

FILED

JAN 28 2016

Clerk of the Courts
Rec'd By _____

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9,
SECTION 32.9**

No. ADM2015-02478

ORDER

On December 28, 2015, the Board of Professional Responsibility (“Board”) filed a petition seeking to amend Tennessee Supreme Court Rule 9, section 32.9, to allow the Board to share attorney registration information with other Supreme Court agencies such as the Tennessee Commission on Continuing Legal Education and Specialization; the Lawyers’ Fund for Client Protection; the Board of Law Examiners; and the Tennessee Lawyers Assistance Program. The Court has determined to solicit public comments on the Board’s proposed amendment.

Accordingly, the Court solicits written comments regarding the Board’s proposed amendment from judges, lawyers, bar associations, members of the public, and any other interested parties. A copy of the Board’s petition and proposed amendment is attached as an appendix to this Order. The deadline for submitting written comments is Monday, February 29, 2016. Written comments should be addressed to:

James M. Hivner, Clerk
RE: Tenn. Sup. Ct. R. 9
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

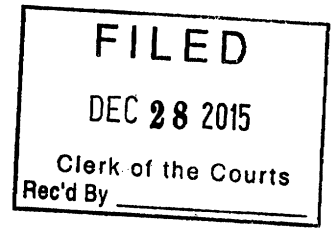
and should reference the docket number set out above.

The Clerk shall provide a copy of this Order, including the appendix, to LexisNexis and to Thompson Reuters. In addition, this Order, including the appendix, shall be posted on the Tennessee Supreme Court’s website. **IT IS SO ORDERED.**

PER CURIAM

APPENDIX

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9,
SECTION 32.9

No. ADM 2015-02478

PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9

Comes now the Board of Professional Responsibility of the Supreme Court of Tennessee (Board), and respectfully petitions this Honorable Court to amend Tennessee Supreme Court Rule 9, Section 32.9, to allow the Board to share attorney registration information with other Supreme Court agencies such as the Tennessee Commission on Continuing Legal Education and Specialization (CLE); the Lawyers' Fund for Client Protection (LFCP); the Board of Law Examiners (BLE); and the Tennessee Lawyers Assistance Program (TLAP).

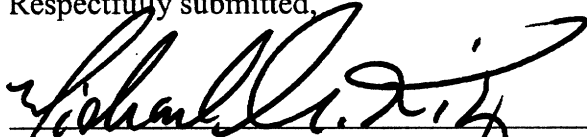
The Tennessee Commission on Continuing Legal Education and Specialization ("CLE"); the Lawyers' Fund for Client Protection ("LFCP"); the Board of Law Examiners ("BLE"); and the Tennessee Lawyers Assistance Program ("TLAP") rely on the Board's repository of current attorney registration information. Tenn. Sup. Ct. R. 9, § 10.1 generally provides that personal contact information of attorneys is confidential and not public record; however, these Supreme Court agencies would benefit from having access to personal contact information in case the agency was unsuccessful at contacting the attorney using his/her office information.

Further, any personal contact information shared by the Board with these agencies will remain confidential pursuant to Tenn. Sup. Ct. R. 7, § 12.11; Tenn. Sup. Ct. R. 25 § 17; Tenn. Sup. Ct. R. 21, § 6.03; and Tenn. Sup. Ct. R. 33.10, which already makes the records of CLE, LFCP, BLE and TLAP confidential.

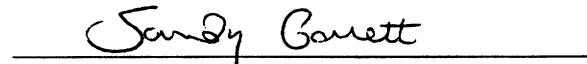
The Board respectfully proposes additional language to Tenn. Sup. Ct. R. 9, § 32.9 as set forth in attached Exhibit A.

For the foregoing reason, the Board respectfully requests this Court enter an Order amending Tenn. Sup. Ct. R. 9, § 32.9.

Respectfully submitted,

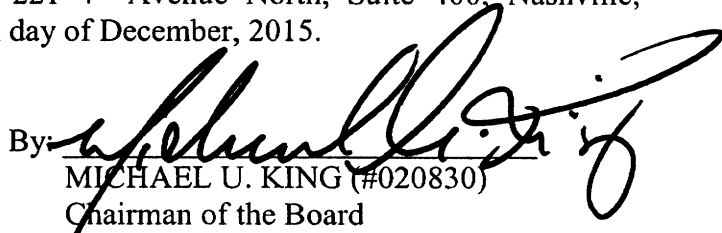

Michael King, Chair (BPR No. 020830)
Board of Professional Responsibility

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Huntingdon, TN 38344-0667


Sandy Garrett, (BPR No. 013863)
Chief Disciplinary Counsel
Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
(615) 361-7500

CERTIFICATE OF SERVICE

I certify that the foregoing has been mailed to Allan F. Ramsaur, Esq., Executive Director, Tennessee Bar Association, 221 4th Avenue North, Suite 400, Nashville, Tennessee by U.S. mail, on this the 11th day of December, 2015.

By: 
MICHAEL U. KING (#020830)
Chairman of the Board

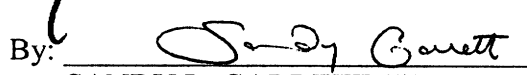
By: 
SANDY L. GARRETT (#013863)
Chief Disciplinary Counsel

Exhibit A

32.9 The provisions of this Rule shall not be construed to deny access to relevant information to authorized agencies investigating the qualifications of judicial candidates; or to other jurisdictions investigating qualifications for admission to practice; or to law enforcement agencies investigating qualifications for government employment; or to prevent the Board from reporting evidence of a crime by an attorney or other person to courts or law enforcement agencies; or to prevent the Board from reporting to the Tennessee Lawyer Assistance Program evidence of a disability that impairs the ability of an attorney to practice or serve; or to prevent the Board or Disciplinary Counsel from making available to the Tennessee Lawyers' Fund for Client Protection information relevant to any claim pending before the Fund; or to prevent the Board from making available all attorney registration information to the Tennessee Commission on Continuing Legal Education and Specialization; the Lawyers' Fund for Client Protection; the Board of Law Examiners; and the Tennessee Lawyers Assistance Program; or to prevent the Board or Disciplinary Counsel from defending any action or proceeding now pending or hereafter brought against either of them. In addition, Chief Disciplinary Counsel shall transmit notice of all public discipline imposed by the Court on an attorney or the transfer to inactive status due to disability of an attorney to the National Discipline Data Bank maintained by the American Bar Association.