

FILED

NOV 20 2012

Clerk of the Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: ADR COMMISSION'S PETITION FOR THE ADOPTION OF
AMENDED TENN. SUP. CT. RULE 31**

No. M2012-02328-SC-RL1-RL - Filed: November 20, 2012

ORDER

On November 2, 2012, the Alternative Dispute Resolution Commission filed a petition asking the Court to amend Sections 11(b)(6) and 11(b)(12) of Rule 31, Rules of the Tennessee Supreme Court. The Commission's proposed amendments are set out in the attached Appendix to this Order.

The Court hereby publishes the proposed amendments for public comment and solicits written comments from the bench, the bar, and the public. The deadline for submitting written comments is Friday, January 25, 2013. Written comments should be addressed to:

Michael W. Catalano, Clerk
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

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

IT IS SO ORDERED.

PER CURIAM

APPENDIX

Alternative Dispute Resolution Commission's Proposed Amendments to Tenn. Sup. Ct. R. 31

(proposed new text indicated by underlining)

Rule 31, Section 11(b)(6).

Notwithstanding any other provision in this Rule, at any time while the Grievance Committee has jurisdiction, it or its designated chair may meet with the complainant and the mediator, jointly or separately, in an effort to resolve the matter. The resolution may include sanctions if agreed to by the mediator. If sanctions are accepted, all relevant documentation shall be forwarded to the ADRC Chair. These meetings may be in person, by video-conference or teleconference at the discretion of the Committee.

Rule 31, Section 11(b)(12).

The ADRC will then hear the complaint de novo, and without a presumption of correctness, sitting without those members who served on the Grievance Committee that initially heard the complaint. An appealing party shall submit a brief describing the issues and matters for which the appealing party seeks a ruling and decision of the ADRC. This shall be submitted to the ADRC within 45 days after the request for review by the ADRC. The brief shall be served on all other parties. Other parties shall submit a responsive brief within 30 days after the receipt of the appealing party's brief. If the parties can agree to limit the evidence and issues to be presented for review, the ADRC may choose to accept those limitations. The full record of the subject disciplinary process, including the findings of the Grievance Committee, shall be made available to the ADRC during the review process.