



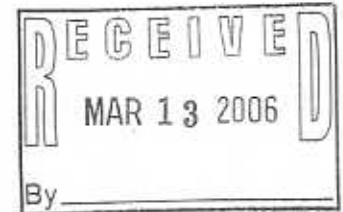
EQUAL JUSTICE FOR ALL

## LEGAL AID OF EAST TENNESSEE

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March 10, 2006

Michael W. Catalano, Clerk  
Re: Rule 7, Section 10.03 Comments  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407



Dear Clerk of the Court:

I write in support of the Order amending the Law Student Practice Rule, Supreme Court Rule 7. I have only one suggestion. I would like to see the Court adopt the proposal of the Tennessee Bar Association to allow out-of-state students to also practice under this Rule. Legal Aid sometimes gets requests from out-of-state law students whose home is Tennessee, wish to return to Tennessee to practice and who would like to contribute assistance or who can obtain a summer fellowship and want to bring it here. We likewise sometimes receive fellowship awards involving students from other states who can provide tremendous service to our state. I have set out below what I believe is the TBA proposal and ask that it be considered.

Thank you for the opportunity to comment.

Sincerely,

David R. Yoder

(f) A legal aid office, district attorney, public defender, the Attorney General of Tennessee, the general counsel of any state agency or the director of a municipal or county legal office may create a program for out-of-state law students under which those out-of-state students may be specially admitted to practice under the same standards as provided in Sections 9 (a) through (e) of this Rule. Any such program must first receive the approval of the Supreme Court and such approval will be granted only upon submission of a program description which clearly establishes the educational value of the program and a plan for monitoring and supervising the out-of-state law students. Any such program must be approved on an annual basis. Once a program is approved, the legal aid office, district attorney, public defender, Attorney General, general counsel of a state agency or director of a municipal or county legal office may then submit a list of students to be admitted under the Rule. The students must have completed at least half of their law studies and must be certified by their law schools to be in good standing.



A United Way Agency

David R. Yoder, Executive Director





IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



**IN RE: PETITION OF VANDERBILT UNIVERSITY LAW SCHOOL, THE  
UNIVERSITY OF TENNESSEE COLLEGE OF LAW, THE UNIVERSITY  
OF MEMPHIS-CECIL C. HUMPHREYS SCHOOL OF LAW, AND THE  
NASHVILLE SCHOOL OF LAW TO AMEND SUPREME COURT  
RULE 7, SECTION 10.03**

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**No. M2005-02920-SC-BLE-RL**

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**COMMENT OF THE TENNESSEE BAR ASSOCIATION**

The Tennessee Bar Association (TBA) by and through its President, William H. Haltom, Jr., General Counsel Gail Vaughn Ashworth, Lucian T. Pera, Chair, Standing Committee on Ethics and Professional Responsibility, and Allan F. Ramsaur, Executive Director, comments generally in support of the proposed amendment to Supreme Court Rule 7, Section 10.03, with the addition of provisions for student practice by out-of-state law students with certain public and public interest entities.

The law schools in Tennessee have filed with the Court a petition to restructure and reformat the Court's rule on student practice. This Rule has been unchanged for more than thirty (30) years. The basic thrust of the proposal is to better integrate the law school clinical programs approved by the Tennessee Board of Law Examiners with the student practice rule and to permit students to engage in representation other than litigation.

The TBA was asked by the law schools to participate in the development of the proposal. The proposal was forwarded both to the TBA's Ethics and Professional Responsibility Committee and its Access to Justice Committee. This vetting led to a number of changes and to approval of the proposal including the provision for out-of-state students, at the fall meeting of the TBA Board of Governors in October.

During development of the proposal, the TBA recommended a provision represented by the attached subsection (f) (Appendix A) which would permit Tennessee legal aid offices, district attorneys, public defenders, the Attorney General and general counsel of state and other government agencies to develop





programs for out-of-state students. This proposal is consistent with the recommendation from the TBA Access to Justice Committee, which noted that student practitioners provide valuable assistance in trying to meet the overwhelming unmet legal need of Tennesseans who cannot afford a lawyer.

Data from the Board of Law Examiners for 2005 indicates that, out of the eight hundred seventy-three (873) applicants for the Tennessee bar in 2005, four hundred six (406) or 46.5% of the applicants came from law schools other than the four (4) located in Tennessee. The proposal from the Tennessee law schools would exclude all of these applicants from the benefits of student practice in Tennessee, the state in which they intend to be licensed, and would deprive public and public interest institutions in Tennessee of their volunteer services.

Attached as Appendix A is a proposed draft of subsection (f) as well as a revised Comment 10 which would substitute for the Comment 10 in the petitioners proposal. The TBA respectfully submits that the benefits of the student practice rule, both for students and for the justice system in Tennessee, should be available, with appropriate safeguards, to all law students, and that the proposal represents a

well-crafted method to carry out this purpose.

Respectfully Submitted,

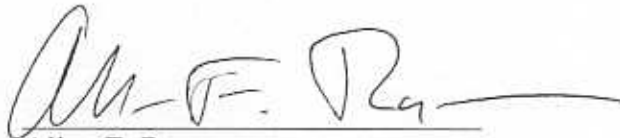
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## APPENDIX A

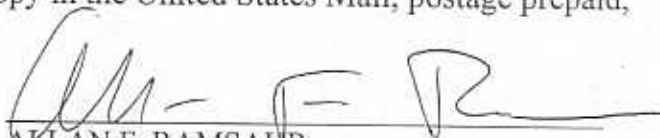
(f) A legal aid office, district attorney, public defender, the Attorney General of Tennessee, the general counsel of any state agency, or the director of a municipal or county legal office may create a program for out-of-state law students under which those out-of-state students may be specially admitted to practice under the same standards as provided in Sections (a) through (e) of this Rule. Any such program must first receive the approval of the Supreme Court and such approval will be granted only upon submission of a program description which clearly establishes the educational value of the program and a plan for monitoring and supervising the out-of-state law students. Any such program must be approved on an annual basis. Once a program is approved, the legal aid office, district attorney, public defender, Attorney General, general counsel of a state agency, or the director of a municipal or county legal office may then submit a list of students to be admitted under the Rule. The students must have completed at least half of their law studies and must be certified by their law schools to be in good standing.

### COMMENT

(10) A legal aid office, district attorney's office, public defender's office, Attorney General, general counsel of a state agency, or director of a municipal or county law office who wishes to certify out-of-state students pursuant to subsection (f) must assure the Court that the proposed program provides education to the law students as well as adequate and appropriate supervision of their work. Such supervision must be of a quality and quantity similar to that provided to in-state law students admitted under subsection (a).

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing Comment has been served on the attached list by placing a copy in the United States Mail, postage prepaid, this 10<sup>th</sup> day of April, 2006.

  
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