

PREFACE

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.

ARTICLE I. ADMISSION TO THE BAR OF TENNESSEE

Sec. 1.01. License Required.

No person shall engage in the “practice of law” or the “law business” in Tennessee, except pursuant to the authority of this Court, as evidenced by a license issued in accordance with this Rule, or in accordance with the provisions of this Rule governing special or limited practice. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 1.02. Certificate of Board.

A license evidencing admission to the bar of Tennessee shall be granted by this Court only upon the Certificate of the State Board of Law Examiners (here called the “Board”). [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 1.03. Criteria for Admission.

The Certificate of the Board will be based upon a determination that the applicant: (i) is of the statutory age; (ii) has satisfied the educational requirements for admission specified by this Rule; (iii) has passed the examination or examinations required by this Rule, or is eligible for admission without examination as hereinafter provided in Article V; (iv) has demonstrated such reputation and character as 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 (v) has evidenced a commitment to serve the administration of justice in this State. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 1.04. Waiver of Examination.

In the case of an applicant who has been admitted to practice in another jurisdiction in this country, who satisfies the other requirements for admission, and who demonstrates competence to practice in Tennessee by meeting the criteria specified in this Rule, the Board may waive the requirement of passing an examination as hereinafter provided in Article V. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 1.05. Status of Persons Admitted.

All persons admitted to the bar of Tennessee are by virtue of such admission: (i) officers of the courts of Tennessee, eligible for admission to practice in any court in this State, and entitled to engage in the “law business”; and (ii) subject to the duties and standards imposed from time to time on attorneys in this State. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

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. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

ARTICLE II. EDUCATIONAL REQUIREMENTS FOR ADMISSION

Sec. 2.01. Bachelor and Law Degrees.

To be eligible to take the examination, an applicant must file as part of the application:

(a) Evidence satisfactory to the Board that prior to beginning the study of law, the applicant had received a Bachelor's Degree from a college on the approved list of the Southern Association of Colleges and Secondary Schools, or the equivalent regional accrediting association, or any accreditation agency imposing at least substantially equivalent standards; and

(b) A certificate from the dean or supervising authority of the school of law in which the applicant is enrolled or from which the applicant graduated, that the school is accredited by the American Bar Association, or has been approved by the Board under Section 2.03, and that the applicant has completed all the requirements for graduation and will have the number of credit hours required for graduation by the date of the bar examination. If the latter type of certificate is furnished, a supplemental statement by the dean or other supervising authority must be made showing completion of all requirements for graduation by the date of the examination.

(c) The Board in its discretion may waive the requirement of graduation from an accredited undergraduate school if the applicant has graduated from either: (i) a law school accredited by the American Bar Association or (ii) a law school approved by the Board pursuant to section 2.03.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; as amended by order filed April 15, 1999, effective May 1, 1999. Amended by order filed March 15, 2010, effective as of the date of the Order.]

Sec. 2.02. Approval of Law Schools.

Each applicant to take the examination must have completed a course of instruction in and graduated from a regularly organized law school which was accredited by the American Bar Association at the time of applicant's graduation, or one which has been approved by the Board

pursuant to Section 2.03. [Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992 and by order filed March 23, 2004]

Sec. 2.03. Approval of Tennessee Law Schools Not Accredited by the American Bar Association.

The Board may approve any law school in Tennessee not accredited by the American Bar Association for the purpose of allowing its graduates to be eligible to take the Tennessee bar examination when the standards in this section are met and the Board finds the school is effectively achieving its mission and objectives.

(a) Statement of Mission or Objectives. A school shall adopt a statement of its mission or objectives, which shall include a commitment to a program of legal education designed to provide its graduates with:

(1) An understanding of their professional responsibilities as representatives of clients, officers of the courts, and public citizens responsible for the quality and availability of justice under the law;

(2) A basic legal education through a course of study that develops an understanding of the fundamental principles of public and private law, an understanding of the nature, basis and role of the law and its institutions, and skills of legal analysis and writing, issue recognition, reasoning, problem solving, organization, and oral and written communications necessary to participate effectively in the legal profession.

(b) Organization and Administration. A school shall adopt and maintain an organizational and administrative structure that complies with the following standards:

(1) It shall be governed by, and its general policies shall be established by, a governing board composed of individuals who are not members of its faculty and who are dedicated to fulfilling the mission or objectives of the school.

(2) It shall have a dean, selected by the governing board, to whom the dean shall be accountable; and who shall be provided with the authority and support needed to carry out the responsibilities of the position.

(3) The dean, with the advice of the faculty or its representatives, shall formulate and administer the educational program of the school, including the course of study; methods of instruction; admission; and academic standards for retention, advancement and graduation of students; and shall recommend to the governing board the selection, retention and compensation of the faculty.

(4) Alumni, students and others may be involved in assisting the governing board, the dean and the faculty in developing policies and otherwise in fulfilling the mission or objectives of the school, in a participatory or advisory capacity.

(5) A school shall not be conducted as a commercial enterprise, and the compensation of any person shall not depend on the number of students or on the fees received.

(6) A law school shall foster and maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex or disability.

(c) Faculty. A school shall establish policies with respect to its faculty consistent with the following standards:

(1) A law school shall have a faculty whose members possess a high level of competence and experience as may be demonstrated by education, teaching ability, judicial service, and capacity for legal research and writing.

(2) To be eligible for appointment to the faculty, a person must be a licensed attorney of known ability and integrity. Nothing in this section shall, however, prevent the appointment of other persons of known ability and integrity who are not licensed lawyers to instruct in interdisciplinary courses such as accounting, taxation, legal research, writing skills, and medicine for lawyers.

(3) A law school shall take reasonable steps to ensure the teaching effectiveness of each member of the faculty.

(4) A number of faculty members shall be employed sufficient to fulfill the mission or objectives of the school.

(d) Facilities. A school shall have classrooms, other physical facilities and technological capacities that are adequate for the fulfillment of its mission or objectives.

(e) Library. A school shall maintain a law library, including access to computerized research, sufficient to meet the research needs of its students and facilitate the education of its students consistent with its mission or objectives. The library shall be available to all students at reasonable hours.

(f) Program of Legal Education. A school shall maintain an educational program designed to fulfill its mission or objectives, which program shall be consistent with the following standards:

(1) The educational program shall be designed to qualify its graduates for admission to the bar and to prepare them to participate effectively and honorably in the legal profession.

(2) The course of study shall:

(A) Include instruction in those subjects generally regarded as the core of the law school curriculum, including but not limited to the law school subjects covered on the Tennessee bar examination and listed in section 4.04;

(B) Be designed to fulfill the school's mission or objectives, including those expressed in Subsection (a) above;

(C) Include at least one rigorous writing experience;

(D) Require at least the minimum standards of class hours required from time to time under the American Bar Association standards for approval of law schools for the particular category of school;

(E) Be based on a schedule of classes to meet the minimum standards of class hours, which schedule may include weekend classes;

(F) Include adequate opportunities, and emphasis on, instruction in professional skills, particularly skills in written communication.

(3) A school shall adopt and adhere to sound standards of academic achievement, including:

(A) Clearly stated standards for good standing, advancement and graduation; and

(B) Termination of enrollment of a student whose inability or unwillingness to do satisfactory work is sufficiently manifest so that such student's continuation in school would inculcate false hopes, constitute economic exploitation, or detrimentally affect the education of other students.

(g) Admissions. A school shall adopt and adhere to admission policies consistent with the following standards:

(1) A school's admission policy shall be based on, and consistent with, its mission or objectives.

(2) To be admitted, an applicant must have:

(A) Received a bachelor's degree as provided in Section 2.01; and

(B) Taken an acceptable test for the purpose of assessing the applicant's capability of satisfactorily completing the school's educational program; (the Law School Admission Test sponsored by the Law School Admission Council qualifies as an acceptable test; and the use of any other test must be approved by the Board) and

(C) Satisfied the minimum requirements for admission established by the governing board of the school; and

(D) Satisfied the dean and Admissions Committee that the applicant possesses good moral character.

(3) A law school may not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or disability.

(h) Basic Consumer Information. A school shall publish basic consumer information in a fair and accurate manner, reflective of actual practice, including:

- (1) statement of mission or objectives;
- (2) admission data;
- (3) tuition, fees, living costs, financial aid, and refunds;
- (4) enrollment data and graduation rates;
- (5) composition and number of faculty and administrators;
- (6) description of educational program and curricular offerings;
- (7) library resources;
- (8) physical facilities; and
- (9) placement rates and bar passage data.

(i) Self-Study.

(1) The dean and faculty shall develop and periodically revise a written self-study, including an evaluation of the following topics: the continuing relevance of the school's mission or objectives; the effectiveness of the program of legal education; the appropriateness of the school's admission policies; the significance of the trend in rates of graduation and attrition; and the significance of the trends in the pass/fail rate on the bar examination; the strengths and weaknesses of the school's policies; goals to improve the educational program; and means to accomplish unrealized goals.

(2) The self-study shall be completed every seven years or earlier upon written request of the Board of Law Examiners.

(j) Functions of Board.

(1) The Board of Law Examiners shall determine whether such Tennessee law school has met these educational standards and is effectively achieving its mission and objectives and when such school is entitled to be approved as in good standing with the Board, subject to review by the Supreme Court under the provisions of Rule 7.

(2) The Board is authorized to make inquiry to the school and respond to inquiry by the school and to adopt such additional standards as in its judgment the educational needs of the school may justify, which changes shall be subject to the Court's approval.

(3) The Board may require a school to furnish such information, including periodic reports, as it deems reasonably appropriate for carrying out its responsibilities. The Board may also require a school to furnish information known to school officials relevant to the character and fitness of its students.

(4) The Board may investigate such law schools in accordance with section 2.07, and such investigations shall be confidential to ensure a frank, candid exchange of information and evaluation.

(5) A law school may be granted approval and be in good standing when it establishes to the satisfaction of the Board that it is in compliance with the standards set forth herein and the Board finds the school is effectively achieving its mission and objectives.

(6) If the Board has reasonable cause to believe that a law school does not comply with the standards in section 2.03, and/or the school is not effectively achieving its mission and objectives, it shall inform the school of its apparent non-compliance or failure to effectively achieve its mission or objectives and follow the procedures in sections 2.09, 2.10, 2.11, 2.13 and related sections.

(k) Certification of Compliance. The dean and the chairperson of the board of directors of the law school shall certify annually in writing to the Board of Law Examiners that the school is in compliance with these standards and is effectively achieving its mission and objectives or, if not in compliance or not effectively achieving its mission or objectives, identify areas of non-compliance or other deficiencies, as well as its intention and plan of action to attain compliance.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed December 15, 2000, effective as indicated in the compiler's note.]

Sec. 2.04. No Correspondence Course.

No correspondence course will be accepted by the Board as any part of an applicant's legal education to meet the requirements of this rule.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 2.05. Statement of Status.

In its catalogs or other informational material distributed to prospective students, a law school shall state whether it is accredited by the American Bar Association or has been approved by the Board pursuant to section 2.03. Any law school in Tennessee, which has not been accredited by the American Bar Association or approved by the Board and which advertises in its catalog or

otherwise that it is so accredited or approved, shall not be recognized by the Board as other than a substandard school and will be so classified and disapproved.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed December 15, 2000, effective as indicated in the compiler's note.]

Sec. 2.06. New Law Schools in Tennessee.

Any law school located in Tennessee (whether full-time or part-time), which permits the enrollment of students without first having obtained the written approval of the Board, shall be classified as a substandard school. Its graduates shall be denied permission to take the examination.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 2.07. Investigation and Evaluation by Board.

The Board may investigate and evaluate any law school located in Tennessee, from time to time, with respect to the adequacy of its facilities, faculty and course of study. In addition, representatives of the Board may participate as observers in connection with law school evaluations or investigations conducted from time to time by the American Bar Association in its accreditation process. The refusal of any such school to cooperate or participate in the conduct of such evaluation shall be reported to the Court, which may, after hearing, take such actions as the facts may justify. Each law school located in Tennessee shall furnish to the Board copies of all documentation, including self-study analyses and evaluation reports, prepared, completed or received in connection with such school's accreditation status with the American Bar Association. The investigation of any law school, including all reports, data and other information provided to the Board in connection with approval of the law school's standing with the Board shall be confidential in order to ensure a frank, candid exchange of information.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed December 15, 2000, effective January 13, 2001.]

Sec. 2.08. Site Evaluation of Approved Law Schools.

(a) A site evaluation by the Board of a law school approved by the Supreme Court shall be conducted in the third year following the granting of approval and every seventh year thereafter. The Board may order additional site evaluations of a school when special circumstances warrant.

(b) The Board shall arrange for the site evaluation or inspection of the law school by a team of qualified and objective persons who have no conflicts of interest as defined in section 2.15.

(c) Before the site evaluation, the law school shall furnish to the Board and members of the site evaluation team a completed application (if the school is applying for approval), the current self-

study undertaken by the dean and faculty, and any complaints that the law school is not in compliance with the standards.

(d) The Board shall schedule the site evaluation of the law school to take place during the academic year at a time when regular academic classes are being conducted. A site evaluation usually requires several days, as classes are visited, faculty quality assessed, admissions policies reviewed, records inspected, physical facilities examined, the library assessed, information reviewed, and consultations held with the chairperson of the board, officers of the institution, the dean of the law school, members of the law school faculty, professional staff, law students, and members of the legal community. In the case of a law school seeking approval, such visit shall be scheduled within three months after receipt by the Board of an application for approval.

(e) Following a site evaluation, the team shall promptly prepare a written report based upon the site evaluation. The team shall not determine compliance or non-compliance with the standards, but shall report facts and observations that will enable the Board and the Supreme Court to determine compliance. The report of the team should give as much pertinent information as feasible.

(f) The team shall promptly submit its report to the Board. After reviewing the report, the Board shall transmit the report to the chairperson and the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter transmitting the report, the Board shall include the date on which the Board will consider the report and shall advise that any response to the report must be received by the Board at least fifteen (15) days prior to the date of the meeting at which the Board will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Board mailed the report to the school.

(g) Following receipt of the school's response to the site evaluation report, the Board shall forward a copy of the report with the school's response to members of the Board and the site evaluation team.

(h) The Board may not consider any additional information submitted by the school after the school's response to the report has been received by the Board, unless (1) the information is received in writing by the Board at least fifteen (15) days before the Board meeting at which the report is scheduled to be considered, or (2) for good cause shown, the president of the Board authorizes consideration of the additional information that was not received in a timely manner.

(i) Upon the completion of the procedures, the Board shall consider the law school's evaluation and determine whether the school is in compliance with the standards and is effectively achieving its mission and objectives.

(j) A request for postponement of a site evaluation will be granted only if the law school is in the process of moving to a new physical facility or if extraordinary circumstances exist which would make it impossible for the scheduled site evaluation to take place. The postponement shall not exceed one year.

[Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.09. Action Concerning Apparent Non-Compliance with Standards or Deficiencies in Mission.

(a) If the Board has reasonable cause to believe that a law school does not comply with the standards in section 2.03 or is not effectively achieving its mission or objectives, it shall inform the school of its apparent non-compliance or deficiencies and request the school to furnish by a date certain further information about the matter and about action taken to bring the school in compliance with the standards or correct the deficiencies. The school shall furnish the requested information to the Board within the time prescribed.

(b) If upon a review of the information furnished by the law school in response to the Board's request and other relevant information, the Board determines that the school has not demonstrated compliance with the standards or is not effectively achieving its mission or objectives, the school may be required to appear at a hearing before the Board to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, removed from the list of law schools approved by the Supreme Court, or be subject to other appropriate action.

(c) If the Board finds that a law school has failed to comply with the standards or is not effectively achieving its mission or objectives by refusing to furnish information or to cooperate in a site evaluation, the school may be required to appear at a hearing before the Board to be held at a specified time and place to show cause why the school should not be required to take appropriate remedial action, placed on probation, removed from the list of law schools approved by the Supreme Court, or be subject to other appropriate action.

(d) The Board shall give the law school at least thirty (30) days notice of the show cause hearing. The notice shall specify the school's apparent non-compliance with the standards or its failure to effectively achieve its mission or objectives and state the time and place of the hearing. For good cause shown, the president of the Board may grant the school additional time, not to exceed thirty (30) days. Both the notice and the request for extension of time must be in writing. The Board shall send the notice of hearing to the dean of the school by certified or registered United States mail. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.10. Fact Finder.

(a) The president of the Board may appoint a fact finder to elicit facts relevant to any matter before the Board.

(b) The Board shall furnish the fact finder with a copy of the most recent site evaluation report, any action letters written subsequent to the most recent site evaluation report, notice of hearing and other relevant information.

(c) Following the fact finding visit, the fact finder shall promptly prepare a written report. The fact finder shall not determine compliance or non-compliance with the standards or whether the

school is effectively achieving its mission or objectives, but shall report facts and observations that will enable the Board to determine compliance or deficiencies. The report of the fact finder should give as much pertinent information as feasible.

(d) The fact finder shall promptly submit the report to the Board. After reviewing the report, the Board shall transmit the report to the dean of the law school in order to provide an opportunity to make factual corrections and comments. In the letter of transmittal of the report, the Board shall include the date on which the Board will consider the report. The Board shall further advise the school as to the date upon which their response to the report must be received by the Board, which date shall be at least fifteen (15) days prior to the date of the meeting at which the Board will consider the report. The school shall be given at least thirty (30) days to prepare its response to the report, unless the school consents to a shorter time period. The thirty-day period shall run from the date on which the Board mailed the report to the school.

[Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.11. Hearing on Show Cause Order.

(a) The Board shall have available for review at the show cause hearing:

- (1) The fact finder's report, if any;
- (2) The most recent site evaluation report;
- (3) Any site evaluation questionnaire;
- (4) Any action letters written subsequent to the most recent site evaluation report, which letters direct the school to rectify non-compliance or correct deficiencies;
- (5) Notice of Board hearing; and
- (6) Other relevant information.

(b) Representatives of the law school, including legal counsel, may appear at the hearing and submit information to demonstrate that the school is currently in compliance with all of the standards and is effectively achieving its mission or objectives or to present a reliable plan for bringing the school into compliance with all of the standards and to correct deficiencies within a reasonable time.

(c) The Board may invite the fact finder, if any, and the chairperson or other member of the most recent site evaluation team to appear at the hearing. The law school shall reimburse the fact finder and site evaluation team member for reasonable and necessary expenses incurred in attending the hearing.

(d) After the hearing, the Board shall determine whether the law school is in compliance with the standards and whether it is effectively achieving its mission and objectives and, if not, it shall direct the law school to take remedial action or shall impose sanctions, as appropriate.

(1) Remedial action may be ordered pursuant to a reliable plan for bringing the school into compliance with all of the standards and to help it achieve its mission and objectives.

(2) If matters of non-compliance or deficiencies are substantial or have been persistent, then the Board may recommend to the Supreme Court that the school be subjected to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance or to correct deficiencies.

(3) If matters of noncompliance or deficiencies are substantial or have been persistent, and the school fails to present a reliable plan for bringing the school into compliance with all of the standards or to correct deficiencies, the Board may recommend to the Supreme Court that the school be removed from the list of approved schools.

(e) If the Board determines that the law school is in compliance and has no deficiencies, it shall conclude the matter by adopting an appropriate resolution, a copy of which shall be transmitted to the dean of the school by the Board.

[Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.12. Confidentiality of Approval and Evaluation Procedures.

The proceedings set forth in sections 2.03, 2.07, 2.08, 2.09, 2.10 and 2.11 shall be confidential to ensure a frank, candid exchange of information.

[Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.13. Supreme Court Consideration of Board Recommendation for Imposition of Sanctions.

(a) If the Board determines that a law school is not in compliance with the standards or has effectively failed to achieve its mission and objectives and recommends that the school be placed on probation or removed from the list of approved law schools, the Board shall notify the Supreme Court and request a hearing. The Board shall notify the dean of the school of the time and place of the Supreme Court hearing, which shall be open to the public.

(b) The Board shall file with the Supreme Court in the public record the Board's written recommendation, the fact finder's report, if any, the most recent site evaluation report and any action letters to the school written subsequent to the most recent site evaluation report.

(c) Representatives of the law school, including legal counsel, may appear at the Supreme Court hearing at which the Board's recommendations are considered. The president of the Board of

Law Examiners (or his or her designee) shall present the Board's findings, conclusions and recommendations.

(d) The Supreme Court shall determine whether to affirm the Board's findings and conclusions, and whether to adopt the Board's recommendations. The Board's findings and conclusions shall be affirmed if there is a substantial basis to support them, unless the school presents new information that, in the opinion of the Supreme Court, demonstrates that the school is in compliance with the standards.

(e) The Supreme Court may direct the law school to take appropriate remedial action or subject it to sanctions other than removal from the list of approved law schools regardless of whether the school has presented a reliable plan for bringing the school into compliance with all of the standards.

(f) The Supreme Court shall inform the dean of the law school of the decision by court order. If the decision is adverse to the law school, the order shall provide specific reasons for the decision.

(g) If the Court imposes sanctions in the absence of a reliable plan for bringing the school into compliance with all of the standards or to correct deficiencies, the Board shall monitor the steps taken by the school to come into compliance. If the Court imposes sanctions pursuant to a reliable plan for bringing the school into compliance with the standards and/or to correct deficiencies, the Board shall monitor the steps taken by the school for meeting its plan. At any time that the school is not making progress toward compliance with all of the standards or to correct deficiencies, or at any time that the school is not meeting the obligations of its plan, or if at the end of a period of time set by the Court for coming into compliance the school has not achieved compliance with all of the standards or corrected all deficiencies, the Board shall forward a recommendation that the school be removed from the list of approved schools. This recommendation shall be heard by the Court under the procedures of this section 2.13 but the only issue for Court consideration will be whether the school has met the terms of its plan or is in compliance with all of the standards or has corrected deficiencies.

(h) At any time that the school presents information on which the Board concludes that the school is in full compliance with the standards or has corrected its deficiencies, the Board shall recommend to the Court that the school be taken off probation. This recommendation will be heard by the Court under the procedures of this section 2.13.

[Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.14. Maximum Period for Compliance with Remedial or Probationary Requirements.

Upon communication to a law school of a final decision that it is not in compliance with the standards or has failed to effectively achieve its mission or objectives and informing it that it has been ordered to take remedial action or has been placed on probation, the school shall have a period as set by the Supreme Court to come into compliance. The period may not exceed two (2) years unless such time is extended by the Supreme Court, as the case may be, for good cause shown. [Adopted by order entered December 15, 2000, effective January 13, 2001.]

Sec. 2.15. Conflicts of Interest.

Members of the Board and any site evaluation team as well as any fact finders appointed under the provisions of Article II should avoid any conflict of interest or perceived conflict of interest arising because a person has an “associational interest” in the law school or the law school program under review by the Board or the Supreme Court. Alumni, faculty and directors of the school under review are deemed to have an associational interest in the school and should recuse themselves from the process of review. Former faculty and board members who have terminated their relationship with the school less than five (5) years prior to the site inspection, evaluation or review process are also deemed to have an associational interest in the school and should recuse themselves from the process of review.

[Adopted by order entered December 15, 2000, effective January 13, 2001.]

ARTICLE III. APPLICATIONS FOR ADMISSION BY EXAMINATION

Sec. 3.01. Application Form.

The Board shall cause a uniform application form to be furnished to and completed by all applicants for admission. The application form shall require the submission of such information as the Board deems necessary or appropriate for the determination of the eligibility of applicants for admission pursuant to the criteria and standards set forth in this Rule.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992, and by order filed March 23, 2004.]

Sec. 3.02. Notice of Intent to Take First Examination.

Each applicant who intends to take the examination for the first time shall file with the Board notice of such intention not later than March 1 for taking the July examination and October 1 for taking the February examination; provided however, that notices of intent may be filed after such dates but no later than June 10 for taking the July examination and January 10 for taking the February examination upon payment of the fees for late filing specified in the Board's schedule of fees. Such notice shall be in the form prescribed by the Board and shall be accompanied and supplemented by such additional information and documents as the Board may require.

[Amended by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.03. Date for Filing Application for First Examination.

Applications to take the first examination shall be filed no later than April 15 for taking the July examination and November 15 for taking the February examination; provided however, that applications may be filed after such dates but no later than June 10 for taking the July examination and January 10 for taking the February examination upon payment of the fee for

late filing specified in the Board's schedule of fees. No application will be accepted unless a Notice of Intent is filed prior to or simultaneously with the application.

[Amended by order entered April 18, 1985; by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.04. Notice of Intent to Be Re-examined.

Each applicant who intends to take the examination again after having failed to pass one or more examinations shall file with the Board notice of such intention not later than November 30 for taking a February examination and April 30 for taking a July examination; provided however, that notices of intent may be filed after such dates but no later than June 10 for taking the July examination and January 10 for taking the February examination upon payment of the fee for the late filing specified in the Board's schedule of fees.

[Amended by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.05. Supplemental Application for Re-examination.

Each applicant who desires to be re-examined shall file a supplemental application on forms prescribed by the Board, furnishing such additional and supplemental information as the Board may require, by December 15 for the February examination and by May 15 for the July examination; provided however, that applications may be filed after such dates but no later than June 10 for taking the July examination and January 10 for taking the February examination upon payment of the fee for the late filing specified in the Board's schedule of fees.

[Amended by order entered April 18, 1985; and by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.06. Applications by Persons Admitted in Other Jurisdictions Seeking Waiver of Criteria.

Applications for admission by persons admitted in other jurisdictions seeking waiver of examination may be filed at any time - see Article V. In addition to the information required on the uniform application form, such applicants shall furnish such additional information as may be required by the Board or the Administrator to enable the Board to determine the applicant's eligibility for such admission.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992, and by order filed March 23, 2004.]

Sec. 3.07. Additional Information.

The Administrator, or any member of the Board, may request any applicant to furnish additional information:

- (a) To supplement or explain answers to any question on the application;
- (b) As to the applicant's character;
- (c) As to the educational qualifications of the applicant, including information with respect to schools attended by the applicant;
- (d) As to the experience of the applicant; and
- (e) As to such other matters as may be considered germane to the provisions of this Rule.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.08. Failure or Refusal to Furnish Information.

The failure or refusal by any applicant to answer any question on the application form or to furnish information as required by the application form or pursuant to the provisions of this Rule, shall be sufficient cause for the Board to refuse to allow such applicant to take the examination or to be admitted.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.09. False Information.

(a) The giving of false information, or the making of false statements on the application form or to the Board shall be sufficient cause for the Board to refuse to allow such applicant to take the examination, or to be admitted.

(b) If the Administrator or the Board has reason to believe that any person who has been admitted gave false information or made false statements to the Board, the basis for such belief shall be reported to Disciplinary Counsel of the Board of Professional Responsibility.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 3.10. No Discretion to Waive Filing Dates.

In order to provide sufficient time for preparation for the administration of the examination, neither the Administrator nor the Board shall have discretion to waive or extend the dates for filing notices of intent and applications to take the examination specified in the Sections 3.02, 3.03, 3.04 and 3.05. An applicant aggrieved by an action of the Board denying an application pursuant to this article shall not be entitled to petition the Court for a review of said action.

[Added by order entered April 18, 1985; and amended by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 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.

[Added by order entered April 15, 1999, effective May 1, 1999.]

ARTICLE IV. THE EXAMINATION

Sec. 4.01. The Purpose of the Examination.

The purpose of the examination is to enable applicants to demonstrate to the Board that they possess the knowledge, skills and abilities basic to competence in the profession, which are subject to testing.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 4.02. The Structure of the Examination.

The Board, in its discretion, shall determine the format and the structure of the examination, and shall include essay questions, the National Conference of Bar Examiners Multistate Bar Examination, other multiple choice questions, the National Conference of Bar Examiners Multistate Professional Responsibility Examination and such other categories of tests as the Board may consider appropriate. The Board may in its discretion use questions prepared by the National Conference of Bar Examiners for the Multistate Essay Examination. The Board may contract with others to provide test materials and to grade the same; provided that the Board shall not require successful completion of the National Conference of Bar Examiners Multistate Professional Responsibility Examination for any applicant who otherwise qualifies for admission to the Bar prior to July 1993.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order filed April 15, 1999, effective May 1, 1999.]

Sec. 4.03. The Dates and Places of Giving the Examination.

The examination shall be given in February and July of each year at any one or more of the following places: Memphis, Nashville, Chattanooga and Knoxville, provided an examination is held at least once a year in each of the cities of Memphis, Nashville and Knoxville.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 4.04. The Scope of the Examination.

The examination is not designed to test the applicant's knowledge of specific law school subjects. However, familiarity with the following areas of the law is essential:

1. Constitutional law (United States and Tennessee).
2. Criminal law (substantive and procedural).
3. Contracts.
4. Torts.
5. Property (real and personal).
6. Evidence.
7. Civil procedure (United States and Tennessee).
8. Business organizations (including agency, partnerships and corporations).
9. Commercial transactions (Articles 1, 2, 3, 6 and 9 of the Uniform Commercial Code).
10. Wills and estates.
11. Domestic relations or personal status (husband and wife, parent and child, marriage and divorce, etc.).
12. Professional responsibility.
13. Restitution and remedies.
14. Conflicts of law.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 4.05. Re-examination.

In case of failure on examination, the Board may, in its discretion, allow the applicant to take another examination upon the filing of the notice of intent and the supplementary application herein provided, and the payment of the requisite fee. An applicant who has failed 3 or more examinations shall not be permitted to take another examination except upon filing with the Board, at the time of the notice of intent to take the examination: (i) a statement certifying that applicant has undertaken a course of study designed to prepare applicant for the examination, including a description thereof; and (ii) a statement from an attorney admitted to practice in this State confirming that such attorney has supervised the applicant's course of study. An applicant who has failed 3 or more examinations shall not be permitted to take another examination until at least one examination has intervened between the last examination which the applicant failed and the one the applicant seeks eligibility to take. If the Board determines that the applicant's course of study is not sufficient evidence of additional legal education to justify re-examination, the Board may refuse to allow the applicant to take that examination.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 4.06. Effect of Taking Examination on Eligibility for Admission.

The fact that an applicant is allowed to take the examination shall not preclude further inquiries, investigation or proceedings with respect to the other criteria for admission under this Rule.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 4.07. Anonymity in Grading.

The Board shall continue to maintain procedures which assure that the identity of each applicant in the grading process is not known to any person having responsibility for grading or determining whether the applicant passes or fails until the grades of all applicants have been finally determined.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

**ARTICLE V. – PERSONS ADMITTED IN OTHER JURISDICTIONS
SEEKING WAIVER OF EXAMINATION**

Sec. 5.01. Minimum Requirement for Admission of Persons Admitted in Other Jurisdictions.

Any person who has been admitted and licensed to practice law in one or more states or in the District of Columbia may apply for admission in this State without examination, provided that such applicant:

(a) meets the educational requirements imposed by this Rule;

(b) has actively engaged in the practice of law pursuant to a license from one or more states or in the District of Columbia for five of the seven years immediately preceding such application for admission in this state. The application for admission shall be submitted to the Board of Law Examiners and approved prior to commencement of law business in Tennessee or employment as a lawyer in Tennessee. "Practice of law" as used in this section means full-time private or public practice as a licensed attorney, and includes being actively engaged as a full-time teacher of law in a law school approved by the American Bar Association, and may be construed in the Board's discretion as being actively engaged in other full-time employment requiring interpretation of law and application of legal knowledge (in which event the Board shall consider such evaluative criteria as time devoted to legal work, the nature of the work, whether legal training or a law license was a prerequisite of employment, and other similar matters). Without waiving the minimum five-year period, the Board, in its discretion and for exceptional circumstances shown by the applicant, may waive the requirement that such period immediately precede the application for admission in this State;

[Amended and Ordered Friday, January 21, 2011]

(c) has demonstrated such reputation and character as in the opinion of the Board indicates no reasonable basis for substantial doubt that the applicant will adhere to the standards of conduct required of attorneys in this State;

(d) demonstrates to the Board that Applicant possesses the knowledge, skills and abilities basic to competence in the profession and has evidenced a commitment to serve the administration of justice in this State; and

(e) has passed a bar examination equivalent to that required by the Board, with a grade at least equivalent to that required in Tennessee.

(f) An applicant who was admitted and licensed to practice in another state pursuant to a "diploma privilege" which exempts an applicant from taking a bar examination may seek a waiver of subsection (e) by filing a petition with the Board of Law Examiners setting forth the reasons why he or she should be admitted to practice law in Tennessee. The Board shall then conduct a hearing in response to the petition, according to the guidelines set forth in section 13.03, for the purpose of assessing the applicant's reputation, character, knowledge, skills and abilities. After considering the totality of the proof presented, the Board shall make a recommendation to this Court either for approval or denial of the petition or for such other action as the Board may deem appropriate. Any applicant whose petition for waiver of subsection (e) is denied by the Board may file a petition for review in this Court pursuant to the procedures set forth in Article XIV.

(g) A certificate of good standing from the highest court of each state to which applicant has been admitted must accompany the application to the Board of Law Examiners. Without waiving the requirement of proof of good moral character, the Board, in its discretion and for exceptional circumstances shown by the applicant, may waive the requirement of a certificate of good standing from the highest court of each state to which applicant has been admitted.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; amended by order entered June 30, 2000.; Amended by order filed December 17, 2003; Amended by order entered February 15, 2006.]

Sec. 5.02. Additional Considerations.

In determining whether such applicants satisfy the requirements of Section 5.01, the Board shall consider any evidence submitted by the applicant in an effort to demonstrate that the applicant possesses the knowledge, skill and abilities basic to competence in the profession.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 5.03. [Transferred.]

ARTICLE VI. CHARACTER INVESTIGATION

Sec. 6.01. Applicable Standard.

(a) An applicant shall not be admitted if in the judgment of the Board there is reasonable doubt as to that applicant's honesty, respect for the rights of others, and adherence to and obedience to the Constitution and laws of the State and Nation as to justify the conclusion that such applicant is not likely to adhere to the duties and standards of conduct imposed on attorneys in this State. Any conduct which would constitute grounds for discipline if engaged in by an attorney in this State shall be considered by the Board in making its evaluation of the character of an applicant.

(b) The Board may adopt statements of policy to implement the application of the foregoing standard.

[Amended by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

Sec. 6.02. Investigatory Committees.

(a) In order to assist the Board in conducting character investigations of applicants, the Supreme Court shall appoint one or more investigating committees within each disciplinary district established under Rule 9. Each committee shall consist of not less than five (5) nor more than twenty (20) members of the Bar of this State who maintain an office for the practice of law within that district. Members of each investigating committee may be recommended by the President or Board of Directors of the local bar association or associations in the district. The

Board may recommend to the Court the creation of additional committees or the increase in membership of any committee.

(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.

(c) Each investigating committee shall select its own chair who shall be responsible for the administration of the work of the committee.

[Amended by order entered June 22, 1988; and by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992; by order filed April 15, 1999, effective May 1, 1999; Amended by order filed June 21, 2002]

Sec. 6.03. Investigating Procedures.

(a) Each application shall be referred first to a member of the Board for preliminary review for the purpose of (i) detecting any deficiencies in the application and (ii) determining whether any additional information is needed with respect to any aspect of the application.

(b) As part of the character and fitness requirement for licensing, each applicant is required to have a current completed background investigation conducted by the National Conference of Bar Examiners (NCBE). It is the responsibility of each applicant to make the request to the NCBE for a background investigation and pay the required fee directly to the NCBE.

(c) The Administrator shall transmit the results of the background investigation to a local investigating committee.

(d) On the receipt of an application, the investigating committee shall review same and such other information as may be transmitted by the Administrator and shall conduct such investigation as appears to it to be appropriate. In any event, each applicant referred to a committee shall be interviewed in person by a member of that committee. In conducting such investigations, the investigating committee may take sworn testimony from the applicant and from such other persons as may be considered appropriate.

(e) On the completion of its investigation, the investigating committee shall report its findings to the Board and shall make such recommendations either for approval of the application, the issuance of a Show Cause Order by the Board, or for such other action as the committee may deem appropriate.

[Adopted by order entered June 22, 1988; and amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992, and by order filed September 11, 2001, and by order filed March 23, 2004]

Sec. 6.04. Certificate of Good Moral Character.

An applicant seeking admission to practice law in Tennessee must submit to the Board of Law Examiners, before permission is granted to take the Examination, a certificate from the dean or supervising authority of the law school from which the applicant graduated indicating that to the best of its knowledge and belief the candidate has demonstrated such reputation and character in the opinion of the law school that indicates no reasonable basis for substantial doubt that the applicant would adhere to the standards of conduct required of attorneys in this state and that the law school has provided full and complete information requested by the Board of Law Examiners regarding the character and fitness of the candidate. If the applicant has been previously admitted to another jurisdiction, a certificate of good standing from the highest court of each state to which applicant has been admitted must accompany the application to the Tennessee Board of Law Examiners. Without waiving the requirement of proof of good moral character, the Board, in its discretion and for exceptional circumstances shown by the applicant, may waive the requirement of a certificate of good standing from the highest court of each state to which applicant has been admitted.

[Amended by order filed May 16, 2001, and by order filed March 23, 2004. and by order filed April 29, 2005.]

ARTICLE VII. FOREIGN APPLICANTS

Sec. 7.01. Eligibility to Take Examination.

Notwithstanding the provisions of § 2.01 and § 2.02, an applicant who has completed a course of study in and graduated from a law school in a foreign country, which law school was then recognized and approved by the competent accrediting agency of such country, may qualify, in the discretion of the Board, to take the bar examination, provided that the applicant shall satisfy the Board that his or her undergraduate education and legal education were substantially equivalent to the requirements of this rule. In addition, the applicant shall also demonstrate to the satisfaction of the Board that he or she has successfully completed at least 24 semester hours in residence at a law school approved by the American Bar Association or has successfully earned one-third of the credits necessary to graduate from a law school approved by the Board under § 2.03. An applicant who graduated from a law school in a foreign country shall also comply with the other pertinent provisions of this rule and shall be required to pass the bar examination.

[Amended by order filed August 23, 1993 and entered nunc pro tunc effective October 19, 1992; amended by order filed May 29, 2009, effective August 1, 2010; and amended by order filed July 21, 2011, effective September 1, 2011.]

Sec. 7.02. Additional Information on Licensed Foreign Applicants.

Any applicant licensed to practice in a foreign country desiring admission in Tennessee shall be required to pass the examination and shall supplement the application with the following documents: (i) a certified copy of the record or license of the court or agency which admitted applicant to practice law in such country, and (ii) at least 3 letters from attorneys or judges in such foreign country certifying that applicant is in good standing at that bar, or was in good standing at that bar when applicant left that foreign country.

[Amended by order filed August 23, 1993, and entered nunc pro tunc effective October 19, 1992.]

ARTICLE VIII. COMMITMENT TO SERVE THE ADMINISTRATION OF JUSTICE IN TENNESSEE

Sec. 8.01. Applicable Standard.

The requisite commitment to serve the administration of justice in Tennessee subject to the duties and standards imposed on attorneys in this State shall be evidenced by a statement by the applicant before examination, or admission by comity, that the applicant agrees to abide by the duties and standards imposed from time to time on attorneys in this State.

Sec. 8.02. [Deleted.]

Sec. 8.03. [Deleted.]

[Amended by order Filed December 10, 2009.]

ARTICLE IX. ISSUANCE OF LICENSE—EFFECTIVE DATE OF ADMISSION

Sec. 9.01. Certificate of Board.

Upon the completion of all requirements for admission, including the payment of all required fees, the Board, acting through the Administrator, shall certify to the Court that an applicant is eligible for admission.

Sec. 9.02. Issuance of License.

On the basis of the certificate of the Board, the Court shall issue a license admitting each successful applicant to the bar of Tennessee. The license shall be in such form as may be approved by the Court. Each such license shall be signed by the members of the Board and the members of the Court.

Sec. 9.03. Effective Date of Admission.

An applicant shall be considered as conditionally admitted on the completion of all the requirements for admission. The Board shall furnish such an applicant with a “Temporary Certificate of Eligibility to Practice Law,” conditioned on final approval by the Court.

Sec. 9.04. Duty of Applicant to Inform Board of Subsequent Events.

If at any time prior to the issuance of a license to an applicant he or she becomes aware of any fact or circumstance which might indicate that such applicant is not entitled to admission, such applicant shall promptly advise the Board of such fact or circumstances.

Sec. 9.05. Disapproval by the Court.

At any time prior to the actual issuance of a license by the Court, the Court may for good cause disapprove the issuance of such license. On such disapproval, the Court shall enter an order stating the grounds for such disapproval and may refer the matter to the Board for such further action as the Court may deem appropriate.

Sec. 9.06. Replacement Licenses.

For good cause shown, the Board may recommend to the Court the issuance of a replacement license to any person who has previously been licensed to practice law in Tennessee.

ARTICLE X. SPECIAL OR LIMITED PRACTICE

Sec. 10.01. Registration of In-house Counsel

(a) A lawyer admitted to the practice of law in another United States jurisdiction who has a continuous presence in this jurisdiction and is employed pursuant to Tenn. Sup. Ct. R. 8, RPC 5.5(d)(1) as a lawyer by an organization, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, shall register as in-house counsel within 180 days of the commencement of employment as a lawyer or if currently so employed then within 180 days of the effective date of this rule, by submitting to the Board of Law Examiners the following:

(i) A completed application in the form prescribed by the Board;

(ii) A fee in the amount set by the Board pursuant to Article XI:

(iii) Documents proving admission to practice law and current good standing in all jurisdictions in which the lawyer is admitted to practice law; and

(iv) An affidavit from an officer, director, or general counsel of the employing entity attesting to the lawyer's employment by the entity and the capacity in which the lawyer is so employed, and stating that the employment conforms to the requirements of this rule.

(b) A lawyer registered under this section shall have the rights and privileges otherwise applicable to members of the bar of this jurisdiction with the following restrictions:

(i) The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and for employees, officers and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with Tenn. Sup. Ct. R. 8, RPC 1.7; and

(ii) The registered lawyer shall not:

(A) Except as otherwise permitted by the rules of this jurisdiction, appear before a court or any other tribunal as defined in Tenn. Sup. Ct. R. 8, RPC 1 .O(n), or

(B) Offer or provide legal services or advice to any person other than as described in paragraph (b)(i), or hold himself or herself out as being authorized to practice law in this jurisdiction other than as described in paragraph (b)(i).

(c) Notwithstanding the provisions of paragraph (b) above, a lawyer registered under this section is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program or through such organization(s) specifically authorized in this jurisdiction.

(d) A lawyer registered under this section shall:

(i) Pay all annual fees payable by active members of the bar;

(ii) Fulfill the continuing legal education requirements that are required of active members of the bar;

(iii) Report to the Board, within 30 days, the following:

(A) Termination of the lawyer's employment;

(B) Whether or not public, any change in the lawyer's license status in another jurisdiction, including by the lawyer's resignation;

(C) Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any jurisdiction.

(e) A registered lawyer under this section shall be subject to Tenn. Sup. Ct. R. 8 (Rules of Professional Conduct) and all other laws and rules governing lawyers admitted to the active practice of law in this jurisdiction. The Board of Professional Responsibility has and shall retain jurisdiction over the registered lawyer with respect to the conduct of the lawyer in this or another jurisdiction to the same extent as it has over lawyers generally admitted in this jurisdiction.

(f) A registered lawyer's rights and privileges under this section automatically terminate when:

(i) The lawyer's employment terminates;

(ii) The lawyer is suspended or disbarred from practice in any jurisdiction or any court or agency before which the lawyer is admitted; or

(iii) The lawyer fails to maintain active status in at least one jurisdiction.

(g) A registered lawyer whose registration is terminated under paragraph (f)(i) above, may be reinstated within 180 days of termination upon submission to the Board of the following:

- (i) An application for reinstatement in a form prescribed by the Board;
 - (ii) A reinstatement fee set by the Board pursuant to Article XI;
 - (iii) An affidavit from the current employing entity as prescribed in paragraph (a)(iv).
- (h)** A lawyer under this rule who fails to register shall be:
- (i) Subject to professional discipline in this jurisdiction;
 - (ii) Ineligible for admission pursuant to Article V of this rule;
 - (iii) Referred by the Board of Law Examiners to the Board of Professional Responsibility; and
 - (iv) Referred by the Board to the disciplinary authority of the jurisdictions of licensure.

(i) A lawyer seeking to practice in this State under the authority of Tenn. Sup. Ct. R. 8, RPC 5.5(d)(1) and who complies fully with the requirements of this Rule on or before June 30, 2010 shall not be barred from registration under this Rule or from practicing under the authority of RPC 5.5(d)(1) solely by the fact of prior noncompliance with Tennessee law concerning licensure of in-house counsel, including RPC 5.5 in the form in which it was in force from and after March 1, 2003.

[Amended by Order filed October 23, 2009]

Sec. 10.02. Attorneys in Clinical and Related Law School Programs.

(a) An attorney who is enrolled or employed in a clinical program in an approved Tennessee law school or who, after graduation from an approved law school, is employed by or associated with an organized legal services program operated by an approved Tennessee law school providing legal assistance to indigents in civil or criminal matters, and who is a member of a court of last resort of another state (the term “state” including Territories and the District of Columbia) shall be admitted to practice before the courts of this State in all causes in which that attorney is associated with a legal clinic operated in conjunction with an approved law school. Admission to practice under this Rule shall be limited to the above causes and shall become effective upon filing with the Secretary of the Board of Bar Examiners of the State of Tennessee.

(i) A certificate of any court of last resort certifying that the attorney is a member in good standing at the bar of that court; and

(ii) A statement signed by the Dean of the law school that the attorney is enrolled or employed in a clinical program in an approved Tennessee law school.

(b) When the above requirements are met to the satisfaction of the State Board of Law Examiners, they shall grant admission to practice to the applicant and shall certify such by letter to the applicant.

(c) Admission to practice under the Rule shall cease to be effective whenever the attorney ceases to be enrolled in or associated with such program. When an attorney admitted under this Rule ceases to be so enrolled or associated, a statement to that effect shall be filed with the Secretary of the Board of Bar Examiners of the State of Tennessee by a representative of the law school or legal services program. In no event shall admission to practice under this Rule remain in effect longer than 2 years for any individual admitted under this Rule, except in the discretion of the Supreme Court in special situations for good cause shown.

(d) Attorneys admitted to practice under this Rule may be suspended from practice in the manner now or hereafter provided by Rule for the suspension or disbarment of attorneys.

Sec. 10.03. Law Student Practice

(a) Any law student who has successfully completed one-half of the legal studies required for graduation from any school of law from which a graduate is eligible under this rule to take the Tennessee bar examination may, with the written approval of the Supreme Court of Tennessee, provide legal services to, and/or may appear in any municipal, county, or state court on behalf of, any person or entity financially unable to afford counsel or on behalf of the state of Tennessee or of any municipal or county government; provided, however, that the law student is participating in a law school clinical program, furnishing assistance through a legal aid program, or serving as an assistant to a District Attorney, Public Defender, the State's Attorney General, the general counsel of any state agency, or a county or municipal legal director's office, and that the law student is under the immediate and personal supervision of a member of the law school's faculty, a licensed legal aid attorney, a District Public Defender or designated Assistant District Attorney General, a District Public Defender or designate Assistant District Public Defender, the Attorney General of Tennessee or any assistant in his or her office, the general counsel of any state agency or any staff attorney in his or her office, or the director of a county or municipal legal office or designated staff attorney.

(b) Before any student shall be eligible to provide legal services and/or appear in court under this rule, the dean of the approved law school or the director of the law school clinical program shall file with the Supreme Court of Tennessee for its approval a list of students who are eligible for certification under this Rule and certify to the Supreme Court that such students meet the requirements of this Rule. Upon written approval by the Supreme Court of Tennessee of such students so selected and certified, such approved students shall be and are thereby authorized to provide legal services and/or appear in any municipal, county or state court on behalf of any person or entity financially unable to afford counsel, the state of Tennessee, or any municipality or county in the State of Tennessee in a manner consistent with the requirements of this rule.

(c) The Board shall approve a law school's clinical program and shall certify such approval to the Supreme Court of the State of Tennessee as a prerequisite for the approval of law students who are practicing under this Rule in a clinical setting. The criteria for approval shall be:

(i) that the law school itself is approved under the foregoing sections of this Rule;

(ii) that if the law school has an in-house legal clinic which directly represents clients, that the program has a full-time faculty member as director, who is an attorney licensed to practice law in Tennessee; and

(iii) that the law school clinical program is otherwise operated in a manner consistent with the requirements of this rule.

Certification of approval of such law school clinical program may be withdrawn by the Board if the same ceases to meet this criterion.

(d) In the case of students working in a legal aid office, a Public Defender's Office, District Attorney's office, the office of the Attorney General of Tennessee, the office of the general counsel of any state agency, or the office of a municipal or county legal director, it shall be the responsibility of the director of clinical education or the dean of the law school to transmit to the legal aid office, Public Defender's Office, District Attorney's office, office of the Attorney General of Tennessee, office of the general counsel of any state agency, or the office of the municipal or county legal director the names of the students who are certified under this Rule.

(e) The written approval of such students by the Supreme Court of Tennessee shall be and remain in force and effect until the student graduates from law school or ceases to be enrolled in the law school.

Explanatory Comments.

(1) The purpose of this Rule is educational; consequently, its focus is on providing opportunities for students to further their legal studies through properly supervised experiential education. Interpretation of this Rule should be in accordance with its educational goal.

(2) The term "approved law school" refers to any law school in the state of Tennessee that has been accredited by the ABA or any law school in the state of Tennessee approved under Rule 7 § 2.03 of this Court.

(3) In order to provide consistency between three and four year law school programs, the Rule allows for certification of a student who has completed at least half of his or her law school studies. At a four year law school, a student is eligible for certification under this Rule after successful completion of two years of law school, while at a three year law school, a student is eligible after successful completion of three semesters.

(4) The term "provide legal services" is to be construed broadly, so as to allow a law student who is admitted under this Rule to provide any and all services that could be provided by a licensed attorney. Students admitted under this Rule may also appear in capacities such as guardian ad litem where the person whose interests are represented would qualify for appointed counsel.

(5) Students shall be personally and directly supervised by a clinical faculty member or legal aid lawyer, public defender, district attorney, assistant Attorney General, staff attorney for a state agency or staff attorney at a metropolitan legal office when appearing in court or tribunal;

however, it is not necessary that the licensed attorney be personally present when the student engages in other activities such as interviewing, investigation and negotiation. It is, however, the responsibility of the licensed attorney to ensure that the student is properly supervised and instructed, including compliance with Rule of Professional Conduct 5.3.

(6) “Person or entity financially unable to afford counsel” includes all persons who would be termed “indigent” by a legal aid provider, all persons whom any court deems eligible for the appointment of counsel, as well as persons and organizations who have unsuccessfully attempted to secure legal counsel or who can otherwise demonstrate to the satisfaction of the clinic director that they cannot reasonably afford counsel . The term also encompasses any organization which is composed of a majority of persons who meet the federal definition of “indigency” as well as any not-for profit organization the purpose of which is to assist “indigent” persons.

(7) When the dean or director of clinical education certifies to the court that a student has met the conditions for admission under this Rule, the dean or director is certifying that the student is in good standing and has successfully completed sufficient credit hours to satisfy the minimum requirements for the second half of law school. A student will be deemed to have successfully completed the requisite amount of credits when he or she has been deemed to have passed (rather than simply have completed) sufficient courses.

(8) A law school clinical program includes a live-client clinic within the law school, an externship program operated by the law school - regardless whether it is a part of the legal clinic- or any other law school credit-bearing activity that involves the representation of clients.

(9) A student may be certified under this Rule and represent clients under the provisions of this Rule when working at a legal aid office, district attorney’s office, public defender’s office, office of the Attorney General of Tennessee, office of the general counsel of any state agency or the office of the director of a municipal or county law department whether or not the student is receiving law school credit for that work. It is the responsibility of the dean or clinic director at the school at which the student is enrolled to ensure that the supervision provided by the legal aid office, public defender, district attorney, Attorney General, general counsel of a state agency or Metropolitan Legal office is adequate under the Rule.

(10) The terms director of a municipal or county law office or director of a municipal of county law department presume an office within the county or municipality which represents the county or municipality. For such an office to be recognized under this Rule, there must be at least one attorney in that office whose full-time employment is as the attorney for the municipality or county.

[Amended by order filed June 5, 2006.]

Explanatory Comment [2008].

Subsection 10.03(a) is amended so that, to be eligible to provide legal services under this section, a law student is no longer required to attend a law school located in the state of Tennessee.

Rather the amendment extends the provisions of this section to students enrolled in any law school from which a graduate would be eligible to take the Tennessee Bar Examination.

Sec. 10.04. Law School Graduates.

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:

(a) Office Practice. Such person may:

- (i) Engage in legal research, without limitation;
- (ii) Prepare memoranda of law for regularly admitted practicing lawyers, without limitation;
- (iii) Prepare legal memoranda and briefs for submission to any court, under the immediate supervision of any member of the bar; and
- (iv) Assist any member of the bar in any area in office practice.

Such person may not:

- (i) Advise clients, except in the personal presence and under the supervision of a member of the bar; and
- (ii) Make any direct charge, or receive any compensation for such person's services, provided, however, any member of the bar with whom the person is associated may make an appropriate charge for the time so expended. Under no circumstances shall such compensation be divided, nor shall it be considered in establishing a rate of compensation for such person.

(b) Court Appearances. Such person may:

- (i) Practice in any court which is not a court of record, without supervision, with the permission of the judge thereof, but not in any case wherein there is a constitutional or statutory right to counsel;
- (ii) Present argument in any court, on any motion or matter addressing itself to the consideration of the trial judge only, without supervision but subject to the permission of the trial judge; and

(iii) In the presence of, in association with, and under the supervision of a member of the bar, the person may engage generally in any trial or proceeding before any trial court, governing body, or administrative agency, but subject to the consent of the client.

Such person may not:

(i) Appear without the immediate supervision of a member of the bar in any governing body or administrative agency; and

(ii) Make any direct charge, or receive any compensation for such person's services, provided, however, any member of the bar with whom the person is associated, may make an appropriate charge for the time so expended. Under no circumstances shall such compensation be divided nor shall it be considered in establishing a rate of compensation.

Trial judges shall in all cases insure that this Rule be construed and applied in such a manner as to give strict protection to the constitutional right to the effective representation of counsel.

The right to engage in limited and supervised practice, as herein defined and delineated shall begin on the date of notification of preliminary eligibility upon application to take the bar examination and shall continue until a determination by the Tennessee Board of Law Examiners of ineligibility to take the bar examination or through the day and date of the announcement of the results of the second bar examination conducted after graduation of the applicant, whichever shall first occur.

Any person who otherwise meets all qualifications contemplated in this Rule, but who is unable to make a tentative connection or association with a practicing lawyer or law firm may make application to any trial judge holding court in the county of such person's residence, or wherein the person intends to practice, for aid in the establishment of a limited and supervised practice under this Rule. Trial judges are admonished that such practice must accord strictly with the foregoing provisions of the Rule. No deviation will be permitted.

It is the intent of this Rule to recognize that there is a hiatus between graduation and successful completion of the bar, during which the potential lawyer's education, training and experience are unnecessarily disrupted. The Court is advised that the overwhelming majority of law school graduates successfully complete the bar within 10 months after their graduation. It is the intent and purpose of this Rule to remove this impediment to a potential lawyer's continuing legal education and simultaneously to safeguard and protect the public interest.

[As amended by order filed September 11, 1984; by order filed April 15, 1999, effective May 1, 1999.]

Sec. 10.05. Conditional Admission.

An applicant whose previous conduct or behavior would or might result in a denial of admission may be conditionally admitted to the practice of law upon a showing of sufficient rehabilitation and/or mitigating circumstances. The Board of Law Examiners shall recommend relevant

conditions relative to the conduct or the cause of such conduct with which the applicant must comply during the period of conditional admission.

(a) Conditions. The Board of Law Examiners may recommend that an applicant's admission be conditioned on the applicant's complying with conditions that are designed to detect behavior that could render the applicant unfit to practice law and to protect the clients and the public, such as submitting to alcohol, drug, or mental health treatment; medical, psychological, or psychiatric care; participation in group therapy or support; random chemical screening; office practice or debt management counseling; and monitoring, supervision; mentoring or other conditions deemed appropriate by the Board of Law Examiners. The conditions shall be tailored to detect recurrence of the conduct or behavior which could render an applicant unfit to practice law or pose a risk to clients or the public and to encourage continued abstinence, treatment, or other support. The conditions should be established on the basis of clinical or other appropriate evaluations, take into consideration the recommendations of qualified professionals, when appropriate, and protect the privacy interests of the conditionally admitted lawyer to professional treatment records to the extent possible. The terms shall be set forth in a confidential order (the "Conditional Admission Order"). The Conditional Admission Order shall be made a part of the conditionally admitted lawyer's application file and shall remain confidential, except as provided in this and any other applicable rules. The Board of Law Examiners shall have no further authority over the conditionally admitted lawyer once such lawyer obtains a license to practice law.

(b) Notification to the Board of Professional Responsibility. Immediately upon issuance of a Conditional Admission Order, the Board of Law Examiners shall transmit a copy of the order to the Board of Professional Responsibility. If the Board of Professional Responsibility or any other jurisdiction's disciplinary authority receives a complaint alleging unprofessional conduct by the conditionally admitted lawyer, or if the Monitoring Authority designated pursuant to paragraph (d) notifies the Board of Professional Responsibility of substantial noncompliance with the Conditional Admission Order, the Board of Professional Responsibility shall request a copy of relevant portions of the lawyer's bar application file, and the Board of Law Examiners shall promptly provide the requested materials to the Board of Professional Responsibility.

(c) Length of Conditional Admission. The conditional admission period shall be set in the Conditional Admission Order, but shall not exceed sixty (60) months, unless notification of substantial noncompliance with the Conditional Admission Order has been received by the Board of Professional Responsibility or a complaint of unprofessional conduct has been made against the conditionally admitted lawyer with the Board of Professional Responsibility or any other lawyer disciplinary authority.

(d) Compliance with Conditional Admission Order. During the conditional admission period, the Monitoring Authority shall be the Tennessee Lawyers Assistance Program. The Tennessee Lawyers Assistance Program shall take such action as is necessary to monitor compliance with the terms of the Conditional Admission Order, including, but not limited to, requiring that the conditionally admitted lawyer submit written verification of compliance with the conditions, appear before the Tennessee Lawyers Assistance Program monitor, and provide information requested by the monitor or the Tennessee Lawyers Assistance Program.

(e) Costs of Conditional Admission. The applicant shall be responsible for any direct costs of investigation, testing and monitoring. Other costs shall be borne in accord with this or any other applicable Supreme Court Rule.

(f) Failure to Fulfill the Terms of Conditional Admission. Failure of a conditionally admitted lawyer to fulfill the terms of a Conditional Admission Order may result in a modification of the Order that may include extension of the period of conditional admission, suspension or revocation of the Conditional Admission Order or such other action as may be appropriate under Supreme Court Rule 9. The Tennessee Lawyers Assistance Program shall promptly notify the Board of Professional Responsibility whenever it determines that the conditionally admitted lawyer is in substantial noncompliance with the terms of the Conditional Admission Order. Notification of such failure by the Tennessee Lawyers Assistance Program shall automatically extend the conditional admission until disposition of the matter by the Board of Professional Responsibility and any resulting appeals.

(g) Violation of Conditional Admission Order. If the Tennessee Lawyers Assistance Program determines that the terms of the Conditional Admission Order have been violated, the Tennessee Lawyers Assistance Program shall notify the Board of Professional Responsibility to initiate proceedings to determine whether the conditional admission should be revoked, extended or modified. Consideration and disposition of any such notice to the Board of Professional Responsibility shall be governed by Supreme Court Rule 9. Any decision to extend or modify the Conditional Admission Order must be made in consultation with the Tennessee Lawyers Assistance Programs.

(h) Expiration of Conditional Admission Order. Unless the Conditional Admission Order is revoked or extended as provided herein, upon completion of the period of conditional admission, the conditions imposed by the Conditional Admission Order shall expire. The Tennessee Lawyers Assistance Program shall notify the Board of Professional Responsibility of such expiration.

(i) Confidentiality. Except as otherwise provided herein, and unless this Court orders otherwise, the fact that an individual is conditionally admitted and the terms of the Conditional Admission Order shall be confidential provided that the applicant shall disclose the entry of any Conditional Admission Order to the admissions authority in any jurisdiction where the applicant applies for admission to practice law. In addition to ensuring that the relevant records of the Board of Law Examiners, the Board of Professional Responsibility and the Tennessee Lawyers Assistance Program are confidential, the Board of Law Examiners shall use reasonable efforts to structure the terms and conditions of the conditional admission so that the conditional admission does not pose a significant risk to confidentiality. These provisions for confidentiality shall not prohibit or restrict the ability of the applicant to disclose to third parties that the applicant has been conditionally admitted under this Rule, nor prohibit requiring third-party verification of compliance with the terms of the Conditional Admission Order by admission authorities in jurisdictions to which the conditionally admitted lawyer may subsequently apply.

(j) Education. The Board of Law Examiners shall make information about its conditional admission process publicly available and shall reasonably cooperate with the Tennessee Lawyers

Assistance Program in its efforts to educate law students, law school administrators and applicants for bar admission regarding the nature and extent of chemical abuse, dependency, and mental health concerns that affect law students and lawyers.

(k) Disciplinary Complaints. The provisions of this rule shall not affect the authority of the Board of Professional Responsibility, pursuant to Tenn. Sup. Ct. R. 9, to investigate a complaint filed against a conditionally admitted lawyer by a person or entity other than the Tennessee Lawyers Assistance Program, to recommend a disposition of such complaint pursuant to Tenn. Sup. Ct. R. 9, 8.1, or to initiate a formal disciplinary proceeding as to such complaint, pursuant to Tenn. Sup. Ct. R. 9, 8 8.2.

[Section 10.05 amended by Order filed September 3, 2009]

ARTICLE XI. FEES

Sec. 11.01. Schedule of Fees.

The Board shall adopt, from time to time, a schedule of fees to be paid by applicants. No fee shall be charged without the approval of the Court.

Sec. 11.02. Payment Mandatory.

No step in the admissions process may be taken except upon the payment of the fees required for that step. No license will be issued until all fees due from the applicant have been paid.

ARTICLE XII. ORGANIZATION AND POWERS OF BOARD

Sec. 12.01. Composition of Board and Term.

The Board shall consist of 5 attorneys licensed to practice law in this State and in good standing. They shall be appointed from time to time by the Court, and shall serve at the pleasure of the Court for terms of 3 years.

[Amended by order filed March 14, 2002.]

Sec. 12.02. Officers and Allocation of Responsibilities.

The officers of the Board shall consist of a President, a Vice President and a Secretary-Treasurer. The Board may, however, allocate responsibilities not requiring formal action, as it deems appropriate, on an informal basis.

Sec. 12.03. Official Seal.

The Board shall use a seal of office containing the following words: "STATE OF TENNESSEE BOARD OF LAW EXAMINERS."

Sec. 12.04. Formal Actions; Quorum.

(a) Denial of an application to take the examination, or denial of a license, or the adoption of Board policies and rules shall be taken only on formal action concurred in by at least three members of the Board, expressed in an order.

(b) Three [3] members of the Board shall constitute a quorum.

(c) Preliminary approval to take the examination may be given and any other informal action may be taken by any member of the Board.

[Amended by order filed March 14, 2002.]

Sec. 12.05. Rules and Statements of Policy.

(a) The Board shall have the power to adopt such rules and such statements of policy as it may deem necessary or expedient, not inconsistent with the rules of this Court.

(b) All such rules and statements of policy shall be kept in an official minute book maintained by the Administrator. Copies of such rules and statements of policy shall be filed with the Court on their adoption. The minute book shall be open to public inspection and the Board shall take reasonably appropriate steps to assure that applicants are given the opportunity to become familiar with the rules and policies of the Board, as well as with this Rule.

Sec. 12.06. Docket of Proceedings.

The Administrator shall maintain a docket of all proceedings before the Board in which formal action of the Board is taken, or a hearing is held with respect to any application for admission.

Sec. 12.07. Appointment and Duties of Administrator

The Court shall appoint an Administrator of the Board, who shall serve at the pleasure of the Court. Following his or her appointment by the Court, the Administrator shall report to the Board, which shall conduct regular performance evaluations of the Administrator and report such evaluations to the Court. The Administrator shall be responsible for all administrative duties in the enforcement of this Rule, including, but not limited to, investigation of the character of applicants, investigation of schools, preliminary review of applications, making arrangements for the giving of examinations, keeping books, records and files, and such other responsibilities as may be delegated or directed by the Board.

Sec. 12.08. Secretarial Assistance.

The Administrator may employ such full or part-time secretarial and other office assistance as he or she may deem appropriate.

Sec. 12.09. Assistants to the Board.

The Court may appoint attorneys licensed to practice law in this State and in good standing to assist in the preparation and grading of examination questions, and to perform such other duties in the enforcement of this Rule as the Board may from time to time direct. The assistants shall serve staggered terms of five (5) years, and may be reappointed to serve a second five-year term, provided that shorter terms may be designated initially by the Court where necessary to observe the above rotation practices.

Sec. 12.10. Salaries.

Subject to budgetary limitations, the Board shall fix the salary of the Administrator, of attorney assistants and employees of the Board.

Sec. 12.11. Confidentiality of Board Records and Files.

Applications for admission, examination papers and grades, and all investigative records of the Board, including but not limited to, correspondence and/or electronic transmissions to and from the Board, its members and staff, minutes of Board meetings and its deliberations and all documents, communications and proceedings prepared in connection with evaluations or investigations of law schools under sections 2.03, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, and 2.15 shall be treated as confidential and shall not be open to inspection by members of the public without written application to and authorization by an appropriate order of this Court. Statistical information not identified with any particular applicant and information relating to whether and when an applicant has been admitted may be released to any person. The Board is authorized to release information which would otherwise be confidential to the licensing, disciplinary or law enforcement agencies of any jurisdiction, the Tennessee Lawyers Assistance Program, and to the National Conference of Bar Examiners.

[Amended by order filed December 15, 2000, effective January 13, 2001, and by order filed August 31, 2004.]

Sec. 12.12. No Power to Waive or Modify Rule of Court.

Except as expressly provided in this Rule, the Board has no power to waive or modify any provision of this Rule.

Sec. 12.13. Subpoena Power.

The Board and each member thereof are vested with the power to issue subpoenas for witnesses, to compel their attendance, and to compel the production of books, records and documents, to administer oaths to witnesses and to compel witnesses to give testimony under oath, and to have and exercise all other power and authority conferred by the laws of this State and the rules of this Court upon Commissioners or upon Special Masters of this Court. Said subpoenas shall in each instance be attested by one of the Clerks of this Court. Subpoenas shall be issued and enforced in accordance with the provisions of Title 24, Tenn. Code Ann., as in the case of Commissioners authorized to take depositions.

Sec. 12.14. Counsel for Board.

(a) The Board is authorized to request any of the attorney assistants to the Board to act as counsel, or to request the State or any local bar association to furnish counsel, to assist the Board in investigations, preparation for hearings, or the conduct of hearings.

(b) The Attorney General shall represent the Board in any proceedings in court, including the review of Board actions in this Court.

Sec. 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.

[Adopted by order filed April 15, 1999, effective May 1, 1999.]

ARTICLE XIII. FORMAL PROCEEDINGS BEFORE THE BOARD

Sec. 13.01. Show Cause Orders.

If the Board finds, from the information furnished it or from investigations made under its authority, that grounds for doubt exist as to whether an applicant meets the criteria and standards provided in this Rule, the Board shall issue an order requiring the applicant to show cause why the applicant should not be denied admission or the opportunity to take the examination as the Board may determine. Any such show cause order shall state the grounds thereof, and shall afford the applicant an opportunity to reply thereto within a period designated therein. Any such reply shall be in writing, under oath, and may include such additional affidavits or other documents as the applicant may choose to furnish. If the Board determines that any such reply is not sufficient, the Board shall notify the applicant and afford him or her an opportunity to be heard in accordance with the procedures provided in this Rule. The Board or the Administrator, however, may contact the applicant in order to secure an informal resolution of the matter before resorting to the formal procedures herein provided, but no such informal disposition shall be made without the consent of the applicant.

Sec. 13.02. Petitions to Board.

(a) Any person who is aggrieved by any action of the Board involving or arising from the enforcement of this Rule (other than failure to pass the bar examination) may petition the Board for such relief as is within the jurisdiction of the Board to grant.

(b) Any such petition must:

(i) Be in writing, under oath;

(ii) Be filed with the Administrator within 30 days after notice of such action by the board; and

(iii) Must state with reasonable particularity the relief which is sought and the grounds therefor.

(c) Any such petition may:

(i) Be accompanied by such affidavits and other documentary evidence as the petitioner may deem appropriate;

(ii) May be supported by a brief setting forth pertinent authorities and arguments; and

(iii) May ask the Board to set the matter for hearing.

(d) The Board may order a hearing of any such petition on its own motion.

Sec. 13.03. Hearings Before Board.

(a) The Administrator shall serve notice on the petitioner or the respondent to a show cause order and any other interested parties fixing the time and place of the hearing and indicating the matters to be heard.

(b) The petitioner or respondent and any other person made a party to the proceeding shall have the right to be represented by counsel and to present evidence and argument with respect to the matters in issue.

(c) The burden of proof shall be upon the petitioner, or the respondent in the case of a show cause order.

(d) Any person having a direct interest in the matters in issue in any proceeding may, upon written motion, be allowed to intervene and become a party of record.

(e) The Board shall not be bound by the rules of evidence applicable in a court, but it may admit and give probative effect to any evidence which in the judgment of the Board possesses such probative value as would entitle it to be accepted by reasonably prudent persons in the conduct of their affairs. The Board, however, shall give effect to the rules of privilege recognized by law. The Board may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(f) All evidence, including records and documents in the possession of the Board of which it desires to avail itself, shall be offered and made a part of the record, and no factual information shall be considered by the Board which is not made part of the record.

(g) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(h) The Board may take notice of judicially cognizable facts, and, in addition, may take notice of general or technical facts within its specialized knowledge.

(i) The Board may cause subpoenas to be issued for such witnesses as any party may in good faith and for good cause shown request in writing.

(j) The Administrator shall arrange for the presence of a court reporter to transcribe any oral hearing. The per diem charge of such reporter shall be paid by the party requesting the hearing, or, in the case of a show cause order, by the Board. In its discretion, the Board may waive the presence of a reporter and use an electronic or similar recording device. At the direction of the Board, or at the request of any party, a transcription of the hearing shall be made, and shall be incorporated in the record, if made. The party requesting the transcription shall bear the cost thereof. If the Board elects to transcribe the proceedings, any party shall be provided copies thereof upon payment to the Board of a reasonable compensatory charge.

(k) At the direction of the Board and by agreement of the parties, all or part of a hearing may be conducted by telephone, television, or other electronic means, if each party has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place.

(l) Any member of the Board may hold hearings when authorized by the Board to do so, but any decision shall be made by a majority of the Board. Any member participating in the decision without being present shall read the transcript of the proceedings and the entire record before the Board.

Sec. 13.04. Default.

(a) If a party fails to respond to a show cause order, the Board may hold that party in default, serve a notice of default on that party, and after the period stated in that notice, enter an order taking such action as the Board deems appropriate.

(b) If a party fails to appear at a hearing, the Board may hold that party in default, serve a notice of default on the party, and after the period stated in that notice, dismiss the petition, or, in the case of a hearing set by the Board on its own motion, enter an order taking such action as the Board deems appropriate.

(c) When a party fails to respond to a show cause order, or fails to appear at a hearing, the Board may, at its election, proceed with the hearing in the absence of that party.

(d) A party who has been held in default may file a petition for setting aside that default within 15 days after the entry of an order based on that default, which petition shall state with particularity the grounds thereof.

Sec. 13.05. Costs.

The Board may require payment of or security for the costs and expenses of any hearing before the Board, in such a manner as it deems reasonably compensatory.

Sec. 13.06. Decisions of Board.

The Board's decision on any hearing before it shall be made in writing and a copy thereof shall be mailed or delivered to all parties of record.

Sec. 13.07. Informal Disposition.

Unless precluded by law or by this Rule, informal disposition may be had of any matter before the Board by stipulation, agreed settlement, or consent order.

Sec. 13.08. Motions and Other Matters Preliminary to Hearing.

(a) Any party who desires to raise any matter preliminary to the hearing or to obtain any order from the Board prior to the hearing shall do so by motion, which shall be made in writing, shall state with reasonable particularity the grounds therefor, and shall set forth the relief or order sought.

(b) Any member of the Board may dispose of any motion, subject to the right of review by the entire Board.

ARTICLE XIV. REVIEW OF BOARD DECISIONS

Sec. 14.01. Petition for Review.

Any person aggrieved by any action of the Board may petition this Court from a review thereof as under the common law writ of certiorari, unless otherwise expressly precluded from doing so under this Rule. A petition filed under this section shall be made under oath or on affirmation and shall state that it is the first application for the writ. *See* Tenn. Code Ann. §§ 27-8-104(a) and 27-8-106. On the grant of the writ, the Administrator shall certify and forward to the Court a complete record of the proceedings before the Board in that matter. Any such petition must be filed within 60 days after the action complained of. The Board shall have 30 days after filing of any such petition within which to file a response.

[Amended by order entered June 22, 1988; by order filed April 15, 1999, effective May 1, 1999; and amended by order entered May 2, 2011.]

Sec. 14.02. Costs.

The Court may make such orders as it may consider appropriate with respect to the payment of or security for costs and other expenses of hearings before the Court.

Sec. 14.03. Exhaustion of Board Remedies.

The Court will entertain no application or petition from any person who may be affected directly or indirectly by this Rule, unless that person has first exhausted his remedy before the Board.

Sec. 14.04. No Review of Failure to Pass Bar Examination.

The only remedy afforded for a grievance for failure to pass the bar examination shall be the right to re-examination as herein provided.

ARTICLE XV. SURRENDER OF LAW LICENSE

An attorney licensed to practice in Tennessee may petition the Supreme Court to accept the surrender of his or her license to practice law.

The petition shall be filed in the office of the Clerk of the Appellate Courts in Nashville. The petitioner shall contemporaneously serve copies of the petition upon the Chief Disciplinary Counsel of the Board of Professional Responsibility, the Executive Secretary of the Board of Law Examiners, and the Executive Director of the Commission on Continuing Legal Education and Specialization.

The petition shall state under oath:

- a.** the reason(s) for the requested surrender;
- b.** whether disbarment, suspension, disciplinary, or other administrative action of any nature is in effect or pending as to the petitioner;
- c.** whether there is a potential grievance, complaint, disciplinary or administrative action of any nature in any jurisdiction which may likely be filed against the petitioner;
- d.** whether the attorney is currently on probation, under criminal charge(s), or under investigation for criminal charge(s), of any nature in any jurisdiction.

The Court may decline to consider any petition during the pendency of any of the matters described herein above.

The attorney shall attach the law license to the petition or shall attach an affidavit fully explaining why the license is not attached.

Upon consideration of the petition, the Court may grant the petition or deny it. If the Court grants the petition, the order accepting the surrender shall state the date the surrender shall take effect. The Clerk shall mail a copy of the order to the surrendering attorney, the Board of Professional Responsibility, the Board of Law Examiners, and the Commission on Continuing Legal Education and Specialization.

As of the effective date of the order accepting surrender, the attorney shall have no license to practice law in this state. After the effective date of the order, this license shall not be reinstated, and the attorney may not be licensed to practice law in Tennessee until he or she applies for a law license in Tennessee and meets the requirements of Rule 7, Rules of the Supreme Court.

Article added by order entered April 11, 1996.]