

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

April 15, 1999

Cecil Crowson, Jr.
Appellate Court Clerk

IN RE: **AMENDMENTS TO SUPREME COURT RULE 7, PREFACE AND
SECTIONS 2.01, 3.11, 4.02, 6.02, 8.02, 10.04, 12.15 AND 14.01**

ORDER

Supreme Court Rule 7, which governs the licensing of attorneys to practice law in Tennessee, is amended as follows:

1. The following Preface is added at the beginning of Rule 7:

The Board of Law Examiners for the State of Tennessee is created as a part of the judicial branch of government by the Supreme Court of Tennessee pursuant to its inherent authority to regulate courts. The Supreme Court appoints the members of the Board and has general supervisory authority over all the Board's actions. Admission to practice law is controlled by the Supreme Court, which acts on the basis of the certificate of the State Board of Law Examiners.

2. Subsection (c) is added to Section 2.01:

(c) The Board in its discretion may waive the requirement of graduation from an accredited undergraduate school if the applicant has graduated from a law school accredited by the American Bar Association.

3. Section 3.11 is added at the end of Article III:

Section 3.11 Applicants with Disabilities. The bar examination shall be administered to all eligible applicants in a manner that does not discriminate against applicants with proven disabilities. An applicant who is otherwise eligible to take the Tennessee bar examination may request a modification of the manner in which the examination is administered if, by reason of a disability, such applicant is unable to take the examination under normal testing conditions. An applicant requesting non-standard testing conditions should make written request to the Board to obtain the necessary forms and procedures and shall complete and file same with the Board not less than thirty (30) days before the deadline for filing the application, except when the disability first occurs after the filing deadline. Because the forms and procedures are detailed, requiring the applicant to attach statements from law school officials and treating professionals, any applicant requesting non-standard testing conditions is encouraged to request, complete, and submit the necessary forms to the Board as early as possible to permit an evaluation of the request. To the extent practicable, any accommodations requested shall be consistent with the security and integrity of the examination.

4. Section 4.02 is amended by inserting the following after the first sentence and before the second sentence:

The Board may in its discretion use questions prepared by the National Conference of Bar Examiners for the Multistate Essay Examination.

5. Section 6.02 is amended by deleting subsection (b) and substituting the following new section (b):

(b) The members of each investigating committee shall be appointed from time to time by the Supreme Court and shall serve at the pleasure of the Court.

6. Section 8.02(a) is amended by adding the phrase “upon timely written request of the applicant” after the word “waive.”
7. Section 10.04 is amended by deleting the first paragraph in its entirety and substituting the following:

Any Tennessee resident who shall have graduated from a law school accredited by the American Bar Association or approved by the Tennessee Board of Law Examiners, as provided in this Rule and who establishes preliminary eligibility to take the examination given by the Board, shall be permitted to engage in practice on a limited and conditional basis. To obtain preliminary eligibility the applicant must submit a written request to the Board, which shall include a Notice of Intent and application to take the bar examination in Tennessee and written verification from an appropriate supervisor undertaking the duties to supervise the applicant under these provisions. The limited and conditional practice of the applicant shall comply with the following guidelines:

8. Section 12.15 is added to Article XII:

Section 12.15 Immunity.

(a) The Board of Law Examiners, and its members, employees, and agents are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of their official duties relating to the examination, character, and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(b) Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm or institution, without malice, to the Board of Law Examiners, or to its members, employees or agents, are privileged, and civil suits for damages predicated thereon may not be instituted.

9. Section 14.01 is amended by adding the following sentence after the third sentence:

The Board shall have 30 days after filing of any such petition within which to file a response.

These amendments shall take effect May 1, 1999.

IT IS SO ORDERED.

FOR THE COURT:

E. RILEY ANDERSON, Chief Justice