



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: RULE 9, SECTION 20,
RULES OF THE TENNESSEE SUPREME COURT

No. M2011-01526-SC-RL2-RL - Filed: July 19, 2011

ORDER

The Court is considering amendments to Tenn. Sup. Ct. R. 9, §§ 20.1, 20.2 and 20.8 to address several issues concerning exemptions to the requirement (imposed in § 20.1) that attorneys admitted to practice in Tennessee pay an annual registration fee to the Board of Professional Responsibility. The proposed amendments, in summary, would adopt a new exemption for federal judges and for other federal officials who are barred by federal law from practicing law, would clarify the current rule's inactive-status provision, and would adopt a new requirement that specified lawyers assuming inactive status pay an annual inactive-status fee to the Board of Professional Responsibility. The proposed amendments are set out in the Appendix to this Order.

The Court hereby publishes the proposed amendments for public comment and solicits written comments from the bench, the bar, and the public. The deadline for submitting written comments is Wednesday, November 16, 2011. Written comments should be addressed to:

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

and should reference the docket number set out above.

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

IT IS SO ORDERED.

PER CURIAM

APPENDIX

PROPOSED INACTIVE-STATUS AMENDMENTS TENN. SUP. CT. R. 9

[Proposal to amend Tenn. Sup. Ct. R. 9, §§ 20.1, 20.2 and 20.8 as indicated below; new text is indicated by underlining, and deleted text is indicated by ~~overstriking~~.]

Section 20. Periodic Assessment of Attorneys.

20.1. Every attorney admitted to practice before this Court, except those exempt under 20.2, shall pay to the Board of Professional Responsibility on or before March 1 of each year ~~an annual~~a fee for each year beginning in 1976, the amount of which is to be set by the Court from time to time.

All funds collected hereunder shall be deposited by the Board of Professional Responsibility with the State Treasurer; all such funds, including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Board of Professional Responsibility. Withdrawals from those funds shall ~~only~~ be made by the Board of Professional Responsibility only for the purpose of defraying the costs of disciplinary administration and enforcement of those rules, and for such other related purposes as this Court may from time to time authorize or direct.

The annual registration fee for each attorney shall be \$140, payable on January 2, 2009, but no later than March 1, 2009, and a like sum each year thereafter until otherwise ordered by the Court.

20.2. There shall be exempted from the application of this rule:

(a) ~~[Stricken effective July 1, 1985.]~~ Attorneys who serve as a justice, judge, or magistrate of a court of the United States of America or who serve in any federal office in which the attorney is prohibited by federal law from engaging in the practice of law.

(b) Retired attorneys.

(c) Attorneys on temporary duty with the armed forces.

(d) Faculty members of Tennessee law schools who do not practice law.

(e) Attorneys not engaged in the practice of law in Tennessee. The term “the practice of law” shall be defined as any service rendered involving legal knowledge or legal advice, whether of representation, counsel, or advocacy, in or out of court, rendered in respect to the rights, duties, regulations, liabilities, or business relations of one requiring the services. It shall encompass all public and private positions in which the attorney may be called upon to examine the law or pass upon the legal effect of any act, document, or law.

* * * *

20.8. An attorney who ~~has retired or is not engaged in practice~~ claims an exemption under section 20.2(a), (b), (d), or (e) shall advise the Board of Professional Responsibility in writing that such attorney desires to assume inactive status and discontinue the practice of law in this state. Upon the filing of such notice, the attorney shall no longer be eligible to practice law in Tennessee.

An attorney who assumes inactive status under an exemption granted by section 20.2(a), (d), or (e) shall pay to the Board of Professional Responsibility, on or before March 1 of each year, an annual inactive-status fee set at one-half of the annual registration fee assessed under section 20.1. Such attorney shall file annually with the Board of Professional Responsibility at its central office a registration statement, on a form prescribed by the Board, setting forth the attorney’s current residential and office addresses, and such other information as the Board may direct. In addition to such statement, such attorney shall file with the Board a supplemental statement of any change in the information previously submitted within 30 days of such change.

An attorney who assumes inactive status under the exemption granted by section 20.2(e) and who is licensed to practice law in another jurisdiction shall not be eligible to provide any legal services in Tennessee pursuant to Tenn. Sup. Ct. R. 8, RPC 5.5(c) or (d).

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(end of Appendix)