

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**FILED**  
04/30/2018  
Clerk of the  
Appellate Courts

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE  
10, CANON 2, RULE OF JUDICIAL CONDUCT 2.9, COMMENT 4**

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**No. ADM2018-00776**

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**ORDER**

The Court is considering an amendment to Tennessee Supreme Court Rule 10, Canon 2, Rule of Judicial Conduct 2.9, Comment 4, to support the assistance provided to individuals through therapeutic and problem-solving courts. The proposed amendment is set out in the attached Appendix to this Order.

The Court hereby publishes the proposed amendment for public comment and solicits written comments from the bench, the bar, and the public. The deadline for submitting written comments is May 30, 2018. Written comments may be emailed to [appellatecourtclerk@tncourts.gov](mailto:appellatecourtclerk@tncourts.gov) or mailed to:

James M. Hivner, Clerk  
Re: Tenn. Sup. Ct. R. 9, section 32  
Tennessee Appellate Courts  
100 Supreme Court Building  
401 7th 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 Appendix, to LexisNexis and to Thomson Reuters. In addition, this Order, including the Appendix, shall be posted on the Court's website.

It is so ORDERED.

PER CURIAM

## APPENDIX

### TENN. SUP. CT. R. 10, CANON 2, Rule of Judicial Conduct 2.9, Comment 4 [New text is indicated by underlining/Deleted text is indicated by striking]

- [4] A judge may initiate, permit, or consider ex parte communications authorized by law. When serving on a therapeutic or problem-solving court, including but not limited to a mental health court, ~~or~~ a drug recovery court, a veteran's court, or a behavioral health recovery oriented compliance docket, judges may assume a more interactive role with parties, treatment providers, probation officers, social workers, and others. However, if this ex parte communication becomes an issue at a subsequent adjudicatory proceeding in which the judge is presiding, the judge shall either (1) disqualify himself or herself if the judge gained personal knowledge of disputed facts under RJC 2.11(A)(1) or the judge's impartiality might reasonably be questioned under RJC 2.11(A) or (2) make disclosure of such communications subject to the waiver provisions of RJC 2.11(C).