

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
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APPELLATE COURT CLERK
NASHVILLE

**IN RE: PROPOSED AMENDMENTS TO TENNESSEE
SUPREME COURT RULE 19**

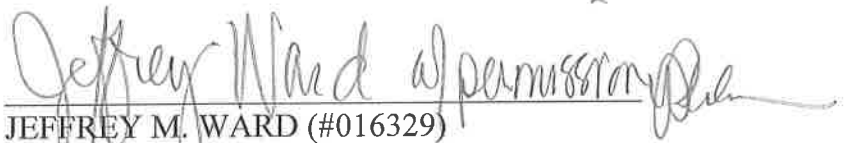
No. ADMIN 2016-01842

**RESPONSE OF THE BOARD OF LAW EXAMINERS TO THE
COMMENT OF THE KNOXVILLE BAR ASSOCIATION
PROFESSIONALISM COMMITTEE TO PROPOSED AMENDMENTS
TO TENNESSEE SUPREME COURT RULE 19**

Comes now the Tennessee Board of Law Examiners (the Board), and submits the following Response to the Comment of the Knoxville Bar Association Professionalism Committee (the "Committee").

The Board supports the Committee's recommendation to delete the words "most recently" from Rule 19(a)(1).

RESPECTFULLY SUBMITTED,



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Certificate of Service

I certify that the foregoing has been mailed to Marsha Wilson, Executive Director, Knoxville Bar Association, P.O. Box 2027, Knoxville, TN 37901-2027, Sandy Garrett, Executive Director, Board of Professional Responsibility, 10 Cadillac Drive, Brentwood, TN 37027 by U.S. mail, on this the 23rd day of December, 2016.

By:  _____

LISA PERLEN (#012749)

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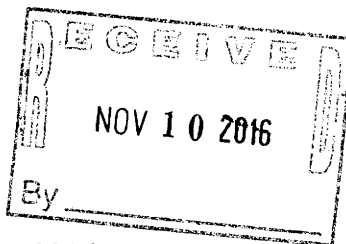
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November 10, 2016

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IN RE: RULE 19 RULES OF THE TENNESSEE
SUPREME COURT
NO. ADM2016-01842

Dear Jim:

Attached please find an original and one copy of the Comment of the Tennessee Bar Association in reference to the above matter.

As always, thank you for your cooperation. I remain,

Very truly yours,

Allan F. Ramsaur
Executive Director

cc: Jason Long, President, Tennessee Bar Association
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NASHVILLE

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

**IN RE PROPOSED AMENDMENT TO RULE 19,
RULES OF THE TENNESSEE SUPREME COURT**

No ADM2016-01842

COMMENT OF THE TENNESSEE BAR ASSOCIATION


The Tennessee Bar Association (“TBA”), by and through its President, Jason H. Long; Chair of its Committee on Ethics and Professional Responsibility, Brian Faughnan; General Counsel, Edward D. Lanquist; and Executive Director, Allan F. Ramsaur, supports the proposed amendment to Tenn. Sup. Ct. R. 19 to make abundantly clear that persons admitted under Tenn. Sup. Ct. R. 7 §5.01(g) with privileges practice pending admission by applicants licensed in another jurisdiction may practice in Tennessee Courts under the provisions relative to appearance of *pro hac vice* in proceedings before Tennessee agencies and courts.

Tenn. Sup. Ct. R. 19 was adopted at the instance of the TBA. This was the first move into broader acceptance of lawyers from other jurisdictions to practice in our courts. It provides for a registration framework of lawyers admitted *pro hac vice*. It has proven to be a popular move.


The TBA also supported the recent changes to Tenn. Sup Ct. R. 7 permitting lawyers to provide legal services in this jurisdiction during the pendency of the application for admission on motion. Tenn. Sup. Ct. R. 7 §5.01(g)(8) expressly provides that such lawyers may not appear unless they are admitted *pro hac vice*, but Rule 19 could be read as providing that because lawyers resided in Tennessee they could not achieve a *pro hac vice* status.

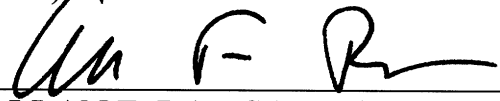
As a group in support of both rules, the TBA fully supports the changes proposed the Board of Law Examiners and the Board of Professional of Responsibility.

Respectfully Submitted,

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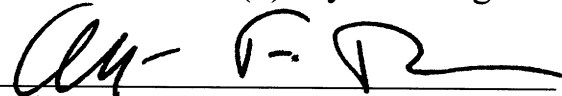
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CERTIFICATE OF SERVICE

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 regular U.S. Mail, postage prepaid within seven (7) days of filing with the Court.


Allan F. Ramsaur

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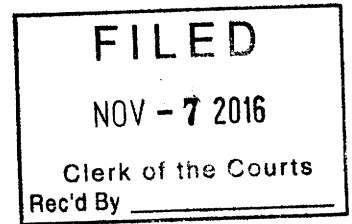
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Re: Proposed Amendments to Tennessee Supreme Court
Rule 19; No. ADM2016-~~02842~~ 01842

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Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order referenced above, the Knoxville Bar Association (the "KBA") Professionalism Committee (the "Committee") carefully considered current Rule 19 and the proposed amendments thereto ("the Amendments") during its meeting on September 13, 2016. Upon the Committee's recommendation, the KBA Board of Governors (the "Board") voted to request further information and an extension of time to comment on the Amendments. The Tennessee Supreme Court graciously extended the comment period to November 10, 2016.

The Committee discussed the Amendments again at length during its October 11, 2016, meeting and presented a detailed report of its review to the Board during the Board's October 11, 2016 meeting with the recommendation to slightly revise the Amendments by deleting the words "most recently" from Rule 19(a)(1). The Committee reasoned that the inclusion of the words "most recently" create the potential for unintended consequences. By way of example, the Committee considered a JAG attorney licensed in California, who taught at Yale in the preceding year and then moves to Tennessee to serve as an adjunct for a year and is asked to serve in a Tennessee case Pro Hac Vice. Another example provided is a Tennessee resident who is licensed only in Virginia and practices in Virginia, but without an office in Virginia. The inclusion of the words "most recently" could impede the ability of either of these attorneys to serve Pro Hac Vice in a Tennessee case.

Following the Committee's presentation and thorough discussion by the Board, the Board unanimously adopted the Committee's recommendation. Accordingly, the KBA hereby approves the Amendments, except to recommend that the words "most recently" be deleted from Rule 19(a)(1).

James Hivner, Clerk
November 4, 2016
Page 2

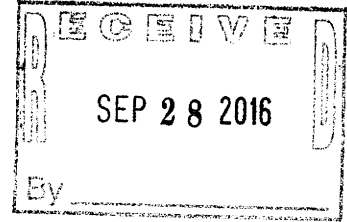
As always, the KBA appreciates the opportunity to comment on proposed Rules promulgated by the Tennessee Supreme Court.

With kindest personal regards,

Yours very truly,

A handwritten signature in black ink, appearing to read "Wayne R. Kramer". The signature is written in a cursive style with a large initial "W".

Wayne R. Kramer
President
Knoxville Bar Association



September 26, 2016

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

James Hivner, Clerk
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Re: Proposed Amendments to the Tennessee Supreme Court
Rule 19; No. ADM2016-02842-1842

2016 SEP 28 PM 12:42
APPELLATE COURT CLERK
KNOXVILLE

Dear Mr. Hivner:

Pursuant to the Tennessee Supreme Court's Order referenced above, the Knoxville Bar Association ("KBA") Professionalism Committee (the "Committee") has carefully considered current Rule 19 and the proposed amendments thereto (the "Amendments"). At the KBA Board of Governors' (the "Board") Meeting held on September 21, 2016, the Committee presented a detailed report of its review of the Amendments. Among other things, questions arose as to the overall concern being addressed by the Amendments and there was some confusion as to the goal intended to be accomplished by the Amendments.

Following the Committee's presentation and thorough discussion by the Board, the Board as a whole unanimously adopted the Committee's recommendations. Those recommendations were as follows:

- (a) Request further information from the Court, if possible, of the overall concern which prompted the Amendments and the goal or goals to be accomplished by such Amendments;
(b) Request an extension of time to comment on the Amendments.

With this letter, the KBA is making both of these requests.

Members of the Board and members of the Committee recognize the importance of adopting the Supreme Court Rules to meet the needs of those who wish to appear pro hac vice. The KBA wants to consider the Amendments carefully in order to provide comprehensive and constructive comments. That is what lies at the foundation of seeking an extension of the comment period.

Officers

Wayne R. Kramer
President

Amanda M. Busby
President-Elect

Keith H. Burroughs
Treasurer

Wynne du Mariau Caffey Knight
Secretary

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Cheryl G. Rice

Keith D. Stewart

Hon. Steven W. Sword

Taylor A. Williams

John E. Winters

Executive Director

Marsha S. Wilson

mwilson@knoxbar.org

James Hiver, Clerk
September 26, 2016
Page 2

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

With kindest personal regards,

Yours very truly,

A handwritten signature in black ink, appearing to read "Wayne R. Kramer". The signature is written in a cursive style with a large initial "W".

Wayne R. Kramer
President
Knoxville Bar Association