

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

01/17/2025

Clerk of the
Appellate Courts

**IN RE: AMENDMENTS TO RULE 9, SECTIONS 26.4 AND 33.1,
RULES OF THE TENNESSEE SUPREME COURT**

No. ADM2025-00078

ORDER

The Court hereby publishes for public comment proposed amendments to Tennessee Supreme Court Rule 9, sections 26.4 and 33.1. The Court solicits and welcomes written comments from judges, lawyers, bar associations, members of the public, and all interested parties. The deadline for submitting written comments is Monday March 3, 2025. Written comments should reference the docket number above and may be emailed to appellatecourtclerk@tncourts.gov or mailed to:

James Hivner, Clerk
RE: Proposed Amendments to Tenn. Sup. Ct. R. 9, sections
26.4 & 33.1
100 Supreme Court Building, 401 7th Avenue North
Nashville, TN 37219-1407

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

It is so ORDERED.

PER CURIAM

APPENDIX
No. ADM2025-00078

[New text is indicated by bold and underlining/Deleted text is indicated by ~~strikeout~~]

Tenn. Sup. Ct. R. 9, § 26.4(c) is amended to read as follows:

(c) Upon the Court's review and approval of the proposed Suspension Order, the Court will file the Order summarily suspending the license to practice law of each attorney listed in the Order. The suspension shall **be effective immediately and shall** remain in effect until the attorney pays the delinquent privilege taxes and any interest and penalties, and pays to the Board the One Hundred Dollar (\$100.00) delinquent compliance fee and the Two Hundred Dollar (\$200.00) reinstatement fee, and until the attorney is reinstated pursuant to Subsection (d). An attorney who fails to resolve the suspension within thirty days of the Court's filing of the Suspension Order shall comply with the requirements of Section 28.

Tenn. Sup. Ct. R. 9, Section 33.1 is amended to read as follows:

(a) The respondent or petitioning attorney or the Board may appeal the judgment of a hearing panel by filing within sixty days of the date of entry of the hearing panel's judgment a Petition for Review in the circuit or chancery court of the county in which the office of the respondent or petitioning attorney was located at the time the charges were filed with the Board. **Cross appeals and separate appeals are not required. Upon the filing of a single Petition for Review, any issue may be brought up for review and relief by either party. Cf. Tenn. R. App. P. 13(a)**

(b) The review shall be on the transcript of the evidence before the hearing panel and its findings and judgment. If allegations of irregularities in the procedure before the hearing panel are made, the trial court is authorized to take such additional proof as may be necessary to resolve such allegations. The trial court may, in its discretion, permit discovery on appeals limited only to allegations of irregularities in the proceeding. The court may affirm the decision of the hearing panel or remand the case for further proceedings. The court may reverse or modify the decision if ~~the rights of the party filing the Petition for Review have been prejudiced because~~ the hearing panel's findings, inferences, conclusions or decisions **on any issue brought up for review and relief** are: (1) in violation of constitutional or statutory

provisions; (2) in excess of the hearing panel's jurisdiction; (3) made upon unlawful procedure; (4) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or (5) unsupported by evidence which is both substantial and material in the light of the entire record. In determining the substantiality of the evidence, the court shall take into account whatever in the record fairly detracts from its weight, but the court shall not substitute its judgment for that of the hearing panel as to the weight of the evidence on questions of fact.

....

(d) Either party dissatisfied with the decree of the circuit or chancery court may prosecute an appeal directly to the Court **by filing a Notice of Appeal. Cross appeals and separate appeals are not required. Upon the filing of a single Notice of Appeal, any issue may be brought up for review and relief by either party. Tenn. R. App. P. 13(a).** The appeal shall be determined upon the transcript of the record from the circuit or chancery court, which shall include the transcript of the evidence before the hearing panel, and upon the parties' briefs but without oral argument, unless the Court orders otherwise. **In addition to the issues the parties raise on appeal, the Court shall review the recommended punishment provided in the judgment with a view to attaining uniformity of punishment throughout the State and appropriateness of punishment under the circumstances of each particular case. Cf. Tenn. Sup. Ct. R. 9, § 15.4.** If a timely application for the assessment of costs is made under Section 31.3(b), the time for appeal for all parties shall run from the trial court's entry of the findings and judgment with respect to the application for the assessment of costs unless, upon application of the Board to the Court and for good cause shown, the Court orders otherwise. Absent such application and order, a Notice of Appeal filed prior to the trial court's entry of its findings and judgment with respect to the application for the assessment of costs shall be deemed to be premature and shall be treated as filed after the entry of the trial court's findings and judgment with respect to the assessment of costs and on the day thereof. Prior decisions of the Court holding that appeal of disciplinary proceedings must be taken to the Court of Appeals because Tenn. Code Ann. § 16-4-108 so requires are expressly overruled. Except as otherwise provided in this Rule, Tenn. R. App. P. 24, 25, 26, 27, 28, 29 and 30 shall apply to such appeals to this Court.

(End of Appendix)