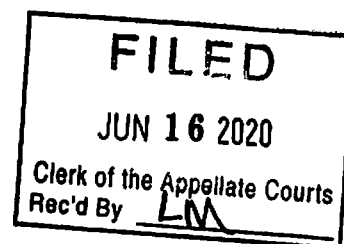




**TENNESSEE
BAR ASSOCIATION**

June 16, 2020



The Honorable James Hivner
Clerk, Tennessee Supreme Court
Supreme Court Building, Room 100
401 7th Avenue North
Nashville, TN 37219

IN RE: Tenn. Sup. Ct. R. 7
NO. ADM2020-00479

Dear Jim:

The Tennessee Bar Association ("TBA") respectfully submits the following Comment on the proposed amendments to Tennessee Supreme Court Rule 7, originally filed March 26, 2020 under ADM2020-00479.

The TBA Ethics and Professional Responsibility Committee ("the Committee") carefully reviewed the proposed amendments to Tenn. S. Ct. R. 7, and after much consideration, the Committee recommended the TBA support the proposed amendments but make an urgent request to the Court that reforms to provide for more transparency regarding the application process accompany the adoption of such revisions.

The Committee requests the Court require greater transparency from the Board of Law Examiners ("BLE") with respect to the outcomes of the application process. At present, no one outside of the BLE or the Court can find out how many lawyers in Tennessee are being granted conditional admission or are being denied admission altogether on character and fitness grounds, making it impossible at present to independently evaluate the need for many of the proposed changes set out in the proposed amendments. Unless there is significant reforms to provide for greater transparency in the process moving forward, there will be no way to evaluate the impact the proposed changes will have.

The TBA also would stress that in supporting the proposed changes to Rule 7, the TBA is not weighing in on the questions that should be asked on the application to take the bar exam. Because it is not possible to see and review the current application to take the Bar exam unless you create an account, it is impossible to see the questions that may or may not currently be included regarding mental health issues. This is an additional problem with the lack of transparency in the overall process, but this also

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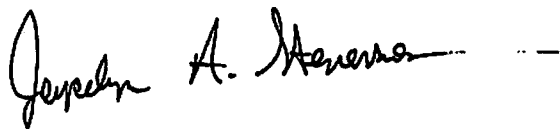
Page 2
June 16, 2020

keeps us from knowing whether the application includes questions about mental health issues that would implicate ADA concerns. Particularly because the nature of questions on the application can be changed from time-to-time, the contents of the application must be made more readily available to public inspection. This will be true more than ever if the proposed amendments to Rule 7 are adopted.

The TBA Executive Committee agrees with the Committee's recommendations.

Thank you for your consideration. Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joycelyn A. Stevenson". The signature is written in a cursive style with a horizontal line extending to the right.

Joycelyn A. Stevenson
Executive Director

cc: TBA Executive Committee
Berkley Schwarz, Director of Public Policy & Government Affairs
Service List

appellatecourtclerk - Tn Supreme Court Rule 7, Section 10.07 (c)

FILED

JUN 16 2020

Clerk of the Appellate Courts
Rec'd By LM

From: Will Hawkins <whawkins@hawkinshogan.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 6/16/2020 9:25 AM
Subject: Tn Supreme Court Rule 7, Section 10.07 (c)

ADM2020-00479

Dear Mr. Hivner,

The following are my comments regarding the proposed rule changes to Rule 7, Section 10.07 (c).

- The proposed addition to this rule, if any, needs to be clarified to define what a "complaint" is in this context. Is a "complaint" in this context a formal complaint or indictment filed by the TNBPR or AG, or would it include a reference to either of those agencies regarding an alleged violation? Anyone, at any time, can file a "complaint" with either the TNBPR or AG there must be clarification on this and ample due process available to the attorney who is practicing pending admission. Suspending an attorney's law license, regardless if they are practicing pending admission can cause issues for both clients and the lawyer and due process must be applied. I believe the proposed changes to this rule are too harsh, and give no latitude for simple, innocent mistakes made by otherwise qualified attorneys attempting to comply with Tn. Rules. At a minimum, an opportunity to be heard before the BLE board should be afforded to the attorney.

The admission without examination rules are a mine field for practicing attorneys seeking admission without examination in Tn. For several years I have consistently counseled prospective new attorneys moving in from other jurisdictions to obtain their Tn. license *prior* to moving to Tn. to avoid the issues which arise, often associated with the length of time from initial application to actual licensure.

With no uniformity between the jurisdictions, mistakes can happen and the repercussions for those mistakes must reflect the gravity of the mistake itself. We cannot throw due process out the window during this process.

Please feel free to contact me if you have any further questions or concerns.

Will

William Burgin Hawkins III
Attorney at Law
Hawkins Hogan, PLC
205 17th Avenue North, Ste. 202

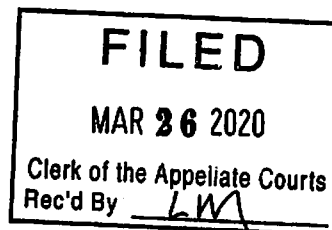
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Lisa Marsh - Docket No. ADM2020-00479

From: Garrett Haynes <garrettdhaynes@gmail.com>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 3/26/2020 8:00 PM
Subject: Docket No. ADM2020-00479

Proposed Changes to TN Supreme Court Rule 7

My "comment" is actually more of a question than a comment. I am curious to know if the new language that is added to 1.03(e) is going to be defined, and if it's not going to be defined, how broadly or narrowly is that language going to be interpreted.

The specific language I am referencing is as follows:

honesty, respect for the rights of others, due respect for the law, and the fitness to practice law

Several of these terms like "honesty" and "fitness" are pretty well understood. The term "due respect for the law" also has a pretty plain meaning to it. The one that concerns me most is "respect for the rights of others" because the terminology seems somewhat vague and subjective. What are "rights?" Are legal rights being referenced or is it more broad than that? The term "respect" is also inherently vague because what is respectful to some people and cultures may be disrespectful to other people and cultures. I am just wondering what the drafters had in mind here for that particular language and what inspired it. I am fearful of interpretations that could be overly-harsh.

I am curious to know if any of these terms will be further defined, or, if not, how these terms might be interpreted.

Sincerely,

Garrett D. Haynes
BPR #036039