

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

10/12/2023

Clerk of the
Appellate Courts

**IN RE: PROPOSED AMENDMENTS
TENNESSEE SUPREME COURT RULE 9 , SECTION 16**

No. ADM2023-01437

ORDER

The Court is considering amending Tennessee Supreme Court Rule 9, section 16, which prescribes the procedure for complaints against members of the Board of Professional Responsibility, District Committee Members, or Disciplinary Counsel. If adopted, these proposed amendments will replace in its entirety current section 16 of Tennessee Supreme Court Rule 9. The proposed amendments are set out in the Appendix to this Order.

The proposed amendments are hereby published for public comment and written comments are solicited and welcomed from judges, lawyers, bar associations, members of the public, and all interested parties. The deadline for submitting written comments is December 12, 2023. Written comments should reference the docket number above and may be emailed to appellatecourtclerk@tncourts.gov or mailed to:

James Hivner, Clerk
RE: Tennessee Supreme Court Rule 9, section 16
100 Supreme Court Building, 401 7th Avenue North
Nashville, TN 37219-1407

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

It is so ORDERED.

PER CURIAM

APPENDIX

PROPOSED AMENDMENTS TENNESSEE SUPREME COURT RULES 9, SECTION 16

The text of Tenn. Sup. Ct. Rule 9, sections 16.1, 16.2, and 16.3 is omitted in its entirety and replaced with the following:

Section 16.1.

If a complaint is filed against Disciplinary Counsel, a district committee member, or a member of the Board, the matter shall proceed in accordance with the procedures contained in Section 15, except that:

- (1) If the respondent is Disciplinary Counsel, the Board shall appoint a special disciplinary counsel to investigate the case;
- (2) If the respondent is a district committee member, the Chair of the Board shall appoint a special hearing committee for the case; or
- (3) If the respondent is a member of the Board, the Chief Justice shall appoint a special standing Board of three members for all such cases.

Section 16.2.

Disagreement with any official decision Disciplinary Counsel, a hearing panel, a district committee member, the Board, or a Board member makes in the course and scope of discharging their responsibilities under this Rule shall not be grounds for filing a disciplinary complaint.

Section 16.3.

Upon request, the Court may authorize the payment of reasonable expenses and/or fees to special disciplinary counsel, a special hearing committee, or a special board appointed pursuant to Section 16.1.