IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION

No. ADM2025-01403

COMMENT OF THE NASHVILLE SCHOOL OF LAW ON THE TENNESSEE SUPREME COURT'S SEPTEMBER 16, 2025 ORDER

The Nashville School of Law ("NSL") appreciates the Court's invitation to respond to its September 16, 2025 order inviting comments regarding seven issues involving the regulation of the legal profession in Tennessee. Our school is one of Tennessee's oldest law schools and is also the only law school approved by this Court that has not also been approved by the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar. While NSL fully concurs in the joint comment separately filed by the deans of Tennessee's six law schools, this separate comment reflects our belief that our educational model embodies alternative approaches that could (1) enable more lawyers to pursue careers in government and public service, (2) increase the practice-readiness of new lawyers entering the profession, and (3) expand the availability of affordable legal services to more Tennesseans, particularly those living in rural parts of our state.

NSL does not recommend dramatic departures from Tennessee's traditional two-step admission to practice – obtaining a formal legal education and then passing a bar exam. Rather, it recommends departing from the current one-size-fits-all model of legal education and adopting more flexible standards to promote the creation of cost-saving law schools whose mission is to produce practice-ready lawyers . Kent Syverud, dean of Vanderbilt Law School from 1997-2005, endorsed this approach in 2007 at an American Bar Association Accreditation Committee meeting when he asked: "Can we all exist as Ritz Carlton law schools? Can't we have Motel 6 law schools? There are clean beds in both places, but some of them are just fancier, deeper pile."[1]

Historical Summary of Legal Education in Tennessee

Prior to 1900, the path to practicing law in Tennessee was far from rigorous. Some aspiring lawyers apprenticed themselves to senior lawyers and "read law" while learning the competencies required to practice law successfully. Others took advantage of an 1859 statute that permitted anyone with a college degree to practice law without taking a bar exam.[2] Another pathway, opened in 1867, permitted persons to practice before a justice of the peace by purchasing a $5.25 license.[3]

---

[1]New York Law School Dean Richard A. Matasar's paraphrase of Dean Kent Syverud's Jan. 4, 2027 comment at ABA Accreditation Committee Meeting (Jan. 5, 2007), Transcript pp. 57-58 https;//www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_ bar/reports/20070105_ac_task_force_january_open_hearing.pdf.

[2]Chapter 73, 1859 Tenn. Pub. Acts 56.

[3]Lewis Laska, *The Fake Law School: How Today's Written Tennessee Bar Exam Grew From Scandal and Disarray*, 53 Tenn. Bar J. 12, 13 (2017).

Following the Civil War, lawyers began to organize on the national and local levels to recast the practice of law into a "learned profession." They advocated replacing apprenticeships with a law school education leading to a law degree, raising the standards for entry into the profession, and standardizing the process for admission to the practice of law.

Cumberland University opened Tennessee's first law school in 1847 in Lebanon.[4] Vanderbilt University established its law school in Nashville in 1874. The University of Tennessee opened its law school in Knoxville in 1890. These full-time programs mirrored Harvard Law School's approach to legal education as an academic exercise. They employed full-time law professors, adopted the Socratic method, assembled large libraries, and awarded law degrees. They also reduced the focus on the practical competencies needed to practice law because they anticipated that their graduates would learn these skills from the lawyers who hired them.

In 1900, the Tennessee Bar Association's Committee on Legal Education and Admission to the Bar expressed concern about the standards and procedures for becoming a lawyer in Tennessee. The committee's report observed:

> No state requires less, or is more lax in enforcing its requirements, than the state of Tennessee. A license to practice law procured in Tennessee, imports nothing either as to the character of the holder or his professional requirements. The examination for admission to the bar, as conducted in this State,

---

[4]Cumberland Law School moved from Lebanon, Tennessee to Samford University in Birmingham, Alabama in 1961.

> are notoriously loose. It is generally accepted that almost any person can, in one way or another, get a license to practice law in the State of Tennessee.[5]

In response, this Court created the Board of Law Examiners in 1903, and the board administered Tennessee's first written bar exam in 1904.

In 1911, four Vanderbilt Law School graduates founded the Nashville YMCA Night Law School – now known as the Nashville School of Law. The school was one of nineteen YMCA-affiliated law schools created in the United States between 1891 and 1924. The founders believed that the school could strengthen the legal profession and expand access to legal services for Tennesseans by providing a high-quality legal education to working men and women. Students attended classes at the YMCA and Cumberland Law School and received their law degrees from Cumberland University until 1927 when the YMCA Night Law School began awarding its own degrees.

By the mid-1930s, legal education in Tennessee had come to mirror that in the United States. In 1938, the Tennessee Bar Association commissioned an independent study of the twelve law schools in Tennessee – three schools affiliated with universities offering full-time programs and nine independent schools offering part-time programs.[6] Two of the full-time programs had been approved by the American Bar Association. The study reported that 915 students were studying law in Tennessee. Almost 60% of these students were enrolled

---

[5]Laska, *supra* n.3, at 12 n.1.

[6]Bar Ass'n Section, *The Law Schools of Tennessee: Report of the Survey Committee*, 15 Tenn. L. Rev. 311(1938).

in one of the nine part-time programs. Over 20% of these students were enrolled at the Nashville YMCA Night Law School.

Legal education in Tennessee has changed significantly over the past nine decades. The number of full-time law programs at schools affiliated with a university has increased from 3 to 5, and all these programs have been approved by the ABA's Council of the Section of Legal Education and Admissions to the Bar. The number of part-time programs has decreased from 9 to 4.[7] NSL, Tennessee's only part-time program that offers evening classes,[8] has not sought the Council's approval. Approximately 2,500 students are currently pursuing J.D. degrees, and 15% are enrolled in a part-time program.

During this same period, the tension has continued between viewing legal education primarily as an academic, theoretical discipline and teaching students the practical skills needed to practice law. Many tenured faculty have resisted replacing academic courses with skills courses. At the same time, employers have continued to encourage law schools to teach skills that will better prepare students for practice. This tension should not be resolved by favoring one side over the other. Today's legal education must balance rigorous academic study with meaningful practical training to enable students to think critically and to function as competent, ethical professionals.

---

[7]Duncan School of Law offers a part-time, hybrid J.D. program. Cecil C. Humphreys School of Law offers a "reduced-load" J.D. program, and Winston College of Law offers a "flexible schedule JD." The latter two programs require students to attend regularly scheduled day classes, and student enrolled in these programs can expect to graduate in four or five years.

[8]The Cecil C. Humphreys School of Law offered evening classes from 1962 through 1988.

Comments Regarding the Court's Issues

(1) Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar.

For the purpose of this comment, NSL respectfully suggests distinguishing between the American Bar Association ("ABA) and the American Bar Association's Council of the Section of Legal Education and Admissions to the Bar ("Council"). The Council, not the ABA, is the current de facto regulator of the legal profession. It performs two functions. First, the Council is the sole accreditor for law schools seeking eligibility to receive student loan funds administered by the U. S. Department of Education.[9] In 2021, Congress extended the Council's jurisdiction to veterans' education benefits administered by the Department of Veterans Affairs.[10] The Council's second function is to set the standards for law schools and to oversee the process for reviewing and approving schools' compliance with those standards. The Council's "approver" role is more important than its "accreditor" role.[11]

For its approval work, the Council operates separately and independently of the ABA. The role of the ABA House of Delegates is limited to concurring in the standards adopted

---

[9]The Council has served as the sole accreditor since 1952. Barry Currier, *Should the Council Withdraw From the U.S. Department of Education Accreditation System?*, https://barrycurrier.substack.com/p/should-the-council-withdraw-from.

[10]For approximately seventy years prior to 2021, veterans had been able to use their GI Bill benefits to attend NSL. After Congress restricted the use of veterans benefits to law schools approved by the Council, NSL sought and received a waiver from the Department of Veterans Affairs based on (1) the absence of comparable legal education programs and (2) NSL's compliance with Standard 316's bar passage requirements.

[11]Barry Currier, *Attacks on Law Schools and the Regulation of Legal Education (part 1)*, https://barrycurrier.substack.com/p/attacks-on-law-schools-and-the-regulation.

by the Council. The House of Delegates cannot propose, adopt, or amend a standard on its own motion. It can only refer a proposed standard back to the Council for further consideration. A standard is deemed adopted if the Council adopts it after the House of Delegates has referred it back to the Council twice. In addition, the House of Delegates has no authority to approve, withdraw approval, or otherwise sanction law schools.[12]

As pointed out in the September 16, 2025 order, this Court has always had inherent and broad authority "to regulate and supervise the practice of law in [Tennessee]." *Manookian v. Board of Professional Responsibility*, 685 S.W.3d 744, 801 (Tenn. 2024). Thus, it need not "reclaim" this authority from either the ABA or the Council. This Court has always been in the "driver's seat."[13] However, this Court, like other state supreme courts and licensing authorities, has outsourced or delegated the responsibility to approve law schools to the Council in much the same way it and the Board of Law Examiners have outsourced the preparation of the bar exam to the National Conference of Bar Examiners.

As a result of this nationwide outsourcing, the Council currently plays a central role in shaping and regulating legal education in the United States. It has either fully or provisionally approved 198 of the 229 American law schools. The remaining 31 unapproved law schools are located in Alabama, California, Massachusetts, and Tennessee. Twenty-seven of these schools are in California. Fifty-six jurisdictions (50 states, the District of

---

[12]Barry Currier, *Attacks on Law Schools and the Regulation of Legal Education (part 2)*, https://barrycurrier.substack.com/p/attacks-on-law-schools-and-the-regulation-90f.

[13]Barry Currier, *Law School Regulation: Three Truths*, https://barrycurrier.substack.com/p/law-school-regulation-three-truths.

Columbia, and 5 territories) accept a J.D. degree from a Council-approved law school to satisfy their legal education requirement. In many of these jurisdictions, a degree from a Council-approved law school is required.[14] In 2024, 83% of all bar exam takers and 91% of bar passers were J.D. graduates from a Council-approved law school. Excluding exam takers and passers who received their legal educations outside the United States, 95% of the takers and 98% of the passers possessed a J.D. degree from a Council-approved law school.

NSL counsels caution as this Court considers modifying, reducing, or eliminating the Council standards and procedures for approving J.D. degrees. No other satisfactory standards or procedures currently exist, and developing a new set will be difficult and time-consuming. Accordingly, for all the reasons presented in the Joint Comment of the Tennessee Law School Deans, NSL believes that the Court should not alter Tenn. Sup. Ct. R. 7, § 2.02(a) requiring that persons seeking admission to the practice of law in Tennessee "must have completed a course of instruction in and graduated with a J.D. degree from a law school accredited by the ABA at the time of the applicant's graduation, or a Tennessee law school approved by the Board [of Law Examiners] pursuant to section 17.01 of this Rule at the time of the applicant's graduation."

(2) Whether there are any practicable alternatives to ABA accreditation that the Court should consider.

While theoretical alternatives to the Council's approval of J.D. degrees exist, NSL believes that pursuing wholesale changes in approval standards and procedures will be, in

---

[14]Currier, *supra* n.12.

varying degrees, difficult, contentious, time-consuming, and costly. NSL does, however, strongly favor changes in the standards that (1) mitigate the socio-economic barriers to a legal education, (2) lower the cost of a J.D. degree, (3) provide students with training in skills that will make them more practice-ready, and (4) provide persons who desire to practice law in Tennessee direct, personal exposure to the standards, traditions, and professionalism expected from Tennessee lawyers.

The following are among the alternatives to "ABA accreditation" that the Court may desire to consider:

(A) The least costly, disruptive, and confusing way forward would be to allow the Council to continue as a separate and relatively independent entity and to urge the Council to develop and implement overdue changes in its standards and procedures.

(B) If the concerns about the Council reflect a broader concern that the ABA itself has become a political organization, the Court could consider recommending the removal of the current process permitting the House of Delegates to approve the Council's standards. If this Court decides that further separation is necessary, it could recommend making the Council entirely free-standing by uncoupling it from the ABA.[15]

---

[15]Barry Currier, the Council's managing director from 2012 to 2020, has observed that "the Council does not need to be within the ABA to get its work done." Barry Currier, *Is the American Bar Association the Optimal Home Base for the Regulation of Legal Education*, https://barrycurrier.substack.com/p/is-the-american-bar-association-the.

(C) As an alternative to transforming the Council into a free-standing agency, the Court could consider recommending that the Council associate with the National Center for State Courts, the National Conference of Bar Examiners, or another non-profit legal organization.

(D) The most ambitious remedy this Court could consider would be creating an entirely new national entity or regional entities that might co-exist with the Council or eventually replace it.[16]

(3) Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law.

NSL believes there are less costly alternatives to the traditional three-year law school curriculum and that its educational model illustrates one of them. NSL's J.D. degree costs much less than other law schools' J.D. degrees, not because its course of study is less rigorous, but because NSL, by controlling its fixed costs, charges significantly less per credit hour than other law schools. The moderated cost of NSL's J.D. degree, coupled with its class schedule that permits students to continue working full-time, enables NSL students to graduate without law school debt. Other state supreme courts, addressing issues similar to those identified in this Court's September 16, 2025 order, have noted that NSL's approach to legal education provides an alternative model worthy of consideration.[17]

---

[16]Barry Currier, *Easy Peasy? Simple in Theory. Harder in the Real World*, https://barrycurrier.substack.com/p/easy-peasy.

[17]*See* Attachment A – Arizona Supreme Court's NAU Law School Proposal.

Increased Costs Cause Increased Student Debt

The J.D. degree is expensive.[18] In fact, the degree's cost has increased so much that it discourages many otherwise qualified students from applying to law school.[19] The rate of increase in law school tuition exceeded the rate of inflation between 1985 and 2025. Attending a private ABA-approved law school today is 2.54 times more expensive than it was in 1985. Similarly, attending a public ABA-approved law school today is 5.12 times more expensive than in 1985.[20] While the cost of attending law school has continued to increase during the past ten years, the cost adjusted for inflation has remained relatively unchanged.[21] The cost of their J.D. degree now prompts many law school graduates to question whether their degree is worth the cost.[22]

The high cost of a J.D. degree has forced most law students to take out student loans to pay for their education. [23] Recent data reflects (1) that 85% of students have borrowed

---

[18]Committee on Legal Education and Admissions Reform (CLEAR), *Report and Recommendations*, at 98 (July 27, 2025), https://www.https://www.ncsc.org/sites/default/files/media/document/CLEAR_Report.pdf.

[19]Megan M. Carpenter, *Risk-Taking and Reform: Innovation for a Better Education*, 22 U.N.H. L. Rev. 141, 142 (2024).

[20]LawHub, *Cost of Attendance*, https://www.lawhub.org/trends/tuition.

[21]AccessLex Institute, *Legal Education Data Deck*, at 18 (Apr. 23, 2026), https://www.accesslex.org/reseacrch-and-data-tools-and-resources/legal-education-data-deck.

[22] Carpenter, *supra* n.19, at 143 (quoting Zac Auter, Few MBA, Law Grads Say Their Degree Prepared Them Well, https://news.gallup.com/poll/227039/few-mba-law-grads-say-degree-prepared.aspx?g_source=link_NEWSV9&g_medium=NEWSFEED&g_campaign=item_&g_content=Few MBA,LawGradsSayTheirDegreePreparedThemWell.

[23]CLEAR Report and Recommendations, *supra* n.18, at 98.

money to attend law school; (2) that the average amount of law school debt is $137,500;[24] and (3) that, in addition to law school debt, 46% of law students are carrying undergraduate debt.[25]

Debt significantly affects law school graduates entering an uncertain job market. In 2020, a study commissioned by the ABA Young Lawyers Division identified the following effects of debt incurred in law school: (1) for many law school graduates, law school debt grows after graduation; (2) student loans impact the personal lives and decisions of new lawyers; (3) student loans force lawyers to take unwanted career paths; (4) student loans take a disproportionate toll on lawyers of color; and (5) student loans negatively affect mental health.[26] Based on these findings, the study recommended "[addressing] the overly prescriptive nature of the Section of Legal Education's standards for legal education" and "supporting alternative pricing and revenue models for law schools."[27]

The effects of law school debt can be mitigated in several ways. Reducing the cost of obtaining a J.D. degree would necessarily decrease the amount of debt law students incur. Providing more flexible terms for repaying law school debt would make repayment more

---

[24]Melanie Hanson, *Average Law School Debt* (Mar. 3, 2026), https://educationdata.org/average-law-school-debt.

[25]AccessLaw Institute, at 24, *supra* n.21.

[26]ABA Young Lawyers Division, *2020 Law School Student Loan Debt: Survey Report*, at 10-12, https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/2020-student-loan-survey.pdf.

[27]*2020 Law School Student Loan Debt: Survey Report*, *supra* n.26, at 25.

manageable. Creating more debt-forgiveness opportunities would encourage law students to choose careers that enable them to pay down their debt more quickly.

Reducing the cost of a J.D. degree is the most direct way to decrease law student debt. However, many Council-approved law schools will find it difficult to reduce tuition and fees due to substantial fixed costs in their budgets. The three highest fixed costs are: faculty compensation and support, construction-related debt, and funds transferred to the law school's university. Faculty compensation and support often account for as much as 70% of a law school's fixed costs.[28] In addition to their salaries, full-time, tenured faculty members receive retirement benefits, health insurance, offices and office equipment, support staff and research assistants, research stipends, paid vacations, and sabbaticals.[29] Many of them enjoy decreased teaching loads.[30]

NSL's Adjunct Professors Broaden Legal Education and Reduce Costs

NSL has always relied on part-time, non-tenured adjunct professors rather than full-time tenured professors. This decision benefits NSL students in two ways. First, because NSL does not believe in separating its students from the real world, our adjunct professors

---

[28]Michael J. Madison, *Law Schools' Fistful of Dollars*, https://profmadison.substack.com/p/law-schools-fistful-of-dollars.

[29]T. Markus Funk, et. al., *The Hidden life of Law School Adjuncts: Teaching Temps, Indispensible Instructors, and Underappreciated Cash Cows, or Something Else?*, 102 Tex. L. Rev. Online 44, 58-59 (2023).

[30]Ann Juliano, *Privileging Scholarship and Law School Compensation Decisions: It's Time to Shine Some Light*, 61 U. Louisville L. Rev. 291, 292 (2023).

bring both academic rigor and practical experience into the classroom.[31] Second, the reduced cost of its adjunct professors enables NSL to offer its students a high-quality legal education at a very competitive cost.

Combining Theory and Practice

For many years, traditional legal education in the United States has been entrusted to full-time tenured professors with little interest or experience in the practice of law.[32] Law schools favored academic scholarship over teaching ability.[33] In response to pressure to control costs and demands for more practical skills training, law schools have added adjunct professors to their faculty.[34] Approximately 12,000 persons are currently employed as adjunct law professors, with a ratio of two adjuncts for each full-time professor.[35] They teach

---

[31]While scholarship certainly has its place in legal education, it is not central to NSL's mission. There is some evidence that the demand for legal scholarship is shrinking. Chief Justice John Roberts has noted that many law review articles are "more abstract" than practical and are not "particularly helpful for practioners and judges." Former Justice Stephen Breyer likewise observed that "there is evidence that law review articles have left terra firma to soar into outer space." Juliano, *supra* n. 30, quoting Jess Bravin, *Chief Justice Roberts on Obama, Justice Stevens, Law Reviews, More*, Wall St. J. (Apr. 7, 2010, 7:20 PM), https://www.wsj.com/artiles/BL-LB-27402 and David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. Times (Nov. 11, 2011), https://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html.

[32]Christopher Columbus Langdell, dean and professor at Harvard Law School, is credited as the father of the educational model still used by many law schools. When describing the ideal qualifications for a law professor, Dean Langdell noted: "What qualifies a person to teach law is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of causes – not experience, in short, in using law, but experience in learning law." Jerome Frank, *Why Not a Clinical Lawyer-School?*, 81 Penn. L. Rev, 907, 908 (1933).

[33]Juliano, *supra* n. 30, at 292-93.

[34]Funk, *supra* n.29, at 44.

[35]Funk, *supra* n.29, at 53, 56.

between 25% and 45% of all law school classes, including more the 50% of the classes offered in the second and third year of law school.[36] The standard salary for adjunct professors is between $3,000 and $5,000 per class.[37]

Tennessee's bench and bar consider NSL's adjunct faculty to be the driving force behind our school's success. They bring current, real-world experience into every class, thereby balancing the theoretical and practical aspects of the practice of law. Many believe that our adjunct professors help our students become more practice-ready than other law school graduates.

Enabling NSL to Control Costs

Our adjunct professors' value extends beyond their ability to blend academic discipline and practical issues in their courses. Teaching at NSL is not the sole source of income for our adjunct professors. They teach at NSL because they are committed to their students' professional development. As a result, the cost of NSL's faculty is far less than that of other law schools, even though their compensation exceeds that of adjunct professors at other law schools. This difference enables NSL to charge lower credit-hour rates than other law schools.

Based on current data, the average of the total cost to attend and graduate from a Council-approved law school in the United States is $217,480. The average of the tuition cost

---

[36]Funk, *supra* n.29, at 56.

[37]Funk, *supra* n. 29, at 57.

alone is $138,088. The average cost per credit hour is $1,785.[38] Without the expense of a full-time faculty, NSL's cost per credit hour is substantially lower than the national average cost per credit hour and the cost per credit hour at other law schools in Tennessee. Our low cost per credit hour decreases our students' need to borrow money to earn their law degree.

	Total Tuition	Cost Per Credit Hour
Vanderbilt	$236,397	$2,686
Belmont	$166,500	$1,850
Duncan	$146,583	$1,629
Tennessee Average	*$116,465*	*$1,288*
Humphreys (in-state)	$55,902	$621
Winston (in-state)	$50,088	$563
NSL	$43,320	$380

NSL's Education Promotes Success on the Bar Exam and In Practice

One measure of the value of a law school's academic program is the success rate of its students who take the bar exam. The Council's 2025-2026 Standards and Rules of Procedure for Approval of Law Schools contains a bar passing standard stating that "[a]t least 75 percent of a law school's graduates in a calendar year who sat for a bar examination must have passed a bar examination administered within two years of their date of graduation." NSL complies with Standard 316 with a bar passage rate of 77%.

[38]Hanson, *supra* n.24.

The table below, which shows the success rate of NSL's last three graduating classes, demonstrates that NSL is effectively preparing its students to pass Tennessee's bar exam, the same bar exam administered in 38 other states, the District of Columbia, and the U.S. Virgin Islands.

	July 2023	July 2024	July 2025	Average
1st Quarter	86%	100%	100%	95%
2nd Quarter	74%	87%	88%	83%
Top Half	*76%*	*93%*	*94%*	*88%*
3rd Quarter	52%	87%	63%	67%
Top 3/4	*67%*	*91%*	*83%*	*80%*
4th Quarter	25%	7%	25%	16%

NSL graduates can be found in 87 of Tennessee's 95 counties. They work in large law firms in urban areas, in the offices of district attorneys general and district public defenders throughout the state, in solo firms and small practices in Tennessee's rural areas, and in state and local government positions. More than 130 NSL graduates serve as judges in Tennessee's state and local courts. Still other NSL graduates are using their legal education to become successful in business. Because of their professionalism, many NSL graduates have become leaders in state and local bar associations and other legal organizations.

(4) Whether the Court should consider adopting alternative pathways for administration to the Tennessee bar – for example, by allowing applicants to satisfy the minimum education requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization.

While NSL favors retaining the traditional two-step admission to practice – obtaining a formal legal education and passing a bar exam, it encourages the Court to consider

innovative permutations that will (1) enable graduates to be more practice-ready when they graduate, (2) enable graduates with student loans to discharge their debt more quickly, and (3) encourage graduates to make a career in under-served areas in Tennessee.

NSL also commends the Court for creating the 7.5-hour online Tennessee Law Course now required by Tenn. Sup. Ct. R. 7, § 1.07 as a condition for admission. Tennessee is one of only nineteen jurisdictions with a jurisdiction-specific pre-admission requirement.[39] The current course focuses on jurisdiction-specific law that may be unique to Tennessee.

NSL suggests that the Court consider broadening its current pre-admission requirements. While requiring familiarity with unique Tennessee legal principles is important and necessary, NSL believes newly admitted lawyers, particularly if they have not attended one of Tennessee's six law schools, should be required to familiarize themselves with how law is practiced in Tennessee. This topic would cover not only Tennessee's unique array of local and state courts but also Tennessee's professionalism principles found in the Preamble to the Tennessee Rules of Professional Conduct and Tenn. Sup. Ct. R. 8, RPC § 2.1. NSL recommends for the Court's consideration a program similar to the five-month and pre-admission requirements adopted by the Board of Law Examiners of the Supreme Court of Delaware.[40]

---

[39]CLEAR Report and Recommendations, *supra* n.18, at 92.

[40]Bd. of Bar Examiners, Clerkship Requirements, https://courts.delaware.gov/bbe/clerkship.aspx. *See also*, Randy J. Holland, *The Delaware Clerkship Requirement: A Long-Standing Tradition*, Bar Examiner (2009), available at https://courts.delaware.gov/forms/download.aspx?id=103428.

(5) Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other states to promote practice and mobility.

NSL believes that Tennessee's current requirements and procedures governing admission to the practice of law in Tennessee are adequate. However, in light of the increasing prevalence of lawyers licensed in one jurisdiction who provide legal representation or services to clients in other jurisdictions, NSL recommends that further attention should be paid to the scope and application of Tenn. Code Ann. §§ 23-3-101 to -113 (2021) in these circumstances.

Consistent with Recommendation 6.4 of the CLEAR Report,[41] NSL also recommends that the Court consider advocating to other state supreme courts and licensing authorities for the adoption of rules and procedures that would promote the portability of NSL's law degree. Currently, the Commonwealth of Kentucky has agreed that law graduates with an NSL J.D. degree satisfy the educational requirements for admission to practice law in Kentucky. Likewise, the State of Georgia, considering NSL graduates on a case-by-case basis, permits NSL graduates to apply for admission to the Georgia bar if their application is accompanied by a letter from a dean or former dean of a Council-approved law school stating that NSL legal education is the functional equivalent of the education provided by a Council-approved

[41]Recommendation 6.4 encourages state supreme courts "[t]o support score portability – a current reality in the profession, and the expectation of lawyers in an increasingly interconnected world – state supreme Courts should explore how to accept other jurisdictions' determinations of competence, whether by innovative or bar exam pathways." CLEAR Report and Recommendations, *supra* n.18, at 16.

law school. To date, four deans or former deans at Council-approved law schools in Tennessee have provided this letter for NSL graduates.

NSL recommends that the Court consider inviting other state supreme courts and licensing authorities to adopt standards and procedures similar to Tenn. Sup. Ct. R. 7, §§ 17.01-17.10 that would enable NSL to request these jurisdictions to determine whether NSL's J.D. degree meets their legal education requirements. Like Tennessee's requirement, approval should be based on substantial compliance with ABA Standards 301 -316 (except for Standards 307 and 313) and Standards 502, 503, and 509.[42]

(6) Whether any legal service currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.

NSL has no substantive comment regarding this issue. NSL would, however, respectfully suggest that should the Court entertain authorizing paraprofessionals to provide legal services to clients, the impact of this change on solo practitioners and small firms, particularly those in rural areas, should be carefully considered.

(7) Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee-sharing with non-lawyers.

NSL has no substantive comment regarding this issue. NSL would, however, respectfully suggest that should the Court entertain authorizing paraprofessionals to provide

---

[42]These requirements are similar to the continuing reporting requirement adopted by the Supreme Court of Texas for Council-approved law schools that are already on Texas's list of approved law schools. *See Final Approval of Amendments to Rule 1 of the Rules Governing Admission to the Bar of Texas*, Misc. Docket No. 26-9002 (Tex. Jan. 6, 2026), available at https://www.txcourts.gov/ media/1461882/269002.pdf.

legal services to clients, the impact of this change on solo practitioners and small firms, particularly those in rural areas, should be carefully considered.

Respectfully submitted on behalf of the Nashville School of Law,

William C. Koch, Jr.,
President and Dean

4013 Armory Oaks Drive
Nashville, Tennessee 37204-4577
bill.koch@NSL.law
615.780.2242

ATTACHMENT A
Nashville School of Law

NAU NORTHERN ARIZONA UNIVERSITY

NAU Law School Proposal

The Need

Arizona ranks 49th in lawyers per capita, making it one of the most underserved states in the nation. The shortage is particularly acute in rural communities and in government legal offices, including prosecutors' and public defenders' offices. A new law school at Northern Arizona University would directly address this access-to-justice gap by educating and retaining lawyers in underserved areas.

Approval

The law school would be approved by the Arizona Supreme Court (rather than accredited by the American Bar Association ("ABA")). The model follows the Nashville School of Law, which has operated successfully since 1911 and is led by a former Tennessee Supreme Court Justice. This proven model demonstrates that high-quality legal education can be delivered outside the traditional ABA structure.

Reduced Cost Structure

Arizona Supreme Court proposed standards permit instruction by adjunct practitioner faculty, eliminating the ABA requirement for predominantly full-time, research-focused, tenure track professors in first-year courses. Cost efficiencies include heavy use of experienced practicing attorneys as part-time faculty, use of existing university library resources and online research tools, and no requirement for a separate stand-alone law library. These efficiencies significantly reduce institutional costs, allowing for lower tuition while maintaining rigorous academic standards. Instruction by practicing attorneys also enhances students' practice readiness upon graduation.

The Arizona Supreme Court proposed standards enable Northern Arizona University to offer the law degree program at a lower cost to students. Northern Arizona University will utilize its robust infrastructure and expertise for online education to create a quality program that prepares students for the Arizona Bar Examination and professional success. The program will be designed to prepare graduates for private and public law practice.

Required Core Legal Curriculum

The program would require a strong core legal curriculum not currently required by the ABA standards, including Constitutional Law; Evidence; Torts; Contracts; Civil Procedure; Criminal Procedure; Criminal Law (including Victims' Rights); Professional Responsibility; Legal Writing; Property; Family Law; Trusts and Estates; and Business Associations.

Students would also complete at least six credit hours of experiential learning, which may include a legal externship, law clinic, or other practice-based learning activities.

Online, Part-Time Format

The program would operate as a four-year, part-time program delivered primarily online with limited in-person components. This format serves working professionals and non-traditional students, allows students in rural communities to remain in their hometowns, reduces housing and relocation costs, and increases the likelihood that graduates will continue serving their communities. It is anticipated that the caliber of law students would be similar to those at other Arizona law schools.

NAU's program will be designed to include a Master of Legal Studies ("MLS") milestone credential. The MLS will qualify students to be authorized for practice as Legal Paraprofessionals while they pursue further study for the Juris Doctor degree.

Recent applications to Arizona State University's part-time online law school program exceeded 1,300, demonstrating high demand for a part-time law school program.

Full Arizona Law License

Graduates must pass the Arizona Bar Examination and have sufficient character and fitness for admission to practice. Upon admission, they will receive a full Arizona law license, with authority to practice in any area of law within the state. Reciprocity with other states may be available depending on jurisdictional rules.

The Bar Associations of the Fourth Judicial District

Cocke Grainger Jefferson Sever

Re: Public Comment on Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Docket No. ADM2025-01403

James Hivner, Clerk
Tennessee Supreme Court
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1307

Dear Clerk Hivner:

We are writing collectively for the local bar associations for the Fourth Judicial District (Cocke, Grainger, Jefferson, and Sevier Counties), and we respectfully submit this comment in opposition to the proposed regulatory reforms outlined in the Tennessee Supreme Court's Order soliciting public comments regarding potential changes to the regulation of the legal profession.

The Court's goal of increasing access to affordable legal services is commendable—however, we fear that some of the reforms under consideration risk undermining the quality, independence, and integrity of the legal profession in Tennessee.

The Tennessee Supreme Court set forth seven (7) topics for public consideration in its Order. The first four (4) affect the education and licensing of attorneys. Our bar association certainly would welcome new paths for developing attorneys so long as reforms in legal education continue to provide strong ethical guidance.

Our members, however, are more concerned with the Order's consideration of out-of-state and non-lawyer ownership and practice. We doubt this will do anything at all to address the "legal deserts" in the rural community. Indeed, to the contrary, non-lawyer investors or corporate owners would be driven primarily by the goal of maximizing profit rather than ensuring the ethical delivery of legal services or expanding affordable representation for those who cannot afford it. It is inconceivable that such outside investors would prioritize serving underserved communities when the financial incentive is to focus on higher-value, more profitable legal work in larger cities.

Non-lawyer ownership would divert revenue away from locally owned Tennessee law firms and into the hands of outside investors, corporations, or national entities with no connection to the communities they serve. Tennessee attorneys who have built practices within their local communities could find themselves competing with corporate-backed out-of-state lawyers driven by artificial intelligence. Such a shift risks weakening local legal practices and the community-based relationships that currently support Tennessee's justice system.

While the Court correctly recognizes that many Tennesseans face barriers to obtaining legal assistance, opening the door to private equity is not the appropriate solution. The justice gap should instead be addressed through measures that preserve professional competence while expanding services, such as increased support for legal aid organizations and incentives for attorneys to practice in underserved rural communities.

With kindest regards we remain,

Sincerely yours,

Nikolas Kear
President of the Cocke County Bar Association

Evan Newman
President of the Grainger County Bar Association

Rebecca Lee
President of the Jefferson County Bar Association

Bryce McKenzie
President of the Sevier County Bar Association

CHATTANOOGA BAR ASSOCIATION
CBA
Established 1897

EXECUTIVE DIRECTOR
Lynda Minks Hood

EXECUTIVE COMMITTEE
KEITH H. GRANT
President
KATHERINE H. LENTZ
President-Elect
EVERETT L. "BO" HIXSON, III
Secretary
HONORABLE ROBIN L. MILLER
Treasurer
MARK W. LITCHFORD
Past President

BOARD OF GOVERNORS
LARRY L. CASH
ZACHARY W. ENGLAND
BARRY L. GOLD
C. SCOTT JOHNSON
LANCE W. POPE
JANIE P. VARNELL
CLAIRE T. TULEY
YLC Representative

THE HONORABLE ALEX MCVEAGH
Judicial Representative

THE PIONEER BUILDING, SUITE 420
801 BROAD STREET
CHATTANOOGA, TN 37402
(423) 756-3222
FAX: (423) 265-6602
WWW.CHATTANOOGABAR.ORG

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION

No. ADM2025-01403

COMMENTS OF THE CHATTANOOGA BAR ASSOCIATION

Please accept this letter as the Chattanooga Bar Association ("CBA")'s written response to the Supreme Court's September 16, 2025 Order (the "Order") seeking public comments on potential regulation reforms to increase access to quality legal representation.

With over 900 members, the CBA is the fourth largest metropolitan bar association in Tennessee. Given the number of proposed reforms and the expected differing viewpoints among our diverse membership, the CBA solicited opinions and comments from our members. Subsequently, this response was prepared by a committee of CBA members representing a cross-section of our membership (the "Committee"). This letter provides the Court with an overview of the prevailing viewpoints from our membership.

As an introductory matter, the Committee cautions that sweeping changes to the structure of legal practice and admission standards carry substantial risk. The Committee urges careful, targeted reforms rather than broad restructuring.

1. Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar.

2. Whether there are any practicable alternatives to ABA accreditation that the Court should consider.

This is a combined response to Issues #1 and 2 from the Order.

The Committee recommends that the Supreme Court should retain accreditation by the American Bar Association ("ABA") as the primary means of establishing minimum education requirements for applicants to the Bar. The alternative is to establish Tennessee

specific criteria for the Board of Law Examiners for the State of Tennessee (the "Board") to accredit every law school, both in and out of state. The cost of administering such a process will likely be prohibitive without resulting in a significant increase in bar applicants and attorneys in Tennessee.

Additionally, the existing rubric provides alternative methods for the Board to approve applications from graduates of Tennessee and out of state law schools that are not accredited by the ABA. As the Court recognized in the Order:

> Tennessee law schools that are not accredited by the ABA may obtain approval from the Board to allow their graduates to apply for admission to the Tennessee Bar. Graduates of unaccredited law schools outside of Tennessee may be considered for admission to the Bar on a case-by-case basis. Among other requirements, such an applicant must have obtained a degree "from a law school approved by an authority similar to the Tennessee Board of Law Examiners in the jurisdiction where the law school exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Tennessee." (internal citations omitted)

In addition to relying on the counterpart authority to the Board in foreign states for approval, the Court could consider supplementing this existing process by conditioning approval on objective criteria such as bar passage rates, employment outcomes, etc. The Court might find it useful to tie that to reciprocity with the foreign state.

3. Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law.

4. Whether the Court should consider adopting alternative pathways for admission to the Tennessee Bar - for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirements in part by completing an apprenticeship or serving with a legal aid organization.

This is a combined response to Issues #3 and 4 from the Order.

The Committee believes that there are not currently less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law in Tennessee.

Traditional legal education provides a unique environment that facilitates: (1) cognitive development while refining the "legal mind" through the Socratic method and rigorous analytical reasoning; (2) professional resiliency while simulating the pressures of practice, including interpersonal management and strict temporal constraints; and (3) clinical experience where many traditional institutions offer robust legal clinics providing supervised, real-world client interactions. This is an experiential component that online-only programs often lack. The Committee also notes jurisdictional limitations are often inherent in online education, as seen in California, where graduates of non-ABA-accredited online programs are frequently restricted to local licensure, severely limiting professional mobility.

Likewise, legal apprenticeships fail to meet the standard of "adequate preparation." The lack of curriculum standardization and the inherent variability of individual mentorship experiences pose significant risks to professional competency. Standardizing such a program would likely necessitate an expansive regulatory

framework to ensure parity in professional development. Such a framework would need to include approved attorney mentors with significant relevant experience; written exams; significant attorney interviews; enhanced continuing legal education; and minimum education requirements.

Additionally, the Committee finds no empirical evidence suggesting apprenticeship-trained or online-educated practitioners disproportionately serve underserved populations.

Instead, the Committee recommends the expansion and continued support of accelerated and condensed degree programs. These "3+3" initiatives, such as the partnership between the University of Memphis Cecil C. Humphreys School of Law and Austin Peay State University, allow students to complete both a baccalaureate and a JD in six years. This model maintains academic rigor while providing a tangible reduction in tuition costs and a faster entry into the practice.

Additionally, the Committee supports the enhancement of flexible law school programs for students with significant current professional or personal commitments. By offering part-time tracks (e.g., The Winston College of Law at the University of Tennessee, Knoxville), the legal profession can remain accessible to a broader demographic without compromising the quality of the legal education.

Finally, the Committee recommends evaluating the Community Justice Worker (CJW) model for implementation within Tennessee. This model utilizes individuals specifically certified in discrete areas of civil law, including SNAP benefits and administrative proceedings. Drawing on precedent in jurisdictions like Alaska, where CJWs have served remote and rural Native American communities, this model may help bridge the perceived access-to-justice gap in Tennessee. The Committee suggests a targeted, rural, county-by-county pilot program limited to practice areas in administrative venues without adverse counsel, such as Social Security representation.

5. Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other States to promote interstate practice and mobility.

The Committee does not recommend lowering the barrier to entry into the legal profession as a means of expanding access to legal services for Tennesseans. The Committee finds that such proposals would not achieve the stated goal and would, in fact, pose meaningful risks to the public.

The Committee acknowledges that a genuine access-to-justice problem exists in Tennessee. Underserved communities and so-called "legal deserts" lack adequate legal representation, and many legal needs go unmet because they do not translate into economically viable matters for practicing attorneys. However, the Committee finds that simply increasing the number of licensed attorneys will not resolve this problem. The economic conditions that currently deter attorneys from serving these communities would remain unchanged regardless of the size of the attorney pool.

Rather, the Committee recommends consideration of a requirement that licensed attorneys handle a defined number of legal aid matters as a condition of licensure or renewal. The Committee recognizes that, absent such a mandate, market forces will not lead attorneys to voluntarily accept these matters, as they are not economically sustainable without subsidy or obligation.

6. Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.

The use of trained paraprofessionals to handle certain categories of legal matters under attorney supervision offers a targeted and professionally responsible means of extending legal services to underserved populations. However, the Committee is concerned about the possibility of allowing non-attorneys to handle matters that, unbeknownst to the potential client, involve more significant issues than are readily apparent. Balancing this concern with a clear need to provide greater access to justice than is currently available, the Committee recommends that a study be undertaken to ascertain if it is feasible for paraprofessionals to handle certain areas of law that involve comparatively less complexity and risk in order to improve access to justice. Paraprofessional certifications could be introduced gradually in order to allow for sufficient oversight and careful development of rules related to certification and supervision. Consideration should be given to what role, if any, judges or legal aid might play in ensuring that paralegal representation is appropriate, flagging cases that have been incorrectly evaluated. Further, disclosure to the client when a paraprofessional is performing a task instead of an attorney will be critical and require specific representations and acknowledgments.

Potential legal areas for consideration for this study could include: traffic court cases; general sessions cases, with some consideration to limiting damages to a lower limit; divorces that qualify to use the Tennessee Supreme Court approved divorce forms published on the Administrative Office of the Courts website; debt collection cases below a certain value; advocacy in pre-litigation mediation; and legal triage.

Potential conditions of practice by paraprofessionals could include: supervision and oversight by an attorney; adherence to ethical rules similar to those for attorneys; client intake survey to confirm suitable matter; and consent by all parties to paraprofessional representation.

Low-income clients seeking representation in these areas are often forced to decide between the daunting financial hardship of hiring a licensed attorney or the risk and uncertainty of representing themselves. Some turn to online sources or, more recently, the "legal" counsel of AI. We are already seeing a significant increase in what appear to be AI generated complaints, a trend that is likely to continue.

Tiered legal representation models have been implemented in other states and countries in order to promote the availability of equitable and affordable legal advice (see, e.g., California, New York, Washington, England, and Canada). A study of both the methodology and success of these programs could be done in order to assess the viability of such a program.

7. Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with nonlawyers.

The Committee does not support permitting non-lawyers to own or hold financial interests in law firms. Such arrangements appear to benefit only the non-lawyer investors and introduce risks to client interests, professional independence, and the integrity of the legal system that far outweigh any potential benefits.

Rule 5.4 of the Model Rules of Professional Conduct, adopted by nearly every state including Tennessee, prohibits lawyers from practicing with or in the form of a professional corporation or association if a nonlawyer owns an interest in the association or if a nonlawyer is a corporate director or officer. Tenn. R. Pro. Resp. 5.4. (d). The intent is to prevent a nonlawyer from having the power to direct or control the professional judgment of a lawyer. Rule 5.4 (d)(3). Lawyers play a role in serving the public that is different

from most professions and is sometimes at odds with earning a profit for the firm they also serve. Rule 5.4 attempts to rectify this conflict.

Because of the special role lawyers play, the Supreme Court has affirmed that a state "bears a special responsibility for maintaining standards among members of the licensed professions" and has a "strong interest in regulating members of the Bar". *Ohralik v Ohio State Bar Ass'n*, 436 U.S. 447,460 (1978). A state's interest in maintaining and assuring the professional conduct of lawyers is "especially great" because the judiciary depends upon the "professionally ethical conduct of attorneys." *Goldfarb v Va. State Bar*, 421 U.S. 773 (1975).

As stated by the preamble to Tennessee's Rules of Professional Conduct: "A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice". See, Tenn. Sup.Ct. R. 8, Preamble and Scope [2]. The primary purpose of the rules of professional conduct is to "resolve the problems that arise between a lawyer's responsibilities to clients, to the legal system, and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living". Rule 8 [10]. Without Rule 5.4, non-lawyer law firm owners enter this relationship and become the primary evaluators of an attorney's performance. The scales of the inherent conflict recognized by our Rules of Professional Conduct become tilted. Not only must lawyers be conscious of being affected by their own profit motives now, they would also be affected by the profit motives of the nonlawyer owners of their firms.

Only a few states diverge from this rule. Arizona is the most far reaching. In 2020, the Arizona Supreme Court abolished Rule 5.4, becoming the first state to do so. The move is intended to drive down the cost of legal services by allowing a more corporate capital structure. By removing Rule 5.4, the Arizona Supreme Court intended to enable law firms to obtain equity-based financing, accelerate legal technology initiatives funded by the tech industry, and allow expanded access to litigation financing. The governing board of an entity controlled by nonlawyers is required to undertake in writing to the Arizona Supreme Court that it will not interfere with the lawyer's exercise of independent professional judgment on behalf of a client or interfere with a lawyer's duties to a court. But these governing boards are not subject to the rules that govern the conduct of lawyers.

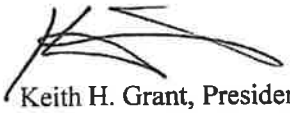
Reports out of Arizona are not particularly flattering. Consumer complaints seem to have increased with complaints of lack of supervision and oversight and conflicts of interest. The Committee believes such complaints are virtually unavoidable and strongly rejects any attempt to amend, replace or remove Rule 5.4.

The Committee recognizes that, even with Rule 5.4, law firms are currently, to some extent, driven by profit and lawyers often are judged and compensated by their ability to generate revenues and profits for their firms. But with the present system the governing bodies within law firms that judge and set compensation for a firm's lawyers are subject to the same rules and regulations that govern the lawyers they judge. With Rule 5.4, the Rules of Professional Conduct reach all those within a law firm including those that sit on firm's governing bodies. The inherent conflict still exists, but the rules of professional responsibility and the Tennessee Supreme Court mitigate its effect.

Conclusion

The CBA greatly appreciates the opportunity to respond to the Court's questions on these important issues. Should the Court desire any additional information, the CBA is happy to provide such. Further, should the Court wish to appoint a statewide committee to look further into these issues, the CBA would be interested in participating in such.

Sincerely,



Keith H. Grant, President
Chattanooga Bar Association

Kim Meador

From: Russell Johnson <rjohnson7610799@msn.com>
Sent: Thursday, April 30, 2026 2:02 PM
To: appellatecourtclerk
Subject: Comment re: Regulatory Reforms, No. ADM2025-01403 – Initial comment on need for action

Good afternoon. Thank you for the opportunity to comment.

I write to support recognition that the "ACCESS TO JUSTICE IS IN CRISIS IN TENNESSEE".

Respectfully, part of the problem is created by whoever is monitoring-regulating Law Firms who advertise. It appears no one is monitoring-regulating Law Firms who advertise.
Do we have any numbers on how many plaintiffs have not sought a second opinion, or proceeded as pro se, because some law firm has brought them in by clever advertising only to tell them their 'case is *not worth pursuing' - for the law firm.*
Such regulatory misconduct should not be shielded by hiding behind a first amendment claim of "free speech". Besides making attorneys look like clowns, and giving the public a false sense of high-dollar success, it further undermines who to trust.
When these firms that advertise throw out a large net to gather clients, where is the counting those that they throw back because no insurance on the other side, no sufficient personal injury to pursue, etc?!
Yes, these are valid considerations, but the first should be whether a claim appears valid and the well-being of that client invited-encouraged to walk through the door, not the issue of minimum limits or less than 'catastrophic' damages.
Regretfully, I do not know the answers, but letting the advertising firms do clown acts with high uncredentialed dollar signs appears more like a gambling lottery, and then to deflate the rejected client cut loose does not enhance an opinion of "justice".
Good luck. Thank you.
Russell Johnson BPR 012307
901-761-0799
rjohnson7610799@msn.com

April 30, 2026

Via Email (appellateclerk@tncourts.gov)

James Hivner, Clerk
Re: Regulatory Reform
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219

Re: Public Comment on Potential Regulatory Reforms to Increase Access to Quality Legal Representation (Docket No. ADM2025-01403); Comment in Opposition to Nonlawyer Law Firm Ownership and Fee-Sharing

Dear Mr. Hivner and Honorable Justices of the Tennessee Supreme Court:

The undersigned are the leading organizations representing lawyers who primarily represent defendants in civil litigation. In addition, our organizations include significant stakeholders across the business and civil justice communities. Our members and supporters also include numerous Tennessee employers.

We are writing with respect to issue (7) of the Court's public comment request, which addresses potential modification, or even elimination, of longstanding regulations prohibiting nonlawyer ownership of law firms or fee-sharing with nonlawyers. We applaud the Court's efforts to increase access to justice for Tennesseans, but weakening the longstanding safeguards is unlikely to advance that objective and would create many problems.[1] Erosion of the traditional rule would impair lawyers' professional independence and undermine the integrity of the civil justice system by inviting outside financial interests whose primary goal is a return on investment.[2]

I. Restrictions on Nonlawyer Ownership and Fee-Sharing Serve Vital Purposes

As the Court is aware, the Tennessee Rules of Professional Conduct are patterned on the American Bar Association (ABA) Model Rules of Professional Conduct,[3] including the state's restrictions on nonlawyer ownership of law firms and fee-sharing with nonlawyers.[4] The "limitations are to protect the lawyer's independence of professional judgment."[5]

The ABA has reaffirmed this purpose in response to proposals to relax law firm ownership and fee-shifting rules. In 2022, the ABA's House of Delegates adopted Resolution 402, which states that the "sharing of legal fees with non-lawyers and the ownership or control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession."[6] The ABA took this approach to "leave no doubt" that, as state supreme courts and bar associations consider

---

[1] For a robust discussion, see William W. Large, U.S. Chamber of Com. Inst. for Legal Reform, *Selling Out: The Dangers of Allowing Nonattorney Investment in Law Firms* (Jan. 2023).
[2] *See* Marta-Ann Schnabel, Thomas J. Hurney, Jr. & Susan Gunter, *Nonlawyer Investment in the Legal Economy*, The Center: The Voice of the Civil Defense Bar (2022), at 9 ("nonlawyer legal service providers are under no obligation to engage in business practices that consider the client ahead of the bottom line").
[3] *See Wright v. Wright*, 337 S.W.3d 166, 178 (Tenn. 2011) (many jurisdictions, "like Tennessee, have a rule of professional conduct based on the corresponding provision in the ABA's Model Rules").
[4] Tenn. Sup. Ct. R. 8, RPC 1.5(e) and RPC 5.4.
[5] Tenn. Sup. Ct. R. 8, RPC 5.4 cmt. 1; ABA Model Rule of Prof'l Conduct 5.4 cmt. 1.
[6] ABA House of Delegates, Resolution 402 (adopted Aug. 8-9, 2022) (reaffirming Resolution 00A10F (2000)).

ways to improve the administration of justice, "there should be no changes to [the] policy against fee splitting with non-lawyers and non-lawyer ownership of entities delivering legal service."[7]

The report accompanying Resolution 402 discussed reasons why "non-lawyer involvement in the practice of law is such a threat to clients and our system of justice."[8] The report raised ethical and accountability concerns where "non-lawyers are not subject to a lawyer's management authority but share in the fee," including the inability to "assure that the twin pillars of confidentiality and conflicts of interest are observed by the non-lawyer."[9] The report further explained that "[t]he practice of law is a profession and not a business," and has "an entirely different set of values," including "core values such as undivided loyalty to the client, competence, and confidentiality" that are not the focus of nonlawyers.[10] The report also cautioned that "[n]on-lawyer involvement may invite, or at least open the door to, regulation of the practice of law and the legal profession by others besides the courts."[11]

Ethical concerns regarding the impact of outside investment on lawyers' professional independence are not hypothetical. The rapid growth of third-party litigation funding (TPLF) by nonlawyer investors already poses serious legal and ethical challenges for the legal profession. Investors are pouring unprecedented sums of money into financing litigation, seeking to turn the courts into investment opportunities.[12] Hedge funds, institutional investors, foreign sovereign wealth funds, and others front money to law firms in exchange for a share of any settlement or judgment from an individual lawsuit or portfolio of lawsuits.[13] Experts have recognized that TPLF is "reshaping every aspect of the litigation process—which cases get brought, how long they are pursued, when are they settled."[14]

This year, the Tennessee General Assembly addressed some of these issues by passing legislation to regulate the commercial litigation financing industry and create transparency into TPLF agreements for courts and parties. The Governor is expected to sign the bill into law soon.[15]

Investments in law firms by nonlawyers create clear conflicts of interest and raise other serious ethical concerns that undermine a lawyer's professional independence. It may be in a

---

[7] ABA House of Delegates, Report for Resolution 402, at 3-4 (Aug. 2022).
[8] *Id.* at 4.
[9] *Id.* at 5.
[10] *Id.*
[11] *Id.* at 4.
[12] Donald J. Kochan, Op-ed, *Keep Foreign Cash Out of U.S. Courts*, Wall St. J., Nov. 24, 2022, at A13 (TPLF "turns the American justice system into a financial playground by transforming lawsuits into investment vehicles").
[13] Westfleet Insider, 2024 Litigation Finance Market Report, at 3 (dedicated commercial litigation funders had $16.1 billion in assets under management, and had committed $2.3 billion to new litigation financing in 2024); U.S. Gov't Accountability Office, GAO-23-105210, *Third-Party Litigation Financing: Market Characteristics, Data, and Trends* 11-12 (Dec. 2022) (litigation funding industry "more than doubled" from 2017 to 2021).
[14] Leslie Stahl, *Litigation Funding: A Multibillion-dollar Industry for Investments in Lawsuits with Little Oversight*, CBS's "60 Minutes," Dec. 18, 2022 (interview with Professor Maya Steinitz). A recent book by Prof. Elizabeth Chamblee Burch, *The Pain Brokers: How Con Men, Call Centers, and Rogue Doctors Fuel America's Lawsuit Factory* (2026), details an investigation into the involvement of third-party funders in the Pelvic Mesh multi district litigation. At the center of a scheme to recruit plaintiffs was a law firm formed in Washington, D.C. to facilitate nonlawyer investment. Women were recruited via call centers and referred to hand-picked doctors for surgery to increase the value of their claims with costs paid by a funder. The medical practices performing the removal also sold the unpaid bills at a discount to a related medical funder.
[15] H.B. 2108, 2026 Reg. Sess. (Tenn. 2026).

client's best interest to settle a case, but a funder may push the attorney to reject a reasonable settlement offer in pursuit of a "nuclear verdict."[16] Other times, nonlawyer funders may pressure law firms to accept a settlement '"because the [funder] wants a guaranteed return on its investment,' even though the plaintiff may be able to achieve a larger recovery by working up the case and taking it to trial."[17]

Nonlawyer ownership in law firms or expanded fee-sharing could diminish, not improve, access to justice and the quality of legal services. Capital from nonlawyer investors and owners will inevitably flow to practice areas that are profitable. Pro bono, an important part of the profession, would be threatened.[18]

Weakening nonlawyer ownership and fee-sharing rules also threatens to worsen the practice of law for lawyers. As business owners, lawyers have flexibility in deciding what clients they want to represent, how much they want to charge for their services, what hours they want to work, where they want to work, and even what they want to wear to work. If Tennessee's legal profession were to resemble the model of physicians working for medical corporations, with lawyers becoming salaried employees of legal services corporations, lawyers would become mere revenue producing units for outside business owners.[19] Such a transformation in the practice of law could turn many would-be lawyers away from the profession, undermining access to justice.

II. The Experience of Other Jurisdictions Demonstrates Why Tennessee Should Maintain Its Restrictions on Nonlawyer Ownership and Fee-Sharing

"Perhaps the most prevalent justification offered by the proponents of non-lawyer profit-sharing reform has been that it will lead to greater access to justice."[20] There is, however, "no evidence that nonlawyer ownership actually improves access to justice for the needy."[21] Several jurisdictions have experimented with loosening rules against nonlawyer ownership and fee-sharing but the efforts have not provided compelling evidence that doing so benefits the public. In fact,

---

[16] Mark Behrens, *Third Party Litigation Funding: A Call For Disclosure and Other Reforms to Address the Stealthy Financial Product That is Transforming the Civil Justice System*, 34 Cornell J.L. & Pub. Pol'y 1, 7 (2025); *see generally* Cary Silverman & Christopher E. Appel, U.S. Chamber Inst. for Legal Reform, *Nuclear Verdicts: An Update on Trends, Causes, and Solutions*, at 40-43 (May 2024) (study of large verdicts in personal injury and wrongful death cases over 10-year period).

[17] Behrens, *supra*, at 7.

[18] Bailey Cunningham, *Nonlawyer Ownership of Law Firms: A Recurring Debate*, 104 Ill. B.J. 48, 49 (July 2016) ("Investors are likely to put their money where they will see the greatest return, not necessarily where they can do the most good. Investors have little incentive to promote pro bono work or increase access to justice when those projects do not reap financial rewards.").

[19] Melissa D. Mortazavi, *What Lawyers Could Learn From The Corporate Practice of Medicine*, 77 Wash. U. L.J. & Pol'y 212, 212-213 (2025) (stating "that influx of nonlawyer capital is likely to increase the risk of consolidation of services which could impact negatively client access and contribute to professional autonomy disenfranchisement.").

[20] ABA House of Delegates, Report for Resolution 402, *supra*, at 3.

[21] Stephen P. Younger, *The Pitfalls and False Promises of Nonlawyer Ownership of Law Firms*, 132 Yale L.J. Forum 259, 259 (2022).

momentum has shifted in the opposite direction, with many states tightening restrictions or emphatically rejecting proposals to weaken existing professional responsibility rules.[22]

Utah: In 2020, the Utah Supreme Court authorized a pilot program allowing nonlawyer ownership of law firms through a "regulatory sandbox" designed to test creative alternative business structures (ABS) that reduce "the access-to-justice gap without increasing consumer harm."[23] After four years in effect, including authorization of nearly 70 entities under the program, the Utah Supreme Court decided to "narrow the scope of the Sandbox" because data gathered from the project showed that many of the entities did nothing to improve access to justice.[24] The court found that "low-innovation entities … consumed a disproportionate amount" of the program's resources, that "[s]ome ABS entities appear to have misused their Sandbox authorization to bolster their credibility or gain access to restricted advertising markets," and that "many ABS entities appear to have misconstrued their authorizations as permitting them to offer legal services provided by non-Utah-licensed attorneys."[25] In short, financially motivated nonlawyers co-opted the program.

The court responded by narrowing its ABS "innovation requirement" to set a "fairly high bar for participation in the Sandbox."[26] "Going forward, all Sandbox entities must demonstrate that their service models will significantly benefit Utah consumers."[27] The court anticipates that this change will cull "low-innovation, Alternative Business Structure-only entities" that comprise approximately three-quarters of the pilot program.[28]

Arizona: In 2021, the Arizona Supreme Court eliminated Ethical Rule 5.4, allowing nonlawyer ownership of law firms and fee-sharing.[29] By the start of 2026, the court had approved more than 150 ABS licenses, rejecting only three.[30] Despite the influx of ABS, there does not appear to be a corresponding improvement in access to justice for Arizona's indigent population.

ABS have, instead, generated widespread concerns.[31] In February 2026, *The Arizona Republic* published a series of articles examining the state's ABS program, finding it has "become

---

[22] Mark Behrens & Christopher Appel, *Proposals to Allow Nonlawyer Ownership of Law Firms, Fee Splitting Experience Rejection*, 37:17 Legal Backgrounder (Wash. Legal Found. Oct. 14, 2022). In 1991, the District of Columbia adopted a limited rule allowing an individual nonlawyer, such as a lobbyist, to hold a financial interest in a law firm, provided the nonlawyer "performs professional services which assist the organization in providing legal services to clients," the nonlawyer abides by the D.C. Rules of Professional Conduct, and firm lawyers "undertake to be responsible for the nonlawyer participants." D.C. Rule of Prof'l Conduct 5.4. Because the DC rule forbids corporate or passive investment, it is excluded from this discussion of recent experimentation and state responses.

[23] Sandbox Phase 2, Office of Legal Services Innovation, Utah Supreme Court.

[24] *Id.*

[25] Utah Supreme Court, Letter to the Utah Legal Services Innovation Committee Regarding Regulatory Sandbox, at 3 (Sept. 5, 2024).

[26] *Id.*

[27] Utah Supreme Court Implements Key Changes to Sandbox Project, 37 Utah B.J. 56 (Nov./Dec. 2024).

[28] *Id.* at 57.

[29] Annual Report of the Committee on Alternative Business Structures to the Arizona Supreme Court, at 3 (Apr. 2021).

[30] Laura Gersony, *Bad Actors: An Arizona Program Lets Wall Street Investors and Other Nonlawyers Own Law Firms, and Consumers Are Paying the Price*, Ariz. Republic, Feb. 22, 2026, *available at* 2026 WLNR 5343941.

[31] Rachel Rippetoe, *Arizona's Law Firm Experiment Faces Conflict Question*, Law360, Apr. 21, 2026 (discussing conflicts of interest and recusals by members of Arizona's ABS committee and complaints against ABS firms, including a 200-page complaint alleging an entity's "efforts to establish an ABS firm in Arizona

an epicenter for consumer complaints, leaving a trail of clients across the United States who say they were mistreated, misled, or … outright 'scammed.'"[32] The investigation reported that "[l]oopholes, a lack of oversight and financial conflicts of interest plague the state's [ABS] program," resulting in a significant portion of licensees being accused of misleading, defrauding, or repeatedly taking advantage of consumers.[33] Several licensees have been accused of "targeting vulnerable people," including those in financial distress or dealing with immigration issues.[34]

The Arizona Republic investigation also found that companies, including Wall Street investors and marketing professionals, "use the program to operate in all 50 states" and that "[i]nvestors—not lawyers—have transformed law firms into call centers, raking in cases that they farm back out to 'partners' across the country."[35] Many of these cases involve personal injury, an already "booming" sector of the state's legal business, leaving the chair of Arizona's Committee on ABS to question, "If we're licensing more personal injury firms, is that really promoting the public interest?"[36] To crack down on referral firms, the Arizona Supreme Court recently adopted more stringent requirements for the state's ABS program. As of March 2026, "ABS law firms must now provide legal services—not just make referrals to other lawyers—and devote part of their business to serving people in Arizona."[37]

California: In October 2025, California enacted legislation to reject "regulatory sandbox" experimentation through 2029.[38] Although ABS law firms were already prohibited from operating in California,[39] the legislation generally prohibits California attorneys from sharing legal fees with an out-of-state ABS-associated attorney. The statute also prohibits fee-sharing with an ABS entity for referral fees or the purchase of leads—a common practice among personal injury law firms. The statute authorizes a $10,000 fine per violation or treble actual damages, permits injunctive relief and the recovery of attorneys' fees, and further mandates that violators shall be disciplined by the California State Bar. In adopting this approach, California has embraced a regulatory framework that ensures the practice of law remains exclusively in the hands of licensed attorneys.

---

were improperly driven by the company's private equity backer putting 'revenue over ethics.'"); Valerie Richardson, *Arizona Model Allowing Non-lawyers to Own Law Firms Shakes Legal Profession,* Wash. Times, Apr. 27, 2026 (stating that Arizona's "program has attracted a stampede of Wall Street investors, hedge fund managers and private equity speculators, spurring fears that the business entities will prioritize the bottom line over clients' best interests in pursuit of multibillion-dollar mass-tort verdicts.").

[32] Laura Gersony, *Arizona Lets Investors Own Law Firms. Consumers Pay the Price*, Ariz. Republic, Feb. 8, 2026, *available at* 2026 WLNR 3923396; *see also* Laura Gersony, *Loopholes Let Arizona Law Firm Experiment Spread Nationwide*, Ariz. Republic, Feb. 9, 2026, *available at* 2026 WLNR 3982596.

[33] Gersony, *Bad Actors*, *supra.*

[34] *Id.*

[35] *Id.*

[36] Laura Gersony, *Arizona Supreme Court May Change Law License Rules After Investigation*, Ariz. Republic, Feb. 12, 2026, *available at* 2026 WLNR 4353386 (quoting Appellate Judge Anni Hill Foster, chair of Committee on ABS).

[37] Emily R. Siegel, *Arizona ABS Law Firms Face New Limits on Out-of-State Business*, Bloomberg L., Mar. 12, 2026 (discussing In the Matter of Amending Arizona Code of Judicial Administration Section 7-209: Alternative Business Structures, Admin. Order 2026-31 (Ariz. Mar. 18, 2026)). The Arizona Supreme Court has also acted to address the impact of TPLF by nonlawyer investors. Amendments to the Arizona Rules of Civil Procedure which took effect January 1, 2026, require a party, as part of its initial pleading, to certify whether it has entered into a TPLF agreement and, if so, disclose certain information about the nature of the agreement and potentially disclose all or part of the agreement. Ariz. R. of Civ. Proc. 8(j).

[38] A.B. 931 (Cal. 2025) (codified at Cal. Bus. & Prof. Code § 6156).

[39] Cal. R. Prof'l Conduct 5.4 prohibits nonlawyer equity in law corporations.

Florida: In December 2025, the Florida Supreme Court amended the rules regulating the state bar to reaffirm that "only a person legally qualified to render legal services in Florida may direct the legal services or professional judgement of a lawyer engaged in the practice of law in Florida."[40] The amendment also intends to "clarify that … nonlawyers may not serve in certain positions, have certain titles, or perform policy-making functions" that may imply control or management of business entities authorized for lawyers practicing in the state.[41] As *Bloomberg Law* reported, the amendment "reasserts traditional professional boundaries at a moment when those boundaries are under pressure across the country"—an approach "arguably more powerful" than explicitly rejecting ABS.[42] Previously, the Florida Bar's Board of Governors voted *unanimously* to reject any amendment authorizing nonlawyer law firm ownership or fee-sharing.[43]

South Carolina: In March 2026, South Carolina's Ethics Advisory Committee issued an ethics advisory opinion prohibiting South Carolina lawyers from serving as local co-counsel with an ABS that has nonlawyer owners or partners.[44] The committee noted, "Rule 5.4 prohibits the sharing or splitting of legal fees with a nonlawyer, thus emphasizing South Carolina's strong policy of preserving professional independence."[45]

Other Jurisdictions: Other jurisdictions, including Illinois,[46] Maryland,[47] New York,[48] and Texas,[49] have similarly rejected recent proposals that would threaten lawyer professional independence for the promise of access to justice gains that have not materialized in the jurisdictions that have experimented with ABS.

---

[40] *In re* Amendments to Rules Regulating the Florida Bar – Rule 4-8.6, No. SC2025-1173 (Fla. Dec. 18, 2025), at 2.

[41] *Id.*

[42] Aron Solomon, *Florida's Rule Is Subtly Pushing Back on Non-Lawyer Ownership*, Bloomberg L., Jan. 22, 2026.

[43] Gary Blankenship, *Board of Governors Unanimously Opposes Non-Lawyer Firm Ownership, Fee Splitting Ideas*, Fla. Bar News, Nov. 10, 2021.

[44] S.C. Ethics Advisory Comm. Opinion 25-02, at 1 (Mar. 13, 2026).

[45] *Id.* at 2. The Ethics Advisory Committee also concluded that "a South Carolina licensed lawyer may not ethically own or invest in an ABS that practices law." *Id.*

[46] Ill. Bar Ass'n, Prof'l Conduct Advisory Opinion 25-02 (Feb. 2025) (concluding an attorney would violate the Illinois Rules of Professional Conduct by participating in a for-profit, third-party client referral service that shares fixed fees, uses nonlawyer actors in advertising, or requires client communications on a monitored platform lacking confidentiality); *see also* Ed Finkel, *The Nonlawyer Ownership Issue*, 110 Ill. B.J. 22, 23 (Nov. 2022) ("Efforts to allow nonlawyer ownership of law firms, fee sharing with nonlawyers … are often touted as innovative ways to address access-to-justice problems. The [Illinois State Bar Association] and its allies maintain that other innovations would better protect the public's interests and those of attorneys.").

[47] Md. State Bar Ass'n Comm. on Ethics, Opinion 2025-01 (concluding Maryland attorney working for accounting firm "would not be allowed to share any fees resulting from those Maryland legal services with non-attorneys").

[48] N.Y.C. Bar Ass'n, Prof'l Ethics Comm., Opinion 2024-4 (July 18, 2024) (stating "it is well settled that the New York Rules prohibit a lawyer from practicing law in New York through an ABS," though a lawyer may "passively invest" in an ABS firm in a jurisdiction that permits investment by out-of-state lawyers).

[49] *Bending the Rules: Texas Access to Justice Commission Votes "No" on Allowing Limited Legal Services by Non-Attorney-Owned Entities*, Austin Law., Apr. 2024; *see also* Tex. Bar Prof'l Ethics Comm. Opinion 706 (Feb. 2025) (concluding a Texas lawyer may not share fees with a nonlawyer-owned company that provides case management support services); Tex. Bar Prof'l Ethics Comm. Opinion 707 (May 2025) (concluding for-profit companies owned by nonlawyers cannot provide legal services through in-house counsel because it would constitute assisting the unauthorized practice of law and potentially involve impermissible fee-sharing).

Tennessee should reaffirm the existing regulations, safeguard the integrity of the state's civil justice system, protect the public from the influence of profit-driven investors, and ensure that lawyers remain free to exercise independent professional judgment exclusively in service of their clients.

Sincerely,

Tennessee Defense Lawyers Association

DRI – Association of Lawyers Defending Business

U.S. Chamber of Commerce Institute for Legal Reform

NFIB Small Business Legal Center, Inc.

Coalition for Litigation Justice, Inc.

National Association of Mutual Insurance Companies

American Trucking Associations

Tennessee Chamber of Commerce & Industry

International Association of Defense Counsel

Federation of Defense & Corporate Counsel

Association of Defense Trial Attorneys

American Tort Reform Association

Washington Legal Foundation

American Property Casualty Insurance Association

Tennessee Trucking Association

Kim Meador

From: Roy Simon <roy.d.simon@gmail.com>
Sent: Thursday, April 30, 2026 2:30 PM
To: appellatecourtclerk
Subject: Comments on nonlawyer ownership and nonlawyer legal services

I am writing in my individual capacity as a professor emeritus to comment on two questions (Nos. 6 and 7) posed by the Court regarding nonlawyer roles in ensuring the availability of affordable legal services to Tennesseans, while also ensuring the competency of those who provide the services.

(6) Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.

In my opinion, many legal services currently provided by lawyers could be competently provided -- at least at preliminary stages of a matter, and perhaps at all stages -- by nonlawyer paraprofessionals. Most people have received health care from nurses or physician assistants. These "non-doctors" Do not perform surgery but they do perform intake, administer basic tests, and diagnose some medical problems.

Patients might prefer to see a doctor, but that would make medical services even less affordable and require longer wait times to get appointments. The legal profession should learn from the medical profession and should allow trained nonlawyers, under some degree of supervision from lawyers, to perform limited-scope legal services in narrow areas of law where public need is greatest. The Court will designate those areas of law, and a training industry will emerge through the fee market (supervised by the state to ensure quality).

In addition, perhaps anyone who has completed the first year of law school and a brief course of specialized training (two months? six months? tailored to the complexity of the field?) would qualify as a paraprofessional, making a career in law more affordable (even if less lucrative, because paraprofessionals will not earn as much as lawyers).

(7) Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with nonlawyers.

Ulitmately, increasing access to justice to require lawyers to increase their efficiency and/or decrease their fees. Outside capital will be necessary to increase efficiency, especially in areas of law where the demand is great but the cost is still too high for many or most middle-class clients. Nonlawyer ownership and/or fee sharing with nonlawyers are tools that may help to lower legal fees (though that will not automatically happen and the Court may need to impose some conditions beyond requiring the conduct of nonlawyers to be compatible with the professional obligations of lawyers).

Summary

I have been a lawyer for decades -- in Illinois, Missouri, and New York -- and the legal profession has constantly been trying to increase pro bono services and increase access to affordable justice for the middle class. Most of these efforts have been sincere and some efforts have been successful -- but if the legal profession really wants to achieve these goals, we are going to need an influx of outside capital via nonlawyer ownership, the ability of lawyers to compensate nonlawyers through a share of legal fees, and an infusion of legal services by trained paraprofessionals supervised (to varying degrees) by lawyers.

Thank you for giving me an opportunity to submit these comments.

Professor Roy D. Simon
New York City, New York
Legal Ethics Advisor to Lawyers
Distinguished Professor of Legal Ethics Emeritus
Author, Simon's New York Rules of Professional Conduct Annotated
Cell: (607) 342-0840

Memphis Bar Association

IN RE: PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION

No. ADM2025-01403

Response to the Tennessee Supreme Court's Request for Public Comment

The following response with recommendations is submitted on behalf of the Board of Directors of the Memphis Bar Association (MBA) as prepared by a committee tasked with researching, identifying, and summarizing best practices that are responsive to the Court's Order.

I. ABA Accreditation and Educational Standards

The MBA recommends that the Tennessee Supreme Court maintain its current reliance on American Bar Association (ABA) accreditation as the primary standard for setting minimum educational requirements. The ABA began promulgating a standardized legal education in the early 20th century.[1] It has created a cohesive and reliable standard for legal education throughout the United States. While there are valid frustrations regarding the ABA's processes - including the increased cost of tuition for ABA accredited schools, library and size requirements, and course requirements[2] - the MBA believes a uniform, national standard is superior to a fragmented system with potentially piecemeal changing of standards.

First, should standards evolve to become drastically different, reciprocity amongst different states will become laborious. An attorney practicing in Memphis might be barred from practicing in nearby Arkansas cities such as Marion or Jonesboro, or nearby Mississippi cities such as Hernando or Oxford, because other states may require lawyers to take certain classes that Tennessee does not. This could make reciprocity between states almost impossible, significantly affecting attorneys in places like Memphis, which is in close proximity to both Mississippi and Arkansas. Second, there is a real possibility of lawyers being unqualified or under-trained, which could harm the public.[3] While state-specific standards can certainly be implemented, tinkering with the proper balance will take time and resources. And generally, those who will most be harmed by unqualified or under-trained practitioners are those with the least.

---

1 https://www.americanbar.org/about_the_aba/

2 https://thedailyeconomy.org/article/end-the-abas-accreditation-power/#:~:text=Yet%20outmoded%20ABA%20standards%20remain,become%20members%20of%20this%20Association.%E2%80%9D

Moreover, local practitioners have had experiences with out-of-state practitioners from law schools with questionable backgrounds, and their stories suggest that lowering these requirements risks admitting individuals who may lack the foundational competence necessary to protect the legal rights of Tennessee citizens. A move away from this standard could invite an influx of for-profit-style institutions that prioritize enrollment over quality legal training.[4]

While some states have explored state-level oversight as an alternative, the consensus among both established practitioners, the MBA, and the TBA is that abandoning the ABA standard would ultimately lead to a decline in educational consistency and professional integrity within the Tennessee bar. As many others have stated for generations – if it ain't broke, don't fix it.[5]

II. Alternative Education and Licensure Pathways: The West Tennessee Justice Fellowship

Regarding alternative pathways to licensure, the MBA proposes a targeted program similar to the "Tennessee Rural Justice Fellowship" as a pilot program to address the state's growing legal deserts. The MBA recognizes that the lack of affordable counsel has reached a crisis point. This fellowship would be a hybrid supervised practice license that draws inspiration from the medical residency model and the Community Justice Worker initiatives seen in states like Alaska and the District of Columbia.

Program Structure

The proposed fellowship draws on elements of:

- Medical residency models (supervised, practice-based training),
- Existing apprenticeship pathways in states like California and Virginia,[6] and
- Community Justice Worker initiatives in jurisdictions such as Alaska and the District of Columbia.[7]

Eligibility would include:

- Completion of at least forty-five (45) credit hours of ABA-accredited legal education **or**
- Completion of a structured four-year legal apprenticeship under a licensed attorney.

---

3 https://natlawreview.com/article/dont-break-what-works-why-states-shouldnt-abandon-national-law-school-accreditation?st_source=ai_mode#:~:text=A%20fragmented%20system%20risks%20failing%20the%20public&text=Unless%20an%20applicant%20is%20absolutely,just%20in%20their%20home%20state.%E2%80%9D

4 https://www.reuters.com/legal/government/for-profit-law-schools-once-flourishing-are-nearly-extinct-2023-10-23/

5 https://natlawreview.com/article/dont-break-what-works-why-states-shouldnt-abandon-national-law-school-accreditation?st_source=ai_mode#:~:text=A%20fragmented%20system%20risks%20failing%20the%20public&text=Unless%20an%20applicant%20is%20absolutely,just%20in%20their%20home%20state.%E2%80%9D

6 https://uncommonwealth.lva.virginia.gov/blog/2025/07/23/how-to-become-a-lawyer-in-virginia/

7 https://www.alsc-law.org/cjw/

Participants would receive a limited license authorizing them to represent indigent clients in designated rural or underserved areas. Practice would occur exclusively under the supervision of approved entities such as legal aid organizations, public defender offices, or court-approved indigent representation panels.

Scope and Safeguards

The fellowship is intentionally designed to prioritize day-one competency in high-volume, high-need practice areas such as:

- General Sessions matters,
- Landlord-tenant disputes,
- Family law proceedings,
- Petty/misdemeanor criminal defense cases.

Supervision requirements, geographic limitations, and subject-matter restrictions would ensure that participants operate within clearly defined boundaries, mitigating risks to clients while expanding service capacity.

Assessment and Licensure

Rather than relying solely on a traditional, single-day bar examination, the MBA recommends a portfolio review model administered by the Board of Law Examiners (or some akin body). This review would assess:

- Written advocacy (motions, briefs, pleadings),
- Ethical decision-making,
- Practical courtroom performance, and
- Supervisor evaluations.

Portfolio-based licensure has gained traction as a more practice-oriented method of assessing competence, particularly when combined with supervised experience.[8]

This fellowship model aligns conceptually with initiatives such as the Tennessee Bar Association's Rural Justice Fellow programs and would serve as a measured, data-driven pilot to evaluate whether alternative pathways can responsibly expand access to justice without diluting professional standards.

III. Non-Lawyer Ownership and Fee-Sharing

The MBA strongly opposes any modification to Rule 5.4 that would permit non-lawyer ownership of law firms or fee sharing with non-lawyers. MBA understands that there are financial benefits to clients if non-lawyers with business acumen were able to manage or own law firms. However, there are serious concerns that business owners would rush out work product, cut corners, and harm clients even if it saved them some on the billable hour.[9] The current prohibition is a vital safeguard against the unauthorized practice of law and ensures that legal decisions remain governed by professional ethics rather than a non-lawyer owner's profit motive.

---

8 https://www.osbar.org/sppe

There is a profound concern that non-lawyers, if granted ownership stakes, would overstep professional boundaries and would not be bound by the rules of professional responsibility, complicating an already difficult regulatory landscape. Even sophisticated automated service providers acknowledge the necessity of licensed counsel for contested or complex matters, such as criminal defense or family law. Reducing these requirements would potentially prime the pump for the public to be susceptible to individuals professing legal expertise without the accountability of bar licensure. Such a change may challenge both client protection and the long-term standing of the legal profession.

Kim Meador

From: Russell Johnson <rjohnson7610799@msn.com>
Sent: Thursday, April 30, 2026 2:02 PM
To: appellatecourtclerk
Subject: Comment re: Regulatory Reforms, No. ADM2025-01403 – Initial comment on need for action

Good afternoon. Thank you for the opportunity to comment.

I write to support recognition that the "ACCESS TO JUSTICE IS IN CRISIS IN TENNESSEE".

Respectfully, part of the problem is created by whoever is monitoring-regulating Law Firms who advertise. It appears no one is monitoring-regulating Law Firms who advertise.
Do we have any numbers on how many plaintiffs have not sought a second opinion, or proceeded as pro se, because some law firm has brought them in by clever advertising only to tell them their 'case is *not worth pursuing' - for the law firm.*
Such regulatory misconduct should not be shielded by hiding behind a first amendment claim of "free speech". Besides making attorneys look like clowns, and giving the public a false sense of high-dollar success, it further undermines who to trust.
When these firms that advertise throw out a large net to gather clients, where is the counting those that they throw back because no insurance on the other side, no sufficient personal injury to pursue, etc?!
Yes, these are valid considerations, but the first should be whether a claim appears valid and the well-being of that client invited-encouraged to walk through the door, not the issue of minimum limits or less than 'catastrophic' damages.
Regretfully, I do not know the answers, but letting the advertising firms do clown acts with high uncredentialed dollar signs appears more like a gambling lottery, and then to deflate the rejected client cut loose does not enhance an opinion of "justice".
Good luck. Thank you.
Russell Johnson BPR 012307
901-761-0799
rjohnson7610799@msn.com

Kim Meador

From: Markovic, Milan <mmarkovic@law.tamu.edu>
Sent: Thursday, April 30, 2026 2:22 PM
To: appellatecourtclerk
Subject: Regulatory Reform (No. ADM2025-01403)

ADM2025-01403

Dear Mr. Hivner,

I am a legal ethics scholar who has written extensively about access to justice. I commend the Tennessee Supreme Court for its consideration of measures to mitigate the longstanding failure to provide legal services to low-and middle-income populations.

While I have opinions on most of the proposals submitted for comment, I write chiefly to oppose non-lawyer ownership of law firms. Extensive research in the United States and abroad supports the idea that paraprofessionals, legal navigators, and other non-lawyer providers can assist with common legal problems. Despite the frequent claims of proponents, no such research supports the salutary effects of so-called alternative business structures ("ABS"). See Nuno Garoupa & Milan Markovic, Deregulation and the Lawyers' Cartel, 43 U. PA. J. INT'L L. 935 (2022). My view is that access to justice has been used and continues to be used as a pretext to facilitate further commercialization of the legal profession.

You have undoubtedly received many comments suggesting that ABS will exploit their clients. In this regard, I highly recommend the outstanding series in the Arizona Republic by Laura Gersony. But what I have sought to demonstrate in recent research is that ABS pose other risks as well. First, an influx of non-lawyer capital is likely to lead to market consolidation in legal practice areas that are currently dominated by small firms. This means that consumers could find themselves with fewer providers from which to choose, especially outside of urban centers. We have already observed the effects of "roll-ups" in medicine, dentistry, and other professional fields.

Second, investors are generally uninterested in subsidizing services to low-and middle-income individuals. Instead, they will be drawn to high-margin sectors of the legal market, such as personal injury work. This is not merely a theoretical claim--non-lawyer capital has been predominantly allocated to this sector in Arizona. Because of the American rule regarding legal fees, there is very little downside for well-funded ABS to pursue litigation that existing firms cannot and would not pursue. The inevitable result will be more frivolous litigation as ABS and existing firms compete for cases and to accumulate enough "assets" to attract additional capital, detracting from bona fide claims. See Milan Markovic & Nuno Garoupa, Legal Market Decartelization, 58 U.C. DAVIS L. REV. 2233 (2025).

In sum, I care deeply about access to justice. This is why I have long opposed non-lawyer ownership of law firms.

Sincerely,

Milan Markovic
Professor & Presidential Impact Fellow
Texas A&M University School of Law
1515 Commerce Street
Fort Worth, Texas 76102
817-212-4056
mmarkovic@law.tamu.edu

View my research on my SSRN Author page:
https://ssrn.com/author=1650166

IAALS
INSTITUTE FOR THE ADVANCEMENT OF THE AMERICAN LEGAL SYSTEM
UNIVERSITY OF DENVER

2060 South Gaylord Way
John Moye Hall
Denver, CO 80208
303-871-6600
iaals.du.edu

Submitted via email to the Supreme Court of Tennessee at Nashville

Re: Comments in Support of Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Dear Justices of the Supreme Court of Tennessee,

We write on behalf of IAALS, the Institute for the Advancement of the American Legal System, regarding the Tennessee Supreme Court's call for written comments concerning the wide range of access to affordable quality legal service issues outlined in Administrative Order No. ADM2025-01403 (the "Administrative Order"). IAALS is a national, independent research center at the University of Denver that innovates and advances solutions that make the civil justice system more just. IAALS identifies and researches issues in the legal system; convenes experts, stakeholders, and users of the system to develop and propose concrete solutions; and empowers and facilitates the implementation of those solutions to achieve impact. We are a nonpartisan organization that champions people-first reforms to the legal system and the legal profession. Since 2019, IAALS has had an Unlocking Legal Regulation initiative through which it has worked with leaders in states across the country to rethink how we regulate and deliver legal services to ensure a more robust ecosystem and market of models and providers—one that is competitive, broadly accessible, and better meets the needs of the people. IAALS has developed a robust body of research and implementation work focused on one particular new provider—Allied Legal Professionals—and has developed recommendations on regulating the use of AI and technology in consumer-facing legal services. Additionally, IAALS is currently conducting a comprehensive study of licensure models to assess their effectiveness in ensuring competence, fairness, and

public protection as well as designing an evaluation for Alternative Business Structure programs. We will discuss this work in relation to the issues outlined in the Administrative Order.

Defining the "Access to Justice Gap"

As the legal profession continues to have discussions about closing the justice gap and ensuring that all Americans have access to the legal help they need, it is important that we first use a common definition for the "access to justice gap" in legal services so that we are all on the same page. Some legal professionals define the access to justice gap as limited to people who qualify for free legal aid (usually people who have an income of 125% or less of the federal poverty guidelines and who cannot access legal services). It is well documented[1], however, that people above this income eligibility line—and far into the middle-class—also cannot access the legal help they need. Therefore, at IAALS, we include people and small businesses who would be considered low- or middle-income in this access to justice gap, and we bring this perspective to our comments below.

The Access to Justice Gap Requires an Ecosystem of Legal Service Providers

The breadth and depth of the problem are alarming. It is so extensive and dire that even if the Tennessee Supreme Court moves forward with all the pathways referenced in the Administrative Order, it will still not be enough. This reality is reflected in the Legal Services Corporation's *Rural Justice Task Force Report*, which highlights Tennessee and recommends expanding opportunities for professionals beyond lawyers to help close the rural justice gap.[2] The reality is that we need an entire ecosystem of legal service providers—one that includes each of the pathways referenced in the Administrative Order, as well as many pathways that have yet to be fully explored. Given this reality, IAALS recommends that the Tennessee Supreme Court establish paraprofessional, justice worker, tech-based legal service delivery, and alternative pathways to

---

[1] IAALS and Hil, *Justice Needs and Satisfaction in the United States of America* (2021), available at https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf

[2] Legal Servs. Corp., *Rural Justice Task Force Report* 41 (2023), available at https://www.lsc.gov/ruralreport.

licensure programs while also promoting interstate mobility and evidence-based cost-reducing alternatives to the traditional three-year J.D.

The Court Should Move Forward with Implementation of a Paraprofessional Program

IAALS is thrilled to hear that Tennessee is considering establishing a legal paraprofessional program. Over the past seven years, the number of states adopting these programs has increased significantly, reflecting the need for greater access to justice, especially for those who do not qualify for legal aid but cannot afford an attorney.

IAALS has devoted considerable time and energy to advancing this emerging tier of legal service providers nationwide and, to establish a unified way to refer to both the providers and these programs, coined the term Allied Legal Professional ("ALP"). Allied Legal Professionals function as the nurse practitioners of the legal profession and are trained and licensed to offer legal advice and services to certain case types. This can be a market-based model that targets middle and low-income individuals or a legal aid model. In November 2022, IAALS published *The Landscape of Allied Legal Professionals Programs in the United States* (the "Landscape Report"), which examines why many states have begun creating ALP programs and describes the similarities and differences among them. Also in late 2022, IAALS convened a group of expert stakeholders to review the Landscape Report and discuss best practices and lessons learned from existing programs. Based on those stakeholder discussions, in June 2023 IAALS published *Allied Legal Professionals: A National Framework for Program Growth* that summarizes areas of convergence, divergence, and lessons learned. In August 2024, IAALS convened stakeholders from each of the seven states with ALP programs to discuss reciprocity among programs. In June 2025, IAALS published a report *Building Bridges: Guidelines for Creating Reciprocity between Allied Legal Professional Programs* that shares insights and outcomes from the convening, including a framework for states on what to include in a reciprocity rule.

In November 2025, IAALS re-convened leaders from each of the seven states with ALP programs to discuss what title would best define and unify the profession to build public confidence and consistency across states, during which IAALS presented its monthslong focus group and survey

research on naming completed in the spring of 2025. This convening was grounded in IAALS's 2025 research, which included focus groups with community members and surveys of ALPs across the seven states with existing programs, offering insight into how different titles are perceived in terms of clarity, trust, and role understanding, as well as how current titles support or hinder practice. Based on these findings, along with lessons from analogous professions, stakeholder input, and broader programmatic experience, IAALS will recommend the term "legal practitioner" in a forthcoming 2026 report. Several states working with IAALS are already considering adopting this title for new programs or transitioning from their current titles. Establishing consistent terminology across states is important for building public understanding, strengthening professional identity, and supporting the long-term development of a cohesive national framework for this emerging tier of providers.

In addition, IAALS has created an ALP Knowledge Center[3] on the IAALS website—an up-to-date resource with current state information and recommendations that jurisdictions like Tennessee can draw on as they study and design a paraprofessional program.

The current legal market in Tennessee, as noted by the Court, leaves a significant portion of the population, particularly those in rural legal deserts and those above the poverty line who cannot afford legal representation, without any viable path to legal assistance. Over the years, there have been nationwide, lawyer-centric efforts to close the access to justice gap. A greater push to provide unbundled legal services, along with an increase in pro bono and legal aid efforts, can improve access, but those measures alone will never be enough to truly affect the change this Court is looking for "to ensure that all Tennesseans have access to affordable quality legal services." Decades of research, including IAALS' national U.S. Justice Needs Study, demonstrate that closing the justice gap requires an ecosystem of legal service models and providers, including attorneys, legal aid organizations, court-based assistance, and ALPs. For that reason, we recommend that this Court move away from an attorney-only model and implement a paraprofessional program. The discussion below addresses the Court's questions in turn, drawing

---

[3] Allied Legal Professionals Knowledge Center, available at https://iaals.du.edu/projects/allied-legal-professionals/knowledge-center

on evidence from existing ALP programs to inform considerations around competency, qualifications, and scope of practice.

Competency

Evidence from states like Arizona and Washington demonstrates that trained and licensed ALPs can competently provide a variety of legal services on their own. Minnesota's ALP program has demonstrated that with attorney supervision and fewer requirements for entry, ALPs can competently represent clients both in and out of the courtroom. In Arizona[4] and Washington,[5] the percentage of complaints against ALPs has been consistently lower than that of attorneys. In Minnesota,[6] attorneys supervising ALPs have been so impressed with paraprofessionals' competency that they have advocated for an *increase* in responsibilities. Based on this data, the question is not whether ALPs can competently provide legal services, but rather what the qualifications, limitations, and scope of representation should be.

Qualifications

The qualifications for ALPs vary across jurisdictions, reflecting a range of approaches balancing education and practical training. While some states require specific degrees, others accept professional certifications or extensive work experience. Overall, requirements remain broad enough to encompass various backgrounds. Importantly, data indicates that ALPs can competently deliver authorized legal services across a range of entry pathways, suggesting that competency depends less on a single educational model and more on targeted training and oversight.

As the Court considers the design of a new program, it will be critical to avoid unnecessarily restrictive or gatekeeping requirements that could exclude qualified individuals and constrain

---

[4] https://www.azcourts.gov/Portals/0/26/2024%20Legal%20Paraprofessional%20Annual%20Report.pdf (pg. 12)

[5] https://www.wsba.org/docs/default-source/licensing/discipline/2024-discipline-snapshot.pdf?sfvrsn=f56e1af1_5 (pg. 2)

[6] https://mncourts.gov/_media/migration/archived-documents/supreme-court-archive/lppp-final-report-and-recommendations.pdf (pgs. 7-8)

program growth without corresponding public protection benefits. The most effective approach for this Court would be to reach out to states with well-established ALP programs—Arizona, Colorado, Minnesota, Oregon, Utah, and Washington—to discuss their specific requirements and learn from their implementation successes.

Limitations

When considering the limitations to be imposed on ALPs, available evidence from existing programs does not indicate that narrowly defined or rigid activity restrictions are necessary to protect the public. On the contrary, existing data from multiple jurisdictions suggest that once ALPs meet established education, training, and licensing standards, they can competently provide a wide range of authorized legal services.

Overly restrictive limitations on ALP practice do not necessarily enhance consumer protection; instead, they often limit the availability of meaningful help for those who need it most. When ALPs are prohibited from performing core functions, such as addressing the court or participating fully in hearings, clients may still be left without effective representation at critical moments, and courts may receive less complete information. As a result, the more narrowly Tennessee constrains what ALPs can do—such as restricting their ability to argue before the court—the less actual assistance Tennesseans will be able to receive in navigating the complexities of the legal system.

Subject Matter Restrictions

In designing an ALP program, the Court's approach to subject matter restrictions will play a significant role in determining how effectively the program can expand access to legal services while maintaining appropriate safeguards. Historically, many states have limited authorized practice to a small number of high-volume civil areas, such as family law, landlord-tenant disputes, and debt collection. However, states like Arizona have pioneered a broader model, proving that paraprofessionals can competently provide services in a much broader range of legal matters when appropriately trained and regulated, including administrative law and limited criminal matters.

Restricting paraprofessional practice to only a narrow set of subject areas risks overlooking the breadth of the justice gap, which affects individuals across nearly every facet of the law. Just as with procedural limitations, excessive subject matter restrictions can reduce the availability of affordable legal assistance without clear public protection benefits. It can also reduce the viability of the program and sustainability of a paraprofessional's practice. For example, while a paraprofessional is in a good position to offer legal services on eviction or consumer debt cases at a lower cost than attorneys, due to the financial limitations these clients have, it would be difficult for most legal professionals, ALPs or attorneys, to create a sustainable practice only offering these services. This would make the program not just ineffective, but unviable. By adopting a broad scope of practice that is inclusive, evidence-informed, and capable of evolving as the program matures, Tennessee can ensure that its citizens have access to a robust tier of legal professionals capable of addressing their diverse needs.

Looking Ahead

IAALS' national research and these jurisdictional lessons show that well-designed paraprofessional programs can play a vital role in closing the justice gap. Still, we continue to gather more data on these programs, including a current project assessing Colorado's paraprofessional program (to be completed in 2027), to better inform jurisdictions like Tennessee as they design and implement their own models.

We applaud the Court's commitment to data-driven exploration and recommend that Tennessee continue to engage with lessons learned from other jurisdictions while considering how paraprofessionals might best serve residents.

The Court Should Explore Establishing a Community-Based Justice Worker Program

While the Tennessee Supreme Court did not explicitly reference community-based justice worker (justice worker) programs in the Administrative Order, justice worker is another promising tier of provider that is an important part of the expanding legal service delivery ecosystem. Justice worker models involve training and certifying or authorizing individuals working on the frontlines

at community-based or legal aid organizations to offer limited scope legal advice and services in certain case types. Think of community-based justice workers as the EMTs of the legal profession. These models target low-income individuals. The Diverse Landscape of Community-Based Justice Workers[7] explores the landscape of this work and the U.S. Justice Worker Program Index[8] provides an overview of authorized programs and the similarities and differences among different forms of justice work in the U.S.

While IAALS has supported the development and monitoring of justice worker programs across the country, we have not worked directly on any of them. Because of this, we recommend that the Tennessee Supreme Court look to the recommendations provided by other organizations (i.e., Frontline Justice for legal aid-based models and Innovation for Justice and Community Justice Advocates of Utah for community-based models) that have worked extensively on creating and monitoring these justice worker programs.

The Court Should Explore Evidence-Based Cost-Reducing Alternatives to the Traditional Three-Year J.D.

IAALS agrees with the Court that the cost of legal education can contribute to barriers to entry into the profession and, in turn, may affect the supply and distribution of legal services. High tuition and associated educational debt can deter qualified individuals from entering the profession, particularly those from lower-income backgrounds or communities historically underrepresented in law.[9] Over time, these barriers can affect not only who becomes a lawyer,

---

[7] Cayley Balser and Stacy Rupprecht Jane, *The Diverse Landscape of Community-Based Justice Workers*, Institute for the Advancement of the American Legal System (February 2024), available at https://iaals.du.edu/news/diverse-landscape-community-based-justice-workers

[8] The U.S. Justice Worker Program Index, Institute for the Advancement of the American Legal System, available at https://iaals.du.edu/news/national-justice-worker-program-index-relaunched

[9] See Meghan Dawe, *The Black-White Student Debt Gap Among Law School Graduates*, Center on the Legal Profession Harvard Law School (Sep. 2023), available at https://clp.law.harvard.edu/knowledge-hub/magazine/issues/student-debt/the-black-white-student-debt-gap-among-law-school-

but also where and how lawyers practice, with implications for the overall supply of legal services and the availability of representation in underserved and rural communities.

As the Court considers reforms aimed at expanding access to affordable, high-quality legal representation, it is appropriate to examine whether there are educational models that reduce cost while still ensuring that new lawyers are prepared to practice competently and ethically. In evaluating potential alternatives, the central question should not be the duration of legal education, but whether graduates meet clearly defined standards of minimum competence. In 2014, IAALS conducted its Foundations for Practice study, a national survey identifying the skills, characteristics, and competencies new lawyers need to succeed in practice, which has been widely used over the past decade by law schools, regulators, and other stakeholders to better align legal education with the demands of practice. More than a decade later, as the profession has evolved, IAALS is now revisiting this work through Foundations for Practice 2.0, with a forthcoming report in 2026. Together, this research underscores the importance of aligning legal education with real-world lawyering demands rather than focusing solely on time-based requirements.[10]

A range of models could be explored in this context. These might include accelerated degree programs (including two-year J.D. programs), apprenticeship programs (such as the California Law Office Study Program), or curricula that integrate structured experiential learning in more intensive or streamlined formats. IAALS does not take a position at this stage on any specific model, but supports careful, evidence-based exploration of approaches that may lower costs without compromising quality.

Importantly, any alternative to the traditional three-year curriculum should be evaluated alongside licensure requirements and assessments. Education, licensure, and practice readiness are

---

graduates/#:~:text=Scholarly%20research%20and%20public%20discourse,programs%20in%20the%20first%20place.

[10] Inst. for the Advancement of the Am. Legal Sys., *Foundations for Practice*, https://iaals.du.edu/projects/foundations-practice.

interconnected components of a single regulatory system. Changes in one area should not occur in isolation from the others.

IAALS encourages the Court to ensure that any reforms to licensure pathways are accompanied by meaningful data collection and evaluation measures. Systematic tracking of outcomes, including measures of demonstrated competence, disciplinary trends, client impact, and access to justice effects, will be critical to determining whether alternative models achieve the Court's goals of expanding access while safeguarding the public. Ongoing assessment will help ensure that reforms remain aligned with evidence and can be refined as needed to preserve rigor, fairness, and public protection.

The Court Should Support Carefully Designed Alternative Pathways to Licensure

IAALS strongly supports the Court's interest in exploring alternative pathways to admission to the Tennessee Bar as a potential means of expanding access to affordable legal services while safeguarding competence and public protection. As the Court has recognized, regulatory reform must balance lowering barriers to entry with ensuring that Tennessee attorneys are prepared to serve clients effectively.

IAALS research has long examined whether traditional bar examinations fully assess the competencies required for modern legal practice. Through its *Building a Better Bar* project, IAALS developed an evidence-based definition of minimum competence consisting of twelve interlocking "building blocks," including client interaction, legal analysis, professional judgment, workload management, and self-directed learning.[11] The study's findings indicate that closed-book, time-pressured, and multiple-choice examinations offer a poor measure of many of these competencies and bear little resemblance to the cognitive tasks new lawyers perform in practice.

[11] IAALS, *Building a Better Bar: The Twelve Building Blocks of Minimum Competence* (2020), https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf.

In addition, the design and administration of the bar exam can advantage those with access to costly preparation resources and significant time for study, raising concerns about fairness in the licensure process. These findings suggest that while written exams may assess certain foundational knowledge, they cannot, standing alone, fully evaluate minimum competence for law practice.

Alternative pathways such as structured apprenticeships, supervised practice models, or service-based pathways may offer promising avenues for enhancing practice readiness while broadening access to the profession. When carefully designed, such models can increase early exposure to client-facing work and professional responsibility, expand the pool of competent legal service providers, and help address persistent shortages in rural and underserved communities.

At the same time, IAALS emphasizes that alternative pathways must be built with strong safeguards. Any pathway to licensure should include clear, articulated competency benchmarks aligned with minimum competence standards; structured supervision requirements, where applicable; transparent accountability and oversight mechanisms; and meaningful assessment tools to ensure that candidates meet objective performance criteria before admission.

To support state courts navigating these questions, IAALS has launched its multi-state *Pathways to Legal Licensure: Individualized & Comparative Outcomes* study.[12] This empirical project is examining multiple licensure models across jurisdictions—including states with traditional bar-only systems and states with alternative pathways—to understand more about validity, reliability, fairness, feasibility, and alignment with practice readiness across each studied pathway. The study will provide evidence-based recommendations designed to remove unnecessary barriers while preserving rigor and protecting the public.

---

[12] IAALS, *Pathways to Legal Licensure: Individualized & Comparative Outcomes*, available at https://iaals.du.edu/projects/pathways-legal-licensure.

Ongoing data collection, including measures of competence, professional discipline, access to justice impact, and participant outcomes, will be essential to ensuring that any reform advances both accessibility and public protection.

The Court Should Promote Interstate Mobility to Advance Access to Justice

IAALS supports reforms that promote interstate practice and attorney mobility, consistent with the Court's stated goal of ensuring that all Tennesseans have access to affordable, high-quality legal services. Modern legal practice is increasingly multi-jurisdictional, and regulatory frameworks should reflect that reality.

Expanded reciprocity and mobility can help increase the supply of legal services, particularly in rural or underserved communities that struggle to attract and retain attorneys. Greater portability of licensure credentials also reduces unnecessary barriers for experienced attorneys who have already demonstrated competence and ethical fitness in another jurisdiction.

At the same time, mobility reforms should preserve core safeguards, including clear competence standards, ethical accountability, and effective disciplinary oversight. Reciprocity should not diminish public protection but rather streamline admission for attorneys who have already met substantially equivalent standards.

As Tennessee considers reforms, it may also examine developments related to UBE score portability and the forthcoming NextGen UBE. Greater portability of examination scores, where appropriate and consistent with competence thresholds, can further support mobility while maintaining uniform standards. Thoughtful expansion of reciprocity, particularly when aligned with substantially similar licensure requirements, can meaningfully increase service availability without compromising rigor.

Across each of the questions posed, IAALS encourages the Court to pursue reforms that lower unnecessary barriers to entry while preserving minimum competence and robust public protection, consistent with the Court's directive. Licensure reform should be grounded in empirical evidence rather than anecdote or assumption, drawing on research into what actually predicts practice readiness and protects clients. At the same time, the current system may

disadvantage those without access to costly preparation resources and strong support structures, raising important considerations of fairness and accessibility. As Tennessee explores innovation, reforms should be implemented deliberately, with piloting, data collection, and ongoing evaluation built in from the outset to ensure that changes advance both competence and access to justice.

The Court Should Explore Regulatory Reforms to Expand Access to Justice through Technology

Today, people are turning online to solve their legal problems in increasing numbers.[13] For many, online tools are the only tools practically available when a legal issue arises. Given the important role that technology, in particular, Large Language Models (LLMs), are playing in the legal services landscape, a meaningful and comprehensive response to the access to justice crisis should consider these technologies and how they can be harnessed to provide high-quality legal services to the public.

While many Tennesseans may be more likely to turn to Google or ChatGPT when they have legal questions, a small universe of bespoke tools exist that are tailor-made and specifically trained for legal issues. These tools have the potential to provide high-quality legal services at scale, but Unauthorized Practice of Law (UPL) regulations are chilling potential innovation in this space. UPL rules can be broad, sweeping everything from full representation in court arguing complex legal issues to assistance with simple document drafting into its purview.[14] As a result, even developers

---

[13] In an IAALS-HiiL study, the internet ranked first among resources for legal information and advice: of respondents who encountered a legal issue and sought legal information or advice, 31% reported using the internet, while 29% reported using a lawyer. *See Justice Needs and Satisfaction in the United States of America*, THE HAGUE INST. FOR INNOVATION OF L. AND INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (2021), https://iaals.du.edu/sites/default/files/documents/publications/justice-needs-and-satisfaction-us.pdf. A recent survey indicates that 65% of Americans have used AI for legal help. Sarah Hollenbeck, *65% Use AI Legal Advice, But Accuracy Concerns Remain*, Rev (Jan. 28, 2026), https://www.rev.com/blog/ai-legal-advice-index.

[14] In Tennessee, the practice of law is defined as "the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with

with tools that are in fact compliant with UPL rules may be hesitant to release them (or investors hesitant to invest in them) because of the lack of certainty around the rules themselves and their enforcement.[15]

Consumer protection should be a primary concern, but the extent to which these tools would in fact harm consumers is unknown. In states where technology-enabled tools are permitted to provide legal services, like Utah's regulatory sandbox, complaints of consumer harm have been infrequent.[16] Meanwhile, the potential benefits are significant: scores of people who currently cannot access support for their legal issues may finally get the help they need to navigate them.

States are recognizing the importance of exploration in this area. Utah's aforementioned sandbox has allowed entities to use technology-enabled tools to provide legal services, Minnesota is considering a similar sandbox approach,[17] Colorado has adopted a non-prosecution policy for tools that comply with certain requirements and safeguards,[18] and Washington is allowing novel use of tools through its Entity Regulation Pilot Program.[19] IAALS tracks developments in this area

---

proceedings pending or prospective before any court, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies, or the soliciting of clients directly or indirectly to provide such services." TN Code § 23-3-101 (2024). Each state defines UPL differently and with varying degrees of broadness and clarity.

[15] Kelli M. Raker, *From Founded to Funded: Challenges & Visions for Justice Tech*, DUKE CENTER ON LAW & TECH (2023), https://law.duke.edu/sites/default/files/images/embed/from_founded_to_funded_challenges_visions_for_justice_tech_oct2023.pdf.

[16] Logan Cornett, Jessica Bednarz & James Teufel, *An Interim Evaluation of Utah's Legal Regulatory Sandbox: Part 3 — Outcomes Evaluation* (Inst. for the Advancement of the Am. Legal Sys. Nov. 2025), https://iaals.du.edu/sites/default/files/documents/publications/utah_interim_outcomes_evaluation.pdf.

[17] *Implications of Large Language Models (LLMs) on the Unauthorized Practice of Law (UPL) and Access to Justice*, Minnesota State Bar Association (June 2024), https://mnbars.org/docDownload/2458601.

[18] Jessica Bednarz & Ericka Byram, *Colorado's New Non-Prosecution Policy Seeks to Balance Innovation, Access, and Consumer Safety*, IAALS (Feb. 23, 2026), https://iaals.du.edu/news/colorados-new-non-prosecution-policy-seeks-balance-innovation-access-and-consumer-safety.

[19] *Entity Regulation Pilot Project*, Washington State Bar Association (updated Jan. 9, 2026).

on its Regulating AI Knowledge Center[20]. IAALS recommends that Tennessee also explore this important avenue for access when it reconsiders its approach to the regulation of legal services.

The Court Should Consider, but Not Prioritize, Establishing an Alternative Business Structure Program

Alternative Business Structures ("ABS")—entities in which people who are not lawyers have an economic interest or decision-making authority in a law firm—exist in Arizona, Utah (via the Sandbox), Washington (via its Entity Regulation Pilot), Washington, D.C. (in a limited capacity), Puerto Rico, and in a few other countries. The programs in Arizona and Utah have generated early insights through annual program reports and two studies by the Deborah L. Rhode Center on the Legal Profession at Stanford Law[21], which analyzed data from initial license applications. While not plentiful or definitive, the data does offer insights into consumer harm, innovation, and the public's perspective. These efforts provide a valuable baseline, but many important questions remain unanswered. For this reason, IAALS is developing an ABS Evaluation Blueprint[22] for how to successfully evaluate ABS programs and to assist leaders in states like Tennessee who are considering whether to develop similar programs.

Because we have scant data on ABS entities and programs at this time, IAALS recommends that the Tennessee Supreme Court prioritizes other initiatives that have more data to support their

---

[20] Regulating AI Knowledge Center, available at https://iaals.du.edu/projects/unlocking-legal-regulation/artificial-intelligence-ai

[21] David Freeman Engstrom, Lucy Ricca, Graham Ambrose, and Maddie Walsh, *Legal Innovation After Reform: Evidence From Regulatory Change* (September 2022), available at https://law.stanford.edu/wp-content/uploads/2022/09/SLS-CLP-Regulatory-Reform-REPORTExecSum-9.26.pdf [In the 2022 study, researchers also interviewed entities in Utah and Arizona.]; Legal Innovation After Reform: Five Years of Data on Regulatory Change by David Freeman Engstrom, Natalie A. Knowlton, and Lucy Riccahttps://law.stanford.edu/wp-content/uploads/2025/06/SLS_CLP_LegalInnovation_REPORT_v5.pdf

[22] IAALS ABS Evaluation Blueprint project page, available at https://iaals.du.edu/projects/unlocking-legal-regulation/abs-evaluation-blueprint

effectiveness, such as those listed above, and monitor the progress and learnings from states with ABS programs.

Conclusion

IAALS is grateful to the Tennessee Supreme Court for the opportunity to share our insights on several of the access to justice pathways outlined in the Administrative Order and applauds its leadership in this process. We believe that establishing paraprofessional, justice worker, technology-based legal service, and alternative pathways to licensure programs while also promoting interstate mobility and evidence-based cost-reducing alternatives to the traditional three-year J.D. will help ensure that more low- and middle-income Tennesseans, including those residing in rural areas, are able to obtain the legal help they need. If the Tennessee Supreme Court has any follow-up questions based on our comments, we welcome the opportunity to discuss IAALS' work in these areas in more detail.

Sincerely,

Jessica Bednarz
Director of Legal Services and the Profession

Ericka Byram
Program Associate

Logan Cornett
Director of Research, Legal Education & Licensure

Michael Houlberg
Director of Special Projects

Courtney Petersen-Rhead
Program Associate

MEMORANDUM

TO: Tennessee Supreme Court
FROM: Legal Aid of East Tennessee, Legal Aid Society of Middle Tennessee and the Cumberlands, West Tennessee Legal Services, and Tennessee Alliance for Legal Services
DATE: April 30, 2026
RE: ORDER Soliciting Public Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation - ADM2025 - 01403

I. EXECUTIVE SUMMARY

Equal access to justice is a cornerstone of a fair society. Without it, the legal system risks reinforcing and institutionalizing systemic and individual inequalities rather than correcting them. Providing legal redress for those who lack the means to retain private counsel ensures that the courts remain in a place where rights can be upheld regardless of income. It empowers individuals to advocate for themselves, protects vulnerable populations from exploitation, and promotes accountability across institutions.

The provision of free civil legal services is an extremely important, but often overlooked, component of the war on poverty. Lifting people out of poverty requires more than financial assistance; it demands access to systems and services, such as free civil legal assistance, that protects rights, resolves disputes, and creates stability. For many individuals and families, legal challenges, such as eviction, wage theft, domestic violence, or denial of public benefits, can quickly spiral into deeper economic hardship when left unaddressed. Ensuring that those who cannot afford a lawyer still have access to meaningful legal representation helps prevent these crises from compounding.

Expanding and supporting free civil legal services is therefore not simply an act of charity; rather, it is a strategic investment in social and economic equity. By strengthening access to legal assistance, communities can reduce homelessness, improve public health outcomes, and increase overall economic stability. In this way, civil legal aid plays a critical role in breaking cycles of poverty and building a more just and inclusive society.

Tennessee is at a critical juncture in addressing a persistent and widening access-to-justice gap for low-and moderate-income residents. Despite longstanding efforts, including the Tennessee Supreme Court's Access to Justice Initiative, demand for civil legal services far exceeds available resources. In 2025 alone, legal aid organizations served more than 40,000 individuals (about twice the seating capacity of Madison Square Garden), yet approximately 1.2 million Tennesseans qualified for assistance. Chronic underfunding, the absence of dedicated state appropriations, and an uneven distribution of attorneys, particularly in rural "legal deserts," have left legal aid providers unable to meet the need for free, civil legal services in Tennessee. This comment reiterates the fact that Tennessee's three legal aid organizations are the cornerstone of free, civil legal services in Tennessee. These organizations possess the expertise, infrastructure, and proven record of accomplishment to deliver effective, free civil legal services. The foundation of any plan to expand access to justice must include strengthening, expanding, and investing in the existing system rather than creating new, duplicative, and unproven models.

This comment evaluates several proposed reforms, including the use of non-lawyer legal service providers, alternative pathways to bar admission, and reciprocity for out-of-state attorneys. It supports the cautious integration of trained and supervised non-lawyer advocates, such as Community Justice Advocates, to expand capacity in targeted areas like housing and family law, particularly in underserved communities. However, it underscores that such models

require careful planning, intentional design, significant supervision, and dedicated funding to avoid overburdening already strained legal aid organizations or compromising consumer protection. Similarly, alternative licensure pathways tied to public service are recognized as promising but limited tools that should complement and not replace core investments in legal aid.

Finally, this comment identifies reciprocity reform as an immediate and practical opportunity to expand the public interest/access to justice attorney workforce. Streamlining the licensing process for out-of-state attorneys, particularly those entering public interest roles, could increase the number of attorneys available to provide free, civil legal services.

Meaningful progress will require sustained funding, thoughtful regulatory reform, and a commitment to reinforcing the existing legal aid infrastructure. Without increased investment, structural changes alone will be insufficient to close the justice gap and ensure equitable access to civil legal services across Tennessee.

II. INTRODUCTION

This comment is submitted by Deb House, Executive Director, Legal Aid of East Tennessee (LAET); DarKenya Waller, Executive Director, Legal Aid Society of Middle Tennessee and the Cumberlands (LAS); Ashley Holliday, Executive Director, West Tennessee Legal Services (WTLS); and Laura Brown, Executive Director, Tennessee Alliance for Legal Services (TALS). Ms. House has served as the Executive Director of LAET for the past four years, and she has served as a public interest lawyer with LAET since 1988. Ms. House currently

serves on the House of Delegates of the TBA and is the Chair of the Board for the Tennessee Alliance for Legal Services. Ms. Waller joined LAS in 2008 and became the Executive Director in 2018. Ms. Waller served on the Board of Directors for the Nashville Bar Association and as former Chair of the Board of the TN Alliance for Legal Services and currently serves on the Civil Council of the National Legal Aid and Defenders Association (NLADA). Ms. Holliday joined WTLS in 2009 and became the Executive Director in 2024. She is on the Henderson County Family Justice Center Advisory Committee and is the Vice-Chair of the Tennessee Alliance for Legal Services Board of Directors. Laura Brown is the Executive Director of Tennessee Alliance for Legal Services (TALS). She is starting her fifth year at TALS and is currently on the board of the Tennessee Fair Housing Council. TALS was formed in 1977 to support the legal aid organizations and access to justice in Tennessee.

In 2008, the Tennessee Supreme Court launched the Access to Justice Initiative, reaffirming its commitment to ensuring that all Tennesseans have meaningful access to the civil justice system. This commitment has been strongly championed by leaders of the Court, including former Chief Justice Janice M. Holder and current Chief Justice Jeffrey Bivins and their colleagues, who consistently emphasized that access to justice is a fundamental responsibility of the judiciary, not a peripheral concern. Under their leadership and that of their colleagues, the Court elevated access to justice as its number one priority, recognizing that the legitimacy of the legal system depends on whether ordinary people can effectively use it.

Despite this sustained commitment at the highest levels of the judiciary, a substantial justice gap persists. Individuals facing civil legal issues are not guaranteed the right to counsel, and as a result, many are forced to navigate complex legal systems without representation. This disconnect highlights the ongoing challenge: even with institutional prioritization and advocacy

from figures like Justices Holder and Bivins, structural barriers, including cost, limited legal aid resources, and procedural complexity, continue to prevent many Tennesseans from obtaining the legal help they need.

Three primary organizations—Legal Aid of East Tennessee (LAET), Legal Aid Society of Middle Tennessee and the Cumberlands (LAS), and West Tennessee Legal Services (WTLS)—have served as the backbone of civil legal services in the state since the 1960s. LAET was created in 2002 when the Knoxville Legal Aid Society founded in 1965, merged with the Legal Services of Upper East Tennessee. In 2025, LAET celebrated 60 years of providing free, civil legal services in 26 counties in East Tennessee. In 1968, Legal Services of Nashville was created, and it became the Legal Services of Nashville and Middle Tennessee in 1977. In 2002, the Legal Aid Society of Middle Tennessee and the Cumberlands was formed when several legal aid organizations in Middle Tennessee merged. WTLS was founded in 1979 through the tireless efforts of West Tennessee attorneys. For many years, WTLS served mostly rural West Tennessee, but in 2024, WTLS began providing free, civil legal services in all 21 counties in West Tennessee, adding Fayette, Lauderdale, Shelby, and Tipton counties.

Annually, Congress allocates funding to the Legal Services Corporation (LSC), a congressionally created nonprofit organization, whose role is to distribute and monitor funding awarded to civil legal services programs across the US. These three LSC-funded organizations possess the institutional knowledge, infrastructure, and experience necessary to effectively serve low-income Tennesseans.

Daily, legal aid organizations provide essential, free civil legal services that help stabilize housing, preserve employment, and protect families from cascading crises. Their work spans a

wide range of high-impact cases, including eviction defense and landlord–tenant disputes, foreclosure prevention, and assistance with unsafe housing conditions. They represent survivors of domestic violence in obtaining orders of protection, handle family law matters such as custody and child support, and help seniors and individuals with disabilities address issues like benefits denials, nursing home eligibility, guardianship, and protection from financial exploitation. Legal aid attorneys also assist with employment-related cases, including wrongful termination, wage theft, and unemployment benefits appeals, as well as consumer protection matters, including predatory lending, debt collection harassment, and bankruptcy. Additionally, they support access to healthcare and stability by helping clients secure Medicaid or other public benefits, resolve insurance disputes, and address barriers to reentry for individuals with criminal records. Notably, legal aid handles many of the cases that the private bar does not accept for clients that cannot afford private attorneys.

Legal aid organizations in Tennessee already have the knowledge, infrastructure, and statewide reach to deliver these services effectively to low-income residents, including those in rural and underserved communities. Building entirely new systems to expand civil legal services would be unnecessarily cumbersome, duplicative, and inefficient. The more practical and impactful solution is to invest in the existing legal aid network, which has a proven record of accomplishment and deep community trust. However, these organizations remain significantly underfunded, and this resource gap is the primary reason so many Tennesseans who qualify for assistance are turned away. Increasing funding would allow legal aid providers to expand capacity, reduce waitlists, and ensure that more individuals and families receive timely legal help that can prevent small issues from becoming destabilizing crises.

In 2025, the three legal aid organizations closed 18,239 cases for low-income Tennesseans. The organizations provided free, civil legal services to 40,211 individuals (about twice the seating capacity of Madison Square Garden) in 2025. In 2025, Legal Services Corporation (LSC) estimated that 1,209,400 or 17.4% of the Tennessee population was at 125% or below of the Federal Poverty Guidelines and therefore, eligible for free, civil legal services.[1] During 2025, the three legal aids employed 120.5 attorney FTEs and 193.8 total staff FTEs. In 2025, the three legal aid organizations provided 1,265 in-person educational events, and 95 virtual educational events.

In 2025, LSC provided $11,337,987 in funding for free, civil legal services in Tennessee[2]. However, in Tennessee, LSC funding makes up 30-40% of the overall funding for the three legal aid organizations. The remaining funding for civil legal aid in Tennessee is a mix of other federal funding along with some state and local funds, private foundations, and private donations. While this funding does include some funding from state sources, there is no allocated funding included in the annual Tennessee budget promulgated by the governor. Tennessee is one of very few states without dedicated, allocated state level funding for free, civil legal aid.

As noted, there is no allocated funding for free, civil legal aid in Tennessee, and as a result, LSC funding does make up the largest single source of funding for the three legal aid organizations in Tennessee. Traditionally, LSC funded organizations serve individuals who are at or below 125% of the federal poverty level. This financial eligibility threshold percentage is draconian and has not changed in decades. This means that individuals making $19,950 or less per year and a family of four making $41,250 or less qualify for free, civil legal services.

---

[1] https://www.lsc.gov/grants/our-grantees/tennessee-state-profile
[2] https://www.lsc.gov/grants/our-grantees/tennessee-state-profile

However, if the legal aid organizations received allocated state funding, this additional funding could be used, in part, to begin providing legal services to Tennesseans who fall into the Asset Limited, Income Constrained, Employed (ALICE) category- residents who fall roughly between 200% and 400% of the federal poverty level. Tennesseans in the ALICE category have just as many legal needs as their lower-income neighbors and very often cannot afford to retain an attorney.

Unfortunately, the scale of need far exceeds available resources. In 2025, while the legal aid organizations served 40,211 people, approximately 1.2 million Tennesseans—17.4% of the population—qualified for civil legal aid based on income. Yet available funding and staffing levels remain insufficient to meet this demand. As a result, legal aid organizations are forced to turn away approximately half of those who seek assistance.

Thes gaps reflect not only a funding shortfall, but also a broader structural issue tied to the distribution of attorneys. Across the United States, significant portions of the population live in what are known as "legal deserts"—areas with few or no lawyers. National data indicates that approximately 41% of counties fall into this category, particularly in rural regions. These shortages disproportionately affect low-income individuals, who already face numerous barriers to accessing legal services. The 2025 Tennessee Civil Legal Needs Assessment demonstrates that legal aid services are provided throughout Tennessee, even in the legal deserts. The legal aid organizations provide free, civil legal services in all 95 counties in Tennessee and frequently handle multiple cases for a single client.

An important concern when considering expanding access to justice in Tennessee, therefore, is not necessarily a lack of innovation in legal service delivery, but a lack of sufficient investment in systems that are already proven to work. Efforts to expand access to justice must

be grounded in strengthening the existing legal aid infrastructure. Legal aid organizations must have a seat at the table as valuable participants for any task forces or study committees formed to strategize, plan, design, and implement any changes to expand access to justice.

The legal aid organizations are completely focused on providing free, civil legal services to as many Tennesseans as possible and the civil legal needs of the client community. Because of this focus and mission, the comments below address three of the regulatory reform proposals outlined in the Court's Order. However, consumer protection should be kept in mind when considering reform of the scale and magnitude outlined in the Court's Order. Overall, it is recommended that task forces or study groups, made up of thoughtfully and carefully selected members that include access to justice practitioners and legal aid organizations, be formed to thoroughly examine each of the seven areas outlined in the Court's Order in depth and draft recommendations and plans for implementation. Other suggestions outlined in the comments below draw on the expertise, knowledge, and vast experience of access to justice practitioners.

III NON-LAWYER LEGAL SERVICES

The Court has requested input on whether expanding non-lawyer legal services could improve access to justice. The Court's Order requested comment on the following:

> Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.

The Need

LSC published *The Justice Gap: The Unmet Civil Legal Needs of Low-Income Americans* in 2022. In this report, data indicated that 92% of low-income Americans did not receive any or enough legal assistance for approximately 92% of the civil legal problems they face annually. Further, the report stated that 75% of households in the Southern United States faced one or more legal problems every year, while 77% of rural households, overall, faced one or more legal problem annually. The 2025 Tennessee Civil Legal Needs Assessment report found that 78.3% of survey respondents experienced at least one civil legal problem, and 51.2% of respondents noted that they experienced two or more legal issues.[3]

A Potential Solution

This response to the Court's inquiry about the provision of legal services by paraprofessionals includes the examination of the potential incorporation of Community Justice Advocates (CJA), also known as Community Justice Workers, into the existing legal aid infrastructure in Tennessee. CJAs have been implemented in Alaska with some success. CJAs can represent a practical response to the well-documented civil justice gap identified by LSC. As previously noted, LSC's national research shows that approximately 92% of the civil legal problems faced by low-income Americans receive inadequate or no legal help, due to a shortage of attorneys and limited legal aid resources. This gap is particularly acute in rural and underserved areas, where traditional attorney-based service models have proven insufficient to meet demand. CJAs directly address this shortfall by expanding the capacity of legal aid organizations through trained, supervised non-lawyer advocates who can handle discrete legal

[3] 2025 Tennessee Civil Legal Needs Assessment

needs, conduct outreach, and provide early intervention. By increasing the number of individuals able to deliver limited legal assistance, CJAs can help legal aid organizations serve more clients without requiring a proportional increase in attorney staffing, making them a cost-effective and scalable solution.

Evidence from Alaska Legal Services Corporation demonstrates that CJAs trained and supervised by legal aid organizations, can produce measurable, high-impact outcomes in addressing legal deserts. Alaska faces some of the most extreme attorney shortages in the country, with only about one legal aid attorney available for every 10,000 eligible residents. In response, Alaska developed one of the nation's first CJW programs, training more than 300 community-based workers to deliver limited legal services in rural and tribal communities. These CJWs work through and with Alaska Legal Services Corporation (ALSC). CJW training is a collaborative partnership between ALSC, the Alaska Native Tribal Health Consortium (ANTHC), the ANTHC's Distance Learning Network, and Alaska Pacific University.[4] CJWs are non-attorneys who are trained and supervised by the legal aid organization in Alaska as they provide very specific legal assistance for specific legal problems[5]. These workers have proven particularly effective in crisis response. One notable example is during a surge in public benefits cases, CJWs helped secure approximately $1.43 million in Supplemental Nutrition Assistance Program (SNAP) benefits for low-income residents. More broadly, the program has helped individuals access millions of dollars in delayed or denied benefits; thereby, demonstrating that CJWs can produce tangible economic and social outcomes while extending the reach of legal aid

[4] https://lsc-live.app.box.com/s/4m9rcenmeu46uxvqe4d4gko0s528pu3t
[5] Joy Anderson et al., Community Justice Workers: Part of the Solution to Alaska's Legal Deserts, 41 Alaska. Law.Review 9-22 (2024).

into communities where attorneys are largely unavailable. Because CJWs are hosted by legal aid, they are in the most rural and remote areas where their services are needed.

Utah and Washington State provide additional evidence that structured, limited-scope non-lawyer legal service models can expand access to justice when carefully designed and supervised. In Utah, the Community Justice Advocate (CJA) program was developed through the state's legal regulatory "sandbox" to address significant, specific unmet civil legal needs, particularly in high-volume areas like debt collection. Data shows that debt claims account for approximately 85% of civil cases in Utah district courts, yet many defendants lack legal representation and 70% of cases result in uncontested judgments. In response, Utah launched a program training non-lawyer advocates—often social workers or other community-based professionals—through a structured curriculum and supervised practice model. Early implementation included the certification of a limited number of Community Justice Advocates to begin delivering limited legal assistance under attorney supervision. This model is specifically designed to target high-volume, low-representation case types, demonstrating how CJW/CJAs can be deployed strategically to address systemic gaps in access to justice.

Washington State's experience with its Limited License Legal Technician (LLLT) program similarly illustrates both the demand for and effectiveness of non-lawyer legal service providers. Washington became the first state to authorize trained non-lawyers to provide limited legal assistance in areas such as family law, including advising clients, preparing legal documents, and assisting with court procedures. The program emerged in response to data showing that as many as 86% of civil litigants were receiving inadequate or no legal help. Evaluations of the program found that it improved access to legal services and served as a national model for other states exploring similar reforms. Although the program was later sunset

for administrative and funding-related reasons, studies and legislative findings continued to recognize its success in safely expanding access to justice and providing meaningful assistance to underserved populations.

A similar model could be particularly valuable in Tennessee, where the justice gap reflects both high demand and insufficient legal aid capacity. While the Utah and Washington models were not necessarily overseen by legal aid organizations, we believe that we can draw from these states and Alaska to create a CJA program in Tennessee that is only available through the legal aid organizations. Together, the Alaska, Utah, and Washington models demonstrate that well-regulated, limited-scope non-lawyer programs, offered through legal aid organizations, can effectively supplement attorney services, particularly in high-need areas, and provide a scalable framework for states like Tennessee seeking to address persistent gaps in legal access. With approximately 1.2 million Tennesseans eligible for civil legal services and legal aid organizations forced to turn away roughly half of applicants, there is a clear need for expanded service delivery. This need is compounded by the presence of rural areas that function as legal deserts, where residents face geographic, financial, and informational barriers to accessing attorneys. Providing legal services in rural areas can be very nuanced, and merely increasing the number of service providers in rural areas does not always mean an increase in the provision of legal services. CJAs, under the guidance, training, and supervision of the legal aid organizations, could help bridge this gap by providing community-based assistance in areas such as housing, public benefits, and uncontested family law matters, particularly in regions where legal aid offices and private attorneys are scarce.

We recommend that CJAs be licensed to provide advice in limited areas of the law, including but not limited to:

- Family law;
- Limited jurisdiction civil law;
- State administrative law; and
- Juvenile law (where no statutory right to counsel exists).

Some services offered by CJAs could include but are not limited to:

- Drafting and filing legal documents;
- Limited court action; and
- Providing advice, opinions, or recommendations about possible legal rights, remedies, defenses, options, or strategies.

We acknowledge that CJAs could provide important services in legal aid organizations for Tennesseans, but that this proposal needs more study before implementation. It is our recommendation that a task force be created to study how CJAs should be implemented in Tennessee. This task force would be charged with drafting guidelines and procedures for the program, creating the training materials and pathway, identifying funding, and implementing a Tennessee pilot program in conjunction with the legal aid organizations. This taskforce could also be charged with creating the certification standards and oversight of the CJAs; the training and supervision requirements; and the scope of practice limitations and restrictions. The Task Force could also study the non-lawyer provision of legal services models from other states and agencies, such as the Internal Revenue Services, Social Security Administration, and Veterans Administration, and determine what portions of those models might work in Tennessee. The pilot implementation should allow time for data collection and independent evaluation to determine if the CJA pilot program works in Tennessee. By embedding trained advocates within communities

and integrating them into existing legal aid organizations, Tennessee could expand access to justice in a targeted, cost-effective manner while maintaining appropriate supervision and consumer protections.

Areas of Concern

Experience from other jurisdictions demonstrates that supervision of non-lawyer providers is very resource intensive. Attorneys must review work, provide guidance, and ensure compliance with ethical and procedural requirements. These responsibilities increase workload and reduce the time available for direct client representation.

Without dedicated funding, expanding non-lawyer participation risks placing additional strain on an already overburdened system. Structural reform alone cannot compensate for resource scarcity. Instead, it may redistribute limited capacity without increasing overall service availability.

The most direct and effective solution is increased funding for legal aid organizations. Additional funding would enable these organizations to hire more attorneys and non-lawyer professionals, expand services, and reduce the number of individuals turned away. Potential funding mechanisms include increased court filing fees, targeted legislative appropriations, and dedicated funding streams for access-to-justice initiatives. Absent such investment, any expansion of service models will remain limited in impact.

Independent non-lawyer systems not connected to legal aid organizations raise concerns regarding consumer confusion, particularly between nonprofit legal aid providers and for-profit service models. In some states that have licensed the practice of law by non-lawyers, the hourly rate charged by the licensed non-lawyers can be as high as $250.00 per hour, as non-lawyer

paraprofessionals often have the same overhead expenses as lawyers. Without clear distinctions and involvement by legal aid organizations, vulnerable individuals may unknowingly rely on services provided by practitioners that lack appropriate oversight or accountability. Additionally, market-driven models may prioritize profit over service, potentially increasing costs rather than reducing them and reducing access to justice.

We have several concerns about implementing wide-scale independent non-lawyer practice models. Independent non-lawyer systems not connected to legal aid organizations raise concerns about distribution of access to justice. Non-lawyer practitioners will practice where profits and case volume are higher—in urban communities—further widening the justice gap for rural Tennesseans. The LSC-funded legal aid organizations already provide services in all 95 counties in Tennessee and will ensure that non-lawyer advocates are strategically deployed in legal deserts to increase access to justice.

More fundamentally, inappropriate non-lawyer practice could risk inconsistent quality of service. Low-income clients often present complex, overlapping legal issues involving housing, personal safety, family stability, employment, and public benefits, such as SNAP/EBT. These areas of law are not lucrative cases accepted by for-profit practitioners. Addressing such legal issues requires not only technical competence, but also professional judgment developed and honed through legal training and experience. Without adequate supervision, there is a heightened risk of harm to already vulnerable populations.

As noted previously, a more effective approach would be to integrate limited non-lawyer assistance within existing legal aid organizations. These organizations already maintain the infrastructure necessary for supervision, training, and accountability. Within this framework, Community Justice Advocates or similar roles could provide targeted support in narrowly

defined areas, such as uncontested matters or administrative proceedings, while remaining under attorney supervision.

Such an approach ensures that non-lawyer assistance complements, rather than replaces, attorney-led services. It also preserves consumer protection while expanding capacity in a controlled and accountable manner.

IV. ALTERNATIVE PATHWAYS TO BAR ADMISSION

The Court's Order requests input as follows:

> Should alternative pathways to bar admission beyond graduating from a traditional law school and passing the bar exam be implemented in Tennessee?

In the United States, several alternative pathways to bar admission exist alongside the traditional bar exam, though the options are limited and vary significantly by state. One significant alternative pathway is known as the diploma privilege. In this alternative pathway, graduates of certain in-state law schools are admitted without taking a bar exam. However, as of right now, this option is available only in the state of Wisconsin. A second pathway is the law office study or "reading the law" apprenticeship model, which allows candidates to qualify for the bar exam without a J.D. by studying under a practicing attorney. This option is available in a small group of states, including California, Virginia, Vermont, and Washington. Finally, an ever-increasing number of jurisdictions have begun experimenting with supervised practice or portfolio-based licensing alternatives that can substitute for the bar exam or can be an option if a law graduate fails the bar examination with a certain score range. This alternative pathway is active or has been recently implemented in states such as Oregon, Washington, Arizona, and South Dakota, and proposals or task forces underway in several other states. Together, these

pathways reflect a gradual shift toward more flexible licensure models, though the bar exam remains the dominant route nationwide.

South Dakota's recently adopted public service pathway to bar admission provides a model for how alternative licensure can be structured to directly address attorney shortages while maintaining professional standards. In 2025, the South Dakota Supreme Court approved a five-year pilot program that allows a limited number of law graduates to obtain licensure without taking the traditional bar exam by completing supervised legal practice and committing to public service. Law students are selected through a competitive process during their second year of law school. Participants must complete extensive hands-on training during law school, including approximately 500 hours of supervised legal work, and, after graduation, commit to at least two years of full-time employment in public service roles such as public defender or state attorney offices. The program is intentionally small and controlled and capped at roughly 10 students per class and about 50 participants over five years. The cap allows for careful evaluation while ensuring rigorous oversight. Early implementation data shows strong interest, with nine students selected from an initial pool of applicants, demonstrating both demand for alternative pathways and the feasibility of targeted, service-based licensure.

The structure of South Dakota's program is particularly significant because it ties licensure directly to public interest work, rather than simply lowering barriers to entry. The pathway requires not only legal education and character-and-fitness review, but also sustained, supervised practice in underserved areas. This design reflects a policy choice to align licensure reform with access-to-justice goals. By requiring at least a two-year public service commitment, the program effectively channels new attorneys into areas of greatest need, including rural communities and under-resourced legal systems. The inclusion of supervised practice and

portfolio-based assessment further ensures that participants demonstrate real-world competency, addressing concerns that alternative pathways might weaken professional standards. In this way, South Dakota's model shifts the focus from testing theoretical knowledge on a single exam to evaluating practical skills developed through sustained legal work.

A similar public interest–based pathway could be highly beneficial in Tennessee, where legal aid organizations face persistent attorney shortages and are forced to turn away a significant percentage of eligible clients. Like South Dakota, Tennessee includes rural and underserved regions that function as legal deserts, where attracting and retaining attorneys is particularly difficult. A pathway that conditions licensure on a defined period of service with legal aid organizations, public defenders, or other public interest entities could help address these shortages in a targeted and immediate way. We would recommend that the public interest lawyers be required to serve at least five years with the host organization. Unlike the South Dakota model, we recommend that at least half of the students accepted into the cohort each year be placed in legal aid/access to justice organizations in Tennessee.

Additionally, by embedding new attorneys within supervised practice settings, Tennessee could ensure that participants develop practical skills while directly contributing to closing the justice gap. Importantly, the South Dakota model demonstrates that such programs can be implemented cautiously through pilot structures, limited enrollment, and ongoing evaluation, allowing the Court to balance innovation with consumer protection. As a result, a Tennessee-specific adaptation of this model could expand the pipeline of attorneys serving low-income communities while reinforcing, rather than bypassing, the existing legal aid infrastructure. We again recommend that a task force be created to study alternative pathways to bar admission and

create a pilot plan of action modeled after the South Dakota program for implementation in Tennessee.

Alternative pathways to bar admission, including supervised practice models, should be approached with due care and consideration. While these programs may increase the number of licensed attorneys, they also impose significant supervisory burdens on existing practitioners. Legal aid organizations, in particular, lack the capacity to absorb these additional responsibilities without corresponding funding. Supervising attorneys must dedicate time to training and oversight, which will detract from direct client services.

To the extent such pathways are implemented, they should be limited in scope and targeted toward public interest settings where supervision structures already exist. However, these pathways should not be viewed as a primary solution to the access-to-justice gap.

V. RECIPROCITY AND ATTORNEY MOBILITY

The Court's Order requests input as follows:

> Should the Court modify requirements for admission of attorneys already licensed and in good standing in other states to promote access to justice as well as interstate mobility?

Reform of Tennessee's reciprocity process presents an immediate and practical opportunity to increase access to legal services. Expanding the pool of licensed attorneys—particularly those willing to engage in legal aid or pro bono work—can directly benefit low-income Tennesseans almost immediately. Modifying reciprocity in Tennessee to make the process more straightforward and streamlined will promote access to justice as well as interstate

mobility. While a change in the pro vice rule might provide some relief, legal aid and access to justice, organizations need Tennessee licensed attorneys to provide legal services to clients.

We examined the lawyer reciprocity process as outlined on both the Michigan and Minnesota official websites. Both states provide straightforward answers to commonly asked questions, details about steps and timelines, and clear contact information for applicants. Currently, the Tennessee reciprocity process lacks transparency and efficiency. Applicants and the legal aid organizations report significant difficulty navigating requirements, identifying points of contact, and obtaining consistent information. Extreme delays in processing applications further exacerbate these challenges, with some applicants waiting almost two years for reciprocity decisions.

Improving the reciprocity system would require clearer guidance, defined eligibility criteria, and more efficient processing timelines. Our recommendations are as follows:

- Create a clear flow chart on the Board of Law Examiners (BLE) website that outlines the step-by-step process and timelines for reciprocity
- A "fast track" reciprocity process for attorneys becoming licensed in Tennessee to work in public interest law
- A clearer definition of the "active practice of law"
- Modification of the rule to permit reciprocity for attorneys who have practiced for three years outside of Tennessee (Minnesota requires 1,000 hours of practice per year for at least 36 of the previous 60 months)
- Including a commonly asked questions and answers section on the BLE website page about reciprocity
- Better and more timely communication with applicants about the status of their application

We recommend that the BLE create a flow chart that outlines the reciprocity process in detail along with milestones and projected timelines. It would be extremely helpful if the BLE conducted an initial assessment of reciprocity applications and provided a preliminary status

update to applicants within three months of receiving the request for reciprocity. This would allow those requesting reciprocity to have as much time as possible to plan to take the bar, if that is what is needed for Tennessee licensure. In one recent case, a legal aid attorney seeking reciprocity waited nine months for a decision only to be informed that they needed to take the bar examination. The attorney missed valuable study time as well as two bar examinations waiting for a decision. The attorney then had an extremely short amount of time to register for the next administration of the bar exam. Establishing a target timeline for application review and implementing early-stage screening for deficiencies would significantly improve the process. We understand that some delays might be outside the control of the BLE; however, exploring ways to expedite those parts of the process should be included in any reciprocity process reform.

Additionally, reciprocity reform could be leveraged to promote access to justice. Incentives such as expedited admission for attorneys committing to pro bono service or fast-track pathways for those joining legal aid organizations, could help address attorney shortages in underserved areas. These efforts should also provide more clarity about what it means to be engaged in the active practice of law with the understanding that there are roles in the access to justice world that are the active practice of law that might look different than private practice.

Currently the rule requires that reciprocity applicants have practiced law for five of the past seven years. That is a very significant practice requirement, and to expand access to justice, a modification of the rule to permit attorneys in good standing who have practiced for three of the past five years should be considered. An up-to-date questions and answers section on the BLE reciprocity webpage would be immensely helpful for providing current information to reciprocity applicants and taking some of the burden off BLE staff to answer frequent questions

about the process. Charging another fee, on top of the current reciprocity application, could be a way to raise additional funds that would be allocated to support the legal aid organizations.

Given the documented decline in available attorneys in certain practice areas and jurisdictions, expanding attorney mobility is a necessary component of any comprehensive access-to-justice strategy. We recommend that the Court create a task force to evaluate the current reciprocity process for inefficiencies and draft a report that includes concrete ways to improve the process.

VI. FURTHER SUGGESTIONS AND IDEAS TO INCREASE ACCESS TO JUSTICE IN TENNEESEE

In Tennessee, pro bono legal service is strongly encouraged but remains voluntary, with the Tennessee Supreme Court promoting a goal of at least 50 hours of service annually and recognizing attorneys who meet that benchmark. Despite legal services organizations and the numerous attorneys who provide pro bono legal services annually, many low-income Tennesseans still face civil legal issues such as housing disputes, custody matters, and employment claims without representation. An increased focus on pro bono service by the Court could help close this justice gap. We believe another way to increase attorney participation in pro bono would be to increase the amount of continuing legal education (CLE) credit attorneys can earn through pro bono services. Right now, attorneys must provide five (5) hours of pro bono service for one (1) hour of CLE credit. Attorneys can receive no more than three (3) CLE credit hours per year through pro bono service. We have repeatedly received feedback from attorneys who do not ask for CLE credit for pro bono hours because the administrative burden of reporting

outweighs the CLE benefit. Other states, including Arkansas, Nevada and West Virgina, allow attorneys to claim one (1) hour of CLE credit for every three (3) hours of pro bono service provided. Wyoming permits attorneys to claim one (1) hour of CLE credit for every two (2) hours of pro bono service provided, up to five (5) CLE credits per calendar year.

Additionally, to provide flexibility, attorneys could be encouraged to contribute their hourly billing rate in leu of pro bono services. These contributions would give financial support to legal aid organizations, effectively funding additional staff or resources to serve more clients. This alternative would ensure that even attorneys with demanding schedules or specialized practices can meaningfully support access to justice while maintaining the overall goal of expanding legal services. By encouraging pro bono, Tennessee could strengthen its commitment to fairness, improve court efficiency, and reinforce the principle that access to justice should not depend on one's ability to pay.

Tennessee could expand access to justice by more fully leveraging emeritus status for retired and recently retired lawyers. Emeritus attorneys can offer pro bono representation through approved legal aid providers without the burden of maintaining a full, active practice. Increasing participation could involve simplifying the certification process, waiving, or reducing fees, offering malpractice insurance coverage, reducing the CLE requirement, and providing targeted training to help retirees reengage with current law and procedures. Outreach efforts, including partnerships with bar associations and retirement networks and advertising the program, could also raise awareness among retired attorneys about the benefits of opting for emeritus status. By tapping into the experience and expertise of emeritus attorneys, Tennessee can meaningfully expand its pool of pro bono providers by helping to meet the growing demand for civil legal

assistance while giving seasoned lawyers a structured and impactful way to continue serving their communities.

VII. CONCLUSION

Tennessee's access-to-justice gap is driven by a combination of insufficient funding, uneven distribution of attorneys, and an ever-increasing demand for civil legal services. The existence of legal deserts and the persistent shortage of legal aid attorneys demonstrate that the problem is structural, not conceptual.

Legal aid organizations remain the most effective and accountable mechanism for delivering civil legal services to low-income Tennesseans. Strengthening these organizations through increased funding and targeted policy reforms offers the most direct path to expanding access.

While limited integration of non-lawyer assistance may provide supplemental support, such efforts must be carefully structured, closely supervised, and adequately funded. Similarly, alternative licensing pathways should be implemented cautiously and not relied upon as primary solutions. By contrast, reciprocity reform offers a practical and immediate opportunity to increase the number of available attorneys, improve access to justice, and create a sustainable minor funding stream.

The Court has a meaningful opportunity to address this issue through reforms that are deliberate, evidence-based, and grounded in the realities of service delivery. Lasting progress will depend not on creating parallel systems, but on investing in and strengthening the institutions already serving Tennessee's most vulnerable populations.

Kim Meador

From: Raymond F. Runyon <rfrunyon@runyonandrunyon.com>
Sent: Thursday, April 30, 2026 11:17 AM
To: appellatecourtclerk
Subject: Regulation of Legal Profession

Mr. Hivner,

Although I understand that the Montgomery County Bar Association will be filing a response to the proposed changes, I also wanted to send correspondence.

First, I do not believe that we should modify, reduce or eliminate lawyer educational requirements. If anything, I am concerned that we have become too lax in our continuing education requirements. Not only should we keep the current education requirements, but we should revamp CLE requirements and mandate in-person attendance. The online experiment is a failure. We do not need to lower standards. It is impossible to be a good advocate without the broad base of knowledge that a classic legal education provides.

Second, I am not in favor of moving away from ABA accreditation. The ABA provides standards that have been relied upon for years not only for Tennessee, but many other states. On a practical level, however, I am concerned about the State of Tennessee properly funding a commission that would replace the ABA or the value in doing so. It is an embarrassment that we do not properly fund indigent criminal defense. Why would this be any different?

Third, I do not believe we need alternative pathways to bar admission. While we may need more economical avenues to obtain education generally, I do not think that lowering the standards for bar admission is productive. In places where paraprofessionals have been allowed to perform services, it has not done anything to lower the cost. Instead, it has only lowered the quality of services available. This is not what we need in our state.

Fourth, I absolutely believe that we need to streamline the process for lawyers to be admitted in Tennessee. While I have not had direct experience with this issue, I am told that the delay for out of state lawyers is too long. This should not be the case, but it is going to require funding.

Fifth, I am against non-lawyer ownership of law firms or fee-sharing with non-lawyer. This is a profession and we need to treat it that way. If we are going to do away with that portion of it, then we might as well do away with ethics, too. This is a dangerous road.

While I believe that there are problems with legal services in some communities, I do not believe that this is a widespread problem nor a problem that requires the sort of fixes being contemplated. Instead, I think increased funding for law schools (perhaps another state law school would be appropriate) and uniform electronic access to the courts statewide would help solve these problems with the current system.

If I can be of any further assistance, please let me know.

Yours truly,

Raymond F. Runyon

RUNYON & RUNYON
301 Main Street
Clarksville, Tennessee 37040
(931) 647-3377
(931) 551-3561, facsimile
rfrunyon@runyonandrunyon.com

TO:

James Hivner, Clerk
100 Supreme Court Building, 401 7th Ave. N.
Nashville, TN 37219

FROM:

Seth Connell, Esq.
Connell Law, PLLC
107 W. Lytle St. Suite C
Murfreesboro, TN 37130

RE: Regulatory Reform – Docket No.: ADM2025-01403

To the Justices of the Tennessee Supreme Court,

As requested by this Court's Order dated September 16, 2025, I am submitting commentary on the questions presented regarding potential changes to regulation of the profession. I am a graduate of Regent University School of Law and was admitted to practice in November of 2022. I have been a solo practitioner since being admitted and my practice focuses on estate planning, probate, and small business matters.

The Court's Order presented seven questions on this topic. I will share my comments on each in turn.

Question 1: Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar.

In my view, as a practitioner, the Court is most suited to determine the educational standard required to be admitted to practice law in our state. While the American Bar Association has long been a standard-bearer for legal education, in recent years some have raised concerns that the organization has been too focused on political advocacy. The organization has also been sued for racial discrimination in its scholarship programs, which is a cause for concern.

While there is a place for an organization like the ABA, the admission to practice law in this state is something for which this Court is better suited to set the standards. This would not be a first, as the Texas Supreme Court ruled in 2025 that it would move away from relying on the ABA for accreditation for educational requirements to practice law in Texas.

The ABA has been the standard for many years. But it does not have to be the only standard. In my view, a decentralization of the standards would allow for greater competition among the states, creating a tide that would lift all boats. Monopoly does not lead to better outcomes for providers or consumers. Healthy, robust competition for which the standards are set by this Court is preferable to delegation of that responsibility to one national organization. The Court itself setting the admission standards is a part of this Court's history of regulating the profession, as noted in this Court's Order. I do not believe there is a reason that this cannot be the case again today.

Question 2: Whether there are any practicable alternatives to ABA accreditation that the Court should consider.

ABA accreditation has long been the standard. But that does not mean this has to remain the case. The practice of law is a profession that is known for its resistance to change. We are a group of people who prefer what is predictable, constant, and known.

The tradeoff with too much resistance to change is stagnation and regression. Not that change should be adopted recklessly or just for the sake of change itself. But change ought to be considered when the circumstances that led to a practice becoming the accepted norm have changed such that the practices themselves are outdated or may now even be counterproductive.

As to what the accreditation standards could be, the Court could establish its own required or recommended course program along with practical experience. This would include traditional 1L courses, like contracts, property, and torts. Other core courses from 2L and 3L years may include evidence, constitutional law, business structures, and family law.

Additionally, it may be desirable to have a robust writing course requirement for accreditation that is beyond what the ABA has recommended. A great deal of this profession involves writing, but law schools often only have one or two writing courses. When I was in law school, I took a total of fifteen credits of writing courses, including 1L legal writing, appellate advocacy, advanced appellate advocacy, and an independent study. I am convinced that these writing courses have been critical in helping me to practice well.

The Court may also consider having a practical experience requirement. Core courses are necessary to have foundational knowledge. But there is no teacher like real experience. When I was in law school, I had eight credits of practical experience through externships. Law school classes taught the basics of their respective subject areas. But working on the ground with practicing attorneys, support staff, and clients prepared me to practice in ways that no class ever could. Having a practical

experience requirement as part of accreditation can also help better prepare law students for the real world outside of the classroom.

Question 3: Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law.

Question 4: Whether the Court should consider adopting alternative pathways for admission to the Tennessee Bar—for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization.

I will address Questions 3 and 4 in one combined answer.

I have long thought that practical experience teaches things that classroom instruction simply cannot (as I noted in my discussion of Question 2). This is also how the admission process used to be for the practice of law until the 20th century. That is not to say there is no place for classroom instruction, but I believe our profession has perhaps become too reliant on teaching the theory of law when lawyers need to be practicing law.

A proposal I have considered is a hybrid of the old apprenticeship model and the contemporary law school model. The classroom component of legal education likely could be boiled down to 60 credits or fewer (instead of the standard 90 credits). This would allow for the classroom portion of legal education to be a maximum of two years instead of three. If the standard were 45 credits, this could be eighteen months. This portion would cover the core courses that all lawyers should have exposure to, such as contracts, torts, property, constitutional law, family law, and the other core topics that are on the bar exam.

The second portion would be the apprenticeship. The law student would work full-time at a law firm, government agency, or judge's office. This would immerse the law student in real world practice. The law student would also be paid for his or her work, similar to how doctors are paid during residency. This would accomplish the goal of having real training while also significantly reducing the cost of legal education overall.

Upon the law student's completion of the apprenticeship, the admission process to practice would start. This currently involves taking the bar exam and passing character & fitness. But the supervising attorney or judge with whom the law student worked during the apprenticeship would advocate for the law student to be admitted, and this advocacy could either supplement or supplant existing parts of the admission process, like certain sections of the bar exam or the bar exam entirely.

Some may shudder at the thought of admission to practice without passing a bar exam. But in my experience among colleagues, what qualifies us to practice is not having passed a standardized test in the past, but our experience dealing with and solving real problems for real people. If a currently practicing attorney suddenly had to take the bar exam, it is quite likely he or she would fail because it has been so long since taking it. And, as there are few generalists these days, memory of most subjects has likely faded due to non-use.

In my view, real experience with our state's law is what this Court could focus on as part of assessing whether a law student is suited to be admitted to practice law. The details would have to be built out, but I believe this is not only possible, but preferable to the current admission system. A hybrid model would reduce the necessity of having so many expensive credit hours at a traditional law school while also better equipping future lawyers to actually work with their clients.

If new lawyers have lower student loan debt due to an admission program like this, that benefits everyone. When the lawyer is not as stressed due to personal financial struggles, he or she can better focus on work. With less financial stress and struggle, there is likely less temptation to misappropriate funds from client trust accounts. And for newer attorneys who decide to open their own practice out of law school, they can offer competitive and affordable rates because they will often have lower student loan balances to pay off.

Question 5: Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other States to promote interstate practice and mobility.

Our society is significantly more mobile than in decades past. This is not going to reverse any time soon, especially as more courts adopt electronic filing and permit video conference appearances for many matters. Also of note is the fact that many states have adopted uniform acts, such as the Uniform Commercial Code, Uniform Trust Code, and Revised Uniform Fiduciary Access to Digital Assets Act, that make learning the law of another state much less cumbersome than it used to be.

Also perhaps desirable is reducing the necessity of completing the entire character & fitness process for admission. If an attorney is licensed to practice law in another state and has not had any disciplinary actions taken previously, it seems to make more sense to allow admission more as a matter of course. This could take the form of being admitted into federal courts, where colleagues already admitted to practice here advocate for and recommend admission of that attorney who is applying. This would make the process less burdensome on applicants, but also on those who need to handle the character & fitness process at the Board of Law Examiners.

The Tennessee Law Course likely should remain a requirement for all new attorneys so that there is some basic orientation to our state's laws. But, in my view, if someone is already licensed and in good standing in another state or multiple states, the process to be admitted here should be less cumbersome than it is today. By making the process less burdensome, this means it is less costly. That leads to savings that can then be passed on to clients, putting legal services more within reach.

Question 6: Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.

I believe that professionals like paralegals ought to be able to prepare basic legal documents and provide basic legal advice to those who cannot afford to hire an attorney, but may not qualify for Legal Aid. This may include basic estate planning documents, handling small estate affidavits, assisting with simple and uncontested divorces, and dealing with small claims in general sessions courts.

Oftentimes, it is the paralegals who do a significant amount of the work on a given matter. The attorney supervises the paralegal's work, but a competent and reliable paralegal is an invaluable member of a law firm's staff. If that paralegal is already handling a great number of matters under the attorney in a law firm, it seems reasonable to conclude that some type of independence is not only appropriate, but desirable.

The medical profession is already doing this. Nurse practitioners and physician assistants have been opening their own independent practices to see patients and handle a variety of healthcare matters. There may not even regularly be a physician on the premises, with these non-physician medical professionals largely running day-to-day operations and care for patients.

These clinics have a supervising physician who oversees the PAs, NPs, and other non-physician staff. The physician will review records, charts, and generally ensure that the clinic is properly taking care of its patients. I believe this type of model could be adopted in the legal profession as well. For places where there are "legal deserts," allowing paralegal practices to operate could reduce those gaps significantly.

A paralegal could open his or her own basic legal clinic to handle small legal matters, especially in a location where there are few attorneys. The paralegal would have a supervising attorney review samples of the paralegal's work, including template forms, case outcomes, and intake process. The paralegal would be subject to the rules of competence, diligence, confidentiality, avoiding conflicts of interest, and others that naturally would apply. But by allowing simpler matters to be handled by paralegals, this would relieve some pressure on the need for legal services, open new

opportunities for entrepreneurship, and help people who genuinely need legal assistance but cannot afford an attorney.

Question 7: Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers.

I do not believe that non-lawyers should be permitted to own law firms. While law firms are a business that must run profitably, we have ethical obligations that take precedence over first making a profit. While I do not believe in there being an inherent conflict between profit and ethical lawyering, non-lawyers may not have the skillset to appropriately balance both goals.

A possible exception to this could be to permit paralegals who work at the firm to own a small stake in it. Some professions, like accounting, permit non-licensed persons to be minority owners of the practice. But if this were to be permitted, it definitely should be a minority share, possibly with some defined limit such as 10% of the overall interests in the firm. That way there are attorneys with the final say over the firm's operations.

As for sharing of fees with non-lawyers, I am not as opposed to this since it does not present the same risks. The rules of professional conduct already permit paid advertising, including payment to professionals who handle marketing for services rendered. Something like a client referral bonus, which is currently not permissible, would help smaller law firms get off the ground while still maintaining independence in the matter.

An example could look something like this: a small firm has a client referral program. For every client who signs an engagement agreement and pays (either a retainer or flat fee upfront), the firm would then send the referring person an appreciation bonus as a thank you for the referral. This could be cash, a gift card, or other consideration. There would not have to be a message on the bonus saying who this was for, merely noting that it is a referral bonus for someone recently sent to the firm.

On the client side, the client likely should be informed of this program in writing if the firm decided to offer it. The client ought to be given the opportunity to decline participation, in which case the firm would not send a referral bonus to the referring person. The client still has a say in whether the referring person receives something in return for the referral. But the firm would have the opportunity to increase its client base and show gratitude to those who trust the firm and send business.

ADAMS &REESE

LUCIAN T. PERA
Partner

Crescent Center
6075 Poplar Avenue, Suite 700
Memphis, Tennessee 38119-0100
E: lucian.pera@arlaw.com
O: 901-524-5278
C: 901-606-4948

April 30, 2026

BY EMAIL

Hon. James Hivner
Clerk, Tennessee Supreme Court
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1307

ADM2025-01403

In Re: Public Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation, No. ADM2025-01403

RESULTS OF A PUBLIC OPINION SURVEY OF TENNESSEANS CONCERNING ACCESS TO QUALITY LEGAL REPRESENTATION

To the Honorable Justices of the Tennessee Supreme Court:

For the use and guidance of the Court, I attach the results of a poll of 1200 registered Tennessee voters on subjects pertinent to the Court's Order.

The survey was conducted by Randy Ellison of Targoz Market Research of Nashville. The law firms of Bass, Berry & Sims PLC and Adams & Reese, LLP, funded this survey as a part of their ongoing commitment to access to justice and the continued health of the Tennessee judicial system.

The Court can draw its own conclusions from the responses. However, I submit that the results demonstrate that Tennesseans are broadly open to and, in some instances, firmly support some possible reforms raised in the Court's September Order.

While we just received the results in the last few days, we intend to continue to analyze them. We would also be happy to provide the Court with the data underlying the attached survey results to allow further analysis (for example, allowing analysis of responses based on various demographic factors).

Thank you for your consideration and your work on this important initiative.

Very truly yours,

Lucian T. Pera

Targoz
Market Research

Memorandum

To: Lucian T. Pera
From: Randy Ellison, Targoz Market Research
RE: Topline Analysis, Tennessee Voter Attitudes on AI, Online Legal Tools, and Access to Justice

Executive Summary

Tennessee registered voters describe a civil legal system they cannot afford and back a slate of reforms to expand access. The strongest support is for options that pair affordability with attorney oversight. Standalone AI chatbots receive the weakest support among the options tested. Each of the four reforms presented, such as trained non-lawyer providers, modified law-firm ownership rules, alternative paths to licensure, and out-of-state reciprocity, wins majority support, with support rising after voters review information about each proposal.

Overall, there is broad recognition of a serious problem with access to legal services, framed by voters as an affordability gap, and there is broad support for reforms to address it.

Headline Findings

- **Cost is the binding constraint.** 86% agree the costs of hiring a lawyer in Tennessee are too high (50% strongly, 36% somewhat). 41% say they could not afford $5,000 for a civil matter, and another 28% say they could pay only with significant financial hardship. Two in five (40%) registered voters say they are not very confident or not at all confident that they could afford a lawyer for a serious civil matter.
- **Trained non-lawyer providers: 56% support at first read, 74% after information about the issue.** Initial support is 56% (17% definitely, 39% probably). After voters review statements on cost, access, training, and how other states have implemented similar programs, support rises to 74% (26% definitely, 48% probably). Opposition falls from 29% to 16%.

- **Modified law-firm ownership rules: 59% support at first read, rising to 68% after more information was presented.** Initial support is 59% (16% definitely, 43% probably). After receiving information about innovation, professional partnerships, and safeguards, support rises to nearly seven in ten voters (68%) (21% definitely, 47% probably). 77% want strict rules limiting non-lawyer partners to non-legal services; 79% want safeguards against control by large corporations, venture capital, or hedge funds.
- **Alternative licensure paths and out-of-state reciprocity also win majorities.** 65% support allowing alternative paths to licensure, such as supervised apprenticeships or legal-aid services, so long as competency standards are met. 77% support easier reciprocity for lawyers already licensed in other states, subject to Tennessee's standards.
- **Attorney oversight is key.** Comfort with online or AI-assisted help rises sharply when an attorney is in the loop: 92% comfortable using a licensed attorney, 82% comfortable with an attorney-reviewed online tool, 76% comfortable with a tool that cites checkable legal sources, 67% comfortable with a legal-aid-built tool, 43% comfortable with a standalone AI chatbot, and 39% comfortable with an unsupervised online tool.
- **When a lawyer is out of reach, voters want a supervised online tool rather than no assistance or an unsupervised AI tool.** 64% prefer an online tool reviewed by a lawyer, 19% prefer an unsupervised online tool, 4% prefer no help at all, and 13% are unsure.

1. The Affordability Gap

Voters view legal costs as a structural barrier rather than a personal complaint. 86% agree that the costs of hiring a lawyer in Tennessee are too high, including 50% who strongly agree.

That perception is rooted in their household economics. 41% say they could not afford to pay $5,000 for a lawyer to represent them in a civil matter; 28% say they could pay but only with significant financial hardship; 25% say they could afford it; and 6% are not sure. Asked specifically about a serious civil matter such as eviction, a debt lawsuit, divorce, or child custody, two in five voters (40%) are not very confident or not at all confident they could afford a lawyer; 33% are somewhat confident; and 21% are very confident.

More than half (55%) say lawyers are paid too high a salary; 32% say it is just about right. By contrast, 70% say teachers are paid too low.

2. The Oversight Premium

Voters' comfort with different sources of legal help follows a clear hierarchy. The presence or absence of a licensed attorney is the strongest single factor.

- A licensed attorney: 92% comfortable (68% very, 24% somewhat); 6% not comfortable.
- An online tool reviewed or supervised by a licensed attorney: 82% comfortable (33% very, 49% somewhat); 15% not comfortable.
- An online tool that cites laws, court rules, or legal sources you can check yourself: 76% comfortable (26% very, 50% somewhat); 20% not comfortable.
- An online tool built using legal-aid or court self-help materials: 67% comfortable (19% very, 48% somewhat); 28% not comfortable.
- An online AI chatbot, such as ChatGPT, Grok, or Claude: 43% comfortable (13% very, 30% somewhat); 53% not comfortable.
- An online tool on its own, without attorney review of answers: 39% comfortable (13% very, 26% somewhat); 57% not comfortable.

When asked which providers they would actually be willing to use for a legal problem, 87% pick a licensed attorney, and 57% pick an attorney-reviewed online tool. Standalone AI chatbots draw 26%, friends or family 30%, unsupervised online tools 17%, and self-handling 14%.

Two patterns are associated with this distribution. First, attorney-reviewed and source-cited tools sit within roughly 10 percentage points of comfort with a licensed attorney, while standalone AI and unsupervised tools sit roughly 50 points lower. Second, voters do not treat AI

as categorically different from other unsupervised tools. The comfort floor is set by the absence of a lawyer, not by the underlying technology.

3. The Preferred Backstop When a Lawyer Is Unaffordable

When voters are asked what they would prefer if someone cannot afford a lawyer, the responses concentrate on supervised online tools rather than no help or unsupervised options. Nearly two in three voters (64%) prefer an online tool that helps with legal questions and is reviewed by a lawyer; 19% prefer an online tool even if no lawyer is supervising it; 4% prefer no legal help beyond what the person can find on their own; and 13% are not sure.

Read together with Section 2, the data is consistent with voters treating attorney-reviewed online tools as the closest acceptable substitute for a licensed attorney.

4. Trained Non-Lawyer Providers

Voters were asked twice about a proposal to license trained, tested, and certified non-lawyers to provide limited legal services at a lower cost, once at initial exposure and again after a series of statements for and against. Support rises and intensifies between the two readings.

Initial position: 56% support (17% definitely, 39% probably), 29% oppose (19% probably, 10% definitely), and 15% are not sure.

Position after information: 74% support (26% definitely, 48% probably), 16% oppose (9% probably, 7% definitely), and 10% are not sure. The share strongly supportive of the idea rises by 9 points, and the share intensely opposed falls by 3 points.

Reactions to the underlying statements are largely supportive. 86% agree that costs are too high. 82% agree that low- and moderate-income access is a problem the proposal would help address. 76% agree this would create a nurse-practitioner-style role for legal services. 82% agree that any program should include extensive training, testing, certification, and legal-ethics requirements. 66% agree that Tennessee should follow other states that have established or explored such programs. 73% also agree that the legal system is complex and that few issues should be handled without lawyer supervision, which is a reading consistent with, strong, conditional support: voters back non-lawyer providers as part of a supervised, scoped framework.

Where Non-Lawyer Help Lands

Voters draw clear lines around the subjects they would and would not entrust to a trained non-lawyer. The pattern tracks transactional and lower-stakes matters versus high-stakes family and parenting disputes. (Definitely + Probably should)

- Credit-card debt collection cases: 73% should, 21% should not.
- Small-dollar lawsuits under $10,000: 67% should, 26% should not.
- Creating a family trust: 64% should, 29% should not.
- Unemployment benefit disputes: 63% should, 29% should not.
- Eviction or being forced out of your home: 58% should, 36% should not.
- Post-divorce matters such as child support or visitation: 56% should, 35% should not.
- Disputes with government agencies (benefits, housing, special education): 53% should, 40% should not.
- Divorce: 51% should, 41% should not.
- Child custody: 39% should, 55% should not.

5. Modifying Law-Firm Ownership and Fee Sharing

Voters were also asked twice about a proposal to modify the rules limiting law-firm ownership and fee sharing to lawyers, with safeguards. Support rises after more information was presented to respondents.

Initial position: 59% support (16% definitely, 43% probably), 23% oppose (16% probably, 7% definitely), and 17% are not sure.

Position after information: 68% support (21% definitely, 47% probably), 18% oppose (12% probably, 6% definitely), and 14% are not sure.

Voters' support is conditional. Strong majorities back the safeguards that accompany the proposal: 77% agree that any framework should maintain strict rules limiting non-lawyer partners to non-legal services, with consequences for violations; 79% agree that precautions are needed to prevent control by large corporations, venture-capital firms, and hedge funds; and 77% agree that disbarred lawyers, fraud-convicted individuals, and other bad actors should not be allowed to participate. 65% agree that a non-lawyer partnership could let firms bring in qualified non-legal professionals such as CFOs and CTOs; 63% agree that it could allow technology specialists to help streamline operations and lower costs; and 71% agree that it could allow one-stop-shop arrangements with mortgage and real-estate specialists.

75% are not aware of the current restriction or are unsure about it (40% not sure, 25% probably no, 10% definitely no), suggesting that information about the existing rules, not just the proposed change, will continue to influence opinion in this area.

6. Alternative Paths to Licensure and Reciprocity

Two additional reforms have majority support.

Alternative paths to becoming a licensed lawyer, such as supervised apprenticeships or service with legal-aid organizations, subject to competency standards, win 65% support (25% strongly, 40% somewhat); 26% oppose; 10% are not sure.

Easier reciprocity for lawyers already licensed in other states, subject to Tennessee's standards, wins 77% support (33% strongly, 44% somewhat); 13% oppose; 10% are not sure.

7. Institutional Context

Voter approval of the institutions involved is mixed but not hostile. 54% approve of the Tennessee Supreme Court (21% strongly, 33% somewhat) and 24% disapprove; 22% have no opinion. 49% approve of the Tennessee Bar Association (16% strongly, 33% somewhat) and 17% disapprove; 33% have no opinion. More than half of registered voters (56%) say Tennessee is heading in the right direction; just 35% say wrong direction.

8. Implications for Advocacy

The data points to four observations relevant to a regulatory submission.

First, the strongest empirical case is for AI and online tools used with attorney oversight, source citation, or legal-aid grounding, and not for standalone AI. Reform proposals that center on attorney supervision, technology-assisted review, or self-help tools built on official materials match the comfort and willingness-to-use distributions in the data.

Second, voters frame the affordability gap as the problem reform is meant to solve. Anchoring proposals to the cost finding (86% agree costs are too high; 41% cannot afford $5,000) is consistent with the public's own framing.

Third, support for trained non-lawyer providers and modified ownership rules rises after voters learn more about the topic, from 56% to 74% for non-lawyer providers and from 59% to 68% for ownership reform. Information about training, testing, ethics requirements, and existing programs in other states is associated with movement toward support.

Fourth, voter support is conditional, not unconditional. Comfortable majorities want safeguards: training and certification (82%), strict scope limits on non-lawyer partners (77%), exclusion of bad actors (77%), and protections against outside-capital influence (79%). Reform proposals presented with explicit safeguards are likely to attract the most support among voters.

Methodology

- Interviews were conducted online.
- Online poll of n=1,200 registered voters in Tennessee.
- Only respondents who passed our data quality checks were included in the final results and compensated for participating.
- Sampling was stratified by demographics and geography.
- Results were weighted by demographics, party, geography, and behavioral measures to properly reflect the profile of the state.
- Estimated margin of error: ± 2.77%.
- Fieldwork: April 20 through April 28, 2026.
- Due to weighting and rounding, percentages may not always total exactly 100%.
- Subgroup margins of error are larger.

Targoz Market Research is a Nashville-based public opinion and market research firm that designs, fields, and analyzes surveys for clients in politics, public policy, and business. Founded in 2007, the firm specializes in quantitative survey research, including statewide and national polls, message testing, brand and product studies, and qualitative work.

Targoz Market Research is a member of the American Association for Public Opinion Research (AAPOR) Transparency Initiative and a member of ESOMAR (the European Society for Opinion and Marketing Research). The firm conducts its work in accordance with the AAPOR Code of Professional Ethics and Practices and the ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics.

Marginals: Overall Results

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

April 29, 2026

Targoz Market Research®

Table of contents

The costs of hiring a lawyer in Tennessee are too high, and we need to find ways to make legal assistance more affordable: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 23

People living in poverty and many moderate-income individuals do not receive the legal help they need. This proposal would help more people access legal services: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 24

Certain legal issues, such as divorce, eviction, and unemployment disputes, could be handled by someone with some legal training and experience, even if that person is not a lawyer: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 25

In health care, nurse practitioners helped expand access and treat more people. This proposal would create a similar kind of role for limited legal services: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 26

Other states have already established or explored programs allowing trained non-lawyers to provide limited legal services. Tennessee should consider doing the same: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 27

A proposal allowing trained non-lawyers to provide limited legal services should include extensive training, testing, certification, and legal ethics requirements: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 28

Our legal system is complex, and very few issues should be handled without supervision from a lawyer: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree. 29

Eviction or being forced out of your home: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help? 30

Small-dollar lawsuits involving less than $10,000: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help? 31

Disputes with government agencies, such as benefits, housing assistance, or special education services: In which of the following types of legalproblems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help? 32

Unemployment benefit disputes: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

How often would you say you vote?

	Total
Sample Size	1,200
Always	
Column %	49%
Nearly always	
Column %	32%
Part of the time	
Column %	12%
Seldom	
Column %	4%
Never vote	
Column %	3%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

In general, would you say that the State of Tennessee is heading in the right direction or the wrong direction?

	Total
Sample Size	1,200
Total right direction Column %	55%
Definitely right direction Column %	24%
Probably in the right direction Column %	32%
Probably in the wrong direction Column %	17%
Definitely wrong direction Column %	18%
Total wrong direction Column %	35%
I'm not sure Column %	9%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Tennessee Governor Bill Lee: Please indicate whether you approve or disapprove of the job each of the following is doing.

	Total
Sample Size	1,200
Total approve	
Column %	57%
Strongly approve	
Column %	26%
Somewhat approve	
Column %	31%
Somewhat disapprove	
Column %	15%
Strongly disapprove	
Column %	21%
Total disprove	
Column %	36%
No opinion	
Column %	7%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Tennessee General Assembly: Please indicate whether you approve or disapprove of the job each of the following is doing.

	Total
Sample Size	1,200
Total approve Column %	52%
Strongly approve Column %	18%
Somewhat approve Column %	34%
Somewhat disapprove Column %	17%
Strongly disapprove Column %	11%
Total disprove Column %	29%
No opinion Column %	19%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Tennessee Supreme Court: Please indicate whether you approve or disapprove of the job each of the following is doing.

	Total
Sample Size	1,200
Total approve Column %	54%
Strongly approve Column %	21%
Somewhat approve Column %	33%
Somewhat disapprove Column %	14%
Strongly disapprove Column %	10%
Total disprove Column %	25%
No opinion Column %	22%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Tennessee Bar Association: Please indicate whether you approve or disapprove of the job each of the following is doing.

	Total
Sample Size	1,200
Total approve Column %	49%
Strongly approve Column %	16%
Somewhat approve Column %	33%
Somewhat disapprove Column %	11%
Strongly disapprove Column %	6%
Total disprove Column %	17%
No opinion Column %	33%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

The next questions are about how people seek help when legal services are too expensive, unavailable, or hard to access. As far as you know, in Tennessee, who is generally allowed to give legal advice?

	Total
Sample Size	1,200
Only licensed lawyers	
Column %	58%
Lawyers and non-lawyers alike	
Column %	15%
Online tools and websites	
Column %	7%
I'm not sure	
Column %	19%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Have you ever used the internet to try to answer a legal question or understand your legal rights - such as using Google, YouTube, court websites, or an online chat tool?

	Total
Sample Size	1,200
Yes	
Column %	68%
No	
Column %	27%
I'm not sure	
Column %	5%

A licensed attorney: If you had a legal question about something like a landlord dispute, a contract problem, debt collection, divorce, or child custody, how comfortable would you feel using each of the following for help?

	Total
Sample Size	1,200
Total comfortable Column %	92%
Very comfortable Column %	68%
Somewhat comfortable Column %	24%
Not very comfortable Column %	4%
Not at all comfortable Column %	2%
Total uncomfortable Column %	6%
I'm not sure Column %	2%

An online tool reviewed or supervised by a licensed attorney: If you had a legal question about something like a landlord dispute, a contract problem, debt collection, divorce, or child custody, how comfortable would you feel using each of the following for help?

	Total
Sample Size	1,200
Total comfortable Column %	82%
Very comfortable Column %	33%
Somewhat comfortable Column %	49%
Not very comfortable Column %	10%
Not at all comfortable Column %	5%
Total uncomfortable Column %	15%
I'm not sure Column %	3%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

An online tool on its own, without attorney review of answers: If you had a legal question about something like a landlord dispute, a contract problem, debt collection, divorce, or child custody, how comfortable would you feel using each of the following for help?

	Total
Sample Size	1,200
Total comfortable Column %	39%
Very comfortable Column %	13%
Somewhat comfortable Column %	26%
Not very comfortable Column %	32%
Not at all comfortable Column %	25%
Total uncomfortable Column %	57%
I'm not sure Column %	5%

An online tool built using legal-aid or court self-help materials: If you had a legal question about something like a landlord dispute, a contract problem, debt collection, divorce, or child custody, how comfortable would you feel using each of the following for help?

	Total
Sample Size	1,200
Total comfortable	
Column %	66%
Very comfortable	
Column %	19%
Somewhat comfortable	
Column %	48%
Not very comfortable	
Column %	19%
Not at all comfortable	
Column %	9%
Total uncomfortable	
Column %	28%
I'm not sure	
Column %	6%

An online tool that cites laws, court rules, or legal sources you can check yourself: If you had a legal question about something like a landlord dispute, a contract problem, debt collection, divorce, or child custody, how comfortable would you feel using each of the following for help?

	Total
Sample Size	1,200
Total comfortable	
Column %	76%
Very comfortable	
Column %	26%
Somewhat comfortable	
Column %	50%
Not very comfortable	
Column %	13%
Not at all comfortable	
Column %	7%
Total uncomfortable	
Column %	20%
I'm not sure	
Column %	5%

An online AI chatbot, such as ChatGPT, Grok, or Claude: If you had a legal question about something like a landlord dispute, a contract problem, debt collection, divorce, or child custody, how comfortable would you feel using each of the following for help?

	Total
Sample Size	1,200
Total comfortable Column %	43%
Very comfortable Column %	13%
Somewhat comfortable Column %	30%
Not very comfortable Column %	23%
Not at all comfortable Column %	30%
Total uncomfortable Column %	53%
I'm not sure Column %	4%

If you needed help with a legal problem, which of the following would you be willing to use? Please select all that apply.

	Total
Sample Size	1,200
A licensed attorney	
% Valid Cases	87%
An online tool reviewed or supervised by a licensed attorney	
% Valid Cases	57%
An online tool on its own, without attorney review of answers	
% Valid Cases	17%
An online AI chatbot, such as ChatGPT, Grok, or Claude	
% Valid Cases	26%
I would try to handle it on my own	
% Valid Cases	14%
I would ask friends or family for advice	
% Valid Cases	30%
None of these	
% Valid Cases	1%
I'm not sure	
% Valid Cases	1%

The next questions concern whether certain limited legal services could be provided by trained non-lawyers in specific subject areas and under what safeguards. Tennessee is considering whether trained, tested, and certified non-lawyers should be allowed to provide limited legal services in certain types of matters at a lower cost to consumers. Based on what you know right now, would you support or oppose this kind of proposal?

	Total
Sample Size	1,200
Total support	
Column %	57%
Definitely support	
Column %	17%
Probably support	
Column %	39%
Probably oppose	
Column %	19%
Definitely oppose	
Column %	10%
Total oppose	
Column %	29%
I'm not sure	
Column %	15%

The costs of hiring a lawyer in Tennessee are too high, and we need to find ways to make legal assistance more affordable: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree	
Column %	86%
Strongly agree	
Column %	50%
Somewhat agree	
Column %	36%
Somewhat disagree	
Column %	7%
Strongly disagree	
Column %	2%
Total disagree	
Column %	8%
No opinion	
Column %	5%

People living in poverty and many moderate-income individuals do not receive the legal help they need. This proposal would help more people access legal services: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree	
Column %	82%
Strongly agree	
Column %	37%
Somewhat agree	
Column %	45%
Somewhat disagree	
Column %	5%
Strongly disagree	
Column %	6%
Total disagree	
Column %	11%
No opinion	
Column %	7%

Certain legal issues, such as divorce, eviction, and unemployment disputes, could be handled by someone with some legal training and experience, even if that person is not a lawyer: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree	
Column %	69%
Strongly agree	
Column %	21%
Somewhat agree	
Column %	48%
Somewhat disagree	
Column %	17%
Strongly disagree	
Column %	8%
Total disagree	
Column %	25%
No opinion	
Column %	6%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

In health care, nurse practitioners helped expand access and treat more people. This proposal would create a similar kind of role for limited legal services: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree Column %	76%
Strongly agree Column %	27%
Somewhat agree Column %	49%
Somewhat disagree Column %	11%
Strongly disagree Column %	5%
Total disagree Column %	15%
No opinion Column %	8%

Other states have already established or explored programs allowing trained non-lawyers to provide limited legal services. Tennessee should consider doing the same: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree Column %	67%
Strongly agree Column %	20%
Somewhat agree Column %	46%
Somewhat disagree Column %	14%
Strongly disagree Column %	6%
Total disagree Column %	21%
No opinion Column %	13%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

A proposal allowing trained non-lawyers to provide limited legal services should include extensive training, testing, certification, and legal ethics requirements: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree Column %	82%
Strongly agree Column %	49%
Somewhat agree Column %	33%
Somewhat disagree Column %	7%
Strongly disagree Column %	3%
Total disagree Column %	9%
No opinion Column %	8%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Our legal system is complex, and very few issues should be handled without supervision from a lawyer: Here are some statements people have made about allowing trained, tested, and certified non-lawyers to provide limited legal services in certain civil matters in Tennessee. For each one, please indicate whether you agree or disagree.

	Total
Sample Size	1,200
Total agree	
Column %	73%
Strongly agree	
Column %	32%
Somewhat agree	
Column %	41%
Somewhat disagree	
Column %	16%
Strongly disagree	
Column %	5%
Total disagree	
Column %	21%
No opinion	
Column %	6%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Eviction or being forced out of your home: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	58%
Definitely should Column %	19%
Probably should Column %	39%
Probably should not Column %	24%
Definitely should not Column %	12%
Total should not Column %	36%
I'm not sure Column %	7%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Small-dollar lawsuits involving less than $10,000: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	67%
Definitely should Column %	21%
Probably should Column %	46%
Probably should not Column %	17%
Definitely should not Column %	9%
Total should not Column %	26%
I'm not sure Column %	7%

Disputes with government agencies, such as benefits, housing assistance, or special education services: In which of the following types of legalproblems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	53%
Definitely should Column %	20%
Probably should Column %	33%
Probably should not Column %	27%
Definitely should not Column %	13%
Total should not Column %	39%
I'm not sure Column %	7%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Unemployment benefit disputes: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	63%
Definitely should Column %	22%
Probably should Column %	41%
Probably should not Column %	20%
Definitely should not Column %	9%
Total should not Column %	29%
I'm not sure Column %	8%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Credit card debt collection cases: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	73%
Definitely should Column %	20%
Probably should Column %	53%
Probably should not Column %	13%
Definitely should not Column %	8%
Total should not Column %	20%
I'm not sure Column %	7%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Divorce: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	51%
Definitely should Column %	19%
Probably should Column %	32%
Probably should not Column %	24%
Definitely should not Column %	17%
Total should not Column %	40%
I'm not sure Column %	8%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Post-divorce matters, such as child support or visitation: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	56%
Definitely should Column %	19%
Probably should Column %	37%
Probably should not Column %	23%
Definitely should not Column %	12%
Total should not Column %	35%
I'm not sure Column %	9%

Child custody: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	39%
Definitely should Column %	15%
Probably should Column %	24%
Probably should not Column %	30%
Definitely should not Column %	25%
Total should not Column %	54%
I'm not sure Column %	7%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Creating a family trust: In which of the following types of legal problems, if any, would it make sense to allow a trained, tested, and certified non-lawyer to provide some limited help?

	Total
Sample Size	1,200
Total should Column %	64%
Definitely should Column %	23%
Probably should Column %	41%
Probably should not Column %	18%
Definitely should not Column %	11%
Total should not Column %	29%
I'm not sure Column %	6%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Thinking about everything you have just read, would you support or oppose the proposal to license trained, tested, and certified non-lawyers to provide limited legal services at a lower cost to consumers?

	Total
Sample Size	1,200
Total support Column %	73%
Definitely support Column %	26%
Probably support Column %	48%
Probably oppose Column %	9%
Definitely oppose Column %	7%
Total oppose Column %	16%
I'm not sure Column %	10%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

If you faced a serious civil legal matter - like an eviction, debt lawsuit, divorce, or child custody dispute - how confident are you that you could afford a lawyer to help you?

	Total
Sample Size	1,200
Total confident Column %	54%
Very confident Column %	21%
Somewhat confident Column %	33%
Not very confident Column %	25%
Not at all confident Column %	15%
Total not confident Column %	40%
I'm not sure Column %	5%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

If you needed legal help for a civil matter, could you afford to pay $5,000 for a lawyer to represent you?

	Total
Sample Size	1,200
Yes, I could afford that Column %	25%
I could afford it, but it would cause significant financial hardship Column %	28%
No, I could not afford that Column %	41%
I'm not sure Column %	6%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

If someone cannot afford a lawyer, which of the following would you prefer to have available?

	Total
Sample Size	1,200
No legal help beyond what they can find on their own	
Column %	4%
An online tool that helps with legal questions, even if no lawyer is supervising it	
Column %	19%
An online tool that helps with legal questions and is reviewed by a lawyer	
Column %	64%
I'm not sure	
Column %	13%

The next questions are about whether Tennessee should continue to limit law-firm ownership and fee sharing to lawyers only, or allow some changes with safeguards. To the best of your knowledge, are individuals who are not lawyers currently allowed to own or be partners in a law firm in Tennessee?

	Total
Sample Size	1,200
Total yes Column %	25%
Definitely yes Column %	11%
Probably yes Column %	14%
Probably no Column %	25%
Definitely no Column %	10%
Total no Column %	35%
I'm not sure Column %	40%

Here's a little background. In Tennessee, law firms are generally owned only by lawyers, and lawyers generally cannot share legal fees with non-lawyers. Tennessee is considering whether to modify those rules while maintaining lawyer independence and public protections. Based on what you know right now, would you support or oppose this kind of proposal?

	Total
Unweighted Sample Size	1,200
Total support Column %	60%
Definitely support Column %	16%
Probably support Column %	43%
Probably oppose Column %	16%
Definitely oppose Column %	7%
Total oppose Column %	23%
I'm not sure Column %	17%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

In some other places, non-lawyers have successfully partnered in or even owned law firms. Supporters say this model can encourage innovation and that Tennessee should consider it: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	61%
Strongly agree Column %	17%
Somewhat agree Column %	44%
Somewhat disagree Column %	15%
Strongly disagree Column %	8%
Total disagree Column %	23%
No opinion Column %	17%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

If non-lawyers successfully partnered in or even owned law firms, individuals such as technology specialists could partner in a law firm, helping to streamline processes, improve innovation, and lower costs while lawyers continue practicing law independently: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	63%
Strongly agree Column %	23%
Somewhat agree Column %	40%
Somewhat disagree Column %	12%
Strongly disagree Column %	8%
Total disagree Column %	20%
No opinion Column %	17%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

If non-lawyers successfully partnered in or even owned law firms, lawyers could team up with other professionals, such as mortgage and real-estate specialists, to offer a one-stop shop for services such as refinancing, foreclosure prevention, or short sales: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	71%
Strongly agree Column %	21%
Somewhat agree Column %	50%
Somewhat disagree Column %	12%
Strongly disagree Column %	6%
Total disagree Column %	18%
No opinion Column %	11%

Under current rules, executives such as a firm's chief financial officer or chief technology officer generally could not be partners unless they are lawyers. If non-lawyers successfully partnered in or even owned law firms, firms could bring in qualified non-legal professionals for critical roles: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	65%
Strongly agree Column %	21%
Somewhat agree Column %	44%
Somewhat disagree Column %	14%
Strongly disagree Column %	5%
Total disagree Column %	19%
No opinion Column %	16%

If non-lawyers successfully partnered in or even owned law firms, they should maintain strict rules and regulations to ensure that non-lawyer partners are limited to non-legal services and that there are consequences if the rules are not followed: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	77%
Strongly agree Column %	42%
Somewhat agree Column %	35%
Somewhat disagree Column %	10%
Strongly disagree Column %	3%
Total disagree Column %	14%
No opinion Column %	9%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Precautions should be taken to ensure that large corporations, venture-capital firms, and hedge funds do not affect the independence of lawyers in any firm in which they invest: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	79%
Strongly agree Column %	41%
Somewhat agree Column %	38%
Somewhat disagree Column %	6%
Strongly disagree Column %	2%
Total disagree Column %	8%
No opinion Column %	13%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Allowing certain non-lawyers to have an ownership stake or partnership in a law firm can make sense, but disbarred lawyers, people convicted of fraud, and other bad actors should not be allowed to participate: How much do you agree or disagree with each of the following statements?

	Total
Sample Size	1,200
Total agree Column %	76%
Strongly agree Column %	48%
Somewhat agree Column %	29%
Somewhat disagree Column %	9%
Strongly disagree Column %	4%
Total disagree Column %	14%
No opinion Column %	10%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Thinking about everything you have just read, would you support or oppose allowing some non-lawyer ownership or partnership in law firms under a stricter regulatory framework?

	Total
Sample Size	1,200
Total support Column %	68%
Definitely support Column %	21%
Probably support Column %	47%
Probably oppose Column %	12%
Definitely oppose Column %	6%
Total oppose Column %	18%
I'm not sure Column %	14%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

The next questions are about other possible ways Tennessee could expand the availability of affordable legal services while still requiring competency standards. Today, no one can become a lawyer without three years of law school and passing the bar exam. Some people have suggested that Tennessee should allow alternative paths to become a licensed lawyer - such as supervised apprenticeships or service with legal aid organizations - so long as applicants still have to meet competency standards. Would you support or oppose this?

	Total
Sample Size	1,200
Total support Column %	65%
Strongly support Column %	25%
Somewhat support Column %	40%
Somewhat oppose Column %	16%
Strongly oppose Column %	10%
Total oppose Column %	25%
I'm not sure Column %	10%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Some people have suggested making it easier for lawyers already licensed in other states to practice in Tennessee, so long as they still have to meet Tennessee's standards. Would you support or oppose this?

	Total
Sample Size	1,200
Total support Column %	77%
Strongly support Column %	33%
Somewhat support Column %	44%
Somewhat oppose Column %	8%
Strongly oppose Column %	5%
Total oppose Column %	13%
I'm not sure Column %	10%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Are you or is someone in your immediate family a lawyer?

	Total
Sample Size	1,200
Yes	
Column %	5%
No	
Column %	93%
I'm not sure	
Column %	2%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Have you or has someone in your immediate family hired a lawyer in the past five years?

	Total
Sample Size	1,200
Yes	
Column %	37%
No	
Column %	59%
I'm not sure	
Column %	4%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Lawyer: For each profession below, please indicate whether you believe the amount of money these individuals make is too low, too high, or just about right.

	Total
Sample Size	1,200
Too high	
Column %	55%
Just about right	
Column %	32%
Too low	
Column %	2%
I'm not sure	
Column %	10%

Judge: For each profession below, please indicate whether you believe the amount of money these individuals make is too low, too high, or just about right.

	Total
Sample Size	1,200
Too high	
Column %	37%
Just about right	
Column %	41%
Too low	
Column %	3%
I'm not sure	
Column %	19%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Doctor: For each profession below, please indicate whether you believe the amount of money these individuals make is too low, too high, or just about right.

	Total
Sample Size	1,200
Too high	
Column %	38%
Just about right	
Column %	47%
Too low	
Column %	6%
I'm not sure	
Column %	9%

Nurse practitioner: For each profession below, please indicate whether you believe the amount of money these individuals make is too low, too high, or just about right.

	Total
Sample Size	1,200
Too high	
Column %	9%
Just about right	
Column %	48%
Too low	
Column %	33%
I'm not sure	
Column %	11%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Teacher: For each profession below, please indicate whether you believe the amount of money these individuals make is too low, too high, or just about right.

	Total
Sample Size	1,200
Too high	
Column %	4%
Just about right	
Column %	20%
Too low	
Column %	70%
I'm not sure	
Column %	6%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Generally speaking, do you think of yourself as a... ?

	Total
Sample Size	1,200
Democrat	
Column %	28%
Independent	
Column %	26%
Republican	
Column %	47%
Something else	
Column %	1%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

2024 Presidential Ballot

	Total
Sample Size	1,057
Donald Trump	
Column %	61%
Kamala Harris	
Column %	34%
Someone else	
Column %	5%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Age Group

	Total
Sample Size	1,200
18 to 24	
Column %	8%
25 to 34	
Column %	16%
35 to 44	
Column %	16%
45 to 54	
Column %	16%
55 to 64	
Column %	17%
65+	
Column %	27%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Thinking about your general approach to issues, do you consider yourself to be...

	Total
Sample Size	1,200
Very liberal	
Column %	10%
Somewhat liberal	
Column %	10%
Moderate	
Column %	31%
Somewhat conservative	
Column %	21%
Very conservative	
Column %	22%
Not sure	
Column %	6%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Which of the following are you?

	Total
Sample Size	1,200
Male	
Column %	45%
Female	
Column %	55%
Other/Non-binary	
Column %	0%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

How many infants and children under 18 years of age live in your household today?

	Total
Sample Size	1,200
None Column %	67%
1 to 2 Column %	29%
3 or more Column %	4%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Which of the following best describes your race or ethnicity?

	Total
Sample Size	1,200
White, non-Hispanic	
Column %	84%
Black or African American	
Column %	11%
Asian	
Column %	1%
Hispanic	
Column %	2%
Other	
Column %	1%
Prefer not to say	
Column %	1%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Which of the following best describes your household's total income in 2025 BEFORE taxes?

	Total
Sample Size	1,200
< $15,000 Column %	6%
$15,000-$24,999 Column %	5%
$25,000-$34,999 Column %	7%
$35,000-$49,999 Column %	14%
$50,000-$74,999 Column %	19%
$75,000-$99,999 Column %	17%
$100,000-124,999 Column %	12%
$125,000-$149,999 Column %	8%
$150,000-199,999 Column %	5%
$200,000 and over Column %	6%
I'm not sure Column %	1%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Which of the following best describes your current education level?

	Total
Sample Size	1,200
Some high school or less	
Column %	10%
High school graduate	
Column %	31%
Associate degree (two-year post-secondary degree)	
Column %	8%
Some college but no degree	
Column %	20%
Bachelors degree	
Column %	19%
Masters or professional degree	
Column %	9%
Doctoral degree	
Column %	2%
Prefer not to say	
Column %	1%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

What is your current marital status?

	Total
Sample Size	1,200
Married Column %	53%
Widowed Column %	5%
Divorced Column %	10%
Separated Column %	2%
Never married Column %	23%
Prefer not to say Column %	0%
Living with a partner Column %	7%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Do you own or rent your home?

	Total
Sample Size	1,200
Own	
Column %	73%
Rent	
Column %	27%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Thinking about your religion, are you...

	Total
Sample Size	1,200
Protestant	
Column %	36%
Roman Catholic	
Column %	11%
Mormon	
Column %	1%
Orthodox (e.g., Greek or Russian Orthodox)	
Column %	1%
Jewish	
Column %	1%
Muslim	
Column %	2%
Buddhist	
Column %	1%
Hindu	
Column %	0%
Atheist	
Column %	3%
Agnostic	
Column %	5%
Something else	
Column %	25%
Nothing in particular	
Column %	15%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Would you describe yourself as a 'born-again' or evangelical Christian?

	Total
Sample Size	435
Yes	
Column %	70%
No	
Column %	30%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Are you now employed full-time, part-time, self-employed, or not employed?

	Total
Sample Size	1,200
Full-time	
Column %	43%
Part-time	
Column %	9%
Self-employed	
Column %	8%
Not employed	
Column %	13%
Retired	
Column %	26%
Don't know	
Column %	1%

Poll of Tennessee Registered Voters April 20 to 28, 2026 MOE +/- 2.77%

Are you now employed full-time, part-time, self-employed, or not employed?

Weight Variable = Weight

ADM2025-01403

COMMENT OF THE LINCOLN MEMORIAL UNIVERSITY DUNCAN SCHOOL OF LAW ON THE SUPREME COURT'S SEPTEMBER 16, 2025 ORDER

The Lincoln Memorial University Duncan School of Law ("LMU Law") appreciates the opportunity to comment in response to Tennessee Supreme Court Order No. ADM2025-01403, *In re: Public Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation*. LMU Law is thankful for the attention that the Court's Order is focusing on the access-to-justice gap and rural legal deserts in our state. The renewed attention that our Tennessee legal community is giving to these issues is welcome and aligns directly with the mission of LMU Law.

The deans of the six Tennessee law schools are submitting a joint comment discussing issues (1) and (2) raised in the Court's order. LMU Law defers to that joint comment regarding those two issues. Furthermore, we leave comment on issues (5), (6), and (7) in the Court's Order – modifying requirements for admission to the Tennessee bar for those licensed in other states, the provision of limited legal services by paraprofessionals, and permitting non-lawyer ownership of law firms or fee sharing with non-lawyers – to bar associations and members of the bar. Thus, LMU Law is focusing its comment on issues (3) and (4) in the Court's Order:

- [w]hether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law; and
- [w]hether the Court should consider adopting alternative pathways for admission to the Tennessee Bar—for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization.

Background

Lincoln Memorial University ("LMU") was founded in 1897 in Harrogate, Tennessee as a living memorial to our sixteenth president, Abraham Lincoln. Since then, LMU has sought to provide educational opportunities and develop community leaders in our region. In the last two decades, LMU has grown, with a goal of training professionals to serve underserved areas in Southern Appalachia and beyond. The university's expansion has included the creation of an osteopathic medical school, which now has three campuses; a veterinary school, with two campuses; a dental school; expanded programs in occupational and physical therapy, nursing, business, and education; and, of course, a law school. The Duncan School of Law opened its doors to students in 2009 in a historic building in downtown Knoxville. LMU Law obtained provisional approval from the ABA Council of the Section of Legal Education and Admission to the Bar ("ABA Council") in 2014 and full approval in 2019. LMU Law has implemented a rigorous and practice-focused program of legal education, uses technology to promote the efficient and innovative delivery of instruction, and educates tomorrow's lawyers to be both civic-minded leaders and ethical, values-based practitioners. The mission of LMU Law is:

- to provide legal educational opportunities for the people of the underserved regions of the United States.
- to provide solid, competent, and practice-focused, legal education to students of widely disparate socio-economic and ethnic backgrounds with the goal that those students will successfully pass the bar and with the thought that those students will return to and serve those communities from which they originate.
- to prepare lawyers for careers in law that enable them to address the underserved legal needs of Appalachia and other underserved regions.

LMU Law's inaugural class graduated in 2013. We now have an estimated 829 alumni, the vast majority of whom are licensed and practicing law. While LMU Law has alumni practicing all over the United States, the law school has developed its strongest footprint across Appalachian communities, reflecting its mission to expand access to legal services in underserved areas. LMU Law has at least one alumnus or alumna practicing law in 81 of the 423 counties designated as part of Appalachia by the federal government.[1] Moreover, 615 LMU Law alumni, nearly 75 percent of our alumni base, practice within these Appalachian counties. Most of these alumni (554) practice in Tennessee, with Kentucky, Virginia, and North Carolina also having significant numbers of LMU Law-trained attorneys.

The map of Tennessee attached as Exhibit A illustrates the breadth of LMU Law alumni who are practicing throughout our state. According to the Tennessee State Data Center at the University of Tennessee's Boyd Center for Business and Economic Research, the Tennessee Department of Economic and Community Development defines a county as "rural" if less than 50 percent of the county's population lives within a 2020 Census Urbanized Area with a population of more than 50,000.[2] Under urban area delineations released by the U.S. Census Bureau in January 2022, Tennessee has 17 urban counties and 78 rural counties.[3]

---

[1] *Appalachian Counties Served by ARC*, Appalachian Regional Commission, https://www.arc.gov/appalachian-counties-served-by-arc/ (last visited Apr. 27, 2026).
[2] *County Geographic Classifier Reference File,* Tenn. State Data Ctr.: Boyd Center for Business and Economic Research (Sept. 28, 2023), https://tnsdc.utk.edu/2023/09/28/2023-tennessee-county-geographic-classifier-reference-file/.
[3] Id. The 17 urban counties are Anderson, Blount, Bradley, Carter, Davidson, Hamblen, Hamilton, Knox, Loudon, Madison, Montgomery, Rutherford, Shelby, Sullivan, Sumner, Washington, and Wilson.

Of the 613 LMU Law alumni practicing across Tennessee,[4] 279 are practicing in Knox County, and 147 are practicing in one of Tennessee's 16 other urban counties.[5] That means that 187 LMU Law alumni (nearly one-third of LMU Law alumni who are practicing in Tennessee and nearly one-quarter of all LMU Law alumni) are practicing in a rural Tennessee county. Specifically, there is an LMU Law alumnus or alumna practicing in 42 of Tennessee's 78 rural counties. These range from six rural counties in which more than ten LMU Law alumni are practicing (Greene, Hawkins, Jefferson, McMinn, Roane, and Sevier) to 15 rural counties in which only one LMU Law alumnus or alumna is practicing. We provide these data to the Court for context and to illustrate that LMU Law shares the Court's passion for addressing the access-to-justice gap and rural legal desert problem in our state. Indeed, we are constantly thinking about these problems as we make decisions regarding admissions, scholarships, our program of legal education, career placement, and alumni support.

In preparing this comment, the LMU Law administration held a listening session with our faculty, as well as focus groups and one-on-one interviews with LMU Law alumni who are practicing in rural areas or small towns throughout Tennessee. The participants in this process included several LMU Law alumni who live across all three Grand Divisions of the state; who graduated between 2013 and 2021; and who work both in government and private practice, as well as serve on the bench. This listening process added context to LMU Law's comment, as well as provided ideas on alternatives to address the access-to-justice gap outside of the seven issues raised in the Court's Order.

---

[4] This includes 554 LMU Law alumni in counties designated as part of Appalachia and 59 alumni in non-Appalachian counties.

[5] Many of our alumni who have offices in Knox County report practicing in adjacent counties due to the amount of legal work needed in rural counties surrounding Knox.

In supporting and engaging with our LMU Law alumni over the 13 years since our inaugural class graduated, we have observed a consistent pattern among those who have successfully developed a law practice in a small town or rural area. Those graduates who have been most successful in establishing and maintaining a practice in a rural county, including some of the graduates to whom we spoke in preparing this comment, typically have some combination of the following: (1) robust roots in the community in which they opened their practice; (2) strong mentoring both during law school and in the early years of practice; (3) a tenacious work ethic; (4) a willingness to develop expertise across a variety of practice areas; and (5) relatively low, or at least manageable, levels of student loan and other debt. In our view, any set of reforms designed to meet the Court's stated goals that involves lawyers providing legal services in Tennessee's rural counties should touch on one or more of these five areas.

Alternatives to the Traditional Three-Year Law School Curriculum

If residents of rural areas and small towns want to pursue a legal career but remain in their communities as lawyers and leaders, then it would be helpful to provide them with alternatives to the traditional full-time, residential, three-year program of legal education. LMU Law currently offers two such alternatives: a 3+3 program and a part-time hybrid J.D. program.

A 3+3 arrangement allows students to undertake their fourth year of undergraduate study and their first year of law school simultaneously, thus enabling them to complete both their undergraduate degree and their law degree in six years. Such programs have been permitted at Tennessee law schools since the Court revised its Rules regarding undergraduate education several years ago, removing the requirement that students must complete their bachelor's degree

at an accredited institution prior to their matriculation in law school.[6] LMU Law currently has 3+3 agreements with both its own undergraduate institution[7] and Austin Peay State University in Clarksville.[8] Other Tennessee law schools have 3+3 arrangements with various undergraduate programs as well. This is one example where a simple change in the Court's Rules has allowed motivated undergraduate students in Tennessee who are focused on obtaining a legal education to save both money and time on their paths to becoming attorneys.

In February 2023, LMU Law became the fourteenth law school approved by the ABA Council to receive an acquiescence in substantive change to operate a distance education program under ABA Standard 105(a)(12)(i).[9] There currently are twenty-one law schools so approved, and LMU Law is still the only ABA-approved distance education program in the Southeast.[10] In order to obtain acquiescence from the ABA Council to offer a distance education program, law schools must show that: (1) they are fully compliant with all the ABA Standards; (2) they have sufficient resources to offer the distance education program without siphoning resources from the existing full-time residential program; and (3) students in the distance

---

[6] Tenn. Sup. Ct. R. 7, §§ 2.01-2.02.

[7] Lincoln Memorial University, *Duncan School of Law: Guaranteed Professional Admission Program*, LMU GPA Pathways, https://www.lmunet.edu/undergraduate-admissions/lmu-gpa-program/law (last visited Apr. 27, 2026).

[8] Austin Peay State University, *APSU 3+3 Law Program*, Department of Political Science and Public Management, https://www.apsu.edu/political-science-public-management/3-plus-3.php (last visited Apr. 27, 2026).

[9] *ABA Standards and Rules of Procedure for Approval of Law Schools* std. 105(a)(12)(i) (Am. Bar Ass'n 2025-2026), available at https://www.americanbar.org/groups/legal_education/accreditation/standards/standards-rules/ ("A substantive change in program or structure that requires application for acquiescence includes:...(12) The addition of courses or programs that represent a significant departure from existing offerings or methods of delivery including (i) instituting a new full-time or part-time in person, hybrid, or Distance Education division[.]").

[10] *Council-Approved Law Schools with Acquiescence for Distance Education J.D. Programs*, Am. Bar Ass'n., https://www.americanbar.org/groups/legal_education/accreditation/approved-law-schools/distance-education/distance-education-jd-programs/ (last visited Apr. 27, 2026).

education program will receive the same opportunities for participation in co-curricular and extracurricular activities as students in the full-time residential program. Modalities differ significantly across ABA-approved distance education programs, but each program offers some amount of in-person, synchronous online, or asynchronous online courses to provide an alternative to the traditional three-year, residential law school path.

LMU Law's part-time hybrid J.D. program is completed over four years, including summers. The majority (49) of the 90 credits required for graduation are fully asynchronous, while fewer than half of the credits (41) are completed through hybrid courses, which combine asynchronous online learning with in-person learning over intensive long weekends at LMU Law's campus in Knoxville. These 13 in-person learning weekends, which usually last four full days, are concentrated more towards the beginning of the part-time hybrid curriculum, which allows students to assimilate to law school and get to know their classmates and professors. The weekly asynchronous online modules the students do at home, while rigorous and time-consuming, can be completed when the students' work and family obligations allow.[11]

Currently, there are 108 students enrolled in LMU Law's part-time hybrid program, who represent a little over a quarter of our law school's total enrollment. The part-time hybrid students are, on average, about ten years older than the average student in the law school's full-time residential program, and many of them are employed full-time. While the program attracts students from all over the country, 36 of LMU Law's part-time hybrid students, or one-third of the students enrolled in the program, live in Tennessee. Moreover, 12 of those Tennessee students, or one-third of that total, live in a rural county (using the Tennessee Department of

---

[11] *See generally* Lincoln Memorial University, *Part-Time/Hybrid Program*, Duncan School of Law, https://www.lmunet.edu/duncan-school-of-law/part-time-hybrid-program/ (last visited Apr. 27, 2026).

Economic and Community Development's definition described above). Our hope is that the part-time hybrid J.D. program continues to attract qualified students from rural areas and small towns not only in Tennessee, but throughout the Appalachian region and beyond, who are drawn to LMU Law by our law school's mission and focus on serving the underserved.

While there is no guarantee that LMU Law students who are living in rural Tennessee counties will stay in their communities and choose to practice law there after they graduate from our law school and pass the bar exam, the fact that they have chosen to remain there during law school is a strong indicator of their community ties. Further, the ability of these students to pay for their legal education over four years rather than three, while maintaining their homes and careers rather than quitting their jobs and moving to a city with a law school to attend classes full-time, makes it more promising that they will have the financial flexibility to stay and work in their rural or small-town communities. Indeed, while the part-time hybrid program is still new and the first class will not graduate until May 2027, initial data indicate that the average debt load of LMU Law's part-time hybrid J.D. students is less, on average, than the average debt load of our full-time students.

The 3+3 program and part-time hybrid J.D. program at LMU Law are just two examples of the flexibility currently permitted for law schools wishing to provide alternatives to the traditional law school curriculum under both the ABA Standards and the educational requirements for bar admission under Tennessee Supreme Court Rule 7, sections 2.01 and 2.02. The Court should continue to have flexibility within its own Rules while engaging with other state supreme courts and the ABA Council to encourage law schools to experiment beyond the traditional model of legal education without sacrificing quality or rigor.

Finally, it is important to note that the presence of a state-approved law school, the Nashville School of Law ("NSL"), provides another important curricular alternative to prospective Tennessee law students. Because NSL students take courses on a part-time basis in the evening, NSL attracts working professionals and other adults whose schedules do not allow them to attend law school full-time. NSL's graduation requirement of 57 credit hours represents an alternative to the ABA-approved law schools in the state, which must require at least 83 credit hours to graduate.[12] NSL continues to meet an important mission in the largest and fastest-growing area of our state, as it has done for 115 years.

Alternative Pathways for Admission to the Tennessee Bar

Our curriculum at LMU Law integrates the development of practical skills with courses that will prepare our students for success on the bar exam in the jurisdiction where they choose to apply for licensure.[13] For too long, these two goals have seemed mutually exclusive; now, however, there is hope with the new NextGen Uniform Bar Exam ("NextGen UBE") that bar examinees will be tested at least equally on their ability to memorize and apply doctrine and their performance of skills that are crucial to success as an attorney. The success of the NextGen UBE in enhancing the skill sets of young lawyers is essential. This is because, practically speaking, most law students, including those from rural areas and small towns, prefer to take a bar exam upon graduation, if only for the portability that passing the exam brings them. This is particularly important due to the unique geography of Tennessee: no state in the U.S. shares a border with

---

[12] Compare *Keeping You on Track*, Nashville School of Law, https://nsl.law/degree-requirements/ (last visited Apr. 27, 2026) with ABA Standards & Rules of Pro. for Approval of Law Schs. std. 311(a) (Am. Bar Ass'n 2025-2026) available at https://www.americanbar.org/groups/legal_education/accreditation/standards/standards-rules/.

[13] For the last several years, approximately 75 percent of LMU Law graduates have taken the Tennessee bar exam after graduation. The other 25 percent of our graduates choose to sit for the bar in a wide range of jurisdictions, with Kentucky being the second-most popular state.

more other states (eight) than we do.[14] A new lawyer in Claiborne County, for example, will see value in transferring her NextGen UBE score to Kentucky so that she can practice in Southeast Kentucky as well as in Tennessee. The same goes for new lawyers in Sullivan County (Virginia), Marion County (Georgia), and Lincoln County (Alabama). Any alternative pathway to licensure that is adopted by the Tennessee Supreme Court will, by definition, limit those who pursue it to licensure only in Tennessee, at least until they practice for long enough to be eligible for admission by comity in other states.

That said, for law school graduates who are comfortable practicing exclusively in Tennessee, an alternative pathway to licensure that permits them to display minimum competence through a combination of written work and supervised practice is much more likely to close the access-to-justice gap than further expand it. Particularly appealing are programs adopted recently in South Dakota[15] and Arizona[16] that provide a pathway to licensure through supervised practice that is focused on rural areas. While these programs are in their infancy, having been adopted in 2025 and 2024, respectively, they show promise and merit further study.

The Arizona Lawyer Apprentice Program, which is focused on law school graduates who have scored 260-269 on the Arizona bar exam, is a useful model because Tennessee, like

---

[14] Notably, seven of the eight states bordering Tennessee have announced that they are adopting the NextGen UBE, with Missouri administering the exam in 2026, Kentucky in 2027, and Alabama, Georgia, North Carolina, and Virginia in 2028. Mississippi has announced it is adopting the NextGen UBE but not yet announced the date the exam will first be administered. *NextGen UBE*, National Conference of Bar Examiners, https://www.ncbex.org/exams/nextgen (last visited Apr. 27, 2026). Only Arkansas has not yet adopted the new exam, making it one of only five states nationwide not to do so, although the issue is currently under study. *In re Adoption of NextGen Bar Exam*, 2025 Ark. 119 (June 12, 2025), available at https://arcourts.gov/sites/default/files/In_re_NextGen_Bar_Exam_0.pdf.

[15] Alisa Bousa, *Supreme Court Adopts Public Service Pathway to Bar Admission Pilot Program Rules*, South Dakota Unified Judicial System (Feb. 21, 2025), https://ujs.sd.gov/ujs-news/supreme-court-adopts-public-service-pathway-to-bar-admission-pilot-program-rules/.

[16] *Arizona Lawyer Apprentice Program*, Arizona Supreme Court, https://www.azcourts.gov/cld/Arizona-Lawyer-Apprentice-Program (last visited Apr. 27, 2026).

Arizona, is among the states that have adopted the highest Uniform Bar Exam ("UBE") cut score (270) in the country. And Tennessee, like Arizona, is surrounded by UBE states with lower cut scores to which Tennessee bar examinees scoring 260-269 can transfer their UBE scores.[17] In our experience working with LMU Law graduates who score in the 260-269 range on the Tennessee bar exam, many do choose to retake the UBE here in Tennessee in an effort to become licensed in our state. However, many others elect to simply transfer their eligible UBE score to a neighboring state and begin their legal careers there. An alternative licensure program with the opportunity for an apprenticeship or supervised practice in a public service position or underserved region of our state potentially could be attractive to these law school graduates who already are considered competent to practice in other states and keep them in Tennessee.

Finally, although it is not exactly an alternative pathway to licensure, LMU Law believes that the Court should further study the possibility of permitting students who are in their last semester of law school to sit for the February bar exam. The National Conference of Bar Examiners' *Comprehensive Guide to Bar Admission Requirements* indicates that law students currently are eligible to take the bar exam before graduation in 16 states.[18] In addition, the Georgia Supreme Court announced recently that it would be allowing third-year students to sit for the Georgia Bar Exam when begins to administer the NextGen UBE in July 2028, reinstating a practice that Georgia had in place from 1974 to 1997.[19] LMU Law graduates who live or plan

---

[17] These include Alabama (260), Kentucky (266), Missouri (260), and South Carolina (266). *See Uniform Bar Examination*, National Conference of Bar Examiners, https://www.ncbex.org/exams/ube/ube-minimum-scores (last visited Apr. 27, 2026).

[18] National Conference of Bar Examiners, *Promulgation of Rules, Prelegal Education Requirements, Law Student Registration, and Bar Exam Eligibility Before Graduation*, Comprehensive Guide to Bar Admission Requirements, https://reports.ncbex.org/charts/chart-1/ (last visited Apr. 27, 2026).

[19] *Georgia to Adopt NextGen Bar Exam*, Supreme Court of Georgia, (Jul. 31, 2024), https://www.gasupreme.us/07-31-2024-georgia-to-adopt-nextgen-bar-exam/.

to practice in rural areas or small towns are unlikely to either be independently wealthy or have secured a position with an employer who is willing to support them financially while they study for the bar exam. This places a significant financial burden on these graduates who, even if successful their first time taking the bar exam, must wait five months after graduation to receive their bar results, be sworn in to the bar, and begin serving clients. If students had the option of taking the February bar exam during their last semester of law school, they would receive their results in April and be able to be sworn in immediately upon completion of their last semester of law school and conferral of their J.D. degree.

To be sure, were the Court to change its Rules to allow students in their last semester of law school to take the Tennessee bar exam, it would raise some challenging questions for Tennessee's law schools. Among them would be determining whether only certain students (i.e., those with a minimum GPA or who have taken all bar-tested subjects) should be eligible for this option and whether any curricular revisions should be adopted for students who choose it to ensure they are fully prepared for the February bar exam. However, if the Court is concerned about the financial burden of legal education and the licensure process on new lawyers, this one change has the potential to help enormously. As Georgia Supreme Court Chief Justice Michael Boggs stated in the announcement that Georgia was reinstating this practice:

> "[T]he Court hopes to ease the financial burden placed on aspiring lawyers who are nearing the end of law school by allowing those who are qualified to be employable sooner. The Court also hopes resuming this practice will be beneficial to state agencies, as well as district attorney and public defender offices, that are looking to hire qualified candidates to fill vacancies across the State and especially in rural areas."[20]

[20] Id.

Additional Perspectives and Conclusion

There are myriad ways that the Court and, more broadly, all three branches of our state government, could help address the rural access-to-justice problem in Tennessee beyond the study of the seven issues raised in the Court's Order. Our LMU Law alumni who are practicing in rural counties, many of whom grew up in their communities, have told us that they are committed to rural and small-town practice. Moreover, numerous alumni have emphasized that by establishing strong personal and business ties and a good reputation, perhaps taking appointed work initially, and building a general practice that is responsive to the needs of their communities, they have been able to make a good living in a rural area or small town and support themselves and their families. That said, these alumni identify numerous challenges to rural and small-town practice, including:

- Inability to pay: LMU Law alumni have confirmed that many Tennesseans cannot afford legal services at all. Almost all these lawyers have provided pro bono or "low bono" legal services at a free or reduced rate. Still, there has been an increase in *pro se* litigants, which creates frustration for both judges and the attorneys appearing against those litigants. One General Sessions Judge in a rural county expressed concern that the need for him to help guide *pro se* litigants through the civil litigation process can be in tension with provisions in the Code of Judicial Conduct that prevent judges from assisting parties in litigation. Lawyers described the additional cost to their clients from their having to respond to frivolous pleadings filed by adverse *pro se* parties.
- Lack of value placed on legal services: Our alumni also have identified another set of clients whom they believe could afford to pay something in return for legal services, but who simply do not value the services these lawyers are providing. These attorneys are

already charging rates well below those of lawyers in our state's larger cities. However, the prevalence of online legal service providers, the provision of forms to *pro se* litigants, and, more recently, the ubiquitousness of free AI resources such as Chat GPT and Google Gemini, has led some of their neighbors to believe that a lawyer is an unnecessary luxury. One alumna in a small town in Middle Tennessee memorably quipped: "The average consumer likely does not believe he/she can perform his/her own tonsillectomy or wisdom tooth extraction but believes he/she is capable of representing himself/herself in a divorce action. In short, our knowledge and services are undervalued in the marketplace and misunderstood."

- Need for "clean up" services: Almost every attorney in private practice to whom we spoke relayed a story about a client hiring them to fix a legal problem created by prior legal representation that was inadequate or non-existent. One alumnus described a trust that had been set up using a standard form years ago for a client's parents by a financial advisor that included neither a named trustee nor a beneficiary. His client subsequently had to invest an extensive amount of time and money to unwind the trust. Another alumna described clients who have created business entities and drafted operating agreements themselves who later seek advice on business difficulties they failed to anticipate through this "one-size fits all" approach to entity formation. And another alumna noted how her years of experience litigating family law cases informs her advice to clients when drafting divorce pleadings, allowing her to foresee potential issues that a *pro se* litigant using a form simply could not.
- Lack of mentoring: Some alumni expressed that, while they have figured out a way to build a successful practice, this often was through "trial and error." In some cases,

lawyers expressed that they had difficulty finding mentors because the experienced attorneys in their communities view them as competition.

- Limited infrastructure: Some alumni practicing in rural areas and small towns value the quality of life that living in their community provides (i.e., lower cost of living, lack of a commute, proximity to the natural beauty of our state). Others, particularly those with young families, describe having to live in urban or suburban areas and "reverse commute" to their job in a rural county because of the lack of child-care options, enrichment activities for their children, and basic necessities such as grocery stores in the areas where they work.

These challenges raised by the LMU Law alumni to whom we spoke are felt by rural and small-town lawyers throughout our state. Fully addressing them is beyond the scope of the seven issues set forth in the Court's Order; indeed, it requires a response to economic factors that have been at work throughout rural America for decades. It is notable that some programs to address the rural access-to-justice gap in other states have included increased funding for financial incentives or loan forgiveness programs to encourage young lawyers to establish and continue legal practices in underserved areas.[21] If these programs could be developed in Tennessee, it would help mitigate some of the financial challenges that young rural and small-town lawyers face in the early years of establishing their practices.

While much in this area is uncertain, what is clear is that addressing the rural access-to-justice problem in Tennessee is going to take a collaborative effort by this Court, which regulates

---

[21] *See*, e.g., Sam Holzschuh, *Incentivizing Attorneys to Work in the Legal Deserts of Rural America*, ABA Young Lawyers Division (Jan. 13, 2025), https://www.americanbar.org/groups/young_lawyers/resources/tyl/public-service/incentivizing-attorneys-to-work-legal-deserts-rural-america/.

our profession; the rest of the judicial branch, which witnesses and works to resolve the problems caused by our access-to-justice gap every day; the other branches of our state government, which set policy and control the levers of funding; our state's law schools, which develop and implement curriculum, educate our future attorneys, and are attuned to the successes and challenges faced by our recent graduates; the practicing bar, which shares the obligation to train young lawyers and has a duty to uphold the rule of law and further the effective administration of justice; and the private sector, which has a business interest in having effective legal services available in all corners of our state. LMU Law is grateful to the Tennessee Supreme Court for shining a light on this problem and being proactive in addressing it. We stand ready to assist the Court as it enters the next stages of its process.

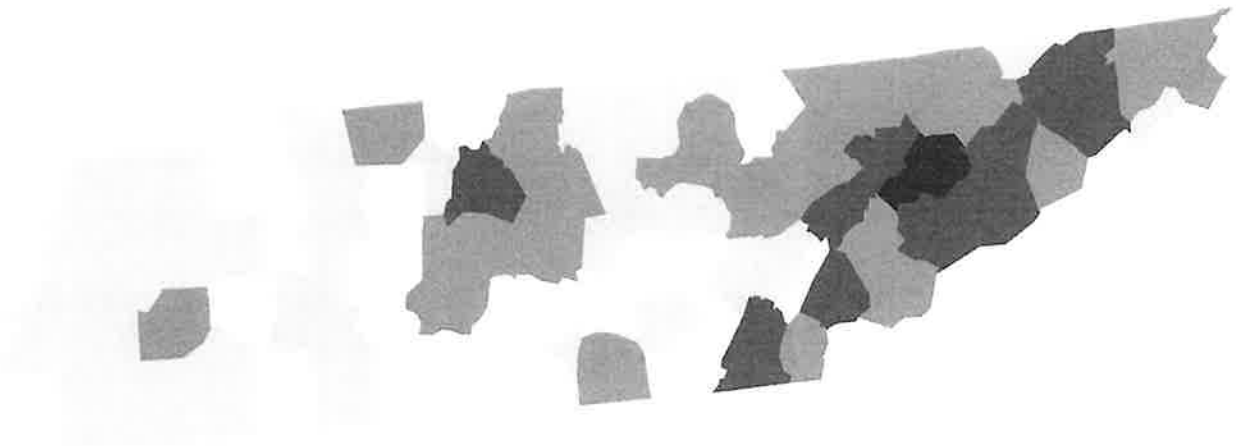
Respectfully submitted,

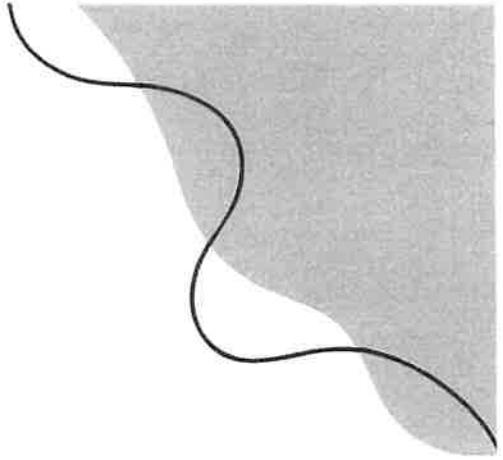
Matthew R. Lyon
Vice President & Dean
Lincoln Memorial University Duncan School of Law

April 30, 2026

Exhibit A

WHERE ARE OUR ALUMNI PRACTICING?





LMU Attorneys in Tennessee

- >275
- 10-30
- 3-9
- 1-2

LMU | Duncan School *of* Law
LINCOLN MEMORIAL UNIVERSITY

Kim Meador

From: Bethany Jackson <bethany@tnjfon.org>
Sent: Thursday, April 30, 2026 11:55 AM
To: appellatecourtclerk
Subject: Re: Regulatory Reform No. ADM2025-01403

ADM2025-01403

Warning: Unusual sender <bethany@tnjfon.org>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Sir or Madam:

I urge you to reject the proposed rule to permit non-attorney ownership of law firms and to permit paraprofessionals to practice law in Tennessee. I am an immigration attorney, and I see first-hand how immigrants suffer when legal services are provided by unskilled and undereducated paraprofessionals who claim expertise they do not possess. A small misstep in immigration proceedings can prevent a client from achieving their American dream. My office, for example, would face a steady stream of consultations with people we cannot help after a "paraprofessional" ruined their lives by failing to screen for all relevant factors, filing a baseless request for immigration relief, or filing an erroneous or inadequate request for immigration relief. A simple error could result in the client's removal from the United States.

There may be areas of law that are amenable to a greater role for paraprofessionals. But immigration law is not one of those areas. Again, I urge the courts of Tennessee not to adopt the proposed rule allowing non-attorney ownership of law firms and unsupervised paraprofessional insertion into the extraordinarily detailed and consequential work of immigration attorneys.

Best regards,

Bethany Jackson
Senior Counsel
TN Justice for Our Neighbors
2195 Nolensville Pike
Nashville, TN 37211
615.538.7481
bethany@tnjfon.org

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PUBLIC COMMENTS ON POTENTIAL REGULATORY REFORMS TO INCREASE ACCESS TO QUALITY LEGAL REPRESENTATION

No. ADM2025-1403

COMMENTS BY TENNESSEE BOARD OF LAW EXAMINERS

The Tennessee Board of Law Examiners hereby comments on the Tennessee Supreme Court's administrative Order issued on September 16, 2025, Case No. ADM2025-01403.

I. Introduction.

On September 16, 2025, the Tennessee Supreme Court, in its capacity as the licensing authority for attorneys and regulator of the practice of law in Tennessee, entered an administrative Order. The Order addresses the relationships among legal educational institutions, the accrediting authorities for law schools, attorney licensing requirements, and societal needs for legal representation, especially among lower-income persons. In particular, the Court has expressed interest in potential regulatory reforms "of the legal profession to ensure that all Tennesseans have access to affordable quality legal services." Order at 4.

In its order, the Court solicited commentary in these issues from, among other stakeholders including educational institutions, the Tennessee Board of Law Examiners. The Court posed the following

questions:

(1) Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar;

(2) Whether there are any practicable alternatives to ABA accreditation that the Court should consider;

(3) Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law;

(4) Whether the Court should consider adopting alternative pathways for admission to the Tennessee Bar—for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization;

(5) Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other States to promote interstate practice and mobility;

(6) Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing; and

(7) Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with nonlawyers.

Order at 4–5. The Court directed that the Board's "[c]omments should take into consideration the Court's goals of lowering barriers to entry into

the legal profession and ensuring the availability of affordable legal services to Tennesseans, while also ensuring the competency of Tennessee's attorneys and safeguarding the public." *Id.* By subsequent order, the Court extended the Board's deadline for responding up to and including April 30, 2026.

The Tennessee Board of Law Examiners and its Executive Director appreciate the opportunity to comment on these matters and have given careful thought to them. This document provides the Board's responses, set out below.

II. Tennessee Bar Admission Rules and the Role of the Tennessee Board of Law Examiners.

Under the Tennessee Constitution, the Tennessee Supreme Court has supreme power over the State's judicial branch. Tenn. Const. Art. VI, § 1. Inherent in this authority is the Court's exclusive power and obligation to regulate the practice of law in Tennessee. *See* Tenn. Const. art. VI, § 2; *Bd. of Prof'l Resp. v. Walker*, 638 S.W.3d 127, 129 (Tenn. 2021). This includes the power to establish and enforce rules and requirements for the licensing of attorneys. *See* Tenn. Code Ann. § 23-1-103; T.C.A. § 23-1-108; Tenn. Sup. Ct. R. 7, § 1.01; *In re Sitton*, 618 S.W.3d 288, 294 (Tenn. 2021); *Belmont v. Bd. of Law Exam'rs*, 511 S.W.2d 461, 462–64 (Tenn. 1974). This power has been aptly described as "indispensable to the orderly administration of justice" in Tennessee. *Barger v. Brock*, 535 S.W.2d 337, 342 (Tenn. 1976).

Although the legislature established the Tennessee Board of Law Examiners in 1903, *see* Tenn. Code Ann. § 23-1-101; 1903 Tenn. Pub. Acts ch. 247, the Board and its Executive Director and staff comprise a

judicial agency that operates under the Supreme Court's power. *See* Tenn. Sup. Ct. R. 7, § 12.07; *Belmont*, 511 S.W.2d at 463–64; Lewis R. Hagood, *A Brief History of the Tenn. Bd. of Law Examiners & the Standards for Bar Admissions in Tenn.*, 71 Tenn. L. Rev. 571, 571 (2004).

The Supreme Court has explained that a "license to practice law in this state is not a right, but a privilege." *Hornbeck v. Bd. of Prof'l Resp.*, 545 S.W.3d 386, 396 (Tenn. 2018) (citation omitted). This is because the "property, rights, liberties and lives of people are continuously entrusted to lawyers. So, the State is vitally interested in the qualifications and integrity of those into whose hands such vital trusts are continuously placed." *In re Tenn. Bar Ass'n*, 532 S.W.2d 224, 228 (Tenn. 1975) (citation omitted).

Moreover, lawyers licensed to practice law in Tennessee, having sworn to uphold the Constitutions of the United States and Tennessee, also serve as "officers" of the courts, thereby playing a fundamental role in American democracy. *See* Tenn. Sup. Ct. R. 7, § 1.05(1); Tenn. Sup. Ct. R. 6(3)–(4); *State v. Bomer*, 179 Tenn. 67, 162 S.W.2d 515, 520 (1942). The Court has thus stated that a "license to practice law in this State is a continuing proclamation by the Court that the holder is fit to be entrusted with professional and judicial matters, and to aid in the administration of justice as an attorney and as an officer of the Court." *Bd. of Prof'l Resp. v. Barry*, 545 S.W.3d 408, 426 (Tenn. 2018) (internal quotation marks omitted); *see In re Bowers*, 200 S.W. 821, 822 (Tenn. 1918).

The Supreme Court's rules for Tennessee bar admission typically require, among other things, an applicant's graduation from a law school

accredited by the American Bar Association or from a Tennessee law school approved by the Board, each of which involves a minimum three-year course of study. Tenn. Sup. Ct. R. 7, § 2.02. The Rules also currently permit admission by comity or transferred Uniform Bar Exam score, which when applicable does not require the applicant to retake the bar exam. See Tenn. Sup. Ct. R. 7, §§ 3.05 & 5.01. All applicants must undergo a character-and-fitness review. Tenn. Sup. Ct. R. 7, § 6.

The Supreme Court has tasked the Board and its Executive Director and staff with implementing these and other portions of Tennessee Supreme Court Rule 7, which govern the licensing of attorneys in Tennessee. In addition to carrying out administrative functions, in implementing Rule 7, the Board and its Executive Director and staff are operating to "protect the public from the misconduct or unfitness of [applicants to] the legal profession, and [to] preserve the confidence of the public in the integrity and trustworthiness of lawyers in general." *Barry*, 545 S.W.3d at 426 (internal quotation marks omitted).

The Board's comments provided here are made with these rules and mandates in mind.

III. Comments on the Court's Questions.

Each of the Court's questions are reproduced and commented on below.

> Question (1): **Whether the Court should modify, reduce, or eliminate its reliance on ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar.**

The Board does not recommend any systemic modification, reduction or elimination of the Court's reliance upon ABA accreditation

for purposes of setting minimal educational requirements for applicants to the Tennessee bar. *See* Tenn. Sup. Ct. R. 7, § 2 (educational requirements).

Broadly speaking, there are two pathways to bar admission in Tennessee. First, there is regular admission by taking the bar exam administered in Tennessee (the Uniform Bar Exam created by the National Conference of Bar Examiners), by transferred UBE score obtained by taking the UBE in another jurisdiction, or by comity admission for persons with sufficient time in practice to warrant not requiring the taking of another bar exam. *See* Tenn. Sup. Ct. R. 7, § 1.01(a); *id.*, § 3.05 (transferred UBE score); *id.*, §§ 3.01 & 4.01 et seq. (Tennessee bar exam); *id.*, §§ 5.01 et seq. (comity admission without taking another exam).

Second, there are special kinds of admission and limited admission. *See, e.g.,* Tenn. Sup. Ct. R. 7, § 10.01 (registration by in-house counsel); *id.*, § 10.06 (spouse of military service member). For the most part, the same educational requirements apply to applicants under each path to admission: an undergraduate degree or its equivalent; and a three-year degree from an ABA-accredited law school. *See, e.g.,* Tenn. Sup. Ct. R. 7, §§ 2.01–2.02 (educational requirements); *id.*, § 3.01(a)(1) (Tennessee bar exam); *id.*, § 3.05(a)(2) (UBE transfer); *id.*, § 5.01(a)(1) (comity); *id.*, § 10.06(a)(3) (spouse of military service member).

The Court appropriately raises concerns in its September 16, 2025, Order soliciting comments that "the current supply of legal services in the United States is insufficient to meet the needs of many Americans." Order at 2. "Further, there is a growing concern regarding the lack of

access to legal services in rural areas, or so-called 'legal deserts.'" *Id.* at 3 (citing Lisa Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL. REV. 15 (2018)). The Board agrees that that many Tennesseans face regrettable barriers to justice and legal representation and wholeheartedly concurs that access to justice should be increased.

At the same, the Court must balance this important interest in increasing the supply of legal services, particularly in "legal deserts," with other, equally important objectives that the Board is tasked with carrying out: ensuring that the public receives competent, high-quality legal services; protecting the public by not licensing persons who are unlikely to provide competent and scrupulous legal representation; and upholding the integrity of the legal profession and the role of licensed attorneys as officers of this Court. These are considerations of paramount importance. The Court will not ultimately be helping the public, but will be hurting the public, if lowering admission standards results in needy persons receiving legal representation by less-than-competent or unscrupulous lawyers.

Currently, and for some time, the Court has relied primarily on the ABA to determine whether law-school education is deemed sufficient to warrant permitting an applicant to take the Tennessee bar exam or admitting an applicant who has taken the bar exam elsewhere:

> Any applicant seeking admission must have completed a course of instruction in and graduated with a J.D. Degree from a law school accredited by the ABA at the time of applicant's graduation, or a Tennessee law school approved by the Board pursuant to section 17.01 of this Rule at the time of the

applicant's graduation.

Tenn. Sup. Ct. R. 7, § 2.02(a). This requirement is cross-referenced in the requirements for various forms of regular licensing to practice law, as noted above. Except for its review of the Nashville School of Law, a Tennessee law school not accredited by the ABA, Tenn. Sup. Ct. R. 7, § 17, the Board is thus able to rely on ABA accreditation to determine that an applicant meets this Court's law-school educational requirement.[1]

As this Court has endorsed, "Essential characteristics of the lawyer are *knowledge of the law, skill in applying the applicable law to the factual context, thoroughness of preparation, practical and prudential wisdom*, ethical conduct and integrity, and dedication to justice and the public good." Tenn. Sup. Ct. Rule 8, Note [1] (emphasis added). The stated Core Goals of the ABA Council on Accreditation reflect an effort to ensure that a legal education develops these essential characteristics in students. Those Core Goals are stated as follows:

1. Accreditation requires that law schools maintain a rigorous program of legal education that prepares their students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession;

2. Accreditation protects against the economic exploitation of law students and ensures applicants and the public receive accurate information about the program;

3. Accreditation protects clients, the public, and the legal

[1] There are about 30 non-ABA accredited law schools in the United States. *See* LSAC, https://www.lsac.org/choosing-law-school/find-law-school/other-law-schools.

system by helping to ensure that lawyers are competent to fulfill their professional responsibilities;

4. Accreditation Standards must reflect changing forms and methods of law practice;

5. Accreditation Standards support and promote the rule of law.

American Bar Association, *Legal Education & Admissions to the Bar, Core Principles & Values of Law School Accreditation* (August 2025).

Currently, the ABA is the primary, if not the only, nationally recognized accreditor for law schools across most jurisdictions in the United States. The Board understands that other accrediting institutions are typically limited to the educational programs of a particular state or do not focus primarily on legal education. The State Bar of California's Committee of Bar Examiners, for example, undertakes to determine accreditation of non-ABA-approved laws schools in California. *See* CBE, https://calawschools.org/#:~:text=The%20Law%20Schools,Association%20(ABA)%20law%20schools.

The widespread acceptance of ABA accreditation maintains uniformity in the evaluation of legal educational programs across the country that simply cannot currently be done any other nationwide accrediting body. Rule 7 of the Tennessee Supreme Court, as currently stated, permit the Board and this Court to accept, with confidence, the training of the vast majority of applicants to the Tennessee bar, without the need to independently verify their legal education programs. The ABA has been accrediting law schools for over 100 years, and it brings a level of experience and skill to the process without peer in the profession.

In the absence of another accrediting institution that could currently provide similarly robust, reliable accreditation standards and review capabilities, eliminating systemic reliance on the ABA's accreditation process could, and likely would, shoulder the Court and the Board with overwhelming administrative burdens, including setting reliable accreditation standards and review processes for evaluating law schools throughout not just Tennessee or the Southeast, but the entire nation. The Board believes that these burdens cannot be properly met with the current, limited financial resources available to the Court and the Board.

Further, in the absence of another accrediting institution that could imminently provide robust, reliable accreditation standards and review capabilities, modifying or reducing systemic reliance on the ABA's accreditation process on a large scale could still be undertaken reliably only with a significant investment of financial resources by the State. In effect, the Board and the Executive Director's staff would need to be supplemented with state-funded employees or independent contractors that have the knowledge and expertise to carry our rigorous and reliable accreditation processes.

Because the Board's operations, including its Executive Director and staff, are by statute funded solely by fees collected on the administrative services provided to applicants. *See* T.C.A. § 23-1-101(b); T.C.A. § 23-1-106. Rates charged for the services of the Executive Director and staff have struggled to remain adequate as applications for admission in Tennessee have risen in recent years, with the result that Tennessee is now among the top 15 states in the country for numbers of

applications of all kinds.

Were another higher-education accrediting institution to add capabilities for rigorously and reliably assessing law-school education, and if that institution were to provide accreditation services concerning law school, then the Court could choose to modify or reduce reliance on the ABA to include reliance on that institution. The Court could eventually choose to rely on that institution's accreditation instead of accreditation by the ABA. But the Board advises strongly against choosing to no longer rely on the ABA's accreditation in the absence of another, suitably qualified accrediting institution. Neither the Court nor the Board and the Executive Director's office have the expertise or capacity to reliably and rigorously assess law schools across the country.

Moreover, under the current circumstances, modifying, reducing or eliminating reliance on the ABA's accreditation process would not advance the goals set forth in the Court's Order seeking comment. That is, a change to the current procedures would reduce, not increase, the number of programs approved by the Court for consideration of licensure, thus creating additional barriers to practice in Tennessee and further limiting the number of lawyers available to address Tennessean's unmet legal needs. The change would not result in an increase of approved programs under the current Rules, *see* Tenn. Sup. Ct. R. 7, § 2.02, and it could potentially strip some programs of their currently approved status.

The Board also thinks that current passing scores for the UBE in Tennessee and elsewhere reflect realistic competency requirements. Permitting graduates of more non-ABA-accredited law schools to take the Tennessee bar exam would likely simply result in a lower bar-passage

rate. Lowering Tennessee's passing UBE score would likely result in the licensing of applicants that do not possess the analytical and related skills required to practice law competently.

In sum, the ABA accreditation process remains an important and invaluable tool for the Board and the Court to rely on to establish the academic rigor of those applying for admission to the Tennessee bar. ABA accreditation currently provides a clear, uniform, recognized, reliable, and effective standard for the evaluation of legal education-based programs. The Board believes the current rules adopted by the Court strike an appropriate balance between reliance on the ABA and alternative criteria, such as approval of graduates of the Nashville School of Law for admission to the Tennessee bar, provided other requirements are met.

The Board believes that the Court's current rule has struck an effective balance between reliance on ABA accreditation standards and a few other, alternative pathways, to effectively ensure a qualified, competent bar.

> Question (2): **Whether there are any practicable alternatives to ABA accreditation that the Court should consider.**

There are a number of practicable alternatives to ABA accreditation for evaluating applicants for admission to the Tennessee bar on a very limited, non-systemic, applicant-by-applicant basis. The Court, through Rule 7, has already embraced such alternatives in Rule 7, § 2.02(d). Rule 7, § 2.02 provides in part:

> (a) Any applicant seeking admission must have completed a course of instruction in and graduated with a J.D. Degree

> from a law school accredited by the ABA at the time of the applicant's graduation, or a Tennessee law school approved by the Board pursuant to section 17.01 of this Rule at the time of the applicant's graduation.
>
> * * *
>
> (d) An attorney who received a legal education in the United States or a U.S. Territory but is ineligible for admission because the law school attended does not meet the requirements of paragraph (a) above may be considered for admission by examination or transferred UBE score provided the attorney satisfies the following educational, licensing, and practice requirements: (1) The attorney holds a J.D. Degree, which is based on in-person attendance, from a law school approved by an authority similar to the Tennessee Board of Law Examiners in the jurisdiction where the law school exists and which requires the equivalent of a three-year course of study that is the substantial equivalent of the legal education provided by approved law schools located in Tennessee....

See Tenn. Sup. Ct. R. 7, § 2.02(a), (d) (also imposing other requirements).

Taken together, these subsections permit the admission of the following types of applicants: (1) applicants who have graduated from an ABA accredited program; (2) applicants who have graduated from a non-ABA-accredited Tennessee law school that has been approved by the Board; and (3) applicants who have graduated from any other law school in the United States or its territories, provided that the applicant meets the other requirements of subsection (d), including that the law school's program has been approved by a licensing authority of the state or territory in which the school sits and an appropriate evaluating body has determined that the education is substantially equivalent to that provided by approved law schools in Tennessee. In effect, provided that

the prerequisites are met to ensure competency, an applicant who has graduated from any law school in the United States, whether ABA-accredited or not, already has a pathway to potential admission.

Permitting admission to the Tennessee bar this way does not impose on the Board, the Executive Director, and the staff the heavy and costly administrative burdens posed by eliminating reliance on ABA accreditation. This pathway assumes that the vast majority of applicants will have graduated from an ABA-accredited law school and that applicants seeking admission via this route constitute a seldom-used exception. Further, the cost of obtaining an equivalency analysis is borne by the applicant.

This minority pathway already applies to various forms of admission to the Tennessee bar:

- An applicant may apply for comity admission pursuant to Tenn. Sup. Ct. R. 7, § 5.01 by relying on the educational criteria set forth in § 2.02(d);

- The Court permits admission of foreign-educated applicants under Tenn. Sup. Ct. R. 7, § 7, which allows admission so long as the law school or undergraduate institution is approved by the accrediting agency for that jurisdiction and other prerequisites are met, including a reliable educational-equivalence assessment paid for by the applicant, Tenn. Sup. Ct. R. 7, § 7.01(b).

- An applicant seeking to register as in house counsel, under Tenn. Sup. Ct. R. 7, § 10.01(a), need not have graduated from an ABA-accredited school so long as that applicant is "admitted to the practice of law in another U.S. jurisdiction or is a foreign lawyer who is employed as a lawyer by an organization."

- Individuals may obtain permission to engage in limited practice as part of an Experiential Learning Program without a degree conferred by an ABA accredited program pursuant to Tenn. R. Sup. Ct. 7, § 10.02.

In short, there are multiple avenues currently available under the existing rules to permit an individual to provide legal services in the State of Tennessee without reference to, or requirement of, graduation from an ABA-accredited law school. Again, these exceptions are limited, and processing applicants under these exceptions imposes reasonable administrative burdens.

The Board believes these rules already strike an adequate, appropriate balance by providing multiple pathways to the practice while still ensuring the integrity of the legal profession through effective gatekeeping. The Board would not recommend any modification to these rules at this time.

Question (3): **Whether there are less costly alternatives to the traditional three-year law school curriculum that would adequately prepare individuals for the practice of law.**

Yes. The Board thinks that combining an undergraduate degree program with a law-degree program could expedite the educational process and would promote affordability. This could work in various ways, such as by reducing the law-school-only education to two years by effectively including a first year of law school within the undergraduate program.

Most Tennessee law schools have in fact adopted a hybrid approach by creating six-year degree programs that combine the last year of a bachelor's degree program with the first year of a law degree program.

Tennessee Supreme Court Rule 7 already accepts graduates of these programs, so long the graduate has completed the requirements for both a bachelor's degree or higher and a juris doctorate degree before taking the bar examination. *See* Tenn. Sup. Ct. R. 7, §§ 2.01(a), 2.02(a).

This hybrid path does not present an alternative to law school as much as it presents just a shorter, more economical path to getting a law degree. Integrating the two levels of educational programs can enable students to reduce overall costs by saving on tuition and other expenses while earning both a bachelor's degree and juris doctorate in a shorter time period.[2] Additionally, because undergraduate tuition is often lower than law-school tuition, the ability to substitute the final undergraduate year for a first year of law school can reduce overall educational costs and student-loan burdens. Graduates taking advantage of this structure can enter into the legal workforce quicker, which can promote and propel greater earning potential.

Another viable alternative to three years of legal classroom study may be a program in which the third year of law school is practice-based, paid or unpaid, with perhaps reduced tuition.

For example, the Nashville School of Law,[3] a successful non-ABA-accredited law school recently re-approved by the Tennessee Supreme

---

[2] Absent a change to the structure of the educational system in the United States, perhaps consistent with the educational system in Great Britain, the Board does not have recommendations specific to structural changes to legal education.

[3] NSL meets the standards for state-approved schools found in Tennessee Supreme Court Rule 7, Article XVII.

Court in agreement with the Board's positive recommendation, offers a low-cost alternative to traditional three-year law programs. The Nashville School of Law offers night classes to students, most of whom have day jobs and many of whom travel great distances to attend classes. Classes are taught by local judges and practicing Tennessee lawyers, and clinical experience includes placements for internships and externships with weekend clinics. Expanding the Nashville School of Law, for example, to include satellite campuses in East and West Tennessee, particularly if located in rural, underserved areas, would provide a low-cost alternative to people who are more likely to stay in Tennessee to practice law.[4] Creating similar law schools in Tennessee in other areas, whose focus mirrors the mission of the Nashville School of Law of providing a lower-cost law-school education to persons who intend or are likely to practice locally could help address access-to-justice issues.

> Question (4): **Whether the Court should consider adopting alternative pathways for admission to the Tennessee Bar – for example, by allowing applicants to satisfy the minimum educational requirements and/or examination requirement in part by completing an apprenticeship or serving with a legal aid organization.**

Apprenticeship as the path to licensing was an original model for law licensure in the United States. Eventually, law schools were developed to provide better, more reliable legal education, and bar exams began to be implemented. *See generally* Peter A. Joy, *The Uneasy History*

---

[4] The Board's role is to determine if the program offered by a law school will meet the requirements established by the Court regarding measurement of competency, knowledge, skills, and ability.

of Experiential Education in U.S. Law Schools, 122 DICK. L. REV. 551, 552 (2018). Tennessee joined this trend around the beginning of the 20th century, when the Board of Law Examiners was created. *See* Tenn. Code Ann. § 23-1-101; Hagood, *supra*, at 572.

Some jurisdictions recently have adopted alternative pathways to bar licensing that may include supervised practice or completion of a body of work alone or in conjunction with one or more years of law school. The programs are relatively new and, currently, the Board does not have enough information to make recommendations regarding such programs. But the Board and its Executive Director have been studying these programs and are considering how licensing in another jurisdiction under these alternative pathways will interact with admission in Tennessee under Rule 7 as it currently reads. These considerations include, but are not limited to, whether it is necessary for the apprenticeship program to be linked to standards for the knowledge and skills required of attorneys and whether the program must include consistent measures of the independent knowledge, skills, and abilities of each participant.

Other considerations that affect a decision on alternative pathways include: (1) identifying who would administer such programs if they were adopted in Tennessee; (2) whether administration of such programs would be part of a formal legal educational program or the Court or one of its agencies would be responsible for determining compliance with the pathway's requirements; (3) whether administration of such programs and determinations concerning compliance would have formalized verification and oversight processes; (4) the costs involved in assessing a participant's compliance and identifying who would do the assessment;

and (5) how the applicant's participation costs would be determined and borne. These are but a few considerations for alternative pathways.

The National Conference of Bar Examiners recently published an article, "Evaluation and Development of Pathways to Legal Licensure," *The Bar Examiner,* Summer 2024 (Vol. 93, No. 2), https://thebarexaminer.ncbex.org/article/summer-2024/evaluation-development-of-pathways-to-legal-licensure/, which includes a robust discussion of these issues, including considerations, accessibility, responsibility, compliance, cost, and fairness. The Board and its Executive Director will continue to review these programs as they develop.

> Question (5): **Whether the Court should consider modifying requirements for admission to the Tennessee Bar for those licensed in other States to promote interstate practice and mobility.**

Tennessee Supreme Court Rule 7 already includes many provisions that favor lawyer mobility. Rule 7 includes a path to admission for graduates of state-approved law schools in § 2.02(d), admission by transferred Uniform Bar Examination score in § 3.05, admission without examination in § 5.01, temporary admission for members of the military and spouses of military service members in § 10.06, and temporary admission for law professors working in law school experiential learning programs in § 10.02. Additionally, for lawyers moving to Tennessee, Rule 7, § 10.07, permits practice for up to one year pending admission by lawyers licensed and in good standing in another jurisdiction.

Presently, Tennessee Supreme Court Rule 7, § 5.01, admission without examination, requires a lawyer to demonstrate that the lawyer

has been primarily engaged in the active practice of law for five of the seven years immediately preceding the date of the application. For admission by transferred UBE score, a score is valid for three years after the date the scores for the exam were released in Tennessee. This leaves a gap of two years during which a lawyer will not have an unexpired score to transfer and generally will not have been engaged in the practice of law for at least five years. To fill the two-year gap, Rule 7 includes a provision that extends the viability of an otherwise expired UBE score when the lawyer transferring the score can demonstrate that the lawyer has been primarily engaged in the active practice of law for three of the five years immediately preceding the date of the application or the date scores expire, whichever is later. Tenn. Sup. Ct. R. 7, § 3.05(b).

The ABA Model Rule on Admission by Motion (Aug. 6, 2012), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/model_rule_admission_motion.authcheckdam.pdf, includes an active-practice-of-law requirement of three of the five years immediately preceding the application, rather than five of the previous seven years. Score portability can be streamlined with a direct path of admission on UBE score to admission without examination.

Therefore, the Board recommends amending Tennessee Supreme Court Rule 7, § 5.01(a)(3), to change the time in practice requirement to "three of the five years immediately preceding the date upon which the application is filed." Consistent with that change, two provisions related to UBE score transfer applicants would need revision: delete Rule 7, § 3.05(b), and amend Rule 7, § 4.07(c) to delete the language following the first two sentences of that paragraph. The Board thinks this change

would further promote lawyer mobility of practice across states.

> Question (6): **Whether any legal services currently provided by lawyers could be competently provided by paraprofessionals and, if so, what qualifications, limitations, or subject matter restrictions the Court should consider imposing.**

The Board understands that currently four states—Arizona, Minnesota, Oregon, and Utah—have implemented programs that provide non-lawyers with a limited license to provide services to clients with "uncomplicated legal needs" who are unable to pay an attorney. *See* "How States Are Using Limited Licensed Legal Paraprofessionals to Address the Access to Justice Gap," *ABA Blog* (February 2, 2026), https://www.americanbar.org/groups/paralegals/blog/how-states-are-using-non-lawyers-to-address-the-access-to-justice-gap/. The State of Washington, which created a "Limited License Legal Technician" ("LLLT") program in 2012, sunset its program in 2020 due to low participation and high costs, although currently licensed technicians are still permitted to practice. *Id.* While the four active programs differ in several respects, each program has demonstrated strengths and weaknesses.

For example, a 2024 Arizona survey reported strong client satisfaction with paraprofessional representation, including the fee structure, which on average was $27.00 per hour less than the average Arizona attorney hourly rate. *See* Arizona Supreme Court, *Assessing Arizona's Legal Paraprofessionals: 2024 Program Survey,* at 15, assessing_arizonas_legal_paraprofessionals_2024_survey.pdf. Nonetheless, some weaknesses with the program have included the

absence of a reliable public count of the total people served; uneven geographic reach, which still includes coverage gaps in rural areas; and the difficulty of licensure (low passage rates). *See generally id.*

Minnesota, which made its pilot program permanent in 2025, reported 2,312 matters handled, including 1,870 housing cases and 442 family-law cases in 2023 with 58% of the matters handled outside court. *See* Standing Committee for Legal Paraprofessional Pilot Project, Final Report & Recommendations to the Minnesota Supreme Court, at 9, FINAL_REPORT_AND_RECOMMENDATIONS_TO_THE_MINNESOTA_SUPREME_COURT.pdf. Other strengths of the Minnesota program are geographic reach (over one-half of counties were reached), and generally positive feedback from clients and supervising attorneys. *Id.* at 12–13. Reported weaknesses of the Minnesota program include overall modest impact (scale issues); supervision requirements that limit independence; and the limited scope of the program. *Id.* at 7, 11, 23. Because the programs are relatively new, three of the four state programs have limited public reporting as to the number of citizens served and outcomes.

The Board does not think that the Court should imminently consider adopting a legal paraprofessional licensing program. There is a lack of verified public data to confirm whether legal paraprofessional programs actually have the effect of expanding access to legal services. There is also the limited availability of options that use licensed attorneys to provide legal services at a more affordable cost.

The Board suggests that the Court consider adopting a "modest means" program. Such a program would expand access to legal services

to Tennesseans who do not qualify for free legal services due to income and/or asset levels but who are still unable to afford legal services at market rates. The Legal Services Corporation's 2022 Report, "The Justice Gap," confirmed that the gap in access to legal services extends to the middle class. *See generally* Section 5: Comparing Income Groups, https://justicegap.lsc.gov/resource/section-5-comparing-income-groups/.

The significant increase in the number of *pro se* filings in state and federal courts (which frequently involve pro se parties use AI models to draft pleadings and briefs that the parties themselves do not understand) underscores the need to make legal services more affordable.

To address this gap, several states through their state bar associations have adopted "Modest Means" programs. These states include Arizona, Oregon, Michigan, New Hampshire, New Mexico, Louisiana, and Wisconsin (Washington State and Utah have paused their Modest Means Programs). A short summary of the state programs is set out below, with a link to their respective websites:

- **Arizona.** Arizona's Modest Means Project is a joint effort between the Arizona Foundation for Legal Services & Education and the State Bar of Arizona. It offers one-hour consultations for $75 and subsequent services at a reduced hourly rate. Website: https://www.azbar.org/for-legal-professionals/access-to-justice/modest-means/.

- **Michigan.** The State Bar of Michigan Modest Means Program connects moderate-income individuals with attorneys who agree to reduced-cost assistance. Website: https://michiganlegalhelp.org/find-lawyer/state-bar-of-michigan-modest-means-program.

- **Oregon.** The Oregon State Bar Modest Means Program matches

eligible clients with lawyers who charge reduced rates (currently tiered at $60, $80, or $100 per hour) for family law, criminal defense, and housing matters. Website: https://oregonlawhelp.org/referrals/modest-means-program-oregon-state-bar.

- **Louisiana.** The Modest Means Online Legal Directory is maintained by the Louisiana State Bar Association to help consumers find attorneys charging reduced or flat fees. Website: https://www.lsba.org/ATJCommission/ModestMeans.aspx.

- **New Hampshire.** The NHBA Lawyer Referral Service (LRS) Modest Means Program connects individuals with income between 175% and 325% of the federal poverty level with attorneys who charge reduced fees. Fees: Qualified clients pay a reduced hourly rate, typically ranging from $80 to $125. Application: There is a $25 non-refundable application fee due at the time of referral. Practice Areas: Common cases include family law, bankruptcy, landlord/tenant issues, and criminal defense (where the client is not entitled to a public defender). Website: https://www.nhbar.org/lawyer-referral-service/modest-means-legal-program/.

- **Wisconsin.** The State Bar of Wisconsin Modest Means Program is designed for low-income residents (whose household income falls between 125% and 250% of the federal poverty level). Fees: Participating attorneys agree to charge rates substantially lower than their standard fees, though the specific rate is negotiated between the lawyer and the client. Eligibility: Applicants must provide documentation of household income and assets. Practice Areas: The program handles matters in bankruptcy, consumer law, criminal law (misdemeanors/traffic), family law, and probate (wills/POA).
  Website: https://www.wisbar.org/formembers/probono/pages/modest-means-program.aspx.

There is evidence from states that have adopted modest-means programs to support the proposition that such programs make legal

services more accessible to middle income earners.[5]

The Board thinks that a modest-means program is a measure that the Court should consider adding to the agenda for its Access to Justice Commission (if not being considered already), with suggested day-to-day operations housed at the Administrative Office of the Courts and integrated into JusticeForAllTN, https://justiceforalltn.org/. This seems to be a natural fit because the Commission exists to recommend and support access-to-justice projects, and Tennessee already uses JusticeForAllTN as its public-facing legal-help hub. The program should serve the "working middle" in Tennessee: people with civil legal problems who are above legal-aid eligibility but still cannot realistically pay ordinary market rates for many legal services.

The Board recommends that the Court study existing state modest-means programs and consider adopting a program for Tennessee based on one of the existing programs. Board members would welcome the opportunity to be part of the study group, were the Court to agree that this concept should be considered.

---

[5] See the following resources: https://nhba.s3.amazonaws.com/wp-content/uploads/2025/07/25160805/NHBA-Lawyer-Referral-service-Modest-Means-Final-Report-FY-2024-2025.pdf ; https://azbar.org/media/isdkvrww/2024annreportfor2023published.pdf https://www.michbar.org/file/generalinfo/pdfs/financial_2023.pdf https://www.sbnm.org/Portals/NMBAR/BB_2025-12-10.pdf https://www.osbar.org/_docs/probono/LegalNeedsReportPartI.pdf.

Question (7): **Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers.**

The Board views this question as falling outside its mission and offers no comment.

Respectfully submitted,

TENNESSEE BOARD OF LAW EXAMINERS

Travenia A. Holden, Esq.,
President
Carolyn S. Wenzel, Esq.,
Vice President
Jason H. Long, Esq.,
Secretary-Treasurer
J. Gregory Grisham, Esq.
Robert F. Parsley, Esq.

Travenia A. Holden, Esq.
President
BPR No. 012422

Lisa Perlen, Esq.
Executive Director
BPR No. 012749

Tennessee Board of Law Examiners
511 Union Street, Suite 525
Nashville, TN 37219
ble.administrator@tncourts.gov

Certificate of Filing

On April 30, 2026, this document was submitted to the Tennessee Supreme Court by emailing it to appellatecourtclerk@tncourts.gov and by U.S. mail addressed to:

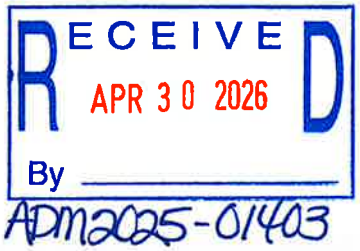
James Hivner, Clerk
Re: Regulatory Reform
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1307

Lisa Perlen, Esq.
Executive Director
BPR No. 012749

Tennessee Board of Law Examiners
511 Union Street, Suite 525
Nashville, TN 37219
ble.administrator@tncourts.gov

Kim Meador

From: Crispin Passmore <crispin@passmoreoliver.com>
Sent: Thursday, April 30, 2026 4:02 AM
To: appellatecourtclerk
Subject: Legal sector reform



Warning: Unusual sender <crispin@passmoreoliver.com>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Sirs

We advise regulators around the world on reform of their regulatory architecture. We were the architects of the introduction of ABS in England & Wales, advised Arizona Justices on their ABS program and removal of 5.4, and Utah Supreme Court on their regulatory sandbox. We also advice legal regulators in Canada, Scotland, Australia, and Hong Kong among others.

Our core consultancy practice is to support law firms, attorneys, legal technology firms and investors work together to grow their business and thereby help more people. It is a mtter of public record that we have worked in the US with KPMG US Law and EY; legal tech business such as Rocket lawyer, Legal Zoom, Hello Divorce!, Eudia and Lawhive; alternative providers such as Axiom and Elevate; and a wide range of law firms from the smallest through to the AMLAW25.

We support the introduction of reforms that increase the flow of investment in technology, talent and growth in the delivery of legal services. None of this requires any diminution of ethical standards, just a sharpening of the focus of where and how rules bite so that they protect the public, the rule of law and clients.

We have considered the comments, ideas and proposals put forward by a group of lawyer sincludign Lucian Pera. We are supportive of their analysis and ideas and proposals. We would be delighted to provide you further information on how other jurisdictions beyond the US have addressed these important issues, how regulation can facilitate greater protection and more innovation and other insights to support your analysis.

We finish by posing two thoughts:

- The question before the Court is not whether to allow capital into the legal market. It is here and its presence is increasing. The question before the Court is if you want to bring this into the sunlight and regulate it int eh public interest. If the answer is 'yes' then a removal of 5.4 and a related ABS program is essential.
- Second, lawyer mobility is limited in the interests of attorneys rather than the public. Large firms operate around these restrictions, as they do many other ethical boundaries that are poorly designed because they pretend to focus on ethical issues without acknowledging their protectionist origins. Again, it is better to sharpen the focus and permit what is already happening.

We urge reform and will support the Court in delivering that in any way we can.

Regards

Crispin

- Crispin Passmore
- Passmore & Oliver Partners
- www.passmoreoliver.com
- crispin@passmoreoliver.com
- +44 (0) 7834 856 564

PASSMORE
& OLIVER
PARTNERS

Craig Shank
CES.World PLLC
Yarrow Point, Washington
craigshank@ces.world

April 30, 2026
BY EMAIL (appellatecourtclerk@tncourts.gov)

The Honorable Justices of the Tennessee Supreme Court
c/o Hon. James Hivner
Clerk, Tennessee Supreme Court
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1307

Re: In re Public Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation, No. ADM2025-01403

To the Honorable Justices of the Tennessee Supreme Court:

The Court's Order reflects a clear recognition that the widening gap in access to legal representation is not peripheral to the justice system, but both fundamental and structural. By framing the issue in terms of supply, affordability, and public protection, and by inviting concrete proposals, the Court has set the conditions for meaningful response to an access-to-justice crisis that is acute in Tennessee and worsening nationally.

I submit this comment in my personal capacity. My perspective is informed by direct involvement in Washington State's regulatory reform work. I am a member of the Washington State Supreme Court's Practice of Law Board and a lead of the Board's committee on the Entity Regulation Pilot Project (Order No. 25700-B-721, December 5, 2024), serving as the committee's group lead and spokesperson. I was also a drafting lead for the Washington State Bar Association's Legal Technology Task Force, whose 2025 final report and recommendations address the implications of emerging technologies, including artificial intelligence, for legal practice, courts, regulation, consumer protection, and access to justice. The views expressed here are my own.

Rules built for a different era cannot be the sole infrastructure for meeting today's scale of need and today's tools, especially as the public is already turning to new forms of help with their legal problems. The Court's inquiry comes at a moment when delay itself carries consequence. Postponing reform in pursuit of ideal sequencing or complete certainty does not preserve the status quo; it functions as a decision to allow existing economic and geographic forces to continue widening the justice gap, and to place increasing pressure on consumers to turn to unsupervised alternatives. The access-to-justice gap now reflects a structural mismatch between public need and regulated supply, and the Court's central task is no longer whether to allow innovation, but whether it will occur under judicial governance or outside it.

The choice before the Court is not between getting reform right in advance and getting it wrong. It is between acting on imperfect information now, with adjustment built in, and waiting for better information that the nature of these questions will never produce. Reforms of the kind before the Court sit within the Court's continuing

supervisory authority. Whatever the Court adopts can be monitored thoughtfully, observed in operation, refined as evidence accumulates, and adjusted on the Court's own timetable, a capacity for measured iteration that few other forms of regulatory change provide. The experience in other states bears this out. Washington, Utah, Arizona, and Alaska have each refined their reforms over time as evidence accumulated, and the practice of law in those states has continued. It has in no respect collapsed, notwithstanding dire predictions from detractors.

The comment record before the Court reflects substantial rigor and seriousness of purpose. I write with appreciation and strong support for the body of submissions from the informally constituted group of Tennessee lawyers, academics, and bar leaders responding to the Court's Order. Taken together, those submissions reflect sustained study, careful attention to consumer protection, and a pragmatic understanding of how legal services are actually being sought and used in Tennessee today.

Several of the proposals stand out for the scale of the access improvement they could produce. Court-based reforms within the Court's supervisory authority, clarifying the role of judges and clerks in matters involving unrepresented litigants, would formalize practices that are often already in the judicial toolkit and would reach Tennesseans on the day they appear in court. A Community Justice Advocate certification, modeled on demonstrated experience in Alaska and Utah, would put trained, supervised assistance into the rural and underserved communities where the supply problem is most acute, aligned with other critical social services. Reform of the rules governing nonlawyer ownership and fee-sharing would open the way for capital, organizational forms, and service models that the current rules effectively foreclose. And clarification of how unauthorized-practice rules apply to AI-enabled legal assistance would bring tools already in widespread use inside a regulatory perimeter that protects consumers and gives responsible developers a clear path to build for legal use rather than around it. The remaining proposals, lawyer mobility and alternative pathways to practice, add meaningful capacity at the margin, particularly for those serving underserved communities, and are worth pursuing alongside the more structural changes.

The Order shows that Tennessee has moved beyond the threshold question of whether innovation is warranted. The more consequential challenge is implementing reforms that measurably expand access to quality legal help while maintaining public confidence in the justice system and protecting the public from harm. A portfolio of court-led reforms in the areas the Order describes, carefully considered and demonstrably moving forward, is more likely to produce durable progress than any single intervention; the proposals before the Court fit that pattern.

The purpose of this comment is to recognize and reinforce the Court's leadership at a moment when thoughtful, court-led action can materially improve access to justice. More important, I write to encourage the Court to continue the trajectory from inquiry forward to implementation.

Respectfully submitted,

Craig Shank

Craig Shank