

IN THE SUPREME COURT OF TENNESSEE AT NASHVILLE

1. IN RE: AMENDMENT TO SUPREME COURT RULE 10

Filed April 29, 2005

ORDER

Supreme Court Rule 10, Canon 3(C) (“Administrative Responsibilities”) is hereby amended by adding the following new paragraph (5):

(5) When a judge refers litigants to community resources as a condition or requirement relating to litigation, such referrals shall be made impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. For purposes of this provision, a "community resource" is any person or organization providing services such as, but not limited to: counseling services; driver education or traffic safety programs; mental health, substance abuse, or other treatment programs; parenting classes; private probation services; and similar types of services.

The “Commentary” to Canon 3(C) is hereby amended by adding the following new second paragraph:

It is increasingly more common for trial judges, either directly or acting through court employees or court-affiliated agencies, to refer litigants to a variety of community resources. For example, litigants may be required by a court to complete treatment programs, parenting classes, driver education or traffic safety programs, etc., or to be monitored by private probation services. Section 3(C)(5) requires that such referrals be made impartially and on the basis of merit, and without nepotism or favoritism. This requirement complements other provisions, e.g., Section 2(A) and (B), Section 3(E), and Section 4(A) and (D), which may apply to such referrals.

This amendment shall become effective on July 1, 2005.

It is so ORDERED.

FOR THE COURT:

FRANK F. DROWOTA, III, CHIEF JUSTICE