

appellatecourtclerk - Elimination of CLE Distance Learning Requirements**FILED**

AUG - 5 2022

Clerk of the Appellate Courts
Rec'd By Lmm

From: "Reviere, Charleyn" <Charleyn.Reviere@WTH.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 8/5/2022 6:09 PM
Subject: Elimination of CLE Distance Learning Requirements

Good afternoon. I would like to advocate for the elimination of the limitations on CLE distance learning requirements. The reality is that with the advent of Zoom and other conferencing platforms, which give us the ability to ask questions, see other participants, and have discussions, we can learn just as well, and arguably better, in a remote setting. The socialization and networking benefits of in-person sessions are simply secondary to the educational component, and education is the point of CLE.

Online learning also opens up opportunities for attorneys to attend specialty topic sessions on that we would never be able to attend in person, due to travel or financial limitations. In my position at a public hospital, our funds for CLE are very limited, and online learning allows us to attend and receive credit for healthcare-related educational presentations that we would not otherwise be able to attend, and at little to no cost to our health system. It's a win-win.

My opinion is that attorneys should be able to earn CLE credits through either live or distance learning, and that each should be able to choose the sessions that best fit their practice and budget. I'll still go to live sessions from time to time as relevant to my practice, but I would like to have the option for 100% remote if that provides better education for me. Thanks.

Charleyn Reviere

Vice President

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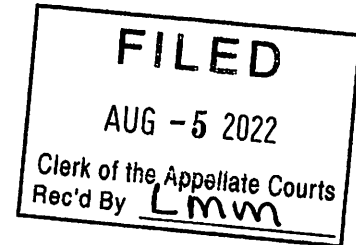
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Roger L. Gilbert
W. Andrew Fox

Of Counsel:
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August 5, 2022

James Hivner, Clerk
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Sent by Email: appellatecourtclerk@tncourts.gov



Re: ADM2022-00781
Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Mr. Hivner:

I am commenting on the proposal to eliminate limitation on distance learning. I appreciate the Supreme Court's decision to suspend the rules that required seven hours of live, in-person CLE to maintain a law license. During the Covid pandemic, this decision accommodated those who wanted to take maximum steps to insulate themselves from infection with Covid, and those who needed to because of immunodeficiencies.

The Court's decision also accommodated those who had and continue to have valid objections to experimental and largely ineffectual¹ society-wide methods of combating Covid spread, by implementation of forced mask-wearing and vaccination, which encroach on bodily autonomy rights. From 2020 until recently, many venues in which CLEs could be held required masks to be worn in their facilities, some required vaccination, and some required both. Those who objected to these measures were able to meet the CLE requirements, however, without surrendering their rights of bodily autonomy because of the suspension of rules.

Masks are experimental, because they are currently authorized for use under an Emergency Use Authorization, and have not been approved by the FDA. The only basis for using a face mask or cloth face covering over the mouth and nose as source control against respiratory viruses is the April 24, 2020 letter from the FDA granting Emergency Use Authorization pursuant to 21 U.S.C. § 360bbb-3(b)(1).² A face mask or cloth face covering is defined as a product by the Emergency Use Authorization statute. 21 U.S.C. § 360bbb-

¹e.g., Revisiting Pediatric COVID-19 Cases in Counties With and Without School Mask Requirements—United States, July 1—October 20 2021, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4118566; <https://beckernews.com/new-study-proves-once-again-school-mask-mandates-were-useless-for-stopping-covid-45775/>; https://www.researchgate.net/publication/362427136_COVID-Period_Mass_Vaccination_Campaign_and_Public_Health_Disaster_in_the_USA_From_agestate-resolved_all-cause_mortality_by_time_age-resolved_vaccine_delivery_by_time_and_socio-geo-economic_data; https://www.researchgate.net/publication/361818561_Covid-19_vaccinations_and_all-cause_mortality_-_a_long-term_differential_analysis_among_municipalities

² <https://www.fda.gov/media/137121/download>, last checked on February 28, 2022.

3(a)(4)(C) (The term “product” means a drug, device, or biological product). Regardless of the issue of bodily autonomy, there has never been the full testing for masks and consideration of both proven risks and proven efficacy leading to actual FDA approval for generic cloth face coverings or masks for use against respiratory viruses.

Surgical masks are not even eligible for service in the capacity offered for face masks or cloth face coverings under the 4/24/2020 EUA, because, according to author of the FDA 4/24/2020 letter, Denise M. Hinton, Chief Scientist for the Food and Drug Administration, surgical masks “are regulated under 21 CFR 878.4040 as class II devices requiring premarket notification.”³ A class II device must be supported by actual evidence that the device will serve in the capacity that its manufacturers claims it will serve.⁴ Ultimately the FDA did grant an EUA for use of garden-variety surgical masks for healthcare settings only, but as PPE for the wearer not as source control.⁵ With regard to other, non healthcare-setting uses of surgical masks, the FDA issued a nonbinding statement that it would refrain from objecting to the introduction into commerce of noncomplying surgical masks so long as, inter alia, the manufacturer does not label the masks as useful for “. . . antimicrobial or antiviral protection or related uses, or uses for infection prevention or reduction or related uses, and does not include particulate filtration claims.”⁶ In other words, the FDA has never sanctioned the use of surgical masks as source control for respiratory viruses, and manufacturers are actually prevented from marketing surgical masks as source control for respiratory viruses.

I serve on the Professionalism Committee for the Knoxville Bar Association, and voted in favor of retaining the live CLE credits, given the reasons discussed at the meeting in which we considered this issue. Examples of the factors cited in favor of live CLEs include greater CLE efficacy and maintenance of face to face relationships between bar members outside of the courtroom, which serve to foster civility. Since that vote, however, I have developed reservations, thus I am sharing these reservations, and my opinion that the limitations on Distance Learning credits should be removed, unless these reservations are addressed adequately.

During the committee’s discussion, no one raised the point of whether there would be return to experimental methods of disease control, such as forced mask-wearing and vaccination requirements. The assumption of the group was that these mechanisms were behind us, and the question was purely whether live CLE attendance should be reinstated. The ease of attendance by Zoom, especially by those who do not live in or practice in the larger towns, and the low cost for providers to offer CLEs by Zoom or On-demand video were pitted against the intangible benefits of efficacy and camaraderie.

We did discuss the impact of Covid on CLE providers, and it was noted that there are very few, if any, live, in-person CLEs available. Providers quickly adapted to providing CLEs by distance methods, and our understanding is these methods are much cheaper, because no

³ Id.

⁴ <https://www.fda.gov/medical-devices/premarket-submissions-selecting-and-preparing-correct-submission/premarket-notification-510k> (“A 510(k) is a premarket submission made to FDA to demonstrate that the device to be marketed is as safe and effective, that is, substantially equivalent, to a legally marketed device (section 513(i)(1)(A) FD&C Act). Submitters must compare their device to one or more similar legally marketed devices and make and support their substantial equivalence claims”)(emphasis added)

⁵ <https://www.fda.gov/media/140894/download>, page 1 and footnote 4.

⁶ <https://www.fda.gov/media/136449/download>, page 14.

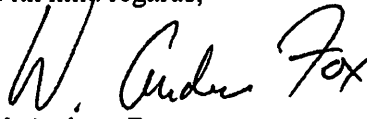
venue need be rented, no proctor need be hired. My concern is that there may be few offerings for live, in-person CLEs, even if Supreme Court began requiring these again. I would expect bar associations like the KBA to offer these, but therein lies the problem.

I can imagine the circumstance if the Supreme Court lifts the current suspension of the rules on in-person, live CLEs, that the few CLE providers offering in-person Live CLEs may impose mask-wearing or vaccination requirements to attend, in the event of a future health concern. Thus those who object to these requirements would be forced to relinquish their objections or jeopardize their law license.

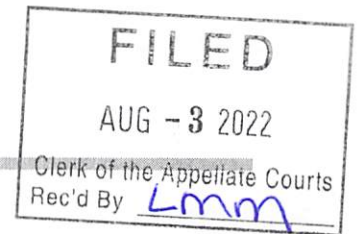
Nothing prevents the KBA's Board of Governors, for example, from imposing these requirements at CLE functions in the future. The KBA imposed mask-wearing at functions during some of the pandemic. Not that attorneys' civil liberties should be up for a vote, but there was not even a vote offered to members regarding whether masks should be required at functions, there was only a declaration by the Board of Governors. Fortunately, the functions that I attended, such as Professionalism Committee meetings, offered the flexibility of attending by Zoom. But if the Supreme Court lifts the suspension of rules and reinstates live, in-person CLE requirements, that flexibility of appearing by Zoom or other streaming technology will be stripped with regard to CLE attendance.

My concerns are that there will be a) a limited number of providers of in-person CLEs, and b) attorneys will be beholden to whatever terms the in-person CLEs are offered. The Supreme Court should do away with the Distance Learning limitations, unless these reservations are addressed.

With kind regards,



W. Andrew Fox



appellatecourtclerk - Comment to Docket No. ADM2022-00781

From: Alicia Teubert <ateubert@andersonbusby.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 8/3/2022 10:40 AM
Subject: Comment to Docket No. ADM2022-00781

Good morning,

I am writing to express my enthusiastic support for amending Tennessee Supreme Court Rule 21 to delete section 3.01(c) and 4.02(c) (Docket No. ADM2022-00781). I believe so amending Rule 21 is beneficial for the following four reasons:

1. It recognizes the increasing digital nature of our practice and society.

While greater society heavily relied on digital resources prior to Covid, the Covid restrictions proved that many industries (including law) could harness the power and flexibility provided by digital resources and continue to function. Granted, there was a steep learning curve for many areas in law practice, but continuing legal education seminars adapted and flourished. Reverting back to requiring attendance at live CLEs sets us back. It is like learning about the existence and efficiency of electronic mail, and then ruling that half the letters any person sends in a year must be delivered by physical mail. We should be taking advantage of the developments and move the practice of law into the future.

I have heard some argue that live CLEs are needed because of the value of in-person interactions. I do not dispute that there are many great things lawyers gain from attending in-person events. However, CLEs are not the only in-person events available. Bar and other associations have luncheons, dinners, receptions, happy-hours, mixers, outings, other social events as well as clinics and volunteer opportunities. For example, one sub-committee of the Knoxville Bar Association's Wellness Committee holds a weekly walk, a monthly hike, an annual pickleball tournament, an annual conference as well as other physical fitness activities throughout the year. That is only one sub-committee. Post-Covid, lawyers have an abundance of opportunities for in-person events. Our CLEs do not need to be in-person in order for lawyers to take advantage of the camaraderie and other benefits of in-person events.

2. It allows the practice of law to be more accessible.

I recently spent three weeks in a wheelchair due to an injury. I have a whole new appreciation for people managing mobility issues. There are far too few accessible parking spaces everywhere. Even the smallest incline/decline is difficult to manage. If there is a slope to the right or the left, moving in a straight line is a struggle. Fewer doors than you expect have the "push to open" button. Getting in and out of an elevator is problematic if a lot of people need to use it. It was a true struggle every time I left my house. By requiring half of our CLE credits to be live, we are putting a greater hardship on our fellow attorneys dealing with either permanent or temporary mobility issues. Allowing all our CLEs to be earned remotely will make the practice of law in Tennessee more accessible.

3. It avoids potential forfeiture of previously earned credits.

In my first year of practice, I collected 15 credits not realizing that the bar exam provided the necessary credits for the first year. So, each year (for the past 11 years), I have rolled over a year's worth (or close to a year's worth) of credits. Most, if not all, of the credits that I have earned in 2022 have been distance learning. If the Court decides to reimplement the live requirement for 2023, then half the credits I planned to rollover from 2022 will essentially be forfeited because any distance learning credits in excess of 8 will not count. In the event the Court decides to reimplement Rule 21 without amendment, then I respectfully request the Court consider making it effective for 2024 (and not 2023). That way I (and other attorneys who bank a year's worth of credits like me) can begin collecting live CLE credits in 2023 so that we can continue rolling over our credits.

4. It may result in a more educated bar.

We have organizations across the state that present wonderful CLEs. These past two years, I have been able to look for CLEs based in Memphis or Nashville specific to my practice areas that, whether due to cost or time, I would not have otherwise been able to attend. While my local area may not have many CLEs related to my areas of practice, the larger cities tend to have more content variety and a deeper well of speakers. Being able to attend practice-specific CLEs virtually has deepened my knowledge. When I'm required to attend live CLEs, I end up having to attend CLEs offered locally to 'check the box' for credits instead of focusing on gaining knowledge directly applicable to my practice. I have this problem in Knoxville; I can only imagine the difficulties lawyers living in small towns or more rural areas have finding live CLEs applicable to their practice without needing to travel. Further, because I am not concerned about whether I have too many virtual credits, I have been able to attend virtual CLEs this year on an emerging area of law taught by U.S. and international experts in the field. There are no CLEs on that emerging area even being offered in Tennessee yet. The ability to attend all my CLEs virtually is making me a more educated lawyer.

Further, the increased cost of travel (fuel/food/lodging) is burdensome on both large and small firms. Some firms may need to restrict the amount it can spend per person. Therefore, traveling across the state (or to a different state) for an advanced, practice-specific live CLE may no longer be an option for some. The best CLE I have ever attended was a two-day, in-depth real estate course in Chicago. It would cost the firm at least double now what it spent back when I attended the CLE. Virtual attendance would be the only viable option now.

Some may argue that virtual CLEs allow people to pay little or no attention to the content and still receive credit when compared to live seminars where the audience is captive. I would argue that unless a live CLE organizer bans the use of cell phones and computers, then the potential for participants to ignore the material is similar. That said, I think it would be reasonable for the Court to include a verification code requirement in order for the distance learning CLEs to count. I have attended a number of CLEs offered by commercial businesses (NBI, Rosedale, etc.) and they typically include a few verification codes that (if required for your state) you must include when submitting your certificate of completion.

I hope that the Court amends Rule 21 as proposed. **Please note that the opinions and positions expressed in this comment are personal to me and do not reflect the opinions or positions of other attorneys of the firm.**

Thank you for your time,
Alicia Teubert
029421

Alicia J. Teubert
Attorney

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**appellatecourtclerk - No. ADM2022-00781- IN RE: AMENDMENT OF TENNESSEE
SUPREME COURT RULE 21**

From: Dan Lins <danlins@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 7/26/2022 1:45 PM
Subject: No. ADM2022-00781- IN RE: AMENDMENT OF TENNESSEE SUPREME COURT
RULE 21

May it please the Court,

I support eliminating the limitations on Distance Learning credits.

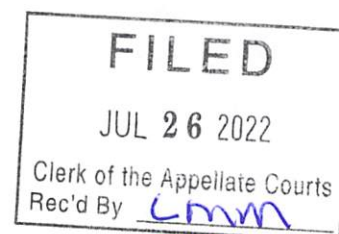
In 2021 I was readmitted to the practice of law after an approximately 7-year hiatus during which I took voluntary inactive license status. The temporary suspension of Tenn. Sup. Ct. R. 21, §§ 3.01 (c) and 4.02(c) was a crucial help to me as I completed over 90 hours of CLE via online Distance Learning.

Distance Learning is also the wave of the future. Lifting the limitation on Distance Learning reflects our society's (and profession's) advancing technological capabilities and changing attitudes about the value of remote work and study.

Distance Learning promotes CDC-recommended social distancing during times of pandemic, such as we have just experienced. It helps protect the vulnerable among us whose health is most at risk.

Respectfully submitted,

C. Daniel Lins
C. Daniel Lins
BPR #024571
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AUG - 2 2022

Clerk of the Appellate Courts
Rec'd By *LM***appellatecourtclerk - No. ADM2022-00781**

From: David Burn <David.Burn@ag.tn.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 8/2/2022 9:58 AM
Subject: No. ADM2022-00781

To the Supreme Court of Tennessee: I have been licensed as an attorney in Tennessee since 1980. I strongly urge you to amend Rule 21 to delete sections 3.01(c) and 4.02(c) thereby permanently eliminating the limitations on Distance Learning credits. The last two years have shown that Distance Learning is an effective and efficient method of earning continuing education credits. I earned fourteen (14) of fifteen (15) required credits via Distance Learning in 2020 (in-person course attended in January 2020) and all fifteen (15) required credits via Distance Learning in 2021 and I would very much appreciate the opportunity to continue to fulfill all or most of my continuing legal education requirements vis Distance Learning in the future. Thank you for your consideration in this matter. David Burn. BPR # 007000.

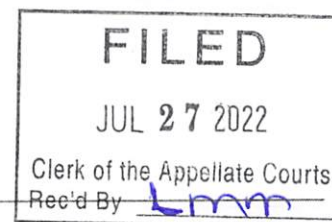
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David.Burn@ag.tn.gov



appellatecourtclerk - Comments on Proposed Rule 21 Amend.

APM2022-00781

From: Erika Piland <erika.piland@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 7/27/2022 11:14 AM
Subject: Comments on Proposed Rule 21 Amend.



Good morning,

I am writing to provide a comment on the proposed amendment to Rule 21, sections 3.01(c) and 4.02(c) to eliminate the limitation on distance learning hours.

I am a licensed TN Attorney (Bar No. 033487) and write in favor of the amendment. I have been licensed since 2014 and have resided outside of Tennessee since 2016. I have also worked entirely remotely as an attorney since May of 2019. I support this change for primarily four reasons. First, the logistical difficulty those in my situation have of obtaining in-person CLE credits. Second, the fact that due to scheduling conflicts most in-person CLEs are unrelated to an area of law one practices. Third, out-of-state in-person CLEs pertain to local law, not Tennessee law. And finally, the recent change to Rule 21, section 8.02(a) makes it incredibly difficult for Tennessee attorneys residing outside of Tennessee to obtain the required in-person credits.

Until the suspension of the distance learning limitation due to the pandemic it was difficult for me to obtain the required in-person credit requirement. I have young children so the logistics alone of getting to in-person CLEs is challenging. However, more to the point, in person CLEs require coordinating with schedules (much more so than on-demand online) so the CLE options that worked in my schedule are almost never related to my areas of practice and thus essentially useless to me in a practice. This was true even living in Tennessee, but more so when I moved. And furthermore, even if the CLEs were related to my area of practice they always pertained to the laws of the state wherein I was taking the CLE rather than Tennessee. For example, my current area of practice is real estate. Theoretically, I could participate in a CLE in Ohio (where I currently reside) on the topic of Real Estate Law, however, it would be Ohio laws and I do not practice Ohio law.

Perhaps, however, the most consequential reason for my support of the proposed amendment is due to the recent change to Rule 21, section 8.02(a). This change requires anyone offering CLE credit to Tennessee attorneys to obtain accreditation through Tennessee and pay a fee per Tennessee attorney taking the course. Previously if I were to take a CLE course outside of Tennessee I could apply for credit in Tennessee and pay said fee myself. However, that option has been removed from Tennessee attorneys requiring the organization sponsoring the CLE to obtain credit and pay the fee. I can say with a high degree of confidence that I will not be able to find CLEs in-person in Northeast Ohio in which the sponsor goes through the process to become accredited in Tennessee and is also willing to pay a fee for me to attend. Since moving out of Tennessee in 2016, none of the in-person CLEs I attended have obtained accreditation in Tennessee. I have always had to apply for that myself, but again, that option is no longer permitted under the rules. I will now have to travel to Tennessee to obtain in-person CLEs. This will be incredibly difficult (and is cost prohibitive) as I do work completely from home while I raise three small children.

In addition to being licensed in Tennessee, I am also licensed in Florida. In Florida, attorneys are permitted to obtain all CLE credits online. This has allowed me to focus on CLEs that are related to my areas of practice and therefore enrich my work.

For all of the above reasons I ask the Court to approve the proposed amendment to Rule 21, sections 3.01(c) and 4.02(c) to eliminate the limitation on distance learning hours.

Thank you.

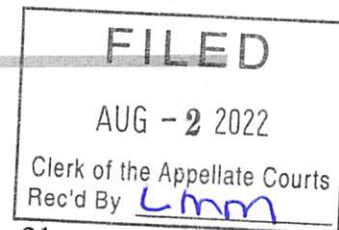
Erika Piland

Attorney at Law

Phone: 615.310.7535

appellatecourtclerk - No. ADM2022-00781 -- Amendment of Tennessee Supreme Court Rule
21

From: Melinda Foster <mfooster@chattanooga.gov>
To: <appellatecourtclerk@tncourts.gov>
Date: 8/2/2022 10:27 AM
Subject: No. ADM2022-00781 -- Amendment of Tennessee Supreme Court Rule 21



I am writing to express my strong support for amending Tennessee Supreme Court Rule 21 to eliminate permanently the limitations on Distance Learning credits. Requiring attorneys to attend CLEs in person adds significantly to the cost of meeting the annual CLE requirement, requires time away from the office and the practice of law, and limits one's selection of CLEs because the choices are based on location and travel costs more than on the topic and quality of the CLE itself.

Thank you for your consideration.

Melinda Foster
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August 5th, 2022

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

Re: No. ADM2022-00781, Amendment to TN Supreme Court Rule 21

Dear Clerk Hivner,

On behalf of the Executive Committee for the Memphis Bar Association, please accept this letter to provide comment on proposed changes to Rule 21 for Mandatory Continuing Education, to delete sections 3.01(c) and 4.02(c) and eliminate the in-person limitations on distance learning credits.

The MBA Executive Committee supports a permanent change to Rule 21 that will allow for greater flexibility in distance learning, whether that is accomplished by eliminating the live CLE credit requirement, substantially reducing the hours required, or allowing for live webinars to constitute a live attendance.

Although we recognize that there is great benefit to the interactions of attorneys who are gathered together for a live CLE, there are other considerations which we believe merit great weight in allowing attorneys to earn distance learning credits, including the positive impact distance learning can offer, such as convenience and decrease in time, money and other resources for an attorney. Further, distance learning allows the host of the CLE to reach a broader audience. Finally, all local bar associations hold numerous events throughout the year that are frankly more conducive to fostering communications, collegiality, networking, and professionalism than a CLE setting.

If the in-person requirement is not permanently deleted, as an alternative, we suggest broadening the definition of "live" CLE attendance, by including attendance by video, particularly when the video allows for attendees to ask questions through audio or a "chat" feature. This could address any concern that not attending a CLE in person increases the risk that the lawyer will not give full attention to the material.

Thank you for your consideration.

Sincerely,

Jennifer Sink
Vice President, Memphis Bar Association

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August 1, 2022

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401 7th Avenue North
Nashville, Tennessee 37219-1407



**Re: Amendments to Tennessee Supreme Court Rule 21,
Sections 3.01(c) and 4.02(c)
No. ADM2022-00781**

Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order referenced above, the Mid-South Commercial Law Institute ("Mid-South") has carefully considered the proposed changes to Tennessee Supreme Court Rule 21, Sections 3.01(c) and 4.02(c) related to Distance Learning. The Mid-South is a non-profit organization that, for more than forty years, has conducted an annual interactive 2-day seminar focusing on commercial and bankruptcy law topics presented by notable judges and speakers. For the reasons outlined herein, the Mid-South opposes the proposed amendments.

Although suspending the Distance Learning limitation of Rule 21 to allow attorneys to maintain their educational requirements through virtual CLEs during the COVID-19 pandemic was vital and necessary, eliminating the requirement altogether would almost certainly lead to reduced enrollment at in-person seminars. Reduced enrollment would likely lead to either increased program fees for in-person seminars and/or fewer options for attorneys who prefer in-person opportunities arising from a likely financial hardship for bar associations and non-profit organization like Mid-South to continue conducting in-person seminars due to decreased attendance.

Additionally, as with many other professions, our basic social skills and collegiality have suffered mightily as a result of the isolating effects of the pandemic and will likely continue to deteriorate if we are not required to complete at least a portion of our educational requirements through in-person CLEs. Attorneys do not practice law in a bubble. To be effective advocates, attorneys often need to collaborate with other attorneys to brainstorm ideas, discuss novel issues, and/or gain insight from others of varying levels of expertise in not only our own chosen practice areas, but in other areas as well. One of the most important aspects of an in-person CLE that cannot be replicated through a virtual CLE—and one that has been the hallmark of the Mid-South seminar for decades—is the opportunity to meet and

interact with attorneys from across the state and region who engage in the same general practice areas or perhaps (even hopefully) have an interest in learning more about a specific practice area. However, when the CLE is simply a pre-recorded session or even one that is live but virtual, this important personal and social interaction is lost. Thus, Rule 21 should not be amended to remove the Distance Learning limitation altogether.

Also, many attorneys, especially those in the bankruptcy practice area, are not employed with large firms and the opportunities for meaningful one-on-one interactions with other practitioners at in-person CLE seminars are invaluable. A number of in-person CLEs such as the Mid-South seminar also offer attorneys the opportunity to hear directly from and to interact with judges and industry experts who serve as speakers and panelists. Furthermore—and realistically—allowing attorneys to complete all of their required hours through virtual or pre-recorded CLEs not only removes the engagement factor but may result in diminished focus on the materials being presented, thus defeating the purpose of requiring continuing legal education altogether. To the extent there might be continued health concerns by individual members of the Bar, those concerns would be better addressed on an individual basis rather than a blanket elimination of the Distance Learning requirement to the detriment of members who do not share the same concerns and/or prefer in-person learning.

Finally, seminars such as the Mid-South allow attorneys the opportunity to complete their required CLE hours for the year in one seminar with a specific focus on commercial and bankruptcy law that is held over a 2-day period rather than attorneys being required to piecemeal the number of required hours together over the course of the year. Again, eliminating the Distance Learning requirement and making such seminars cost-prohibitive for organization to conduct them would place a heavy burden on attorneys to find substitute CLEs in their specific focus areas necessary to satisfy the full year's required hours.

The Mid-South Commercial Law Institute appreciates the opportunity to comment on the proposed Rule changes. For the foregoing reasons, the Mid-South Commercial Law Institute opposes the proposed amendments to eliminate the Distance Learning requirements of Rule 21.

Sincerely,



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NASHVILLE BAR ASSOCIATION

Improving the Practice of Law through Education, Service, and Fellowship.

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August 3, 2022

James Hivner, Clerk
IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21
No. ADM2022-00781
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

The Nashville Bar Association appreciates the opportunity to voice an opinion regarding the potential changes to the Rule for Mandatory Continuing Legal Education in Tennessee, and respectfully submits the following comments for consideration. The NBA invests a great amount of time and resources to produce high quality in-person and distance learning continuing education courses.

The NBA's mission is "Improving the Practice of Law through Education, Service and Fellowship." The NBA believes that in-person CLE offers unique opportunities for educational engagement and fellowship which are unattainable exclusively through distance programs. Although content may be delivered in many formats, in-person learning allows both attendees and presenters to interact in a way that cannot be duplicated online. When attorneys gather together to learn in a shared setting, they contribute positively to the camaraderie, collegiality, and mentorship that are central to our profession and to our local bar in particular.

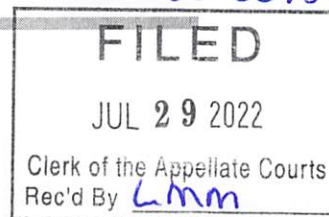
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appellatecourtclerk - CLE Distance Learning Requirement/Rule 21 Amendmenet

ADM2022-00781

From: Steven Fried <sfried@olyverapp.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/29/2022 11:30 AM
Subject: CLE Distance Learning Requirement/Rule 21 Amendmenet



I moved back to New York 12 years ago but my Tennessee license remains active. The requirement that attorneys personally attend CLE seminars provides no benefit whatsoever to practicing lawyers and sharply increases our compliance costs. In fact, it only serves a cottage industry of CLE providers that charge exorbitant fees presenting seminars that are often of little use.

Lawyers, including sole practitioners, are not children. We take our responsibilities to clients seriously not only because it's the right thing to do; most of us understand that to be competent and competitive in a saturated market knowledge of the law and how to use it to benefit our clients is essential. Our success as practitioners relies on our willingness to research continuously and stay abreast of laws, rules, and regulations (which entails exponentially more than 15 hours a year). How we choose to do that in any specific situation or case - whether it's spending hours in a library or online, consulting with our colleagues, or taking courses - should be up to the individual professional based on his or her needs.

The only viable explanations for forcing us to personally attend lectures - whether the misguided belief that a live learning session is somehow better or a lack of trust in lawyers to take their obligation of competency seriously - are inconsistent with the reality of CLE. Live seminars are far less helpful than more focused online courses. The in-person events consist too often of big firm lawyers reading cases or statutes verbatim (or, worse, sharing self-aggrandizing 'war stories' to a (literally) captive audience). Lawyers are, to a person, literate and capable of doing their own research, and too often I've left those seminars with little more than a big-firm branded coffee mug.

As a frequent presenter of online courses, there is nothing I can't convey over the internet or that would otherwise require the physical presence of those listening. If the goal of CLE is truly to make practitioners better lawyers, we should have the autonomy to determine what best fits our needs.

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FILED
AUG -5 2022
Clerk of the Appellate Courts
Rec'd By lmm

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

IN RE: AMENDMENT OF)
TENNESSEE SUPREME COURT) No. ADM2022-00781
RULE 21)

**COMMENT OF THE TENNESSEE BAR ASSOCIATION
IN RESPONSE TO PROPOSED AMENDMENT OF TENN. S. CT. R. 21**

The Tennessee Bar Association (“TBA”) submits the following comment regarding the proposed amendment to Tenn. S. Ct. R. 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the in-person, live limitations on Distance Learning credits. Recognizing the importance of in-person engagement and its beneficial effect on professionalism and civility in the bar, the TBA supports amending Rule 21 to allow for the necessary flexibility to ensure that all attorneys have access to top-rate, substantive Continuing Legal Education (“CLE”) programming on specific topics that will enhance their practice areas, but also respectfully requests the Court to encourage and incentivize in-person engagement.

The TBA received feedback on this important issue from several members including those active within our sections, the TBA CLE Committee, TBA’s past presidents and the TBA Board of Governors. After a long and vigorous discussion, the TBA Executive Committee (“Committee”) voted to support the proposed rule change which would permanently eliminate the limitations on Distance Learning CLEs for Tennessee lawyers. In reaching this decision, the Committee discussed the importance of the original rule and the impact it has had on civility and professionalism in the profession, as well as the positive impact virtual learning has on the profession, including providing equity in programming options for those with lack of access to

live programming, as well as providing flexibility in an everchanging healthcare climate as a result of the recent pandemic.

BACKGROUND

As a result of the COVID-19 pandemic, this Court temporarily suspended Tennessee Supreme Court Rule 21, sections 3.01(c) and 4.02(c), for 2019, 2020, and 2021, to the extent these provisions impose a maximum limit of eight (8) hours of Distance Learning and a minimum of seven (7) hours of live CLE hours for lawyers licensed in Tennessee for each compliance year, including carryover distance learning hours each year as well. The current suspension of those rules is in effect through December 31, 2022. On June 14, 2022, the Court published an Order stating that it is considering amending Rule 21 to delete sections 3.01(c) and 4.02(c), permanently eliminating the limitations on Distance Learning, and is soliciting written comments on the proposed amendments by August 5, 2022.

The TBA gathered feedback from members on the proposal and evaluated whether the TBA should support the change. Considerations included (1) the benefit of live CLE programming in the professional development of attorneys across the state, (2) equity and convenience of having access to quality educational programs across the state, (3) the continued need for flexibility for lawyers who have and will continue to navigate the impact of COVID-19 and other health issues while trying to maintain their licenses.

TBA MEMBERSHIP

Since its founding in 1881, the TBA has represented the entire spectrum of the Tennessee legal community, from plaintiff and defense attorneys to judges, government and legal services attorneys, corporate counsel, law students and sole practitioners. With over 12,000 members, the

TBA is made up of attorneys who live and work across the entire state of Tennessee, as well as many licensed Tennessee attorneys who reside outside of the state.

CLE HISTORY AT TBA

For the 2021-22 bar year, TBA offered over 500 hours of continuing legal education content to members and nonmembers licensed in Tennessee. Since the late 1990s, the Tennessee Bar Association has provided an online platform for TBA programming on-demand. In addition, TBA's practice group sections provide specific programming related to each of their practice areas to members annually. Prior to 2020, TBA produced a mixture of live in-person forums, live webinars, and on-demand educational options to assist Tennessee lawyers in meeting their annual requirement of fifteen (15) hours of CLE credit. Additionally, TBA provides three (3) free hours of CLE for members as a benefit of membership. In March 2020, the Tennessee Supreme Court issued an Order suspending the limitation on distance learning credits for Tennessee attorneys and has extended that suspension through December 31, 2022. Like other groups, the Tennessee Bar Association immediately suspended all live programming and converted all pending in-person programs to virtual programs, webinars and roundtables. In 2020, TBA produced a fully virtual annual convention offering 8 hours of continuing legal education via livestream and on demand.

TBA resumed its live, in-person CLE programming in February 2022, and since then has held 21 in-person programs and 29 virtual programs while maintaining a catalog of over 150 CLE programs on-demand. Based on feedback from members and attendance numbers at those events, TBA's position is that there will always be a need for both in-person programming and virtual options to respond to the growing needs of members. Numerous comments received by the bar as a result of the current CLE climate have stressed the importance of convenience and access to quality programming for members who live in areas without sustained live programming.

Additionally, limitations on speaker travel as a result of the pandemic now requires more flexibility in allowing online options for CLE programming.

IMPORTANCE OF LIVE PROGRAMMING AND ACCESS

One of the concerns raised to TBA in opposition to the Court's Order is that eliminating in-person CLE could lead to the erosion of civility and professionalism in the legal profession. The concern is that if the Court does not require live, in-person CLE, the next generation of lawyers will not have as many opportunities to interact with attorneys in person and, therefore, will not have the opportunity to develop collegial relationships with their attorney colleagues. This lack of connection could hurt the profession, especially now when some argue that civility and professionalism should be fostered and encouraged, as evidenced by the Supreme Court's decision in 2019 to add "fairness, integrity and civility" to the oath attorneys take when they are admitted to practice law in Tennessee.

Additionally, based on TBA's practice and experience, especially since 2020, eliminating the in-person requirement for CLE could also result in less in-person (and possibly no in-person) CLE programs in certain areas, which could in effect take away that option for attorneys who learn more effectively with the in-person aspect and appreciate the face-to-face interaction with others.

While these concerns are in fact important considerations, requiring individuals to take CLE together in the same room does not alone move the needle on the issues of civility and professionalism. Civility and professionalism must also be fostered through sustained efforts by lawyers, mentors, law firms, agencies and bar associations to create environments where lawyers and law students are encouraged and incentivized to thoughtfully and respectfully engage and learn from one another.

IMPORTANCE OF FLEXIBILITY FOR LAWYERS

Given the ever changing health and working conditions of lawyers across the country, including those licensed in Tennessee, the TBA believes it is necessary for Tennessee to adapt and to provide flexibility in how attorneys obtain the CLEs they need to maintain their licenses. Live CLE and events are important to the practice and should be maintained; however, it is not practical to continue requiring in-person education, given the multifaceted ways people now learn and socialize. It has been over two years since the original suspension of the rule requiring live, in-person CLE, and many of the challenges that necessitated that rule change still exist and will probably continue to exist for the near future. Tennessee lawyers deserve certainty and the opportunity to have access to quality CLE programming whether that programming is in person or online. They should also be trusted to manage how they learn based on their own needs.

TBA will continue to provide first-rate, live CLE programming through its forums, symposiums, conferences and attorney networking events to promote the Supreme Court's call for civility and professionalism in the legal profession. TBA will also continue to provide on-demand options to ensure that all lawyers licensed in this state, including those residing out of state, have access to high quality programming taught by leading experts. The TBA has no opposition to the proposed rule change; however, it encourages the Court to support and incentivize voluntary attendance at live programming, including supporting the efforts of local bar associations to provide live educational programs across the state.

CONCLUSION

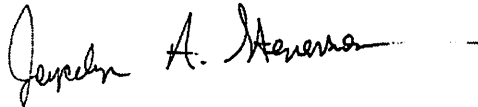
For these reasons, the TBA supports the proposed amendment to Rule 21, deleting sections 3.01(c) and 4.02(c) and permanently eliminating the limitations on Distance Learning credits.

Respectfully submitted,

TENNESSEE BAR ASSOCIATION

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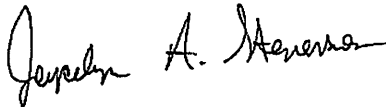


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CERTIFICATE OF SERVICE

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 email, within seven (7) days of filing with the Court.



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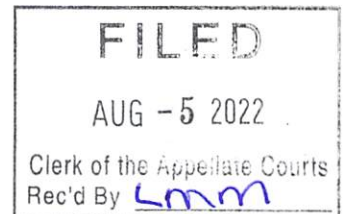
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August 5, 2022

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100 Supreme Court Building
401 7th Avenue
North Nashville, Tennessee 37219-1407
appellatecourtclerk@tncourts.gov



Re: *In re: Amendment of Supreme Court Rule 21, No. ADM2022-00781*
Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Dear Mr. Hivner:

I write to express my strong support for the Tennessee Supreme Court's proposed permanent elimination of caps on distance-learning continuing legal education credits. The temporary suspension of this limitation necessitated by the COVID-19 pandemic has allowed me to continue attending CLE courses despite my service in the U.S. Department of State's Foreign Service. A return to mandatory in-person requirements would effectively end my ability to comply with CLE requirements in Tennessee.

I am a lifelong Tennessean, and my permanent residence is in Sullivan County. After 12 years in the practice of law, I joined the U.S. diplomatic corps in 2020. Diplomats are presidentially appointed, Senate-confirmed members of the State Department's Foreign Service who represent the United States around the world in embassies and consulates. While we maintain a permanent residence in the U.S.—in my case, in Northeast Tennessee—we spend the great majority of the year representing the United States abroad. This poses a unique challenge when looking for in-person CLE courses.

Tennessee attorneys who cease the practice of law may convert their license to inactive status and delay CLE requirements; however, in the event the attorney wishes to return to the practice of law in any U.S. jurisdiction, he or she must complete the deficit of CLE accrued (up to five years) while on inactive status before a return to active status will be authorized. While there are some exceptions to the CLE requirement—e.g., active-duty members of the Armed Forces—no exception has been extended to U.S. diplomats. *See* Tenn. Sup. Ct. R. 21, § 2.03. In my case, I have continued seeking CLE credit since my license was converted to inactive status to avoid accruing a deficit. The temporary suspension of sections 3.01(c) and 4.02(c) has allowed me to complete CLE requirements while living abroad.

TROYSWESTON@GMAIL.COM

Mr. James Hivner, Clerk
RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)
August 5, 2022
Page 2

Diplomats work on two-year assignments. Currently, I represent the United States in Mission Mexico. Without the suspension of the in-person requirement, CLE providers would have had one less participant paying tuition. I would not have been able to attend live, Tennessee-accredited CLE in Mexico. In 2023, I will relocate to the U.S. Consulate General in Melbourne, Australia. A return to mandatory in-person CLE would effectively mean I have no options for accredited courses to fulfill the yearly mandatory 15-hour requirement.

Two of my proudest accomplishment hang side-by-side on my wall: my presidential appointment to the diplomatic corps and my Tennessee law license. I ask that the Court consider a rule change that will allow me to continue meeting my CLE requirements each year, recognizing the unique position of America's diplomats.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Hivner".

FILED
AUG -2 2022
Clerk of the Appellate Courts
Rec'd By *Lmm*

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

No. ADM2022-00781

COMMENTS OF DWAYNE S. BYRD

In accordance with the Court's Order dated June 14, 2022, the undersigned hereby submits comments on proposed amendments to the Court's rules concerning continuing legal education requirements.

1. I am an attorney who has been continually licensed to practice law in Tennessee since 1989.

2. I was in-house counsel for 28 years to a Fortune 500 company, litigating civil cases as first chair throughout the United States. Prior to that, I was engaged in private solo practice.

3. I am currently retired from my law department position but have continued to fulfill all licensing requirements so that I may engage in public interest litigation and provide *pro bono* services to certain nonprofits on a limited basis.

4. I support the proposal to amend Rule 21 so as to delete any requirement that a portion of continuing legal education (CLE) hours be earned in-person.

5. I have relied solely on online CLE courses since first allowed by the Court due to COVID protocols.

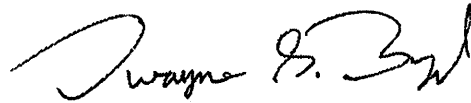
6. I believe dispensing with in-person CLE requirements on a permanent basis is in the best interest of the courts, profession, and public for the following reasons:

- a. The wide variety of online course content allows lawyers to choose courses more directly related to their practice areas, as opposed to what may be available as in-person instruction. The public and the courts are best served by lawyers with relevant CLE training, especially if the lawyer practices in a specialized field.
- b. Online courses offer an economical opportunity for CLE compliance especially compared to specialized courses, some of which may require travel for attendance. Semi-retired lawyers, solo practitioners, and even fulltime public interest lawyers often lack the budget for expensive local CLE or for CLE requiring travel.
- c. Online CLE is a convenient vehicle for lawyers in any type of practice, as it allows courses to be taken any day and at any hour, helping the lawyer better manage his or her practice responsibilities and better maintain the crucial work/life balance.
- d. It stands to reason that the flexibility of online CLE will insure greater and more timely CLE compliance for lawyers, as it allows training at the convenience of the lawyer and can be undertaken on short notice.
- e. Online CLE provides an opportunity for disabled lawyers to meet their CLE requirements when their disability may make in-person attendance impractical.

For the foregoing reasons, the undersigned urges the Court to adopt the proposed amendment to Rule 21 so as to make in-person CLE attendance optional for Tennessee lawyers.

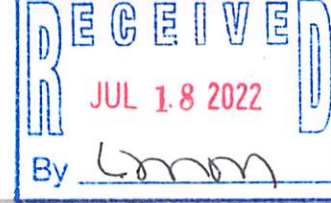
Dated: August 2, 2022

Respectfully Submitted,

A handwritten signature in black ink that reads "Dwayne S. Byrd". The signature is written in a cursive style with a large, sweeping initial "D".

Dwayne S. Byrd
BPR No. 13737

P.O. Box 382236
Germantown, TN 38138
901-455-4336 (o)
901-459-2058 (f)
dsbyrd@gmail.com



Lisa Marsh - No. ADM2022-00781

From: "King, Benjamin" <Benjamin.King@WTH.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/18/2022 4:23 PM
Subject: No. ADM2022-00781

I support eliminating the limitation on Distance Learning Credits. When I take CLEs that are distance learning credit, those hours are pertinent to my practice. I cannot say the same about in-person CLEs. Those courses are simply close geographically, and they will rarely, if ever, provide any benefit.

If the purpose of Continuing Legal Education is to improve the legal profession, there is no reason to have required in-person credit hours. Online CLEs provide more opportunities to learn about your practice area than in person. Online CLE can be more specialized and in-depth. In reality, I learn more from webinars that do not provide CLE credit than from in-person CLE courses. What could possibly be the reason for limiting distance learning and requiring in-person CLE hours in today's world when people work from home, Court is held remotely, and students go to school online? There is no valid reason unless the purpose of CLEs is not to improve the legal profession.

My Working Hours may not be the same as yours. Please do not feel obligated to reply outside of your regular work schedule!

Ben King

Assistant General Counsel

West Tennessee Healthcare | 620 Skyline Drive

Jackson, TN 38305

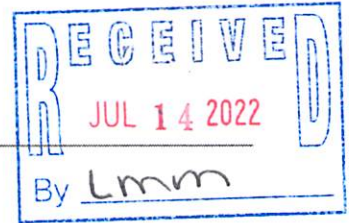
Phone: [\(731\) 541-5611](tel:7315415611) | Fax: [731-541-8490](tel:7315418490) | benjamin.king@wth.org

Coming Up Out Of Office Dates: June 27th – July 9th, 2022

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Lisa Marsh - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: April Harris Jackson <april@galsnashville.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 7/14/2022 11:49 AM
Subject: RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)



Dear Clerk,

I am a current member of the Tennessee Bar in good standing. It is my opinion that the rule changes proposed to delete Rules 3.01(c) and 4.02(c) which require in-person CLE requirements should be deleted. The Court may consider adding additional considerations, such as a required survey completion or embedded code to be recorded while watching recorded CLEs. However, the option of having remote learning opportunities will enhance the quality of education available to our attorneys in rural areas and those who do not have many dedicated funds for CLE programs.

Thank you for your consideration in this matter.



April Harris Jackson (she/her)
Attorney and Owner, Graceful Aging Legal Services, PLLC
(615) 846-6201 | april@galsnashville.com
www.galsnashville.com
Mail: P.O. Box 8065, Hermitage, TN 37076 |
Meetings: 3820 Charlotte Ave., Ste. 146, Nashville, TN 37209

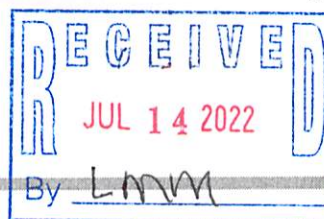
Our business is primarily referral-based from happy clients. We would love to help your family, friends, and acquaintances in Middle Tennessee and beyond!

April's upcoming out of office days: Aug. 29-Sept. 5

The GALS office will be closed on Monday, September 5th for Labor Day.

****Please notify us if you have received this message in error.****

Lisa Marsh - Docket No. ADM2022-00781



From: Jeremy Brook <jeremy@brooklawfirm.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/14/2022 6:15 PM
Subject: Docket No. ADM2022-00781

Dear Mr. Hivner,

I am writing in support of the Court's proposed amendment to Tennessee Supreme Court Rule 21 concerning the elimination of limitations on distance learning CLE credits. I have found distance learning to be just as effective as in-person CLE courses (and sometimes more effective); because video-conferencing technology and the consumption of on-demand videos have become commonplace in nearly every facet of business and personal life, distance learning CLEs are far easier, more efficient, and less disruptive.

Further, the variety of courses offered via distance learning is necessarily greater than that offered via in-person learning because the sources of internet-based CLE courses are not limited by geography. Because the courses can be archived and viewed on demand, they are not even limited by temporal or scheduling considerations.

Though the value of interacting in person with colleagues cannot be doubted, I believe that interaction can and still will occur on a voluntary basis at targeted CLE symposia such as the Nashville Entertainment Law Symposium.

Very truly yours,
Jeremy M. Brook
Tennessee BRR No. 28362

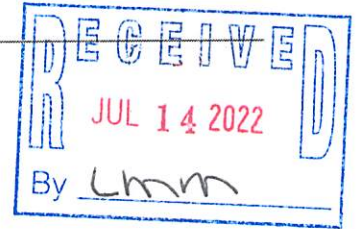
Jeremy M. Brook, Esq.
(678) 524-9633



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Lisa Marsh - No. ADM2022-00781

From: Simcha Dornbush <sdornbush@nacle.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/14/2022 2:16 PM
Subject: No. ADM2022-00781



Attention: James Hivner, Clerk
RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Good afternoon,

We are writing to you today to express our support for the proposal to permanently eliminate the limitations on Distance Learning CLE credits in Rule 21. Our organization is a provider of CLE courses around the country and the majority of states already have a similar policy in place allowing all credits to be taken through distance learning. The attorneys that we speak to on a daily basis regularly express to us that they not only enjoy the convenience and safety that distance learning affords but the opportunity to take a much wider variety of classes than those that can be found in-person and nearby. We hope the Supreme Court makes the current exception permanent as it would be a great step forward in the evolution of CLE for Tennessee attorneys.

Thank you,

Simcha Dornbush
National Academy of Continuing Legal Education

Phone: 212-776-4943 ext 110
Email: sdornbush@nacle.com
Web: www.nacle.com

Lisa Marsh - Amendment of Rule 21 - Docket # ADM2022-00781

From: Susan Greenberg <sbg38103@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 7/13/2022 12:35 PM
Subject: Amendment of Rule 21 - Docket # ADM2022-00781



This email responds to the Court's solicitation of written comments from attorneys regarding the permanent elimination of the requirement for in-person continuing legal education credits.

I support the proposal to allow all 15 hours of continuing legal education credits to be earned in online courses.

Attorneys have been allowed to earn credits online so they can limit their exposure to covid, as covid can be a severe illness and is very contagious. The risk of exposure to covid from in-person courses still exists. The medical professionals I have spoken to, both in a social atmosphere and in a professional one, uniformly believe covid is going to be a factor in our lives for the foreseeable future. It will mutate, they say, but covid is unlikely to disappear.

Many individuals are taking measures to limit exposure to covid by wearing masks and avoiding large groups of people. Attendance at in-person legal education courses poses a significant risk to those individuals. If in-person courses are required, the commission and court may face litigation regarding medical exemptions from that requirement.

In addition to the risk to individual attendees, in-person courses also involve a risk to those who sponsor, create or present in-person continuing legal education courses. Organizers may be found responsible for a "super-spreader event." Groups that previously organized courses will likely limit courses or limit the number of attendees at those courses. Either way, there are likely to be fewer opportunities to obtain in-person credits.

On the other hand, there are a wide variety of online courses available from various sources. If education, rather than socializing, is the goal, then online courses satisfy that goal without sacrificing safety.

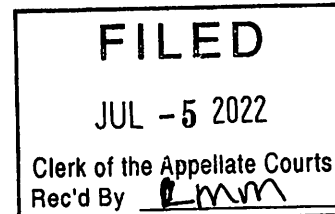
Accordingly, I support eliminating the requirement for in-person continuing legal education.

Sincerely,

Susan B. Greenberg (014104)

Lisa Marsh - Re: ADM2022-00781; Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: Marian Little <mlittle74@icloud.com>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 7/5/2022 3:51 PM
Subject: Re: ADM2022-00781; Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)
Cc: Marian Little <mlittle74@icloud.com>



IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

Dear Mr. Hivner, Clerk,

Writing **in support** of the following:

The Court is now considering amending Rule 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the limitations on Distance Learning credits. The Court solicits written comments from judges, lawyers, bar associations, members of the public, and all interested parties on the amendments now under consideration. The deadline for submitting written comments is Friday, August 5, 2022. Written comments should reference the docket number above.

I am licensed in both KY and TN and this will eliminate several significant hurdles to obtaining required CLE, including but not limited to: travel costs, time away from employment, exposure to current strains of Covid-19. In my case, it will result in additional CLE hours over the required amount, due to the increased efficiency in obtaining them.

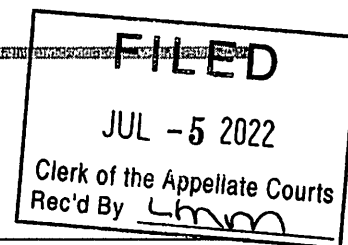
Thank you for consideration of my comments.

Kind Regards,
MRG

Marian R. Graves, DVM, Esq.
1572 Peacock Road
Paris, KY 40361
Cell: [931.510.2047](tel:931.510.2047)
mlittle74@icloud.com

Lisa Marsh - Comment to Rule 21 Amendment ADM2022-00781

From: Jim Romer <jromer2@twlakes.net>
To: James Hivner <appellatecourtclerk@tncourts.gov>
Date: 7/5/2022 3:48 PM
Subject: Comment to Rule 21 Amendment ADM2022-00781



Dear Mr. Hivner,

The way the ADM2022-00781 ORDER reads, in Section 3.01(c) it doesn't deal directly with the requirement of having seven hours of Live continuing legal education credits in paragraph one. It addresses only doing away with limiting lawyers to a maximum of eight hours of Distance Learning. Conceivably you could have 10 or 12 hours of Distance Learning and still be required to have 7 live.

Paragraph two does say the Court is considering deleting all of Section 3.01(c) and 4.02(c) but adds "and permanently eliminate the limitations on Distance Learning credits." Notably it does **not address** Rule 4.02(c) that says "A maximum of eight (8) hours of distance Learning credit can be carried forward to the subsequent compliance year."

Bluntly, here is what I would like to see: (1) Eliminate all mandatory Live learning hours. (2) Allow an unlimited number of Distance or Live Learning Hours each year. (3) Carry over all Hours in excess of 15 for as long as they can be used to meet the requirements in any given year. Simply put, eliminate each and every provision of both Section 3.01(c) and 4.02(c). No ifs ands or buts. Just keep the 15 hours requirement.

I have kept my licence and, while retired from the Office and will be 78 years old in a few days, I am very active in matters I consider of great importance that require learning on my part and doing some teaching, some leading and advising.

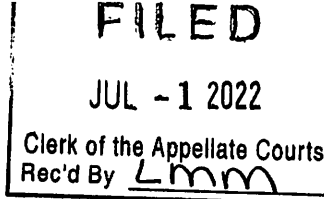
One of the greatest benefits of relaxing the rules has been just being able to do all the required CLE by distance learning. Also, I can learn new things by viewing the "saved recordings," take notes, back them up to repeat something I didn't "get" the first time through, stop the recording when interrupted and come away with a good experience. They also leave a way to contact the presenters if you have questions afterward. Most of all I don't have to make a round trip of 260 miles to Nashville from Jamestown and spend 5-6 hours doing it with nothing else to accomplish except being tired when I get there!

Anyway, I do send my best regards to members of the Court.

--

Jim Romer
 204 Anderson Tinch Ave.
 Jamestown, TN 38556-5221
 H 931-879-7822 M 931-239-7703

"Every human being is unique and unrepeatable."
 St. Pope John Paul II Christmas Day 1978
 "There is purpose and worth to every human life."
 President Ronald Reagan November 4, 1991



appellatecourtclerk - No. ADM2022-00781

From: "Darsi N. Sirknen" <dsirknen@wmbac.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 7/1/2022 12:28 PM
Subject: No. ADM2022-00781

Good Afternoon,

In response to the Court's solicitation for comments regarding the proposal to delete sections 3.01 (c) and 4.02(c) from Rule 21, permanently eliminating the limitation on distance learning CLE credits, I would like to voice my support of the proposed amendment. The adaptations we were all forced to make during the height of the Covid pandemic, while stressful at the time, have resulted in several benefits, including the realization that some things that we previously thought could only be done effectively in person can actually be done (and, in many cases, can be done more efficiently) online or on virtual meeting platforms. Many attorneys continue to work from home at least part-time, not out of necessity, but out of the realization that we can do so just as effectively from a home office as we can from a "work office" and add a couple of hours back to our days that we would have otherwise spent commuting. If we are able to perform complicated legal work for clients remotely, it stands to reason that we can also fulfill our CLE requirements remotely. Further, with more attorneys spending more time away from the "central business district" areas where in-person CLEs may most frequently be conducted, it becomes less convenient to attend in person.

Over the past couple of years, I have also done Zoom or other online CLEs while on vacation or otherwise during time that I'm not as focused on billing hours and can, thus, be more focused on the CLE itself. In-person CLE does not often afford such opportunities. I would welcome the opportunity to continue meeting all of my CLE requirements through distance learning. Thank you for your consideration.

Darsi N. Sirknen

 **WOOLF · McCLANE**
 WOOLF, McCLANE, BRIGHT, ALLEN & CARPENTER, PLLC
 ATTORNEYS

Post Office Box 900
 Knoxville, Tennessee 37901-0900
 Phone: (865) 215-1065 | Fax: (865) 215-1015
www.wmbac.com

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WILSON WORLEY
— ATTORNEYS AT LAW —

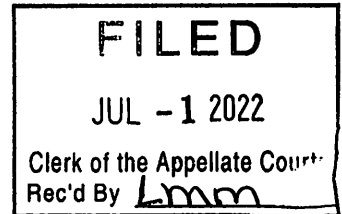
Eastman Credit Union Building, 2nd Floor
P.O. Box 88
2021 Meadowview Lane
Kingsport, TN 37662

(423) 723-0400 Main
(423) 723-0429 Fax
www.wwmgs.com

JOEL A. CONKIN
Attorney
jconkin@wilsonworley.com

July 1, 2022

The Hon. James Hivner
Clerk, Supreme Court of Tennessee
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219



Via Electronic Mail: appellatecourtclerk@tncourts.gov

Re: Tenn. Sup. Ct. R. 2, Sections 3.01(c) and 4.02 (c), Docket No. ADM2022-00781

Dear Sir:

This letter will express the support of the attorneys at WILSON WORLEY, P.C. for adoption of the proposed deletions of the above-referenced rules, resulting in the elimination of the limitations on Distance Learning credits for Continuing Legal Education. This measure has been approved by our Executive Committee and is the "official" position of this firm.

Thank you for your consideration and that of the Court.

Very Respectfully Yours,


WILSON WORLEY, P.C.
Joel A. Conkin
For the Firm

Lisa Marsh - IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

From: Grayson Schleppegrell <Grayson@gkspllc.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/30/2022 2:31 PM
Subject: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

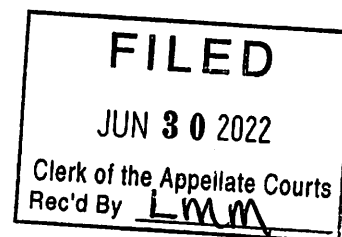
Dear Mr. Hivner,

I wish to convey my support for amending Tennessee Supreme Court Rule 21 to delete sections 3.01(c) and 4.02(c) so as to eliminate the limitations on distance learning CLE credits. I appreciate your consideration of this matter.

Sincerely,

Grayson Schleppegrell

Schleppegrell Law, PLLC
8858 Cedar Springs Lane, Suite 2000
Knoxville, TN 37923
P.O. Box 32587
Knoxville, TN 37930
Phone: (865) 313-5903
Grayson@GKSPLLC.com
www.SchleppegrellLaw.com



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ANY U.S. FEDERAL OR STATE TAX ADVICE INCLUDED IN THIS COMMUNICATION (INCLUDING ATTACHMENTS) WAS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING U.S. FEDERAL OR STATE TAX-RELATED PENALTIES OR (II) PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TAX RELATED MATTER ADDRESSED HEREIN.

Lisa Marsh - IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

From: Gavin Shepherd <gshepherd@wmbac.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/30/2022 8:09 AM
Subject: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

Mr. Hivner,

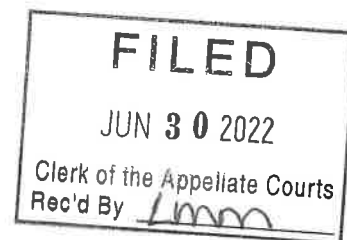
I write to support amending Tennessee Supreme Court Rule 21 to delete sections 3.01(c) and 4.02 (c) in order to permanently eliminate the limitations on Distance Learning credits.

Thanks,

C. Gavin Shepherd



Post Office Box 900
Knoxville, Tennessee 37901-0900
Phone: (865) 215-1041 | Fax: (865) 215-1001
www.wmbac.com



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Lisa Marsh - Comments on Rule 21 Distance Learning Limitation

From: Ford Little <flittle@wmbac.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/30/2022 8:20 AM
Subject: Comments on Rule 21 Distance Learning Limitation

Dear Sir or Madam:

ADM2022-00781

I am in favor of permanently removing the limitation on Distance Learning CLE.

J. Ford Little
BPR # 013870

FILED
JUN 30 2022
Clerk of the Appellate Courts
Rec'd By lmm

J. Ford Little



Post Office Box 900
Knoxville, Tennessee 37901-0900
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Lisa Marsh - Fwd: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

From: appellatecourtclerk
To: Lisa Marsh; Kim Meador
Date: 6/30/2022 1:37 PM
Subject: Fwd: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781
Attachments: IN RE: Amendment of Tennessee Supreme Court Rule 21; No. ADM2022-00781

Mr. Hivner,

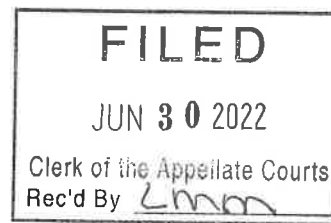
I am in full support of amending Tennessee Supreme Court Rule 21 to delete sections 3.01(c) and 4.02(c) in order to permanently eliminate the limitations on Distance Learning credits.

Thanks,



LEWIS THOMASON

Mikel Towe Attorney at Law
Lewis Thomason, P.C.
620 Market St., 5th Floor | P.O. Box 2425 | Knoxville, TN 37901
Tel: [865-546-4646](tel:865-546-4646) | Fax: [865-523-6529](tel:865-523-6529)
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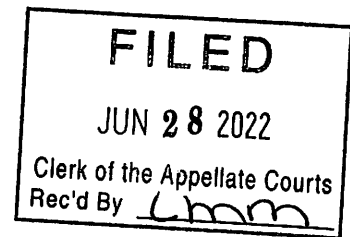
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To James Hivner, Clerk

Re: Tenn. Sup. Ct. R. 21; 3.01 (c) and 4.02 (c)

No. ADM2020-00781

From Linda Warren Seely



I submit my comments to the proposal to delete the above referenced sections to Tennessee Supreme Court Rule, 21.

I have been a licensed attorney in the state of Tennessee since 1981, and a listed Family Law Mediator with Domestic Violence special training since 2008. I am currently the Pro Bono Counsel for the law firm Butler Snow but served as the Director of the Section of Dispute Resolution for the American Bar Association from September of 2016 until May of 2021 and prior to that served as the Pro Bono Program Director at Memphis Area Legal Services. Additionally, I have served on the Tennessee Bar Association's Continuing Legal Education Committee and am currently a member of the Tennessee Supreme Court's ADR Commission, Training Subcommittee. Additionally, I am often serving as one of the presenters or moderators. In all these roles, part of my job or responsibility has been to create, distribute, and coordinate both CLE and CME trainings for volunteer attorneys as well as members of the Section of Dispute Resolution and it is from that perspective, I offer these comments.

For many years, all of the CLE and CME programs I created, ran, distributed and coordinated were in person. It was not uncommon to see in person attendees, reading documents unrelated to the program (including their telephones/tablets), sleeping, or otherwise disengaged from the presentation. While there are many ways to engage people during training programs, those attendees who simply 'tune out' are difficult to engage and generally only present because of the mandatory nature of CLE and CME.

When the pandemic hit in March of 2020, the Section of Dispute Resolution was 6 weeks away from our annual Spring Conference which was, and still is, the Section's largest CLE program and biggest fundraiser. We faced a devastating loss of funds, and member expectations when the ABA forbade all in person meetings due to the pandemic. We were fortunate in that there was a core group of Section members, as well as staff, who were able to pivot to a completely virtual Conference and while we didn't have the same level of attendance, we were able to provide attendees with an experience that they indicated to us was at least as educationally satisfactory even if it wasn't as fun or engaging as an in person event.

The Section also pivoted all of its CLE and CME programs to virtual. The ABA kept its prohibition on in person events until very recently and has done so successfully.

I would also point out that there was great concern in the ADR world about whether dispute resolution professionals would go out of business when in person meetings, mediations and arbitrations could no longer meet in person. But, at the time, we were engaged in developing Online Dispute Resolution standards, goals, and processes. Those processes have been almost uniformly adopted by

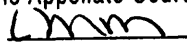
dispute resolution professionals and recent polls in the field indicate that most will continue to offer ODR. In fact, the Nashville Conflict Resolution Center still conducts all of its mediations online.

Being able to offer online or virtual trainings has proven to be a boon to providers as well as attendees. First, it makes attendance considerably less expensive, and it makes putting on programming less expensive as well. It also increases the likelihood of securing more, and potentially better speakers due to the removal of the costs and time associated with travel. Second, having used several platforms, the formatting of most puts the attendee front and center and makes disengagement more difficult, it makes sharing information and documents easier, and provides better and more interesting means of presenting information, which also enhances participation and engagement of the attendee. Third, the options for participation that include text-based chats or Question and Answer options easier and more available increase engagement and is more inclusive for those who are reticent to engage verbally. Fourth, for those who have some disabling conditions including physical disabilities or hearing or seeing issues, the use of technology via their own computers means more participation from that community. Finally, I might point out that reduced travel means that this is a 'greener' option since attendance means you won't be using a vehicle or airplane.

All in all, I am a proponent of the use of virtual or online training programs. I see no reason to require in person trainings, and while I love attending in person from time to time, that preference is primarily because I enjoy the social aspects of engaging in person with other attendees and not necessarily because I learn better or am more engaged in the program.

Lisa Marsh - No. ADM2022-00781

From: "Keane A. Barger" <KBarger@rjfirm.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/27/2022 12:32 PM
Subject: No. ADM2022-00781

FILED JUN 27 2022 Clerk of the Appellate Courts Rec'd By 
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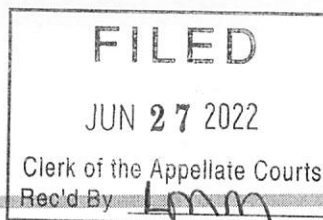
Mr. Hivner:

I fully support eliminating the limitations on distance learning credits. In my experience, whether the means is remote or in person, the content and benefits of a CLE program remain the same. Given that so many lawyers are now practicing fully remotely, it makes good sense that lawyers should be able to acquire all CLEs remotely as well.

Best regards

Keane A. Barger
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1906 West End Ave. | Nashville, TN | 37203
(615) 320-3700
kbarger@rjfirm.com

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Lisa Marsh - No. ADM2022-00781

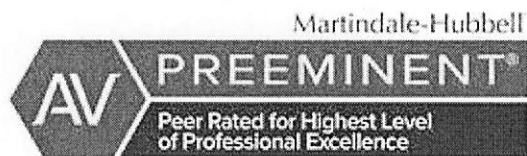
From: Russell Fowler <rfowler@laet.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/27/2022 11:14 AM
Subject: No. ADM2022-00781

Mr. Hivner:

I am writing in support of the proposed amendment to Rule 21 to permanently eliminate the limitations on distance learning credits. I have taught many CLE courses over my almost 35 years as a member of the Tennessee Bar. In recent years, I have had the opportunity to teach numerous courses remotely over Zoom. Distance learning permits me to teach my CLE courses all over Tennessee to rural bar associations and other lawyer gatherings I might not normally be able to reach. Thus, distance learning is of great benefit to rural and smaller bar associations by improving their access to teachers and courses not otherwise readily available and relieve rural lawyers of the burden of traveling to larger cities to obtain their CLE credit. I have also found that PowerPoints work better over Zoom than in person. They are clearer, more vivid, and easier for the audience to see.

Thank you for considering my views.

Russell Fowler
Director of Litigation and Advocacy / Managing Attorney
Legal Aid of East Tennessee
Phone: 423-402-4764 / Toll Free: 800-572-7457 / Fax: 423-265-4164



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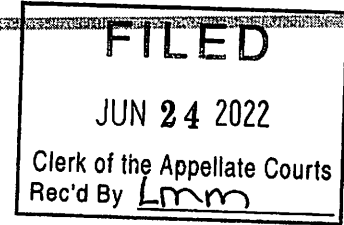
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Lisa Marsh - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: Michael Dohn <michael.r.dohn@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/24/2022 10:35 AM
Subject: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)



ADM2022-00781

I am writing to voice my support for permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) of Rule 21.

Regards,
Michael Dohn
BPR #037535

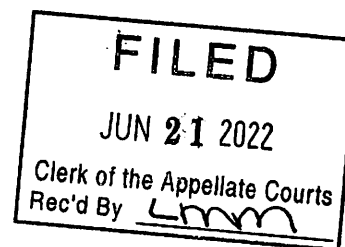
Lisa Marsh - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: "Gross, Cynthia (Legal)" <Cynthia.Gross@nashville.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/21/2022 10:46 AM
Subject: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

I am writing in support of the elimination of the in-person CLE hours requirement. I learn from online CLE courses, as much as I do from in-person CLE courses.

Sincerely,

Cynthia E. Gross
Chief of Staff
Department of Law
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219-6300
Direct Line: (615) 880-3749
Main Office: (615) 862-6341
Fax: (615) 862-6352



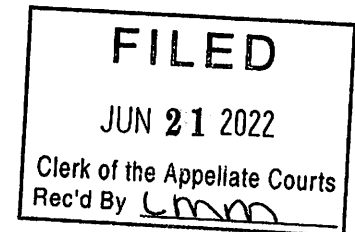
Lisa Marsh - Comment regarding Distance Learning

From: Vanedda Webb <vaneddawebb@aol.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/21/2022 5:10 PM
Subject: Comment regarding Distance Learning

ADm2022-00781

Elimination of the cap on distance learning has been so helpful! As a sole practitioner in a rural area, I have found it burdensome to carve out days to attend CLE hours away from my home and my practice. With unlimited online learning, I have so many options easily available. Without additional expenses for travel, it is much more affordable. Better yet, a pre-recorded class allows me to participate at my convenience and without disrupting my court and mediation schedule.

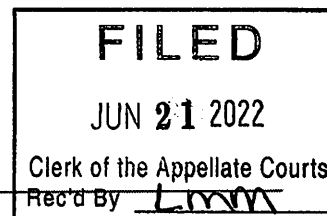
Vanedda Prince Webb, Attorney at Law
118 S. Main, P. O. Box 1843
Dyersburg, TN 38024
(731)285-6677
"Focused on Family Law"



Lisa Marsh - Comment on Proposed Amendment of Rule 21

Adms22-00781

From: Laura Zaccari <laurazaccari@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/21/2022 9:50 AM
Subject: Comment on Proposed Amendment of Rule 21



Good morning,

In accordance with the June 14, 2022, Order of the Supreme Court of Tennessee, I am providing the following comment in SUPPORT OF permanently eliminating the 8-hour cap on distance learning for continuing legal education requirements.

I have been a full-time teleworker since well before the Covid-19 pandemic. During that time, I enjoyed my periodic trips to Nashville for CLE classes and the ones provided by the Tennessee Bar have always been excellent. I certainly hope that if the limitation on hours that can be earned via distance learning is eliminated, that the TBA and other organizations will still provide in-person options.

However, the benefits for eliminating the distance learning cap are several. As a matter of convenience, distance learning allows me to obtain CLE credit on-demand and not have to plan time away from the office (for which I must take personal time). Pre-recorded classes are especially convenient, but the live web-casts are also far more convenient than in-person classes. Having the on-line option allows me to take a wider variety of CLE classes, rather than having to try to find some sort of in-person class that might apply to my practice area (or finding an in-person class that has nothing to do with my practice area but is just more convenient in terms of timing). In the past, I have missed in-person CLE classes that I would have loved to attend because it conflicted with work obligations. The last couple of years, I have still been able to "attend" these sessions at my convenience because of the online options. Moreover, I don't feel that there is any difference in my level of engagement whether the CLE is provided in-person, live on-line, or pre-recorded on-line. As with their in-person classes, the TBA's online offerings have been excellent (both live and pre-recorded).

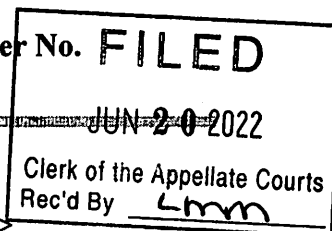
While I live fairly close to Nashville and can usually make it there for in-person classes, I am sure that there are many attorneys who have to drive at least a couple of hours to make it to Memphis, Nashville, Chattanooga or Knoxville, where the vast majority of in-person classes are held. Even if the attorney doesn't mind the trip, the added travel expenses--especially with the current price of gas--could be a consideration. Again, having the option to fulfill CLE requirements online simply provides everyone with more options and additional flexibility.

Tennessee already has fairly substantial CLE requirements compared with many other states, which I generally find to be a positive thing. However, I have really appreciated the added flexibility of being able to earn these credits online and I do not feel that the benefits of the CLE have been diminished at all because of the delivery method.

For these reasons, I SUPPORT permanently eliminating the cap on distance learning for CLE requirements.

Thank you,
Laura Zaccari

Lisa Marsh - Possible Amendment of Tennessee Supreme Court Rule 21 (Order No. ADM2022-00781)



From: Giuseppe Ippolito <Giuseppe_Ippolito@tneb.uscourts.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/20/2022 12:55 PM
Subject: Possible Amendment of Tennessee Supreme Court Rule 21 (Order No. ADM2022-00781)

Hello—

I write briefly to address the Tennessee Supreme Court's potential amendment to Rule 21. I have been licensed in New York since 2006 and was pleased to gain comity admission to Tennessee after moving to Chattanooga for a new job. I would like to offer the perspective of someone who has benefited for a long time from the flexibility that distance learning offers.

Distance learning allows me access to a wider range of material, speakers, and locations than would be economically feasible in live format. As an "experienced attorney" under New York's bar regulations, I need to complete a total of 24 hours every two years across several categories. All of my credits can be completed remotely. After consulting the list of approved CLE providers, I can choose, in a *la carte* fashion, those programs from anywhere in the state (and sometimes outside of it) that best fit my interests and that are most relevant to my areas of practice. Some video programs are live, but most are recorded and available in "on-demand" format anytime. Remote programming comes at a fraction of the cost of the original presentation. If I had to fulfill at least some portion of my biennial requirement in person then I would have to choose carefully where I wanted to go to attend more expensive seminars that bundled information that interested me with information that did not. Considering bundles in full-day or full-weekend seminars would be a necessity; traveling to one city or another for a single one- or two-hour presentation would not be possible. Limitations on travel were a factor even when I lived in New York. I lived in Buffalo, and traveling across the state to New York City or Albany for a particularly interesting seminar or workshop would not have been feasible more than once a year. The same travel issues would affect me here, if I were interested in a particular presentation originally offered in Nashville or Memphis.

Despite having the option to complete all of my New York credits remotely, I still have the flexibility to attend seminars in person when they draw my interest. For example, I have been a member of the Federal Bar Council ("FBC," a New York offshoot of the Federal Bar Association) for about a dozen years. One of FBC's feature events every year is the Fall Retreat, a weekend of CLE programming that brings attorneys together in a relaxed social atmosphere. The Fall Retreat is a wonderful event that I have attended for nine consecutive years (virtually in 2020 out of necessity). I made the trip to Saratoga Springs in 2021, even though I did not have to do so to fulfill CLE requirements, simply because the weekend programming is that good. I will attend the Fall Retreat again this year if the fates allow. I mention my experience with the Fall Retreat only to emphasize that allowing all CLE credits to be obtained remotely poses no threat to good live programming. If attorneys see good content and good networking potential at a decent price then they still will go.

A comparative survey of other states should uncover ways to address any concerns about the integrity of expanded remote learning. For example, New York does require newly admitted attorneys to obtain some of their credits in person for the first two years after admission. New York also requires providers of remote

content to embed codes in the recorded audio or video presentation. The codes have to be submitted to the provider at the end of the presentation, as a way to help ensure that the attorney has watched the full presentation. Other states might have developed other tools worth considering, depending on what concerns are expressed in the comments that you are soliciting. Overall, if courts around the country were able to conduct full jury trials through exclusively remote means then any challenges presented by expanded remote learning should not be insurmountable.

Thank you for taking the time to consider my comments. Do not hesitate to contact me if you wish to discuss my comments further.

Cordially,
Giuseppe A. Ippolito

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JUN 20 2022

Clerk of the Appellate Courts

Read By: L.M.A.**Lisa Marsh - Docket No. ADM2022-00781**

From: Mahogany Jenkins <mjenkins@bskplc.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/20/2022 1:16 PM
Subject: Docket No. ADM2022-00781

I have reviewed the court's Order requesting comments to the proposed amendment to Tennessee Supreme Court Rule 21, section 3.01(c), which would eliminate the limitations on Distance Learning credits. I am highly in favor of this amendment. I am a transactional attorney practicing in Knoxville, Tennessee. The number of Live continuing education classes addressing mainly transactional topics locally is limited at best; when considering my specialization—commercial lending—it is all but non-existent. Pre-pandemic, this has meant that at least half of my CLEs taken every year satisfied a licensing requirement but did not make me a better lawyer or a better advocate for my clients. The suspension of the Live requirements in the past couple of years has allowed me to take CLEs much more relevant to my practice areas.

In addition, it can sometimes be difficult to plan around the ebbs and flows of typical legal matters. I often do not know until fairly close to a scheduled CLE date whether I can take the time to travel to a Live session; and sometimes have to cancel those Live sessions when client emergencies pop up at the last minute. Distance Learning has allowed me to prioritize client representation when needed, and prioritize CLE during those inevitable slower periods.

Finally, my engagement with the CLE material or presentations does not depend on whether I am attending a session Live or over Webcast or Zoom. What matters is whether material is relevant and engaging, not the format in which it is delivered.

As such, I support the elimination of limits on Distance Learning.

Best Regards,
Mahogany Jenkins

Mahogany P. Jenkins, Esq.
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Knoxville, Tennessee 37919
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Lisa Marsh - EE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: William cremins <wmcremins@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/19/2022 10:35 AM
Subject: EE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

ADM 2022-00781

As comments were solicited regarding RE
Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c), I suggest allowing remote learning permanently.
Bill Cremins
BPR#010937

Sent from my iPhone

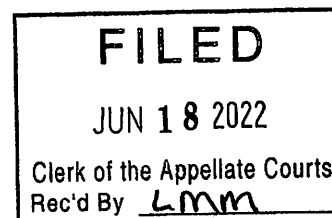
<p>FILED</p> <p>JUN 19 2022</p> <p>Clerk of the Appellate Courts Rec'd By <u>LMM</u></p>

From: Katie Lane <katieglane@comcast.net>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/18/2022 7:54 AM
Subject: Comments on Elimination of CLE Distance Learning Limitations

To whom it may concern:

In person CLEs are too expensive and hard to find if you do not live in a major city. I live in Murfreesboro, which is not a "small" town but prior to 2020, I was forced to clear my schedule for multiple days to attend in-person classes/conferences, often in Nashville, in an effort to obtain multiple CLE hours at a reasonable price. Being able attend via "distance" allows rural and small town attorneys greater access to more classes at a better cost. Universities nation-wide allow distance learning. Distance learning is not a novel concept and is not a difficult service to deliver. HELP SMALL TOWN LAWYERS PLEASE!!!

Adm2022-00781



appellatecourtclerk - Comment on Rule 21's in-person CLE requirement**FILED**

JUN 17 2022

Clerk of the Appellate Courts
Rec'd By LMM

From: "Bussell, Allison (Legal)" <Allison.Bussell@nashville.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/17/2022 8:01 AM
Subject: Comment on Rule 21's in-person CLE requirement

ADM2022-00781

I am an Associate Director of Law for the Metropolitan Government of Nashville/Davidson County's legal department, and I oversee our office's litigation function. I am writing to express my support for permanently eliminating the requirement in Rule 21, section 3.01(c) for 7 hours of in-person CLE credits. In addition to the obvious convenience benefit of being able to obtain CLE exclusively online, my office has really benefited from having wider options available for CLE. Because we are a government office, our budget for CLE is far more limited than it would be for attorneys in private practice. As a government attorney, finding relevant CLE is, in itself, a bit challenging. Having broader access to CLE options that do not require expensive, often cost-prohibitive, travel has been hugely helpful to attorneys in our office. I also find that permitting CLE online encourages individuals (including me) to present in CLEs more than options that are purely in-person. Again, traveling in-person for CLE is simply not always an option, particularly where it would require us to pay out of our own pockets. Having CLE options online has really expanded government attorneys' access to teaching and learning opportunities, more akin to what is available in the private sector.

Thank you for soliciting comments, and I hope that the Court will consider making exclusively online CLE a permanent option for attorneys in Tennessee.

Allison Bussell

Associate Director of Law-Litigation
 Metropolitan Department of Law
 108 Metropolitan Courthouse | P.O. Box 196300
 Nashville, TN | 37219-6300
 direct (615) 880-3759 | main (615) 862-6341
allison.bussell@nashville.gov

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JUN 17 2022

Clerk of the Appellate Courts
Rec'd By LMW**Lisa Marsh - No. ADM2022-00781**

From: Martha Emeson <martha@zendylaw.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/17/2022 5:18 PM
Subject: No. ADM2022-00781

Dear Mr. Hivner:

I am writing in support of Docket No. ADM2022-00781, which would permanently eliminate the limitations on Distance Learning credits. I think the proposal is excellent. Distance learning is really convenient; you can do it whenever it works for your schedule and wherever you might be. While it can be quite nice to go to in-person CLE events, and is particularly easy to do when you work from 8 to 5 and have an office downtown, the in-person events add a layer of challenges and costs to those of us who are not so situated.

Prior to the pandemic, getting to and attending the required live CLE seminars was often challenging, particularly when I was in my "stay-at-home-mom" phase with a young child. My child logged quite a few in-person CLE hours prior to the start of kindergarten. A friend of mine even contemplated setting up CLE programming specifically designed for parents to attend with their children. The struggle is real.

There are also other advantages to eliminating the live seminar requirement. I like to find and take seminars related to legal issues I am contemplating accepting or am working on. With distance learning I can usually find something relevant and complete it as soon as the need arises. During the pandemic, being able to apply all of those credits (and seminar costs) to my annual CLE requirements, instead of having them not count because I have exceeded the distance hours, has been great. Not having to find in-person seminars to attend at the end of the year--because you don't have enough live credits--is also great.

Also, the distance versus live credit distinction always catches some people unawares when it comes to live webinars. They are indeed live but under the existing pre-Covid rule you only get distance credit for them.

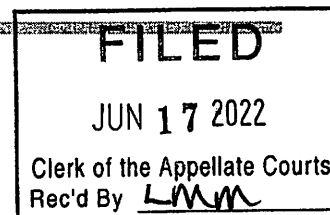
Accordingly, I sincerely hope Docket No. ADM2022-00781 is passed. It will help all lawyers, and will help make the practice of law in Tennessee much more parent friendly.

Respectfully,

Martha Zendlovitz Emeson
Attorney at Law
4235 Hillsboro Pike, Suite 300
Nashville, TN 37215
Tel.: 615-403-3205
Fax: 615-369-8653
E-mail: martha@zendylaw.com

appellatecourtclerk - Comment re No ADM2022-00781

From: Lesley Tiller <ltillerlaw@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/17/2022 9:51 AM
Subject: Comment re No ADM2022-00781



Dear Mr. Hivner:

RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

I am writing to express my support of an amendment to Supreme Court Rule 21 that would eliminate the limitations on obtaining all CLE credits by distance learning classes. CLEs are expensive and traveling from upper East TN to attend a CLE in another part of the state is even more burdensome.

I believe it is best to take CLE courses that will enrich me as a criminal law practitioner, which is my sole practice area. As such, I like to attend the excellent CLEs hosted by the Tennessee Association of Criminal Defense Lawyers. I feel fortunate to have been able to attend them virtually for the past couple of years because attending in person would require travel of four or more hours each way and would require a hotel stay for at least 2 nights, which can be cost-prohibitive to a sole-practitioner or an attorney that works in a small firm that does not pay for CLE classes and travel.

If the requirements go back to the way they were pre-pandemic, I feel that I wouldn't be able to afford to travel to take useful CLEs in my practice area and would be forced to settle for cheaper options like the Tennessee Law Institute that covers a broad-range of topics, most of which are not useful to me as a criminal defense lawyer. I think allowing all virtual CLEs encourages attorneys to take classes in subject matters that will educate them in their practice areas and, as a result, improves the profession overall.

I wholeheartedly support the proposal to change Rule 21 to allow for all-virtual CLE credits and I certainly hope that the Court will support it as well.

Sincerely,
Lesley A. Tiller
Attorney at Law, BPR 029161
The Scott Firm
P.O. Box 575
1211 East Jackson Blvd., Suite 2
Jonesborough, TN 37659
phone: (423) 753-0460
fax: (423) 218-1221

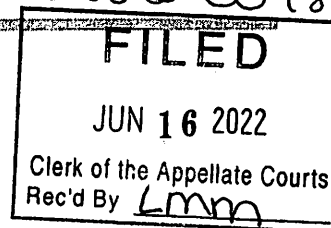
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appellatecourtclerk - Docket ADM2022-00781 Comment

ADM2022-00781

From: Greg Atwood <gregatwoodlaw@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 9:15 PM
Subject: Docket ADM2022-00781 Comment



I am writing in support of eliminating the distance learning requirements. Many lawyers, myself included, have seen their practices hurt financially over the last 2 years and the ability to obtain high quality CLE online has allowed us to save significant amounts of money on travel expenses. I have also found the online seminars to be just as informative and much easier to attend than live seminars. In person seminars are fun to attend for social purposes, but for actual learning online content is just as effective.

Thanks,

Greg Atwood
BPR 024296

--

Greg Atwood
Atwood & McVay LLP
6953 Charlotte Pike
Suite 401
Nashville, TN 37209
615-354-1995
615-866-5922 fax
www.atwoodmcvay.com
gregatwoodlaw@gmail.com

appellatecourtclerk - in-person CLE

ADm2022-00781

From: Thomas Cross <crosstomas63@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 4:03 PM
Subject: in-person CLE

FILED
JUN 16 2022
Clerk of the Appellate Courts
Rec'd By lmm

I am in my 32nd year of practice in Tennessee. I strongly support dispensing with the in-person attendance requirement for CLEs. A really good, engaging, and informative CLE with an excellent instructor is rare. I have consistently found the best on-line seminars to be better than anything available locally and at a much more reasonable cost. It's great to see other members of the bar at CLE events, but that's what TBA and NBA functions are for. CLE should be primarily about education, and for that we should facilitate attendance at classes with genuinely excellent materials and instructors.

Tom Cross #14810

appellatecourtclerk - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Adm2022-00781

From: "Hataway, Breanne (Legal)" <Breanne.Hataway@nashville.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 3:23 PM
Subject: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

FILED
JUN 16 2022
Clerk of the Appellate Courts
Rec'd By Lmm

To Whom It May Concern,

I am writing in support of the elimination of Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c). As a government attorney, it has been beneficial to me to have the flexibility to do all CLE hours remotely. I am able to attend more virtual CLEs that are related to my practice and are free to me through my employer's subscriptions and memberships. It takes up less of my time traveling to and from the events. I do not have to take time off work and burn my little paid time off to attend live sessions. The past 3 years have demonstrated that remote CLE attendance is effective and efficient. This permanent change will reduce costs and be a major benefit to the profession. Please eliminate Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c).

Sincerely,

Breanne Hataway, TN BPR # 35174



Breanne N. Hataway
Assistant Metropolitan Attorney
Metropolitan Government of Nashville and Davidson County

Phone: [615-862-6348](tel:615-862-6348)
Email: breanne.hataway@nashville.gov
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, TN 37219-6300

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appellatecourtclerk - Comment supportive of permanently eliminating limitations to distance learning credits.

Adm2022-00781

From: "Lackey, Chris (Legal)" <Chris.Lackey@nashville.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 3:10 PM
Subject: Comment supportive of permanently eliminating limitations to distance learning credits.

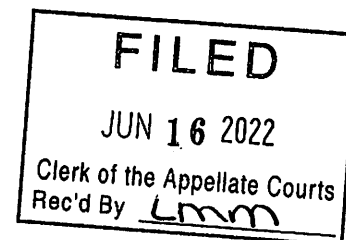
Greetings:

I am writing in support of the elimination of limitations on the distance learning of CLE credits. The elimination of these requirement during the pandemic has made it easier and more affordable to obtain credits that are reflective of the practice areas concerning my practice. This increase in affordability has directly impacted the cost to taxpayers for CLE credits as they relate to government lawyers. I appreciate being able to obtain these credits without the need to travel and with the flexibility necessary to permit attendance even after an event has been held. The distance learning availability of courses has made it much easier to find courses that are affordable and directly relate to my practice areas. I fully support the elimination of any requirement that any amount of CLE learning take place in person.

Thank you for the opportunity to comment.

Sincerely,

Christopher M. Lackey
Assistant Metropolitan Attorney
Metropolitan Dept. of Law
Metropolitan Courthouse, Suite 108
Post Office Box 196300
Nashville, TN 37219-6300
615-862-6376
Fax: 615-862-6352



appellatecourtclerk - Elimination of 7 hours of in-person CLE requirement

From: "McCann, Hannah (Legal)" <Hannah.McCann@nashville.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 4:12 PM
Subject: Elimination of 7 hours of in-person CLE requirement

ADM2022-00781

FILED
JUN 16 2022
Clerk of the Appellate Courts
Rec'd By Lmm

Good afternoon,

I am an attorney with the Metro Nashville Department of Law. I support the elimination of the requirement that attorneys attend 7 hours of in-person CLE each year. Being able to obtain all of my CLE credit virtually helps with many things, including cost and not having to take time off work to attend a CLE event that may not be nearby. It also opens up opportunities to attend different types of CLEs on different topics in different locations that may be less available otherwise. I personally have found virtual CLEs to be just as informative and engaging as in-person CLEs, and really enjoy the flexibility of being able to obtain all of my CLE credits virtually.

Thank you,

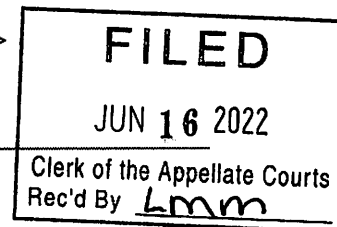
Hannah McCann
Assistant Metropolitan Attorney
Department of Law
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, TN 37219-6300
Phone: (615) 880-3790
Fax: (615) 862-6352

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appellatecourtclerk - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c) Comment

From: "Ricci, Mallory (Legal)" <Mallory.Ricci@nashville.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 3:25 PM
Subject: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c) Comment

ADM2022-00781



Good afternoon,

I am writing to voice my support of eliminating in-person CLE requirements in Tennessee. Since the pandemic, employers - including private businesses, law firms, governmental entities, etc. - have revised their workplace policies and practices to reflect a more modern, flexible workforce, after it was discovered that lawyers can thrive in a remote-working environment. Indeed, over the last two years, many local law firms have gone mostly or completely virtual. Beyond the underlying personal safety reasons that catapulted this initiative is a newfound appreciation for flexibility and the promotion of efficiency and work-life balance.

I am a government lawyer and a mother of two young children. After the shift the pandemic brought to my personal and professional life, being required to attend CLEs in-person seems like a step backward and will hamper mine and other lawyers' efforts to make necessary arrangements to attend all-day or multi-day sessions.

In the event people find in-person CLEs more rewarding, the elimination of the Supreme Court's requirement will still allow these events to go forward. Additionally, there are numerous safeguards available to virtual CLE programs, such as passwords, program codes, or various program checkpoints that make sure the viewer is still attending.

All that to say, while I personally still value in-person CLEs, a state mandate requiring a minimum in-person requirement is outdated and overly burdensome. I believe our profession can be appropriately regulated through the use of virtual programming.

Many thanks for your time!

Mallory Ricci

Assistant Metropolitan Attorney
 108 Metropolitan Courthouse | P.O. Box 196300
 Nashville, TN | 37219-6300
 direct (615) 862-6383 | main (615) 862-6341
mallory.ricci@nashville.gov

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appellatecourtclerk - Order No. ADM2022-00781

From: "Rustmann, Rachael" <rrustmann@constangy.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 2:36 PM
Subject: Order No. ADM2022-00781

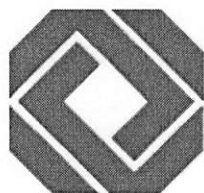
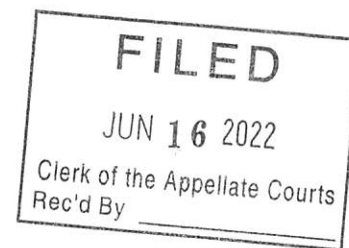
Good Afternoon,

I am writing regarding Order No. ADM2022-00781 seeking written comments related to Rule 21 sections 3.01(c) and 4.02 (c). I support the elimination of these sections given the ability to perform work and attend conferences remotely have improved greatly in the past few years. Also, given attorneys' high workload demands and busy schedules, distance learning CLEs make it far easier for attorneys to get their CLE credits in a flexible manner. I fully support amending Rule 21 to delete sections 3.01(c) and 4.02 (c).

Thank you so much,

Rachael Rustmann
Attorney

Direct: [615.340.3805](tel:615.340.3805) • Mobile: [210.269.8669](tel:210.269.8669)
E-mail: rrustmann@constangy.com
750 Old Hickory Blvd.
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appellatecourtclerk - Docket No. ADM2022-0078, IN RE: Amendment of Tennessee Supreme Court Rule 21

FILED

JUN 16 2022

Clerk of the Appellate Courts
Rec'd By *lmm*

From: JulieDyessLaw <juliedyesslaw@gmail.com>

To: <appellatecourtclerk@tncourts.gov>

Date: 6/16/2022 6:01 AM

Subject: Docket No. ADM2022-0078, IN RE: Amendment of Tennessee Supreme Court Rule 21

To the distinguished Justices of the State of Tennessee,
Greetings.

Regarding the recent Order in this case, dated 6/14/22, soliciting comments on the proposal to eliminate all limitations on Distance Learning CLE credits for Tennessee attorneys, I submit this letter (in email format) in support of eliminating these limits. The in-person requirements, temporarily suspended due to the Covid pandemic, are of limited value to attorneys and actually negatively impact the citizens of Tennessee. I am a Tennessee attorney, actively licensed now and for the past 10 years, but not currently employed or practicing.

In-person CLE requirements often force TN attorneys to choose CLEs based on geographic and date limitations, rather than selecting CLEs for their focus on areas of practice. The attorney-retaining public would benefit from highly qualified attorneys who are up-to-date in their areas of practice, or areas of personal attorney skills in which any practioner desires further information and education (writing briefs, oral argument, conducting depositions, etc.), via whichever CLEs address these concerns, regardless of whether those CLEs are actually accessible, geographically, to each attorney. For rural, sparsely-populated, and/or under-served communities, the geographical limitations necessarily imposed by in-person requirements are particularly disadvantageous to the public.

In addition, CLEs are often expensive, especially in-person CLEs which require spatial preparations (rooms to host the attending attorneys, paper handouts and/or audio/visual display equipment, coffee service, reception areas, etc.). For solo practitioners, and especially for new solos, the high cost of many CLEs with fascinating and urgent content is often prohibitive. For myself, as a solo in years past, I frequently, and reluctantly, passed on expensive, in-person CLEs in my field that I would love to take, in favor of cheap or free in-person CLEs which were affordable or nearby, but in practice areas which were irrelevant to me and to my clients. By ending in-person limitations, the TN Supreme Court would create many new opportunities for the creation of inexpensive, online CLEs which would be accessible to attorneys all around the State, rather than merely to those in larger cities and to attorneys employed by big firms with budgets for CLE reimbursement. All Tennesseans would benefit by a more level field between clients with deep pockets to pay large retainers for big law firms, and economically-disadvantaged clients who must retain solo attorneys or small firms who pay for their CLEs out-of-pocket. All clients, not just wealthy ones, deserve legal counsel with access to a wide range of informative, updated, and practice-focused CLEs. By permanently removing in-person limits on CLEs, this Court can bring that goal closer to reality.

For attorneys, there is obvious personal benefit in networking and social mingling, in person, with other attorneys on a regular, if infrequent, basis. It is unclear, however, that this personal benefit to individual attorneys is within the purview of State licensing requirements, or of concern to the TN Supreme Court or the profession as a whole. Individual social and career concerns may be safely left to the individual attorneys themselves and their state and local bar and alumni associations.

Of less importance to Tennessee, but highly important to me personally as a Tennessee attorney, is that Distance Learning limits on CLEs impose restrictions on my freedom of movement. In 2021, my husband (a licensed, non-practicing pharmacist) and I sold our house and now travel the world full-time. We keep our licenses active so that if financial or family emergency required us to return to the US and to employment, we could do so quickly. The temporary waiver of Distance Learning limits has allowed me to attend all my CLEs via Zoom, from Mexico, Turkey, or Morocco, where I am now. If this temporary waiver becomes permanent, I will enjoy the same ability to keep my license current from anywhere in the world, as my husband already does with his Continuing Education requirements for his pharmacist license. If the Distance Learning limitations return and remain in effect, I must sacrifice family time for in-person CLEs which are near me during the month of December (the month we plan to spend in the US to be with family for the holidays), and may even need to travel into Tennessee from other states solely to attend a CLE. In the age of modernity we currently enjoy, surely this is unnecessary and even a poor use of limited and expensive resources, such as gasoline. (As for our travels as an unnecessary use of natural resources, I'll add that we are budget-minded slow-travellers and only go to walkable cities so that we don't have to drive cars. We stay in each new location for about 90 days and take public transportation.)

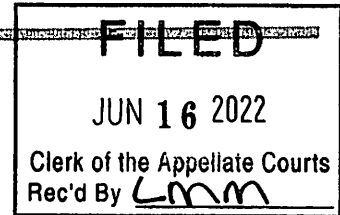
Thank you for your time in reading this email in support of removing all limitations to Distance Learning in Rule 21. I look forward to the Court's holding on this matter. السلام عليكم from Morocco!

With regards,

Julie Dyess Kirk, Bar No. 031437
Essaouira, Morocco

Lisa Marsh - Elimination of CLE Distance Learning Limitations

From: Mark Pienkowski <mark@gamutlegal.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 10:25 AM
Subject: Elimination of CLE Distance Learning Limitations



ADM 2022-181

Good morning, I am writing in support of eliminating CLE distance learning limitations. I studied for the bar entirely online and feel confident I can do continuing education in the same manner. Thank you!

--

Mark A. Pienkowski
Attorney at Law | Rule 31 Family Mediator
C. (865) 316-6812
KnoxvilleFamilyLawCenter.com
[Pay Online with LawPay](#)

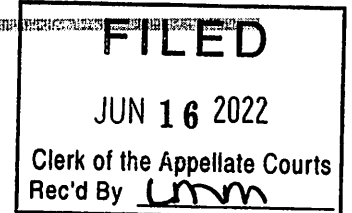
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appellatecourtclerk - Re: Distance-Learning CLE

From: "Samuel F. Robinson III" <samuelrobinson3@gmail.com>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 7:17 AM
Subject: Re: Distance-Learning CLE



ADM 2022-0781

This link requested comments on the Supreme Court's consideration of permanently eliminating the 7-hour "in-person" CLE requirement:

<https://www.tba.org/?pg=LawBlog&blAction=showEntry&blogEntry=76367>

I am responding to that request.

On Wed, Jun 15, 2022 at 2:24 PM appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:
Mr. Robinson:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219
(615) 741-1314

>>> "Samuel F. Robinson III" <samuelrobinson3@gmail.com> 6/15/2022 11:05 AM >>>

I personally hope that the Court will eliminate the requirement that we have a certain number of CLE hours "in person." Because I live in Chattanooga, I frequently have to drive to Nashville or Knoxville to get all my CLE credits by the deadline. I don't believe travelling for CLE is necessary and just makes obtaining our mandatory CLE credits more expensive because we have to pay for gas, food on the road, and lodging. Also, travel usurps more of the time we have to devote to CLE. This time does nothing to enhance our legal knowledge and skills and comes at the expense of our clients because we have less time to devote to our clients' cases.

We are moving toward a less transient world with more innovation in the internet through the development of programs like Zoom, Microsoft Teams, etc. Please strike this unnecessary requirement from the Rules of Professional Responsibility.

Thank you.

Samuel F. Robinson III
TN BPR No. 02261
(423) 718-9400 (mobile)
Chattanooga, TN

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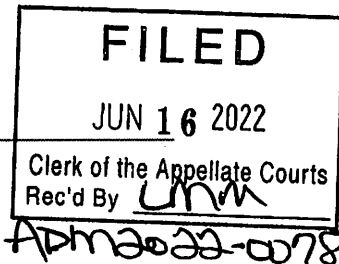
WOLFORD & ROBINSON
Samuel F. Robinson III
Attorney at Law
(423) 622-6461
(423) 622-5925 (fax)

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WOLFORD & ROBINSON
Samuel F. Robinson III
Attorney at Law
(423) 622-6461
(423) 622-5925 (fax)

appellatecourtclerk - CLE Distance Learning Comments on Elimination of Requirement

From: Stephanie Ulmer <dachsiegal@msn.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 2:08 AM
Subject: CLE Distance Learning Comments on Elimination of Requirement



I am in favor of eliminating the limitations on distance learning for legal CLE credits.

Thank you,
 Stephanie C Ulmer, Esq.
 BOPR# 020040

Court Seeks Comments on Elimination of CLE Distance Learning Limitations

In response to the pandemic, the Tennessee Supreme Court temporarily suspended Rule 21, section 3.01(c), which requires lawyers to have seven hours of live CLE credits each compliance year and limits the maximum distance learning credits to eight. 4.02(c), which reiterates the eight-hour distance learning limitation and limits carryover credits to eight hours per compliance year was also temporarily suspended. The court is now considering permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) and is seeking comments from judges, lawyers, bar associations, members of the public and all interested parties on the matter. Written comments are due by Aug. 5 and should be emailed to appellatecourtclerk@tncourts.gov or mailed to James Hivner, Clerk, RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c), 100 Supreme Court Building, 401 7th Ave. N., Nashville, TN 37219-1407. Read the order here.

Call/Text
(901) 552-6695

Lisa Marsh - Attorney Susan Bjorklund (027102) Response Re: IN THE SUPREME COURT OF TENNESSEE AT NASHVILLE IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21 __ No. ADM2022-00781 __ ORDER 06/14/2022

FILED

JUN 16 2022

Clerk of the Appellate Courts
Rec'd By *LM*

From: "Bjorklund, Susan" <Susan.Bjorklund@sbdinc.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2022 11:25 AM
Subject: Attorney Susan Bjorklund (027102) Response Re: IN THE SUPREME COURT OF TENNESSEE AT NASHVILLE IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21 __ No. ADM2022-00781 __ ORDER 06/14/2022
Cc: "Bjorklund, Susan" <Susan.Bjorklund@sbdinc.com>, S Bjorklund <bjorks@gm...

To the distinguished Justices of the State of Tennessee,

Greetings.

Regarding the recent Order in this case, dated 6/14/22, soliciting comments on the proposal to eliminate all limitations on Distance Learning CLE credits for Tennessee attorneys, I submit this letter (in email format) in support of eliminating these limits.

My Background:

I am an in-house attorney living and working in Maryland. My practice is in the areas of privacy, technology, environmental and commercial contracting. Under in-house practice rules, I am able to leverage my Tennessee license in supporting my company. The state of Maryland actually requires no CLE and I have considered obtaining Maryland licensure and giving up my Tennessee licensing to simply being able to focus on CLEs that directly benefit my practice, rather than a "check the box" exercise. However, my love of Tennessee and the pride of have in earning my original license there makes me reluctant to do so. If live credits are reinstated, I will be re-evaluating that position due to considerations I further detail below.

Physical Distance Restraints

Because the state of Maryland does not require CLEs of its barred attorneys at my experience level, I have 2 avenues for obtaining live CLE credits:

1. To obtain CLETN pre-approved live CLE credits, I must utilize costly national CLE clearing houses and often the only options are a 45 minute to 2 hour drive (Virginia, Pennsylvania or DC) for me.
2. Attempt to request credit from CLETN during an onerous process that can take months and in my experience is limited in success. Example: Last year, seminars under NAMWOLF and the ACC local chapter (which were approved for credit with other states' licensing bodies) were ultimately rejected by CLETN because the speaker bios were not detailed enough or the session descriptions didn't have digital materials, despite otherwise meeting time requirements of effective and qualifying CLE training.

Subject Matter Limits

The nature of my practice includes privacy, technology contracting and environmental law at a national and international level. With all due respect, local Tennessee CLEs on court procedure, or even those on more common topics like employment law or general contracting, are of little to no benefit at this point in my career or practice type. The seminars that provide me the best continuing legal education tend to be

virtual/global conferences. The previously mentioned national CLE clearing houses do not have enough substantive, technical material on my practice topics to be considered useful to me. Hence, I end up spending thousands of dollars on live CLE clearing house training that is not beneficial to my practice, in addition to the thousands I am already spending for virtual/global training relevant for my actual practice.

Motherhood

Pre-pandemic, I drove over 4 hours daily to complete the regimen of live CLE courses on topics completely irrelevant to my practice, as they were the only available options. As a mother who was breastfeeding at the time, that drive, in DC/Virginia traffic, coupled with having to manage a pumping cycle in a live CLE environment was not accommodating to say the least. While I understand that many women are subject to travel needs/court schedules that similarly create breastfeeding obstacles, I have not chosen a career course like that to specifically avoid the hurdles that I encountered trying to secure qualifying live CLE credit. To describe live CLE training as onerous to new mothers / mothers on leave, or even caregivers in general, is an understatement. The impacting potential of reinstating live CLE on working mothers and caregivers should not be underestimated. Many caregivers are not in pre-pandemic operating mode and have a delicate balance of needing to flex for school closures, sickness, etc. Re-instituting one more barrier to re-entry for working mothers and caregivers could have a chilling effect on diversity in the Tennessee bar.

Networking

Due to my practice specialty, I am a member of a number of trade organizations, the Association of Corporate Counsel, Chief, IAPP interest groups. I conduct my networking there. Attending a live CLE with attorneys with whom I have no practice work in common, or even geographic location in common does not facilitate any arguable networking benefit for me. While its unclear why the State of Tennessee would care about who I network with, I would like to clarify that my networking is not done at live CLEs and so I would lose no networking benefit in a strictly virtual model.

Thank you for your time in reading this email in support of removing all limitations to Distance Learning in Rule 21. While Maryland may have me physically, my heart stays in Tennessee. I'd like to proudly keep my license there.

I look forward to the Court's holding on this matter.

Susan Bjorklund | Sr. Corporate Counsel & Chief Privacy Officer

Pronouns: **She / her / hers**

Email: susan.bjorklund@sbdinc.com

Cell: [\(410\) 504-3645](tel:(410)504-3645)



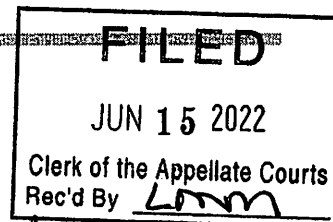
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appellatecourtclerk - Re: Distance learning

From: Teresa Murray Smith <t3m4s9@gmail.com>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 7:35 PM
Subject: Re: Distance learning



ADM2022-00781

I apologize for late reply as I was out of office most of the day. The docket number on the Order is Admin2022-00780.

On Wed, Jun 15, 2022, 11:00 AM appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:
The TBA typically includes the Supreme Court's Order as part of its publication which Order states to include the docket number with your submission. If you will check that Order and reply with the docket number that would be appreciated. If the Order was not published by the TBA, please let me know and I will locate the docket number.

Thanks,

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219
(615) 741-1314

>>> Teresa Murray Smith <t3m4s9@gmail.com> 6/15/2022 8:09 AM >>>
The Tennessee Bar Association published that the Supreme Court was seeking comments on proposed changes in Rules 21, Sections 3.01(c) & 4.02(c). My remarks were directed to the proposed changes.
I apologize if my submission was wrongfully directed or premature.

On Wed, Jun 15, 2022, 8:29 AM appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:
Ms. Smith:

To which docket number is this comment directed?

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219
(615) 741-1314

>>> Teresa Murray Smith <t3m4s9@gmail.com> 6/14/2022 7:53 PM
>>>

As an attorney living and practicing on a limited basis in upper East Tennessee (Carter County), it is very difficult to find affordable local in person CLE's. Being able to do it online has been extraordinarily helpful. I hope it will continue. The quality and variety of online programs through the TN Bar Assoc. and others ables me to tailor CLE to course content of interest and fitting my needs. It is much better than local content or traveling 100+ miles or more to obtain courses merely for the hours regardless of the appropriate content to my needs. Please keep distance learning.

Teresa Murray Smith
BPR #006935
1607 Southside Road
Elizabethton, TN 37643
423-676-2609

FILED

JUN 15 2022

Clerk of the Appellate Courts

Rec'd By: LMM

ADM2022-00781

appellatecourtclerk - distance learning

From: GREG MILLER <campbellcountyhistorian@comcast.net>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 7:45 PM
Subject: distance learning

To whom it may concern

I am a magistrate and have been on the bench 34 years and I was an assistant district attorney general for six years before that, I have therefor had the privilege of working for the state of Tennessee over forty years. I am writing to first thank you for inviting my comments and to state in the strongest possible terms my complete and total support for allowing distance learning to count fully toward CLE requirements and to carry forward to the next year.

At my age I do not see as well as I once did, and I do not like to drive in large cities or after dark. For older folks traveling is not always easy. However, the most compelling argument for distance learning is the fact that I simply retain much more information when distance learning than when appearing in person. There are fewer distractions, and I am more comfortable and rested. If the format allows for rewinding as with prerecorded lectures, then I feel that I missed nothing. In person after a while, it is very difficult to stay focused. In a very long seminar, I miss far more than I do viewing remotely.

At my age I do not look forward to leaving home and sitting in large groups all day. There are also the health concerns to consider as well.

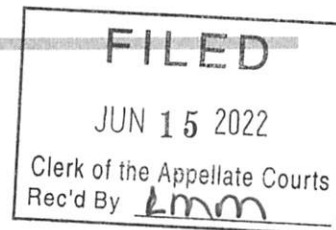
If it should be decided to once again restrict distance learning, then I would ask that an exception be made for those over sixty or with health issues that make travel difficult. However, my hope is that distance learning will be unrestricted and count fully for all CLE and be able to be carried forward year to year.

Thank you for your consideration and I remain respectfully,

Gregory K. Miller
Magistrate, 8th Judicial District

appellatecourtclerk - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: Reed Martz <reed@freelandmartz.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 5:29 PM
Subject: RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)



Adm2022-00781

Dear Mr. James Hivner, Clerk,

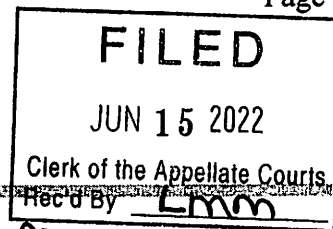
I write to support amendment of Rule 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the limitations on Distance Learning credits.

The past two years have proven that distance learning works, does not result in damage to the profession, and in fact improves CLE because 1) the pool of available providers and course offerings is deeper, 2) the cost and inconvenience of in-person attendance is removed, and 3) it allows the attorney to schedule course participation to dates and times not otherwise available (such as nights or weekends). Mandatory in-person education reduces the competition among providers resulting in less informative and more expensive course offerings which may be of limited usefulness because the attorney is forced to choose from what is geographically available rather than what is helpful to her practice.

--

M. Reed Martz
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302 Enterprise Drive, Suite A, Oxford, MS 38655
Office (662) 234-1711 | Direct (662) 715-3057
reed@freelandmartz.com | freelandmartz.com





Lisa Marsh - Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: Rachel Hodges <rachel@hodgeslawtn.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 3:52 PM
Subject: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Dear Sir or Madam,

I am writing in support of permanently removing the limitation on distance learning CLE credits. At times, in person credits can be hard to find and are usually more expensive than distance learning hours. In years when in person credits were required, my goal was usually to find the cheapest and most convenient options. With distance learning credits, it is much easier to find CLEs that are more in line with my practice areas and areas of interest. Distance learning credits also give you a broader group of providers and teachers from which to learn.

Again, I whole heartedly support the removal of the limitation on distance learning credits.

Thank you,

Rachel L. Hodges
Attorney at Law
P.O. Box 17013
Chattanooga, Tennessee 37415
423-402-0868

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Kim Meador - RE: (EXTERNAL)Re: In Re: Amendment of Tennessee Supreme Court Rule
21 - Attorney Comment

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JUN 15 2022

Clerk of the Appellate Courts
Rec'd By *ktm*

From: Alex Clark <alex.clark@clarklegal.law>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 1:19 PM
Subject: RE: (EXTERNAL)Re: In Re: Amendment of Tennessee Supreme Court Rule 21 -
Attorney Comment

Mr. Hivner,

My apologies for failing to include that information. My comment is associated with No. ADM2022-00781.

Thank you for taking the time to ensure the inclusion of my comment.

Yours truly,

Alexander W. Clark
Attorney and Rule 31 Listed Family Law Mediator
Clark Legal, PLLC
144 Uptown Square
Murfreesboro, TN 37129
615.895.2421

From: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Sent: Wednesday, June 15, 2022 1:15 PM
To: Alex Clark <alex.clark@clarklegal.law>
Subject: (EXTERNAL)Re: In Re: Amendment of Tennessee Supreme Court Rule 21 - Attorney Comment

Mr. Clark:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219

(615) 741-1314

>>> Alex Clark <alex.clark@clarklegal.law> 6/15/2022 8:56 AM >>>
To whom it may concern:

As a sole practitioner, the ability to undertake all CLE opportunities via distance learning has been a boon to my practice and, therefore, my clients. Time which would be wasted driving to in person CLE opportunities is now utilized in client service. CLE opportunities that are available via distance learning create greater flexibility in two important ways: 1) available on my schedule and 2) greater breadth of content. I am a big believer in work/life balance, and do all I can to leave work in the office. That said, sometimes CLE is more about the learning and less about the practice. This is not to say it is not practice applicable, but that if I choose to undertake the learning in the evening or on the weekend it is as much about personal growth as it is the CLE. As to content, the content of locally available, in person CLE opportunities is okay, but not great. Further, they tend to be the same year over year as updates. While such opportunities can be very useful, and hopefully will continue to be offered even if the Amendment to TSC Rule 21 is approved, if they are not applicable to your practice, what is the value. As a former teacher, I faced a similar issue with inapplicable professional development opportunities.

It is my sincere hope that Tennessee Supreme Court Rule 21, sections 3.01(c) and 4.02(c) are deleted to allow Tennessee attorneys the maximum flexibility in obtaining CLE credits and the widest breadth in opportunity content.

Thank you for taking the time to read my comment on this important matter.

Alexander W. Clark
Clark Legal, PLLC
144 Uptown Square
Murfreesboro, TN 37129
615.895.2421

FILED

JUN 15 2022

Clerk of the Appellate Courts
Rec'd By KJM

From: Amy Sosinski <amysosinski@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 12:44 PM
Subject: Public comment, docket No. ADM2022-00781 re: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Hi Jim,

I am one of Judge Thomas' clerks, soon to begin clerking with Judge Holloway, and I am writing in support of amending Rule 21 to eliminate the in-person CLE requirement.

In-person CLE requirements negatively affect attorneys working remotely from jurisdictions outside the US, attorneys with disabilities, and government/public interest attorneys who are already overwhelmed with heavy caseloads. It is, simply put, an unnecessary burden given current technology.

I have had the benefit of videorecorded CLEs through the AOC since well before the pandemic, some of which, for undetermined reasons, qualified as in-person hours even though we did not attend an on-site meeting. I have been able to satisfy my entire CLE requirement without setting foot in another building and appreciate how convenient it is. Instead of having to think about logistics and being away from the office for an afternoon, I was focused on learning the material.

The AOC's short quiz form ensures that we actually watch the video, and during the pandemic other state government CLEs have adopted the "password" system for Zoom lectures. Even though some of these systems were developed in response to the pandemic, we now have a way to remotely educate attorneys while keeping them accountable for paying attention to the material—why shouldn't we make that option available to all attorneys instead of having a de facto separate standard for judicial clerks?

I appreciate your time.

Best,

Amy Sosinski

FILED
JUN 15 2022
Clerk of the Appellate Courts
Rec'd By KIM

Kim Meador - Comment

ADM2022-00781

From: Ashley Cleek <acleek@raineykizer.com>
To: "appellatecourclerk@tncourts.gov" <appellatecourclerk@tncourts.gov>
Date: 6/15/2022 3:28 PM
Subject: Comment

I agree with permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c).

Thanks!

Ashley D. Cleek | Attorney at Law
Rainey Kizer Reviere & Bell PLC

JACKSON OFFICE
105 South Highland Avenue | Jackson, TN 38301
Post Office Box 1147 | Jackson, TN 38302
Phone [731.425.7950](tel:731.425.7950) | Fax [731.426.8111](tel:731.426.8111)
Email acleek@raineykizer.com | Website www.raineykizer.com

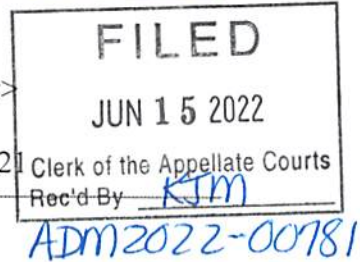
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Kim Meador - IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

From: Cathy Allshouse <callshouse@laet.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 11:45 AM
Subject: IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21



Good Afternoon:

I completely support the removal of the requirement of seven live hours for our Tennessee continuing education requirements. By having the option to access distant training, I have been able to attend many wonderful trainings and many that are more on-point for my practices areas than I would otherwise be able to carve out time for due to the extra time required by travel. Also, without the travel requirement, there are many experts in different areas that now have greater opportunity and willingness to offer trainings since doing so no longer has such a detrimental impact on one's calendar.

Sincerely,
Cathy Allshouse

Cathy Allshouse
Legal Aid of East Tennessee
270 North Ocoee
Cleveland, TN 37311
Telephone: 423-402-4754
Facsimile: 423-464-5481

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Kim Meador - Rule 21 3.01(c) 4.02(c)

From: "C. Philip Carter" <mdjdcarter@aol.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 1:22 PM
Subject: Rule 21 3.01(c) 4.02(c)



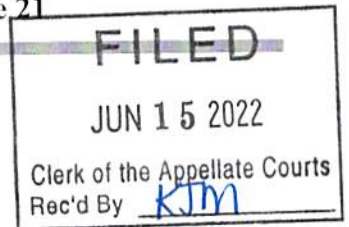
ADM2022-00781

I support the repeal of the above sections and eliminating the distance learning limitations on CLE permanently.

Charles Philip Carter, M.D., J.D.
BPR# 012947

Sent from the all new AOL app for Android

Kim Meador - RE: In Re: Amendment of Tennessee Supreme Court Rule 21



From: "Mullins, Derek" <dmullins@bakerdonelson.com>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 1:17 PM
Subject: RE: In Re: Amendment of Tennessee Supreme Court Rule 21

RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c) / No. ADM2022-00781

Derek W. Mullins

(423) 209-4211

dmullins@bakerdonelson.com

From: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Sent: Wednesday, June 15, 2022 2:16 PM
To: Mullins, Derek <dmullins@bakerdonelson.com>
Subject: Re: In Re: Amendment of Tennessee Supreme Court Rule 21

Mr. Mullins:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219
(615) 741-1314

>>> "Mullins, Derek" <dmullins@bakerdonelson.com> 6/15/2022
9:42 AM >>>

Dear Mr. Hivner:

I enthusiastically support the elimination of the seven-hour in-person CLE requirement moving forward. Practicing law in the pandemic revealed a world of possibilities when it comes to digital and, specifically, remote technology. Lawyers learned to incorporate technology into their practice, including going completely paperless and remote; courts developed strategies to permit

appearances via Zoom and other remote platforms, both for safety reasons and to accommodate attorneys practicing in distant cities; and, most pertinently to this proposition, CLE educators and sponsors learned how to transition classes and presentation into an online format. These changes benefitted the practice of law for the better, and several of the changes should remain following the demise of COVID-related precautions. The elimination of the in-person CLE requirement is certainly one of, if not the most universally beneficial changes to come out of the pandemic, and it is little wonder why state bar associations across the country are contemplating making the changes permanent.

A completely remote CLE requirement lessens the impact of scheduling and attending CLEs on a practicing attorney's schedule, regardless of the nature of their practice. A solo practitioner in Mountain City is able to fit CLEs into her schedule either during or after business hours, when she once had to schedule multiple days to travel to a distant metropolitan area to fulfill her CLE requirements. By the same token, a prosecutor in Jackson is just as capable of fitting in practice-specific classes over the course of the year without having to tear himself away from his caseload for multiple days as a corporate attorney in Nashville is able to gear his CLE selections toward classes offered by entities across the state and country that can improve his client service in a way that simply attending a generalized "cram" CLE session over one to three days in late December simply could not.

While I included the example in the prior paragraph, it is worth highlighting the elimination of the seven-hour live requirement *greatly* benefits attorneys working in smaller counties and cities across this great state. In the years I have actively practiced, I have worked for firms in Nashville and Chattanooga. Finding CLE offerings in those cities is less of a struggle, especially in Nashville. For practitioners in smaller cities and counties across the state, this is much different. Those attorneys have to travel longer distances and detach themselves from their practices for greater amounts of time to fulfill the in-person requirement. The result is a loss in time, money, and resources associated with travel and, in some cases, overnight lodging. These costs are often in addition to CLE tuition that can run into hundreds or thousands of dollars. Removing the in-person CLE requirement permits these attorneys to focus on topics that are specific to their practice from online providers like the Tennessee Bar Association and American Bar Association as well as more practice-specific providers like the Tennessee Defense Lawyer's Association, Tennessee Trial Lawyers Association, or Federal Bar Association, among others.

Stalwarts for live CLEs may point to an increased likelihood that attorneys will "pay attention" or actually "be present" in live CLEs. Respectfully, I think this is disingenuous. Anyone who has either worked for an attorney who attends live CLEs or attended one themselves can attest to the common reality of every attorney in attendance having their laptops open, doing substantive work or shooting off emails to associates, opposing counsel, or support staff while someone delivers a live CLE lecture. This especially true in the aforementioned "cram" CLEs frequently offered during the latter months of any given year. Switching to a completely digital or remote CLE requirement arguably increases the chances an attorney will pay attention to what is on their screen by permitting them to watch CLEs after business hours or, at the very least, during lunch or slower periods. In my view, the only people who could favor maintaining the in-person CLE requirements are those who directly or indirectly profit from offering the live CLEs and charge hundreds to thousands of dollars to each participant. The system should be set up to benefit the practicing attorneys who are supposed to get substantive lessons from the CLE sessions, not the person or entity sponsoring the session or getting a share of the profits to appear and participate in a lecture or panel discussion.

The pandemic forced the entire country to adapt and incorporate new technology into daily tasks, including attorneys and courts engaged in the practice of law. It is high time Tennessee use this opportunity to make one worthwhile adaptation permanent. I enthusiastically encourage the Tennessee Supreme Court to abolish the seven hour in-person requirement and enable practitioners to engage in wholly remote CLEs to satisfy all 15 required hours.

Derek W. Mullins

Associate

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
633 Chestnut Street, Suite 1900
Chattanooga, TN 37450

Phone: (423) 209-4211

Fax: (423) 756-3447

dmullins@bakerdonelson.com

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Washington, D.C.

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JUN 15 2022

Clerk of the Appellate Courts
Rec'd By *KTM*

ADM2022-00781

Kim Meador - Distance CLE

From: Beth Alexander <balexander@pepperlawplc.com>
To: "'appellatecourtklerk@tncourts.gov'" <appellatecourtklerk@tncourts.gov>
Date: 6/15/2022 12:44 PM
Subject: Distance CLE

Dear Clerk:

I am writing to voice my support for eliminating Rule 21, sections 3.01(c) and 4.02(c). I find that I get as much out of remote learning as I do attending live, in-person CLEs and it is less disruptive to my schedule. I also appreciate that I can watch videos on-demand because it allows me to have a wider choice of CLE rather than choosing based on my schedule and the location.

Thank you,

Elizabeth A. Alexander, BPR # 19273.

Beth Alexander

Member

PEPPER LAW, PLC

1801 West End Avenue, Suite 850

Nashville, Tennessee 37203

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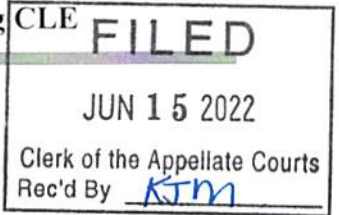


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Kim Meador - No. ADM2022-00781 - Public Comment on Distance Learning



From: Jennifer Collins <jennifer.h.collins@gmail.com>

To: <appellatecourtclerk@tncourts.gov>

Date: 6/15/2022 12:26 PM

Subject: No. ADM2022-00781 - Public Comment on Distance Learning CLE

Good morning -

I am Jennifer Collins, a dual licensed attorney (TN and MS) who has practiced mainly in Shelby County, Tennessee. I currently work as a paralegal with the Department of Justice as I am the mother of four children (one set of triplet boys included in that number who are starting Kindergarten this year) and was about to experience burnout at my place of employment due to extremely long hours required of the attorneys. I cannot describe how helpful it has been during the pandemic to have the distance learning cap lifted, both because of the dangers of meeting in close proximity (we have childcare assistance who has diabetes and who had a horrible bout with COVID last fall) and because of the financial burden involved in CLE in-person meetings. I will mainly speak to the financial burden as the close proximity issue has been mitigated in part by the vaccine.

It costs a good deal to take a day off for CLE. The classes themselves have ranged from \$175 - 350.00 to have the privilege of reporting in person to the area, not counting the gas to get to the location where the CLE is being held and any food and/or lodging required. It has been hard in the past for me to find a group of in-person CLEs that will match the requirements of being in-person, covering the required type of hours, and not being cost-prohibitive. Even CLEs that I consider to be go-to options have increased their prices or are not being offered because of COVID surges in those areas.

I know that my experience is quite different from most members of the Bar, but I appreciate that you are willing to take my experience into account when crafting your rules.

Thank you,

Jennifer Collins (027985)

Kim Meador - proposal to eliminate limitations on Distance Learning CLE credits

From: Jerry Shivers <jerry.shivers@fedex.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 12:08 PM
Subject: proposal to eliminate limitations on Distance Learning CLE credits

FILED
JUN 15 2022
Clerk of the Appellate Courts
Rec'd By *KJM*

ADM2022-00781

Dear Mr. Hivner,

I am a member of the Tennessee bar (#036391), and I am in favor of the proposal to eliminate limitations on Distance Learning CLE credits. I believe our experience under the temporary suspension of that requirement has demonstrated that the requirement is not essential to the profession. I also am a member of the Texas bar, which has not had any limitation on distance learning credits since I was admitted in 2018.

Regards,

Jerry Shivers

Jerrald L. Shivers | Lead Counsel | Labor Relations
Federal Express Corporation
3620 Hacks Cross Road, Building B
Memphis, TN 38125-8800
office [901.434.8046](tel:901.434.8046)
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Kim Meador - Elimination of CLE Distance Learning Limitation.

From: H E LUIPPOLD <luippoldh@bellsouth.net>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 12:49 PM
Subject: Elimination of CLE Distance Learning Limitation.



I am all for allowing attorney's to obtain all their CLE credits through distance learning. There are many reasons one can site as to why this is a good idea. First is cost. It is less expensive to obtain credits via distance learning online. No ballrooms have to be rented and snacks provided as well as travel and hotel expenses if you don't live near a live seminar. Second, you can focus the course subjects you want to take on those of use and interest to your practice, given the many institutions that offer CLE courses. If you don't practice in bankruptcy why sit through a hour of that within a 12 hour course. Three, the technology has evolved so that the material offered online is presented in a way that is on par with being physically present. We all have had Zoom meetings and other online video presentations and these seem to be getting the job done as evidenced over the past 2 COVID years. Four, you can "cheat" by tuning out speakers when physically present by reading a magazine, using your laptop or phone just as easily as you can with online learning. You can't legislate honesty. Also you tend to cheat when uninteresting subjects within a course are being presented. Five, you can break up the courses of interest throughout the year rather than having to block out 2 days of time to physically be present for a seminar. One can take a course late at night for a couple hours or on a weekend and fulfill the 15 hour requirement at one's leisure. Lastly, physical presence may be useful for networking and seeing old friends; but the purpose of why you are there is for the course information, as there are numerous ways in this modern world to network and keep in touch with friends and colleagues. My feeling is that the physical presence requirement was meant to insure that participants learned something i.e. got a continuing education. You can't force people to learn something and pay attention. So, to force those of us that are not "cheaters" to physically attend and incur higher costs is unfair given the state of communications technology. I hope you change the rule so we can obtain our 15 hours online at our leisure.

Thank you for reconsidering this rule,
Peter Luippold, J.D., LL.M.

Kim Meador - potential deletion of sections 3.01(c) and 4.02(c) of Rule 21

From: Phil Gombar <pgombaratty@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 1:36 PM
Subject: potential deletion of sections 3.01(c) and 4.02(c) of Rule 21

FILED
JUN 15 2022
Clerk of the Appellate Courts
Rec'd By <u>KJM</u>

ADM2022-00981

The deletion of the sections of Supreme Court Rule 21 limiting online CLE credits is long overdue. I can think of little to no value in requiring attorneys to attend CLE courses in person in the age of ubiquitous online options. Any benefit that does exist certainly doesn't belong to the attorneys being compelled to attend.

Phil Gombar
BPR# 020099

FILED

JUN 15 2022

Clerk of the Appellate Courts
Rec'd By KIM

ADM2022-00781

Kim Meador - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

From: Richard Murrell <Richard.M.Murrell@tn.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 3:14 PM
Subject: RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

I favor eliminating the requirement of in-person hours for continuing legal education if the requirement of inter-active rather than prerecorded sessions is maintained. There are opportunities for in-person conferences that provide networking for attendees. For the course work, as long as the remote sessions are live, the presenter takes and responds to questions, and the material is approved by the Commission and available to participants, distance learning makes more available higher caliber training.

Richard M. Murrell, CAJ
Administrative Judge
Administrative Procedures Division
Office of Tennessee Secretary of State Tre Hargett
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 8th Floor
Nashville, TN 37243
[615.948.2193](tel:615.948.2193) office
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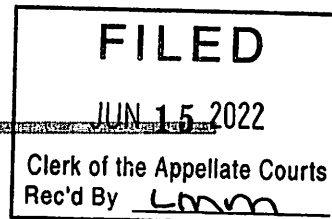
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Lisa Marsh - Docket Number ADM2022-00781



From: Lacey Buchanan <Lacey@mitchellattorneys.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 11:27 AM
Subject: Docket Number ADM2022-00781

To Whom it May Concern,

I fully support permanently ending the "in-person" requirements for CLEs in Tennessee.

I am the mother to two disabled children, as well as a practicing lawyer. I love my children and I love my job, and as you can imagine, finding the balance between both is never easy. I work hard to be a good mother to my children and a good attorney to my clients, but it keeps me incredibly busy. I am on the road constantly, driving to Court, client meetings, therapies for my children, doctor's appointments, and other obligations. With gas prices and general cost of living rising so dramatically, the already difficult constraint on my time has now also become a constraint on my budget as well. I have always made time to complete my CLE's in person when that was the requirement, because CLE's are important and it is important that I stay in compliance at all times for my own integrity, but it wasn't easy to do. I live rurally so I often used to drive many hours to attend CLE's that were pertinent to my area of law. A trip to Nashville for a half day CLE would be an entire day off work for me when you included 2 hours of driving each way. While I did it, it was a huge burden. Often times, I would attend CLE's on topics that did not help my practice in any way because the CLE's were closer to home and I didn't have time to travel further to attend the more pertinent CLE's.

When the in-person requirement for CLE's was dropped, it felt like a weight off my shoulders. I have been able to take many more CLE's that are more targeted to my practice areas, and have continued to attend several in person, at my choosing, because I now have more flexibility in my schedule to schedule in person CLE's. I have taken more CLE's since the in-person requirement was removed than I was ever able to do previously, which only helps further my education and skill.

The in-person requirement is unnecessary in a world where remote work is not only possible, but easily accessible and readily acceptable and available. It is time to progress and let attorneys use their CLEs for issues and topics that help their practice of law, not just to prove they can be a warm body in a room. As attorneys, we are trusted with complex legal issues and navigating difficult challenges every day. I am asking that we be trusted with this as well. This is an area where we can handle the responsibility of in-person versus online CLE's at our own discretion and continue to maintain our integrity and skill at a professional level. This is not an area where we need oversight.

Thank you for considering this issue. It is important to me and many others.

Sincerely,

LACEY N. BUCHANAN
MITCHELL & MITCHELL
Attorneys at Law

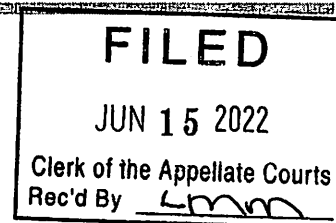
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Lisa Marsh - Fwd: Docket No. ADM2022-00781

From: appellatecourtclerk
To: Lisa Marsh; Kim Meador
Date: 6/15/2022 1:14 PM
Subject: Fwd: Docket No. ADM2022-00781
Attachments: Docket No. ADM2022-00781



I'm one attorney in favor of the permanent elimination of the limitation on Distance Learning credits. Compliance with the CLE requirement was greatly simplified during the pandemic. I could watch and receive credit for more relevant (although remote) CLE that I would not have otherwise been able to attend in person. Since I live and practice in Knoxville and a great deal of available CLE is offered in Nashville, elimination of this limitation would make compliance much easier for me. I appreciate your consideration of this change.

Best regards,

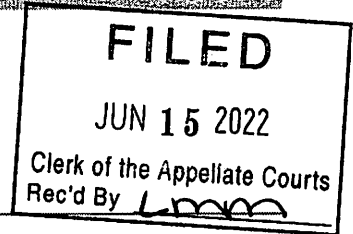
Deborah Buchholz

BROCK · SHIPE · KLENK

265 Brookview Centre Way, Suite 604
Knoxville, Tennessee 37919
(865) 338-9700

Lisa Marsh - ADM2002-00781 - comment supporting proposed change

From: Audrey Calkins <audrey.m.calkins@gmail.com>
To: <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 10:43 AM
Subject: ADM2002-00781 - comment supporting proposed change



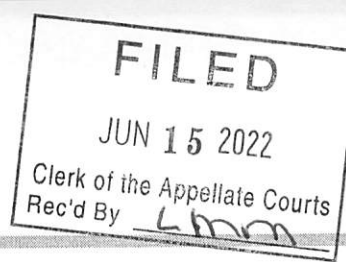
Good morning,

I write to express my favorable view of the Supreme Court's proposal to eliminate the restrictions on Distance Learning credits from Tennessee Supreme Court Rule 21. (As a federal government employee, these comments are in my personal, individual capacity only, which is why I am using my personal email address.) As a federal employee, I am limited to the CLEs that I am able to attend based on those that the government will reimburse--both online and in-person. The NAC in South Carolina only recently reopened for in-person CLEs, and trips to the NAC are my only opportunity to take in-person CLE that the government will reimburse. I have to apply for and be approved to attend these seminars, which is not guaranteed. Moreover, many seminars are now virtual CLE programming (and have been for the duration of the pandemic and will likely continue this way). Waiving the in-person CLE requirement will save me money and time and help me more easily meet my required CLE credits.

Also, I was the chair of the TBA's federal law section this past year. We put on a virtual CLE seminar that featured speakers based in New Hampshire, Nashville, Memphis, Knoxville, and South Carolina. This virtual format saved the TBA money by not requiring the speakers to travel for an in-person event, and I anticipate that we will have more viewers of this online, recorded session by the end of the year than we would have had for a single-day, in-person event. I also cannot use government time to travel for out-of-town in-person CLE events (and have to take vacation time to do so), so the continued emphasis on virtual CLEs makes it more likely that I will be able to attend events put on by the TBA and other bar associations in Tennessee.

Please let me know if you have any questions or need anything else.

Audrey Calkins



Lisa Marsh - Docket No. ADM2022-00781

From: Callie Caldwell <Callie.Caldwell@butlersnow.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 10:49 AM
Subject: Docket No. ADM2022-00781

Please see below for my written comment and excuse my error of not including the docket number.

Callie C. Caldwell
Professional Development Coordinator
Butler Snow LLP

D: (901) 680-7241 | F: (901) 680-7201
6075 Poplar Avenue, Suite 500, Memphis, TN 38119
P.O. Box 171443, Memphis, TN 38187-1443
Callie.Caldwell@butlersnow.com | [vCard](#)

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From: Callie Caldwell
Sent: Wednesday, June 15, 2022 10:48 AM
To: 'appellatecourtclerk@tncourts.gov' <appellatecourtclerk@tncourts.gov>
Subject: Comment on Elimination of CLE Distance Learning Limitations

Good morning,

I am writing to encourage the Court to permanently eliminate limitations to distance learning sections 3.01 (c) and 4.02(c) of Rule 21. By suspending the limitation the past several years, my colleagues at Butler Snow have saved considerable time and money by being able to attend online programs specific to their niche practice that haven't been offered locally. I have also benefited from this rule, as I am in a non-traditional legal role and seek CLE that blends professional development with the law. Most of the programs aimed at my profession are only taught on national platforms. Furthermore, the quality of online programs have greatly increased since the pandemic began and the offerings are now top-notch.

Some of our attorneys prefer to attend in person and will continue to do so regardless of any changes to the rule. However, this change will allow lawyers with niche practices (for instance, our Public Finance attorneys that work on NMTC matters) to seek out the best expertise from across the country.

Respectfully,
Callie Caldwell – TBPR 029668

Callie C. Caldwell

Professional Development Coordinator

Butler Snow LLP

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Lisa Marsh - No. ADM2022-00781- IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

From: "Chotard, Richard" <richard.chotard@vanderbilt.edu>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 12:05 PM
Subject: No. ADM2022-00781- IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

FILED

JUN 15 2022

Clerk of the Appellate Courts
Rec'd By 

Dear Mr. Hivner,

I strongly support the Court's proposed amendment.

1. In a less common legal practice, distance learning credits are the most useful to stay current and improve one's practice.
2. Much of our work and communication is now done remotely, which is consistent with the court's recognition that distance learning is as valuable as in-person learning.
3. A requirement for in-person learning imposes more cost with respect to travel time and potentially more cost if the in-person presentation is provided by a local commercial entity relative to broader opportunities for access to lower cost CLE via distance learning.
4. Distance learning often allows the opportunity to view content when convenient; so, one may view the most germane comment and better absorb it with some flexibility.
5. For live distance learning opportunities, the chat function allows for more questions in a larger forum.
6. Distance learning allows for focus on educational content rather than networking, which is often an element of in-person CLE.
7. Distance learning provides more equal access to education for attorneys who have limitations that make attendance at in-person learning a challenge.

Thank you for your consideration of these points in support of the Court's proposed amendment.

Best regards,
Richard

Richard D. Chotard
Senior Associate General Counsel
Office of the General Counsel
Vanderbilt University
615.343.4088 | richard.chotard@vanderbilt.edu

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appellatecourtclerk - Re: Elimination of CLE Distance Learning Limitations

From: "John Honeycutt" <jbh@honeycutt-law.com>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 7:35 AM
Subject: Re: Elimination of CLE Distance Learning Limitations

FILED
JUN 15 2022
Clerk of the Appellate Courts
Rec'd By Lmm

No. ADM2022-00781

HONEYCUTT LAW FIRM, PLLC

John B. Honeycutt, Jr.
Post Office Box 2484
Cornelius, North Carolina 28031

Telephone: 704-997-5450
Facsimile: 877-554-6209
Website: Serving the Carolinas and Tennessee

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----- Original message -----

From: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
To: John Honeycutt <jbh@honeycutt-law.com>
Subject: Re: Elimination of CLE Distance Learning Limitations
Date: Wednesday, June 15, 2022 8:33 AM

Mr. Honeycutt:

To which docket number is this comment directed?

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219
(615) 741-1314

>>> "John Honeycutt" <jbh@honeycutt-law.com> 6/15/2022 7:27 AM >>>

I would strongly urge the Court to eliminate CLE distance learning limitations. In this age of increasing technology, it seems unnecessary, even counter-productive, to require in-person attendance at CLE events. In addition, the cost of attending some of the half-day and full-day events is a burden on many lawyers. Elimination of CLE distance learning limitations has been very successful in other jurisdictions, including North Carolina, and has resulted in an efficient and streamlined system.

HONEYCUTT LAW FIRM, PLLC

John B. Honeycutt, Jr.

Post Office Box 2484

Cornelius, North Carolina 28031

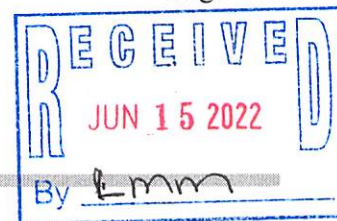
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Lisa Marsh - Comment on No. ADM2022-00781

From: "Miranda H. Jones" <Miranda.Jones@ag.tn.gov>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 8:08 AM
Subject: Comment on No. ADM2022-00781

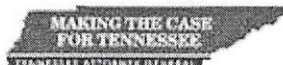
To Whom It May Concern:

As an attorney who often works remotely in order to live near relatives who are medically unwell, I cannot overstate how wonderful it would be if the Court were to follow through with the proposal in No. ADM2022-00781 and eliminate the limitations on distance learning credits by deleting sections 3.01(c) and 4.02(c). Distance learning, like distance work, is a natural progression of modern technology. It saves resources in the form of gas, electricity, and space. And, as I mentioned, it allows those of us with family members who may need special medical attention to participate in long distance conferences to complete CLE requirements without sacrificing family care in order to travel to those conferences.

Regards,

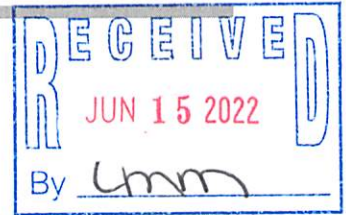
Miranda H. Jones

Assistant Attorney General
Law Enforcement and
Special Prosecutions Division
Office of the Tennessee Attorney General
P.O. Box 20207, Nashville, TN 37202-0207
Phone: 615.521.0417
Email: Miranda.Jones@ag.tn.gov



Kim Meador - Re: Comment on Elimination of CLE Distance Learning Limitations

From: Jake Perry <jperry@rma-law.com>
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 7:39 AM
Subject: Re: Comment on Elimination of CLE Distance Learning Limitations



I'm sorry, I forgot to include this in my last email. It is regarding No. ADM2022-00781.

I would also add that since distance learning is already allowed to some degree, there should not be any concern as to the quality of distance learning versus in-person learning. Otherwise, why allow it at all? In fact, it is easier to digest/absorb online CLE as it is usually segmented into smaller classes instead of the all-day programs attorneys often sign up for to meet the in-person CLE requirements.

Jacob L. Perry, Attorney
Rochelle, McCulloch & Aulds, PLLC
109 North Castle Heights Avenue
Lebanon, Tennessee 37087
Phone: 615-444-1433
Fax: 615-443-8775
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On Jun 15, 2022, at 7:26 AM, appellatecourtclerk <appellatecourtclerk@tncourts.gov> wrote:

Mr. Perry:

To which docket number is this comment associated?

Jim Hivner

James M. Hivner
Clerk of the TN Supreme Court
401 7th Avenue N.
Nashville, TN 37219
(615) 741-1314

>>> Jake Perry <jperry@rma-law.com> 6/14/2022 6:37 PM >>>

I believe the limitation on CLE distance learning should be removed for many reasons, some of which are the following:

(1) With busy work schedules, it is very difficult to find the time to attend in-person CLEs that fit an attorney's schedule. And when such a CLE is found, many times it is not a topic of law that interests the attorney or the attorney actually practices (they just need the in-person hours). Conversely, with distance learning, there is more flexibility to schedule the CLE and for it to be a topic of interest. For example, when I need a break at work, I will sometimes watch CLE on a whim so the time is still put to good use and is productive.

(2) it is more cost effective to conduct online CLE. Many times, in-person CLE requires travel for a topic that is relevant to a lawyer. Further, for lawyers that already conduct online CLE, many services provide unlimited CLE with their subscriptions. So, it is the same price for the attorney to get 15 hours online versus 8 hours.

(3) In the same vein as point number 1, online CLE provides attorneys an opportunity to pick and choose topics of interest to them and that are more relevant to their practice. This will help our Bar better serve our clients.

(4) For those that enjoy in-person CLE, it will still be around and available.

Jacob L. Perry, Attorney
Rochelle, McCulloch & Aulds, PLLC

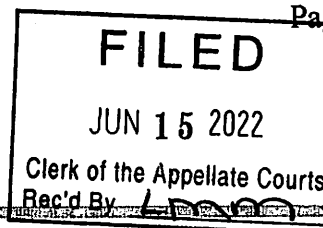
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This is an attempt to collect a debt from a debt collector, and any information obtained will be used for this purpose.



Lisa Marsh - No. ADM2022-00781

From: Lisa White <lwhite@masonllp.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/15/2022 8:56 AM
Subject: No. ADM2022-00781

Regarding the request for comments about ending Tennessee's In-Person CLE Requirements:

I fully support permanently ending the "in-person" requirements for CLE in Tennessee.

The in-person requirement was the bane of my existence for three years when I worked remotely from New Zealand before the pandemic. Because my office was located in Tennessee and I was "practicing law in Tennessee" (although I was living 9000 miles away), I was not exempt from the in-person requirement. I tried to petition for an exemption. Denied.

Before moving, I attempted to fulfill 2 years of remote + in-person hours (so the in-person hours would carry over), plus every time I was in the US, I would scour for any in-person CLE just to fulfill this requirement. This took time away from my work, but more importantly, it took time away from my family during the few weeks each year I spent in the US. It was an unnecessary nightmare. One year, I was literally 1/3 hour short--which I tried to proactively get waived. No....I had to wait until after I was out of compliance and so I could spend hours petitioning. Why??

The in-person requirement is unnecessary in a world where remote work is possible. It is time to progress and let attorneys use their CLEs for issues and topics that help their practice of law, not just to prove they can be a warm body in a room.

Thank you for considering this issue. It is important.

If there is anything I can personally do to help champion this cause, please do not hesitate to call on me.

Lisa A. White

Lisa A. White
Attorney

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JUN 14 2022

Clerk of the Appellate Courts
Rec'd By LM**appellatecourtclerk - ADM2022-00781**

From: "Stephen L. Carpenter JD LLM" <Stephen@carpenterlewis.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/14/2022 6:59 PM
Subject: ADM2022-00781

I write to express my SUPPORT for making permanent the proposed rule to eliminate a requirement for "live" continuing legal education credits in each compliance year and to ALLOW Distance Learning credits, in part or in full, to comply with the CLE requirements every year.

My experience has been that the distance learning courses are of equal or BETTER quality than most live events I have attended over the years. I have personally presented live CLE classes several times over the years and even as a presenter I find that the content is often too generic. I also find that the attorneys who are most competent to present the live courses often opt not to do so, leaving the usefulness of the live CLEs lacking for me and others in my firm because the presenters are often not knowledgeable when asked questions. Whereas my experience with nearly all of the online/distance courses I've taken are presented by high-calibre attorneys and it allows me to choose more specialized courses that offer advanced material not offered live by a local Knoxville attorney.

I regularly attend online CLE courses hosted and presented by national experts in a specialized area and I find that the discussion of the topics is truly worth attending. I look forward to it rather than dread it. In my opinion, the distance learning courses have, overall, better content and better presentation - and that the interaction and questions of the participants usually has been more relevant as well - plus distance learning eliminates the lost time from driving to a public venue. Attending shorter distance learning classes keeps my attention much better than the typical all-day live event.

I live near a larger city and I find it difficult to find live courses on topics I want to attend and often have, prior to the suspension of the rule due to COVID-19, attended courses that did not enhance my knowledge or skills, simply so that I could gain the required "live" credits. In my opinion, my attending a marginally useful class does not fulfill the intended purpose of continuing legal education. I feel that the generally superior content available online much better satisfies the objective of the rule without sacrificing the desired opportunity for interaction.

I truly hope the Court will conclude that the live requirement is unnecessary.

Stephen

Stephen L. Carpenter JD LLM
Attorney & Counsellor at Law
Carpenter & Lewis PLLC
10413 Kingston Pike, Suite 200
Knoxville, Tennessee 37922
Telephone: (865) 690-4997
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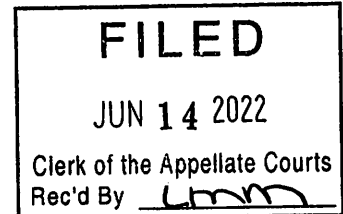
Website: www.carpenterlewis.com

Kim Meador - RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)--No. ADM2022-00781-COMMENT

From: Guzall Samantha <samanthaguzall@yahoo.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/14/2022 8:14 PM
Subject: RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)--No. ADM2022-00781-COMMENT

James Hivner, CLerk,

Sir:



I support permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) .

As a practicing attorney in Tennessee for 22 years, I have spent significantly more travel time and cost in meeting the 7 hour in person requirement.

For example, in order to take the 7 hour in person classes I am limited in choosing a provider that at a minimum charges \$145.00 (based on the lowest income status) for yearly dues which includes three CLE classes. \$45.00 per credit hour thereafter. The in person courses are only offered one time per year in my county for 3 credits in person. The remaining four are usually over an hour drive. Also, the in person courses are very limited in subject matter.

Since the in person requirement was waived, I have been able to complete all courses online with a different provider(which do not provide in person courses) for \$150.00 for ALL 15 credits. That is a significant difference. Also, the courses I can choose from have been by far the most interesting and knowledgeable/teachable courses I have taken in over 20 years. I actually look forward to them(really!).

Therefore, I support permanently eliminating limitations to distance learning credits by deleting sections 3.01(c) and 4.02(c) .

Thank You,

Samantha E. Guzall
TBPR#020108

Law Office of Samantha E. Guzall

P.O. Box 1144

Spring Hill, TN 37174

Phone 615.509.1759

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Kim Meador - ADM2022-00781 - limitation on distance learning

From: Jason Lee <jlee@burrowlee.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/14/2022 5:56 PM
Subject: ADM2022-00781 - limitation on distance learning
Cc: Jason Lee <jlee@burrowlee.com>

I strongly support the proposal to eliminate the 8-hour cap on Distance Learning CLE's. Based on the changes since the Covid pandemic, the world is moving towards more and more remote communications and learning. This would be a very positive change for lawyers on a permanent basis.

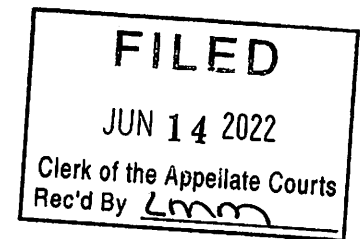
Thanks,
Jason

Jason A. Lee,
Attorney-at-Law



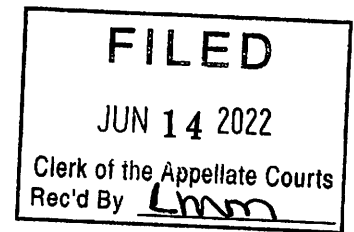
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From: Michael Mossman <michael@mossman.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/14/2022 6:47 PM
Subject: No. ADM2022-00781



To The Court:

I am writing in support of the Court amending Rule 21.

Two reasons come to mind:

1. I need to and want to maintain my TN law license but moved out of state a number years ago. It's an inconvenience and a huge expense to come back to TN to complete the CLE requirement.

2. I have found that on line CLE is a better Continuing Legal Education experience. There are a variety of courses to chose from which I can watch at a time convenient for me.

Finally, I'll be 70 yrs old soon. I'll be exempt from the CLE requirement thereafter I believe. I'm proud that I've been a member in good standing of the TN Bar since 1979. I have no interest in deactivating my law license and will therefore abide by the guidelines set forth by the Court.

With that said I wish the Court or the Board of Professional Responsibility would change the manner in which it reports BPR actions.

The perspective is that if you are named pursuant to a BPR action you must have committed an ethical or legal wrong to be noted under the caption. However when a lawyer's license is inactivated because of a disability or because he/she no longer wants to pay fees or is no longer actively practicing that announcement is made under BPR Actions with suspended or disbarred attorneys.

This is just my observation. But I think it should be addressed.

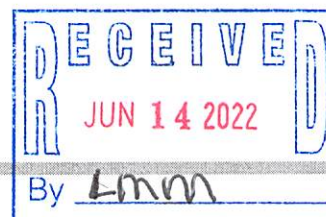
Respectfully,

Michael I. Mossman

TBA# 006636

Sent from my iPad

appellatecourtclerk - No. ADM2022-00781



From: Will Williford <will@mikebreen.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/14/2022 2:27 PM
Subject: No. ADM2022-00781
Cc: "nimary29@gmail.com" <nimary29@gmail.com>, "andrewbubis@gmail.com" <andr...>
Attachments: Proposed Amendment R. 21, Sections 3.01(c), 4.02(c)_ORD.pdf

Mr. Hivner,

My name is William Williford and I am a Tennessee lawyer (BPR No.: 039888).

I am only writing to express my support for "IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21" No. ADM2022-00781. I support and would happily back the proposed amendment as outlined in the aforementioned Order. I also intend to rally support amongst my fellow Tennessee barristers to reach out and voice their support for this amendment as well. Thank you.

Very Respectfully,

William J. Williford, M.A., J.D.

Mike Breen, Attorney at Law, P.S.C.

870 Fairview Avenue, Suite 5
P.O. Box 3310
Bowling Green, Kentucky 42101

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- KDE licensed / EPSB ID: 201237927 / Rank II
- DVA accredited
- USA / OEF 2010-11

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
06/14/2022
Clerk of the
Appellate Courts

IN RE: AMENDMENT OF TENNESSEE SUPREME COURT RULE 21

No. ADM2022-00781

ORDER

In response to the COVID-19 pandemic, this Court temporarily suspended Tennessee Supreme Court Rule 21, section 3.01(c), which requires lawyers to have a minimum of seven hours of Live continuing legal education credits in each compliance year and limits lawyers to a maximum of eight hours of Distance Learning credits in each compliance year. We also temporarily suspended section 4.02(c), which reiterates the eight-hour limitation on Distance Learning credits per compliance year and limits carryover Distance Learning credits to eight hours per compliance year.

The Court is now considering amending Rule 21 to delete sections 3.01(c) and 4.02(c) and permanently eliminate the limitations on Distance Learning credits. The Court solicits written comments from judges, lawyers, bar associations, members of the public, and all interested parties on the amendments now under consideration. The deadline for submitting written comments is Friday, August 5, 2022. Written comments should reference the docket number above and may be emailed to appellatecourtclerk@tncourts.gov or mailed to:

James Hivner, Clerk
RE: Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

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

PER CURIAM

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

MICHAEL WHITE v. MARTIN FRINK, WARDEN

**Circuit Court for Trousdale County
No. 2021-CV-4942**

No. M2022-00429-CCA-R3-HC

ORDER

The record in this appeal was filed on June 2, 2022. Currently before the Court is the Appellant's motion to check out the record. Rule of Appellate Procedure 25(c) provides that *pro se* litigants "shall be allowed to remove the record from the appellate clerk's office only upon order of the appellate court." The Appellant is appealing the summary ruling on his habeas corpus petition. The record consists almost entirely of the Appellant's petition, the State's response and the trial court's orders, copies of which the Appellant should already possess. Accordingly, his motion to check out the record is hereby denied at this time. Instead, the Clerk shall forward the Appellant a copy of the table of contents of the record along with a copy of this order. The Court hereby waives the requirement that the Appellant cite to the relevant page numbers of the record in his appellate brief. *See* Tenn. Ct. Crim. App. R. 10(b). The Appellant shall now have thirty days from the date of this order to file his brief.

Judge Robert L. Holloway, Jr.

appellatecourtclerk - Elimination of CLE Distance Learning Requirements**FILED**

AUG - 5 2022

Clerk of the Appellate Courts
Rec'd By Lmm

From: "Reviere, Charleyn" <Charleyn.Reviere@WTH.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 8/5/2022 6:09 PM
Subject: Elimination of CLE Distance Learning Requirements

Good afternoon. I would like to advocate for the elimination of the limitations on CLE distance learning requirements. The reality is that with the advent of Zoom and other conferencing platforms, which give us the ability to ask questions, see other participants, and have discussions, we can learn just as well, and arguably better, in a remote setting. The socialization and networking benefits of in-person sessions are simply secondary to the educational component, and education is the point of CLE.

Online learning also opens up opportunities for attorneys to attend specialty topic sessions on that we would never be able to attend in person, due to travel or financial limitations. In my position at a public hospital, our funds for CLE are very limited, and online learning allows us to attend and receive credit for healthcare-related educational presentations that we would not otherwise be able to attend, and at little to no cost to our health system. It's a win-win.

My opinion is that attorneys should be able to earn CLE credits through either live or distance learning, and that each should be able to choose the sessions that best fit their practice and budget. I'll still go to live sessions from time to time as relevant to my practice, but I would like to have the option for 100% remote if that provides better education for me. Thanks.

Charleyn Reviere

Vice President

General Counsel/Chief Legal Officer

West Tennessee Healthcare | 620 Skyline Drive

Jackson, TN 38305

☎ 731-541-9914 | 📠 731-541-9404 | charleyn.reviere@wth.org

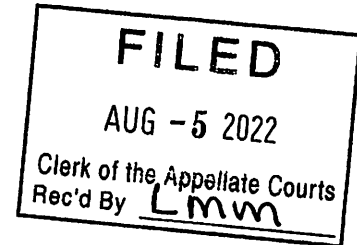
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Roger L. Gilbert
W. Andrew Fox

Of Counsel:
Melodye Jester

August 5, 2022

James Hivner, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407
Sent by Email: appellatecourtclerk@tncourts.gov



Re: ADM2022-00781
Tenn. Sup. Ct. R. 21, §§ 3.01(c) and 4.02(c)

Mr. Hivner:

I am commenting on the proposal to eliminate limitation on distance learning. I appreciate the Supreme Court's decision to suspend the rules that required seven hours of live, in-person CLE to maintain a law license. During the Covid pandemic, this decision accommodated those who wanted to take maximum steps to insulate themselves from infection with Covid, and those who needed to because of immunodeficiencies.

The Court's decision also accommodated those who had and continue to have valid objections to experimental and largely ineffectual¹ society-wide methods of combating Covid spread, by implementation of forced mask-wearing and vaccination, which encroach on bodily autonomy rights. From 2020 until recently, many venues in which CLEs could be held required masks to be worn in their facilities, some required vaccination, and some required both. Those who objected to these measures were able to meet the CLE requirements, however, without surrendering their rights of bodily autonomy because of the suspension of rules.

Masks are experimental, because they are currently authorized for use under an Emergency Use Authorization, and have not been approved by the FDA. The only basis for using a face mask or cloth face covering over the mouth and nose as source control against respiratory viruses is the April 24, 2020 letter from the FDA granting Emergency Use Authorization pursuant to 21 U.S.C. § 360bbb-3(b)(1).² A face mask or cloth face covering is defined as a product by the Emergency Use Authorization statute. 21 U.S.C. § 360bbb-

¹e.g., Revisiting Pediatric COVID-19 Cases in Counties With and Without School Mask Requirements—United States, July 1—October 20 2021, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4118566; <https://beckernews.com/new-study-proves-once-again-school-mask-mandates-were-useless-for-stopping-covid-45775/>; https://www.researchgate.net/publication/362427136_COVID-Period_Mass_Vaccination_Campaign_and_Public_Health_Disaster_in_the_USA_From_agestate-resolved_all-cause_mortality_by_time_age-resolved_vaccine_delivery_by_time_and_socio-geo-economic_data; https://www.researchgate.net/publication/361818561_Covid-19_vaccinations_and_all-cause_mortality_-_a_long-term_differential_analysis_among_municipalities

² <https://www.fda.gov/media/137121/download>, last checked on February 28, 2022.

3(a)(4)(C) (The term “product” means a drug, device, or biological product). Regardless of the issue of bodily autonomy, there has never been the full testing for masks and consideration of both proven risks and proven efficacy leading to actual FDA approval for generic cloth face coverings or masks for use against respiratory viruses.

Surgical masks are not even eligible for service in the capacity offered for face masks or cloth face coverings under the 4/24/2020 EUA, because, according to author of the FDA 4/24/2020 letter, Denise M. Hinton, Chief Scientist for the Food and Drug Administration, surgical masks “are regulated under 21 CFR 878.4040 as class II devices requiring premarket notification.”³ A class II device must be supported by actual evidence that the device will serve in the capacity that its manufacturers claims it will serve.⁴ Ultimately the FDA did grant an EUA for use of garden-variety surgical masks for healthcare settings only, but as PPE for the wearer not as source control.⁵ With regard to other, non healthcare-setting uses of surgical masks, the FDA issued a nonbinding statement that it would refrain from objecting to the introduction into commerce of noncomplying surgical masks so long as, inter alia, the manufacturer does not label the masks as useful for “. . . antimicrobial or antiviral protection or related uses, or uses for infection prevention or reduction or related uses, and does not include particulate filtration claims.”⁶ In other words, the FDA has never sanctioned the use of surgical masks as source control for respiratory viruses, and manufacturers are actually prevented from marketing surgical masks as source control for respiratory viruses.

I serve on the Professionalism Committee for the Knoxville Bar Association, and voted in favor of retaining the live CLE credits, given the reasons discussed at the meeting in which we considered this issue. Examples of the factors cited in favor of live CLEs include greater CLE efficacy and maintenance of face to face relationships between bar members outside of the courtroom, which serve to foster civility. Since that vote, however, I have developed reservations, thus I am sharing these reservations, and my opinion that the limitations on Distance Learning credits should be removed, unless these reservations are addressed adequately.

During the committee’s discussion, no one raised the point of whether there would be return to experimental methods of disease control, such as forced mask-wearing and vaccination requirements. The assumption of the group was that these mechanisms were behind us, and the question was purely whether live CLE attendance should be reinstated. The ease of attendance by Zoom, especially by those who do not live in or practice in the larger towns, and the low cost for providers to offer CLEs by Zoom or On-demand video were pitted against the intangible benefits of efficacy and camaraderie.

We did discuss the impact of Covid on CLE providers, and it was noted that there are very few, if any, live, in-person CLEs available. Providers quickly adapted to providing CLEs by distance methods, and our understanding is these methods are much cheaper, because no

³ Id.

⁴ <https://www.fda.gov/medical-devices/premarket-submissions-selecting-and-preparing-correct-submission/premarket-notification-510k> (“A 510(k) is a premarket submission made to FDA to demonstrate that the device to be marketed is as safe and effective, that is, substantially equivalent, to a legally marketed device (section 513(i)(1)(A) FD&C Act). Submitters must compare their device to one or more similar legally marketed devices and make and support their substantial equivalence claims”)(emphasis added)

⁵ <https://www.fda.gov/media/140894/download>, page 1 and footnote 4.

⁶ <https://www.fda.gov/media/136449/download>, page 14.

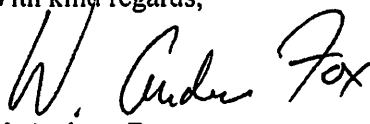
venue need be rented, no proctor need be hired. My concern is that there may be few offerings for live, in-person CLEs, even if Supreme Court began requiring these again. I would expect bar associations like the KBA to offer these, but therein lies the problem.

I can imagine the circumstance if the Supreme Court lifts the current suspension of the rules on in-person, live CLEs, that the few CLE providers offering in-person Live CLEs may impose mask-wearing or vaccination requirements to attend, in the event of a future health concern. Thus those who object to these requirements would be forced to relinquish their objections or jeopardize their law license.

Nothing prevents the KBA's Board of Governors, for example, from imposing these requirements at CLE functions in the future. The KBA imposed mask-wearing at functions during some of the pandemic. Not that attorneys' civil liberties should be up for a vote, but there was not even a vote offered to members regarding whether masks should be required at functions, there was only a declaration by the Board of Governors. Fortunately, the functions that I attended, such as Professionalism Committee meetings, offered the flexibility of attending by Zoom. But if the Supreme Court lifts the suspension of rules and reinstates live, in-person CLE requirements, that flexibility of appearing by Zoom or other streaming technology will be stripped with regard to CLE attendance.

My concerns are that there will be a) a limited number of providers of in-person CLEs, and b) attorneys will be beholden to whatever terms the in-person CLEs are offered. The Supreme Court should do away with the Distance Learning limitations, unless these reservations are addressed.

With kind regards,



W. Andrew Fox