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Date: 3/30/2018 3:54 PM
Subject: TN Courts: Submit Comment on Proposed Rules

Submitted on Friday, March 30, 2018 - 3:54pm
Submitted by anonymous user: [73.121.6.187]
Submitted values are:

Your Name: Meganne O'Neil
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Your email address: megopro17@gmail.com
Your Position or Organization: Attorney
Rule Change: Rule 7: Licensing of Attorneys
Docket number: ADM2017-02083
Your public comments:

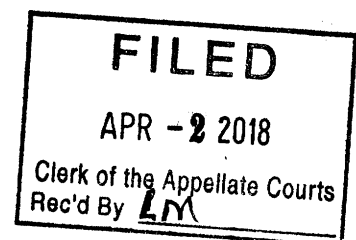
In May 2017 I graduated from the University of Tennessee College of Law. As a non-traditional student I am wise enough to understand that life is unpredictable, and agility and mobility are critical components to a successful career and my family's financial stability. After a very long and agonizing process, I decided that taking the Tennessee state specific bar exam was a bad deal. Confining my future to one state was shortsighted and a waste of time and money.

I ventured to New Hampshire to take the UBE in July and earned an awesome fully portable score that is passing in all UBE jurisdictions and thus gives me the ability to apply for a legal license in the majority of states in the US. While I have found myself unexpectedly anchored to Tennessee due to my husband's employment presently, I was filled with joy when I learned that the Supreme Court is considering the Tennessee Bar Examiners' intelligent recommendation to adopt the UBE.

There seems to be some concern that the law schools will be unable to adapt their curriculum to the exam expeditiously. This is nonsense. I had barely heard of the UBE prior to January 2017 and did not fully understand it until mid-March when I made my decision. With absolutely no bar preparation support from my law school I managed to pull off success on the UBE - while maintaining near sanity and stability for my family of six. The law schools notoriously abdicate the bulk of bar exam preparation to commercial enterprises. To feign the need to prepare students is wrongheaded and in denial of reality.

Various members of local bar associations may argue that Tennessee law is critical to gauge and control the competency of legal representation in order to protect the public. While I disagree with that sentiment, the Tennessee Bar Examiners can grade the Multistate Bar Exam essays according to Tennessee Law.

Another concern is likely that the out of state new attorneys may lack the state specific practical skills necessary to practice in Tennessee. While that is most likely the case with the present Tennessee Bar Exam, New Hampshire managed this with a mandatory nine-hour CLE of practical skills for newly admitted attorneys. This post admission course is required of all attorneys (both exam admissions and in motion admissions) and is offered twice a year. I attended in December 2017 and found the course to be incredibly useful and interesting.



ADM2017-02083

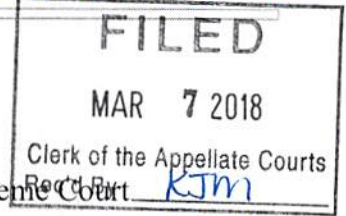
Personally, I urge you to adopt the UBE. I would be honored and grateful to transfer my score from New Hampshire and begin my legal career providing pro bono assistance and setting up shop as a low bono attorney in Oak Ridge, Tennessee. My expertise is in juvenile justice and there is real need in my community for competent and compassionate advocacy. Cramming for ten weeks, neglecting my family, and acing the Tennessee Bar Exam will fail to make me a better advocate - it just delays my entry to serving and helping others.

The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/22261>

**Lisa Marsh - Comments for Amendment of Rule 7, Rules of the Tennessee Supreme Court
(Tenn.Sup.Ct. R. 7)**

ADM2017-02083

From: "Chip Cathey" <mrchipcathey@gmail.com>
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Subject: Comments for Amendment of Rule 7, Rules of the Tennessee Supreme Court
(Tenn.Sup.Ct. R. 7)

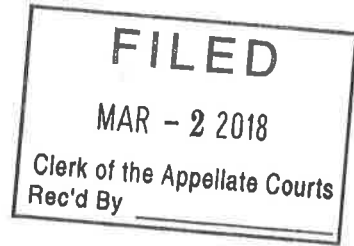


Dear Mr. Hivner,

Please allow me to enter comments from a private citizen regarding the Amendment of Tenn.Sup.Ct. R. 7. It is my belief that, closely monitored the development of the Uniform Bar Exam and the evolution of the legal profession in modern society, it is in Tennessee's best interests to amend Rule 7 and have Tennessee become a state that certifies attorneys utilizing the UBE. The exam, while not offering Tennessee-specific legal questions, will be a better test of a lawyer's knowledge through a dedicated test administration team and allow attorneys practicing in Tennessee be able to attract business from other states that generate revenue in our strong business verticals. With business contacts in Alabama, Tennessee, Virginia, DC, Maryland, North Carolina and Colorado, a single attorney based in Tennessee could carry out the work needed in Tennessee rather than farm it out of state. Not joining will be to the detriment of our fine state both from a revenue leakage perspective but also perhaps from students going to school in other states to be able to participate in a modern legal certification system. Please respectfully include my opinion toward the Amendment of Rule 7 and help Tennessee continue to grow as a progressive American legal center.

Thank you,
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Franklin TN
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



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

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No. ADM2017-0208³

COMMENT OF THE NASHVILLE SCHOOL OF LAW

The Nashville School of Law (“NSL”), by and through its President and Dean, William C. Koch, Jr., makes the following comment regarding the proposed amendments to Tenn. Sup. Ct. R. 7 filed by the Tennessee Board of Law Examiners on October 18, 2017.

BACKGROUND

On October 18, 2017, the Tennessee Board of Law Examiners (“TBLE”) filed a petition requesting the Court to amend Tenn. Sup. Ct. R. 7 to permit the adoption of the Uniform Bar Examination (“UBE”). The proposed UBE will consist of six Multistate Essay Examination (“MEE”) questions, two Multistate Performance Test (“MPT”) tasks, and the Multistate Bar Examination (“MBE”).

In addition to recommending the adoption of the UBE, the TBLE requested the Court to adopt a “mandatory, post-admission local law component” to assure that persons admitted to practice in Tennessee after passing the UBE are familiar with legal concepts and lawyering skills particularly relevant to the practice of law in Tennessee. The TBLE also requested permission to begin administering the UBE and the “mandatory, post-admission local law component” contemporaneously with the July 2018 administration of the bar examination in Tennessee.

In its order filed on October 20, 2017, the Court solicited written comments regarding this petition and requested that these comments be filed on or before January 5, 2018. Thereafter, the Court entered an order on January 5, 2018, extending the period for filing comments to March 2, 2018.

**THE COURT SHOULD ADOPT THE TBLE'S PROPOSED AMENDMENTS
WITH REVISIONS**

The NSL favors the adoption of the UBE as proposed by the TBLE. We believe that the UBE will provide an appropriate, accurate, and fair assessment of an examinee's ability (1) to apply fundamental legal principles and employ legal reasoning to particular fact patterns, (2) to identify legal issues and relevant facts in hypothetical fact patterns and to present a well-organized, clear, and concise analysis of the relevant issues, and (3) to complete tasks that a beginning lawyer should be able to accomplish.

In particular, the NSL believes that the MEE questions developed and validated by the National Conference of Bar Examiners will benefit our students in two ways. First, they will provide our students with appropriately improved opportunities to demonstrate their ability to identify applicable legal issues and relevant facts in hypothetical fact patterns and to provide a well-organized application of the legal principles to the facts. Secondly, they will promote accuracy and consistency of the grading of the examinees' answers.

As the only law school in Tennessee that has not sought ABA accreditation, the NSL has a final unique reason for favoring the adoption of the UBE. While our historic mission is to prepare men and women for satisfying and sustainable legal careers in Tennessee, we also support our graduates who desire to practice law in other states. Our graduates' ability

to practice law in other states is currently hampered by our long-standing decision not to seek ABA accreditation. The adoption of the UBE in Tennessee should eventually benefit our students who have passed the UBE and are practicing in Tennessee and who desire to be admitted to practice in other states that have adopted the UBE.

To assure a fair and orderly transition to the UBE, the NSL submits that the following revisions to the TBLE's proposals should be considered and adopted:

- (1) The proposed July 2018 implementation date proposed in the TBLE's petition provides only four months to prepare for the transition to the UBE. The NSL students who plan to graduate and to take the July 2018 bar exam have already completed over 75% of the Advanced Legal Studies course and bar exam workshops. These courses began in August 2017, and their content was based on the subjects that have been traditionally tested on the Tennessee bar exam. It would be manifestly unfair to these students to change the nature of the bar exam itself and the subjects being tested so late in the process. Accordingly, the NSL recommends that, should the Court decide to adopt the UBE, the new bar exam should not begin to be administered until February 2019 at the earliest.

In addition, developing an appropriate "mandatory, post-admission local law component" will require significant time and work. While the UBE materials may be readily available, four months will not provide sufficient time to prepare the "mandatory, post-admission local law component" that will complement the adoption of the UBE.

- (2) Because the UBE will test examinees' knowledge of general legal principles without regard to principles and procedures unique to law practice in

Tennessee, other law schools in Tennessee may very well adjust their curriculums to place less emphasis on Tennessee law and procedure. Remaining true to its historic mission to provide a quality legal education to working men and women residing in Tennessee, the NSL does not intend to lessen its curriculum's current emphasis on substantive Tennessee law and Tennessee practice and procedure. Accordingly, when the Court considers the nature of the "mandatory, post-admission local law component" requested by the TBLE, the NSL recommends that the Court require that this component contain a bypass procedure for students graduating from Tennessee law schools who can demonstrate to the TBLE's satisfaction that their course work has satisfactorily acquainted them with Tennessee law and procedure.

- (3) Along with the adoption of the UBE and the "mandatory, post-admission local law component," the NSL recommends that the Court direct the TBLE to provide more transparency in the examination process by adopting Standard 25 of the Code of Recommended Standards for Bar Examiners pertaining to the rights of failing applicants and by providing failing applicants with information regarding their performance on the subjects tested on the MBE.

The Code of Recommended Standards for Bar Examiners was adopted jointly by the American Bar Association, the National Conference of Bar Examiners, and the Association of American Law Schools. Standard 25 provides, in part, that "[a]n applicant who fails a bar examination should have the right, within

a reasonable period of time after announcement of the results of the examination, to see the applicant's answers to the essay questions and the grades assigned thereto, and to compare each of these answers with an approved answer." *Comprehensive Guide to Bar Admission Requirements 2018*, at x (NCBE & ABA Section on Legal Education & Admission to the Bar (2018), available at www.ncbex.org/pubs/bar-admissions-guide/2018/mobile/index.html#p=1. Sixteen states have increased the transparency of their examining procedure by adopting Standard 25.¹

Returning more transparency to the bar examination process will be helpful for at least four reasons. First, it will enable the examinees to better understand why they did not pass the examination. Second, it will enable the examinees to use the examination as a teaching tool by enabling them to review the approved answers and to compare these answers with their own work. Third, being able to ascertain their performance on each of the subjects tested on the MBE will assist students in their preparation to retake the bar examination. Fourth, providing law schools with generalized data regarding their students' success on the subjects tested on the bar examination will enable the schools to improve their courses on the tested subjects.

With the adoption of the UBE, the TBLE will have convenient access to sample answers for the MEE and MPT and to the correct answers for the

¹These states include Arkansas, California, Connecticut, Georgia, Florida, Indiana, Maryland, Michigan, Minnesota, Mississippi, Nevada, New Jersey, New York, North Carolina, Pennsylvania, and Texas.

subjects tested on the MBE. Technology will minimize the burden of providing failing applicants with information relating to their performance on a bar examination. Thus, the benefits of providing failing applicants with this valuable information far outweighs any burden or inconvenience in providing it to them.

The NSL appreciates this opportunity to comment on the TBLE's proposal to adopt the UBE. If approved by the Court, we stand ready to assist both the Court and the TBLE in way we can to facilitate the efficient and effective implementation of these proposals.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals identified in Exhibit A by regular United States Mail, postage prepaid within seven (7) days of filing with this Court.



William C. Koch, Jr.

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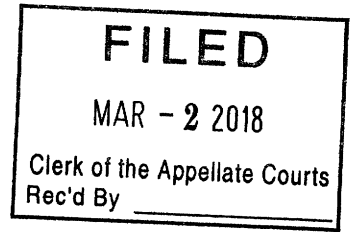
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: AMENDMENTS TO
TENNESSEE SUPREME COURT
RULE 7

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No. ADM2017-02083

COMMENT OF THE TENNESSEE BAR ASSOCIATION
IN RESPONSE TO THE
PETITION FOR AMENDMENT OF TENN. S. CT. R. 7 AND
THE ADOPTION THE UNIFORM BAR EXAMINATION

The Tennessee Bar Association ("TBA"), submits the following comment regarding the proposed amendments to Tenn. S. Ct. R. 7, filed October 20, 2017.

I. BACKGROUND

On October 18, 2017, the Tennessee Board of Law Examiners ("the TBLE") filed a petition seeking to amend Tenn. S. Ct. R. 7 by adopting the Uniform Bar Examination (UBE) as the standard for applicants to demonstrate the knowledge and skills for licensing and admission in Tennessee. The TBLE asserts that the UBE "is prepared and coordinated by the National Conference of Bar Examiners to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law," and that the UBE "is composed of the six-question Multistate Essay Examination (MEE), two Multistate Performance Test (MPT) tasks, and the Multistate Bar Examination (MBE)." The TBLE proposes that the UBE, which has been adopted in twenty-eight jurisdictions, be adopted to begin with the February 2019 administration of the Tennessee bar examination.

On October 20, 2017, this Court issued an Order soliciting comments on the amendments

proposed by the TBLE. The TBA formed an ad hoc committee to review the proposed rules and provide any comments or recommendations. Based upon that review the TBA supports the amendments of Tenn. S. Ct. R. 7 in order to effectuate the adoption of the UBE. The TBA also supports the proposed requirement that newly-admitted members of the bar undertake coursework in some form that would allow them to demonstrate understanding of Tennessee-specific elements of the law and legal practice. Toward that end, the TBA also suggests that the Court convene a group to investigate and make recommendations to the Court as to the appropriate structure and implementation of a post-admission requirement.

II. THE UNIFORM BAR EXAM SHOULD BE ADOPTED IN TENNESSEE

The Tennessee Board of Law Examiners (TBLE) recited in its petition the statistics that demonstrate the demand for mobility in the legal profession, and the TBA agrees that this is a laudable goal in order to encourage lawyers and businesses to operate in Tennessee. Toward that end, the proposed rule change which adopts the UBE and its portability provisions is positioned to benefit the profession, and the TBA supports such action.

Because the adoption of the UBE does not require Tennessee to cede authority as to educational requirements, minimum score requirements, character and fitness requirements, or grading of the written components of the bar exam, the TBA is satisfied that adoption of the UBE does not undermine the authority of this Court and, by extension, the TBLE, to regulate admission to the bar.

Tennessee already administers the Multistate Bar Exam (MBE) and one Multistate Performance Test (MPT), each of which is a component of the UBE. Therefore, in the TBA's view, the most significant change to the bar exam itself under the proposed changes would be the administration of the Multistate Essay Exam (MEE). The MEE would replace the current slate of

essay exams that are prepared under the supervision of the TBLE and which contain components of Tennessee-specific law. The TBA supports this change.

In its deliberations with respect to the proposed rule changes, the TBA was mindful of the stated purpose of the bar exam: to identify applicants who possess the “knowledge, skills and abilities basic to competence in the profession.” Tenn. S. Ct. R. 7, § 4.01. In other words, “the examination is not intended to test the applicant's knowledge of specific law school subjects.” Tenn. S. Ct. R. 7, § 4.04. To the extent, then, that the aim is to determine whether a bar applicant can demonstrate knowledge of general legal principles and fundamentals of legal reasoning that necessarily underpin the pursuit of law as a profession, the TBA believes the administration of the UBE would support this purpose.

The TBA commends the TBLE’s history of excellent work in developing essay questions for the Tennessee Bar Exam. Its process has certainly served the state ably. However, the TBA is persuaded that the more extensive resources of the National Conference of Bar Examiners (NCBE), which include content-area experts, test-development experts, and the opportunity to conduct trial runs of each essay under testing conditions, will result in essay questions that better serve the aim of the bar exam. As the general topics of law on the current Tennessee Bar Exam and the MEE are almost identical,¹ there is little question but that examinees will continue to be asked to demonstrate knowledge of the same general principles of law and sound legal reasoning.

¹ The Tennessee Bar Exam currently includes Professional Responsibility as an area of law that may be tested as part of its essay exams; the UBE does not. *Compare* Tenn. S. Ct. R. 7, § 4.04, with “Preparing for the MEE,” available at <http://www.ncbex.org/exams/mee/preparing/> (last accessed Feb. 9, 2018). However, admittance to the Tennessee Bar is already conditioned upon an applicant submitting a satisfactory score on the Multistate Professional Responsibility Exam, Tenn. S. Ct. R. 7, § 4.07, so the TBA is not concerned that dropping this particular subject as a potential area for essay testing will be detrimental.

The TBA is mindful of potential drawbacks of the UBE and paid specific attention to concerns that the UBE could operate to have a disparate impact on minorities or disadvantaged populations. However, it appears that these concerns relate in general to the structure of the MBE or to the weight that the MBE comprises as part of the total UBE score. Since the Tennessee Bar Exam already implements the MBE as 50% of the final score, and since adoption of the UBE would not change that, it appears that the proposed rule changes would likely not, in and of themselves, alter the status quo with respect to inherent testing inequities.

The TBA's support for the UBE comes with it a recommendation that all the proposed changes to the wording of Tenn. S. Ct. R. 7 proposed by the TBLE be adopted. And, while the TBA is satisfied that the UBE fulfills the purpose of the bar exam, the TBA is aware that, historically, preparation for the bar exam has afforded applicants an opportunity to learn about aspects of law and law practice that are specific to Tennessee. Since this will no longer be part of the preparation for bar exam testing, the TBA supports the TBLE's suggestion that licensing of attorneys includes a Tennessee-specific component in the form of a post-admission requirement.

III. THE PROPOSED CHANGE TO TENN. S. CT. R. 7 SHOULD REQUIRE A POST-ADMISSION LOCAL LAW COURSE

In paragraph seven of the TBLE Petition, the TBLE acknowledges that 28 jurisdictions have adopted the UBE, that nine of those require a pre-admission component, and that ten have a mandatory post-admission component. The TBLE further recommends the consideration of a mandatory, post-admission local law component in Tennessee. The TBA concurs in the TBLE's recommendation and submits that the adoption of such a mandatory post-admission local law course is necessary to provide a level of public protection.

Rather than the Court attempting to itself craft such a plan, the TBA recommends the Court establish an *ad hoc* committee made up of representatives of those with pertinent experience and jurisdiction, including the law schools, the TBA, major CLE providers, local bar associations, the various relevant Court adjunct bodies, and others to study and recommend the best method for delivery of that post-admission local law course.

The TBA has a consistent history of advocacy for such a course and process through its petition filed in 1999 recommending a course offered by accredited providers as well as its own educational “bridge-the-gap” program previously offered for new lawyers. The TBA can offer insight including feedback from evaluations and comments from the new lawyers who participated in that program.

The requirements for a new post-admission course would fit nicely with Tenn. S. Ct. R. 21, which exempts lawyers in their first year of practice from mandatory CLE requirements. The *ad hoc* committee appointed by the Court should report to the Court regarding administration, course requirements and other issues no later than December 31, 2018. The goal would be to adopt the post-admission requirement and rule prior to the effective administration date as determined by the Court.

IV. CONCLUSION

For the reasons stated above, the TBA respectfully recommends adoption of the UBE and a requirement of post-admission coursework to demonstrate an understanding of Tennessee law and practice as recommended by an appropriate Court-appointed committee.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been served upon the individuals and organizations identified in Exhibit "A" by regular U.S. Mail, postage prepaid within seven (7) days of filing with the Court.

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210 East College Street
Dickson, TN 37055

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Husch Blackwell
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Chattanooga, TN 37402

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President, Franklin County Bar Association
McBee & Ford
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Executive Director
Memphis Bar Association
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Chief Counsel
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Dean
Vanderbilt University School of Law
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Knoxville, TN 37901-2231

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Northeast Tennessee Chapter President
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Greeneville, TN 37743

Christopher Bellamy
President, Napier-Looby Chapter
Neal & Harwell PLC
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Nashville, TN 37203

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President, Anderson County Bar Assoc.
Law Office of Matt Tuck
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Oak Ridge, TN 37831

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President, Cocke County Bar Association
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Sumner County Bar Association President
The Ralston Firm
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Protection Chair
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Tennessee Alliance for Black Lawyers
QP Legal Research & Writing Services
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Giles County Bar Association President
Rebecca Sue Parsons, Attorney at Law
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Burch & Lockhart
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Chair, Board of Professional
Responsibility
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Tennessee Commission on Continuing
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President, Bristol Bar Association
Sullivan County Public Defender Office
266 Blountville Bypass; P.O. Box 839
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President, Loudon County Bar Association
Law Office of Ian McCabe
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Tisher, Free & Lynn PLLC
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Columbia, TN 38401

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Morgan
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Ashland City, TN 37015

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Assistant Public Defender
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Tennessee Alliance for Legal Services
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President, LAW Marion Griffin Chapter
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Tennessee Board of Law Examiners
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Nashville, TN 37219

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O'Shaughnessy & Carter, PLLC
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Chattanooga, TN 37402

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17th Judicial District Public Defender
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Bone McAllester Norton PLLC
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Patton & Pittman
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Laura Smith
President-Elect, Nashville Bar Assoc.
Nashville Electric Service
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Nashville, TN 37246

Randall Self
President, Lincoln County Bar Association
Randall E. Self, Attorney At Law
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Fayetteville, TN 37334-0501

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President-Elect, Chattanooga Bar Assoc.
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President, Hardeman County Bar
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Bolivar, TN 38008

Kyle Heckman
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Lee & Lee Attorneys at Law
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Administrative Director
Administrative Offices of the Courts
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Porch Peeler Williams Thomason
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Palmer Law Firm
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President, MTLAW
Farrar Wright PLLC
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Melanie Wilson
Dean
UT College Of Law
1505 W. Cumberland Avenue
Knoxville, TN 37996-1810

Kathryn Hatfield
President, Monroe County Bar Association
Ridenour & Hatfield
401 Sweetwater Vonore Road
Sweetwater, TN 37874-3026

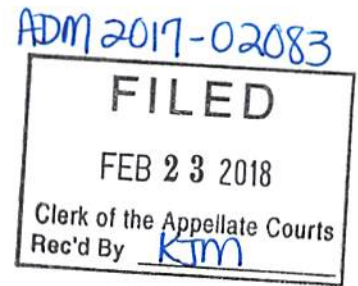
Karol Lahrman, Executive Director
TLAW
P.O. Box 331214
Nashville, TN 37203

Marsha Watson
Executive Director
Knoxville Bar Association
P.O. Box 2027
Knoxville, TN 37901-2027



Knoxville Bar Association

February 23, 2018



Knoxville Bar Association
505 Main Street, Suite 50
P.O. Box 2027
Knoxville, TN 37901-2027
PH: (865) 522-6522
FAX: (865) 523-5662
www.knoxbar.org

VIA E-Mail: appellatecourtclerk@tncourts.gov

James Hivner, Clerk of Appellate Courts
Tennessee Supreme Court
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

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Marsha S. Watson
mwatson@knoxbar.org

Re: Petition to Amend Tennessee Supreme Court Rule 7 Governing
Licensing of Attorneys; No. ADM2017-02083

Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order dated October 20, 2017, in connection with the above-referenced Petition, the Knoxville Bar Association ("KBA") Professionalism Committee (the "Committee") has carefully considered the request of the Board of Law Examiners ("TBLE") to adopt the Uniform Bar Exam (UBE) in Tennessee.

The KBA Board of Governors (the "Board") appreciates the Court granting the extension until March 2, 2018, to file comments. At the Board meeting held on January 17, 2018, the Committee presented a detailed report to the Board with the recommendation to support the Petition and proposed amendments therein. The Committee noted with appreciation that the TBLE modified their original Petition on December 5, 2017, to request that the adoption of the uniform bar exam be delayed until the February, 2019 bar examination.

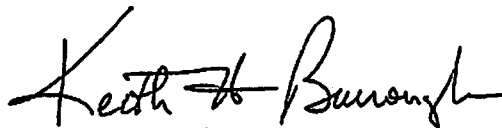
The Committee as a whole felt very strongly that there should be pre- or post-admission CLE-type educational requirements to ensure that attorneys entering practice in Tennessee, whether seeking admission directly from a Tennessee law school or after having been admitted and/or practiced law in another state, will have a certain familiarity with Tennessee law specifically.

James Hiver, Clerk of Appellate Courts
February 22, 2018
Page 2

Following the Committee's presentation and thorough discussion by the Board, the Board as a whole unanimously adopted the Committee's recommendation to support the Petition but to recommend that the Court adopt a pre- or post- admission local law course for any attorney who seeks to be admitted to practice in Tennessee.

As always, the KBA appreciates the opportunity to comment on proposed Rules promulgated by the Tennessee Supreme Court.

Sincerely,

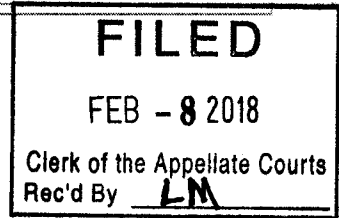
A handwritten signature in black ink that reads "Keith H. Burroughs". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke at the end.

Keith H. Burroughs, President
Knoxville Bar Association

cc: Marsha Watson, KBA Executive Director
KBA Executive Committee
Hon. John Weaver, Co-Chair, KBA Professionalism Committee
Garry Ferraris, Co-Chair, KBA Professionalism Committee

appellatecourtclerk - Comment in Support of ADM2017-02083

From: "Parham, AC" <acparham@vols.utk.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 2/8/2018 2:20 PM
Subject: Comment in Support of ADM2017-02083



Dear Sir or Madam,

I am writing to you as an incoming student at the University of Tennessee College of Law. I am originally from South Carolina, where the UBE has been adopted. I work for a law firm in South Carolina currently, and the attorneys here are constantly praising South Carolina's decision to implement the UBE. I am a strong supporter of the implementation of the UBE in Tennessee, because it would allow more Tennessee-educated lawyers to extend their skills beyond state lines and be beacons of legal knowledge throughout the United States. If the UBE is not implemented, I fear that Tennessee-educated lawyers will be at a disadvantage as opposed to their UBE State-educated peers. I anticipate many positive results from the implementation of the UBE in Tennessee, and strongly believe that the benefits overwhelmingly outweigh the perceived costs. If you have any questions or concerns regarding my comment, I would gladly discuss at length the myriad of reasons why I believe implementing the UBE is in the State of Tennessee's best interest.

Best regards,

Anna Catherine Parham

Juris Doctor Candidate

University of Tennessee College of Law 2021

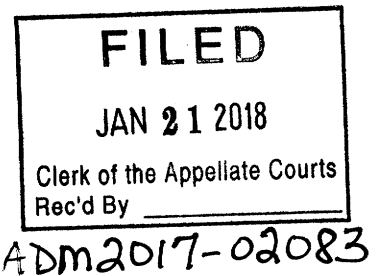
University of South Carolina 2017 | B.A., *Summa Cum Laude*



THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

COLLEGE OF LAW

From: Deborah Tipton <dtpion@me.com>
To: <appellatecourtclerk@tncourts.gov>
CC: Deborah Tipton <deborahdtpion@gmail.com>
Date: 1/21/2018 4:27 PM
Subject: reference docket number: ADM2017-02083



Dear Sir:

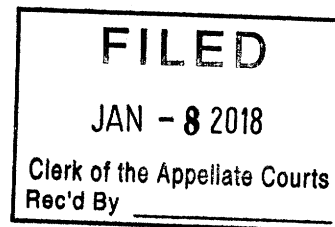
I am writing to support the Petition to Amend Tennessee Supreme Court Rule 7 filed on October 18, 2017 to adopt the Uniform Bar Examination. ("UBE")

I am strongly in favor of the first proposed UBE to begin with the July 18, 2018. And, this will bring more lawyers to TN. My child graduates from SMU LAW SCHOOL May 2018. She graduated from Vanderbilt in 2010. She wants to work for a firm here that requires her to be able to practice in Multiple States. She is on Law Review and she had several firms in TN interested in her. She was counting on taking the TN EXAM in JULY 2018 with the UBE passed.

Many law students were counting on this to help pay off student loans also.

Thank you .

Deborah Dunklin Tipton
382 Ripplebrook RD
Memphis, TN.



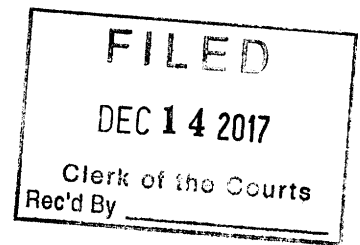
From: Seth N Cline <sethncline@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 1/8/2018 8:56 AM
Subject: Docket Number ADM2017-02083

To Whom It May Concern:

I would appreciate the decision makers considering the model North Carolina used when implementing the UBE. Specifically, I would request that the Board of Examiners consider retroactive acceptance into the bar of those who, among meeting the other requirements, take and pass the UBE in July of 2018.

Best Regards,

Seth N Cline
Juris Doctor Candidate, Class of 2018
Belmont University College of Law



To: James Hivner, Clerk of Appellate Courts
From: Brittany Ford, Cumberland School of Law Graduate 2017
Subject: ADM2017-02083
Date: December 14, 2017

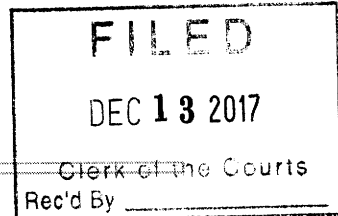
I have recently learned that adoption of the Uniform Bar Exam by the Tennessee Supreme Court is up for discussion. It is my intention to become licensed in Tennessee in the next year. My home state of Alabama has adopted the UBE in the past few years. Alabama requires a post-exam course on Alabama law before the swearing-in ceremony, which I think is also a viable option for Tennessee.

I think it is apparent from the Tennessee Board of Law Examiners presenting this issue for discussion, recent low bar passage rates in Tennessee, and the comments of other interested parties that the adoption of the UBE in Tennessee is both welcomed and needed.

Respectfully submitted,

Brittany Ford
256-770-5124
bford1@samford.edu

appellatecourtclerk - Petition to Amend Rule 7 Adopting UBE Comment



From: Kellan Potts <kpotts@Oalaw.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 12/13/2017 10:03 AM
Subject: Petition to Amend Rule 7 Adopting UBE Comment

ADM2017-2083

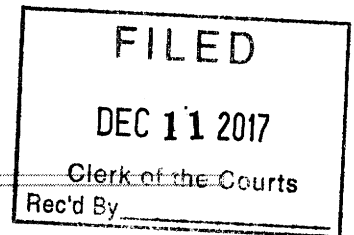
Hello,

My name is Kellan Potts, and I am an attorney in New York. New York just adopted the UBE in July of 2016, which is when I took the bar exam. I, thankfully, passed the bar exam but desperately want to move home to Tennessee. I cannot urge strongly enough for the Supreme Court to adopt the UBE. If Tennessee adopts the UBE, it will allow me, and many other young attorneys across the country, to come and work and live in the great state of Tennessee. I was born and raised in Tennessee, and desire nothing more to raise my family back down home. The UBE will make transfer of my license to practice much easier than retaking the bar exam or waiting five years to get comity.

Please adopt the UBE, it would be beneficial to me and many other attorneys.

Sincerely,
Kellan Potts, Esq.
(607) 205-2056

appellatecourtclerk - Comments, Docket No. ADM2017-02083



From: Shelby Dodson <sdodson@tnjustice.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 12/11/2017 10:13 AM
Subject: Comments, Docket No. ADM2017-02083

As a member in good standing of the Tennessee Bar, I write in support of Tennessee's adopting the Uniform Bar Exam in July 2018, not waiting until the following February.

2018 graduates deserve the opportunity to use their bar exam passage as a ticket to new opportunity, not a tether to one state. Postponing the adoption of the UBE will narrow the possibilities of every person who passes the July Bar Exam. And for those who do not pass, they will be forced to study for a completely different test than the one they studied for over the summer.

I urge the Court to amend Supreme Court Rule 7 in time for the UBE to be administered in July 2018.

Thank you for this opportunity to comment.

Respectfully submitted,

Shelby Dodson, BPR 35116
Equal Justice Works Fellow
Elder Justice AmeriCorps Program



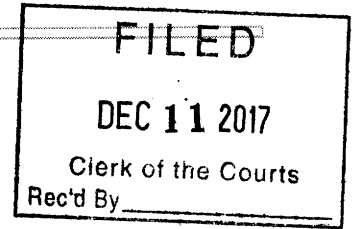
Tennessee Justice Center
211 7th Ave N, Ste. 100
Nashville, TN 37219
[615-255-0331](tel:615-255-0331) (main)
[615-846-4715](tel:615-846-4715) (direct)
[615-255-0354](tel:615-255-0354) (fax)

Visit our [website](#) learn more about our work, and be sure to [like](#) us and [follow](#) us.

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appellatecourtclerk - RE: Docket Number: ADM2017-02083

From: Trace Carlson <trace.carlson@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/11/2017 9:57 AM
Subject: RE: Docket Number: ADM2017-02083



Hello,

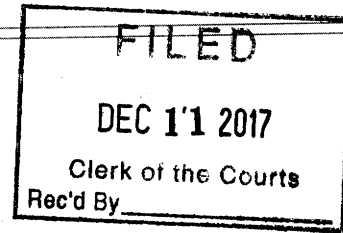
I would like to register my comment in regards to Docket Number: ADM2017-02083. I believe that the State of Tennessee needs to adopt the UBE in July 2018 and not in February 2019. Current and future lawyers of Tennessee do not need to be unduly limited in their career options and would better serve both the state and the nation by being able to practice law in other states.

Thank you,

Trace Carlson

appellatecourtclerk - ADM2017-02083

From: Hannah Greene <oprahisqueen26@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/11/2017 11:39 AM
Subject: ADM2017-02083



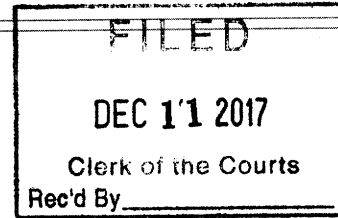
Hi,
I would like for Tennessee to adopt the UBE in July 2018 and NOT in February 2019.

Thank you for your time,

Hannah Greene

appellatecourtclerk - ADM2017 - 02083

From: Alton Alexander <altonrayalexander@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/11/2017 12:35 PM
Subject: ADM2017 - 02083



To Whom It May Concern:

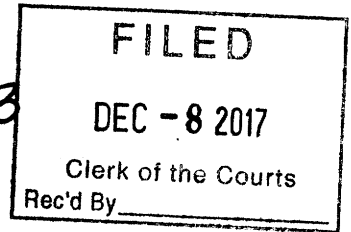
I would like for Tennessee to adopt the UBE in July 2018 and NOT February 2019.

Best Regards,

Alton Alexander

December 8, 2017

ADM 2017-02083



Dear Mr. Hivner,

I am writing to you today in support of the Tennessee Supreme Court's adoption of the amendment to Rule 7. Specifically, I implore the Court to adopt the Uniform Bar Exam in Tennessee by July 2018.

As a third-year law-student at Belmont University's College of Law, and as a 24-year-old young woman, I am wrestling with the idea of where I would like to start my professional career. As I am sure you understand, this is no easy decision. The idea of being able to practice and expand my legal career beyond Tennessee is something I have aspired to do for quite some time. While my home state of Illinois, where I could see myself practicing in the future, has yet to adopt the Uniform Bar Exam, it appears from the latest developments that they too are planning to adopt the Uniform Bar Exam in the near future. The adoption of the Uniform Bar Exam will not only allow me and my fellow third-year law students here in Tennessee to job search in markets and act as representatives of the law schools in Tennessee in other cities, but it would also diversify the market here in Tennessee as well. Adoption of the Uniform Bar Exam would allow for a greater marketplace of attorneys from states all over the country who have already, or soon will, adopt the Uniform Bar Exam.

In addition, I understand that there has been movement towards postponing this adoption until February 2019, and I strongly discourage that postponement and urge the Court to implement the Uniform Bar Exam in July 2018. If this adoption is postponed until February 2019, I am fearful that it will be detrimental to all present third-year law students who will be graduating this coming spring. We will be best suited to prepare and sit for the bar exam in July. If my classmates and I are forced with having to decide between taking the July 2018 Tennessee Bar Exam and the February 2019 Uniform Bar Exam, not only will we have to consider entirely restructuring our studying schedule to be adequately prepared, but we will also be forced with figuring out how to provide for ourselves financially in the meantime. This would delay our job search and working full-time for almost an entire year following our graduation from law school. Financially this simply does not seem practical in terms of living, day-to-day needs, and being able to pay off student loan debt.

Please consider that this decision has tremendous impact on current third-year students such as myself, and we are very concerned about it and very much in favor of adopting the Uniform Bar Exam by July 2018. Thank you for your consideration.

Best Regards,
Elizabeth Lombardi

Juris Doctor Candidate 2018
Belmont University - College of Law
(224) 406-1617
elizabeth.lombardi@pop.belmont.edu

FILED

DEC -7 2017

Clerk of the Courts

Rec'd By _____

appellatecourtclerk - docket number ADM2017-02083

From: Alicia Revelle <arvelle@gmail.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 7:12 PM
Subject: docket number ADM2017-02083

I would like for Tennessee to adopt the UBE in July 2018 and NOT February 2019.

Alicia Revelle
256-412-2025

FILED

DEC - 7 2017

Clerk of the Courts

Rec'd By _____

appellatecourtclerk - Comment on Petition - ADM2017-02083

From: Dana Jaskier <dana.jaskier@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 8:34 PM
Subject: Comment on Petition - ADM2017-02083

To Whom It May Concern:

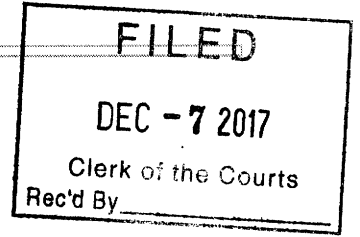
I am a current 3L at Belmont University College of Law. I am in favor of Tennessee adopting the UBE for the July 2018 bar exam. Adopting the UBE at that time will allow all 2018 graduating law students in Tennessee to take the UBE, which will allow for greater ease of being licensed in other states that utilize the UBE as well. I am planning on being licensed in at least one other state other than Tennessee and would like to have the opportunity to take advantage of the UBE.

Thank you,
Dana Jaskier

Dana Jaskier
Juris Doctor Candidate
Belmont University College of Law, Class of 2018
Managing Editor, Belmont Law Review
dana.jaskier@pop.belmont.edu
[716.359.6391](tel:716.359.6391)

appellatecourtclerk - Re: Tennessee-UBE

From: Duygu Çiçek <duygucicek.du@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 9:55 PM
Subject: Re: Tennessee-UBE

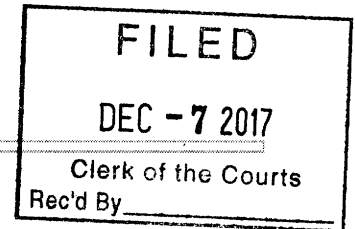


Dear Sir/Madam,

I would like for Tennessee to adopt the UBE in July 2018 and NOT February 2019.

Kind regards.

appellatecourtclerk - TN UBE ADM2017-02083



From: Eric Heath <ericheath0@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 7:38 PM
Subject: TN UBE ADM2017-02083

To whom it may concern,

In reference to the proposal that the state of Tennessee modify its bar exam to utilize the UBE, I strongly encourage you to adopt the proposal (docket # ADM2017-02083).

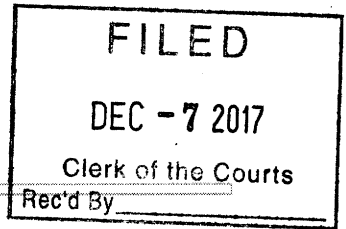
As an attorney of the state of Georgia who studied in the state of Tennessee at the undergraduate level, I understand and appreciate the value of diversifying the locality of one's education. It was an immense benefit to my most formative years to study in numerous parts of the United States (and the UK, France, and Switzerland). I want to encourage you to make that benefit available to as many fledgling attorneys as possible.

By adopting the UBE, you would be helping out of state students be able to practice law in as many places as possible. As a somewhat recent graduate, I appreciate the challenges of finding employment in general, much less in one specific state. Simply put, the UBE would help the graduates of law schools in your state find jobs more easily. For future out of state students, it will encourage them to study in Tennessee, encouraged by the fact that their bar passage will have more reciprocity than it currently does.

This helps your students and it helps your state. Therefore, I highly encourage you adopt the proposal.

Eric A. Heath, Esq.
Office of Congressman Matt Cartwright
404 934 5601

appellatecourtclerk - ADM2017-02083



From: Eric Heath <ericheath0@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 7:54 PM
Subject: ADM2017-02083

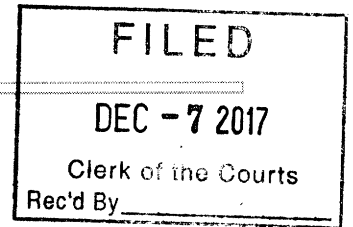
As an addendum to my previous email, I would also like to specify that I encourage the state of Tennessee to adopt the UBE as soon as possible - July, not February.

Thank you for your time.

Eric

appellatecourtclerk - Docket ADM2017-02083 Comment

From: Mark Ahlberg <markahlberg@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 10:22 PM
Subject: Docket ADM2017-02083 Comment



I support Tennessee adopting the UBE in July of 2018 and NOT postponing it until February 2019.

Thank you
Mark Ahlberg

FILED

DEC -7 2017

Clerk of the Courts

Rec'd By _____

appellatecourtclerk - ADM2017-02083

From: Rachel Roberson <rachel.roberson@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 7:11 PM
Subject: ADM2017-02083

Please adopt the UBE in July 2018.

--

Rachel Meredith Roberson

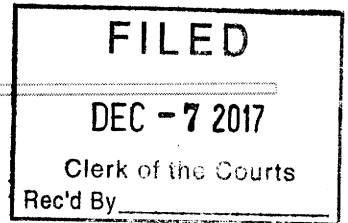
*JD Candidate 2018, Belmont College of Law
Managing Editor, Belmont College of Law Health Law Journal
Cell & Molecular Biology, B.S., University of Tennessee at Martin*

c: (731) 592-4042

e: rachel.roberson@pop.belmont.edu

rmroberson2@gmail.com

appellatecourtclerk - Docket Number ADM2017-02083



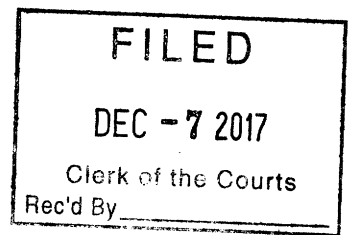
From: Ryan Russell <riono2@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 8:50 PM
Subject: Docket Number ADM2017-02083

Hello,

I am a current 3L law student at Belmont University, and I support Tennessee adopting the UBE in July of 2018 and NOT postponing it until February 2019.

Thank you,

Ryan Russell



From: <sara.christopher@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/7/2017 8:36 PM
Subject: ADM2017-02083 —UBE CMT

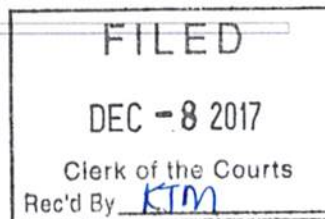
As a 3L at Belmont University College of Law, support Tennessee adopting the UBE in July of 2018 and NOT postponing it until February 2019. This would allow more flexibility on where and when I can practice law.

Best Regards,

Sara Christopher

appellatecourtclerk - ADM2017-02083

From: jessica wills <jesslwills84@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/8/2017 3:14 PM
Subject: ADM2017-02083



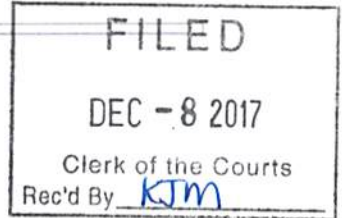
Hi there,

I support Tennessee adopting the UBE in July of 2018 and NOT postponing it until February 2019.
(Docket number: ADM2017-02083)

Thanks,
Jessica Wills

appellatecourtclerk - Docket Number ADM2017-02083

From: Laurann Galowitz Johnson <laurann.johnson@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/8/2017 4:24 PM
Subject: Docket Number ADM2017-02083



Dear Honorable Members of the Supreme Court of Tennessee,

I write to express my sincere hope you will accept the recommendation of the Tennessee Board of Law Examiners to amend Tennessee Supreme Court Rule 7 to adopt the Uniform Bar Examination ("UBE") for the July 2018 examination. The UBE provides flexibility to attorneys, without compromising the exacting level of proficiency expected of lawyers practicing in Tennessee. The character and fitness requirements would ensure an applicant's suitability for practice in this State. Further, adopting the UBE would make Tennessee more attractive to attorneys practicing out-of-state. A high acceptance score would render Tennessee attractive to the best and brightest attorneys in the country.

The Bar Exam requires great sacrifices of time and money. I urge this Honorable Court to consider the positive impact of adopting a rule which would lend great flexibility to the attorneys of Tennessee and those looking to practice in this great State.

Respectfully,
Laurann Johnson

--

Laurann G. Johnson
J.D. Candidate, 2018
Editor in Chief, *Belmont Law Review*
Belmont University College of Law

REC-9-307
Osteo
Rec'd By

[Faint, mostly illegible text covering the majority of the page, possibly containing a letter or report.]

FILED

DEC - 6 2017

Clerk of the Courts
Rec'd By KJM

appellatecourtclerk - docket number ADM2017-02083

From: kristy burney <burneykristy@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 12/6/2017 10:13 AM
Subject: docket number ADM2017-02083

Regarding docket number ADM2017-02083, I would like to express my excitement about this proposal! I believe the UBE should be used by the state of Tennessee instead of our current bar exam.

I am in my final year of law school, and plan on taking the July 2018 bar exam. I would like to encourage you to reconsider the implementation date change that was made on December 5. If this proposal passes, I would like for it to be effective for its original proposed bar exam in July 2018.

The portability of this exam would be extremely useful and far more valuable than the one currently in place. I understand the argument that it wouldn't leave much time to adjust our studies, but I disagree.

One of the main differences between the existing bar exam and the UBE are the essays: instead of Tennessee law applying, we would apply federal law. We already have to be familiar with federal law in order to pass the MBE, so there's no new material to be studied. Further, Barbri doesn't provide access to their study materials for the July bar exam until March, anyway. I believe we July 2018 test-takers still would have plenty of time to prepare for the UBE, should it pass.

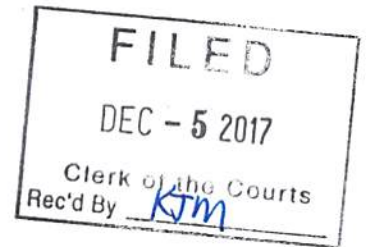
I know that I can only speak for myself, but I know many of my classmates at Nashville School of Law share my excitement for the UBE, and we would love to be included in the implementation of it as we take the July 2018 bar exam.

I strongly urge you to reconsider changing the start date to February 2019 back to July 2018.

Thank you for your time and consideration,

Kristy Burney

From: "Blake Tate" <dpl835@vols.utk.edu>
To: <lisa.marsh@tncourts.gov>
Date: 12/5/2017 8:44 PM
Subject: TN Courts: Submit Comment on Proposed Rules

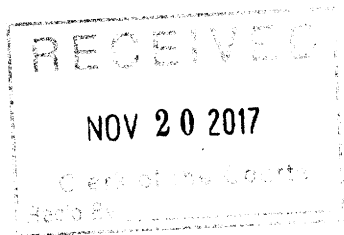


Submitted on Tuesday, December 5, 2017 - 9:44pm
Submitted by anonymous user: [8.17.58.2]
Submitted values are:

Your Name: Blake Tate
Your Address: 2323 Forest Ave. Apt. 103
Your email address: dpl835@vols.utk.edu
Your Position or Organization: University of Tennessee College of Law 2L
Rule Change: Rule 7: Licensing of Attorneys
Docket number: No. ADM2017-02083

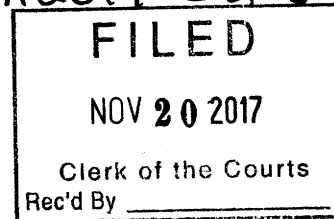
Your public comments: Adoption of the Uniform Bar Exam will help Tennessee catch up with the other 26 states who currently offer the UBE in their jurisdictions. The UBE gives us, law students, an opportunity of not being forced into taking a single state bar. Many of us know what we want to do after we pass the bar, but we don't usually know where we want to go to practice. The UBE provides us a peace of mind that our scores can be transferred to other UBE approved states. Not only that, the UBE creates the possibility of lawyers coming back to Tennessee to practice law if Tennessee adopts the UBE. If I want to take the Florida bar, my chances of coming back to practice in Tennessee are slim because of the Florida bar scores not being able to transfer back to Tennessee. If Tennessee adopts the UBE, I can take the UBE in any of the UBE jurisdictions and always have the opportunity to transfer my score back to Tennessee and practice law. Not only that, but the chances of an out-of-state lawyer, that has passed the UBE, coming to Tennessee is better because of the potential adoption of the UBE. As a law student, I support the adoption of the UBE because of the potential in creating an effective and efficient legal profession in Tennessee.

The results of this submission may be viewed at:
<http://www.tncourts.gov/node/602760/submission/21019>



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Attorney at Law
527 8th Ave. S., Ste. 101
P.O. Box 330610
Nashville, TN 37203
615-321-5594
615-242-4232 (Fax)
Tom@TNorrisLaw.com

ADM2017-02083



LL.M. in Taxation
Admitted U.S. Tax Court
TNorrisLaw.com

15 November, 2017

James M. Hivner, Clerk
Re: Tenn. Sup. Ct. R 7
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Ave. N.
Nashville, TN 37219-1407

Re: A Letter in Opposition to the Adoption of the Uniform Bar Examination in Tennessee

Dear Honorable Clerk and Justices:

I am a native Tennessean that has been practicing in Tennessee for the past twenty-one years and have served as a Tennessee Bar Exam Proctor for the past nineteen years; the last five years as a lead proctor in the Middle District. I am admitted to practice in Tennessee, all three Tennessee federal court districts, the U.S. Court of Appeals for the Sixth Circuit, The U.S. Court of Appeals for the Federal Circuit, the U.S. Tax Court and the U.S. Supreme Court.

I oppose adoption of the Uniform Bar Examination (UBE) for two principle reasons: (1) it is the perpetuation and expansion of an inflexible testing monopoly in Tennessee that does not promote improvement in attorney competence and (2) it is a relegation of jurisdictional competence to supplant the Tennessee essay portion of the Tennessee Bar Examination merely predicated on the anecdote that lawyers are more mobile than in the past. If licensure of lawyers as attorneys is the method by which to protect the public, adoption of the UBE by Tennessee as the minimum standard of competence lessens the protection of the legal consumer especially from "neophyte lawyers."

Despite opposing Tennessee's adoption of the UBE, I want to point out that I have the greatest respect for the Board of Law Examiners and its administration. Further, as a long-time proctor I have and always shall adhere to the dictates of the Board and Administrator despite disagreement with them on this point.

Thomas B. Norris, Jr.

Mr. James M. Hivner, Clerk
Tenn. Appellate Courts
Re: Adoption of UBE
Date: 15 November, 2017
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When I speak with law students regarding pursuit of a legal education and the challenge of the bar exam, my axiomatic response is “Apply yourself and learn the law in law school because the bar exam is a wholly separate challenge and curriculum. When confronting the bar exam, you need all that time between graduation and administration of the bar exam to ‘study the bar exam.’ The multi-state (MBE) portion of the bar exam is a test of skill in taking a standardized exam. It does not test legal knowledge or application.” Our adoption of the Multi-State Performance Test (MPT) only evaluates a limited range of lawyer skills.

Monopoly & the LSAT

In the past two years, there has been a movement among U.S. law schools to permit the Graduate Records Examination (GRE) to serve in lieu of the Law School Aptitude Test (LSAT) for the purpose of law school admissions. There is a panoply of purported reasons. The LSAT has long been “entrenched as the numeric gauge of law school success.” Much of the momentum to accept the GRE has been to attract more students who, based on their undergraduate education - would not choose to sit for the LSAT and where such a requirement would potentially deter application to law school (expanding “multiple educational opportunities”). Recent research has indicated that the GRE is a comparable measure of law school success.¹

The Law School Admissions Council (LSAC), being a monopoly,² was inflexible about the number of times the exam would be offered in a given year and the number of times an examinee could sit within a specified time period. Law school acceptance of the GRE for purpose of admissions to law schools has broken the monopoly of LSAC resulting in the LSAC having to be more accommodating. The LSAC has removed limitations on the number of times an examinee may sit for the LSAT within a two year period. Additionally, it has added additional and new testing dates. Thus, the LSAT has made adjustment to “compete” with the GRE.³ These changes have had some cascade

¹ <https://www.prnewswire.com/news-releases/national-data-the-gre--general-test-is-a-valid-predictor-of-law-school-success-300545974.html> (available as of 11/1/17).

² Mark Miller (Dean, Arizona) & Christopher Robertson (Assoc. Dean, Arizona), “*Its Time to Rethink the Law School Entrance Exam Monopoly*,” (October 25, 2017) available as of 10/26/17 at: <http://thehill.com/opinion/education/357098-its-time-to-rethink-the-law-school-entrance-exam-monopoly>

³ <https://abovethelaw.com/2017/05/the-lsat-tries-to-be-more-competitive-with-the-gre/> available online as of 10/26/17; see also, BENJAMIN H. BARTON, GLASS HALF FULL: THE DECLINE AND REBIRTH

Thomas B. Norris, Jr.

Mr. James M. Hivner, Clerk
Tenn. Appellate Courts
Re: Adoption of UBE
Date: 15 November, 2017
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results. The ABA's is considering refashioning its accreditation standard that may eliminate law schools being required to use a "valid and reliable admissions test."⁴

Monopoly & UBE

In similar fashion, the National Conference of Bar Examiners (NCBE) is virtually (and is, in UBE jurisdictions) a national exam monopoly. Forty-nine States administer the NCBE's Multi-State Bar Exam (MBE). Twenty-six States administer the Multi-State Essay Exam (MEE). Tennessee, recent in time, adopted and started administering the Multi-State Performance Test (MPT). As of 2017, it appears that all but eight States administer the MPT as part of their bar examination.

As a proctor, I have observed that the administration of the MBE/MPT portions of the examination protecting the secrecy and copyright of its examinations seems paramount to testing and assessing the knowledge or skill of the examinee to practice law. In recent years the proctor's instructions prohibit them from reading the MBE/MPT testing booklets. The examinees must agree neither to discuss amongst themselves or disclose in any format the questions and answers. This is assumed to prevent any potential escape of their copyrighted questions and answers. Prior to becoming administratively imposed, I have counseled examinees that discussion of questions and answers only adds to the examinees post-examination stress and should be avoided.

While I believe that bar examinees should "read their instructions" well in advance of the bar exam date and commit them to memory, each year the NCBE fashions new and more stringent administration burdens. This administration is not so much to prevent cheating but to police its intellectual property. A State's wholesale delegation of their licensure testing measure only further strengthens and encourages the monopoly. The "tail wags the dog."

The institutionalization of a standardized testing regime has resulted in creating an industry of bar preparation courses; and, this industry in fact has grown in such scope that the industry has stratified and has been subject to anti-trust suits as players have attempted to "divvy" applicant preparation.⁵

OF THE LEGAL PROFESSION, at 160 (Oxford Univ. Press, 2015) (Fewer Applicants, Fewer Law Students).

⁴ <https://www.law.com/sites/almstaff/2017/11/03/gre-or-lsat-aba-councils-latest-move-could-nix-tests-together/> available as of 11/4/17.

⁵ "Small Bar Prep Company Files \$50 Million Antitrust Action Against BARBRI, 11 Law Schools," Tax Law Professor Blog (WSJ Opinion. May 21, 2016) available as of 10/26/17 at:

Thomas B. Norris, Jr.

Mr. James M. Hivner, Clerk
Tenn. Appellate Courts
Re: Adoption of UBE
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Further uniformity encourages law schools “teaching to the test” rather than focusing on sound legal education during a time when the ABA is placing increased emphasis on law schools accreditation being balanced against the measure of first time bar passage.⁶ The lack of a standardized jurisdictional based portion of the Tennessee Bar Exam will leave no incentive for law schools to incorporate the law of our jurisdiction into the pedagogy.

Criticisms

My criticisms are:

(1) Tennessee’s adoption of the UBE will only further entrench a move to a “national” bar exam where there are current legitimate questions about whether the UBE (or the current administered Tennessee bar exam) adequately evaluates many basic lawyer competencies⁷;

(2) By adopting the UBE, the State agrees to that “weighting system” as prescribed by the NCBE rather than exercising its sole discretion to increase or lessen the weight attributed between various testing portions of the exam (distinguished from setting overall passing score);

(3) Tennessee’s adoption of the UBE would resign all aspects of testing to a monopoly whose existence is to promulgate itself – not improve itself, the competency of the lawyers licensed or the testing regime (“meaningful bar exam reform”). It does, in fact, increase State reliance without impetus to improve the profession; and,

(4) It diminishes the importance of learning individual State law and the reality of federalism. As a result, one may reasonably argue that testing only general principles of law totally sidesteps the nuance and reality of differences between the licensing State and

http://taxprof.typepad.com/taxprof_blog/2016/05/small-bar-prep-company-files-50-million-antitrust-action-again-barbri-11-law-schools.html ; see also, “*Antitrust , RICO Claims Against Law Schools and Bar Prep Company Tossed*,” Antitrust Law Daily (September 26, 2017) available as of 10/26/17 at: <http://www.dailyreportingsuite.com/antitrust/news/ALD20170926> .

⁶http://www.abajournal.com/news/article/bar_passage_and_admissions_tests_among_topics_to_be_revisited_by_aba_legal ; <https://www.law.com/sites/almstaff/2017/11/01/tougher-bar-pass-standard-for-law-schools-on-agenda-at-aba-meeting/> . Both Available as of 11/2/17.

⁷ “The bar exam tests the ability to take standardized tests, not the ability to practice law.” Allen Mendenhall, “*The Bar Exam is Unfair and Undemocratic*,” Newsweek (April 15, 2015) available as of 10/26/17 at: <http://www.newsweek.com/bar-exam-unfair-and-undemocratic-322606>.

Thomas B. Norris, Jr.

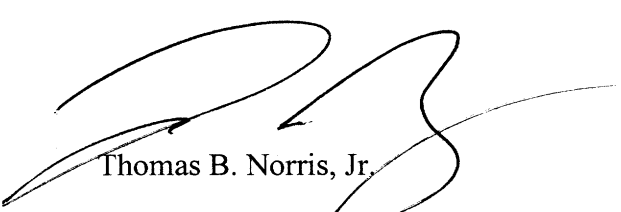
Mr. James M. Hivner, Clerk
Tenn. Appellate Courts
Re: Adoption of UBE
Date: 15 November, 2017
Page 5 of 5

sister State's laws. I've yet to review a Uniform Law that is adopted uniformly; much less organic legislation identical to that of sister States. To the degree law schools do teach Tennessee law as part of the curriculum, knowing that only "multi-state" law is going to be tested on the bar exam serves as a disincentive to covering Tennessee law. So, we will license young lawyers whose measure of "minimum competence" may render them "less competent" to the public.

(5) To address portability, if Tennessee is seeking a more expedited method of bar admission and is unconcerned about knowledge of the law of the licensing jurisdiction, why not simply base it on possession of a law license in a sister jurisdiction in "good standing" and the scoring of the MBE which is administered in 49 jurisdictions? I think the portability issue is overcomplicated. It seems we are going to administer a less stringent, jurisdiction neutral bar exam in order to facilitate allowing more attorneys to practice in the State. Under my scenario, there's no change in Tennessee examinations and you accomplish the purported goal.

In consideration of the preceding, I urge the Tennessee Supreme Court not to adopt the Uniform Bar Examination as the minimum competence standard in Tennessee.

Respectfully,
I am,



Thomas B. Norris, Jr.

Cc: Ms. Jocelyn Stevenson, TBA Executive Director
Dean William C. Koch, Nashville School of Law
Mrs. Lisa Perlen, Executive Director, TBLE



FILED
NOV 17 2017
Clerk of the Courts
Rec'd By _____

November 17, 2017

Knoxville Bar Association
505 Main Street, Suite 50
P.O. Box 2027
Knoxville, TN 37901-2027
PH: (865) 522-6522
FAX: (865) 523-5662
www.knoxbar.org

VIA E-Mail: appellatecourtclerk@tncourts.gov

James Hivner, Clerk of Appellate Courts
Tennessee Supreme Court
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

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Treasurer

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Secretary

Wayne R. Kramer
Immediate Past President

Re: Petition to Amend Tennessee Supreme Court Rule 7 Governing Licensing of Attorneys; No. ADM2017-02083

Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order dated October 20, 2017, in connection with the above-referenced Petition, the Knoxville Bar Association ("KBA") Professionalism Committee (the "Committee") has carefully considered the request of the Board of Law Examiners ("TBLE") to adopt the Uniform Bar Exam (UBE) in Tennessee. However, even after extensive discussion during a meeting on Tuesday, November 14, the Committee was unable to reach a consensus.

Board of Governors

Dwight L. Aarens
E. Michael Brezina III
Kathryn St. Clair Ellis
Lisa J. Hall
Dana C. Holloway
Rachel P. Hurt
Stephen Ross Johnson
Mary D. Miller
Carric S. O'Rear
T. Mitchell Panter
M. Samantha Paris
Cheryl G. Rice
John E. Winters

Order ADM2017-02083A set a comment deadline of January 5, 2018, but on November 6, 2017, the Tennessee Bar Association requested that the Supreme Court extend the comment period until January 31, 2018.

At the KBA Board of Governors' (the "Board") meeting held on November 15, 2017, the Committee presented a detailed report to the Board. Among other things, questions arose as to whether the bar exam should retain Tennessee specific essay questions. If the UBE were adopted, there were also concerns about the proposed implementation date of July 2018. Some members of the Committee believe that if the UBE were adopted that the implementation date should be extended to July 2019 to allow sufficient time for the curriculum and requirements for the mandatory post-admission local law course to be developed. Additionally, some felt that the proposed "local law course" program should be a pre-admission requirement instead of post-admission requirement as recommended by the Board of Law Examiners.

Executive Director
Marsha S. Watson
mwatson@knoxbar.org

Following the Committee's presentation and thorough discussion by the Board, the Board as a whole unanimously adopted the Committee's recommendation to request an extension of time to March 31, 2018. With this letter, the KBA requests that the comment period be extended to March 31, 2018, to allow more time to fully consider the impact of the proposed change and how the UBE, if adopted, could

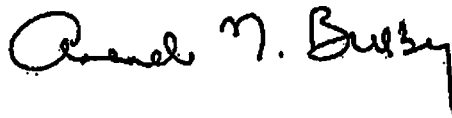
James Hiver, Clerk of Appellate Courts
November 17, 2017
Page 2

most effectively be implemented in light of items that would need to be well coordinated such as the "local law course".

Members of the Board and members of the Committee recognize that the practice of law has become multi-jurisdictional and that the Board of Law Examiners is requesting the change to meet the needs of lawyers who are much more mobile than they once were. The KBA wants to consider the proposed changes carefully and seek input from law school representatives in order to provide comprehensive and constructive comments. That is what lies at the foundation of seeking an extension of the comment period.

As always, the KBA appreciates the opportunity to comment on proposed Rules promulgated by the Tennessee Supreme Court and we look forward to hearing from you at your earliest convenience regarding this extension request.

Sincerely,

A handwritten signature in black ink that reads "Amanda M. Busby". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

Amanda M. Busby, President
Knoxville Bar Association

cc: Marsha Watson, KBA Executive Director (via e-mail)
KBA Executive Committee (via e-mail)

appellatecourtclerk - ADM2017-02083 Public Comment

FILED

NOV 16 2017

Clerk of the Courts

Rec'd By _____

From: "Ayers, Will" <john.w.ayers@vhan.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 11/15/2017 4:04 PM
Subject: ADM2017-02083 Public Comment

Mr. Hivner,

Concerning the Petition to Amend Tennessee Supreme Court Rule 7:

The Tennessee Board of Law Examiners' proposed changes to the rule could create positive change for the Tennessee bar, with one vital modification. I fully support adoption of the UBE beginning in 2018, but I also entreat the Board to waive the proposed local law course requirement for students who have completed substantial local law study as part of their law school careers. The definition of "substantial" could encompass an acceptable range of credit hours in both Tennessee substantive law and procedure.

The local law course requirement would impose an unnecessary burden on graduates of the Nashville School of Law, whose academic experience is profoundly rooted in Tennessee law. In particular, NSL students receive substantial local law instruction in the following required subjects:

- Business Associations
- Civil Procedure
- Conflicts
- Crimes and Criminal Procedure
- Domestic Relations
- Estate Planning
- Ethics and Professionalism
- Evidence
- Moot Court
- Property
- Remedies
- Torts
- Wills

Indeed, many of these courses are taught almost wholly on a foundation of Tennessee law, with appropriate attention given to key differences between state and Federal rules and practice.

For this reason, imposing an indiscriminate local law requirement would place a duplicative burden on NSL graduates, who have already completed a four-year program with classes held exclusively at night. Many of these students have full-time jobs and families, and the addition of a local-law course covering the same material as their NSL curriculum in addition to the UBE would impose an unnecessary hardship.

Respectfully submitted,
Will Ayers
3L, Nashville School of Law

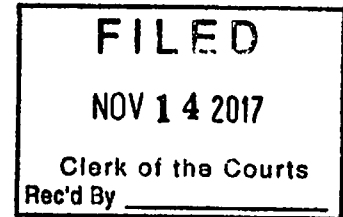
**appellatecourtclerk - The Adoption of the UBE - Public Comment - Docket Number
ADM2017-02083**

From: Charles Davis <davisc17@udayton.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/13/2017 1:25 PM
Subject: The Adoption of the UBE - Public Comment - Docket Number ADM2017-02083
Attachments: Jacob Davis Public Comment.docx

I have attached a comment in support of Tennessee adopting the Uniform Bar Exam. Please let me know if anything in addition is needed.

Sincerely,

Charles "Jacob" Davis
University of Dayton School of Law
Juris Doctor Candidate, '19
davisc17@udayton.edu
[\(931\) 619-2754](tel:(931)619-2754)



Charles “Jacob” Davis
Daviscl7@udayton.edu
(931) 619-2754

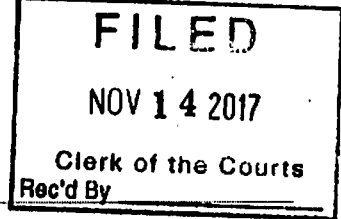
To: James M. Hivner, Clerk
From: C. Jacob Davis, Juris Doctor Candidate, '19
Date: November 13, 2017
RE: Uniform Bar Exam in Tennessee, Docket # ADM2017-02083

The Case for a 21st Century Bar Exam

The allies liberated Europe from Nazi Germany, Americans have walked on the moon, and something called the “internet” has changed the way the world does business. However, the practice of law licensing remains unwilling to change in twenty-two American states. The Uniform Bar Exam (UBE) is here to stay, and that news should be celebrated. As young law students endeavor to make a difference in the world, we are constantly constrained by the shackles of uncertainty in deciding where to live and how to proceed with job searches among other things. Asking students to make a decision about what bar exam they wish to take, and making those scores non-transferrable before a majority have jobs is the simplest way to have job statistics continue to decline. The traditional test forces students that might otherwise find employment in any of the other forty-nine states to narrow their job search to one state and severely limits options for students and employers. The adoption of the Uniform Bar Exam will positively impact law students and employers alike in that students can broaden their job searches and employers will have a larger and more diverse pool of applicants to choose from. In short, the firm gets more qualified applicants, the students get additional job opportunities, and the client benefits the same in their legal matter. I see no reason why the Uniform Bar Exam should not be adopted, unless we want a stagnant system hindering portability. Complex challenges will still exist in the legal industry; however, the Uniform Bar Exam reduces some challenges for all involved. For these reasons, the UBE should indeed be adopted.

appellatecourtclerk - ADM2017-02083

From: Elizabeth Stagich <estagich@icloud.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/14/2017 11:01 AM
Subject: ADM2017-02083



To whom it may concern,

I am a 3L law student at the University of Memphis and I vigorously support the adoption of the UBE in Tennessee. Score mobility is a top priority for me because I want to have the flexibility to pursue the best job opportunities regardless of state boundaries. If Tennessee does not adopt the UBE I will take my bar exam in a state that does offer the UBE. Without the UBE, Tennessee stands to loose Tennessee law school graduates who value career mobility.

HELEN SFIKAS ROGERS*
LAWRENCE J. KAMM
SIEW-LING SHEA*
GEORGE D. SPANOS
ETHAN R. PAGE
STELLA V. KAMM

ROGERS, KAMM & SHEA

ATTORNEYS AT LAW

(615) 320-0600



November 10, 2017
Via Email & U.S. Mail

*RULE 31 MEDIATOR

PARALEGAL STAFF:
KATHLEEN MARCOTTE
RENEE BROWN
LAURA BLUM
ZELMA CANTRELL
WHITNEY CANTRELL

Mr. James M. Hivner, Clerk
Re: Tenn. Sup. Ct. R. 7
Tennessee Appellate Courts
401 7th Avenue, North
Nashville, TN 37219



***RE: Petition to Amend Rule 7 and Adopt the Uniform Bar Exam (UBE) No.
ADM2017-02083***

May it Please the Court,

My name is Stella Kamm with the law firm of Rogers, Kamm & Shea I have been a licensed attorney in the State of Tennessee since November 8, 2016. I was admitted to the practice of law in Kentucky on October 23, 2017. Upon the request of Justice Cornelia A. Clark, I would like to formally comment on Tennessee's proposed adoption of the Uniform Bar Exam.

First, I would point out that while Tennessee has enacted special rules regarding allowing military spouses with law degrees and prior bar admissions to practice law in Tennessee, the same cannot be said for all of the other states in the union. Adopting the uniform bar exam would allow men and women who pass the bar exam in Tennessee and who are married to active duty military members to have the potential to be admitted before the bars in Washington State, Colorado, New Mexico, Wyoming, Montana, Nebraska, Minnesota, Iowa, Missouri, Alabama, Maine, New Hampshire, and Vermont. This would greatly improve the job security of military spouses who decided to make Tennessee their home and passed their first bar exam in our state. This cause is near and dear to my heart as I have spent a significant amount of time over the last few years at Scott Air Force Base in Illinois and have heard the stories of many military spouses who have struggled to retain gainful employment while their spouses are serving our county.

Secondly, if the concern is that applicants would not have knowledge of Tennessee law, I would encourage the Court to follow the example of its sister state of Kentucky. In Kentucky, applicants sit for six essays drafted by the board of Kentucky law examiners in the morning and then sit for the multistate essay exam (MEE) in the afternoon. While Kentucky still has not adopted the uniform bar exam entirely this shows it is possible to strike a balance between having applicants study for state specific rules study for general legal principles applicable in all jurisdictions.

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FAX (615) 320-9933
WWW.HELENROGERSLAW.COM

Letter to Mr. James Hivner, Clerk
November 11, 2017
Page 2

Thirdly, I would like to draw to the Court's attention that Kentucky has instituted a rule that within twelve months following the date of admission to the bar all members with less than five years of experience in another jurisdiction participate in one of two new lawyer programs offered during the year following their admission. (**See attached documents for Summary of the Rule requiring attendance and the 2018 January New Lawyer Program Agenda**). The new lawyer program takes place at a hotel, so out of city residents have to pay for their hotel stays, but the continuing legal education hours are offered for free. I think this is an excellent idea, particularly in an era when many new lawyers are hanging their own shingles and are lacking proper supervision and mentorship in their first years of practicing law. I also think this is an excellent networking opportunity which allows young lawyers to spend two days together in a centralized location.

Finally, I would be remiss if I did remind the Court that our sister states of Missouri, where I attended the Washington University School of Law, and Kentucky, where I have just been admitted to the practice of law, have both adopted statewide electronic filing procedures. While this is not exactly on the topic of the Uniform Bar Exam, I would encourage the Court to push for Tennessee to join its sister states in the twenty-first century and speak to the Tennessee Bar Association, the Tennessee Trial Lawyers Association, the Lawyer's Association for Women, and any other legal organizations that might be willing to lobby for our state legislature to pass a budget that would allow for this technology to be implemented across the state so that we may better serve our clients.

I sincerely appreciate the Court for encouraging me to write this official comment and I strongly support the adoption of the Uniform Bar Exam (UBE) even though I have already had to go through the ordeal of sitting through two bar exams, which is the specific issue that the UBE is meant to address. While I clearly achieved my desired goal, I can attest that it is quite burdensome for an attorney to engage fully in the practice of law by day and at the same time to go home and study for a second bar exam by night. I was fortunate enough not to have to retake the multiple choice section of the bar exam or the ethics portion due to Kentucky's comity rules for admission. Nevertheless, it is not an experience I would wish on my worst enemy.

With best wishes I remain,

Very truly yours,



Stella V. Kamm

Enclosures (2)
Cc: The Military Spouse JD Network
P.O. Box 1175, Fort Myer, VA 22211.



New Lawyer Program

Enter search criteria

More in this Section... ▼

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General Requirement

- Within 12 months following the date of admission as set forth on the certificate of admission, each person admitted to membership to the Kentucky Bar Association shall complete the New Lawyer Program.
- The program is offered twice a year, in January or early February and in conjunction with the KBA Annual Convention in May or June.
- The program is free to members required to take it. Other attorneys may take the program at a cost of \$250.

Exemption Circumstances

- The member is admitted to practice in another jurisdiction for a minimum of five years.
 - Use [Form 9, Application for Exemption from Mandatory](#).
- The member has attended a mandatory new lawyer training of at least 12 credits, including 2 ethics credits, offered by the state bar in another jurisdiction and approved by the Director for CLE. Generally, a partial exemption only will be approved because the first day of the Kentucky NLP specifically concerns the practice of law in the Commonwealth of Kentucky.

Extension Circumstances

Hardship Extension

- Member demonstrates hardship or other good cause clearly warranting relief. Documentation is required. If approved, the member must complete the requirement as soon as reasonably practicable as determined by the Commission.
 - Use [Form 8A, Application for Extension of Time for Completion of NLP](#).

Non-Hardship Extensions

- Where the member fails to demonstrate hardship or other good cause clearly warranting relief, the member must pay a fee of \$250.00 and complete the requirement at the next regularly scheduled New Lawyer Program.
 - Use [Form 8A, Application for Extension of Time for Completion of NLP](#).
- Where the member resides out-of-state and not practicing law in the Commonwealth of Kentucky, the member may apply for extensions in 1 year increments. It is the responsibility of the member to request annual renewal of this extension so long as he/she is not practicing law in the Commonwealth of Kentucky.
 - Use [Form 10, Application for One Year Time Extension to Complete NLP](#).

[Upcoming New Lawyer Program and Registration](#)

[New Lawyer Program Materials/Archive](#)

Latest News	more	Calendar	more
11/8/2017 Casemaker Weekly - November 8th		11/15/2017 » 11/16/2017 2017 Kentucky Law Update (Paducah)	
11/1/2017 Casemaker Weekly - November 1st		12/12/2017 » 12/13/2017 2017 Kentucky Law Update (Lexington)	

Enter search criteria

2018 New Lawyer Program

Essential Fundamentals for the Professional and Ethical Practice of Law

1/25/2018 to 1/26/2018

at

Hyatt Regency Hotel

311 4th Street, Louisville, KY 40202

[Attendee Registration](#)

[Agenda](#)

[Parking](#)

[Hotel](#)

Attendee Registration

- Attendees are **required** to complete both scheduled days (Thursday and Friday) of programming in order to fulfill their New Lawyer Program requirement.
- There is no charge for attorneys attending this program to fulfill their New Lawyer Program requirements, pursuant to [SCR 3.640](#).

[Click here to register!](#)

Agenda

DAY ONE - THURSDAY, JANUARY 25, 2017

7:30 a.m. - 8:30 a.m. **REQUIRED: REGISTRATION/CHECK-IN**

8:30 a.m. - 8:45 a.m. Program Introduction and Welcome from the KBA President

8:45 a.m. - 9:30 a.m. KBA: What We Do for You...

9:30 a.m. - 10:30 a.m. LMICK: Malpractice Insurance

10:30 a.m. - 10:45 a.m. *Break*

10:45 a.m. - 11:45 p.m. E-Filing Certification Training

11:45 p.m. - 1:00 p.m. *Lunch Program (provided)* - High Functioning Impairment: Identification, Ethical Duties and Solutions

1:00 p.m. - 2:00 p.m. You've Just Received a Bar Complaint: Now What?

2:00 p.m. - 3:00 p.m. The Ethics of Social Media

3:00 p.m. - 3:15 p.m. *Break*

3:15 p.m. - 4:15 p.m. Generational Issues in the Workplace

4:15 p.m. – 5:15 p.m. Better Not Call Saul: Professional Ethics Lessons from "Breaking Bad" and its Prequel

DAY TWO - FRIDAY, JANUARY 26, 2017

Track One

- 8:30 a.m. – 9:30 a.m. Access to Justice: Defense of the Indigent
- 9:40 a.m. – 10:40 a.m. Opening a Law Office: Hanging Up a Shingle and Rainmaking
- 10:50 a.m. – 11:50 a.m. Civil Litigation: Becoming Your Own Investigator
- 11:50 a.m. – 1:00 p.m. *Lunch (not provided)*
- 1:00 p.m. – 2:00 p.m. Practice of Civil Case from A to Z
- 2:10 p.m. – 3:10 p.m. Mediations: Nuts and Bolts
- 3:20 p.m. – 4:20 p.m. Ethical Dilemmas

Track Two

- 8:30 a.m. – 9:30 a.m. Business Law
- 9:40 a.m. – 10:40 a.m. Stranger in a Strange Land: What to Do When Your State Court Case Has Been Dragged into Bankruptcy Court
- 10:50 a.m. – 11:50 a.m. Domestic Law
- 11:50 a.m. – 1:00 p.m. *Lunch (not provided)*
- 1:00 p.m. – 2:00 p.m. Wills and Probate
- 2:10 p.m. – 3:10 p.m. District Court 101/Attorney's Duty to the Court
- 3:20 p.m. – 4:20 p.m. Prosecuting and Defending DUI Matters

Parking

Map, parking, location: <https://louisville.regency.hyatt.com/en/hotel/our-hotel/map-and-directions.html>

Hotel

Reservations: <https://aws.passkey.com/go/kbanewlawyerprogram>

Should additional reservation assistance be required, please call 1-888-421-1442. Please mention the Kentucky Bar Association's New Lawyer Program to make sure you receive the discounted reservation rate.

Latest News

[more](#)

Calendar

[more](#)

11/8/2017
Casemaker Weekly -
November 8th

11/15/2017 » 11/16/2017
2017 Kentucky Law Update
(Paducah)

11/1/2017
Casemaker Weekly -
November 1st

12/12/2017 » 12/13/2017
2017 Kentucky Law Update
(Lexington)

2017-11-09 11:05

1000 Commonwealth Blvd
Louisville, KY 40202
Phone: (502) 564-3100
Fax: (502) 564-3100

Quick Links

appellatecourtclerk - ADM2017-02083, UBE

From: Kevin Wilson <kbwilson@kbwilsonlaw.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/9/2017 4:01 PM
Subject: ADM2017-02083, UBE

FILED

NOV - 9 2017

Clerk of the Courts
Rec'd By

Dear Clerk:

My comments are directed toward the recent action of the Tenn. Board of Law Examiners to request the Tenn. Supreme Court to approve Tennessee going to the UBE. I strongly endorse the adoption of the UBE. In addition to practicing law for 36 years I have also been a judge of a municipal court for 27 years. My practice crosses state lines in the normal course of events as I am a debt collection law firm with clients in multiple states. In some states I must register as a debt collection agency and meet their requirements. Other states do not require our firm to register as they have an exemption for lawyers. But as a debt collection law firm we are exposed to a claim of practicing without a license, although that has never been held by a court. Nevertheless, our client is a big healthcare corporation with facilities spread across the southeast, Midwest and middle Atlantic states. We have federal laws that apply to debt collection and also state laws and we are aware of those laws and attempt to follow them at all times. But in order to handle their business, we have to cover many states. Some of these states would require me to take the bar in order to practice debt collection law there, even though I am a lawyer in good standing and know the debt collections laws of their state intimately!

It would be amazing to be able to help this client with their countrywide debt collection issues without skating the edge of unauthorized practice. As their debt collector lawyer, they look to me for advise (which I can give them) but I have to be careful. The reality is that a great quantity of this goes on anyway due to the structure of our country and the businesses whose business is not limited by state boundaries and the law firms who serve those clients and have office in multiple states. My court is a few miles from the Georgia border and we handle traffic and misdemeanor cases. But if a Georgia lawyer comes up the road from Ringgold, he or she must associate a Georgia lawyer to handle it. People go back and forth between our two states on a daily basis for work and other activities and "their lawyer" may be from Georgia. But they would have to hire two lawyers to handle the case if they wanted their Georgia lawyer. I recently had a simple collection case in Georgia for a club I collect debts for. In order to file the case in the Magistrate Court I had to get a Georgia-licensed attorney to go with me. He also lives in Tennessee, knows virtually nothing about collection law, but I had to have him there in court with me, really as an expensive spectator!

I hope the Supreme Court will approve this and I look forward to the day when all of our neighbor states adopt it as well. Georgia, where I am in the process of being admitted on motion, requires 5 years of practice before you can apply.

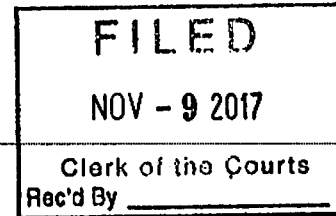
Kevin B. Wilson
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kbwilson@kbwilsonlaw.com

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appellatecourtclerk - ADM2017-02083 - Public Comment

From: Hannah Riffe <han.riffe@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/9/2017 8:34 PM
Subject: ADM2017-02083 - Public Comment



To whom it may concern,

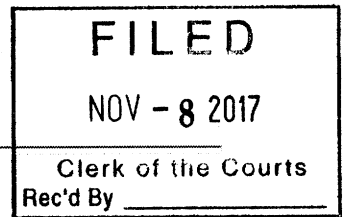
I urge the Tennessee Board of Law Examiners to adopt the UBE because doing so will not only provide Tennessee attorneys with a broad legal network but also pave a way to individualized professional and business opportunities. Given today's ever increasing mobile society, such adoption is vital to the well-being of our state's bar and, consequently, a necessity to public welfare.

Thank you and best,

Hannah Riffe

appellatecourtclerk - Re: Tenn. Sup. Ct. R. 7 (docket # ADM2017-02083)

From: Stephanie Vlasis <stephanie.vlasis@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/8/2017 7:36 PM
Subject: Re: Tenn. Sup. Ct. R. 7 (docket # ADM2017-02083)



Dear Mr. Hivner:

I am writing in support of the Tennessee Supreme Court's adoption of the recent amendment to Rule 7. More specifically, I urge the Court to adopt the Uniform Bar Exam and allow for admission to the bar of Tennessee via transferred UBE scores.

I am a transplant from North Carolina who has been wrestling with the decision about where to take the Bar exam since well before accepting admission into Belmont University College of Law. I am in my third year at Belmont and I am quickly approaching the pivotal moment when I must finally make a decision about where I would like to practice. I am faced with a decision that, if wrong, would force me to stay for four years in one state before reciprocity would allow me to move between the states. The complications that have arisen with respect to the two options have been incredibly difficult, and I have maintained a list concerning the benefits and drawbacks with respect to whether I should end up practicing law where my family and my home are located, or where my classmates, colleagues and professional connections are.

North Carolina will likely have adopted the UBE by 2019, although that will not matter since I will sit for the Bar in 2018. My situation is unique, particularly due to the timing of the proposed amendment, but I know that I am not the only law student in this position. The amendment to Rule 7 poses a unique and truly life-changing opportunity for me and for many others who wish to practice both in and outside of Tennessee and its neighboring states. Not only will the UBE also provide Tennessee attorneys with a broader legal network, but it will also pave the way for many, like myself, to individualize their professional and business opportunities. It will allow graduating attorneys to have a more valuable attributes in the eyes of future employers, and will increase the well-being of Tennessee's state bar.

Thank you, kindly, for your consideration,

Stephanie Vlasis

--

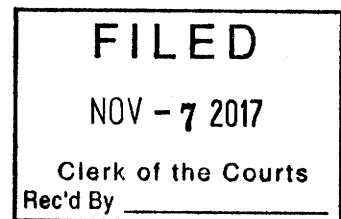
Belmont University College of Law '18
University of North Carolina at Chapel Hill '13
stephanie.vlasis@pop.belmont.edu | stephanie.vlasis@gmail.com
[336.287.7548](tel:336.287.7548)

appellatecourtclerk - UBE adoption - ADM2017-02083

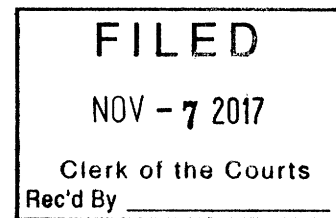
From: Hannah Williams <hannah.williams@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/7/2017 10:39 AM
Subject: UBE adoption - ADM2017-02083

In regards to ADM2017-02083, I think that Tennessee should adopt the UBE. I am an interested party as a student at Belmont University College of Law.

Hannah Williams



From: Patrick Riley <patrick.riley@pop.belmont.edu>
To: <appellatecourtclerk@tncourts.gov>
Date: 11/7/2017 8:52 AM
Subject: ADM2017-02083 Comment



Hello,

I am a 3L at Belmont University College of Law, and I strongly urge you to adopt the UBE, beginning in 2018. The UBE would make me a much more flexible attorney, and in today's mobile world, it would take away the disadvantage of only being able to practice in one state. More attorneys would also be able to move here and practice, increasing the diversity and quality of the Tennessee Bar.

The UBE would greatly benefit the State of Tennessee, its attorneys, and the public. Please adopt the UBE.

Sincerely,
Patrick Riley

Lisa Marsh - Fwd: ADM2017-02083 (Public Comment)

ADM2017-02083

From: appellatecourtclerk
To: Lisa Marsh
Date: 10/31/2017 8:12 AM
Subject: Fwd: ADM2017-02083 (Public Comment)

FILED
OCT 31 2017
Clerk of the Courts
Rec'd By _____

>>> Michael Tackeff <michael.tackeff@gmail.com> 10/30/2017 7:33 PM >>>

To Whom It May Concern:

My name is Michael Tackeff, and I am a third year law student at Vanderbilt University Law School. I write this comment in support of the petition filed by the Tennessee Board of Law Examiners to adopt the Uniform Bar Exam ("UBE"), Petition ADM2017-02083.

I appreciate that the Supreme Court will receive far more sophisticated and intricate comments than my own on this complex subject, but I hope that the Court will consider the perspective of someone who is young on the adoption of the UBE.

The simple fact is that the adoption of the UBE in Tennessee will make my life in the next five years a lot less complicated. I came to Tennessee because my partner Samantha is currently working towards her MD/PhD at Vanderbilt in the Medical Scientist Training Program. While we reside here for the next several years, I will practice in Tennessee and intend to take the bar here in July 2018. We previously resided in Boston, and will likely be moving at least several times over the next five to ten years to accomodate our career plans (which include clerking for me, and residency for her). If Tennessee adopts the UBE, I can use that score to gain admission in states where we intend to reside. Adopting the UBE will increase mobility and allow students like myself to practice here while keeping open the option of gaining admission elsewhere within a few years of taking the test.

In conversations with young lawyers and law students at Vanderbilt, what has stood out to me is how willing people are to move if they can secure a dream job somewhere. This runs the gamut from clerking to working at a firm to finding a job as an Assistant United States Attorney. The legal market is still a challenging one, and taking the bar in multiple states is extremely time-consuming, not to mention expensive for those who lack the means to pay for the test and the prep course. It is my hope that greater mobility will allow me to bring a different perspective to each new job, as someone who has practiced in different environments. I was a paralegal in Boston and I bring that perspective to my work here in Tennessee.

I hope that the Court chooses to adopt the UBE, and I appreciate your time.

Sincerely,

Michael C. Tackeff

Brown University '12 (BA)
Brown University '12 (MA)
Vanderbilt University Law School '18 (JD expected)
michael.c.tackeff@vanderbilt.edu
michael.tackeff@gmail.com

appellatecourtclerk - Tennessee UBE adoption

From: Barron Lane <vash24dude@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 10/26/2017 10:04 AM
Subject: Tennessee UBE adoption

According to docket # ADM2017-02083, a petition has been filed for Tennessee to adopt the UBE. I think this is a fantastic idea and has my full support.

