



August 6, 2007

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IN RE: RULE 9, SECTION 21.6 – 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,

Allan F. Ramsaur  
Executive Director

cc: Marcia M. Eason, President, Tennessee Bar Association  
William L. Harbison, General Counsel  
Lucian T. Pera, Chair, TBA Standing Committee on  
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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

IN RE: RULE 9, SECTION 21.6  
RULES OF THE  
TENNESSEE SUPREME  
COURT

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No. M2007-01197-SC-RL2-RL

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COMMENT OF THE TENNESSEE BAR ASSOCIATION

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INTRODUCTION

The Tennessee Bar Association ("TBA"), by and through its President, Marcia M. Eason; General Counsel, William L. Harbison; Chair, Standing Committee on Ethics and Professional Responsibility, Lucian T. Pera; and Executive Director, Allan F. Ramsaur, files this comment in support of the proposed amendment to Tennessee Supreme Court Rule 9, Section 21.6 relative to reinstatement of attorneys from disciplinary inactive status.

On June 25, 2007, this Honorable Court entered an order proposing amendments to Rule 9, Section 21.6 and soliciting comments from the bench, bar, and public. The proposed amendments were circulated to the Tennessee Bar Association Standing Committee on Ethics and Professional Responsibility and considered by the leadership of the Tennessee Bar Association.

The amendments provide greater guidance and clarity and an enhanced process for petitions for reinstatement for attorneys whose licenses have been transferred to disability inactive status. Tennessee Supreme Court Rule 9, Section 21 sets forth standards for proceedings where an attorney is declared to be under a disability and whose license should thereby be transferred to disability inactive status. Section 21.6 sets forth the rules for reinstatement. The amendments require that petitions of reinstatement be served upon the disciplinary counsel and require disciplinary counsel to investigate the reinstatement and make a recommendation as to whether the petition should be granted. The Court would then determine whether to grant the petition or refer the matter to a hearing panel which would hear the

reinstatement petition. The amended rule requires resolution of any pending disciplinary complaints and completion of any conditional disciplinary action imposed on the lawyer such as participation in Tennessee Lawyer Assistance Program. These amendments provide better clarity to the process and strike a fair balance for the lawyer whose license has been transferred to disability inactive status and the need to protect the public.

### CONCLUSION

For the reasons stated above, the Tennessee Bar Association supports the adoption of the amendments.

RESPECTFULLY SUBMITTED,

By: /s/ by permission

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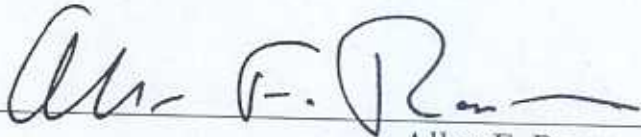
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CERTIFICATE OF SERVICE

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 on August 6, 2007.

  
Allan F. Ramsaur