



**To the Honorable Justices of the Tennessee Supreme Court:**

Thank you for the opportunity to submit public comment regarding the Court's consideration of potential regulatory reforms to increase access to affordable, high-quality legal services in Tennessee. I write on behalf of the Nashville Conflict Resolution Center (NCRC), where I serve as Executive Director. For more than twenty-five years, NCRC has partnered with courts, legal professionals, and community stakeholders to provide free and low-cost mediation services to individuals and families navigating conflict, often at moments of significant personal, relational, and economic stress.

I commend the Court for its thoughtful examination of the justice gap and the role that regulatory reform may play in expanding access to legal services. I write in particular to address **Question #6**, regarding whether certain services currently performed by attorneys could be competently provided by trained non-lawyers, and to offer perspective on how Tennessee's existing mediation framework already reflects a well-established, effective model for such work.

### **Mediation as a Proven Paraprofessional Model**

Tennessee is not starting from a blank slate in considering the role of non-lawyer professionals. Through Supreme Court Rule 31, the Court has already established a robust system for training, credentialing, and overseeing mediators, many of whom are not attorneys, but who provide essential dispute resolution services within clearly defined ethical boundaries.

Community mediators routinely assist individuals in navigating conflict, understanding their options, and reaching voluntary agreements without providing legal advice or representation. This work, while distinct from the practice of law, directly supports the administration of justice by helping individuals resolve disputes efficiently and appropriately, often without the need for ongoing court involvement.

For many Tennesseans, particularly those who are self-represented or unable to access affordable legal counsel, Rule 31 mediators serve as a critical point of support. Mediation provides a structured, neutral process that is accessible, understandable, and responsive to the realities individuals face. In this way, mediation functions as a practical and effective form of legal-adjacent support that complements, rather than replaces, the role of attorneys.

### **Existing Safeguards and Ethical Frameworks**

Importantly, this work is already governed by well-defined safeguards. Rule 31 establishes clear standards for mediator training, ethical conduct, and continuing education. Mediators are

trained to maintain neutrality, protect confidentiality, identify and respond to power imbalances, and carefully distinguish between providing needed information and giving legal advice.

Community mediation centers further strengthen these protections by providing oversight, case screening, and ongoing support. These centers play a critical role in determining case appropriateness, ensuring safety protocols are followed, and supporting mediators particularly in matters involving vulnerable populations or complex interpersonal dynamics.

This existing framework demonstrates that non-lawyer professionals can provide meaningful, competent support within the justice system when appropriate training, ethical guidelines, and oversight structures are in place.

### **The Importance of Training, Continuing Education, and Support**

As the Court considers expanding the role of paraprofessionals, it is important to emphasize that access and quality must advance together. The effectiveness of mediation as a model is directly tied to its investment in training, continuing education, and supervision.

Community mediators, many of whom serve as volunteers, regularly work with individuals experiencing trauma, financial instability, and limited familiarity with legal systems. Competent practice in these settings requires not only initial credentialing, but ongoing education in areas such as ethics, domestic violence screening, cultural competency, and trauma-informed approaches.

These elements are essential to maintaining public trust, ensuring appropriate boundaries, and delivering consistent, high-quality outcomes. As the Court considers additional roles for non-lawyer professionals, similar attention to training and ongoing professional development will be critical.

### **The Role of Community Mediation Centers in Supporting Access to Justice**

Community mediation centers are a key component of this model. With modest professional staff, centers manage the infrastructure necessary to deliver mediation services safely and effectively, including intake, screening, scheduling, volunteer coordination, and quality assurance. Last year at Nashville Conflict Resolution Center we served 15 counties including those in suburban and rural areas. We know firsthand that mediation and legal services are limited in those areas and we have demonstrated that community mediation is an effective tool in counties across Tennessee, when it is funded and made available.

In doing so, they serve as important partners to courts particularly in cases involving self-represented litigants. Each successfully mediated case conserves judicial resources, reduces repeat filings, and allows limited legal services and pro bono attorney resources to be directed toward matters requiring formal legal advocacy. Mediation centers are vitally important to the fabric of our access to justice community and save taxpayer dollars while also providing compassionate, exceptional service suited to the needs of the people they serve.

There is significant opportunity to build on this existing infrastructure. With continued support, community mediation centers can expand their reach, deepen partnerships with courts, and increase the number of individuals who are able to resolve disputes through supported, self-determined processes. Below are a few suggestions on how that might be possible:

- Support for regional or hybrid service models would allow established centers to extend services into rural and underserved areas through a mix of in-person and remote mediation, without requiring each community to build a full program. We have already started this in some parts of the state and with resources, it is a highly replicable model.
- Increased statewide funding to support community mediation but particularly civil mediation programs, such as landlord-tenant, contract, and debt cases, which currently lack any sustained funding despite representing a significant portion of court dockets. While there are designated funds for Victim Offender and Family, the funding only begins to meet the need that exists.
- Supreme Court-level leadership can strengthen judicial engagement by providing guidance, education, and institutional support, helping courts more consistently integrate mediation into their operations.
- Expanding day-of-court mediation on high-volume civil dockets, such as eviction and general sessions cases, can reduce court burden and improve outcomes in real time.
- Encouraging and supporting pre-hearing mediation pathways can help resolve disputes earlier, reduce docket pressure, and improve outcomes even after a case has been filed.
- Providing dedicated space within courthouses for mediation ensures services are accessible, consistent, and confidential, particularly in high-volume settings.

## **Conclusion**

Tennessee's experience with Rule 31 mediation demonstrates that trained non-lawyer professionals can play a meaningful and effective role in supporting the administration of justice. Mediation provides a well-established example of how legal-adjacent services can be delivered in a manner that is accessible, ethical, and responsive to the needs of the public.

As the Court considers Question #6, the existing mediation framework offers a strong foundation on which to build. Continued investment in training, oversight, and community-based infrastructure will be essential to ensuring that any expansion of paraprofessional roles maintains the quality, consistency, and public confidence that Tennesseans deserve.

Thank you for your consideration and for your leadership on this important issue.

Respectfully submitted,

A handwritten signature in black ink that reads "Shannon M. Wagner". The signature is written in a cursive, flowing style.

**Shannon Wagner**  
Executive Director  
Nashville Conflict Resolution Center

## Kim Meador

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Good morning,

Please find my attached comments regarding the regulation and supervision on the practice of law in the State of TN.

Please let me know if you have additional questions. Thank you for the opportunity to submit comment.

In gratitude,

**Shannon M. Wagner**  
Executive Director

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