

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: Amendments to Rule 21 Rules of the Supreme Court

No. M2005-01292-SC-CLE-RL - Filed December 20, 2005

ORDER

We have before us the petition filed by the Tennessee Commission on Continuing Legal Education and Specialization to amend Rule 21, Rules of the Tennessee Supreme Court, as follows:

1. To establish the name of the governing body for Mandatory Continuing Legal Education (MCLE) purposes as the “Tennessee Commission on Continuing Legal Education”;
2. To establish the name of the governing body for purposes of the certification of specialists as the “Tennessee Board of Legal Specialization”;
3. To delete the requirements of Rule 21, § 110 to include “an annual financial report reviewed by a Certified Public Accountant”; and
4. To delete the requirement of Rule 21, § 6.02 that attorneys sign and return an Annual Report Statement (ARS) if their ARS reflects sufficient hours to meet all requirements and no fee is due.

Accordingly, the Court ordered that written comments to the petition be solicited and accepted from bench, bar, and public. The comment period ended on or about September 14, 2005.

The period having expired, the Court has reviewed the comments received and the entire record.

The Court finds that because the Commission is now a state agency and, as such, its budgeting and accounting systems are fully integrated with the state system, an annual audit by an entity outside state government is no longer necessary. Accordingly, it is ORDERED that Rule 21, § 1.10 is hereby deleted in its entirety.

The Court further finds that the requirement that attorneys sign and return an Annual Report Statement should not be required if the Annual Report Statement reflects that the CLE requirements have been met and all fees have been paid. Accordingly, it is ORDERED that Rule 21, § 6.02 be amended to read as follows:

Any attorney whose Annual Report Statement demonstrates compliance with Section 3 of this Rule and whose Annual Report Statement demonstrates that all fees due the Commission for the preceding calendar year have been paid, shall be exempt from the requirement to sign and deliver the Annual Report Statement described herein.

In regard to numbers one and two of the petition (the name changes), the Court is of the opinion that neither should be granted. Accordingly, it is ORDERED that the requests:

1. To establish the name of the governing body for MCLE purposes as the “Tennessee Commission on Continuing Legal Education”, and

2. To establish the name of the governing body for purposes of the certification of specialists as the “Tennessee Board of Legal Specialization”

be, and are, hereby, DENIED.

FOR THE COURT:

ADOLPHO A. BIRCH, JR., JUSTICE