

## EXHIBIT "E"

### **Draft Amendment to Tennessee Supreme Court Rule 9, Disciplinary Enforcement**

Amend Section 18.7 as follows:

**Section 18.7 New Representation Prohibited.** Prior to the effective date of the order, if not immediately, the respondent shall not undertake any new legal matters. Upon the effective date of the order, the respondent shall not maintain a presence or occupy an office where the practice of law is conducted, except as provided in Section 19.9. The respondent shall take such action as is necessary to cause the removal of any indicia of lawyer, counselor at law, legal assistant, law clerk, or similar title.

#### **By adding a new sub-section**

**Section 19.9 Activities by persons previously licensed.** A person who was previously licensed and whose license has been suspended or transferred to disability inactive status with no pending disciplinary complaints may perform work as a full or part-time employee of a single law firm if the following conditions are met:

- (a) the work must be done in conformity with all applicable Rules of Professional Conduct including, but not limited to, R.P.C. 5.8;
- (b) the person must perform all work under the authority of this rule in a Tennessee office;
- (c) the person must perform such work under the supervision of a lawyer licensed Tennessee and as to whom there is no pending petition for discipline and who has undertaken in writing to perform such supervision in compliance with this rule and has provided a copy of such undertaking to the Board of Professional Responsibility;
- (d) such person's compensation shall not consist of or be connected in any way with a portion of the profits of the Law Firm or the fees received or earned for ,or the outcome of, any particular legal matter;
- (e) such person shall obtain the same continuing legal education required of any licensed Tennessee lawyer under Tennessee Supreme Court Rule 21;
- (f) if such person is subject to a monitoring agreement with the Tennessee Lawyers Assistance Program (TLAP), the person shall provide the employing lawyer with a copy of the agreement, report such work and provide the name and address of the law firm and a copy of the written undertaking provided in paragraph (c) to TLAP; and
- (g) unless any court order denying reinstatement otherwise provides, the permission to perform work under this section shall continue upon entry of an order denying reinstatement.