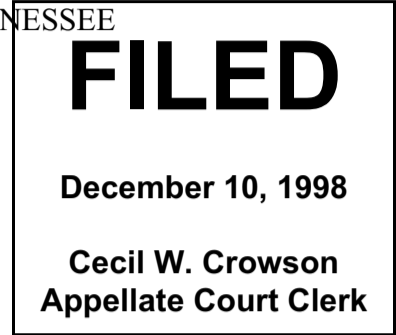


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: PETITION OF THE TENNESSEE)
COMMISSION ON CONTINUING LEGAL)
EDUCATION AND SPECIALIZATION)
TO AMEND TENNESSEE SUPREME)
COURT RULE 21)

NO. 01S01-9803-OT-00044

ORDER

On March 6, 1998, the Commission on Continuing Legal Education and Specialization filed in this Court a petition asking the Court to amend Supreme Court Rule 21 to modify and expand various provisions relative to the duties of the Commission and to the methods by which CLE credit may be earned. Prior to filing this petition with the Court, the Commission sought comments from the Bar Associations throughout the state as well as from individuals. To insure broad dissemination of the proposed changes and to provide an opportunity for Tennessee attorneys to comment, the Commission prepared a "Discussion Draft" of the proposed amendments, dated September 26, 1997, which was mailed to all State, Local and Speciality Bar Associations, and to All Pro Bono Committees in Tennessee. On October 17, 1997, the Commission posted this Discussion Draft on its Internet site. The Commission also included the text of the "Discussion Draft" in the Fall, 1997, *Requirements* newsletter which was mailed to all Tennessee attorneys. At the end of the comment period, the Commission revised the "Discussion Draft" to incorporate several suggestions made by individuals and bar groups. The Commission then filed the petition, with the comments attached as Exhibit A in this Court.

The proposed amendments raised issues of important public policy and on March 31, 1998, this Court entered an order soliciting public comments on the proposed amendments from the bar and the public. After the receipt of written responses, on October 6, 1998, this Court held a public hearing on the matter and received comments and

argument from the Commission on Continuing Legal Education and Specialization and from interested bar associations.

The written and oral comments of individuals and bar associations to the petition to amend Rule 21 provided assistance to the Court and the Court gratefully acknowledges their views and responses. NOW, THEREFORE, it is ORDERED, that Rule 21 of the Rules of the Supreme Court of Tennessee is amended as follows:

Section 1. Commission on Continuing Legal Education

Amend Section 1.02 by adding Section (c):

(c) to monitor developments in the operation of this rule, and to design, promulgate for discussion, test and recommend to this Court modifications to the Continuing Legal Education program in Tennessee as deemed appropriate by the Commission. In furtherance of this particular responsibility, the Commission may, with prior Court approval, from time to time, adopt by regulation, after notice and an opportunity to comment to the bar and CLE providers in Tennessee, new accreditation standards, evaluation programs, and other similar programs for trial periods not to exceed 42 months in duration.

Section 2. Scope and Exemptions

Amend Section 2.05 by deleting the current “exemption” in its entirety, and instead stating:

2.05 An attorney may receive 12 hours of general continuing legal education credit, and three hours of ethics and professionalism credit, for passing the bar examination of any

state, any examination required by a certification program approved under this Rule, or the examination for admission to practice before the United States Patent and Trademark Office. In addition, an attorney may receive three hours of ethics and professionalism credit for passing either the ethics portion of a bar examination of any state or the Multi-state Professional Responsibility Examination. The maximum to be earned by passing any and all bar examinations in a given year is 12 hours of general credit and 3 hours of ethics/professionalism credit.

Section 4. Continuing Legal Education Credits

Amend Section 4.03 by adding the underlined language to the first sentence of the second paragraph of that section.

“Credit may also be earned through teaching in an approved law school, or teaching law-related courses at the undergraduate or graduate level in an approved college or university.”

Section 4.07

The Commission may, in its discretion, award:

(a) up to one-half of the annual requirement to attorneys for participation as members of governmental commissions, committees, or other governmental bodies, at either the state or national level, involved in formal sessions for review of proposed legislation, rules or regulations,

(b) up to the full annual requirement for writing articles concerning substantive law, the practice of law, or the ethical and professional responsibilities of attorneys if the articles

are published in approved publications intended primarily for attorneys; credit shall not be awarded to a named author when the actual principal author was another person acting under the direction or supervision of the named author. In requesting credit under this subsection, the attorney shall provide the Commission with an affidavit stating the facts of authorship.

(c) ethics and professionalism credit at the rate of one hour of credit for every eight 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.

It is so ORDERED this the ____ day of December, 1998.

Chief Justice E. Riley Anderson

Justice Frank F. Drowota, III

Justice Adolpho A. Birch, Jr.

Justice Janice M. Holder

Justice William M. Barker