

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

2009 OCT 25 PM 3: 52

APPELLATE COURT CLERK  
NASHVILLE

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

)  
) No. M2009-01817-SC-RL2-RL  
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REQUEST BY TENNESSEE BAR ASSOCIATION, TENNESSEE  
JUDICIAL CONFERENCE AND TENNESSEE TRIAL JUDGES  
ASSOCIATION FOR ADDITIONAL TIME TO FILE COMMENTS

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INTRODUCTION

The Tennessee Bar Association (“TBA”), by and through its President, Gail Vaughn Ashworth; Chair of its Task Force on Judicial Conduct Rules (“Task Force”), T. Maxfield Bahner; General Counsel, William L. Harbison; and Executive Director, Allan F. Ramsaur; the Tennessee Judicial Conference, by and through its President, Judge Carol L. McCoy; and, the Tennessee Trial Judges Association, by and through its President, Judge Telford E. Forgety, request that the deadline for written comments in this matter of amendments to the Tennessee Code of Judicial Conduct be extended to June 30, 2010, in order for the respective bodies to give full and fair consideration to the proposed revision.

On September 3, 2009, this Honorable Court published for comment a proposal to adopt commentary to Tennessee Supreme Court Rule 10, Canon 3(B)(7)(e) which would permit the adoption of local rules of court permitting judges who preside over “problem-solving courts” to engage in otherwise prohibited ex parte communications.

As this Court is aware, the Tennessee Bar Association has appointed a Task Force on Judicial Conduct Rules, chaired by T. Maxfield Bahner and made up of seven distinguished jurists and six lawyers who are undertaking a comprehensive examination of Tennessee Supreme Court Rule 10 and the 2007 amendments to the ABA Model Code of Judicial Conduct which may produce a proposal to make the first sweeping change in those rules in more than a decade. The Task Force is diligently at work having held two conference call meetings and the first in-person meeting within the first six weeks of its existence. The Task Force has an aggressive schedule of conference call and in-person meetings with the aim of completing its work for submission to the TBA Board of Governors and other interested parties in early June 2010.

The instant proposal is an important one and should be examined in light of the other revisions to the 2007 Model Code of Judicial Conduct. The Task Force has recommended and the TBA Board of Governors has unanimously concluded that the TBA should ask for additional time in which to explore in-depth this proposal and many others so that a comprehensive set of recommendations can be made.

Judges involved in the leadership of the Tennessee Judicial Conference and the leadership of the Tennessee Trial Judges Association are members of the Task Force. At the meeting of the Tennessee Judicial Conference and the Tennessee Trial Judges Association in Murfreesboro during the week of October 19, the executive committees of each of those bodies resolved to join the TBA in the request for additional time to comment in this matter.

Therefore, the Tennessee Bar Association, the Tennessee Judicial Conference and the Tennessee Trial Judges Association do hereby request and move this Court for additional time through June 30, 2010 to respond to this request for comments in this matter.

RESPECTFULLY SUBMITTED,

By: /s/ by permission

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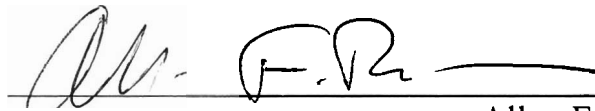
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CERTIFICATE OF SERVICE

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 October 27, 2007.

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