

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

11/21/2022

Clerk of the
Appellate Courts

IN RE: AMENDMENT OF RULES 6 AND 7, RULES OF THE TENNESSEE
SUPREME COURT

No. ADM2022-01449

ORDER

The Tennessee Board of Law Examiners (“the Board”) has filed a petition asking the Court to amend Tennessee Supreme Court Rule 6, governing admission of attorneys, and Tennessee Supreme Court Rule 7, governing licensing of attorneys. The Board states in its petition that the proposed amendments “reflect changes to processes adopted during the pandemic that positively impact the licensing and admissions process.” The Board further states that “[t]he requested amendments include recommendations regarding the changing nature of the practice of law, including recommendations regarding remote legal education and how ‘active practice of law’ is counted by the Board.” In addition, the Board states that as a result of administering the Uniform Bar Examination since February 2019, “the Board recommends changes to some of the processes and references to the bar examination in Tennessee.”

The Court hereby publishes the petition for public comment and solicits written comments on the proposed amendments from judges, lawyers, bar associations, members of the public, and any other interested parties with respect to the attached proposed amendments to Tennessee Supreme Court Rules 6 and 7. The deadline for submitting written comments is January 20, 2023. Comments should reference the above docket number and should be e-mailed to appellatecourtclerk@tncourts.gov or mailed to: James M. Hivner, Clerk, 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 appendix, to LexisNexis and to Thomson Reuters. In addition, this order, including the appendix, shall be posted on the Tennessee Supreme Court’s website.

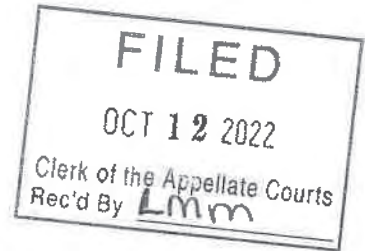
PER CURIAM

APPENDIX

TENNESSEE BOARD OF LAW EXAMINERS' PETITION TO AMEND TENNESSEE SUPREME
COURT RULE 6 GOVERNING ADMISSION OF ATTORNEYS AND RULE 7 GOVERNING
LICENSING OF ATTORNEYS

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: AMENDMENT OF RULES 6 AND 7,
RULES OF THE TENNESSEE SUPREME COURT



No. ADM2022- 01449

PETITION TO AMEND TENNESSEE SUPREME COURT RULE 6
GOVERNING ADMISSION OF ATTORNEYS AND RULE 7
GOVERNING LICENSING OF ATTORNEYS

The Tennessee Board of Law Examiners (the “TBLE” or “Board”) hereby respectfully petitions this Honorable Court to amend Tennessee Supreme Court Rule 6 (“Rule 6”) and Rule 7 (“Rule 7”) to reflect changes to processes adopted during the pandemic that positively impact the licensing and admissions process. The requested amendments include recommendations regarding the changing nature of the practice of law, including recommendations regarding remote legal education and how “active practice of law” is counted by the Board. Additionally, after administering the Uniform Bar Examination for since February 2019, the Board recommends changes to some of the processes and references to the bar examination in Tennessee.

The Board recommends revising Rule 6 to incorporate current practice and remove documentation that is no longer required:

- A. Paragraph (2) is modified to reflect the current application for admission by affidavit does not include a personal statement; this provision has been revised to reflect current practices. Additionally, Paragraph (2)(A) is amended to eliminate the statement of

sponsors. The statement of sponsors dates to a time when admission to practice before the Supreme Court was not required and admission may have been many years after the attorney was admitted to the practice of law. Today, applicants are approved for admission to practice before the Supreme Court and all courts in Tennessee after completion of a thorough character and fitness investigation which has been thoroughly reviewed by the Board of Law Examiners. The investigation includes statements from references, law schools, and employers as part of the character and fitness investigation. Applicants must take the oath of admission within 2 years of approval or must re-submit to the character and fitness process prior to admission. Paragraph (B) has been added to clarify how the oath is administered to an applicant seeking admission by affidavit.

- B. The first line of former paragraph (3) has been deleted as it is incorporated in revised paragraph (2). The balance of former paragraph (3) has been moved to new paragraph (7). Former paragraphs (4) and (5) have been renumbered as (3) and (4).
- C. Paragraph (4) has been revised to eliminate administration of the oath by a justice or judge of a court of last resort in another jurisdiction. With virtual admission, there is no longer a need to have someone from outside Tennessee administer the oath of admission.
- D. Paragraph (5) is new and reflects practices instituted during the pandemic for virtual admission ceremonies. Paragraph (6) includes the remaining provisions from former paragraph (3).

Taken together, the recommended amendments to Rule 6 reflect current practices for admission by ceremony and by affidavit.

The Board recommends the following changes to Rule 7:

- A. § 1.01(c): The recommended change clarifies that practice in compliance with RPC 5.5(d)(2), services that a lawyer is authorized to provide by federal law or other law or rule of this jurisdiction, are permitted. This is in keeping with the requirement included in RPC 5.5(d)(3) that those practicing in compliance with RPC 5.5(d)(1) must register as In-House Counsel under § 10.01 of Rule 7.
- B. § 1.03: Two changes are recommended:
1. In paragraph (c), section 10.06 is referenced twice. The duplication is corrected and the language referencing sections 5.01 and 10.06 is revised to make consistent with references throughout the Rule.
 2. The Board recommends a change to paragraph (3) to correct a typographical error by removing the extra space between “conduct” and “required” in the third line.
- C. § 1.04: This change also corrects a typographical error by removing the word “a” before UBE in the first line.
- D. § 1.07(f): Providing access to the TLC prior to approval of application by the Board of UBE Score Transfer, Comity, and Military Spouse applicants speeds the admissions process upon Board approval of the application. The current process interrupts the admissions process, requiring completion of one additional step prior to eligibility. Exam applicants access the TLC upon completion of the bar examination so that, once the application is approved by the Board, the process for admission and licensing moves forward without interruption. Access to the TLC can be provided to other candidates for admission upon receipt of the background investigation report.
- E. § 2.01: The section related to undergraduate education (“Bachelor’s Degree”) is modified to remove the phrase, “before taking his or her first bar examination” as the educational

requirements apply to all types of admission. Further, the following paragraph in the section, § 2.01(b), addresses the requirements for education prior to examination.

F. § 2.02: The Board recommends changes to two paragraphs of § 2.02, Legal Education:

1. Paragraph (a) is revised to add the word “admission” following “seeking” in the first sentence of the paragraph.
2. Paragraph (c) reflect changes related to revised ABA Standards and Rules of Procedure for Approval of Law Schools. The ABA, in Standards 306, 311 and 511, limits distance learning to one-third the credit hours required for graduation. During the pandemic, the ABA permitted accredited schools to offer programs of up to 100% distance learning after approval of a substantive change. Presently, there are 11 ABA-accredited law schools with programs that have been approved for up to 100% distance learning. As § 2.02 currently reads, graduates of distance learning programs at ABA-accredited law schools do not meet the educational requirements. The proposed change clarifies that a J.D. earned at an ABA-accredited or Tennessee-approved law school may include distance learning credits up to the amount permitted in the Standards and that a J.D from an ABA-accredited law school offering an ABA-approved distance learning program may include additional distance-learning credits up to 100% of the curriculum.
3. The language of paragraph (d) is confusing. To clarify, a reference to paragraph (a) replaces the deleted text.

G. § 3.03: Presently, Rule 7 provides a final deadline of May 20 for the July exam; for the February exam, the final deadline is December 20. Board Policy P-3.03 includes an Initial Deadline of May 1 for the July exam and December 1 for the February exam. As

currently structured, an applicant who meets the initial deadline by submitting the Tennessee application and fee will receive at least one notice of a deficiency in the application documents. In recent years, there has been a tremendous increase in the number of applicants submitting an application after the Initial Deadline, with a corresponding increase in the number of applicants found ineligible to take the examination due to an incomplete application. Additionally, applicants who submit after the initial deadline request a significant amount of attention, taking Board staff away from the job of reviewing applications and providing deficiency notices to those who submitted the application before the initial deadline, resulting in delays informing applicants of deficiencies. Tennessee is one of three jurisdictions with a deadline after May 1 or December 1 for initiating an application. Creating a two-deadline process with one deadline for submitting the application (the "Application Deadline") and a second deadline for completing the application (the "Final Deadline") will provide more time to assess space needs and testing materials, as well as give staff time to review and notify applicants of deficiencies. The "Application Deadline," will be May 1 for the July exam and December 1 for February; after this date, no one submit an application. The Final Deadline of May 20 or December 20 will permit applicants who met the Application Deadline time to remedy any deficiencies in the application. These changes should result in a reduction in the number of applicants found ineligible to take the examination. Additionally, paragraph (a)(1) has been revised to clarify that to take the examination an applicant is applying for admission in Tennessee. Modifications to paragraph (d) formalize the process for uploading documents to a secure file server by third parties in lieu of filing by hard copy. This process was implemented as a temporary solution for

third-party filings during the pandemic and has been successful at not only providing an immediate and secure upload platform but also reducing the number of applicants found ineligible because critical documents were not received by the deadline.

- H. § 3.04(a)(7): This change corrects a typographical error by adding an “s” to month (six months).
- I. § 3.05: The recommended modifications in paragraphs (a)(1) and (b) clarify the requirements for admission by transferred UBE score. Additionally, paragraph (b) has been revised to measure the time in practice for use of an expired UBE score, which is currently measured from the application date. The Board recommends measuring time in practice from the date upon which the application was filed or the date the UBE score expired, whichever is later, but not to exceed the five-year limit on score expiration. Many UBE score transfer applicants apply for admission before they begin working; therefore, anyone applying in shortly before the score expires after 3 years will not possibly have the requisite time in practice. Lastly, paragraph (c) has been amended to move former paragraph (a)(2) to paragraph (c)(2) as part of the filing requirement.
- J. § 4.04: It is recommended that this section be deleted. As a UBE jurisdiction, examination content is determined by the NCBE.
- K. § 4.07: Two changes to this section are recommended:
 - 1. Paragraph (c) is amended to add the word “for” before “admission” in the last sentence of the section.
 - 2. Paragraph (d) is modified to incorporate the UBE and eliminate reference to the “Tennessee bar examination.” This change is consistent with other similar revisions throughout the Rule.

- L. § 4.08: This new section is recommended by the Board due to a growing trend of applicants who withdraw from the examination or who fail to show at the examination. The provisions incorporate common practices and policies of other UBE jurisdictions, as well as the NCBE Conditions of Use for the UBE, by not permitting entry to anyone who does not show for an earlier session of the exam and not permitting someone who has completed the examination to withdraw once testing is completed.
- M. § 5.01: The Board recommends changes to two paragraphs:
1. § 5.01(b) Diploma Privilege. This paragraph references the incorrect item in the previous paragraph (a), which should be (a)(2), not (a)(1).
 2. § 5.01(c): As noted in the comment filed by the Board to the pending Petition to Amend Rule 7, Sec. 5.01(c), filed by the Network of Enlightened Women, the Board recommends removing the term “full time” from the definition of “active practice of law.” This will permit the Board to consider less than full time work of attorneys who demonstrate they are primarily engaged in the practice of law. The Board recommends revising the list of activities that constitute the practice of law, expanding it to more closely follow the activities listed in the ABA Model Rule and to provide clarity regarding the requirements for some types of activities, such as in-house counsel, to count as time in practice.
- N. § 5.03(a)(6): The recommended modification corrects a typographical error by adding an “s” to month (six months).
- O. § 5.04: On the “incourts.gov” website for Supreme Court Rule, this section is listed as a duplicate § 5.03 but should read, **Sec. 5.04 Obligation to Amend**. Additionally, the bold formatting for text, “**and has not expired as provided in section 5.03,**” is removed.

P. § 7.01:

1. Paragraph (a): It is rare that an applicant is before the Board who has a foreign education evaluation that reflects less than “substantially equivalent education” but who has, in addition to foreign education, perhaps some U.S. legal education, such as an LL.M. For a determination of substantially equivalent education, § 7.01(a) considers foreign education only and does not look to any U.S. education. However, in instances where there may be some other education that could impact eligibility but which is not within the requirements of Rule 7, the Board recommends that § 7.01 be modified to permit the Board to make a recommendation to the Court so that the Court may exercise its discretion to approve the education if the Court finds the applicant’s record sufficient to support eligibility. At this time, the only option available to the Board is to deny the applicant as ineligible for admission by examination or admission by transferred UBE score.
2. Paragraph (b) includes a few edits for clarity and consistency.
3. For paragraphs (a) and (b), captions have been added.

Q. § 10.01: Registration of In-House Counsel

1. Revisions have been made throughout this section to clarify when the registration process is complete and to align the requirements with similar requirements for other types of admission:
 - a. § 10.01(a) has been revised and renumbered to list the documents required for an application to register as In-house Counsel. The revisions incorporate the requirement to include an NCBE Investigation Application (no investigation

is required), to clarify the types of certificates that must be provided to prove admission, updates to the affidavit requirements to include a form affidavit, and clarification regarding foreign legal counsel requirements.

- b. New paragraph (a)(3) clarifies that the lawyer must complete the application process to obtain approval by the Board and that an application not completed prior to expiration of the Registration Period is late.
 - c. New paragraph (a)(4) gives the Board discretion to approve a timely filed application after expiration of the Registration Period. However, such approval would not put the lawyer at risk of unauthorized practice of law.
2. Changes to paragraph (d) were made to (4) to add a cross reference to the end of a lawyer's employment.
 3. Paragraph (f) is revised to clarify the registration is specific to the entity employing the lawyer when the lawyer becomes registered. That is not clearly stated in the current rule. Additionally, the word, "terminates," is replaced with "ends" to clarify that any event that ends employment, such as resignation or lay-off, automatically terminates registration.
 4. The changes to paragraph (g) for reinstatement of registration incorporate changes made to in paragraphs (a) and (f). Further, the changes clarify that if a lawyer does not complete the reinstatement process within the Reinstatement Period, the lawyer must begin a new application to register under § 10.01(a).
 5. Paragraph (i) is modified to reflect the changes throughout § 10.01.
 6. Paragraph (j) is revised to include applicants under § 10.06, Spouse of Military Servicemember, and to clarify that the amnesty applies only to registrants under § 10.01.

7. The amnesty period has expired; therefore, the Board recommends deletion of this paragraph.

Overall, the changes to § 10.01 clarify that registration is specific to the employer, that registration must be completed within the 180 days, and the steps the lawyer must take to complete registration. Additionally, the requirements are aligned with similar filing requirements in Rule 7 for consistency in application.

- R. § 10.03: The changes to paragraph (e)(3) are suggested to clarify the nature of an approval to practice under this section. Practice under § 10.03 is temporary permission and not admission to the bar of Tennessee. To avoid confusion and to properly reflect the nature of the approval by the Supreme Court, the Board recommends that the Rule reflect that the student will be provided with a certificate of registration rather than admission. It is recommended that paragraph (h)(3) be amended to reflect that the supervising attorney must be in active status.
- S. § 10.04(a)(1)(D): The Board recommends revising this paragraph to specify that the supervising attorney must be in active status.
- T. § 10.07: Modifications to paragraph (a)(5) are recommended to specify that the associating attorney must be in active status. Revisions to paragraph (c) are recommended to correct typographical errors, replacing commas with semi-colons and creating numbered paragraphs for ease of reading and citation. Additionally, a new provision is added at paragraph (c)(1)(F) to permit the Board, in its discretion, to terminate an applicant's ability to practice pending admission upon issuance of a Show Cause Order based on character and fitness concerns.

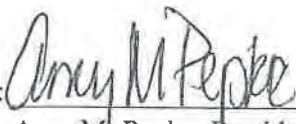
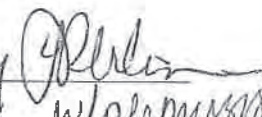
- U. § 12.11(a): Release of the raw answer i.e., that typed by the applicant without notations or comments from the graders, is a best practice in high stakes testing. With the Court's approval, the Board has released answers for several recent examinations. The process is relatively easy and has been well-received. The Board recommends formalizing this process by amending this section of Rule 7. Paragraph (b) reflects a grammatical revision.
- V. § 13.01(b): The modification is to correct a typographical error.
- W. § 17.01(g): The provision has been modified to include in-person or distance learning, which corresponds to the changes to § 2.02(e).

A red-line copy of the proposed changes is attached as Exhibit A and a conformed copy is attached as Exhibit B.

Wherefore, for the foregoing reasons, the Board respectfully requests this Honorable Court to enter an Order amending Tennessee Supreme Court Rule 6 and Rule 7 as set forth herein.

Respectfully submitted,

TENNESSEE BOARD OF LAW EXAMINERS

By:  by 
Amy M. Pepke, President *w/permissions*

CERTIFICATE OF SERVICE

The undersigned certifies that a Notice of Filing of the foregoing Petition to Amend Tennessee Supreme Court Rule 6 Governing Admission of Attorneys and Rule 7 Governing

Licensing of Attorneys has been served upon those listed in Exhibit C by email on this 12th day of October, 2022, and posted on the TBLE website at www.tnble.org.



Lisa Perlen, Executive Director

1 **RULE 6: ADMISSION OF ATTORNEYS.**

2
3 An applicant who has been approved for licensing under Rule 7 may seek admission to the bar of this
4 Court by either:

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

8 ~~(2) filing~~ Filing with the Clerk of the Supreme Court an application for admission by affidavit. The
9 documents submitted by the applicant shall demonstrate that he or she possesses the necessary
10 qualifications for admission. Such application shall contain:

11
12 (A) The application for admission on affidavit consists of the following: A personal statement by the
13 applicant

14 (i) An application in the form provided by the Appellate Court Clerk's Office and which includes a
15 statement that he or she the applicant possesses all qualifications and meets all requirements for
16 admission as set out in the preceding paragraph; and

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

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

24 ~~(3) The documents submitted by the applicant shall demonstrate that he or she possesses the necessary~~
25 ~~qualifications for admission. (B) An applicant seeking admission by affidavit shall appear in person~~
26 ~~before one of the judicial officials in Tennessee listed in paragraph 5, below, who will administer the oath~~
27 ~~of admission.~~

28 ~~Upon the applicant's taking the oath or affirmation and paying the fee therefor, the Clerk shall issue a~~
29 ~~certificate of admission. The fee for admission to the Bar of this Court shall be fixed by the Court.~~
30 ~~Applications may be filed in the offices of the Clerk at Nashville, Knoxville, or Jackson.~~

31 ~~(34) Each applicant for admission shall take the following oath:~~

32 I, _____, do solemnly swear or affirm that I will support the Constitution of the United States and
33 the Constitution of the State of Tennessee. In the practice of my profession, I will conduct myself with
34 honesty, fairness, integrity, and civility to the best of my skill and abilities, so help me God.

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

43 (5) The oath of admission may be administered virtually through video conference technology by a
44 Justice of the Supreme Court, the Clerk of the Appellate Courts or a Chief Deputy of the Appellate
45 Courts. The applicant shall present proof of identification in the form of an unexpired Driver's License.

46 Passport, or Military ID prior to taking the oath of admission, in addition to complying with the other
47 requirements for admission by affidavit.

48 (6) Upon the applicant's taking the oath or affirmation and paying the fee therefor, the Clerk shall issue a
49 certificate of admission. The fee for admission to the Bar of this Court shall be fixed by the Court.

50 Applications may be filed in the offices of the Clerk at Nashville, Knoxville, or Jackson.

51

52

53

54

55 **RULE 7: LICENSING OF ATTORNEYS.**

56 **Sec. 1.01. Prerequisites to Engaging in Practice of Law or Law Business.**

57 No person shall engage in the "practice of law" or the "law business" in Tennessee as defined in Tenn.
58 Code Ann. § 23-3-101 and Tenn. Sup. Ct. R. 9, § 10.3(e), except under the authority of the Supreme
59 Court, unless the person:

60 ...

61 (c) is practicing in compliance with Tenn. Sup. Ct. R. 8, RPC 5.5(c), Tenn. Sup. Ct. R. 8, RPC 5.5(d)(2),
62 or Tenn. Sup. Ct. R. 19 (pro hac vice).

63 **Sec. 1.03. Criteria for Issuance of the Certificate of Eligibility.**

64 The Board shall issue a Certificate of Eligibility under section 9.01 of this Rule only after determining
65 that the applicant:

66 ...

67 (e) has demonstrated the reputation, character, honesty, respect for the rights of others, due respect for the
68 law, and the fitness to practice law, that in the opinion of the Board indicates no reasonable basis for
69 substantial doubts that the applicant will adhere to the standards of conduct -required of attorneys in this
70 State;

71 ...

72 **Sec. 1.04. Waiver of Examination.**

73 The requirement to pass the Tennessee bar examination or provide a passing a-UBE score may be waived
74 for an applicant who has been admitted to practice in another state in the United States, the District of
75 Columbia, or a U.S. Territory, provided that the applicant satisfies all requirements for admission without
76 examination as specified in this Rule.

77 **Sec. 1.07. Tennessee Law Course.**

78 The Tennessee Law Course is intended to provide instruction in specific areas of Tennessee law not
79 addressed by the Uniform Bar Exam.

80 ...

81
82 (f) The Board shall provide applicants with instructions regarding access to the Tennessee Law Course as
83 follows:

84 (1) Applicants seeking admission under section 3.01 (by examination) shall receive instructions upon
85 completion of the bar examination.

86 (2) Applicants seeking admission under section 3.05 (transferred UBE score), section 5.01 (without
87 examination) or section 10.06 (spouse of military servicemember) will receive instructions upon
88 approval of their application by the Board receipt of the completed character and fitness
89 investigation from the NCBE.

90 (g) The Tennessee Law Course must be successfully completed within one year of the date that the

91 applicant completes all other requirements to be eligible for a Tennessee law license. Any applicant who
92 successfully completes the Tennessee Law Course but does not complete all other requirements for
93 eligibility to obtain a law license within such ~~one year~~one-year period must repeat the Tennessee Law
94 Course before admission.

95 96 **ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION**

97 **Sec. 2.01. Bachelor's Degree.**

98 (a) Any applicant seeking admission must have received a Bachelor's Degree or higher from a college on
99 the approved list of the Southern Association of Colleges and Secondary Schools, or the equivalent
100 regional accrediting association, or any accreditation agency imposing at least substantially equivalent
101 standards ~~before taking his or her first bar examination~~. As part of the application for admission, an
102 applicant shall provide evidence of the degree in the form required by the Board.

103 (b) To be eligible to take the exam, an applicant shall provide evidence of the degree, earned before the
104 examination, in the form required by the Board.

105 ...

106 **Sec. 2.02. Legal Education Degree Requirements.**

107 (a) Any applicant seeking admission must have completed a course of instruction in and graduated with a
108 J.D. Degree from a law school accredited by the ABA at the time of applicant's graduation, or a
109 Tennessee law school approved by the Board pursuant to section 17.01 of this Rule at the time of the
110 applicant's graduation.

111 ...

112 (d) An attorney who received a legal education in the United States or a U.S. Territory but is ineligible for
113 admission because the law school attended ~~was not accredited by the ABA or was a Tennessee law school~~
114 ~~not approved by the Board~~ does not meet the requirements of paragraph (a) above may be considered for
115 admission by examination or transferred UBE score provided the attorney satisfies the following
116 educational, licensing, and practice requirements:

117 ...

118 (e) No correspondence course will be accepted by the Board as any part of an applicant's legal education
119 to meet the requirements of this Rule. Distance, on-line, or other instruction that is not in person will be
120 accepted as part of ~~a~~the curriculum at an ABA-accredited or Tennessee-approved law school only to the
121 extent ~~approved~~permitted by the ABA for accredited law schools without approval of a substantive
122 change, or up to 100% of the curriculum for law schools approved by the ABA to offer distance-learning
123 programs. The ABA permits distance learning without approval of a substantive change as provided in
124 Definitions 7 and 8 and Standards 306, 311, and 511 of the Standard and Rules of Procedure for Approval
125 of Law Schools.

126 127 **ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE**

128 **Sec. 3.03. Date for Filing Application for Examination or Reexamination.**

129 The application process ~~for submitting an application to take the~~for admission by examination shall begin
130 on March 1 for the July examination and October 1 for the February examination.

131 (a) Deadlines:

132 (1) The last day to submit an application and pay the fee shall be May 1 for taking the July
133 examination and December 1 for taking the February examination (the "Application Deadline").

134 (2) The application process and shall be completed no later than May 20 for taking the July
135 examination and December 20 for taking the February examination (the "Final Deadline").

136 (b) For an applicant to be eligible in order for the Board to have sufficient time to determine each
137 applicant's eligibility to sit for the bar examination, an applicant must meet the following deadlines:

138 (1) The correct application must be submitted by the Application Deadline;

139 (2) The fee due under the Fee Schedule provided in section 11.01 must be paid by the Application
140 Deadline;

141 (3) ~~all~~ All supporting documentation required to complete the application process must be submitted
142 to the Board by the Final Deadline;

143 (4) All application steps, including submitting the documents required for the all steps necessary to
144 initiate the background investigation required in section 6.03(b) of this Rule, must be submitted
145 on or before the deadline, and all fees must be paid in full on or before the completed by the Final
146 deadlineDeadline.

147 (c) The Board shall detail the application process and list the items necessary for a complete application
148 in the Board Policies and Procedures. Steps in the application process shall be listed on the Board's
149 website.

150 (d) Original documents that must be mailed-provided to the Board by a third party must be received on or
151 before the deadline. Documents from third parties that must be received by the deadline may be
152 mailed to the Board or may be uploaded to a secure portal in accordance with the process established
153 by the Board.

154 ~~(e)~~(c) Applicants who have not completed the application process by the deadline are ineligible to sit
155 for the examination. The only recourse for failure to complete the application process is to reapply for
156 the next examination. The Board shall list the items necessary for a complete application in the Board
157 Policies and Procedures.

158 **Sec. 3.04. Expiration of Application for Admission on Exam Score.**

159 (a) An application for admission by examination, re-examination, or transferred UBE score expires and
160 closes upon the earlier of:

161
162 (7) six months after the last communication from the Board, following completion of the background

163 investigation . . .

164 **Sec. 3.05. Admission by Transferred Uniform Bar Examination Score.**

165 (a) Any applicant for admission who has taken the UBE in another jurisdiction may be admitted to the
166 practice of law in this state by transferred UBE score, upon showing that the applicant:

167 (1) has taken the entire UBE in a single administration in another jurisdiction and earned a total UBE
168 scaled score equal to or greater than the minimum score required to be achieved by successful Tennessee
169 ~~examination-UBE~~ applicants and that such score has not expired as provided in section 4.07(c);

170 ~~(2) has requested transfer of the score from the jurisdiction where the score was achieved or from the~~
171 ~~National Conference of Bar Examiners directly to the Tennessee Board of Law Examiners;~~

172 (3) meets the educational requirements pursuant to sections 2.01 and 2.02;

173 (4) is a member in good standing in all jurisdictions in which applicant is currently admitted;

174 (5) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any
175 other jurisdiction;

176 (6) meets the Character and Fitness Standard under section 6.01 required of all applicants for
177 admission to practice law in this jurisdiction; and

178 (7) has not engaged in the unauthorized practice of law in this or any other jurisdiction.

179 (b) An applicant who has achieved a UBE scaled score equal to or greater than the minimum score
180 required to be achieved by successful Tennessee ~~examination-UBE~~ applicants that has expired pursuant to
181 section 4.07(c), but is not more than five years from the date grades were released in Tennessee for the
182 exam administration for which the score was earned, may apply for admission on transferred UBE score
183 provided the attorney is licensed in another jurisdiction in the United States and has been primarily
184 engaged in the active practice of law, as defined in section 5.01(c) of this Rule, in one or more states or
185 territories of the United States, or the District of Columbia, for three of the five years immediately
186 preceding the date upon which the application is filed or the UBE score expired, whichever is later. An
187 applicant seeking admission on a UBE score that was expired at the time application is made or that
188 expires while the application is pending must demonstrate sufficient time in practice prior the final
189 expiration of the score, as provided in section 4.07(c).

190 (c) An applicant for admission by transferred UBE score shall:

191 (1) file an application for admission on transferred UBE score, including character investigation
192 information, in the manner established by the Board, including submission of all required documents in
193 the appropriate format;

194 ~~(2) has requested transfer of the score from the jurisdiction where the score was achieved or from the~~
195 ~~National Conference of Bar Examiners directly to the Tennessee Board of Law Examiners;~~

196 (3) submit a certificate of admission from the highest court of each jurisdiction to which the applicant
197 has been admitted;

198 (4) submit a certificate of good standing from each jurisdiction to which the applicant has been

199 admitted; and

200 (45) pay the application fee as adopted pursuant to section 11.01 of this Rule.

201 **Sec. 4.04. The Scope of the Examination Reserved.**

202 ~~The examination may include, but not be limited to, the following subjects: Business Associations, Civil~~
203 ~~Procedure, Conflicts of Law, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence,~~
204 ~~Family Law, Real Property, Secured Transactions, Torts, and Trusts and Estates.~~

205 **Sec. 4.07. Grading the Examination and Score Expiration.**

206 (a) The Board shall continue to maintain procedures which assure that the identity of each applicant in the
207 grading process is not known to any person having responsibility for grading or determining whether the
208 applicant passes or fails until the grades of all applicants have been finally determined.

209 (b) The minimum bar examination score required for a successful examination will be adopted as a
210 statement of policy and approved by the Supreme Court pursuant to section 12.05 of this Rule.

211 (c) Bar examination scores earned in Tennessee, whether by means of the former Tennessee bar
212 examination or the UBE, are valid to determine eligibility for licensing for three years after the date
213 grades are released. The scores expire after three years. A UBE score transferred to Tennessee is valid for
214 three years from the date grades were released in Tennessee for the exam administration for which the
215 score was earned unless the UBE score can be used for admission under section 3.05(b). A UBE score
216 that was earned five or more years from the date grades were released in Tennessee for the exam
217 administration for which the score was earned is not valid for admission to Tennessee.

218 (d) In order for an applicant by examination or transferred UBE score to be determined eligible for
219 licensing pursuant to section 9.01, a score equal to or greater than that required by Tennessee on the
220 Multistate Professional Responsibility Examination ("MPRE") must be achieved within no more than two
221 years of before successfully completing the Tennessee bar examination or earning a qualifying UBE score
222 that is being used for admission in Tennessee under sections 3.01 or 3.05 of this Rule; provided, however,
223 that an applicant who:

224 (1) is licensed by examination in another state in the United States, the District of Columbia or a U.S.
225 Territory;

226 (2) provides certification that the license is active and in good standing; and

227 (3) achieved a score equal to or greater than the score required by Tennessee on the MPRE two or
228 more years before successful completion of the Tennessee bar examination

229 may provide proof of that earlier score to satisfy the MPRE requirement. It is the responsibility of the
230 applicant to cause MPRE score reports to be furnished to the Board. The minimum MPRE score will be
231 adopted as a statement of policy and approved by the Supreme Court pursuant to section 12.05 of this
232 Rule.

233 **Sec. 4.08. Voluntary Withdrawal from the Examination.**

234 (a) An applicant may withdraw from the examination at any time prior to the start of the examination by
235 providing written notice of withdrawal from the examination to the Board.

236 (b) Once the examination begins, an applicant may withdraw from the examination by written notice to
237 the Board or by failing to appear at any session of the examination.

238 (c) An applicant who fails to appear for a session of the examination will be withdrawn from the exam
239 and not be permitted to appear for any subsequent session of the examination.

240 (d) No one may withdraw from the examination after completing all sections of the examination.

241 ~~(a)~~(e) Refund of fees will be permitted only to the extent provided in section 11.03 of this Rule.

242

243 **Sec. 5.01. Minimum Requirements for Admission Without Examination of Persons Admitted in**
244 **Other Jurisdictions.**

245 ...

246 (b) **Diploma Privilege.** An applicant who was admitted and licensed to practice in another state pursuant
247 to a “diploma privilege,” which exempts an applicant from taking a bar examination, and who has not
248 been admitted by examination or transferred UBE score in any other state in the United States, the District
249 of Columbia, or a U.S. Territory in which the applicant is in good standing, may seek a waiver of
250 subsection (a)(~~2~~) by filing a petition with the Board as provided in section 13.02, setting forth the
251 reasons why the applicant should be admitted to practice law in Tennessee. The petition shall include
252 information upon which the Board can assess the applicant’s reputation, character, knowledge, skills and
253 abilities. The Board shall then conduct a hearing in response to the petition, according to the guidelines
254 set forth in section 13.03 of this Rule. After considering the totality of the proof presented, the Board shall
255 make a recommendation to the Supreme Court either for approval or denial of the petition or for such
256 other action as the Board may deem appropriate. Any applicant whose petition for waiver of subsection
257 (a)(~~2~~) is denied by the Board may file a petition for review in the Supreme Court pursuant to the
258 procedures set forth in section 14.01.

259 (c) **Active Practice of Law.**

260 (1) For the purposes of this Rule, in addition to the definitions of “Practice of Law” and “Law
261 Business” in section 1.01 of this Rule, the “active practice of law” shall include the following activities, if
262 performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that
263 permits such activity by a lawyer not admitted to practice:

264 (A) ~~full-time~~ private or public practice of law as a licensed attorney;

265 (B) teaching law ~~full-time~~ at a law school approved by the Council of the Section of Legal
266 Education and Admissions to the Bar of the ABA American Bar Association;

267 (C) service as a judicial law clerk or staff attorney; ~~and~~

268 (D) service as a Judge in a federal, state, or local court of record;

269 (E) service as Attorney General or Assistant Attorney General, Public Defender, U.S. Attorney,
270 District Attorney, or an attorney or general counsel for a local, state, or federal agency, including
271 military service;

272 (F) service as duly registered In-House Counsel in-house counsel, provided that the attorney is duly
273 registered under a rule similar to section 10.01 of this Rule if required in the jurisdiction in which
274 the services were provided; and or

275 (G) practice as a Military Spouse under a license approved similar to that awarded under section
276 10.06 of this Rule in the jurisdiction in which the services were provided.

277 (2) For the purposes of this Rule, in addition to the definitions of "Practice of Law" and "Law
278 Business" in section 1.01 of this Rule, the "active practice of law" may be construed in the Board's
279 discretion as being actively engaged in other full-time employment requiring interpretation of law and
280 application of legal knowledge if performed in a jurisdiction in which the applicant is admitted, or if
281 performed in a jurisdiction that permits such activity by a lawyer not admitted to practice; ~~however, in no~~
282 ~~event shall any activities that were performed pursuant to a provision similar to section 10.04 or section~~
283 ~~10.07 of this Rule in advance of bar admission in a state or territory of the United States or the District of~~
284 ~~Columbia be accepted toward the durational requirement.~~

285 (3) The Board shall consider such evaluative criteria as time devoted to legal work, the nature of the
286 work, whether legal training or a law license was a prerequisite of employment, and other similar matters.

287 (34) For work to meet the requirement of "active practice of law," the lawyer must have been licensed,
288 in active status and in good standing in at least one jurisdiction at the time the work was performed,
289 unless the work was performed pursuant to paragraph (c)(1)(B). In no event shall any activities performed
290 pursuant to a provision similar to section 10.04 or section 10.07 of this Rule before bar admission in a
291 state or territory of the United States or the District of Columbia be accepted toward the durational
292 requirement.

293
294 **Sec. 5.03. Expiration of Application for Admission Without Examination.**

295 (a) An application for admission without examination (comity) expires and closes upon the earlier of:

296 ...
297 (6) six months after the last communication from the Board, whether sent by mail or electronically,
298 which remains unanswered by the applicant.

299 ...
300 **Sec. 5.0304. Obligation to Amend.**

301 Until an applicant is admitted to the Tennessee bar, or the application is denied by the Board or
302 voluntarily withdrawn, the applicant is under a continuing obligation to update responses to any of the
303 information requested in the application process. Whenever there is an addition or a change to the
304 information previously provided to the Board, the applicant must amend his or her application by filing an
305 amendment or supplemental application as prescribed by the Board. An applicant whose application has
306 been on file for two years or more and that has not expired as provided in section 5.03, must submit an
307 application for supplement investigation to the NCBE every two years until such time as the Applicant is
308 admitted, has been denied admission, or has withdrawn the application for admission.

309 **Sec. 7.01. Eligibility to Take Examination.**

310 (a) Substantially Equivalent Foreign Education.

311 (1) An applicant who has completed a course of study in and graduated from a law school in a
312 foreign jurisdiction, which law school was then recognized and approved by the competent
313 accrediting agency of such jurisdiction, may qualify, in the discretion of the Board, to take the
314 Board, for admission by bar examination under section 3.01, or for admission by transferred UBE
315 score under section 3.05, provided that the applicant shall satisfy the Board that his or her
316 undergraduate education and legal education were substantially equivalent to the requirements of
317 sections 2.01 and 2.02 of this Rule. The applicant shall submit a comprehensive evaluation that
318 includes a course-by-course evaluation, determination of equivalency, plus authentication of
319 transcripts ("Foreign-Education Report") from a Credential Evaluation Service that is a member
320 of the National Association of Credential Evaluation Services to enable the Board to determine
321 the applicant's eligibility for such admission.

322 ~~(1)~~(2) If an applicant's Foreign Education Report does not demonstrate education that is
323 substantially equivalent to that required in sections 2.01 and 2.02 of this Rule, but the Board finds
324 that other factors may nonetheless qualify the applicant to seek admission by bar examination or
325 by transferred UBE score, the Board may transmit the applicant's file and a recommendation to
326 the Court so that the Court may review the file and determine whether to exercise its inherent
327 discretion to permit the application to take the examination or be admitted by transferred UBE
328 score.

329 (b) Non-equivalent Foreign Education. In the alternative, an applicant who has completed a course of
330 study in and graduated from a law school in a foreign jurisdiction, which law school was then recognized
331 and approved by the competent accrediting agency of such jurisdiction, may qualify, in the discretion of
332 the Board, ~~to take the~~for admission by bar examination under section 3.01, or for admission by transferred
333 UBE score under section 3.05, provided that the applicant shall satisfy the Board that the applicant:

334 ...

335 **Sec. 10.01. Registration of In-house Counsel.**

336 (a) A lawyer who is admitted to the practice of law in another U.S. jurisdiction or is a foreign lawyer and
337 who is employed as a lawyer by an organization, the business of which is lawful and consists of activities
338 other than the practice of law or the provision of legal services, and who has a systematic and continuous
339 presence in this jurisdiction pursuant to Tenn. Sup. Ct. R. 8, RPC 5.5(d)(1), shall complete the
340 requirements for registration ~~register~~ as in-house counsel within 180 days of the commencement of
341 employment as a lawyer (the "Registration Period"), ~~by submitting to the Board the following:~~

342
343
344 (1) A complete application for registration requires submitting to the Board the following:

345
346 (A) ~~A~~The completed application, including an NCBE Background Investigation Application and
347 all required supporting documents, in the ~~form prescribed manner established~~ by the Board;

348
349 (~~B~~) AThe fee in the amount set by the Board under section 11.01;

350
351 (~~C~~) Documents proving ~~Certificates of admission to practice law the highest court for each United~~
352 States and foreign jurisdiction to which the lawyer is admitted; and

353
354 (D) Certificates of status and current good standing in all United States and foreign jurisdictions in

355 which the lawyer is admitted to practice law; ~~If the jurisdiction is foreign and the documents are~~
356 ~~not in English, the lawyer shall submit an English translation and satisfactory proof of the accuracy~~
357 ~~of the translation; and~~

358
359 (4E) An affidavit from an officer, director, or general counsel of the employing entity in the form
360 provided by the Board attesting to the lawyer's employment by the entity, the date employment
361 began, and the capacity in which the lawyer is so employed, and stating that the employment
362 conforms to the requirements of this Rule.

363 (F) For any documents that are not in English, the lawyer shall submit an English translation and
364 satisfactory proof of the accuracy of the translation.

365 (2) The Board shall list the items and steps necessary for a complete application in the Board Policies
366 and Procedures.

367
368 (3) The lawyer obtains approval by the Board on a registration application that is:

369 (A) completed on or before expiration of the Registration Period as provided in paragraph (a) of
370 this section; or

371 (B) completed after expiration of the Registration Period and the late fee as provided in paragraph
372 (h) of this section has been paid.

373
374 (4) The Board has the discretion to issue approval after the Registration Period has expired. If the
375 application was completed prior to expiration of the Registration Period, the approval shall be deemed
376 timely, even if after the expiration of the Registration Period.

377 (5) For purposes of this Rule, a "foreign lawyer" is a member in good standing of a recognized legal
378 profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or
379 counselors at law or the equivalent and subject to effective regulation and discipline by a duly
380 constituted professional body or a public authority. Upon recommendation of the Board, the Supreme
381 Court may allow a foreign lawyer lawfully practicing as in-house counsel in a foreign jurisdiction who
382 does not meet the above requirements to register as an in-house counsel after consideration of other
383 criteria, including the lawyer's legal education, references, and experience.

384
385 (d) A registered lawyer under this section shall:

386 (1) Complete the registration process with the Board of Professional Responsibility within thirty days
387 of approval of ~~the application to register~~ registration by the Board under paragraph (a)(3) of this
388 section;

389 (2) Pay all annual fees payable by active members of the bar;

390 (3) Fulfill the continuing legal education requirements that are required of active members of the bar;
391 and

392 (4) Report to the Board, within thirty days, the following:

393 (A) Termination of the lawyer's employment as provided in paragraph (f)(1) of this section;

394 ---

395 (f) A registered lawyer's rights and privileges under this section automatically terminate when:

396 (1) The lawyer's employment with the entity employing the lawyer at the time the lawyer becomes
397 registered terminates;

398 (2) The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency
399 before which the lawyer is admitted;

400 (3) The lawyer fails to maintain active status in at least one jurisdiction; or

401 (4) The lawyer fails to comply with the requirements in paragraph (d)(1) - (4), above.

402 Upon the occurrence of one or more of the foregoing events, the registered lawyer shall give written
403 notice within thirty days of the terminating event to the Board and to the Board of Professional
404 Responsibility.

405 (g) A registered lawyer whose registration is terminated under paragraph (f)(1) above, may be reinstated
406 within 180 days of ~~termination~~ the end of the lawyer's previous registered employment by completing the
407 requirements for reinstatement of registration (the "Reinstatement Period"). ~~upon submission to the Board~~
408 ~~of the following:~~

409
410 (1) The complete application for reinstatement of registration requires submitting to the Board the
411 following:

412
413
414 ~~(A) An~~ The application for reinstatement of registration in a form prescribed by the Board,
415 including all required supporting documents and submitted in the manner established by the
416 Board; in a form prescribed by the Board;

417 ~~(B) A~~ The reinstatement fee set by the Board pursuant to section 11.01;

418 ~~(C) Certificates of Admission and Good Standing as prescribed by the Board; and~~

419 ~~(D) An affidavit from the current employing entity as prescribed in paragraph (a)(4)(1)(E).~~

420 (2) The Board shall list the items and steps necessary for a complete application for reinstatement of
421 registration in the Board Policies and Procedures.

422 (3) The lawyer obtains approval by the Board on a reinstatement application that is completed on or
423 before the expiration of the Reinstatement Period.

424 (4) The Board has the discretion to issue approval after expiration of the Reinstatement Period upon
425 submission of a timely completed reinstatement application. Such approval is timely and the lawyer shall
426 not be considered to have engaged in unauthorized practice of law if the Board approves the timely
427 completed reinstatement application after the Reinstatement Period.

428 (5) A lawyer whose employment ends and who does not obtain new in-house counsel employment in
429 Tennessee within 180 days of termination of registration under paragraph (f)(1) of this section, or who
430 obtains new In-house Counsel employment in Tennessee but does not complete the application for
431 reinstatement of registration prior to expiration of the Reinstatement Period, must submit a new
432 application to register as provided in paragraph (a) of this section.

433 (h) A lawyer under this Rule who fails to ~~register~~ complete the registration application under paragraph
434 (a) of this section within 180 days of commencement of employment prior to expiration of the
435 Registration Period shall be:

436 (1) Permitted to register under this section as provided in paragraph (a), above but will be required to
437 pay a late registration fee as provided in the fee schedule established under section 11.01;

438 (2) Subject to professional discipline in this jurisdiction;

439 (3) Ineligible for admission pursuant to section 5.01 of this Rule;

440 (4) Referred by the Board to the Board of Professional Responsibility; and

441 (5) Referred by the Board to the disciplinary authority of the jurisdiction(s) of licensure.

442 (i) A lawyer's service to the lawyer's employer before timely registration under this Rule shall not
443 constitute the unauthorized practice of law or otherwise be treated as violating Tenn. Sup. Ct. R. 8, RPC
444 5.5 as long as the services are permitted under this Rule for registered lawyers and the lawyer ~~files the~~
445 application for registration complies with the requirement to complete the registration application under
446 section 10.01 paragraph (a) of this Rule section before expiration of the Registration Period or to complete
447 the reinstatement application under paragraph (g) of this section before expiration of the Reinstatement
448 Period, within 180 days of the commencement of the lawyer's employment. The protection of this section
449 applies only to lawyers who submit an application to register under this section within 180 days of
450 commencement of practice in Tennessee.

451 (j) A lawyer who is eligible to register under this section but who submits an application for admission
452 without examination under section 5.01, by examination under section 3.01, ~~or~~ by transferred UBE score
453 under section 3.05, or as a Spouse of a Military Servicemember under section 10.06, must register to
454 practice pending admission under section 10.07 or also register as in-house counsel. The protections of
455 paragraph (i) apply only to lawyers who are seeking registration as in-house counsel and do not apply for
456 admission under other provisions-sections of this Rule.

457 (k) Amnesty. A foreign lawyer who has been employed as a lawyer in an organization in Tennessee for
458 more than 180 days at the time of enactment of amended section 10.01 and who complies fully with the
459 requirements of this Rule on or before September 30, 2019, shall not be barred from registration under
460 this Rule or from practicing under the authority of Tenn. Code Ann. § 23-3-103 and RPC 5.5(d)(1) solely
461 by the fact of prior noncompliance with Tennessee law concerning licensure of in-house counsel.

462 **Sec. 10.03. Law Student Practice.**

463 . . .

464 **(e) Approval by the Supreme Court.**

465 (1) The dean of the law student's law school or the director shall file a request for approval of a

466 qualified law student with the Clerk of the Supreme Court of Tennessee in Nashville on forms and in the
467 format required by the Supreme Court.

468 (2) Upon a showing that the law student is qualified under the provisions of this Rule, the Supreme
469 Court shall issue an order approving the law student to practice.

470 (3) Upon the entry of the order approving a law student to practice under this Rule, the Board shall
471 provide the student with a certificate of ~~admission~~ registration under this section.

472 . . .

473 (h) **Supervision.**

474 (1) The qualified law student shall be under the immediate and personal supervision of an attorney
475 who meets the requirements of paragraph (3), below. If the supervising attorney is not teaching in a law
476 school clinic, the attorney must be approved in writing by the dean or director.

477 (2) It is the responsibility of the supervising attorney to ensure that the student is properly supervised
478 and instructed, including compliance with Tenn. Sup. Ct. R. 8, RPC 5.3, and be present for administrative
479 or adjudicatory proceedings; however, it is not necessary that the licensed attorney be personally present
480 when the student engages in other activities such as interviewing, investigation, drafting and negotiation.

481 (3) The supervising attorney must:

482 (A) be a lawyer ~~licensed who is admitted to practice, in active status,~~ and in good standing in
483 Tennessee;

484 (B) have practiced for a minimum of three years;

485 (C) assume professional responsibility for the direct and immediate supervision for the
486 professional work of the qualified law student; and

487 (D) be a full-time employee of an entity identified in paragraph (g)(1)(A)-(E), above, and
488 supervise the qualified law student in connection to that employment.

489

490 **Sec. 10.04. Practice before Admission by Examination Score.**

491 . . .

492 (c) **Supervision.**

493 (1) The applicant shall be under the immediate and personal supervision of an attorney who meets the
494 requirements of paragraph (3), below.

495 (2) It is the responsibility of the supervising attorney to ensure that the applicant is properly supervised
496 and instructed including compliance with Tenn. Sup. Ct. R. 8, RPC 5.3, and be present as provided in
497 paragraph (d)(2), below; however, it is not necessary that the supervising attorney be present when the
498 applicant engages in activities such as interviewing, investigation, drafting, and negotiation.

499 (3) The supervising attorney must:

500 (A) be a lawyer ~~licensed who is admitted to practice, in active status,~~ and in good standing in
501 Tennessee;

502 (B) have practiced for a minimum of three years; and

503 (C) assume professional responsibility for the direct and immediate supervision for the
504 professional work of the applicant.

505 **Sec. 10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction.**

506 (a) A lawyer who is licensed to practice law and in good standing in another state in the United States, the
507 District of Columbia, or a U.S. Territory and who has submitted an application for admission under
508 section 3.01, 3.05, 5.01, or 10.06 of this Rule may provide legal services in this jurisdiction through an
509 office or other systematic and continuous presence during the pendency of the application for admission
510 but for no more than 365 days, provided that the lawyer:

511 (1) is not disbarred or suspended from practice in any jurisdiction;

512 ...

513 (5) associates with a lawyer who is admitted to practice, in active status, and in good standing in
514 Tennessee;

515

516 ...

517 **(c) Termination of Right of Practice Pending Admission.**

518 (1) The right to practice pending admission under this section terminates:

519

520 (A) if the lawyer withdraws the application for admission or if such application is denied;

521

522 (B) if the lawyer becomes disbarred, suspended, or takes disability inactive status in any other
523 jurisdiction in which the lawyer is licensed to practice law;

524

525 (C) if a formal complaint is filed with the Board of Professional Responsibility or an indictment
526 filed by the Attorney General's Office in Tennessee against the lawyer;

527

528 (D) if the lawyer fails to register for admission *pro hac vice* when required; ~~or~~

529

530 (E) if the lawyer fails to timely provide the written notice required by section 10.07(a)(4); or;

531

532 (F) in the Board's discretion, if an Order to Show Cause is issued by the Board, based in part on
533 the lawyer's character and fitness to practice law in Tennessee.

534 (2) Upon termination of the right of practice, the lawyer shall not undertake any new representation
535 that would require the lawyer to be admitted to practice law in this jurisdiction and, within ten
536 days, shall:

- 537 (A) —~~(1)~~—cease to occupy an office or other systematic and continuous presence for the practice
538 of law in Tennessee unless authorized to do so pursuant to another Rule;
539 (B) —~~(2)~~—notify all clients being represented in pending matters, and opposing counsel or co-
540 counsel, of the termination of the lawyer's authority to practice pursuant to the authority in
541 this section; and
542 (C) —~~(3)~~—take all other necessary steps to protect the interests of the lawyer's clients.

543 **Sec. 12.11. Confidentiality of Board Records and Files.**

544 (a) Records, statements of opinion, and other information regarding an applicant for admission to the bar
545 communicated by any entity including any person, firm, or institution to the Board or their members,
546 employees, or agents, applications for admission, examination papers and grades, and all investigative
547 records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and
548 from the Board, its members and staff, minutes of Board meetings and its deliberations and all
549 documents, communications and proceedings prepared in connection with evaluations or investigations of
550 law schools under sections 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, and 17.10 of this Rule, whether
551 in paper or electronic form, shall be confidential and shall not be open to inspection without written
552 application to and authorization by an appropriate order of the Supreme Court. For examination
553 applicants who are unsuccessful on an examination, the Board is permitted to release to the applicant
554 answers to the performance test and essay questions for that examination. The Board shall specify the
555 process for obtaining the answers in the Board Policies and Procedures.

556 (b) The Board is authorized to release information ~~which~~ that would otherwise be confidential to
557 disciplinary or law enforcement agencies of any jurisdiction, the Tennessee Lawyer Assistance Program,
558 and to the Board of Professional Responsibility upon written request. The Board may release information
559 that is otherwise confidential as follows:

560 ...

561 **Sec. 13.01. Show Cause Orders.**

562 ...

563 (b) Response to Show Cause Order—The applicant's reply to the Show Cause Order shall be in writing,
564 under oath, and may include such additional affidavits or other documents as the applicant may choose to
565 furnish.

566 **Sec. 17.01. Tennessee Law Schools.**

567 ...

568 (g) Substandard Law Schools.

569 (1) Any law school located in or seeking to locate in Tennessee (whether offering a full-time or part-
570 time in-person or distance-learning curriculum), which permits the enrollment of students without first
571 having obtained the written approval of the Supreme Court as provided in section 17.01, shall be
572 classified as a substandard school.

573

574

1 **RULE 6: ADMISSION OF ATTORNEYS.**

2
3 An applicant who has been approved for licensing under Rule 7 may seek admission to the bar of this
4 Court by either:

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

8 (2) Filing with the Clerk of the Supreme Court an application for admission by affidavit. The documents
9 submitted by the applicant shall demonstrate that he or she possesses the necessary qualifications for
10 admission.

11 (A) The application for admission on affidavit consists of the following:

12 (i) An application in the form provided by the Appellate Court Clerk's Office and which includes a
13 statement that the applicant possesses all qualifications and meets all requirements for admission as set
14 out in the preceding paragraph; and

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

17 (B) An applicant seeking admission by affidavit shall appear in person before one of the judicial officials
18 in Tennessee listed in paragraph 5, below, who will administer the oath of admission.

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

20 I, _____, do solemnly swear or affirm that I will support the Constitution of the United States and
21 the Constitution of the State of Tennessee. In the practice of my profession, I will conduct myself with
22 honesty, fairness, integrity, and civility to the best of my skill and abilities, so help me God.

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

30 (5) The oath of admission may be administered virtually through video conference technology by a
31 Justice of the Supreme Court, the Clerk of the Appellate Courts or a Chief Deputy of the Appellate
32 Courts. The applicant shall present proof of identification in the form of an unexpired Driver's License,
33 Passport, or Military ID prior to taking the oath of admission, in addition to complying with the other
34 requirements for admission by affidavit.

35 (6) Upon the applicant's taking the oath or affirmation and paying the fee therefor, the Clerk shall issue a
36 certificate of admission. The fee for admission to the Bar of this Court shall be fixed by the Court.
37 Applications may be filed in the offices of the Clerk at Nashville, Knoxville, or Jackson.

42 **RULE 7: LICENSING OF ATTORNEYS.**

43 **Sec. 1.01. Prerequisites to Engaging in Practice of Law or Law Business.**

44 No person shall engage in the "practice of law" or the "law business" in Tennessee as defined in Tenn.
45 Code Ann. § 23-3-101 and Tenn. Sup. Ct. R. 9, § 10.3(e), except under the authority of the Supreme
46 Court, unless the person:

47 ...

48 (c) is practicing in compliance with Tenn. Sup. Ct. R. 8, RPC 5.5(c), Tenn. Sup. Ct. R. 8, RPC 5.5(d)(2),
49 or Tenn. Sup. Ct. R. 19 (pro hac vice).

50 **Sec. 1.03. Criteria for Issuance of the Certificate of Eligibility.**

51 The Board shall issue a Certificate of Eligibility under section 9.01 of this Rule only after determining
52 that the applicant:

53 ...

54 (e) has demonstrated the reputation, character, honesty, respect for the rights of others, due respect for the
55 law, and the fitness to practice law, that in the opinion of the Board indicates no reasonable basis for
56 substantial doubts that the applicant will adhere to the standards of conduct required of attorneys in this
57 State;

58 ...

59 **Sec. 1.04. Waiver of Examination.**

60 The requirement to pass the Tennessee bar examination or provide a passing UBE score may be waived
61 for an applicant who has been admitted to practice in another state in the United States, the District of
62 Columbia, or a U.S. Territory, provided that the applicant satisfies all requirements for admission without
63 examination as specified in this Rule.

64 **Sec. 1.07. Tennessee Law Course.**

65 The Tennessee Law Course is intended to provide instruction in specific areas of Tennessee law not
66 addressed by the Uniform Bar Exam.

67 ...

68

69 (f) The Board shall provide applicants with instructions regarding access to the Tennessee Law Course as
70 follows:

71 (1) Applicants seeking admission under section 3.01 (by examination) shall receive instructions upon
72 completion of the bar examination.

73 (2) Applicants seeking admission under section 3.05 (transferred UBE score), section 5.01 (without
74 examination) or section 10.06 (spouse of military servicemember) will receive instructions upon
75 receipt of the completed character and fitness investigation from the NCBE.

76 (g) The Tennessee Law Course must be successfully completed within one year of the date that the
77 applicant completes all other requirements to be eligible for a Tennessee law license. Any applicant who

78 successfully completes the Tennessee Law Course but does not complete all other requirements for
79 eligibility to obtain a law license within such one-year period must repeat the Tennessee Law Course
80 before admission.

81

82 **ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION**

83 **Sec. 2.01. Bachelor's Degree.**

84 (a) Any applicant seeking admission must have received a Bachelor's Degree or higher from a college on
85 the approved list of the Southern Association of Colleges and Secondary Schools, or the equivalent
86 regional accrediting association, or any accreditation agency imposing at least substantially equivalent
87 standards. As part of the application for admission, an applicant shall provide evidence of the degree in
88 the form required by the Board.

89 (b) To be eligible to take the exam, an applicant shall provide evidence of the degree, earned before the
90 examination, in the form required by the Board.

91 . . .

92 **Sec. 2.02. Legal Education Degree Requirements.**

93 (a) Any applicant seeking admission must have completed a course of instruction in and graduated with a
94 J.D. Degree from a law school accredited by the ABA at the time of applicant's graduation, or a
95 Tennessee law school approved by the Board pursuant to section 17.01 of this Rule at the time of the
96 applicant's graduation.

97 . . .

98 (d) An attorney who received a legal education in the United States or a U.S. Territory but is ineligible for
99 admission because the law school attended does not meet the requirements of paragraph (a) above may be
100 considered for admission by examination or transferred UBE score provided the attorney satisfies the
101 following educational, licensing, and practice requirements:

102 . . .

103 (e) No correspondence course will be accepted by the Board as any part of an applicant's legal education
104 to meet the requirements of this Rule. Distance, on-line, or other instruction that is not in person will be
105 accepted as part of the curriculum at an ABA-accredited or Tennessee-approved law school only to the
106 extent permitted by the ABA for accredited law schools without approval of a substantive change, or up
107 to 100% of the curriculum for law schools approved by the ABA to offer distance-learning programs. The
108 ABA permits distance learning without approval of a substantive change as provided in Definitions 7 and
109 8 and Standards 306, 311, and 511 of the Standard and Rules of Procedure for Approval of Law Schools.

110 **ARTICLE III. APPLICATION FOR ADMISSION BY EXAMINATION SCORE**

111 **Sec. 3.03. Date for Filing Application for Examination or Reexamination.**

112 The process for submitting an application for admission by examination shall begin on March 1 for the
113 July examination and October 1 for the February examination.

114 (a) Deadlines:

115 (1) The last day to submit an application and pay the fee shall be May 1 for taking the July
116 examination and December 1 for taking the February examination (the "Application Deadline").

117 (2) The application process shall be completed no later than May 20 for taking the July examination
118 and December 20 for taking the February examination (the "Final Deadline").

119 (b) For an applicant to be eligible to sit for the bar examination, an applicant must meet the following
120 deadlines:

121 (1) The correct application must be submitted by the Application Deadline;

122 (2) The fee due under the Fee Schedule provided in section 11.01 must be paid by the Application
123 Deadline;

124 (3) All supporting documentation required to complete the application process must be submitted to
125 the Board by the Final Deadline;

126 (4) All application steps, including all steps necessary to initiate the background investigation
127 required in section 6.03(b) of this Rule, must be completed by the Final Deadline.

128 (c) The Board shall detail the application process and list the items necessary for a complete application
129 in the Board Policies and Procedures. Steps in the application process shall be listed on the Board's
130 website.

131 (d) Original documents that must be provided to the Board by a third party must be received on or before
132 the deadline. Documents from third parties that must be received by the deadline may be mailed to
133 the Board or may be uploaded to a secure portal in accordance with the process established by the
134 Board.

135 (e) Applicants who have not completed the application process by the deadline are ineligible to sit for the
136 examination. The only recourse for failure to complete the application process is to reapply for the
137 next examination.

138 **Sec. 3.04. Expiration of Application for Admission on Exam Score.**

139 (a) An application for admission by examination, re-examination, or transferred UBE score expires and
140 closes upon the earlier of:

141 . . .

142 (7) six months after the last communication from the Board, following completion of the background
143 investigation . . .

144 **Sec. 3.05. Admission by Transferred Uniform Bar Examination Score.**

145 (a) Any applicant for admission who has taken the UBE in another jurisdiction may be admitted to the
146 practice of law in this state by transferred UBE score, upon showing that the applicant:

147 (1) has taken the entire UBE in a single administration in another jurisdiction and earned a total UBE

148 scaled score equal to or greater than the minimum score required to be achieved by successful
149 Tennessee UBE applicants and that such score has not expired as provided in section 4.07(c);

150 (2) meets the educational requirements pursuant to sections 2.01 and 2.02;

151 (3) is a member in good standing in all jurisdictions in which applicant is currently admitted;

152 (4) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any
153 other jurisdiction;

154 (5) meets the Character and Fitness Standard under section 6.01 required of all applicants for
155 admission to practice law in this jurisdiction; and

156 (6) has not engaged in the unauthorized practice of law in this or any other jurisdiction.

157 (b) An applicant who has achieved a UBE scaled score equal to or greater than the minimum score
158 required to be achieved by successful Tennessee UBE applicants that has expired pursuant to section
159 4.07(c), but is not more than five years from the date grades were released in Tennessee for the exam
160 administration for which the score was earned, may apply for admission on transferred UBE score
161 provided the attorney is licensed in another jurisdiction in the United States and has been primarily
162 engaged in the active practice of law, as defined in section 5.01(c) of this Rule, in one or more states or
163 territories of the United States, or the District of Columbia, for three of the five years immediately
164 preceding the date upon which the application is filed or the UBE score expired, whichever is later. An
165 applicant seeking admission on a UBE score that was expired at the time application is made or that
166 expires while the application is pending must demonstrate sufficient time in practice prior the final
167 expiration of the score, as provided in section 4.07(c).

168 (c) An applicant for admission by transferred UBE score shall:

169 (1) file an application for admission on transferred UBE score, including character investigation
170 information, in the manner established by the Board, including submission of all required
171 documents in the appropriate format;

172 (2) request transfer of the score from the National Conference of Bar Examiners directly to the
173 Tennessee Board of Law Examiners;

174 (3) submit a certificate of admission from the highest court of each jurisdiction to which the applicant
175 has been admitted;

176 (4) submit a certificate of good standing from each jurisdiction to which the applicant has been
177 admitted; and

178 (5) pay the application fee as adopted pursuant to section 11.01 of this Rule.

179 **Sec. 4.04. Reserved.**

180 **Sec. 4.07. Grading the Examination and Score Expiration.**

181 (a) The Board shall continue to maintain procedures which assure that the identity of each applicant in the
182 grading process is not known to any person having responsibility for grading or determining whether the
183 applicant passes or fails until the grades of all applicants have been finally determined.

184 (b) The minimum bar examination score required for a successful examination will be adopted as a
185 statement of policy and approved by the Supreme Court pursuant to section 12.05 of this Rule.

186 (c) Bar examination scores earned in Tennessee, whether by means of the former Tennessee bar
187 examination or the UBE, are valid to determine eligibility for licensing for three years after the date
188 grades are released. The scores expire after three years. A UBE score transferred to Tennessee is valid for
189 three years from the date grades were released in Tennessee for the exam administration for which the
190 score was earned unless the UBE score can be used for admission under section 3.05(b). A UBE score
191 that was earned five or more years from the date grades were released in Tennessee for the exam
192 administration for which the score was earned is not valid for admission to Tennessee.

193 (d) In order for an applicant by examination or transferred UBE score to be determined eligible for
194 licensing pursuant to section 9.01, a score equal to or greater than that required by Tennessee on the
195 Multistate Professional Responsibility Examination ("MPRE") must be achieved no more than two years
196 before earning a qualifying UBE score that is being used for admission in Tennessee under sections 3.01
197 or 3.05 of this Rule; provided, however, that an applicant who:

198 (1) is licensed by examination in another state in the United States, the District of Columbia or a U.S.
199 Territory;

200 (2) provides certification that the license is active and in good standing; and

201 (3) achieved a score equal to or greater than the score required by Tennessee on the MPRE two or
202 more years before successful completion of the Tennessee bar examination

203 may provide proof of that earlier score to satisfy the MPRE requirement. It is the responsibility of the
204 applicant to cause MPRE score reports to be furnished to the Board. The minimum MPRE score will be
205 adopted as a statement of policy and approved by the Supreme Court pursuant to section 12.05 of this
206 Rule.

207 **Sec. 4.08. Voluntary Withdrawal from the Examination.**

208 (a) An applicant may withdraw from the examination at any time prior to the start of the examination by
209 providing written notice of withdrawal from the examination to the Board.

210 (b) Once the examination begins, an applicant may withdraw from the examination by written notice to
211 the Board or by failing to appear at any session of the examination.

212 (c) An applicant who fails to appear for a session of the examination will be withdrawn from the exam
213 and not be permitted to appear for any subsequent session of the examination.

214 (d) No one may withdraw from the examination after completing all sections of the examination.

215 (e) Refund of fees will be permitted only to the extent provided in section 11.03 of this Rule.

216

217 **Sec. 5.01. Minimum Requirements for Admission Without Examination of Persons Admitted in**
218 **Other Jurisdictions.**

219 . . .

220 (b) **Diploma Privilege.** An applicant who was admitted and licensed to practice in another state pursuant
221 to a “diploma privilege,” which exempts an applicant from taking a bar examination, and who has not
222 been admitted by examination or transferred UBE score in any other state in the United States, the District
223 of Columbia, or a U.S. Territory in which the applicant is in good standing, may seek a waiver of
224 subsection (a)(2) by filing a petition with the Board as provided in section 13.02, setting forth the reasons
225 why the applicant should be admitted to practice law in Tennessee. The petition shall include information
226 upon which the Board can assess the applicant's reputation, character, knowledge, skills and abilities. The
227 Board shall then conduct a hearing in response to the petition, according to the guidelines set forth in
228 section 13.03 of this Rule. After considering the totality of the proof presented, the Board shall make a
229 recommendation to the Supreme Court either for approval or denial of the petition or for such other action
230 as the Board may deem appropriate. Any applicant whose petition for waiver of subsection (a)(2) is
231 denied by the Board may file a petition for review in the Supreme Court pursuant to the procedures set
232 forth in section 14.01.

233 (c) **Active Practice of Law.**

234 (1) For the purposes of this Rule, in addition to the definitions of “Practice of Law” and “Law
235 Business” in section 1.01 of this Rule, the “active practice of law” shall include the following
236 activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a
237 jurisdiction that permits such activity by a lawyer not admitted to practice:

238 (A) private or public practice of law as a licensed attorney;

239 (B) teaching law at a law school approved by the Council of the Section of Legal Education and
240 Admissions to the Bar of the American Bar Association;

241 (C) service as a judicial law clerk or staff attorney;

242 (D) service as a Judge in a federal, state, or local court of record;

243 (E) service as Attorney General or Assistant Attorney General, Public Defender, U.S. Attorney,
244 District Attorney, or an attorney or general counsel for a local, state, or federal agency,
245 including military service;

246 (F) service as in-house counsel, provided that the attorney is duly registered under a rule similar to
247 section 10.01 of this Rule if required in the jurisdiction in which the services were provided;
248 and

249 (G) practice as a Military Spouse under a license approved similar to that awarded under section
250 10.06 of this Rule in the jurisdiction in which the services were provided.

251 (2) For the purposes of this Rule, in addition to the definitions of “Practice of Law” and “Law
252 Business” in section 1.01 of this Rule, the “active practice of law” may be construed in the Board's
253 discretion as being actively engaged in other employment requiring interpretation of law and
254 application of legal knowledge if performed in a jurisdiction in which the applicant is admitted, or
255 if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice.

256 (3) The Board shall consider such evaluative criteria as time devoted to legal work, the nature of the
257 work, whether legal training or a law license was a prerequisite of employment, and other similar
258 matters.

259 (4) For work to meet the requirement of "active practice of law," the lawyer must have been licensed,
260 in active status and in good standing in at least one jurisdiction at the time the work was performed,
261 unless the work was performed pursuant to paragraph (c)(1)(B). In no event shall any activities
262 performed pursuant to a provision similar to section 10.04 or section 10.07 of this Rule before bar
263 admission in a state or territory of the United States or the District of Columbia be accepted toward
264 the durational requirement.

265

266 **Sec. 5.03. Expiration of Application for Admission Without Examination.**

267 (a) An application for admission without examination (comity) expires and closes upon the earlier of:

268 . . .

269 (6) six months after the last communication from the Board, whether sent by mail or electronically,
270 which remains unanswered by the applicant.

271 . . .

272 **Sec. 5.04. Obligation to Amend.**

273 Until an applicant is admitted to the Tennessee bar, or the application is denied by the Board or
274 voluntarily withdrawn, the applicant is under a continuing obligation to update responses to any of the
275 information requested in the application process. Whenever there is an addition or a change to the
276 information previously provided to the Board, the applicant must amend his or her application by filing an
277 amendment or supplemental application as prescribed by the Board. An applicant whose application has
278 been on file for two years or more and that has not expired as provided in section 5.03, must submit an
279 application for supplement investigation to the NCBE every two years until such time as the Applicant is
280 admitted, has been denied admission, or has withdrawn the application for admission.

281 **Sec. 7.01. Eligibility to Take Examination.**

282 (a) Substantially Equivalent Foreign Education.

283 (1) An applicant who has completed a course of study in and graduated from a law school in a foreign
284 jurisdiction, which law school was then recognized and approved by the competent accrediting
285 agency of such jurisdiction, may qualify, in the discretion of the Board, for admission by bar
286 examination under section 3.01, or for admission by transferred UBE score under section 3.05,
287 provided that the applicant shall satisfy the Board that his or her undergraduate education and legal
288 education were substantially equivalent to the requirements of sections 2.01 and 2.02 of this Rule.
289 The applicant shall submit a comprehensive evaluation that includes a course-by-course
290 evaluation, determination of equivalency, plus authentication of transcripts ("Foreign-Education
291 Report") from a Credential Evaluation Service that is a member of the National Association of
292 Credential Evaluation Services to enable the Board to determine the applicant's eligibility for such
293 admission.

294 (2) If an applicant's Foreign Education Report does not demonstrate education that is substantially
295 equivalent to that required in sections 2.01 and 2.02 of this Rule, but the Board finds that other
296 factors may nonetheless qualify the applicant to seek admission by bar examination or by
297 transferred UBE score, the Board may transmit the applicant's file and a recommendation to the

298 Court so that the Court may review the file and determine whether to exercise its inherent
299 discretion to permit the application to take the examination or be admitted by transferred UBE
300 score.

301 (b) Non-equivalent Foreign Education. In the alternative, an applicant who has completed a course of
302 study in and graduated from a law school in a foreign jurisdiction, which law school was then recognized
303 and approved by the competent accrediting agency of such jurisdiction, may qualify, in the discretion of
304 the Board, for admission by examination under section 3.01, or for admission by transferred UBE score
305 under section 3.05, provided that the applicant shall satisfy the Board that the applicant:

306 ...

307 **Sec. 10.01. Registration of In-house Counsel.**

308 (a) A lawyer who is admitted to the practice of law in another U.S. jurisdiction or is a foreign lawyer and
309 who is employed as a lawyer by an organization, the business of which is lawful and consists of activities
310 other than the practice of law or the provision of legal services, and who has a systematic and continuous
311 presence in this jurisdiction pursuant to Tenn. Sup. Ct. R. 8, RPC 5.5(d)(1), shall complete the
312 requirements for registration as in-house counsel within 180 days of the commencement of employment
313 as a lawyer (the "Registration Period").

314

315 (1) A complete application for registration requires submitting to the Board the following:

316

317 (A) The application, including an NCBE Background Investigation Application and all required
318 supporting documents, in the manner established by the Board;

319

320 (B) The fee in the amount set by the Board under section 11.01;

321

322 (C) Certificates of admission to the highest court for each United States and foreign jurisdiction to
323 which the lawyer is admitted;

324

325 (D) Certificates of status and current good standing in all United States and foreign jurisdictions in
326 which the lawyer is admitted to practice law; and

327

328 (E) An affidavit from an officer, director, or general counsel of the employing entity in the form
329 provided by the Board attesting to the lawyer's employment by the entity, the date employment
330 began, and the capacity in which the lawyer is so employed, and stating that the employment
331 conforms to the requirements of this Rule.

332 (F) For any documents that are not in English, the lawyer shall submit an English translation and
333 satisfactory proof of the accuracy of the translation.

334 (2) The Board shall list the items and steps necessary for a complete application in the Board Policies
335 and Procedures.

336 (3) The lawyer obtains approval by the Board on a registration application that is:

337 (A) completed on or before expiration of the Registration Period as provided in paragraph (a) of
338 this section; or

339 (B) completed after expiration of the Registration Period and the late fee as provided in paragraph

340 (h) of this section has been paid.

341 (4) The Board has the discretion to issue approval after the Registration Period has expired. If the
342 application was completed prior to expiration of the Registration Period, the approval shall be
343 deemed timely, even if after the expiration of the Registration Period.

344 (5) For purposes of this Rule, a "foreign lawyer" is a member in good standing of a recognized legal
345 profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or
346 counselors at law or the equivalent and subject to effective regulation and discipline by a duly
347 constituted professional body or a public authority. Upon recommendation of the Board, the
348 Supreme Court may allow a foreign lawyer lawfully practicing as in-house counsel in a foreign
349 jurisdiction who does not meet the above requirements to register as an in-house counsel after
350 consideration of other criteria, including the lawyer's legal education, references, and experience.

351 ...

352 (d) A registered lawyer under this section shall:

353 (1) Complete the registration process with the Board of Professional Responsibility within thirty days
354 of approval of registration by the Board under paragraph (a)(3) of this section;

355 (2) Pay all annual fees payable by active members of the bar;

356 (3) Fulfill the continuing legal education requirements that are required of active members of the bar;
357 and

358 (4) Report to the Board, within thirty days, the following:

359 (A) Termination of the lawyer's employment as provided in paragraph (f)(1) of this section;

360 ...

361 (f) A registered lawyer's rights and privileges under this section automatically terminate when:

362 (1) The lawyer's employment with the entity employing the lawyer at the time the lawyer becomes
363 registered ends;

364 (2) The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency
365 before which the lawyer is admitted;

366 (3) The lawyer fails to maintain active status in at least one jurisdiction; or

367 (4) The lawyer fails to comply with the requirements in paragraph (d)(1) - (4), above.

368 Upon the occurrence of one or more of the foregoing events, the registered lawyer shall give written
369 notice within thirty days of the terminating event to the Board and to the Board of Professional
370 Responsibility.

371 (g) A registered lawyer whose registration is terminated under paragraph (f)(1) above, may be reinstated
372 within 180 days of the end of the lawyer's previous registered employment by completing the
373 requirements for reinstatement of registration (the "Reinstatement Period").
374

- 375 (1) The complete application for reinstatement of registration requires submitting to the Board the
376 following:
377
- 378 (A) The application for reinstatement of registration in a form prescribed by the Board, including
379 all required supporting documents and submitted in the manner established by the Board;
- 380 (B) The reinstatement fee set by the Board pursuant to section 11.01;
- 381 (C) Certificates of Admission and Good Standing as prescribed by the Board; and
- 382 (D) An affidavit from the current employing entity as prescribed in paragraph (a)(1)(E).
- 383 (2) The Board shall list the items and steps necessary for a complete application for reinstatement of
384 registration in the Board Policies and Procedures.
- 385 (3) The lawyer obtains approval by the Board on a reinstatement application that is completed on or
386 before the expiration of the Reinstatement Period.
- 387 (4) The Board has the discretion to issue approval after expiration of the Reinstatement Period upon
388 submission of a timely completed reinstatement application. Such approval is timely and the lawyer
389 shall not be considered to have engaged in unauthorized practice of law if the Board approves the
390 timely completed reinstatement application after the Reinstatement Period.
- 391 (5) A lawyer whose employment ends and who does not obtain new in-house counsel employment in
392 Tennessee within 180 days of termination of registration under paragraph (f)(1) of this section, or
393 who obtains new In-house Counsel employment in Tennessee but does not complete the application
394 for reinstatement of registration prior to expiration of the Reinstatement Period, must submit a new
395 application to register as provided in paragraph (a) of this section.
- 396 (h) A lawyer under this Rule who fails to complete the registration application under paragraph (a) of this
397 section prior to expiration of the Registration Period shall be:
- 398 (1) Permitted to register under this section as provided in paragraph (a), above but will be required to
399 pay a late registration fee as provided in the fee schedule established under section 11.01;
- 400 (2) Subject to professional discipline in this jurisdiction;
- 401 (3) Ineligible for admission pursuant to section 5.01 of this Rule;
- 402 (4) Referred by the Board to the Board of Professional Responsibility; and
- 403 (5) Referred by the Board to the disciplinary authority of the jurisdiction(s) of licensure.
- 404 (i) A lawyer's service to the lawyer's employer before timely registration under this Rule shall not
405 constitute the unauthorized practice of law or otherwise be treated as violating Tenn. Sup. Ct. R. 8, RPC
406 5.5 as long as the services are permitted under this Rule for registered lawyers and the lawyer complies
407 with the requirement to complete the registration application under paragraph (a) of this section before
408 expiration of the Registration Period or to complete the reinstatement application under paragraph (g) of
409 this section before expiration of the Reinstatement Period.
- 410 (j) A lawyer who is eligible to register under this section but who submits an application for admission

411 without examination under section 5.01, by examination under section 3.01, by transferred UBE score
412 under section 3.05, or as a Spouse of a Military Servicemember under section 10.06, must register to
413 practice pending admission under section 10.07 or also register as in-house counsel. The protections of
414 paragraph (i) apply only to lawyers who are seeking registration as in-house counsel and do not apply for
415 admission under other sections of this Rule.

416 **Sec. 10.03. Law Student Practice.**

417 ...

418 **(e) Approval by the Supreme Court.**

419 (1) The dean of the law student's law school or the director shall file a request for approval of a
420 qualified law student with the Clerk of the Supreme Court of Tennessee in Nashville on forms and
421 in the format required by the Supreme Court.

422 (2) Upon a showing that the law student is qualified under the provisions of this Rule, the Supreme
423 Court shall issue an order approving the law student to practice.

424 (3) Upon the entry of the order approving a law student to practice under this Rule, the Board shall
425 provide the student with a certificate of registration under this section.

426 ...

427 **(h) Supervision.**

428 (1) The qualified law student shall be under the immediate and personal supervision of an attorney
429 who meets the requirements of paragraph (3), below. If the supervising attorney is not teaching in a
430 law school clinic, the attorney must be approved in writing by the dean or director.

431 (2) It is the responsibility of the supervising attorney to ensure that the student is properly supervised
432 and instructed, including compliance with Tenn. Sup. Ct. R. 8, RPC 5.3, and be present for
433 administrative or adjudicatory proceedings; however, it is not necessary that the licensed attorney
434 be personally present when the student engages in other activities such as interviewing,
435 investigation, drafting and negotiation.

436 (3) The supervising attorney must:

437 (A) be a lawyer who is admitted to practice, in active status, and in good standing in Tennessee;

438 (B) have practiced for a minimum of three years;

439 (C) assume professional responsibility for the direct and immediate supervision for the professional
440 work of the qualified law student; and

441 (D) be a full-time employee of an entity identified in paragraph (g)(1)(A)-(E), above, and supervise
442 the qualified law student in connection to that employment.
443

444 **Sec. 10.04. Practice before Admission by Examination Score.**

445 ...

446 (c) **Supervision.**

447 (1) The applicant shall be under the immediate and personal supervision of an attorney who meets the
448 requirements of paragraph (3), below.

449 (2) It is the responsibility of the supervising attorney to ensure that the applicant is properly supervised
450 and instructed including compliance with Tenn. Sup. Ct. R. 8, RPC 5.3, and be present as provided
451 in paragraph (d)(2), below; however, it is not necessary that the supervising attorney be present
452 when the applicant engages in activities such as interviewing, investigation, drafting, and
453 negotiation.

454 (3) The supervising attorney must:

455 (A) be a lawyer who is admitted to practice, in active status, and in good standing in Tennessee;

456 (B) have practiced for a minimum of three years; and

457 (C) assume professional responsibility for the direct and immediate supervision for the professional
458 work of the applicant.

459 **Sec. 10.07. Practice Pending Admission by Applicant Licensed in Another Jurisdiction.**

460 (a) A lawyer who is licensed to practice law and in good standing in another state in the United States, the
461 District of Columbia, or a U.S. Territory and who has submitted an application for admission under
462 section 3.01, 3.05, 5.01, or 10.06 of this Rule may provide legal services in this jurisdiction through an
463 office or other systematic and continuous presence during the pendency of the application for admission
464 but for no more than 365 days, provided that the lawyer:

465 (1) is not disbarred or suspended from practice in any jurisdiction;

466 ...

467 (5) associates with a lawyer who is admitted to practice, in active status, and in good standing in
468 Tennessee;

469

470 ...

471 (c) **Termination of Right of Practice Pending Admission.**

472 (1) The right to practice pending admission under this section terminates:

473

474 (A) if the lawyer withdraws the application for admission or if such application is denied;

475

476 (B) if the lawyer becomes disbarred, suspended, or takes disability inactive status in any other
477 jurisdiction in which the lawyer is licensed to practice law;

478

479 (C) if a formal complaint is filed with the Board of Professional Responsibility or an indictment
480 filed by the Attorney General's Office in Tennessee against the lawyer;

481

- 482 (D) if the lawyer fails to register for admission *pro hac vice* when required;
483
484 (E) if the lawyer fails to timely provide the written notice required by section 10.07(a)(4); or
485
486 (F) in the Board's discretion, if an Order to Show Cause is issued by the Board, based in part on the
487 lawyer's character and fitness to practice law in Tennessee.
- 488 (2) Upon termination of the right of practice, the lawyer shall not undertake any new representation
489 that would require the lawyer to be admitted to practice law in this jurisdiction and, within ten
490 days, shall:
- 491 (A) cease to occupy an office or other systematic and continuous presence for the practice of law in
492 Tennessee unless authorized to do so pursuant to another Rule;
493
494 (B) notify all clients being represented in pending matters, and opposing counsel or co-counsel, of
495 the termination of the lawyer's authority to practice pursuant to the authority in this section;
496 and
497
498 (C) take all other necessary steps to protect the interests of the lawyer's clients.

499 **Sec. 12.11. Confidentiality of Board Records and Files.**

500 (a) Records, statements of opinion, and other information regarding an applicant for admission to the bar
501 communicated by any entity including any person, firm, or institution to the Board or their members,
502 employees, or agents, applications for admission, examination papers and grades, and all investigative
503 records of the Board, including, but not limited to, correspondence and/or electronic transmissions to and
504 from the Board, its members and staff, minutes of Board meetings and its deliberations and all
505 documents, communications and proceedings prepared in connection with evaluations or investigations of
506 law schools under sections 17.01, 17.02, 17.03, 17.04, 17.05, 17.06, 17.07, and 17.10 of this Rule, whether
507 in paper or electronic form, shall be confidential and shall not be open to inspection without written
508 application to and authorization by an appropriate order of the Supreme Court. For examination
509 applicants who are unsuccessful on an examination, the Board is permitted to release to the applicant
510 answers to the performance test and essay questions for that examination. The Board shall specify the
511 process for obtaining the answers in the Board Policies and Procedures.

512 (b) The Board is authorized to release information that would otherwise be confidential to disciplinary or
513 law enforcement agencies of any jurisdiction, the Tennessee Lawyer Assistance Program, and to the
514 Board of Professional Responsibility upon written request. The Board may release information that is
515 otherwise confidential as follows:

516 . . .

517 **Sec. 13.01. Show Cause Orders.**

518 . . .

519 (b) Response to Show Cause Order. The applicant's reply to the Show Cause Order shall be in writing,
520 under oath, and may include such additional affidavits or other documents as the applicant may choose to
521 furnish.

522 **Sec. 17.01. Tennessee Law Schools.**

523 . . .

524 (g) Substandard Law Schools.

525 (1) Any law school located in or seeking to locate in Tennessee (whether offering a full-time or part-
526 time in-person or distance-learning curriculum), which permits the enrollment of students without first
527 having obtained the written approval of the Supreme Court as provided in section 17.01, shall be
528 classified as a substandard school.

529

530

Exhibit C: Service List

Tennessee Bar Association	<u>jstevenson@tnbar.org</u>
Belmont University College of Law	<u>alberto.gonzales@belmont.edu</u>
Lincoln Memorial University School of Law	<u>matthew.lyon@lmunet.edu</u>
Nashville School of Law	<u>bill.koch@nsl.law</u>
University of Memphis School of Law	<u>ktschffz@memphis.edu</u>
University of Tennessee School of Law	<u>lbrow139@utk.edu</u>
Vanderbilt University Law School	<u>Chris.guthrie@vanderbilt.edu</u>
Board of Professional Responsibility	<u>sgarrett@tbpr.org</u>
Tennessee Lawyers Assistance Program	<u>buddy.stockwell@tncourts.gov</u>
Commission on Continuing Legal Education	<u>michele.wojciechowski@cletn.com</u>