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June 20, 2013

The Honorable Michael Catalano
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Nashville, TN 37219

IN RE: AMENDMENT TO RULE 10, RULES OF THE
TENNESSEE SUPREME COURT

Dear Mike:

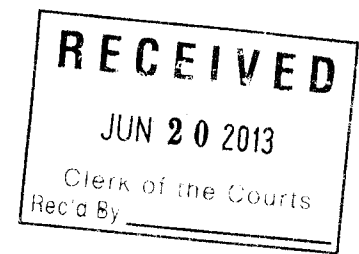
Attached please find an original and six copies of the Comment of the Tennessee Bar Association in reference to the above matter.

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

Very truly yours,

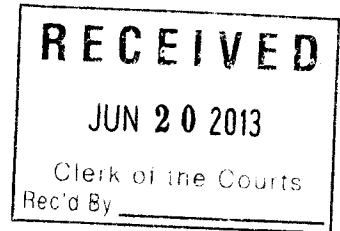
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: AMENDMENT TO RULE 10,)
RULES OF THE TENNESSEE) No. M2013-01205-SC-RL2-RL
SUPREME COURT)
)
)

COMMENT OF THE TENNESSEE BAR ASSOCIATION

The Tennessee Bar Association ("TBA"), by and through its President, Cynthia R. Wyrick; General Counsel, Paul C. Ney; and Executive Director, Allan F. Ramsaur, offers this comment supporting adoption of the amendments to Tenn. Sup. Ct. R. 10 to exempt continuing part-time judges and pro tempore part-time judges from the reporting requirement of Tenn. Sup. Ct. R. 10, RJC 3.15.

As recited in the order publishing the proposed amendments to the rules for comment, a judge who was a member of the TBA Task Force on Judicial Conduct Rules ("task force") also brought to the attention of the TBA the fact that the rules that were adopted in 2012 require RJC 3.15 reporting of compensation for pro tempore and continuing part-time judges.

The leadership of the TBA convened an ad hoc meeting of the task force to consider this issue. (While the task force does not actually exist any longer, members of that former group were thought to be the best suited to consider the issue. The TBA recently created the Committee on the Judiciary, which is a standing committee to whom these types of issues will be referred in the future.) The task force unanimously recommended to the TBA Executive Committee that the TBA support the exemption of pro tempore and part-time judges from the reporting requirements. The TBA Executive Committee unanimously adopted that recommendation.

The adoption of the language proposed in the Court's Appendix exempting continuing part-time judges and pro tempore part-time judges from the RJC 3.15 reporting requirements is consistent with ABA Model Rules and the rules of the twenty-one (21) states which have adopted the revised Model Rules. In fact, one of the very reasons for the adoption of the application provisions of the rule is to create classes of judicial officers who are relieved from following certain rules because of their status. In addition to the compensation reporting requirements, such part-time judges are also, for example, permitted to practice law.

The exemption from the Rules of Judicial Conduct will not completely exempt such continuing part-time judges from all reporting requirements. As part of its review of the issues presented, members of the former task force did determine that such judges are still required to comply with Tenn. Code Ann. § 8-50-501 relative to disclosures by state and local public officials. These disclosure requirements coupled with the duty to disclose information which might be relevant to disqualification, recusal or determination of constitutional incompetence under RJC 2.11 should provide an adequate safeguard for the integrity of the judicial process.

For the reasons stated, the TBA supports the adoption of the amendments to Tenn. Sup. Ct. R. 10, Sections III(A) and V(B).

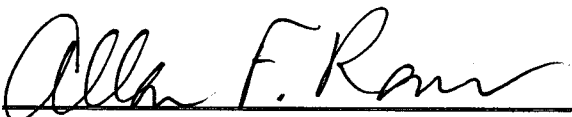
RESPECTFULLY SUBMITTED,

By: /s/ by permission

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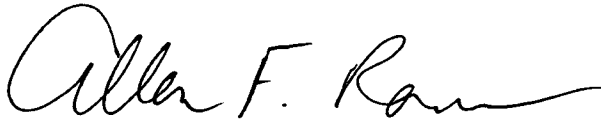
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CERTIFICATE OF SERVICE

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.



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