

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
09/07/2018
Clerk of the
Appellate Courts

**IN RE: AMENDMENT OF RULE 7, RULES OF THE TENNESSEE
SUPREME COURT**

No. ADM2018-01627

ORDER

On April 19, 2018, this Court entered an order soliciting comments with regard to proposed revisions to Tennessee Supreme Court Rule 6, which would have required “new attorneys to complete a Tennessee Law Course within one year of admission to the Tennessee bar.” The Court received comments from the Tennessee Bar Association, the Knoxville Bar Association, University of Tennessee law professors, and several interested individuals. The overwhelming majority of responses favored the adoption of a Tennessee Law Course as a preadmission requirement. Similarly, the Tennessee Board of Law Examiners submitted a proposal for adopting the Tennessee Law Course as a preadmission requirement under Supreme Court Rule 7.

After due consideration, the Court hereby solicits additional comments from judges, lawyers, bar associations, members of the public, and any other interested parties with respect to the attached proposed revisions to Tennessee Supreme Court Rule 7. The deadline for submitting written comments is Friday, September 28, 2018. Comments should reference the above docket number and should be e-mailed to appellatecourtclerk@tncourts.gov or mailed to: James M. Hivner, Clerk, Tennessee Appellate Courts, 100 Supreme Court Building, 401 7th Avenue North, Nashville, TN 37219-1407.

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

PER CURIAM

RULE 7: LICENSING OF ATTORNEYS.

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Appellate Courts

PREFACE

The Board of Law Examiners for the State of Tennessee (~~herein,~~ the “Board”) is created as a part of the judicial branch of government by the Supreme Court of Tennessee ~~pursuant to~~under its inherent authority to regulate courts. The Supreme Court appoints the members of the Board ~~of Law Examiners~~ and has general supervisory authority over all the Board’s actions. ~~Admission to The Supreme Court controls admission to the~~ practice of law ~~is controlled by the Supreme Court,~~ which ~~and~~ acts on the basis of the ~~certificate of the Board.~~Board’s Certificate of Eligibility.

ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE

Sec. 1.01. Prerequisites to Engaging in Practice of Law or Law Business.

No person shall engage in the “practice of law” or the “law business” in Tennessee as defined in T.C.A. § 23-3-101 and Tenn. Sup. Ct. R. 9, § 10.3(e), except ~~pursuant to~~under the authority of ~~this~~the Supreme Court, unless the person:

(a) ~~he or she~~ has been:

- (1) admitted to the bar of the Supreme Court in accordance with Tenn. Sup. Ct. R. 6; and
- (2) issued a license by the Supreme Court in accordance with this Rule and after having been administered the oath in accordance with Tenn. Sup. Ct. R. 6 as set forth in this Rule; or

(b) ~~he or she~~ has been granted permission to engage in special or limited practice under ~~the provisions of~~ sections 5.01(g), 10.01, 10.02, 10.03, 10.04, or 10.06 of this Rule; or

(c) ~~he or she~~ is practicing in compliance with Tenn. Sup. Ct. R. 8, RPC 5.5(c), Tenn. Sup. Ct. R. 8, RPC 5.5(d), or Tenn. Sup. Ct. R. 19 (pro hac vice).

Sec. 1.02. License; Certificate of Eligibility Required.

The Supreme Court shall grant a license evidencing admission to the bar of Tennessee only upon presentation of a Certificate of Eligibility issued by the Board ~~pursuant to~~under section 9.01 of this Rule. The applicant ~~must~~shall comply with Tenn. Sup. Ct. R. 6 and obtain ~~his or her~~the license ~~within two years of~~ on or before the first of the following to occur:

(a) expiration of bar examination or transferred UBE scores as provided in sections 3.05(b) and 4.07(c); or

(b) two years from:

- (1) the date of the notice that the applicant successfully passed the bar examination; or
- ~~(1)~~(2) the date of the notice of the Board’s approval of the application for admission under section 3.05, ~~or~~ Article V, or section 10.06 of this Rule.

~~(b)~~(c) All ~~bar examination scores and~~ background investigations are invalid upon ~~the~~ expiration of the ~~applicable~~ two-year period ~~provided in section 4.07(e) of this Rule, except as provided in section 3.05.~~under section 6.03. If the investigation expires after issuance of the Certificate

of Eligibility but prior to licensing and expiration of scores, the applicant must request a supplemental background investigation as provided in section 6.03(b).

Sec. 1.03. Criteria for Issuance of the Certificate of Eligibility.

The Board shall issue a Certificate of Eligibility ~~pursuant to~~under section 9.01 of this Rule only ~~upon its determination~~after determining that the applicant:

- (a) is at least 18 years ~~of age~~old;
- (b) has satisfied the educational requirements for admission specified by this Rule;
- (c) has passed the examination or examinations required by this Rule, or is eligible for admission without examination in Tennessee as hereinafter provided in section 3.05, ~~or~~ Article V, or section 10.06;
- (d) has achieved a passing score on the Multistate Professional Responsibility Examination as provided in section 4.07(d);
- (e) has demonstrated the reputation and character that in the opinion of the Board indicates no reasonable basis for substantial doubts that the applicant will adhere to the standards of conduct required of attorneys in this State; and
- (f) has certified that he or she has read and is familiar with the Tennessee Rules of Professional Conduct;
- (g) has completed the Tennessee Law Course as provided in section 1.07;
- ~~(h)~~(h) has paid all fees for licensing and admission to this Board, the Clerk of the Appellate Court, and the Board of Professional Responsibility; and
- ~~(i)~~(i) has evidenced a commitment to serve the administration of justice in this State.

Sec. 1.04. Waiver of Examination.

If an applicant who has been admitted to practice in another state in the United States, the District of Columbia, or a U.S. Territory ~~ies~~ satisfies the other requirements for admission, and demonstrates competence to practice in Tennessee by meeting the criteria specified in this Rule, the Board may waive the requirement of passing ~~an~~ the Tennessee bar examination or providing a passing Uniform Bar Examination (“UBE”) score as provided in Article V.

Sec. 1.05. Status of Persons Admitted.

All persons admitted to the bar of Tennessee are by virtue of such admission: (a) officers of the courts of Tennessee, eligible for admission to practice in any state court in ~~this State~~ Tennessee, and entitled to engage in the “practice of law” or the “law business” as defined in section 1.01 of this Rule; and (b) subject to the duties and standards imposed from time to time on attorneys in this State.

Sec. 1.06. Existing Licenses.

Nothing in this Rule will be construed as requiring the relicensing of persons holding valid licenses to practice as of the date of its adoption.

Sec. 1.07. Tennessee Law Course.

The Tennessee Law Course is a mandatory course for applicants to the bar of Tennessee. The Tennessee Law Course is intended to provide instruction in specific areas of Tennessee law not addressed by the Uniform Bar Exam.

- (a) The Tennessee Law Course must be successfully completed before an applicant is eligible for admission to the Tennessee bar for the following types of applicants to the bar of Tennessee:
 - (1) Section 3.01, Admission by Examination,
 - (2) Section 3.05, Admission by Transferred Uniform Bar Examination Score,
 - (3) Section 5.01, Admission Without Examination, or
 - (4) Section 10.06, Temporary License of Spouse of Military Service member.
- (b) The Board shall administer the Tennessee Law Course.
- (c) The Supreme Court shall determine the content of the Tennessee Law Course.
- (d) The fee for the Tennessee Law Course shall be set as part of the Schedule of Fees promulgated by the Board of Law Examiners under section 11.01 of this Rule and collected by the Board. The fee is in addition to fees charged for the application for admission to practice law. Applicants must pay the fee before receiving access to the Tennessee Law Course.
- (e) The Tennessee Law Course shall be a digital-exclusive course. The Board shall endeavor to develop the Tennessee Law Course with reasonable regard for (1) standards compliance such that the Tennessee Law Course shall be reasonably accessible to applicants using industry-standard hardware and software and (2) internet speed in typical use. However, the applicant is ultimately responsible for ensuring the adequacy of the applicant's hardware, software, and internet connection.
- (f) The Board shall provide applicants with instructions regarding access to the Tennessee Law Course as follows:
 - (1) Applicants seeking admission under section 3.01 (by examination) shall receive instructions upon completion of the bar examination.
 - (2) Applicants seeking admission under section 3.05 (transferred UBE score), section 5.01 (without examination) or section 10.06 (spouse of military service member) will receive instructions upon approval of their application by the Board.

(g) The Tennessee Law Course must be successfully completed within one year of the date that the applicant completes all other requirements to be eligible for a Tennessee law license. Any applicant who successfully completes the Tennessee Law Course but does not complete all other requirements for eligibility to obtain a law license within such one year period must repeat the Tennessee Law Course prior to admission.

(h) The Tennessee Law Course is not continuing legal education, and no fee under Rule 21, section 8.02 shall be imposed on the Board or any applicant.

(i) No person holding a valid Tennessee license as of the effective date of this Rule shall be required to take the Tennessee Law Course.

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Sec. 10.06. Temporary License of Spouse of a Military Servicemember.

(a) Qualifications. An applicant who meets all of the following requirements listed in (1) through (11) below may be temporarily licensed and admitted to the practice of law in Tennessee, upon approval of the Board. Applicant:

(1) is the spouse of an active duty servicemember of the United States Uniformed Services as defined by the Department of Defense and that servicemember is on military orders stationed in the State of Tennessee or Fort Campbell, Kentucky;

(2) has been licensed and admitted by examination to practice law before the court of last resort in at least one other jurisdiction of the United States;

(3) meets the educational requirements of sections 2.01 and 2.02 of this Rule;

(4) has achieved a passing score on the Multistate Professional Responsibility Examination (MPRE) as it is established in Tennessee at the time of application;

(5) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or been administratively revoked while in good standing from every jurisdiction without any pending disciplinary actions;

(6) is not currently subject to lawyer discipline in any other jurisdiction;

(7) possesses the moral character and fitness required of all applicants for admission and licensing in this State;

(8) is physically residing in Tennessee or Fort Campbell, Kentucky, due to the servicemember's military orders;

(9) has never failed the Tennessee bar examination;

(10) certifies that ~~he or she~~ the applicant has read and is familiar with the Tennessee Rules of Professional Conduct; and

(11) has paid such fees as may be set by the Board.

(b) Application Requirements. Any applicant seeking a temporary license under this section 10.06 to practice law in Tennessee shall:

(1) file an application for Temporary License for Servicemember's Spouse and an application for character investigation, including all required supporting documents, in the manner established by the Board;

(2) submit a copy of the applicant's Military Spouse Dependent Identification and documentation evidencing a spousal relationship with the servicemember;

(3) provide a copy of the servicemember's military orders to a military installation in Tennessee or Fort Campbell, Kentucky, or a letter from the servicemember's command verifying that the requirement in Paragraph (a)(8) of this section is met;

(4) submit certificate(s) of good standing from the highest court of each state to which the applicant has been admitted and disciplinary history(ies) to demonstrate satisfaction of the requirements of paragraph (a)(5) of this section 10.06;

(5) pay the fee established pursuant to section 11.01 of this Rule; and

(6) comply with the provisions of section 1.07 of this Rule.

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- (2) has been licensed and admitted by examination to practice law before the court of last resort in at least one other jurisdiction of the United States;
- (3) meets the educational requirements of sections 2.01 and 2.02 of this Rule;
- (4) has achieved a passing score on the Multistate Professional Responsibility Examination (MPRE) as it is established in Tennessee at the time of application;
- (5) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or been administratively revoked while in good standing from every jurisdiction without any pending disciplinary actions;
- (6) is not currently subject to lawyer discipline in any other jurisdiction;
- (7) possesses the moral character and fitness required of all applicants for admission and licensing in this State;
- (8) is physically residing in Tennessee or Fort Campbell, Kentucky, due to the servicemember's military orders;
- (9) has never failed the Tennessee bar examination;
- (10) certifies that the applicant has read and is familiar with the Tennessee Rules of Professional Conduct; and
- (11) has paid such fees as may be set by the Board.

(b) Application Requirements. Any applicant seeking a temporary license under this section 10.06 to practice law in Tennessee shall:

- (1) file an application for Temporary License for Servicemember's Spouse and an application for character investigation, including all required supporting documents, in the manner established by the Board;

- (2) submit a copy of the applicant's Military Spouse Dependent Identification and documentation evidencing a spousal relationship with the servicemember;
- (3) provide a copy of the servicemember's military orders to a military installation in Tennessee or Fort Campbell, Kentucky, or a letter from the servicemember's command verifying that the requirement in Paragraph (a)(8) of this section is met;
- (4) submit certificate(s) of good standing from the highest court of each state to which the applicant has been admitted and disciplinary history(ies) to demonstrate satisfaction of the requirements of paragraph (a)(5) of this section 10.06;
- (5) pay the fee established pursuant to section 11.01 of this Rule; and
- (6) comply with the provisions of section 1.07 of this Rule.