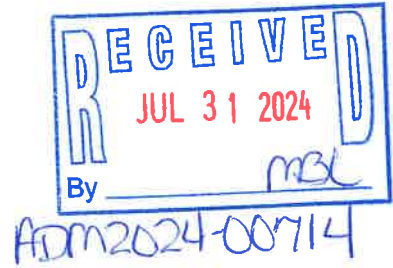


**TENNESSEE  
BAR ASSOCIATION**

July 31, 2024



The Honorable James Hivner, Clerk  
Tennessee Supreme Court  
100 Supreme Court Building  
401 7<sup>th</sup> Avenue North  
Nashville, TN 37219-1407  
Via email: [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov)

Re: **Proposed Amendments to Rule 31(15)(a)(5)**  
**Rules of the Tennessee Supreme Court**  
**No. ADM2024-00714**  
***Comment of Tennessee Bar Association***

Dear Mr. Hivner:

The Tennessee Bar Association (“TBA”) is grateful for the opportunity to comment on proposed changes to the Supreme Court Rules, and respectfully submits this comment on the change to Tennessee Supreme Court Rule 31(15)(a)(5). This comment by the Association incorporates a recommendation of the Association's Dispute Resolution Section.

On May 16, 2024, the Alternative Dispute Resolution Commission (“ADRC”) submitted a petition asking the Tennessee Supreme Court to adopt an amendment to Tennessee Supreme Court Rule 31(15)(a)(5). On June 3, 2024, the Supreme Court published the ADRC petition and solicited written comment, including from bar associations.

In short, the proposed amendment provides discretion to the ADRC where a mediator’s Rule 31 listing has lapsed due to the mediator’s failure to meet continuing education requirements. The existing rule requires a mediator whose certification has lapsed to reapply for Rule 31 listing and undergo the full 40-hour Rule 31 training for a second time. The proposed amendment would permit the ADRC to grant training waivers on a discretionary basis if the applicant previously completed the training prior to six years from the re-application.

The TBA’s Dispute Resolution Section discussed this proposed amendment on Thursday, July 11, 2024, and the members recommended that the TBA support this proposed rule amendment. This change mirrors the discretion provided to the Commission on Continuing Legal Education by Supreme Court Rule 21, granting the Commission discretion where attorneys initially fail to meet continuing education requirements. Adopting a similar discretionary structure for Rule 31 retraining waivers will enable the ADRC to fulfill its mission and

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support a robust roster of listed neutrals throughout Tennessee. Thank you for the opportunity to offer input and please accept the ADR Section's recommendation that the TBA support the proposed rule change.

Sincerely,

A handwritten signature in cursive script that reads "Sheree Q. Wright".

Sheree Wright  
Executive Director

cc: TBA Executive Committee  
Matt Haskell, Chair, TBA Dispute Resolution Section