# IN THE SUPREME COURT OF TENNESSEE <br> AT NASHVILLE 

## IN RE PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9, SECTION 10.10 and SECTION 10.2

No. ADM2014-02187

DEC-2 2014
Clerk or the Courts
Rec'd By

## ORDER

On November 10, 2014, the Access to Justice Commission ("the Commission") filed a petition asking the Court to amend Tennessee Supreme Court Rule 9, Sections 10.10 and 10.2. In summary, the Commission's petition observes that Tennessee is a leader in access-to-justice efforts and that "the Commission and its partners, with the support and assistance of the Court, have implemented a number of new initiatives designed to increase significantly the availability of legal services to needy Tennesseans." The petition goes on to state that " $[\mathrm{m}]$ ost of the new initiatives have focused on increasing the number of lawyers performing pro bono work and amount of pro bono work done by those lawyers." The Commission states in its petition, however, that it needs "better data regarding available legal resources to serve those in need of the services." In that regard, the Commission asks the Court to amend Rule 9, Section 10.10(a) and (b) to require Tennessee attorneys to annually report the extent of their pro bono work, if any. (Under the current rule, Tennessee attorneys are requested - but not required - to report such information.) If the Court were to approve the Commission's proposed amendments, a lawyer's failure to report pro bono hours would result in an administrative sanction. The Commission stresses in its petition that the Commission does not support and is not recommending "mandatory pro bono."

The Commission's petition also asks the Court to amend Rule 9, Section 10.2 to implement a new funding mechanism for access-to-justice programs. Under the Commission's proposed amendment, the annual registration form completed by licensed Tennessee lawyers for the Board of Professional Responsibility would include an "opt out" line item for lawyers to make a contribution (with $\$ 50$ as the suggested contribution) to support access-to-justice programs.

A copy of the Commission's petition, with its exhibits, is set out in the Appendix to this order. The Court hereby solicits written comments from judges, lawyers, bar
associations, members of the public, and any other interested parties concerning the Commission's petition and proposed amendments. The deadline for submitting written comments is Monday, February 2, 2015. Written comments should be addressed to:

James Hivner, Clerk<br>Re: Rule 9, Sections 10.10 and 10.02<br>Tennessee Appellate Courts<br>100 Supreme Court Building<br>401 7th Avenue North<br>Nashville, TN 37219-1407

and should include the docket number set out above.

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

IT IS SO ORDERED.

## TENNESSEE ACCESS TO JUSTICE COMMISSION'S

# "PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9, SECTION 10.10 GOVERNING PRO BONO REPORTING AND SECTION 10.2 GOVERNING THE ANNUAL REGISTRATION FEE" 

Supreme Court Docket No. ADM2014-02187
(filed November 10, 2014)

IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT RULE 9, SECTION 10.10 AND SECTION 10.2

No. ADm2014-02187

## PETITION TO AMEND TENNESSEE SUPREME COURT

RULE 9, SECTION 10.10 GOVERNING PRO BONO REPORTING AND SECTION 10.2 GOVERNING THE ANNUAL REGISTRATION FEE

The Tennessee Supreme Court Access to Justice Commission ("the Commission") respectfully petitions this Court to amend Supreme Court Rule 9, Sections 10.10 and 10.2. The proposed amendment is described more fully below and is set forth in attached Exhibit A. The proposed amendment will provide the Court and the Commission with needed and more complete information regarding the voluntary pro bono service provided by members of the Tennessee bar and increase pro bono resources by raising funds for access to justice initiatives. The grounds supporting the Petition are as follows:

## Introduction

Thanks to the leadership of the Court, Tennessee has made great strides toward more equal access to justice. Tennessee is now recognized as a national leader in access to justice efforts. The Commission and its partners, with the support and assistance of the Court, have implemented a number of new initiatives designed to increase significantly the availability of legal services to needy Tennesseans. Most of the new initiatives have focused on increasing the number of lawyers performing pro bono work and amount of pro bono work done by those lawyers.

## Need for Better Information

As outlined in the Commission's 2014 Strategic Plan, the Commission wants to maintain and build on those successful efforts. To do so, however, we need to better measure and assess the effectiveness of our work to date. There are two aspects to our assessment strategy.

First, we need better information about the legal needs of our citizens, so that our deployment of legal resources is in alignment with those needs. A new legal needs study is now nearing completion, funded through a generous grant from the Frist Foundation. As a result, we will soon have a much better and more up to date understanding of our citizens' current legal needs -- where the needs exist, the types of needs that exist, and the types of resources which can most effectively meet those needs.

Second, we need better data regarding available legal resources to serve those in need of the services. Our annual Pro Bono Report represents a meaningful step in that direction. The volunteer work documented in the Report is impressive and represents a diverse patchwork quilt of volunteer initiatives at the city, county, judicial district, and state-wide level. The reporting that is done now voluntarily shows that over $42 \%$ of Tennessee lawyers report performing some pro bono. But it is an incomplete picture. We do not have sufficient data to enable us to fully assess how to more effectively allocate pro bono resources or to determine the best ways to recruit and inspire additional pro bono attorneys. As a result, the Commission unanimously requests that the Court approve a rule change to require attorneys to report their pro bono work, if any.

Nine other states require annual reporting of any pro bono work provided by members of the bar. ${ }^{1}$ In those states, over $99 \%$ of the lawyers report. The information provided gives the courts, the bar associations, and access to justice related entities, the ability to assess accurately who is doing pro bono work, what kind of pro bono work is being done, and where the work is being provided. ABA Access to Justice staff members have informed Commissioners and Commission staff that having more complete reporting data is a critical tool for those states in better allocating resources to meet the legal needs of their citizens.

## Minimal Burden of Reporting

The proposed rule change would require lawyers to perform a task that would likely take less than two minutes to complete. Precise time records are not required; lawyers need only make a good faith estimate of time expended on pro bono work. Lawyers who have not done any pro bono work that year can indicate that fact in just a few seconds. The task is simple, but one that will provide invaluable information that will help the Commission better accomplish its mission.

Implementing a reporting requirement always gives rise to unfounded fears that mandatory pro bono is not far behind. No member of the Commission supports a mandatory pro bono requirement. In fact, the Commission shares the concern expressed by many in the access to justice community that mandatory pro bono could lead to poor services for the clients and destroy the goodwill that has developed for the pro bono cause in Tennessee. Quite simply, the Commission does not support mandatory pro bono. The Commission does not recommend mandatory pro bono. And the Commission certainly does not see a reporting requirement as a step towards mandatory pro bono.

1 Florida, Hawaii, Illinois, Indiana, Maryland, Mississippi, Nevada, New Mexico, and New York.

The mechanics of implementing required pro bono reporting are quite simple. The Commission proposes amending Supreme Court Rule 9, section 10.10 to replace the "requested also to file" language with "shall also file." Exhibit A, attached to this memorandum, is a redline version of the rule setting forth the minor changes proposed.

Sandy Garrett, Chief Disciplinary Counsel of the Board of Professional Responsibility, has advised the Commission that her staff can implement the requirement relatively easily if approved by the Court. For efficiency and effectiveness, the Commission recommends that the Court treat compliance with the reporting requirements similar to the way it treats compliance with the IOLTA trust fund requirement. Lawyers would be asked to indicate compliance on their registration. If compliance is not part of their registration, they would be notified that they are out of compliance and given an opportunity to complete the registration form. Only after failing to do so would the lawyer face administrative sanctions.

Unlike IOLTA compliance, which may involve the opening of new bank accounts or negotiating with bank personnel regarding interest rates paid on lawyers trust accounts, compliance with a reporting requirement literally takes minutes. The Commission expects that soon after implementation, very few lawyers will fail to comply. The Commission stands ready to undertake an informational campaign to inform the bar of the change, explain the need for and value of the information, and call attention to the rule change.

The Maryland Access to Justice Commission reports that in the first year of required pro bono reporting in Maryland, $97.8 \%$ of lawyers complied. After that first year, compliance has always exceeded 99\%. See Exhibit B attached, at p.3. ${ }^{2}$

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## Access to Justice Fund

The Commission also requests that the Court approve a change to the annual registration form completed by licensed Tennessee lawyers for the Board of Professional Responsibility ("BPR"), to include an item for lawyers to make a voluntary contribution to support access to justice programs.

The Commission's Pro Bono Advisory Committee is comprised of a statewide, diverse group of attorneys and other professionals, including representatives of numerous local legal aid programs. The Commission, through the Pro Bono Advisory Committee, has carefully researched the use in other states of the annual attorney renewal or registration form to raise funds for access to justice initiatives. The Committee's research showed that this type of fundraising at the state level did not detract from the fundraising efforts of local legal aid programs. The Committee determined that using the BPR Registration Packet as a way to generate funds for access to justice initiatives is appropriate for Tennessee and developed a proposal which the Commission subsequently approved.

## Summary of Funding Proposal

The Commission, through the Pro Bono Advisory Committee, reached out to the ABA and other states for information on the structure and administration of those states' access to justice fundraising mechanisms. The Commission learned that states that have an opt-out mechanism with a suggested contribution amount raise more money than those that have an optin mechanism. Based on these findings, the Commission determined that $\$ 50.00$ is an appropriate initial amount for the suggested access to justice contribution.

## Modifications to the BPR Registration Form

The proposed modification to the registration form is attached as Exhibit C. The form would include an "Optional Access to Justice Contribution" line and a supporting section that provides brief information about the Court's Access to Justice Initiative and the proposed use of the funds. The attorney is advised of the suggested $\$ 50.00$ amount, how to opt out, and how to change the amount if desired.

The Commission contacted BPR to inquire as to the cost of adding an additional page to the Registration Packet. BPR advised that an additional page would increase their annual postage costs by over $\$ 5,000$. As a result, the Commission successfully crafted a modification that will not increase the page length.

## Funding Mechanism Allocation Method

The Commission proposes to allocate funds using the programs' revenue reported on their most recent tax return. The reported revenues of the four programs funded by the Legal Services Corporation ("LSC-Funded organizations") will be combined to determine their percentage of the total revenue and funds will be allocated to them as a group. For example, if the four LSC-funded organizations' combined revenue is equal to $75 \%$ of the total of all the reported revenues of organizations eligible to receive funds, the LSC-Funded organizations, as a group, will receive $75 \%$ of all contributions. The LSC-funded organizations' share will be distributed to each organization in accordance to the percentages contained in Supreme Court Rule 11, Section V, the Civil Legal Representation of Indigents Fund.

Non-LSC-funded organizations will further allocate their remaining share of the total amount donated according to their percentage of the combined revenue measured by the last tax return.

The Commission looked to the Board of Directors of the Tennessee Alliance for Legal Services as a guide to determine which non-LSC-funded organizations should be eligible to receive contributions. The Commission settled upon the following list:

- Justice for Our Neighbors
- Community Legal Center
- Southeast Tennessee Legal Services
- Tennessee Justice Center
- Volunteer Lawyers for the Arts
- Tennessee Coalition to End Sexual and Domestic Violence
- Tennessee Disability Law and Advocacy Center

The Commission recommends that the Commission be empowered by the Court to revisit the list periodically after the ATJ Fund is established, in consultation with the Tennessee Alliance for Legal Services, in order to provide opportunities for funding to new organizations.

## Benefits of Amendment

As noted above, the primary benefits of the proposed amendment will be to provide invaluable information to the Commission, the Court, and our access to justice partner organizations regarding the nature, distribution, and efficacy of pro bono programs and to provide funding to support access to justice initiatives across Tennessee. The information contained in Exhibit B, the Maryland Longitudinal Analysis of Pro Bono Reporting: 2012-2013, demonstrates the kinds of valuable information that will become available.

Second, the Commission believes that required reporting represents a strong message from the Court about its commitment to access to justice and its hope and expectation, as set forth in Rule 6.1 that all lawyers will engage in some pro bono service. The increased attention
should lead to a significant increase in the number of lawyers engaged in pro bono work. In Maryland, for example, the number of hours of pro bono services provided by Maryland lawyers has increased nearly $17 \%$ since reporting began in 2002. See Exhibit B, p. 2. Moreover, the financial contributions made by attorneys to legal services programs (as encouraged by Rule 6.1(c)), should increase significantly as well. Again using Maryland as an example, financial contributions made by attorneys to organizations that provide legal services to people of limited means increased by $89 \%$ after required reporting was implemented. ${ }^{3}$

No state that has adopted a reporting requirement has reported regretting having done so. All states who have done so report that the information captured is extremely useful. The Tennessee Bar Association made a similar recommendation regarding reporting in 2008. The Court decided to defer a decision at that time. In the Commission's judgment, the growth of voluntary reporting and the widespread acceptance of and support for the leadership of the Court on access to justice generally have created a supportive environment to take this step. The additional funding for access to justice initiatives will further emphasize the Court's commitment to access to justice.

## Conclusion

For the foregoing reasons, the Tennessee Supreme Court Access to Justice Commission respectfully requests that this Honorable Court grant the Commission's Petition to amend Tennessee Supreme Court Rule 9, sections 10.10 and 10.2. In support of the Petition, the following Exhibits are attached to and referenced in this Petition:

Exhibit A - Proposed amendments to Tenn. Sup. Ct. R. 9 (redline and clean versions);
Exhibit B - Longitudinal Analysis of Pro Bono Reporting: 2002-2012, A Joint Report of the Maryland Access to Justice Commission and the Court of Appeals Standing

Committee on Pro Bono Legal Services (April 2014);
Exhibit C - Proposed changes to the Annual Registration Form.
Respectfully Submitted,
TENNESSEE SUPREME COURT ACCESS TO JUSTICE COMMISSION

By:


Chair, Tennessee Supreme Court Access
To Justice Commission

PROPOSED AMENDMENT TO TENN. SUP. CT. R. 9, SECTION 10.2 AND SECTION 10.10

Section 10.2.(a) Every attorney admitted to practice before the Court, except those exempt under Section 10.3, shall pay to the Board on or before the first day of the attorney's birth month an annual fee.
(b) All funds collected hereunder shall be deposited by the Board with the State Treasurer; all such funds, including earnings on investments and all interest and proceeds from said funds, if any, are deemed to be, and shall be designated as, funds belonging solely to the Board. Withdrawals from those funds shall be made by the Board only for the purpose of defraying the costs of disciplinary administration and enforcement of this Rule, and for such other related purposes as the Court may from time to time authorize or direct.
(c) The annual fee for each attorney shall be One Hundred Seventy Dollars (\$170), consisting of a One Hundred Forty Dollar (\$140) Board of Professional Responsibility annual registration fee, a Ten Dollar (\$10) annual fee due under Tenn. Sup. Ct. R. 25, Section 2.01(a) (Tennessee Lawyers' Fund for Client Protection), and a Twenty Dollar (\$20) annual fee due under Tenn. Sup. Ct. R. 33.01 C (Tennessee Lawyer Assistance Program), and shall be payable on or before the first day of the attorney's birth month, and a like sum each year thereafter until otherwise ordered by the Court.
(d) In connection with the payment of the annual fee, every attorney shall have the opportunity to make a financial contribution to support access to justice programs. Funds raised through optional contributions will be distributed to access to justice programs which provide direct legal services to low income Tennesseans.

Section 10.10.(a) Every attorney who is required by Section 10.1 to file an annual registration statement with the Board shall also file a pro bono reporting statement, reporting the extent of the attorney's pro bono legal services and activities during the previous calendar year. The pro bono reporting statement shall be in substantially the format provided in Appendix A hereto, and shall be provided to the attorney by the Board with the attorney's annual registration statement.
(b) In reporting the extent of the attorney's pro bono legal services and activities, the attorney is requested to state whether or not the attorney made any voluntary financial contributions pursuant to RPC 6.1(c), but the attorney need not disclose the amount of any such contributions.
(c) The Board may promulgate such forms, policies and procedures as may be necessary to implement this Section.

## Exhibit A

(d) The individual information provided by attorneys in the pro bono reporting statements filed pursuant to this Section shall be confidential and shall not be a public record, unless the attorney waives confidentiality on the reporting statement solely to be considered for recognition by the Tennessee Supreme Court for pro bono work the attorney completed in the previous calendar year. The Board shall not release any individual information contained in such statements, except as directed in writing by the Court or as required by law. The Board, however, may compile statistical data derived from the statements, which data shall not identify any individual attorney, and may release any such compilations to the public.

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## (b) The attorney is requested to complete the pro bono reporting statement and file it with his of

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Page 25 Total Hours and Percentage of Pro Bono Lawyers Providing Foreclosure Project (FPPB) Assistance $\begin{array}{ll}\text { Page } 23 & \text { Total Financial Contributions } \\ \text { Page } 24 & \text { Percentage Making Financial Contributions }\end{array}$ Page 22 Percentage of Full-Time Lawyers from Selected Primary Practice Areas Meeting 50 Hours Page $20 \quad$ Percentage of Pro Bono Hours Spent in Matters Referred From a Pro Bono or Legal Services Agency (2 pages)
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 Page 3 Reporting Compliance Rate






Attorneys in the Western and Eastern regions of the state consistently report higher pro bono participation rates than their colleagues in

decreased by a relative $6.49 \%$ over that period. (Page 13). The percent of full-time lawyers doing any pro bono decreased by a relative ouoq oлd su!
 $17.7 \%$ of full-time lawyers met that goal. By 2012 that had risen to 22.2\%. (Page 15)

 report on their pro bono activity, the aspirational standard of 50 hours per year articulated by Rule 6.1 applies only to those who practice






 further their organizational purposes, to non-profits in matters that address the needs of persons of limited means, and to civil rights
 attorneys reported providing 1.16 million hours of service. (Page 18)

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| 2002 | 8.90\% | 9.50\% | 5.00\% | 7.40\% | 6.20\% | 4.80\% | 4.70\% | 3.50\% |
| 2003 | 13.50\% | 11.00\% | 9.10\% | 8.10\% | 7.20\% | 5.50\% | 5.40\% | 9.00\% |
| 2004 | 13.90\% | 11.10\% | 9.50\% | 8.00\% | 7.60\% | 5.50\% | 5.30\% | 9.20\% |
| 2005 | 14.10\% | 10.90\% | 7.90\% | 8.60\% | 7.80\% | 5.70\% | 4.30\% | 10.90\% |
| 2006 | 13.70\% | 10.80\% | 8.20\% | 8.70\% | 8.00\% | 5.80\% | 3.90\% | 11.10\% |
| 2007 | 14.40\% | 10.90\% | 8.30\% | 8.80\% | 7.50\% | 5.70\% | 3.90\% | 11.10\% |
| 2008 | 14.10\% | 11.00\% | 8.50\% | 8.80\% | 6.90\% | 5.60\% | 4.10\% | 11.30\% |
| 2009 | 13.90\% | 10.60\% | 8.90\% | 9.00\% | 6.70\% | 5.60\% | 4.00\% | 11.60\% |
| 2010 | 14.00\% | 10.60\% | 9.30\% | 8.80\% | 6.40\% | 5.50\% | 3.90\% | 11.50\% |
| 2011 | 14.20\% | 10.50\% | 9.20\% | 8.60\% | 6.30\% | 5.50\% | 4.00\% | 11.50\% |
| 2012 | 13.90\% | 10.50\% | 9.50\% | 8.70\% | 6.20\% | 5.60\% | 3.90\% | 11.50\% |
| Average | 13.51\% | 10.67\% | 8.49\% | 8.50\% | 6.98\% | 5.53\% | 4.31\% | 10.20\% |


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 Top 5 Pro Bono Practice Areas Over Time:

1. Family
2. Corporate/Business and Other (tie)
3. Real Estate
4. Litigation
5. Criminal


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 The data suggests that over time, solo practitioners have become a relatively larger percent of those who work in firms, and

This table reflects the response law-firm lawyers gave when asked to report the size of the firm for which they work. | Year | Solo | Small Firm | Medium Firm | Large Firm | Extra-Large Firm |
| :--- | ---: | :--- | :--- | :--- | :--- | :--- |
| 2005 | $30.70 \%$ | $22.20 \%$ | $13.80 \%$ | $6.50 \%$ | $26.30 \%$ |
| 2006 | $30.50 \%$ | $22.10 \%$ | $13.40 \%$ | $6.90 \%$ | $26.40 \%$ |
| 2007 | $30.90 \%$ | $21.50 \%$ | $13.40 \%$ | $7.20 \%$ | $26.30 \%$ |
| 2008 | $31.80 \%$ | $20.90 \%$ | $13.70 \%$ | $6.80 \%$ | $26.20 \%$ |
| 2009 | $32.70 \%$ | $21.10 \%$ | $13.70 \%$ | $6.70 \%$ | $25.30 \%$ |
| 2010 | $33.50 \%$ | $21.10 \%$ | $13.80 \%$ | $6.60 \%$ | $24.50 \%$ |
| 2011 | $34.00 \%$ | $21.10 \%$ | $13.50 \%$ | $6.30 \%$ | $24.50 \%$ |
| 2012 | $34.00 \%$ | $21.20 \%$ | $13.40 \%$ | $6.60 \%$ | $24.30 \%$ |
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| Percent Change Over Time | $10.75 \%$ | $-4.50 \%$ | $-2.90 \%$ | $1.54 \%$ | $-7.60 \%$ |

Firm Size of Lawyers Reporting Practice in a Private Firm

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who report they did any pro bono during the reporting period. articulated by MRPC 6.1 applies only to those who practice law full-time. This table and chart reflect the percent of lawyers While all lawyers are required to report on their pro bono activity, the aspirational standard of 50 hours per year


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 articulated by MRPC 6.1 applies only to those who practice law full-time. This table and chart reflect the percent of lawyers













Percentage of Pro Bono Hours Spent in Matters Referred From a Pro Bono or
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any monies that were collected, or data verifying payment. the Administrative Office of the Courts had access to those separate payment pages, where they could confirm and finalize their donation payment. Neither the vendor nor were then directed to a separate webpage set up by the organization they chose, completing their online pro bono reporting. Amounts are unverified as lawyers a one-time, voluntary contribution to a Maryland legal services provider after
Beginning in the 2011 reporting cycle, lawyers were given an opportunity to make Total Donations Made Through Donations Page
Exhibit B

All of the pages in this packet and your fee payment must be received by the Board of Professional Responsibility (BPR) by the first day of your birth month, either via regular mail or online through the Attorney Portal at www.tbpr.org.

## NAME:

STATUS: Active

## 20XX FEE: $\$ 220.00$

## Due Date:

## Fee Summary

|  |  | Amount |
| :---: | :---: | :---: |
| 1. | BPR Registration Fee | \$170.00 |
| $\underline{2}$ | Access To Justice Contribution (See page 4) <br> To opt-out or donate a different amount, strike through the $\$ 50.00$ and enter a different amount. | \$50.00 |
|  | TOTAL AMOUNT PAID | \$ |

Pursuant to Supreme Court Rules 9, 25 and 33.

Please pay and register online at www.tbpr.org using MasterCard or Visa. If not paying and registering online, please return this completed packet with a check made payable to "Board of Professional Responsibility" to the address above.

To use the Attorney Online Portal: Go to www.tbpr.org In the upper right-hand corner of the webpage click on the 'Attorney Portal' link.

W-9 is available online.

BPR cards are issued every two weeks. Your BPR card will be mailed to you after your XXXX Registration process has been completed.


## RESIDENCE CONTACT INFORMATION:

(If your residence address has changed, please provide your new address below):
Physical Street Address: $\qquad$

| Apt No.: |  | PO Box: |  |
| :---: | :---: | :---: | :---: |
| City: |  | State: | Zip Code: |
| Telephone: | ( ) | Mobile \#: | ) |

PRIMARY ADDRESS PREFERENCE FOR MAILINGS: Business: __ Residence:
*You must provide a physical address, which will be displayed on the Board's website.
E-mail address:
New email address (only one): $\qquad$

I certify that the information provided in this Registration Packet is accurate and complete.

To avoid penalties and possible suspension, ALL lawyers with a Tennessee license MUST complete and submit this information either using this paper form OR on the Attorney Portal.

# MANDATORY STATEMENT <br> IOLTA Compliance Reporting (TENN. SUP. CT. RULE 43, SECTION 14; and RPC 1.15) 

1. I/my firm hold(s) in an IOLTA account(s) pooled client or third party funds nominal in amount or expected to be held a short period of time, that cannot be made productive for the client or third party. (If your office is not in Tennessee, do not report out-of-state accounts; see 2D.)

List all IOLTA Accounts: (Enclose a separate sheet for more accounts.)
Financial Institution
Account Name
Account Number
$\qquad$
$\qquad$
$\qquad$

## 2. If you are claiming an exemption, check ONE box only (mark the box that best fits).


A. I/my firm hold(s) no funds that are required to be deposited in an IOLTA account.

B. I am not engaged in the private practice of law in any jurisdiction.
C. Occupation: I am not engaged in the private practice of law. I serve in the following capacity:
$\qquad$ Judge $\qquad$ Attorney General $\qquad$ Public Defender
$\qquad$ U.S. Attorney $\qquad$ District Attorney $\qquad$ In-house counsel $\qquad$ Teacher of Law
$\qquad$ On full-time active duty in the armed forces
$\qquad$ Employed by state, local, or federal government in a capacity not listed above

$\square$D. I do not have an office in Tennessee (Note: For the purposes of this Rule, a lawyer who practices as a principal, employee, of counsel, or in any other capacity with a firm that has an office in TN, shall be deemed to have an office in TN if the lawyer utilizes one or more offices of the firm located in TN more than the lawyer utilizes one or more offices of the firm located in any other single state.)

$\square$
E. Non-Earning Account(s) - Bank records must demonstrate that the account(s) did not accrue interest or dividends in excess of reasonable bank fees. (Enclose an explanation on a separate sheet.)

$\square$
F. Location Proximity - I am exempt because no eligible financial institution is located within reasonable proximity of my office. (Enclose an explanation on a separate sheet.)

For additional information regarding mandatory IOLTA compliance, see www.tnbarfoundation.org

## Exhibit C

## 20XX ANNUAL REGISTRATION PACKET Page 4

NAME:
BPR No.:

## Pro Bono Reporting (Tenn. Sup. Ct. Rule 9, Section 10.10):

Many attorneys freely give their time and talents to improve our profession, our system of justice, and our communities. Gathering information about volunteer work done by attorneys is essential to efforts to obtain and maintain funding for civil and criminal legal services for the indigent and for promoting the image of the legal profession. The Supreme Court of Tennessee requests that you estimate and Please report the extent of your pro bono activities in the preceding calendar year. For further description of the categories described below, see Tenn. Sup. Ct. R. 8, RPC 6.1.
(1) I estimate that I worked the following hours in [year]
$\qquad$ Hours Providing Legal Services to Persons of Limited Means Without a Fee or at a Substantially Reduced Fee;
$\qquad$ Hours Providing Legal Services to Non-Profit Organizations Serving Persons of Limited Means Without a Fee;
$\qquad$ Hours Providing Legal Services to Groups and Organizations at a Reduced Fee when Payment of Standard Fees would create a Financial Hardship; and
$\qquad$ Hours Providing Legal Services to Improve the Law, the Legal System, or the Legal Profession.
(2) I voluntarily contributed financial support to organizations that provide legal services to persons of limited means:
$\qquad$ Yes; (Please do not disclose the amount.)
$\qquad$ No.
(3) Pursuant to Tenn. Sup. Ct. R.9, Section 10.10, this reported information remains confidential unless you waive it solely for purposes of public pro bono recognition by the Supreme Court.
$\square$ I would like to have my reported pro bono hours submitted to the Supreme Court solely for the purpose of pro bono award recognition.

## Optional Access To Justice Contribution: \$50.00*

There exists a growing legal needs gap in Tennessee. Indigent and working-poor families face more legal problems caused by unemployment, predatory loans, uninsured medical bills, domestic violence, evictions and foreclosures. In response to this growing need, the Tennessee Supreme Court has declared access to justice for all Tennesseans its number one strategic priority. As a part of the Court's Access To Justice Initiative, all Tennessee attorneys are asked to give a voluntary contribution which will be used to fund direct legal service providers across the state. This donation will help to provide access to justice for the over 1 million lowincome Tennesseans who have civil legal problems.

A suggested voluntary donation of $\$ 50.00$ is included in your total amount due. If you wish to give a larger donation, strike through the $\$ 50.00$ in the fee summary on the first page and write a new amount. If you do not wish to donate at all, strike through the $\$ 50.00$ in the fee summary on the first page.
*This donation may be tax-deductible. Consult a tax expert.
If not registering/paying online at www.tbpr.org, you must forward this completed form with fee payment to:


[^0]:    2 To the extent the Court is concerned about compliance during the first year of required reporting, the Commission would be willing to handle post-registration compliance issues directly. As an alternative to administrative suspension the first year, a letter from the Commission explaining the requirement could be used with the standard process going into effect in subsequent years.

[^1]:    The number of hours of pro bono services provided by Maryland lawyers has increased by $\mathbf{1 6 . 7 5 \%}$ since reporting began in 2002. In 2012,

