

In the Supreme Court of Tennessee

At Nashville

FILED

May 7, 1998

**Cecil W. Crowson
Appellate Court Clerk**

In Re: Rule 21, Rules of the Supreme Court of Tennessee

Order Amending Rule 21, Section 7

Rule 21, Section 7, Subsections 7.02 and 7.03 are hereby amended by deleting the material stricken below and adding the underlined words:

Section 7. Noncompliance and Sanctions

7.01 As soon as practicable after January 31 of each year, commencing January 31, 1988, the Commission shall compile:

(a) A list of those attorneys who have not filed an Annual Report for the prior calendar year; and

(b) A list of those attorneys who have filed an Annual Report indicating they have not complied with the requirements of Section 3 of this Rule.

7.02 The Commission shall then serve on each attorney whose name appears upon the two lists ~~an~~ order a Notice of Non-completion requiring the attorney to remedy his/her deficiencies within ninety (90) days or the Commission will recommend to the Supreme Court at the expiration of the ninety (90) days that his/her license to practice law be suspended. Service upon the delinquent attorney shall be by registered or certified mail at the address shown in the most recent registration statement filed by respondent pursuant to Supreme Court Rule 9, Section 20.5 or other last known address. Respondent shall then have ninety (90) days from the date of the ~~order~~ Notice of Non-completion to comply with the Rule. Respondents may during the ninety (90) days furnish the Commission with an affidavit:

(a) Indicating that the attorney has complied with the requirement prior to the expiration of the ninety (90) days; or

(b) Setting forth a valid excuse for failure to comply with the requirement because of illness or other good cause.

Any attorney failing to establish compliance with the requirements of this Rule before expiration of ninety (90) days following service of the ~~order to remedy~~ Notice of Non-completion shall be required to pay, in addition to any other fees due, the sum of One Hundred (\$100.00) Dollars to the Commission to be deemed in compliance with this Rule. Payment of this fee may be waived by the Commission in extraordinary circumstances. Absent such waiver, any attorney failing to pay this fee shall be deemed to be in non-compliance with this Rule and such attorney's name shall be submitted to the Supreme Court for suspension of his or her license even if all other requirements of this Rule have been satisfied.

7.03 At the expiration of ninety (90) days from the date of the ~~order~~ Notice of Non-completion the Commission shall prepare and forward to the Supreme Court for its consideration an order suspending from the practice of law each attorney with an active license who has failed to file an affidavit satisfactory to the Commission as described in (a) or (b) above. The Commission shall also notify the Board of Professional Responsibility of the failure to comply with the terms of this Rule by attorneys who have retired, taken inactive status, been suspended, or whose license to practice law in this state is otherwise inactive. The Board of Professional Responsibility shall not reactivate the license of any attorney failing to comply with the terms of this Rule until the Commission certifies completion of a program of remedial continuing legal education satisfactory to the Commission.

Entered this ____ day of May, 1998.
