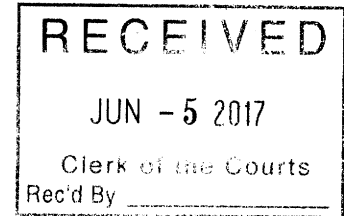


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June 1, 2017

Tennessee Supreme Court
Attn: James M. Hivner
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, Tennessee 37219-1407



Re: Proposed Amendment to Rule 7

Dear M. Hivner:

I am writing in response to the Court's request for comments regarding proposed amendments to Rule 7. I am a graduate of the University of Tennessee College of Law, and I have practiced law for twenty-five years.

The University of Tennessee and Vanderbilt University have petitioned for a change in Rule 7, seeking to make it easier for graduates of foreign law programs to sit for the Bar. I oppose their requested change. Quite simply, it should not become easier for foreign law graduates to sit for the Bar than it is for American law graduates. "General equivalency" is a good rule that should, in my opinion, be maintained.

Under existing Rule 7, there are a number of requirements on Americans that are intended to provide a minimum standard of education for prospective lawyers. We require three years of study of law, and, under the ABA's requirements, this course of study involves primarily the study of American law. In addition, we require a bachelor's degree in a field of study other than law. We require degrees from institutions that are accredited by accepted accrediting bodies, or we require direct or heightened scrutiny of non-accredited institutions.

As a profession, we did not always expect seven years of higher education to become a lawyer. We were originally a trade that learned the profession through tutelage. When law started being taught as a collegiate course of study, we permitted undergraduates to study law, earn the LL.B., and sit for the Bar. That course of study, like engineering, generally required five years of higher education.

In the 1950s, the American Bar Association pressed for, and the Court accepted for Tennessee, a higher educational standard for prospective lawyers. The general norm of seven years of higher education became the standard across the country. It remains the standard today.

The amendments proposed by UT and Vanderbilt, which would eliminate "general equivalency" as the standard of education for prospective foreign-trained lawyers, would undercut our requirements for Americans. While it may be appropriate to reconsider whether seven years of higher education should be our educational standard, until we reconsider that standard for everyone, we should maintain equivalent standards for Americans and non-Americans. If anything, we should be more cautious about the educational backgrounds of individuals who have not grown up immersed in American culture and American values, particularly American constitutionalism.

I have been an Adjunct Professor of Law at Vanderbilt for almost fifteen years. Obviously, my views expressed here do not represent the views of Vanderbilt University. My experience teaching LL.M. students has reinforced my view regarding the propriety of the existing rule. Quite frankly, my LL.M. students have not, in the main, been properly prepared to become American lawyers. Even if they can learn the jargon of American law, their different social and educational backgrounds are, in my experience, often a significant hindrance to the development of good legal judgment within the American legal system. Creating lower standards for non-Americans is wholly unjustified, based on my experience.

Thank you for soliciting comments regarding this matter.

Respectfully,



C. Mark Pickrell