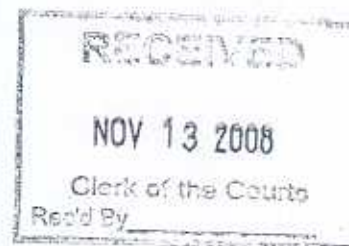


M 2008-02589-5C-RLI-RL



November 13, 2008



The Honorable Michael Catalano
Clerk, Tennessee Supreme Court
Supreme Court Building, Room 100
401 Seventh Avenue North
Nashville, TN 37219

IN RE: AMENDMENT TO TENNESSEE SUPREME COURT
RULE 21, SECTION 4.07(c) RELATIVE TO CLE
ETHICS & PROFESSIONALISM CREDIT FOR
PRO BONO SERVICE

Dear Mike:

Attached for filing please find an original and six copies of a Petition in
reference to the above new matter.

As always, thank you for your cooperation. I remain,

Very truly yours,

Allan F. Ramsaur
Executive Director

cc: Chief Justice Janice Holder
Justice Cornelia Clark
Justice Gary Wade
Justice Bill Koch
Justice Sharon Lee
George T. Lewis, President, Tennessee Bar Association
Debra L. House, Chair, Access To Justice Committee
William L. Harbison, General Counsel, Tennessee Bar Association
Randy Chism, Chair, Tennessee Commission on Continuing Legal
Education and Specialization
David Shearon, Executive Director, Tennessee Commission on
Continuing Legal Education and Specialization
Daniel Clayton, President, Tennessee Association for Justice
Barbara Zoccola, President, Memphis Bar Association
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FILED

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

2008 NOV 13 AM 9:10

AFFILIATE COURT CLERK
NASHVILLE

IN RE: AMENDMENT TO TENNESSEE
SUPREME COURT RULE 21,
SECTION 4.07(c) RELATIVE TO
CLE ETHICS & PROFESSIONALISM
CREDIT FOR PRO BONO SERVICE

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No. _____

PETITION

The Tennessee Bar Association ("TBA"), by and through its President, George T. Lewis; Chair, TBA Access To Justice Committee, Debra House; General Counsel, William L. Harbison; and, Executive Director, Allan F. Ramsaur; the Tennessee Commission on Continuing Legal Education and Specialization ("TCCLES"), by and through its Chair, Randy Chism and Executive Director David Shearon; the Tennessee Association for Justice ("TAJ"), by and through its President, Daniel L. Clayton; and the Tennessee Lawyers Association for Women ("TLAW"), by and through its President, Barbara M. Zoccola, petition this Honorable Court to amend TN. Sup. Ct. Rule 21, Section 4.07(c) to permit ethics & professionalism credit at the rate of one (1) hour of credit for every five (5) billable hours of pro bono legal representation.

BACKGROUND

In January 1999, the Tennessee Supreme Court became the first in the country to amend its rules to permit the Commission on Continuing Legal Education & Specialization to credit pro bono service for ethics & professionalism credit under Tennessee's mandatory continuing legal education program. This effort acknowledges and encourages the contributions many lawyers make in providing representation to the public and in fulfilling a lawyer's ethical obligations to provide legal counsel to the poor.

According to the ABA Center for Pro Bono, some six (6) other states have joined Tennessee in adopting features of their CLE program permitting credit towards mandatory CLE requirements for pro bono representation. Four (4) of those states – Delaware, New York, Minnesota and Washington – permit credit at the rate of six (6) hours of representation for each one (1) hour of credit, and two other states – Colorado and Wyoming – permit one (1) hour of credit for each five (5) hours of pro bono service.

**1. THE TENNESSEE SUPREME COURT SHOULD AMEND ITS RULES
TO PERMIT LAWYERS TO RECEIVE ONE (1) HOUR OF ETHICS &
PROFESSIONALISM CREDIT FOR EACH FIVE (5) HOURS OF
PRO BONO REPRESENTATION.**

As part of the broad 4ALL initiative advancing access to justice as the primary objective of the TBA during this year, the TBA has undertaken a thorough examination of all of the features of ethics and lawyer regulation in Tennessee to determine ways in which the policy and objectives of the bar and court on the vital issue of access to justice can be enhanced. In undertaking that review, the TBA Access To Justice Committee recommended and Board of Governors unanimously recommended this change in policy as a way to encourage more lawyers to participate in pro bono representation.

According to commission records, 847 lawyers took advantage of this requirement last year representing more than 12,300 hours of service. At its meeting on October 22, the TCCLES reviewed this recommendation by the TBA and offered its unanimous support for this change in policy with a modification in which the TBA concurs. The modification is that the rule be adopted for a period of five (5)

years and that the TCCLES and the TBA undertake to study the impact of the change to assure that it is having the desired result of encouraging more lawyers to undertake more pro bono service. Attached as Exhibit A is Tn. Sup. Ct. Rule 4.08(c) as it would be modified under this proposal.

CONCLUSION

For the reasons stated, the TBA with the concurrence of the TCCLES respectfully recommends the modification of the policy on CLE credit for pro bono representation in order to enhance pro bono recruitment efforts.

RESPECTFULLY SUBMITTED,

By: /s/ by permission

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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 "B" by regular U.S. Mail, postage prepaid on November 13, 2008



Allan F. Ramsaur

Exhibit "A"

Rule 21. Rule for mandatory continuing legal education.

Sec. 4. Continuing Legal Education Credits.

(c) Ethics and professionalism credit at the rate of one hour of credit for every ~~eight~~ five billable hours of pro bono legal representation provided through court appointment, an organized bar association program or legal services organization, or of pro bono mediation services as required by Tennessee Supreme Court Rule 31 or the Federal Court Mediation Programs established by the United States District courts in Tennessee. The change in the number of billable hours from eight (8) per one hour of credit to five (5) shall be effective from and after the date of the order authorizing the change and shall lapse in five (5) years unless renewed by the Court. The TCCLES shall study the effect of the change in recruitment of lawyers to undertake pro bono representation and report the effect of the change.