

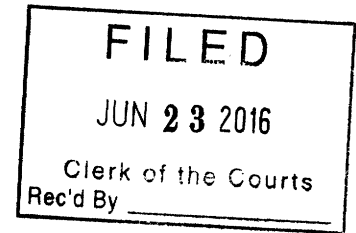
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: PROPOSED AMENDMENTS TO RULE 8, RPC 8.3(c) and Rule 10,  
RJC 2.15 and RJC 2.16(A),  
RULES OF THE TENNESSEE SUPREME COURT**

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No. ADM2016-01250

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**ORDER**

The Retired Judges Committee of the Tennessee Judicial Conference is establishing a state-wide judges assistance program to be known as the Tennessee Retired Judges Confidential Assistance Program, through which volunteer retired Tennessee judges will provide confidential assistance to sitting Tennessee judges regarding personal and professional matters. In order to encourage sitting judges to seek assistance through this Program, the volunteer retired judges are required to treat all information received in the course of providing such assistance as confidential, and all such information is deemed privileged and not subject to disclosure to the same extent as information subject to the attorney-client privilege.

The Court has determined that in order to foster this Program, it is necessary to amend certain provisions of the Rules of Professional Conduct and the Rules of Judicial Conduct, Rules 8 and 10 of the Rules of the Tennessee Supreme Court, which address the reporting of professional misconduct. The Court has determined to solicit public comments on the proposed amendments.

Accordingly, the Court solicits written comments regarding the proposed amendments from judges, lawyers, bar associations, members of the public, and any other interested parties. The proposed amendments are attached as Appendices A and B to this Order. The deadline for submitting written comments is Monday, July 25, 2016. Written comments should be addressed to:

James M. Hivner, Clerk  
Re: Tenn. Sup. Ct. R. 8 and 10  
Tennessee Appellate Courts

100 Supreme Court Building  
401 7<sup>th</sup> Avenue North  
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this Order, including the appendices, to LexisNexis and to Thompson Reuters. In addition, this Order, including the appendices, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

## APPENDIX A

### AMENDMENT TO TENN. SUP. CT. R. 8, RPC 8.3(c)

[New text is indicated by underlining/Deleted text is indicated by striking]

#### RPC 8.3 Reporting Professional Misconduct.

...

(c) This Rule does not require disclosure of information otherwise protected by RPC 1.6 or, information gained by a lawyer or judge while serving as a member of a lawyer assistance program approved by the Supreme Court of Tennessee or by the Board of Professional Responsibility, or information gained by a lawyer or judge while serving as a volunteer confidential assistant in a judges assistance program approved by the Supreme Court of Tennessee.

## APPENDIX B

### AMENDMENT TO TENN. SUP. CT. R. 10, RJC 2.15 and RJC 2.16(A) [New text is indicated by underlining]

#### RJC 2.15 Responding to Judicial and Lawyer Misconduct.

...

(E) This Rule does not require disclosure of information gained by a judge while serving as a volunteer confidential assistant in a judges assistance program approved by the Supreme Court of Tennessee.

#### RJC 2.16 Cooperation with Disciplinary Authority.

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. This Rule does not require disclosure of information gained by a judge while serving as a volunteer confidential assistant in a judges assistance program approved by the Supreme Court of Tennessee.