years. Three members shall be appointed for an initial term of three years; three members shall be appointed for an initial term of two years; and three members shall be appointed for an initial term of one year. Subsequent terms of all members shall be three years. No member may serve more than two successive three-year terms or more than a total of eight years consecutively. Vacancies shall be filled by appointment of the Supreme Court.

1.05. The Commission shall meet at least quarterly and at other times at the call of the Chair.

1.06. Five members of the Commission shall constitute a quorum. After a quorum is established, the Commission may act upon a majority vote of those present.

1.07. Members shall receive no compensation for their services but may be reimbursed for their travel and other necessary expenses in accordance with regulations adopted by the Judicial Branch.

1.08. A member of the Supreme Court will serve as liaison to the Commission.

1.09. The Administrative Office of the Courts shall staff the Commission.

1.10. The Supreme Court shall review the Commission every five years to determine if the Commission continues to serve the purposes for which it was created.

Section 2. Duties and Authority.

2.01. The Commission shall develop a strategic plan for improving access to justice in Tennessee that shall include education of the public concerning the need for legal representation to meet the ideal of equal justice under law, identification of the priorities to meet the need of improved access to justice, and recommendations to the Supreme Court of projects and programs the Commission determines to be necessary and appropriate for enhancing access to justice in Tennessee. The Commission shall submit a strategic plan to the Court within twelve months of the filing of this Order and shall update the strategic plan every two years thereafter.

2.02. The Commission may create advisory committees to study specific issues identified by the Commission and to make such recommendations to the Commission as the members of the advisory committees deem appropriate.

2.03. The Commission may invite non-Commission members, including representatives from other branches of government, lawyers, and members of the public, to attend meetings and to participate as members of advisory committees to help further the work of the Commission.

2.04. The Commission shall:

(a) Review the report filed with the Court by the Task Force to Study Self Represented Litigants and consider the recommendations contained therein.

(b) Encourage state and local bar associations, access to justice organizations, pro bono programs, judges, and court clerks across the state to promote and to recognize pro bono service by lawyers across the state;

(c) Encourage state and local bar associations, access to justice organizations, pro bono programs, judges, and court clerks across the state to encourage full and limited scope legal representation at reduced fees;

(d) Encourage the Alternative Dispute Resolution Commission and other groups to provide pro bono and reduced-rate mediation services to self-represented litigants and to litigants who, although represented, have modest means or who are pro bono clients;

(e) Address existing and proposed laws, rules, procedures, and polices that are barriers to access to justice for low income Tennesseans and to consider the role of community education and increased availability of technology in reducing these barriers.

(f) Develop and recommend initiatives and systemic changes to reduce barriers to access to justice and to meet the legal needs of:

(1) Persons who do not qualify for existing assistance programs by reason of their incomes but whose access to civil justice is limited by the actual or perceived cost of legal services;

(2) Persons with disabilities who do not qualify for existing assistance programs by reason of their incomes;

(3) Persons in language minorities; and

(4) Persons whose legal needs may not be met due to restrictions on representation by legal aid programs funded by the Legal Services Corporation.

(g) Promote increased understanding of the importance of access to justice and of the barriers faced by many Tennesseans in gaining effective access to the civil justice system; and

(h) Study and recommend strategies to increase resources and funding for access to justice in civil matters in Tennessee.

2.05. The Commission has no independent authority to adopt or implement recommendations.