

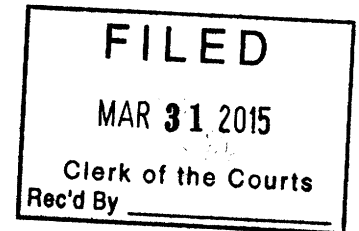
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 9,  
SECTIONS 10.10 AND 10.2

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No. ADM2014-02187

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**ORDER**

On December 2, 2014, the Court published for public comment the petition of the Access to Justice Commission (“the Commission”) asking the Court to amend Tennessee Supreme Court Rule 9, sections 10.2 and 10.10. In particular, the Commission proposed amending Rule 9, section 10.10 to require Tennessee attorneys to report annually the extent of their pro bono work, if any, and to impose an administrative sanction on any lawyer who failed to report pro bono hours. The Commission also proposed amending Rule 9, section 10.2 to implement a new funding mechanism for access-to-justice programs. Specifically, the Commission proposed including on the annual registration form licensed Tennessee lawyers must complete for the Board of Professional Responsibility an “opt out” line item for lawyers to select if they chose **not** to make a contribution (with \$50 as the suggested contribution) to support access-to-justice programs. The deadline for written comments on the Commission’s proposed amendments was set for February 2, 2015, and has now expired. Many thoughtful comments regarding the proposed amendments were submitted, and the Commission was permitted to submit a response to these comments.

Upon due consideration of the petition, the comments, and the response, the Court denies in part and grants in part the Commission’s petition. In particular, the Court declines to require Tennessee attorneys to report annually the extent of their pro bono work. As a result, the Court also declines to impose a sanction for failure to report. Nevertheless, the Court continues to encourage strongly voluntary reporting of pro bono participation. Such reporting provides important information, which is used for many purposes, including raising public awareness about the selfless and ongoing efforts of Tennessee attorneys to improve access to justice in this State.

The Court grants the Commission’s request to establish a new voluntary funding mechanism for access-to-justice programs. The Court declines, however, to require

Tennessee attorneys to “opt out” of participating in this program. Instead, the annual registration form will be revised to include a section that allows Tennessee attorneys to “opt in” by making a voluntary financial contribution to access-to-justice programs.

The Court remains committed to the Access to Justice Initiative and recognizes that the tireless efforts of Tennessee’s attorneys have made this Initiative a success. The Court commends the Commission for its excellent work, which has been, and will continue to be, instrumental in positioning Tennessee as a leader in access-to-justice efforts.

The Court hereby adopts the amendments to Tennessee Supreme Court Rule 9, sections 10.2 and 10.10, as set out in the attached Appendix A. These amendments shall take effect on July 1, 2015. The annual registration form has been revised as a result of these amendments, and the revised form is attached as Appendix B.

The Clerk shall provide a copy of this Order and the Appendices to the Tennessee Bar Association, Lexis Nexis, and Thompson Reuters. In addition, this Order and the Appendices shall be posted on the Court’s website.

IT IS SO ORDERED.

PER CURIAM

***APPENDIX A***

**AMENDMENT OF TENNESSEE SUPREME COURT RULE 9,  
SECTIONS 10.10 AND 10.2**

**Supreme Court Docket No. ADM2014-02187  
(filed March 31, 2015)**

Tennessee Supreme Court Rule 9, section 10.2 is amended by adding a new subsection (d), which provides as follows:

(d) In connection with the payment of the annual fee, every attorney shall have the opportunity to make a financial contribution to support access-to-justice programs. Funds raised through optional contributions will be distributed to access-to-justice programs which provide direct legal services to low income Tennesseans.

Tennessee Supreme Court Rule 9, section 10.10(b) is amended by striking the first sentence of the subsection. The amended subsection provides as follows:

(b) In reporting the extent of the attorney's pro bono legal services and activities, the attorney is requested to state whether or not the attorney made any voluntary financial contributions pursuant to RPC 6.1(c), but the attorney need not disclose the amount of any such contributions.

***APPENDIX B***  
**REVISED ANNUAL REGISTRATION FORM**

**Supreme Court Docket No. ADM2014-02187**  
**(filed March 31, 2015)**



## 2015 ANNUAL REGISTRATION STATEMENT

*This Annual Statement has been issued pursuant to Supreme Court Rules 9, 25 and 43.*

To complete your Annual Registration online, go to [www.tbpr.org](http://www.tbpr.org) to log into the Attorney Portal; complete the online forms and pay the annual fee using a MasterCard or Visa. If not registering online, please complete ALL pages of this statement and return it with your payment to the address above.

BPR cards are issued every two weeks. Your BPR card will be mailed to you after receipt of your 2015 completed Annual Registration Statement and payment (either hard copy or online version).

Name: \_\_\_\_\_ BPR No.: \_\_\_\_\_

Annual Fee: \$170.00

Due Date: \_\_\_\_\_

Access to Justice Donation:  \$50.00  \$75.00  \$100.00  \$25.00  \$0

Total amount enclosed: \_\_\_\_\_ (Make checks payable to: "Board of Professional Responsibility")

**Please update your contact information pursuant to Tenn. Sup. Ct. R. 9, Sec. 10.1:**  
(Office address information will be displayed on the Board's website.)

New Office address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_ (\_\_\_\_) \_\_\_\_\_ Fax #: \_ (\_\_\_\_) \_\_\_\_\_

Business email address: \_\_\_\_\_

New Home address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_ (\_\_\_\_) \_\_\_\_\_ Mobile #: \_ (\_\_\_\_) \_\_\_\_\_

Home email address: \_\_\_\_\_

Preferred Mailing Address:  Office  Home

**I certify that the information provided in this Registration Statement is accurate and complete.**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

{Attorney Name}  
{Organization Name}  
{Address}  
{City, State, Zip}

**To avoid penalties and possible suspension, ALL lawyers with a Tennessee license MUST complete and submit this information either using this paper form OR on the Attorney Portal.**

## 2015 ANNUAL REGISTRATION

NAME:

BPR No.:

FIRM/ORGANIZATION NAME: \_\_\_\_\_

### MANDATORY STATEMENT IOLTA Compliance Reporting (TENN. SUP. CT. RULE 43, SECTION 14; and RPC 1.15)

1. I/my firm hold(s) in an IOLTA account(s) pooled client or third party funds nominal in amount or expected to be held a short period of time, that cannot be made productive for the client or third party. **(If your office is not in Tennessee, do not report out-of-state accounts; see 2D.)**

List all IOLTA Accounts: (Enclose a separate sheet for more accounts.)

Financial Institution	Account Name	Account Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. **If you are claiming an exemption, check ONE box only (mark the box that best fits).**

- A. I/my firm hold(s) no funds that are required to be deposited in an IOLTA account.
- B. I am not engaged in the private practice of law in any jurisdiction.
- C. Occupation: I am not engaged in the private practice of law. I serve in the following capacity:
- \_\_\_\_\_ Judge      \_\_\_\_\_ Attorney General      \_\_\_\_\_ Public Defender
- \_\_\_\_\_ U.S. Attorney      \_\_\_\_\_ District Attorney      \_\_\_\_\_ In-house counsel      \_\_\_\_\_ Teacher of Law
- \_\_\_\_\_ On full-time active duty in the armed forces
- \_\_\_\_\_ Employed by state, local, or federal government in a capacity not listed above
- D. I do not have an office in Tennessee (Note: For the purposes of this Rule, a lawyer who practices as a principal, employee, of counsel, or in any other capacity with a firm that has an office in TN, shall be deemed to have an office in TN if the lawyer utilizes one or more offices of the firm located in TN more than the lawyer utilizes one or more offices of the firm located in any other single state.)
- E. Non-Earning Account(s) - Bank records must demonstrate that the account(s) did not accrue interest or dividends in excess of reasonable bank fees. (Enclose an explanation on a separate sheet.)
- F. Location Proximity - I am exempt because no eligible financial institution is located within reasonable proximity of my office. (Enclose an explanation on a separate sheet.)

For additional information regarding mandatory IOLTA compliance, see [www.tnbarfoundation.org](http://www.tnbarfoundation.org)

## 2015 ANNUAL REGISTRATION

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NAME:

BPR No.:

### **Pro Bono Reporting (Tenn. Sup. Ct. Rule 9, Section 10.10):**

Pro bono service is not required, but many attorneys freely give their time and talents to improve our profession, our system of justice, and our communities. Please report the extent of your pro bono activities in the preceding calendar year. For further description of the categories described below, *see* Tenn. Sup. Ct. R. 8, RPC 6.1.

(1) I estimate that I worked the following hours in 2014:

\_\_\_\_\_ Hours Providing Legal Services to Persons of Limited Means Without a Fee or at a Substantially Reduced Fee;

\_\_\_\_\_ Hours Providing Legal Services to Non-Profit Organizations Serving Persons of Limited Means Without a Fee;

\_\_\_\_\_ Hours Providing Legal Services to Groups and Organizations at a Reduced Fee when Payment of Standard Fees would create a Financial Hardship; and

\_\_\_\_\_ Hours Providing Legal Services to Improve the Law, the Legal System, or the Legal Profession.

(2) I voluntarily contributed financial support to organizations that provide legal services to persons of limited means:

\_\_\_\_\_ Yes; (Please do not disclose the amount.)

\_\_\_\_\_ No.

(3) Pursuant to Tenn. Sup. Ct. R.9, Section 10.10, this reported information remains confidential unless you waive it solely for purposes of public pro bono recognition by the Supreme Court.

*I would like to have my reported pro bono hours submitted to the Supreme Court solely for the purpose of pro bono award recognition.*

### **Optional Access To Justice Donation:\***

There exists a growing legal needs gap in Tennessee. Indigent and working-poor families face more legal problems caused by unemployment, predatory loans, uninsured medical bills, domestic violence, evictions and foreclosures. In response to this growing need, the Tennessee Supreme Court has declared access to justice for all Tennesseans its number one strategic priority. As a part of the Court's Access To Justice Initiative, all Tennessee attorneys are asked to give a voluntary contribution which will be used to fund direct legal service providers across the state. This donation will help to provide access to justice for the over 1 million low-income Tennesseans who have civil legal problems.

A suggested voluntary donation of \$50.00 is requested. If you wish to give a larger donation, mark the \$75 and/or \$100 donated amounts on Page One of this statement. If you wish to give a smaller donation, mark the \$25 amount. If you prefer not to donate, please indicate accordingly.

\*This donation may be tax-deductible. Consult a tax expert.