

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: AMENDMENT TO RULE 9, SECTION 20.11,
RULES OF THE TENNESSEE SUPREME COURT**

No. M2009-01818-SC-RL2-RL

ORDER

On June 27, 2008, the Tennessee Bar Association filed a petition entitled *In Re: Pro Bono Service Rules Amendments*, proposing several rule amendments and also asking this Court to consider requiring each Tennessee lawyer “to respond to a request for a report of the number of hours spent per year on pro bono legal services.” In an order filed April 3, 2009, this Court referred the reporting issue to the Access to Justice Commission for its consideration and recommendation. On August 6, 2009, the Access to Justice Commission submitted to this Court a draft proposed amendment adopting a new section 20.11 to Tenn. Sup. Ct. R. 9. After revising the proposed amendment to provide for voluntary, rather than mandatory, reporting of pro bono activities, this Court, on September 3, 2009, published the proposed amendment for public comment and set September 30, 2009, as the deadline for submitting written comments.

Following expiration of the public-comment period, and after due consideration of the comments received, the Court hereby amends Tenn. Sup. Ct. R. 9 by adopting a new section 20.11, as set out in the attached Appendix to this order.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters/West. In addition, this order shall be posted on the Tennessee Supreme Court’s website.

FOR THE COURT:



JANICE M. HOLDER, CHIEF JUSTICE

APPENDIX A

*AMENDMENT TO TENN. SUP. CT. R. 8,
NEW SECTION 20.11*

20.11. Every lawyer who is required by section 20.5 to file an annual registration statement with the Board of Professional Responsibility is requested to also voluntarily file a pro bono reporting statement, reporting the extent of the lawyer's pro bono legal services and activities during the previous calendar year. In reporting the extent of the lawyer's pro bono legal services and activities, the lawyer is requested to state whether or not the lawyer made any voluntary financial contributions pursuant to Tenn. Sup. Ct. R. 8, RPC 6.1(c), but the lawyer shall not disclose the amount of any such contributions.

The pro bono reporting statement shall be provided to the lawyer by the Board of Professional Responsibility with the lawyer's annual registration statement. The lawyer is requested to complete the pro bono reporting statement and file it with his or her annual registration statement.

The pro bono reporting statement shall be promulgated by the Board of Professional Responsibility in substantially the following format:

Many attorneys freely give their time and talents to improve our profession, our system of justice and our communities. Gathering information about this volunteer work by lawyers is essential to efforts to obtain and to maintain funding for civil and criminal legal services for the indigent and for promoting and maintaining the image of the legal profession. For that reason, the Supreme Court of Tennessee requests that you voluntarily report the extent of your pro bono activities in the preceding calendar year.

(1) I hereby report that in [year] , I worked approximately:

 hours in providing legal services without fee or expectation of fee to persons of limited means, *see* Tenn. Sup. Ct. R. 8, RPC 6.1(a)(1);

 hours in providing legal services without fee or expectation of fee to charitable, religious, civic, community, governmental, and educational organizations in matters that are designed primarily to address the needs of persons of limited means, *see* Tenn. Sup. Ct. R. 8, RPC 6.1(a)(2);

____ hours in the delivery of legal services at no fee or at a substantially reduced fee to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights, or charitable, religious, civic, community, governmental, and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate, *see* Tenn. Sup. Ct. R. 8, RPC 6.1(b)(1);

____ hours in the delivery of legal services at a substantially reduced fee to persons of limited means, *see* Tenn. Sup. Ct. R. 8, RPC 6.1(b)(2);

____ hours participating in activities for improving the law, the legal system, or the legal profession, *see* Tenn. Sup. Ct. R. 8, RPC 6.1(b)(3).

(2) I voluntarily contributed financial support to organizations that provide legal services to persons of limited means, *see* Tenn. Sup. Ct. R. 8, RPC 6.1(c): ___ yes; ___ no. (Please do not disclose the amount of any such contributions.)

The Board of Professional Responsibility may promulgate such forms, policies and procedures as may be necessary to implement this rule.

The individual information voluntarily provided by lawyers in the pro bono reporting statements filed pursuant to this section shall be confidential and shall not be a public record. The Board of Professional Responsibility shall not release any individual information contained in such statements, except as directed in writing by the Tennessee Supreme Court or as required by law. The Board, however, may compile statistical data derived from the statements, which data shall not identify any individual lawyer, and may release any such compilations to the public.

[end of Appendix A]