DEFENDING EDUCATION
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Submitted via e-mail
March 16, 2026

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

Re: Defending Education's Comments on Potential Regulatory Reforms to Increase Access to Quality Legal Representation (No. ADM2025-01403)

Dear Mr. Hivner,

Defending Education (DE) is a nationwide grassroots organization whose members include students, educators, professionals, and concerned citizens. DE's mission is to prevent—through advocacy, legislation, and, if necessary, litigation—the politicization of America's education system. DE submits this letter in response to the Tennessee Supreme Court's call for comments on potential reforms to the rules governing admission to the Tennessee bar, including whether the Court should "reduce" or "eliminate its reliance on [American Bar Association] accreditation in setting minimum educational requirements for applicants to the Tennessee Bar." Order at 4.

Simply put, the ABA should have no role in accrediting law schools. Though it claims to speak for the legal profession as a whole, the ABA is an ideologically motivated activist organization that regularly endorses and litigates on behalf of divisive political causes. And that activism bleeds into the ABA's accreditation standards, which are designed to promote the Association's ideological goals rather than ensure academic quality. Indeed, the ABA has compelled American law schools—under threat of losing their accreditation—to adopt discriminatory admissions and hiring practices and parrot the Association's views on issues of diversity and so-called bias in the legal profession.

But activism has no place in accreditation, which is why at least two states have already revoked the ABA's monopoly on accrediting law schools. Other jurisdictions appear poised to follow suit. The Tennessee Supreme Court should do the same and end the ABA's role as "an unaccountable" and ideologically slanted "arbiter of legal education." Lindsay, *Ditching the ABA Monopoly: A Call for Competition among Texas Law Schools*, Texas Public Policy Foundation (Sept. 16, 2025), perma.cc/JYT7-HG75.

DEFENDING EDUCATION | 4532 CHERRY HILL RD | SUITE 119 | ARLINGTON, VA | 22207-3304

I. The ABA is an activist political organization.

States and members of the public have a strong interest in "ensuring that those who enter into legal practice do so with an adequate baseline of preparation." Chesney, *Comment re proposed changes to the Rules Governing Admission to the Bar of Texas* at 5 (June 30, 2025), perma.cc/3SP3-KJVJ. To achieve that goal, accreditation must focus on academic quality. But the ABA is not a neutral, merit-focused body. It is an ideologically motivated organization that abuses its prestige and accrediting power to promote partisan goals.

The ABA makes no effort to disguise its partisanship. It regularly engages in left-wing advocacy, taking controversial stances on policy issues that have little if any unique connection to the legal profession. *See Policy & Positions*, ABA (visited Mar. 12, 2026), bit.ly/3Np3EFg. The Association, for example, frequently issues statements supporting stricter gun control, liberal immigration policies, loose abortion access, and drastic climate policies. *See, e.g.*, *Gun Violence Policy*, ABA (visited Mar. 12, 2026), bit.ly/4llxUNS; *Immigration*, ABA (visited Mar. 12, 2026), bit.ly/40Ys77B; Robert, *ABA House reaffirms longstanding support for reproductive rights*, ABA (Aug. 9, 2022), bit.ly/4segupk; *Climate Change Takes Center Stage*, ABA (Oct. 17, 2019), bit.ly/3OXgV8L.

And the ABA doesn't just push those positions in the public square. It consistently files amicus briefs supporting left-leaning causes in litigation. (And often finds itself on the losing side.) The ABA has filed briefs defending the use of race in college admissions, encouraging broad abortion rights and strict gun control, supporting transgender bathroom access, and opposing the First Amendment rights of small business owners. *See, e.g.*, *SFFA v. Harvard*, 20-1199 (U.S. filed Aug. 1, 2022); *Dobbs v. Jackson Women's Health Organization*, 19-1392 (U.S. filed Sept. 20, 2021); *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 20-843 (U.S. filed Sept. 21, 2021); *G.G. v. Gloucester County School Board*, 15-2056 (4th Cir. filed May 15, 2017); *Masterpiece Cakeshop v. CCRC*, 16-111 (U.S. filed Oct. 30, 2017).

Wading into contentious policy debates and litigation is bad enough. But the ABA does so even when the positions it takes are unpopular among its own members and even when those positions are squarely foreclosed by caselaw. When the ABA endorsed expansive abortion access, for example, more than 3,000 members resigned from the Association in protest. *See* Hager, *Lawyers Quit ABA Over Abortion Stand*, LA Times (Nov. 4, 1992), perma.cc/D2TR-SG3J. The ABA, those members explained, had "become more political" and "less professional than it should be." *Id.* When the Supreme Court ultimately recognized that abortion is an issue left to the political branches, the ABA accused the Court of "deny[ing] millions of people" their rights and endangering women's "physical and mental health." *Statement of ABA President Reginald Turner Re: Reproductive Access and the Dobbs Decision*, ABA (June 24, 2022), bit.ly/4lqX9yx. When the

Court recognized a historically rooted right to bear arms in public, the ABA called the decision "disturb[ing]." *Statement of ABA President Reginald Turner Re: Gun violence and the Bruen decision*, ABA (June 23, 2022), bit.ly/40sN1vr. More recently, the ABA incorrectly insisted that the so-called Equal Rights Amendment was ratified even though the deadline for ratification had long since passed, *see ABA Resolution 601*, ABA (Aug. 6, 2024), perma.cc/8Y9A-7VMZ, a position the Ninth Circuit has described as "meritless," *Valame v. Trump*, 2025 WL 1983954, at *1 (9th Cir. July 17, 2025).

The ABA also targets elected officials when it disagrees with their political priorities. When President Trump followed through on his promise to rein in federal spending by eliminating wasteful grant programs, the ABA accused him of "wide-scale affronts to the rule of law." *The ABA supports the rule of law*, ABA (Feb. 10, 2025), bit.ly/4cFhJJb. Notably, the ABA's statement failed to disclose that the Association had a financial interest in the grant programs shuttered by the Trump Administration. *See* Letter from Chairman Andrew Ferguson to FTC Staff at 1 (Feb. 14, 2025), perma.cc/BFE6-GFDW. And the ABA later joined other left-wing groups to file multiple lawsuits challenging the Administration's funding decisions. *See ABA lawsuits over halt in federal funding*, ABA (Apr. 28, 2025), bit.ly/4b7uDhW. The ABA has also criticized President Trump's treatment of federal judges, but its defense of the judiciary is conspicuously one-sided. The Association neglected, for example, to condemn the leak of a draft of the Supreme Court's *Dobbs* decision or offer any comment on the attempted murder of Justice Brett Kavanaugh. *See* Steurer, *North Dakota judge says American Bar Association is too liberal*, North Dakota Monitor (June 17, 2025), bit.ly/4bibqbZ.

The ABA's partisan attacks extend to judicial nominees as well. "Peer-reviewed studies have shown the ABA," which until recently enjoyed a privileged role in rating federal judicial nominees, "evaluates nominees of Republican presidents more harshly than those of Democratic presidents." Williams, *The Myth of the Unqualified Trump Judge*, National Review (June 23, 2020), bit.ly/4b5lFBL. That includes "exceptionally distinguished" jurists like Justices Robert Bork and Clarence Thomas and Judges Richard Posner and Frank Easterbrook, who all received "curious" mixed ratings from the ABA, with several evaluators calling them "unqualified." Liptak, *Legal Group's Neutrality is Challenged*, NY Times (Mar. 30, 2009), bit.ly/4bpVp40. In the ABA's eyes, "just being nominated by a Democrat" instead of "a Republican" is "'better than any other credential or than all other credentials put together.'" Williams, *supra.*

Given the ABA's emphasis on partisanship over professionalism—and its insistence on staking out controversial and legally untenable positions—it is no wonder that the Association's membership is on the decline. Indeed, although it presents itself as the voice of the legal profession, in reality the ABA counts only a small fraction of practicing attorneys among its members. And that number continues to drop even as the number

of lawyers in America grows. In 1979, for example, roughly half of America's lawyers were members of the ABA; today, that number is only 17%. Turley, *The rise and fall of the American Bar Association*, The Hill (Dec. 6, 2025), bit.ly/47wtGNN.

The ABA is free to promote any message and file any brief that it likes. But it cannot operate as a left-wing activist organization while holding itself out as a neutral representative of the legal profession. It certainly cannot be trusted to wield semi-governmental authority over the entire legal profession as the sole accreditor for law schools.

II. The ABA uses accreditation standards to push its ideological agenda.

The ABA is an activist organization. As such, rather than craft accreditation standards with an eye towards guaranteeing academic quality, the ABA has used its accreditation power to promote its ideological agenda. It has imposed standards that compel law schools to parrot the Association's view on controversial issues. And it has used those standards to force law schools to discriminate against applicants based on race.

Consider "Standard 206." First imposed in 2006, this provision requires law schools seeking accreditation to "demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity." Standard 206(a), *Standards and Rules of Procedure for Approval of Law Schools 2025-2026*, ABA, at 17 (2025), perma.cc/DCS4-QZT3. Likewise, in faculty hiring, it requires schools to "demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity." *Id.* (Standard 206(b)).

In other words, Standard 206 pressures law schools to discriminate on the basis of race, sex, and ethnicity in admissions and hiring. To create, through "concrete action," a student body and faculty *defined* by their "gender, race, and ethnicity" means law schools must *consider* those characteristics when making decisions about which students to admit and which faculty to hire. Indeed, the ABA's own interpretation of Standard 206 encourages schools to "use race and ethnicity in its admissions process to promote diversity and inclusion." *Id.* (Interpretation 206-2). And law schools subject to the requirement understand it to require straightforward race-, ethnicity-, and sex-based decisionmaking. *See* Styrsky et al., *Unconstitutional Accreditation Pressures Force Law Schools to Discriminate Against Faculty and Students*, Pacific Legal Foundation, at 4 (July 2025), perma.cc/KDZ3-BU9S.

Needless to say, this requirement violates federal law. Educational institutions cannot discriminate based on sex, and no institution receiving federal funds can discriminate based on race or ethnicity. *See* 20 U.S.C. §1681; 42 U.S.C. §2000d; *SFFA v. Harvard*, 600 U.S. 181, 198 n.2 (2023). That is doubly true for state-run law schools, which are *constitutionally* barred from discrimination in admissions and hiring. *See* U.S. Const. amend. XIV, §1; *SFFA*, 600 U.S. at 198 n.2, 230. Even the ABA's own rules of professional conduct bar lawyers from engaging in "discrimination on the basis of race, sex," or "ethnicity" in their legal practice. ABA Model R. of Prof'l Conduct 8.4(g). And that principle "contains no carveout for 'diversity'" initiatives that "turn on the consideration of impermissible characteristics like … race." Order, *Judicial Complaint No. 11-25-90043* (11th Cir. Mar. 20, 2025), perma.cc/SD8T-XVLL.

Standard 206's blatant discrimination mandate is no longer tenable following the Supreme Court's decision in *SFFA v. Harvard*. In a "zero-sum" process like admissions or hiring, law schools cannot "conside[r]" race, sex, or any other immutable trait without penalizing individuals who don't belong to a preferred group. 600 U.S. at 218-29. That's why the ABA, under scrutiny from state and federal governments, was forced to temporarily suspend the rule and is seemingly on the path to repealing it. *See* Letter from U.S. Att'y Gen. Pam Bondi to ABA Council of the Section of Legal Education (Feb. 28, 2025), perma.cc/L4GL-RRP4; Letter from 21 State Att'ys Gen. to ABA Council of the Section of Legal Education (June 3, 2024), perma.cc/M3FN-QNUP; *Council of the ABA Section of Legal Education Extends Standard 206 Suspension to 2026*, ABA (May 9, 2025), bit.ly/40qK1Qm; *Matters for Notice and Comment: Standard 206*, ABA (Feb. 26, 2026), bit.ly/4sZYoHF.

But the fact that the ABA imposed this discrimination mandate on law schools in the first place and maintained it for almost two decades in the name of "diversity" and "inclusion" is reason enough to revoke the ABA's role as the sole accrediting body for Tennessee law schools. Plus, although it is retreating from Standard 206, the ABA insists that its "commitment" to preferences for those who, in the ABA's eyes, "have been historically excluded from the legal profession … has not changed." *American Bar Association statement Re: Standard 206*, ABA (Feb. 22, 2025), bit.ly/4s7yvFN.

Standard 206, moreover, is simply one example of how the ABA uses its accreditation power to impose its preferred ideology on law schools. In 2022, for instance, the ABA instituted a new rule—Standard 303(c)—requiring law schools to "provide education to law students on bias, cross-cultural competency, and racism." *Standards and Rules of Procedure for Approval of Law Schools 2025-2026*, ABA, at 23 (2025), perma.cc/DCS4-QZT3. The rule does not define "bias," "cross-cultural competency," or "racism," but insists upon the "importance" of educating law students on these topics and their "obligation" to "eliminate racism in the legal profession." *Id.* at 24 (Interpretation 303-6).

Like Standard 206, Standard 303(c) goes beyond an accreditor's role in ensuring baseline academic quality. Instead, it mandates the specific content—and *viewpoint*—that students must be taught. Worse, it "presuppos[es] that some students are biased and racist and therefore need instruction euphemistically referenced as 'cross-cultural competency.'" Ackerman et al., *Response to Notice re Proposed Revisions to Standards 205, 206, and 303* at 3 (June 23, 2021), perma.cc/F6VU-J786. And it undermines core "principles of academic freedom" *Id.* at 4. In fact, Standard 303(c) is so clearly inappropriate as an accreditation metric that an ideologically diverse collection of Yale Law School professors, including esteemed liberal scholars like Bruce Ackerman and Akhil Amar, wrote an open letter opposing the rule as a "particularly disturbing … attempt to institutionalize dogma" on matters "unrelated to any distinctively legal skill." *Id.* at 3. Law schools, the professors explained, should "teach [students] skills" and allow them to "reach their own conclusions," not require them "to adopt a specific world view." *Id.* at 3-4.

The ABA's efforts to impose ideological conformity go beyond written standards. The Association has a history of "pressur[ing] schools to engage in racial balancing and lower academic standards in favor of diversity." Shapiro, *The ABA Deserves to Lose Its Accreditation Monopoly*, The Civitas Institute (June 10, 2025), perma.cc/23NP-ZHR6. In 2000, for example, the ABA "investigated George Mason University School of Law extensively" for "supposed violations of its diversity standards and only gave up after the school quietly lowered its admissions standards to satisfy the ABA's demands." Styrsky et al., *Unconstitutional Accreditation Pressures Force Law Schools to Discriminate Against Faculty and Students*, Pacific Legal Foundation, at 2 (July 2025), perma.cc/KDZ3-BU9S. The problem, to be clear, "was not lack of outreach" to minority students; rather, the ABA faulted George Mason for failing to adopt "'significant preferential affirmative action'" for minority applicants in the admissions process and failing to offer race-specific "'scholarship grants.'" Letter from U.S. Comm'n on Civil Rights Comm'rs Peter Kirsanow & Gail Heriot to U.S. Sen. Bill Cassidy at 10, 12 (Feb. 18, 2025), perma.cc/S4VT-9DWZ (emphasis omitted). Other law schools have likewise been forced to adjust their admission standards or adopt diversity programs under threat of losing their accreditation. *See id.* at 15-16; Styrsky, *supra* at 2.

In other words, as federal authorities have already determined, the American Bar Association has "not only failed in [its] responsibility" to "determine which institutions provide a quality education" and "therefore merit accreditation," it has also "also abused [its] enormous authority" to "compe[l] adoption of discriminatory ideology." Exec. Order No. 14279 §1, *Reforming Accreditation to Strengthen Higher Education*, 90 Fed. Reg. 17529 (Apr. 23, 2025), perma.cc/Q6Z9-NHEB.

III. Tennessee should revoke the ABA's monopoly, as other jurisdictions already have.

No one doubts the strong public interest in ensuring that new lawyers are qualified. But that interest is not well-served by giving a monopoly on accreditation power to an ideologically biased group like the ABA.

And make no mistake: the ABA's role as the exclusive accreditor for our nation's law schools *is* a monopoly. The Federal Trade Commission has said so. *Comment re: Proposed Amendment to Rule 1 of the Rules Governing Admission to the Bar of Texas*, FTC, at 3 (Dec. 1, 2025), perma.cc/NV5L-U72V. And the ABA uses that monopoly power to impose unnecessary requirements that are "irrelevan[t] to ensuring a baseline level of legal education," which "harms competition" and increases costs. *Id.* at 6-7, 9. Indeed, the ABA "has a long history of" antitrust violations. *Id.* at 6. Thirty years ago, for example, the ABA entered into a consent decree prohibiting the Association from "using its law school accreditation monopoly to harm competition." *Id.*; *see United States v. ABA*, 934 F. Supp. 435 (D.D.C. 1996). But in 2006, a federal court found that "on multiple occasions the ABA ha[d] violated" the decree's "clear and unambiguous provisions." *United States v. ABA*, 2006 WL 1737775 (D.D.C. June 26, 2006). Even the ABA itself has "acknowledged longstanding criticism that its" accreditation practices "drive up student costs." Sloan, *FTC says ABA is a 'law school accreditation monopoly*, Reuters (Dec. 2, 2025), bit.ly/3OVReFB.

Combined with its ideological pressure on matters of diversity, the ABA's monopoly power essentially creates "a 'diversity cartel' among law schools, effectively insulating schools that give large [race- and sex-based] preferences from competition on issues like bar passage rate with schools that would rather give smaller preferences or none at all." Heriot, *Accreditation Overreach Part 2*, The Federalist Society (Oct. 23, 2015), perma.cc/3DAF-4V7X.

Fortunately, states like Tennessee do not have to suffer under the ABA's monopoly. There are "practicable alternatives to ABA accreditation." Order at 4. Most obviously, the Tennessee Supreme Court could approve law schools directly without using a separate accrediting body as an intermediary. A few states already have some version of this model, allowing graduates of law schools approved by the state supreme court or state bar—in addition to schools accredited by the ABA—to sit for the state's bar exam. *See* Canaparo et al., *How to Break the American Bar Association's Accreditation Monopoly*, The Heritage Foundation, at 9 (July 15, 2025), perma.cc/B7GC-B4DW. If Tennessee were to opt for this approach, it could approve schools based on a mixture of factors like bar passage rates, job placement rates, debt-to-income ratios for recent graduates, faculty qualifications, and curricular requirements. *See* Chandler, *Accrediting for Tomorrow: Law*

School Metrics and Interstate Compacts, The Civitas Institute (June 10, 2025), perma.cc/G4KJ-FZQN; Chesney, *supra* at 9. The Court could also presumptively allow graduates of state-run law schools to sit for the bar. And of course, Tennessee could recognize alternative accreditors as such entities become available.

To complement these approaches, Tennessee could also "join interstate compacts to ensure bar reciprocity." Shapiro, *supra*. This would ensure that law degrees from Tennessee schools remain portable across the country, increase access to legal services in Tennessee by allowing graduates from other law schools to sit for the Tennessee bar, and make recognition from state high courts "effective enough to be able to supplant intermediaries like the ABA." Muller, *How state bars could accredit law schools without the ABA or any other intermediary institution*, Excess of Democracy (Aug. 21, 2025), perma.cc/XDZ5-9ERB. Interstate compacts, moreover, are an increasingly feasible possibility as more and more states consider dropping the ABA as their sole law school accreditor.

Thankfully, regardless of which path it takes, Tennessee does not have to tread new ground. Two states—Texas and Florida—have already revoked ABA's monopoly on accreditation. The Texas Supreme Court now approves law schools directly based on "simple, objective, and ideologically neutral criteria using metrics no more onerous than those currently required by the ABA." *Final Approval of Amendments to Rule 1 of the Rules Governing Admission to the Bar of Texas*, Misc. Dkt. No. 26-9002, at 1 (Tex. Jan. 6, 2026), perma.cc/8BVC-DMAE. Florida, for its part, opened the door to alternative accreditors recognized by the U.S. Department of Education or the Florida Supreme Court. *In re: Amendments to Rules Regulating the Florida Bar and Rules of the Supreme Court Relating to Admissions to the Bar*, No. SC2025-2064, at 5-6 (Fla. Jan. 15, 2026), perma.cc/4RBY-CQ3H. At least one other state, Ohio, is considering a similar move. *See* Novak, *Ohio Supreme Court Advisory Committee Begins Evaluation of Law School Accreditation*, JD Supra (Nov. 7, 2025), perma.cc/CJ6V-DGB9.

These states are reclaiming their role in our federalist system. "They are remembering that … it is states, not private ideological cartels, that regulate professions." Mendenhall, *End the American Bar Association's Grip on Law Schools*, The Heritage Foundation (Jan. 30, 2026), perma.cc/P78P-X78C. The federal government is doing the same: the White House has directed the Department of Education to reconsider the ABA's status as a federally recognized accreditor for law schools, *see* Exec. Order No. 14279 §2, *Reforming Accreditation to Strengthen Higher Education*, 90 Fed. Reg. 17529 (Apr. 23, 2025), perma.cc/Q6Z9-NHEB, and the Department of Justice has eliminated the ABA's privileged role in evaluating judicial nominees, *see* Letter from U.S. Att'y Gen. Pam Bondi to ABA President William R. Bay (May 29, 2025), perma.cc/8XJ5-CS3H.

As the rule changes adopted by Texas and Florida demonstrate, there is more than one path for reform. But the key point is that Tennessee, like other states, is not beholden to the ABA and its ideological bias. This Court is free to pursue alternative models for accrediting law schools that do not force schools to discriminate or violate academic freedom. DE encourages the Court to do so.

Respectfully submitted,

/s/ Sarah Parshall Perry
Sarah Parshall Perry
Vice President and Legal Fellow
Defending Education

MaryBeth Lindsey

From:	appellatecourtclerk
Sent:	Tuesday, March 17, 2026 10:18 AM
To:	MaryBeth Lindsey; Kim Meador
Subject:	FW: Defending Education Comments on docket number ADM2025-01403 in re: Potential Regulatory Reforms to Increase Access to Quality Legal Representation
Attachments:	TN Supreme Court Comment Letter - Mar 16 - 1PM FINAL LETTERHEAD.pdf

Please process the attached comment.

Jim

James M. Hivner
Clerk of the TN Appellate Courts
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From: Sarah Parshall Perry <sarah@defendinged.org>
Sent: Monday, March 16, 2026 2:56 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Defending Education Comments on docket number ADM2025-01403 in re: Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Comments re: ADM2025-01403, Potential Regulatory Reforms to Increase Access to Quality Legal Representation

Mr. Hivner,

Defending Education submits the attached comments regarding docket number ADM2025-01403, Potential Regulatory Reforms to Increase Access to Quality Legal Representation. Please let us know if any additional information is required or would be helpful.

Thanks very much,

Sarah

Sarah Parshall Perry
Vice President & Senior Legal Fellow
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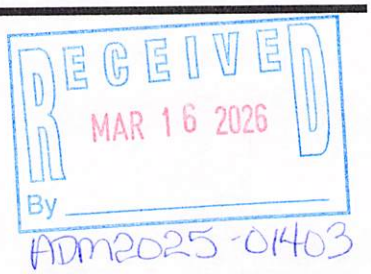
MaryBeth Lindsey

From: April Burns-Norris <april@communitybridges1111.org>
Sent: Monday, March 16, 2026 4:05 PM
To: appellatecourtclerk
Subject: Tennessee efforts to increase affordable legal help.



March 16, 2026

Public Comment On Potential Regulatory Reforms To Increase Access To Quality Legal Representation **No. ADM2025-01403**.

In support of the Institute of Justice and in response to the Tennessee Supreme Court's request for public comments concerning the growing access-to-justice crisis, I submit the following:

Legal services currently provided by lawyers can be competently provided by paraprofessionals with short, easy-to-access training and/or evidence of successful volunteer assistance with basic civil legal needs with an emphasis on evictions, probate matters and benefits paperwork.

The State of Tennessee as well as the rest of America are experiencing a homelessness epidemic and affordable housing crisis. The existing resources like court appointed mediation and Legal Services Corporation (LSC) representation is insufficient due to the absence of assistance before an eviction is filed and the mediation only applicable for cases with neither party having legal representation.

There also appears to be a form of conflict of interest with these agencies representing tenants in cases against public housing authorities and corporate attorneys. The outcome of most cases with LSC representation is agreed move outs. It is very rare that tenants have their legal defenses heard or the right to damages taken seriously. This is ultimately denial of due process and denied access to justice.

Housing is the foundation to accessing the "American Dream". When LAS and Courts are not fully protecting tenant's rights, this results in preventable evictions, which is a miscarriage of justice that denies access to the building block of healthy, thriving families and communities.

The Court should modify, reduce or eliminate regulations prohibiting non-lawyers from ownership of law firms or fee sharing.

Denying this creates additional financial hardships placed on tenant's and community organizations that use their own resources to fight against frivolous claims. Probate matters involving unrepresented parties can also result in preventable homelessness.

By allowing non-attorney's to be compensated it will help balance the power dynamics in court rooms across the State of Tennessee and further enhance their ability to assist more low-income Tennesseans.

Nonprofit organizations like Community Bridges Inc-Connect The Dots and other community advocates have shown some success through Court Watch services, Landlord Tenant Mediation and connection to community financial resources to pay past due rent; however, this work remains unpaid due to the current regulations.

The need for more than just "an attorney" is further supported in the July 2023 Stanford Law Review Volume 75, 'Lawyers Aren't Rent' by Juliet M. Brodie and Larisa G. Bowman.

Respectfully submitted by,

April Burns-Norris
She/Her
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MaryBeth Lindsey

From:	appellatecourtclerk
Sent:	Tuesday, March 17, 2026 10:12 AM
To:	MaryBeth Lindsey; Kim Meador
Subject:	FW: Tennessee efforts to increase affordable legal help.
Attachments:	Tennessee efforts to increase affordable legal help.

Please process the attached comment.

Jim

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To: Supreme Court of Tennessee

Re: Comments on Law School Accreditation Component of Tennessee's Bar Admission Requirements

Via email: appellatecourtclerk@tncourts.gov

March 16, 2026

Dear Chief Justice Bivins:

The Council of the American Bar Association ("ABA") Section of Legal Education and Admissions to the Bar ("the Council") seeks to provide comments, as requested by the Supreme Court of Tennessee ("the Court") in its Order dated September 16, 2025. The Council understands that the Court is "interested in reassessing its approach to regulation of the legal profession to ensure that all Tennesseans have access to affordable quality legal services." Order, at 4.

Considering this focus on access to justice, the Council would like to address the Court's inquiries into (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; and (2) Whether there are any practicable alternatives to ABA accreditation that the Court should consider. Order, at 4. The remainder of this Comment will refer to Council accreditation rather than ABA accreditation. Although the accreditation Council is a part of the ABA's Section of Legal Education and Admissions to the Bar, its accreditation work is separate and independent from the larger ABA. See supra Section IIIB.

The Council submits these comments to illustrate that the existing national accreditation system protects students, graduates, and the public. Moreover, the Council's Standards align with the Court's concern that citizens have access to affordable and high-quality legal services. As such, it makes sense to retain the current national system even as the Council, all state supreme courts, and other stakeholders work to continuously improve that existing system.

The Council's accreditation Standards provide minimum educational requirements designed to ensure that graduates of a law school can offer high-quality legal assistance to the public. They enable Tennessee law schools to recruit students with top academic credentials while providing high-quality, cost-effective and innovative legal education; and they ensure graduates the portability of a law degree from any accredited law school throughout the United States, enabling graduates from schools in other states to pursue practice in Tennessee. Through enforcement of rigorous programmatic Standards and collection and reporting of data, this national accreditation scheme not only protects the public and promotes access to justice, but also gives prospective law students important information as they make choices about how to spend their educational dollars.

The Council recognizes that the Tennessee Supreme Court—like each state supreme court—has the authority to define which graduates are eligible to sit for the bar exam in its state, and to define the minimum educational requirements for those applicants. The Council encourages the Court to create alternatives in addition to, not instead of, Council accreditation. This Court already has provided an alternative to Council-accredited law schools by recognizing the Nashville School of Law. The Court can continue to create alternate pathways to licensure, accredit additional law schools, or impose additional state-based requirements alongside Council accreditation—as other state supreme courts have done. These options would be far less disruptive than entirely ending recognition of the Council's accreditation function.

The Council also understands that its role as a national accreditor comes with great responsibility and does not take its role for granted. Maintaining the trust of the state supreme courts, who are the regulators of the profession, is crucial to continuing in its role. In addition to submitting these comments, the Council welcomes the opportunity to engage in dialogue with and hear any concerns of the Supreme Court of Tennessee in writing, virtually, or in person.

I. The Council promotes excellence in Tennessee's legal profession and enhances access to justice by ensuring the portability of law graduates' degrees.

As the Court is recognizing the importance of expanding access to justice, the Council asks the Court to consider that providing quality legal representation in all parts of the state (including legal deserts) depends on ensuring that the pool of potential lawyers is as broad and deep as possible. Portability of law graduates' degrees is one foundational way to ensure this breadth and depth. The portability of law graduates' degrees is essential to the State of Tennessee and its state bar admitting authorities, law students, and graduates. In 2024 alone, for example, the 10 states (including Tennessee) that reported the relevant data show that approximately 25% of the individuals who passed a bar exam—more than 6,000 individuals—graduated from an out-of-state Council-accredited law school.[1] With a portable law degree, law graduates can practice anywhere

[1] Alabama, Alaska, California, Florida, Georgia, Massachusetts, New York, Ohio, Tennessee, and Texas.

in the country without satisfying different educational requirements in each state. This portability is particularly crucial in light of the geography of Tennessee, in which many underserved rural areas are within a few dozen miles of the state border.

The Council's role as the national accreditor facilitates this portability. That role is rooted in its close to 100 years of experience accrediting law schools: the first Standards were adopted in 1921 with a list of approved law schools following soon afterward.[2] Out of that history grows the Council's current mission, which is "to provide a fair, effective, and efficient accrediting system for American law schools," and "to serve ... as the nationally recognized accrediting body for American law schools." This long-standing expertise and consistent mission have led to the recognition of the Council's role in the national accreditation system in two ways. First, the bar admitting authorities of every state and territory—including all state supreme courts—recognize graduation from a Council-accredited law school as a means of satisfying a condition for licensure.[3] Second, since 1952 the Council has been the only accreditor recognized by the United States Department of Education for JD programs in the United States.[4] Compliance with Department of Education regulations ensures that the Council engages in the same thorough and neutral examination process for all law schools, and that all law schools meet the same rigorous standards for legal education.

The Council's work thus has developed a national standard of quality legal education across every United States jurisdiction, which in turn allows law degrees to be portable and confers the benefits described below.[5]

A. Benefits of portable law degrees to the state and state bar admitting authorities

Tennessee benefits from the portability of law degrees when graduates from out-of-state law schools—whether Tennessee residents or non-Tennessee residents—decide to practice law in Tennessee. Tennessee also benefits when graduates of Tennessee law schools—again, whether Tennessee residents or not—decide to practice out of state. By recognizing degrees from Council-accredited law schools, Tennessee is not limited to admitting graduates from only Tennessee law schools: the state can recruit and retain the best talent from law schools throughout the United States, including from neighboring states.

Portability also benefits state bar admitting authorities by reducing costs and supporting excellence in outcomes. The Council's accreditation work is funded entirely by an annual fee that law schools pay to the Council based on the size of their student populations.[6] Consequently, Tennessee and its taxpayers do not incur any additional costs to fund its own accreditation system, including setting its own standards and systems for

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[2] See Susan K. Boyd, The ABA's First Section: Assuring a Qualified Bar 21-27 (1993).

[3] See https://reports.ncbex.org/comp-guide/charts/chart-3/ In their recent orders related to accreditation, the Texas and Florida Supreme Courts continued to recognize the Council-accredited law schools in their states, https://www.txcourts.gov/media/1461882/269002.pdf; https://flcourts-media.flcourts.gov/content/download/2483731/opinion/Opinion_SC2025-2064.pdf

[4] See https://www.ed.gov/laws-and-policy/higher-education-laws-and-policy/college-accreditation/institutional-accrediting-agencies

[5] Section Bylaws Article I, Section 2.

[6] https://www.americanbar.org/groups/legal_education/accreditation/schedule-of-law-school-fees/

enforcement. With a national system, the states also do not need to become experts in the many aspects of accreditation. Instead, each state can confidently rely on processes that have been developed over close to a century to help ensure the licensure of competent lawyers.[7]

The excellence fostered by a national accreditation system is reflected in the strong outcomes achieved by graduates from Council-accredited law schools. For example, the graduating class of 2024 (the most recent class with available statistics) demonstrated a record high level of employment in jobs requiring bar admission – 82.2%.[8] Bar exam outcomes also reflect that the Standards require a rigorous program of legal education, preparing students for admission to the bar and protecting the public.[9] In 2024, the overall bar exam passage rates for Council-accredited law schools was 67%, compared to 23% for non-Council-accredited law schools.[10] Students graduating from non-Council-accredited law schools in California experience more attrition and lower bar exam pass rates.[11]

California's difficulties in developing its own bar exam in February 2025 demonstrated the genuine risks of a state moving away too quickly from nationally developed, time-tested processes and institutional expertise.[12] California's attempt to develop its own bar exam will likely cost the state bar over 6 million dollars to ameliorate the harm caused to bar takers, and the state returned to the NCBE-created exam in July 2025.[13]

B. Benefits of portable law degrees to law students and graduates

Prospective law students depend on the portability of their law degree. They are often not sure where they want to practice when they enter law school, and value highly the

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7 The first Standards (and list of complying law schools) were created in 1921. https://www.americanbar.org/groups/legal_education/resources/standards/standards_archives/?com. The Department of Education first recognized the Council as an accreditor for JD programs in 1952, and has received recognition continuously since then. See https://ope.ed.gov/dapip/#/agency-list.

8 This percentage constitutes the total percentage of all graduates (including known and unknown status employed in bar-required/anticipated jobs). See https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2024/class-of-2024-online-table.pdf

9 Section Standard 301.

10 https://thebarexaminer.ncbex.org/wp-content/uploads/Persons-Taking-and-Passing-the-2024-Bar-Examination-by-Source-of-Legal-Education.pdf

11 State Bar of California, Profile of California Law Schools, Executive Summary (2022) https://publications.calbar.ca.gov/law-school-profile/executive-summary ("Analyses of student outcomes show that students who pursue JDs at the state's unaccredited law schools face significant challenges in their aspirations to become licensed attorneys, with over half experiencing attrition after their first year of school and extremely low bar exam pass rates among those who do graduate."). Attrition rates for first-year law students at Council-accredited law schools was 8%, California-accredited was 42%, and unaccredited was 51%. Bar passage exam rates for 2022 at Council-accredited law schools was 67%, California-accredited was 21%, and unaccredited was 9%.

12 See, e.g., Reuters, "California's February Bar Exam Mess is Costing Millions to Clean Up" (June 6, 2025) https://www.reuters.com/legal/government/californias-february-bar-exam-mess-is-costing-millions-clean-up-2025-06-06/; L.A. Times, "'Utterly Botched:' Glitchy rollout of new California bar exam prompts lawsuit and legislative review" (Feb. 28, 2025) https://www.latimes.com/california/story/2025-02-28/utterly-botched-chaotic-roll-out-of-new-california-bar-exam.

13 See https://www.calbar.ca.gov/sites/default/files/portals/0/documents/admissions/Examinations/July-2025-Bar-Exam-Admittance-Ticket-Bulletin.pdf?utm.com, at 2.

flexibility to practice in any state upon graduation and throughout their legal career.[14] If Tennessee moves away from recognizing the Council as an accreditor, prospective students may refrain from applying to or accepting offers of admission to Tennessee's law schools simply because those prospective students are unsure where they will practice after law school and want to invest in the most portable degree possible.

Approximately four years typically pass between applying to law school and admission to the bar. Even more time can pass before graduates are settled in a job. In that time, future lawyers may change their intentions as to where to practice, due to the employment market, a job opportunity, or family circumstances. Recently, law students completing Rural Judicial Fellowships in Tennessee as part of the Tennessee Bar Association's Young Lawyers Division reported a desire to continue serving rural communities in the state.[15] Degree portability is essential to this community service commitment. The law students and recent law school graduates who may be searching for another legal position depend on the portability of their law degree when matriculating at a Council-accredited law school.

In Tennessee, 30.9% of first-time bar exam test takers in July 2025 were from out-of-state Council-accredited law schools.[16] In the most recent reporting year, the percentage of graduates of Tennessee law schools who took the bar exam out of state (by law school) was 33.8%, ranging from 7.4% at University of Memphis to 76.2% at Vanderbilt.[17] If a degree from a Council-accredited law school were denied recognition, students might be faced with additional or different requirements to practice in Tennessee as compared to elsewhere. The state's adoption of additional or different requirements—whether of its own or an alternate accreditor—would thus impose more burdens on students and recent graduates.[18]

Portability of the JD degree has been enhanced by the portability of the bar exam, which law graduates have relied on for almost fifteen years.[19] The Uniform Bar Examination ("UBE") and the Next Gen UBE bar exam are premised on the importance of portability, specifically the portability of a bar exam score. The UBE has been adopted by 41 jurisdictions, including Tennessee.[20] As an indication of the high demand for portability, 11,082 UBE scores were transferred among states in 2024.[21] Tennessee also has

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[14] For example, during the 2024-2025 application cycle, applicants submitted 69.5% of their applications in states other than where they are permanent residents; 47.8% of matriculants enrolled at out-of-state schools. [Data provided by LSAC]

[15] Tennessee Bar Association Justice on the Backroads: The TBA YLD's Answer to the Rural Attorney Shortage - Articles

[16] https://www.tnble.org/wp-content/uploads/2025/10/July-2025-TN-UBE-Exam-Statistics-FOR-POST.pdf?.com

[17] Accreditation Council, 2026 Bar Admissions Questionnaire

[18] Indirect costs also may be incurred by law schools, which would be required to create additional/different curricular offerings and more extensive academic advising and bar support programs to comply with the requirements of multiple accreditors.

[19] The UBE was first administered in 2011. The UBE from Early Concept to the Present: A Timeline - National Conference of Bar Examiners

[20] https://www.ncbex.org/exams/ube/list-ube-jurisdictions; https://thebarexaminer.ncbex.org/2024-statistics/the-uniform-bar-examination-ube/#step4. Tennessee first administered the UBE in 2019.

[21] https://thebarexaminer.ncbex.org/2024-statistics/the-uniform-bar-examination-ube/#step4.

adopted the MPRE exam.[22]

Extending its commitment to portability even further, Tennessee is one of 48 jurisdictions that has decided to adopt the NextGen UBE Bar Exam.[23] If Tennessee moves away from Council accreditation, it would disadvantage law students and graduates by making its degrees less portable, which seems hard to reconcile with its consistent efforts to make its bar exam more portable.[24]

II. The Standards enable high-quality, cost-effective and innovative legal education that serves excellence and access to justice

The Standards set forth minimum requirements related to admissions, student services, curriculum, faculty, resources, and facilities.[25] The Standards are rigorous yet attainable for all law schools. The Council accredits a wide range of law schools, including public and private law schools, regional and national law schools, and independent law schools. The Council accredits law schools with differing missions and approaches to education, including law schools with a public service mission and law schools with various different religious missions.[26]

A. Enforcing Minimum Requirements

The Council affords law schools wide latitude in constructing their curricula and requirements for graduation. The Standards prescribe only a very small portion of curricular offerings in law schools, which enables innovation consistent with a law school's mission and goals. When they do specifically identify particular courses or extracurricular offerings, the Standards are careful not to prescribe the particular form or content of any offering, recognizing that such matters are left up to the academic freedom of each law school.[27]

Because the Standards only prescribe minimum requirements, they do not create tuition cost obligations. Annual tuition costs vary widely among Council-accredited law schools, from under $12,000 to over $85,000 annually.[28] In Tennessee, tuition at Council-accredited law schools ranges from $16,696 (University of Tennessee/resident) to $76, 440 (Vanderbilt/resident and non-resident).[29]

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[22] https://www.ncbex.org/exams/nextgen

[23] See https://www.ncbex.org/exams/nextgen Tennessee's first administration of the NextGen UBE Bar Exam will be in July 2027. https://tncourts.gov/news/2018/04/18/tennessee-adopts-uniform-bar-exam?utm.com

[24] See, e.g., https://www.ncbex.org/news-resources/official-name-nextgen-bar-exam-announced?.com; https://www.ncbex.org/exams/ube/ube-score-portability; https://jdadvising.com/does-it-matter-where-to-take-the-ube/#:~:text=The%20Uniform%20Bar%20Exam%20(UBE,UBEs%20more%20appealing%20to%20you.

[25] See Standards, Chapters 1-7.

[26] See https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools/

[27] See, e.g., Standard 303(a)(1) (professional responsibility); Standard 303(a)(2) (various writing experiences); Standard 303(b)(3) & Interpretation 303-5(formation of professional identity); Standard 303(c) & Interpretations 303-7, 8 (education on bias, cross-cultural competency and racism); Standard 508 (financial aid and debt counseling).

[28] https://www.abarequireddisclosures.org/requiredDisclosure

[29] https://www.abarequireddisclosures.org/requiredDisclosure

B. Considering Burdens and Benefits

In revising the Standards or adopting new Standards, the Council strives to consider the burdens on law schools as compared to the benefits it is trying to secure. For example, revisions to the library Standards no longer require a particular kind or quantity of library materials, allowing law schools to reduce their library space footprint or transform the space into more multipurpose uses. In another recent example, in adopting new Standard 208 requiring law schools to protect academic freedom and freedom of expression, the Council weighed the burden on law schools of promulgating and enforcing policies. The Council concluded that "[e]ffective legal education and the development of the law require the free, robust, and uninhibited sharing of ideas reflecting a wide range of viewpoints" and that "[b]ecoming an effective advocate or counselor requires learning how to conduct candid and civil discourse in respectful disagreement with others while advancing reasoned and evidence-based arguments."[30] Each school has discretion as to how to enforce these requirements. This new Standard was praised by groups representing a wide range of perspectives.[31]

The Council and its Standards Committee have recently launched a comprehensive review to ensure that our Standards are consistent with our Core Principles and Values, including the reduction of burdens.

C. Promoting Compliance with Applicable Laws

The Council is committed to adopting and enforcing Standards in a manner that allows law schools to comply with both the Standards and applicable laws.[32] For example, the Council has suspended Standard 206 (on diversity and inclusion) until August 31, 2027,[33] and has recently proposed repeal of Standard 206, with public comments being accepted until April 13, 2026.[34] The rationale for repeal is that enacted and proposed laws at the state level have made it impossible for the Council to have a meaningful Standard 206 that can apply to accredited schools across the country.[35] In addition, Standard 205 (on non-discrimination) is applied consistently with a law school's mission (including any religious affiliation or purpose).[36]

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[30] Interpretation 208-6.

[31] See https://fedsoc.org/commentary/fedsoc-blog/cultivating-controversy-proposed-aba-standard-would-link-freedom-of-expression-to-law-school-accreditation; https://www.law.com/njlawjournal/2023/09/03/proposed-law-school-accreditation-standard-of-free-speech-and-disruptive-behavior-is-needed/; https://www.bloomberglaw.com/bloomberglawnews/us-law-week/X5N04TKK000000?bna_news_filter=us-law-week#jcite; https://www.nationalreview.com/corner/the-american-bar-association-gets-something-right/

[32] Standard 107, Rule 28.

[33] https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/2026/notice-comments/2026-february-standard-206-repeal-notice-comment-memo.pdf

[34] Id.

[35] Id.

[36] Standard 205: Standard 205 Guidance Memo https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/guidance-memos/2025/standard-205-guidance-memo-march-2025.pdf

D. Enabling Innovation

The Council enables innovation under its Standards and Rules in a number of ways. If a law school faces extreme hardship in complying with a Standard, or if it seeks to deviate from a Standard to explore experimental or innovative ideas, it can apply for a variance, once certain criteria are met.[37] This mechanism has allowed, for example, the careful exploration of the expansion of distance learning in legal education, while ensuring that standards of excellence continue to be met. The Council has a track record of modernizing our Standards and supporting innovation through the variance process to ensure we are serving the profession and being responsive to advances in legal education.

The Council continues to evaluate whether to allow a wholly online program of legal education at a school with no brick or mortar presence, based in part on the data and information it is gathering from existing online education offerings at accredited law schools. Twenty-two of these online programs have been acquiesced in by the Council, including a part-time hybrid program in Tennessee at Lincoln Memorial.[38]

The Council understands that the legal profession and legal education continue to change and that there are many challenges and opportunities ahead. The best path forward for improving legal education is for the state supreme courts, the Council, and law schools to work collaboratively on solutions that will be in the interests of our students, graduates and the public. For example, the Council's current comprehensive review includes the participation of an Advisory Committee, consisting of supreme court justices, deans, and other experts in legal education.[39] The Council has and will continue to engage with the Conference of Chief Justices' and the Conference of State Court Administrators' CLEAR committee -- including its newly appointed working group on accreditation – to ensure that accreditation serves the public.[40]

Finally, the Council has and continues to welcome feedback and questions from all constituencies (including the courts, law schools, practicing bar and the public). Specifically, the Council welcomes feedback through its Notice and Comment process for all Standards revisions; through roundtables, programs, and town halls; through open session discussions with affiliate organizations; and through its annual call-out for agenda items related to Standards revisions. Based on feedback received, the Council has paused, modified and prioritized certain Standards revisions, including those on learning outcomes for law schools and whether to require a law school admissions test.

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[37] Standard 107, Rule 28.

[38] See https://www.americanbar.org/groups/legal_education/accreditation/approved-law-schools/distance-education/distance-education-jd-programs/

[39] https://www.americanbar.org/news/abanews/aba-news-archives/2025/12/legal-ed-council-names-special-adv-committee/#:~:text=The%20Council%20of%20the%20ABA%20Section%20of,*%20Prioritize%20which%20standards%20should%20be%20reviewed

[40] https://www.americanbar.org/news/abanews/aba-news-archives/2025/12/legal-ed-council-names-special-adv-committee/#:~:text=The%20Council%20of%20the%20ABA%20Section%20of,*%20Prioritize%20which%20standards%20should%20be%20reviewed

III. The Council fulfills its national accreditation function in the most effective and efficient manner for law schools and the states.

As an integral part of its mission, the Council provides "a fair, effective and efficient accrediting system for American law schools."[41] To effectuate this purpose, the Council performs three critical accreditation functions: 1) creation and revision of its Standards and Rules; 2) ongoing accreditation reviews of 197 individual law schools; and 3) data collection. In particular, the Council's data collection helps assess law schools' compliance with the Standards and provides important consumer information to prospective law students and others interested in legal education on topics including law school admission, bar admission, and law graduate employment.

A. Council Membership and Responsibilities

The Council consists of 21 voting members, including judges, practitioners, non-attorney public members, and a law student.[42] The members are all volunteers who are chosen based on the following criteria: "persons of integrity and intelligence who have evidenced interest in legal education or admission to the bar and whose participation is likely to be guided by the interests of the public and by high standards of the legal profession, rather than any personal interest."[43] In order to ensure that legal education receives perspectives from outside of its own quarters, Section Bylaws specify that "[n]o more than fifty percent of the voting members of the Council may be persons whose current primary professional employment is as a law school dean, faculty or staff member."[44]

Council members attend quarterly two to three-day meetings, undergo annual training, participate in committee work between Council meetings, and read hundreds of pages of law school accreditation materials to prepare for each quarterly meeting. A significant portion of this work is done transparently through public sessions at each quarterly meeting. Other portions of the work are done in closed session to comply with Department of Education regulations and to protect the confidentiality interests of individual law schools, their employees, and their students.

B. Independence from the General ABA

The Council's extensive work in accreditation matters (called the "Accreditation Project") is separate and independent from the general ABA. This separate and independent status is required by the Department of Education and is evidenced in many ways.[45]

As mentioned earlier, Council members are chosen primarily for their commitment to legal education and the legal profession. No current member of the ABA Board of Governors or Officer may serve as a member of the Council or on any Accreditation Project-related

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[41] Section Bylaws, Article I, Section 2.

[42] Section Bylaws, Article IV, Section 3 (requiring this variety of membership).

[43] Section Bylaws, Article IV, Section 2.

[44] Section Bylaws, Article IV, Section 3.

[45] 34 CFR section 602.14. See also Section IOP 1.

Committee of the Section.[46] Overall, the general ABA has no role in recommending, appointing, or removing members of the Council.

The Council has final decision-making authority over all Standards and Rules revisions.[47] The general ABA does not have authority to approve or reject Standard and Rule revisions: The ABA House of Delegates only has a limited ability to provide input by concurring or referring back.[48] Under these rules, the Council can and does adopt Standards and Rules changes despite the opposition of the ABA House. The general ABA is not involved in Council enforcement actions and cannot access any confidential accreditation-related information. The policies, statements, and resolutions of the general ABA are not representations of the Council. Recent proposals will separate the Bylaws of the Accreditation Council and make the House process more efficient.[49]

The Accreditation Project is separate and independent from the general ABA in other important ways: For example, the Council's budget and finances are independent, and the general ABA has no review authority or control over the Council's funds that are generated through law school fees. In addition, the Council's personnel costs are fully paid for and funded by the Council, and the Council pays fair market value for joint use of ABA services.

This separate and independent status allows the Council to focus on its mission of ensuring quality education in law schools that prepares graduates for practice and admission to the bar.[50]

C. Accreditation Reviews

The Council undertakes comprehensive accreditation reviews of each accredited law school every 10 years.[51] This comprehensive review requires extensive narrative explanations and documentation from each law school;[52] an in-person Site Visit by a team of 6-7 volunteers who are generally from higher or legal education or the legal profession (including lawyers, judges, and university administrators);[53] a Site Visit Report written by

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[46] Section Bylaws, Article IV, Section, 2, 3.

[47] Section Rule 54.

[48] Section Rule 55.

[49] https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/2026/council-meeting/2026-january-council-open-session-minutes.pdf

https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/jan26/2026-january-rule-55-revisions-for-notice-comment.pdf
https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/jan26/2026-january-bylaws-accreditation-council-section-recommended-amendments.pdf

[50] Section Bylaws, Article I, Section 2; Standard 301.

[51] Section Rule 4(b)(1).

[52] Section Standard 204; Rule 4(f).

[53] Section Rule 4(e)(2); IOP 3. The peer reviews include participation of law school faculty and staff, practitioners, and judges.

the Site Visit team;[54] and Council review of these extensive materials. Upon review of these materials, the Council can find a law school in compliance or ask it for additional information to determine its compliance with the Standards.[55] The Council also can find a law school out of compliance with the Standards and require it to return to compliance within two years, while also requiring regular reports so that the Council can monitor the law school's progress towards compliance.[56]

In addition, the Council regularly monitors Standards compliance for each law school through three questionnaires that every accredited law school must complete annually: the general annual questionnaire, bar admissions questionnaire, and employment questionnaire. Based on a review of questionnaire responses, the Council will notify law schools through its interim monitoring process if any possible Standards compliance issues are found, request information, and take action if needed.[57]

D. Staffing of the Accreditation Project

The Managing Director's Office supports the Council in fulfilling each of these core functions. The Managing Director for Legal Education and Accreditation leads the Managing Director's Office and the staff of 18 employees.[58] Both the Council and Managing Director's Office staff rely heavily on approximately 200 volunteer Site Visit team members each year. These dedicated volunteers carefully review hundreds of pages of law school materials in advance of each Site Visit; conduct a multi-day visit to the law school with dozens of interviews of faculty, staff, and students; and write a report of their findings.

The collective work of this team is comprehensive, including (in the last year alone) 230 accreditation letters drafted and approved by the Council; 20 law school regular site visits and 11 targeted fact-finding visits; 591 annual questionnaires administered and collected from law schools (3 for each school); and the Council's review of substantive changes, distance education programs, provisional accreditation applications, and complaints.[59] It would be difficult to replicate this level of oversight without an investment of duplicative resources and coordination across multiple accreditors.

Conclusion

The Council welcomes this opportunity to explain the scope and value of its work, and the importance of retaining the Council as the accreditor for Tennessee law schools to ensure a national accreditation system with portable law degrees that benefit all. We encourage the Tennessee Supreme Court to continue working with the Council as a national

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[54] Section Rule 4(h).

[55] Section Rules 11, 12.

[56] Section Rule 13.

[57] Section Rule 5, 6. See generally https://www.americanbar.org/groups/legal_education/accreditation/schools-seeking-aba-approval/#:~:text=After%20a%20law%20school%20is,Rule%205%20on%20Interim%20Monitoring.

[58] Six staff members hold J.D. degrees and two hold Ph.D. degrees in Communication and History.

[59] Specifically, in the last year the Council has addressed: 12 Variances; 28 Substantive Changes; 18 Annual Reports on Law School Distance Education Programs; 1 Application for Provisional or Full Approval; 41 Complaints against Law Schools.

accreditor, while also innovating and serving the state's specific needs particularly as related to access to justice.

The Council would be honored to engage in further dialogue with the Supreme Court of Tennessee to assist in your deliberations and also to improve the work of the Council.

Sincerely,

Daniel Thies
Council Chair

Jennifer Rosato Perea
Managing Director

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, March 17, 2026 9:57 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Comments of the Accreditation Council to Order of Supreme Court of Tennessee
Attachments: AccreditationCouncilTennesseeCommentMarch162026Final.docx

Please process the attached comment.

Jim

James M. Hivner
Clerk of the TN Appellate Courts
Phone: (615) 741-1314
Email: jim.hivner@tncourts.gov
Address: 401 7th Ave. N., Nashville, TN 37219

From: Jenn Rosato Perea <Jenn.RosatoPerea@americanbar.org>
Sent: Monday, March 16, 2026 5:02 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Cc: Daniel Thies <danielthies@webberthies.com>; Melissa Hart <mhartcolorado@gmail.com>; Jenn Rosato Perea <Jenn.RosatoPerea@americanbar.org>
Subject: Comments of the Accreditation Council to Order of Supreme Court of Tennessee

Warning: Unusual sender <jenn.rosatoperea@americanbar.org>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Dear Mr. Hivner:

Attached please find a Comment of the Accreditation Council to the September 16, 2025 Order the Supreme Court of Tennessee.

Please let me know if you have any questions.

All my best, Jennifer Rosato Perea

Jennifer Rosato Perea
Managing Director
American Bar Association
Section of Legal Education and Admissions to the Bar

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Chicago, IL 60654-7598
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STATE OF TENNESSEE

Office of the Attorney General

JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615)741-3491
FACSIMILE (615)741-2009

March 16, 2026

James Hivner, Clerk
Re: Regulatory Reform
100 Supreme Court Building
401 Seventh Avenue North
Nashville, TN 37219
Email: appellatecourtclerk@tncourts.gov

Re: No. ADM2025-01403; Recommendation to Revise Rule 7, Article II to Eliminate Reliance on ABA Accreditation for Law Schools

Honorable Justices of the Tennessee Supreme Court:

Our office welcomed this Court's Order soliciting comments on its regulation of the legal profession. While all seven issues raised by the Order are important for the profession and the public, our comment addresses the first issue presented: "Whether the Court should modify, reduce, or eliminate its reliance on the ABA accreditation in setting minimum educational requirements for applicants to the Tennessee Bar." We respectfully recommend that the Court revise Rule 7, Article II, of the Supreme Court Rules to eliminate reliance on American Bar Association ("ABA") accreditation in setting minimum educational requirements for applicants to the Tennessee Bar. This revision is necessary to restore credibility to the accreditation process and protect the public interest.

Introduction

The education of future lawyers is of critical importance not just to our profession but to the people of Tennessee, our constitutional republic, and the rule of law. Today's law students will one day soon serve as officers of the court, advocating for clients in life-changing cases, and even wielding the awesome power of the State as judges, prosecutors, and attorneys general. Given the stakes, the entity trusted to set the standard for their legal education is naturally also of critical importance.

Unfortunately, the American Bar Association is no longer equipped to serve this important function. It has abdicated its role as an objective, unbiased accrediting body. It has traded legal rigor and a commitment to institutionalism for activist advocacy of aggressively left-leaning

positions. As demonstrated below, the organization has been ideologically captured for decades, and its persuasiveness as a voice on behalf of the rule of law has progressively diminished.

As set out in detail below, the ABA has consistently weighed in on highly contentious legal issues, often on the losing side, usually on the opposite side of Tennessee, and predictably on the side of left-leaning conventional wisdom.[1] The ABA has yet to comply with an unequivocal decision of the United States Supreme Court highlighting the illegality of racial discrimination in education, instead insisting that law schools continue to take race into account and then later equivocating about appropriate policies—a failure that by itself disqualifies the organization from any oversight role in legal education. Finally, the ABA as an organization continues to push the bizarre theory that the Equal Rights Amendment was ratified and is part of the United States Constitution.[2] If the ABA cannot get the contents of the Constitution right, how can anyone have confidence in the organization's oversight of legal education?

Tennessee cannot and should not rely on the ABA to guarantee the competence and ethics of future lawyers. Reliance on such an organization for such a pivotal role ultimately erodes public trust in the profession and the judicial system. Outsourcing significant authority to a biased and activist private organization hostile to the policies of our State is inconsistent with the judiciary's obligation to preserve the independence, neutrality, and credibility of the legal system and our constitutional order. Oversight of accreditation by an activist group is especially untenable at a moment when the rule of law is undermined by impetuous trial judges playing policymaker, while the public remains largely ignorant of the proper judicial role and the interplay between popular sovereignty and a constitution. It's time for Tennessee to hand the indispensable job of setting educational standards for our future lawyers to a body demonstrably committed to intellectual rigor and neutrality.

The Purpose of Accreditation

The purpose of accreditation is simple: to establish and verify minimum standards of legal education so that graduates are prepared to practice law competently and ethically in order to effectively represent clients and protect the public interest. Accreditation is quality assurance for consumer protection and the administration of justice. The integrity of legal education has implications beyond the profession. Without appropriate minimum standards, the overall quality of the bar would drop, the daily work of the courts would be more complicated, and unsophisticated clients could find themselves more likely to be poorly represented. The bar exam provides a threshold check on rudimentary knowledge, but the law is a *profession*—the necessary judgment develops over time not just through reading, but via a process of acculturation over the course of years. In the past a robust apprenticeship system could provide the foundation for a legal career.[3]

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[1] *See infra.*

[2] *See, e.g.*, ABA, *Equal Rights Amendment*, https://tinyurl.com/3bhnhdkz (last visited Mar. 16, 2025).

[3] We appreciate the Court's openness to revisiting apprenticeship and recognize that a well-designed apprenticeship system could effectively supplement the provision of legal services in rural or impoverished areas. Our office would certainly be open to participating in an apprenticeship program. We see continued success in our internship program for law students as well as our fellowship program for select recent law school graduates, both of which are somewhat analogous to time spent in apprenticeship. Many of our attorneys have benefitted from judicial clerkships which can also be seen as apprenticeship analogues. We believe that some measure of formal legal education should be a

These days, it is years in law school that reroute the channels of the nascent attorney's brain and prepare them to take their first steps into practice. Law students learn not only doctrines and cases and the basics of legal writing and statutory interpretation, but also the attitude of appropriate rigor, respect, and detachment. They learn a commitment to the overall system of dispute resolution that is more important than the outcome in any given case.

The ABA has Failed in its Duty as an Accrediting Body

Historically, the ABA reflected a commitment to institutionalism and meaningfully contributed to promoting the appropriate formation of law students through their legal education. But regrettably, the ABA, which developed the national accreditation system for law schools, now fails to accomplish the basic purpose of an accrediting body.[4] With respect to accreditation and to its role representing the interests of the entire legal profession, the organization is simply different than what it used to be. Over a century ago, the ABA standardized legal education across the United States.[5] It created a national ethics code.[6] It pioneered pro bono practice and championed access to justice.[7] But it has since changed its course, deviating from its core mission of advancing the profession and the rule of law to pursue instead activist posturing.[8] The value of accreditation in large part depends on the accrediting body's neutrality. When accreditation becomes intertwined with ideological advocacy, it risks losing its legitimacy. The ABA has abandoned its laudable legacy by forsaking its high responsibility as an objective professional accrediting body, and has, as a result, squandered its credibility as an accreditor.

How the ABA has Failed

First, it has adopted legally suspect and politically charged accreditation standards

The ABA has conclusively demonstrated such failure through (1) its unlawful requirements for law school accreditation, and (2) its advocacy for consistently left-wing causes, usually adverse to the position of the State of Tennessee and often unpersuasive in the courts. First, the ABA has adopted at least two standards that are inconsistent with its obligation to maintain professional objectivity and ideological neutrality: Standard 206 and Standard 303(c). Standard 206, now

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necessary prerequisite for the practice of law and have not explored the relevant tradeoffs sufficiently to offer any feedback beyond this amorphous encouragement.

[4] We leave it to other commenters to address the other pernicious effects of the ABA's monopoly on accreditation: artificial price increases, lack of innovation, and onerous regulations driving up the cost of legal education to ever more jarring heights. These are the predictable outcomes of monopolies in other contexts.

[5] ABA, *ABA Timeline*, https://tinyurl.com/yc7t65mn (last visited Mar. 16, 2026).

[6] *Id.*

[7] *Id.*

[8] Granted, many local, state, and specialty bar associations have remained committed to a broader view of the profession and faithfully uphold the best of the ABA's storied heritage. The ABA's Antitrust Law Section, for example, provides thoughtful programming elucidating the workings of a sophisticated subdiscipline of the law. And while the Standing Committee on the Federal Judiciary has been the subject of intense controversy at times, we have also had positive encounters with attorneys working hard in good faith to advance the highest ideals of the ABA through their service on that committee. The ABA is not monolithic, and it remains a locus for advancing the profession in many respects. But those bright spots do not offset the failings of the broader organization set out herein with respect to the ABA's credibility as an accreditor.

suspended but not rescinded, mandated illegal racial preferences in admissions and hiring.[9] Even after the Supreme Court of the United States emphasized that racial discrimination in higher education admissions was against the law, the ABA required law schools to consider skin color in whom they admitted as students and whom they hired as faculty and staff.[10] A professional accrediting body should never place law schools in the position of choosing between compliance with accreditation requirements and compliance with federal constitutional law. That holds especially true when the body is accrediting schools for legal education. Under external pressure, the ABA eventually sounded a tactical retreat and has now suspended Standard 206 through August 2027.[11] Presumably the suspension will turn into a rescission. But it has taken a long time to get to this point. Given its purported role as the gatekeeper for our nation's legal education, the ABA's failure to immediately eliminate and completely disavow its racial discrimination mandate is as nonplussing as it is telling.

Standard 303(c), however, is still on the books.[12] It effectively mandates DEI curriculum in law schools. There are, of course, neutral methods for ensuring that our nation's law students understand the gravity of their imminent professional obligations and the odiousness of racism. But in the context of the Kendiist excesses of the COVID era, Standard 303(c) smacks of ideological coercion. The crabbed view of human identity inflicted on law students from the outset of their legal education chills actual diversity of thought. Even when well-intentioned, such mandates move accreditation away from evaluating competence and toward prescribing ideological uniformity. Law schools are free to include a heavy dose of critical race theory if they choose, but mandating and prioritizing this indoctrination for all law schools diminishes the centrality of careful legal analysis to a budding lawyer's formation and thus works against the primary goal of a legal education.

Again, the ABA's standards are not mere well-meaning suggestions. They are compulsory for law schools to maintain accreditation, and the ABA wields its power to enforce compliance. An accreditor that *forces* schools to steer resources toward a preoccupation with race is necessarily steering them away from study of the law. That is counterproductive and demonstrates that the accreditor's highest priority is something other than ensuring students are educated in the law.

Meanwhile, the ABA's accrediting regime ensures that law schools deviating from the ideological orthodoxy get bludgeoned. Just last year, the ABA targeted St. Thomas University College of Law, a private Catholic law school in Florida, for alleged violations of Standard 205(c) on nondiscrimination.[13] Reportedly, the ABA took issue with the law school's refusal, consistent with its explicit religious mission, to fund an LGBTQ student group's participation in a Pride

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[9] Tennessee sent a letter on behalf of a 21-state coalition explaining the legal defects in Standard 206. Letter from Attorney General Jonathan Skrmetti, et al. to Council of the ABA (June 3, 2024), https://tinyurl.com/5fzwyx8n.

[10] *Id.*

[11] Julianna Hill, *Legal Ed Council Moves Forward Proposals to End Diversity Standards, Allow Alternative Bar Pathways*, ABA (Feb. 23, 2026, at 9:52 AM CST), https://tinyurl.com/mw9w2yef.

[12] Standards and Rules of Procedure for Approval of Law Schools 2025-26, *ABA Standard 303: Curriculum (c)*, ABA, https://tinyurl.com/5djbnfw6 (last visited Mar. 16, 2026).

[13] Julianne Hill, *St. Thomas College of Law Out of ABA Accreditation Compliance*, ABA (Sept. 23, 2025, at 12:44 PM CDT), https://tinyurl.com/y347282k.

Parade.[14] And this despite the standard's ostensible protection for religiously affiliated law schools.[15] After Florida Attorney General James Uthmeier accused the ABA of religious discrimination,[16] the ABA seemingly reversed course and declared the school compliant.[17] When an accrediting regime pushes schools to the left and punishes schools that stray to the right, its neutrality, and thereby its legitimacy, evaporates.

Second, the ABA has engaged in persistent left-wing policy advocacy

The same ideological tides that have led the ABA to adopt politically charged and legally suspect accreditation standards are reflected by the organization's actions in the broader legal arena. The ABA has entrenched itself as a policy advocacy organization with a reflexive left-wing bias. This is the second dispositive demonstration of its failure to instantiate the ideal of an accrediting entity. For decades, the ABA has staked out controversial positions about immigration, firearms, sexual orientation, gender identity, abortion, and climate change, each articulating a reliably left-wing point of view driven by policy preference.[18]

The most jarring example is the ABA's inexplicable insistence that the Equal Rights Amendment is part of the United States Constitution.[19] That is, even according to prominent ERA champion Justice Ruth Bader Ginsburg, nonsense.[20] Multiple federal appellate courts have agreed.[21] But how damning for an organization whose raison d'être is setting the standard for legal education to get the law so wrong. Getting the text of the Constitution wrong is a colossal mistake for the organization that wants to continue determining whether legal education is appropriately rigorous. The ABA has also joined countless amicus briefs in a variety of high-profile and controversial cases, primarily and predictably advancing the cause of the left, whatever that cause may be in a given case.[22]

In *United States v. Skrmetti*, the ABA weighed in against evidence-based medicine to oppose Tennessee's prohibition on irreversible pediatric gender transition procedures, a law passed by a

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[14] Kyle Nazareth, *Ending the ABA's Inclusion Trap*, Catholic League for Religious and Civil Rights (Feb. 25, 2026), https://tinyurl.com/5h28s4mr.

[15] ABA, *Standards and Rules of Procedure for Approval of Law Schools*, https://tinyurl.com/bdz2fcpj (last visited Mar. 16, 2026).

[16] Letter from Attorney General James Uthmeier to Daniel Thies, Chairman of the Counsil of the Section of Legal Education, and Council Members of the Section of Legal Education (Nov. 6, 2025), https://tinyurl.com/y3nmpzrv.

[17] ABA, Council Decision: *Notice of Law School Demonstrating Compliance with Standards 202 and 205* (Dec. 5, 2025), https://tinyurl.com/3w9ewu7k.

[18] ABA, *Reproductive Rights at the U.S. Supreme Court*, https://tinyurl.com/mwv8zu79 (last visited Mar. 16, 2025); ABA, *Standing Committee on Gun Violence*, https://tinyurl.com/63hmsukv (last visited Mar. 16, 2025); ABA, *ABA names recipients of 2026 Stonewall Award honoring LGBTQ+ advancements in legal profession* (Feb. 27, 2026), https://tinyurl.com/fypfd4t3; ABA Commission on Sexual Orientation and Gender Identity, *Policy and the law*, https://tinyurl.com/48erks2b (last visited Mar. 16, 2025); ABA, *Immigration*, https://tinyurl.com/4cwzwzvh (last visited Mar. 16, 2025); ABA, *Climate Change Takes Center Stage* (Oct. 17, 2019), https://tinyurl.com/ywukd3p8.

[19] Adopted, House of Delegates Resolution 601 (2024) (ABA Annual Meeting), https://tinyurl.com/ys9v9vfz.

[20] *See* Jospeh Guzman, *Did Ruth Bader Ginsburg just kill the Equal Rights Amendment?*, The Hill (Feb. 12, 2020), https://tinyurl.com/yap2c2bx.

[21] *Valame v. Trump*, 157 F.4th 1172, 1173 (9th Cir. 2025); *Illinois v. Ferriero*, 60 F.4th 704, 713 (D.C. Cir. 2023).

[22] *See* ABA, *Amicus Library*, https://tinyurl.com/mw4senzs (last visited Mar. 16, 2026).

bipartisan supermajority of Tennessee legislators.[23] The Supreme Court of the United States rejected the ABA's position and gave Tennessee a landmark victory.[24] Why should Tennessee trust the ABA to tell law schools how to operate when the ABA is dedicating resources to undermining Tennessee's exercise of self-government?

The ABA's engagement in other amicus efforts yields similar results. In *Students for Fair Admissions*, the ABA unsuccessfully argued in favor of race-conscious decision-making by institutions of higher education.[25] It is difficult to have confidence in an accreditor that is fighting in favor of illegal racial discrimination in the schools it oversees. In *303 Creative*, the ABA opposed a Coloradan's First Amendment right against compelled speech.[26] Tennessee, under Attorney General Herbert Slatery, joined an amicus brief supporting First Amendment protections.[27] The Court rejected the ABA's position and held that Colorado's effort to compel speech ran afoul of the First Amendment.[28]

In another example, *SEC v. Jarkesy*, the ABA filed an amicus brief that celebrated the role of administrative law judges as "functionally comparable to federal district court judges" and insisted on the need to channel cases through administrative law judges instead of the federal courts.[29] Tennessee joined an amicus brief emphasizing the importance of keeping the judicial power in the judicial branch.[30] The Supreme Court of the United States agreed and held that the constitutional demand of separation of powers requires the right of a jury trial before a neutral adjudicator.[31]

The ABA and Tennessee find themselves on opposite sides of another case, *Trump v. Barbara*, that the Court has yet to resolve. The ABA filed a brief in support of an expansive reading of the Fourteenth Amendment's citizenship clause, arguing that "Courts and policymakers in the political branches have recognized and applied that rule consistently since the adoption of the Fourteenth Amendment."[32] Tennessee filed a brief on behalf of twenty-five states and Guam identifying numerous instances where nineteenth-century judges and policymakers read the constitutional rule to reject the mere-presence understanding advocated by the ABA and others.[33] The Court may resolve the issue either way, or may avoid the constitutional argument altogether in light of other issues presented, but once again the organization entrusted with accrediting legal education in Tennessee is injecting itself into a controversial case and taking a position against Tennessee's.

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[23] Brief for ABA as Amicus Curiae Supporting Petitioner, *United States v. Skrmetti*, 605 U.S. 495 (2025), 2024 WL 4122044.

[24] *Skrmetti*, 605 U.S. at 510. In a scathing concurrence, Justice Thomas excoriated efforts of the "expert class" to undermine popular sovereignty and hijack constitutional law. *Id.* at 530-31. His critique parallels our concern with the ABA acting in the dual role of activist and accreditor.

[25] Brief for ABA as Amicus Curiae Supporting Respondents, *Students for Fair Admissions, Inc., v. Harvard*, 600 U.S. 181 (2023), 2022 WL 3108796.

[26] Brief for ABA as Amicus Curiae Supporting Respondents, *303 Creative LLC, v. Elenis*, 600 U.S. 570 (2023), 2022 WL 3648205.

[27] Brief for Arizona, et al. as Amici Curiae Supporting Petitioners, *303 Creative, LLC v. Elenis*, 600 U.S. 570 (2023), 2020 WL 525392.

[28] *303 Creative, LLC*, 600 U.S. at 603.

[29] Brief for ABA as Amicus Curiae Supporting Petitioner, *SEC v. Jarkesy*, 603 U.S. 109 (2024), 2023 WL 5826734 at *5.

[30] Brief for West Virginia, et al. Supporting Respondents, *SEC v. Jarkesy*, 603 U.S. 109 (2024), 2023 WL 6974422.

[31] *Jarkesy*, 603 U.S. at 120-21.

[32] Brief for ABA as Amicus Curiae Supporting Respondents, *Trump v. Barbara*, 2026 WL 597500, at *4 (2026).

[33] Brief for Tennessee, et al. as Amici Curiae Supporting Petitioners, *Trump v. Barbara*, 2026 WL 289030 (2026).

All of this is the ABA's *right*. The organization is free to pick sides in controversial cases. And in our adversarial system, everyone benefits when the courts are presented with the best possible arguments on each side of a case. But the ABA's exercise of its right to take sides in controversial cases directly and needlessly undermines its *duty* to neutrally regulate the accreditation of law schools for the good of the bar, the public, and the rule of law. When a regulatory body engages in persistent policy advocacy, it can create the appearance that the standards it administers further ideological commitments rather than neutral education criteria. This appearance of bias is reinforced by the decisions the ABA has made in its role as accreditor that are consistent with its left-leaning public activism.

We Recommend that the Court Eliminate Reliance on ABA Accreditation

Through its activism, the ABA has disqualified itself as an appropriate accrediting body for law schools. This Court should therefore eliminate its reliance on the ABA in setting educational standards for Tennessee lawyers. When the ABA was an organization focused on establishing professional standards, it made sense for the ABA to serve as the nation's law school accreditor. As the organization became more and more focused on picking winners in policy debates, that justification eroded. It has now reached the end of the line.

The ABA's control over legal education gives significant control over the profession. Today's law students are tomorrow's lawyers, judges, and law professors. They must be inculcated into a culture of constructive disagreement, rigorous advocacy, and professional detachment. The ABA of old was a perfect vehicle to advance those causes. But today's ABA has chosen to become something different from what it once was. It can absolutely do so, but there are consequences. The ABA's advocacy on hotly contested political issues is incompatible with the regulatory neutrality necessary to ensure a robust future for our adversarial system of justice. Accordingly, we recommend that this Court revise Rule 7, Article II, and all other references within the Supreme Court Rules that accord the ABA any role in determining qualification directly or indirectly for the Tennessee Bar.

Alternatives to ABA Accreditation

Abandoning the ABA as the exclusive accrediting authority does not require abandoning quality standards in legal education. On the contrary, it allows the Court to design a system that ensures licensing standards remain fair, neutral, and focused on professional and ethical competence. For Tennessee law schools, independent accreditation by the Tennessee Board of Law Examiners has already proven successful in the Nashville School of Law.[34] That institution demonstrates unequivocally that effective legal training does not depend on ABA accreditation.

For non-Tennessee law schools, new accrediting bodies, such as the Commission for Public Higher Education, could expand their scope to include law schools. Texas provides an alternative example: the Texas Supreme Court ended its reliance on the ABA in January 2026 and assumed

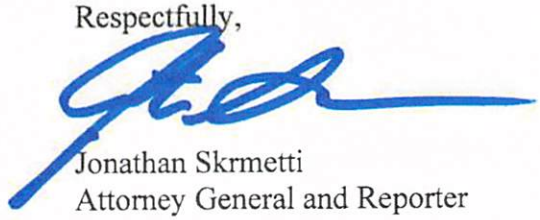
[34] The Nashville School of Law produces competent and ethical graduates who have gone on to distinguished careers, including some who now sit on the bench and others who serve in this Office.

approval for accreditation.[35] Likewise, the Florida Supreme Court amended its rules in January 2026 to allow for additional accrediting bodies, effective October 2026.[36] The best option(s) may only be revealed in time. But it is clear that it is time to consider alternative options and move on from the current arrangement.

Conclusion

The ABA's activist posture is incompatible with service as an accreditor, but we respect that the ABA is honest about its intentions. The ABA has taken positions against the State of Tennessee time and again and has even resisted complying with a clear holding of the Supreme Court of the United States. The ABA has wielded its purportedly neutral technocratic judgment as a fig leaf for its activism. But the fig leaf has wilted. Many have worked and waited for the ABA to abandon its ideological crusade and reclaim its legacy of universal professionalism. But protecting the integrity of the profession and public trust in our judicial system requires an objective, nonpartisan, nonideological arbiter of legal education standards in the State of Tennessee. That is no longer the ABA. It's time to move on.

Respectfully,



Jonathan Skrmetti
Attorney General and Reporter

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[35] *Final Approval of Amendments to Rule 1 of the Rules Governing Admission to the Bar of Texas*, Order, No. 26-9002 (Tex. Jan. 6, 2026), https://tinyurl.com/3j6s498b.

[36] *In Re: Amendments to Rules Regulating the Florida Bar and Rules of the Supreme Court Relating to Admissions to the Bar*, No. SC2025-2064 (Fla. Jan. 15, 2026), https://tinyurl.com/3dm9wcmz.

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, March 17, 2026 10:10 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: No. ADM2025-01403; Recommendation to Revise Rule 7, Article II to Eliminate Reliance on ABA Accreditation for Law Schools
Attachments: 2026.03.16 ABA Letter.pdf

Please process the attached comment.

Jim

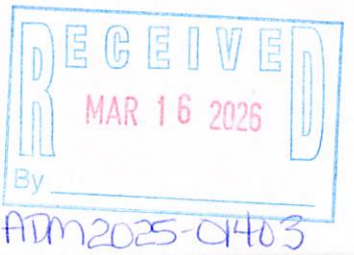
James M. Hivner
Clerk of the TN Appellate Courts
Phone: (615) 741-1314
Email: jim.hivner@tncourts.gov
Address: 401 7th Ave. N., Nashville, TN 37219

From: Tammy Fulwider <Tammy.Fulwider@ag.tn.gov>
Sent: Monday, March 16, 2026 5:48 PM
To: appellatecourtclerk <appellatecourtclerk@tncourts.gov>
Subject: Re: No. ADM2025-01403; Recommendation to Revise Rule 7, Article II to Eliminate Reliance on ABA Accreditation for Law Schools

Attached please find a letter from the Tennessee Attorney General's Office Re: No. ADM2025-01403; Recommendation to Revise Rule 7, Article II to Eliminate Reliance on ABA Accreditation for Law Schools. Please let us know if you need any other information. Thank you!

MaryBeth Lindsey

From: Katja Hedding <katja@katjaheddinglaw.com>
Sent: Monday, March 16, 2026 9:30 PM
To: appellatecourtclerk
Subject: Comments on docket No. ADM2025-01403



Dear Sir or Madam:

I would like to comment on the the proposed rule of permitting non attorneys/paraprofessionals to practice law in Tennessee.
As an immigration attorney this would have disastrous consequences on the immigrant community. Immigration law is very complex and not just filling out forms. Even form filling is very detailed and one incorrectly checked box can lead to deportation and removal from the United States. Giving paraprofessionals permission to practice law is not only going to hurt the immigrant but will have long term effects on his or her entire family.

I have filed several complaints against these paraprofessionals to the Tennessee AG's office. The notarios have completely messed up the immigrants' rights to stay in the United States.

I've studied law for many years and I have practiced immigration law since 2011. I obtained my first law license from Finland, then Sweden and finally Tennessee. It takes many years to gain the knowledge and understand the legal thinking needed to practice law. If someone wants to practice law then I do think the proper way is to go to law school and then take the bar exam. Paraprofessionals might fit into the medical field but certainly not into the legal field especially not practicing immigration law.

My comment is that the courts of Tennessee should not adopt the proposed rule allowing non-attorney ownership of law firms and unsupervised paraprofessional insertion into the extraordinarily detailed, picky and consequential work of immigration attorneys.

Thank you!

Respectfully submitted,

Katja Hedding
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KATJA HEDDING LAW

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, March 17, 2026 10:02 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Comments on docket No. ADM2025-01403
Attachments: Comments on docket No. ADM2025-01403

Please process the attached comment.

Jim

James M. Hivner
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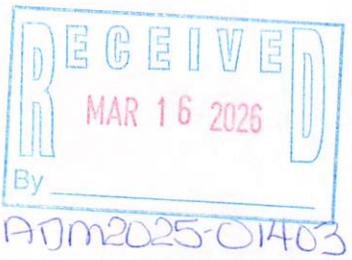
MaryBeth Lindsey

From: Will York <will@ozmentlaw.com>
Sent: Monday, March 16, 2026 10:49 PM
To: appellatecourtclerk
Subject: Public Comment No. ADM2025-01403



Dear Clerk Hivner:

Please accept this public comment for filing and consideration in No. ADM2025-01403.

I. Introduction

I respectfully submit this comment in opposition to any proposal to modify, reduce, or eliminate Tennessee's restrictions on non-lawyer ownership of law firms or fee sharing with non-lawyers, as addressed in Question 7 of the Court's Order. I also urge the Court to proceed with great caution before adopting reforms that would materially reduce the educational and training requirements for admission to the practice of law, as addressed in Questions 1 through 4. I write separately below to express support for certain reforms the Court has identified, including thoughtful revision of interstate admission requirements under Question 5, and a carefully bounded supervisory role for paraprofessionals under Question 6—though not the independent practice pathway that Question 6 might otherwise contemplate.

I wish to acknowledge at the outset the seriousness of the concerns that have prompted this inquiry. The Court's Order documents a genuine and pressing problem. Ninety-two percent of the civil legal needs of low-income Tennesseans go unmet. More than 1.2 million Tennesseans—nearly one in five residents—qualify for LSC-funded legal aid, yet funding reaches only a fraction of those eligible. Twenty Tennessee counties have fewer than ten lawyers each. These are not abstract statistics. They describe a system that is failing real people in real emergencies, and the Court is right to examine whether current regulatory structures unnecessarily compound that failure.

I write not in opposition to innovation, but from the conviction that reforms affecting the independence, competence, and accountability of legal practitioners must be approached with particular care, because those features of the profession exist first and foremost for the protection of the public—and most acutely for the protection of those who cannot easily protect themselves.

My perspective is informed both by private practice—including immigration law, a field in which the consequences of inadequate legal representation can be catastrophic and irreversible—and by service. I have been recognized as one of the Court's Attorneys for Justice for pro bono work. I

do not approach this issue from a position of indifference to unmet legal need. It is precisely because I have seen firsthand how badly Tennesseans need timely and competent legal assistance that I believe the Court should resist reforms that expand the appearance of access while diminishing the quality and reliability of the services provided.

II. Question 7: Non-Lawyer Ownership and Fee Sharing

The prohibition on non-lawyer ownership and fee sharing is not merely a matter of professional tradition or market structure. It reflects a foundational principle: a lawyer's professional judgment must remain independent of persons whose duties, incentives, and obligations are not aligned with those owed by counsel to the client and to the legal system. A lawyer is not simply a vendor of services. The lawyer occupies a fiduciary and quasi-public role, bound by duties of loyalty, confidentiality, candor, competence, and independent judgment. Those duties often require a lawyer to subordinate financial considerations to the client's interests, to advise against a course that may be profitable but imprudent, to decline a matter that cannot be handled competently, or to take positions that are ethically necessary even when economically inconvenient.

Introducing non-lawyer ownership into that structure would create unavoidable tension between professional judgment and commercial incentives. Even assuming the best of intentions, outside ownership necessarily carries with it pressures relating to revenue, efficiency, market share, growth, staffing, case selection, and return on investment. Those pressures may affect how much time is devoted to client counseling, how cases are screened, whether difficult but meritorious matters are accepted, whether settlement is encouraged for institutional rather than client-centered reasons, and whether lawyers retain genuine freedom to exercise judgment contrary to business preferences.

That risk is especially acute because legal services are not consumer goods that can be evaluated easily by price or superficial measures of efficiency. In many legal matters, the client cannot accurately assess the quality of representation at the time services are rendered, and in some cases cannot fully appreciate the consequences of inadequate representation until the harm has become irreversible. This is particularly true in matters involving family integrity, housing, domestic violence, public benefits, criminal exposure, employment loss, immigration consequences, and personal safety—precisely the matters affecting the populations whose access to justice concerns the Court most.

Nor is the argument for ownership reform strengthened merely by invoking access to justice. Access is not satisfied by making some legal assistance more available in name while weakening the conditions that make the assistance trustworthy. The public interest is not served by substituting financial inaccessibility with a system in which the independence of counsel is diluted, professional loyalty is complicated by outside ownership, and the quality of representation is rendered more vulnerable to institutional market pressures. Any reform worthy of adoption should improve access without impairing the structural safeguards that protect clients who are least able to protect themselves. For these reasons, I urge the Court to preserve Tennessee's current restrictions under Tennessee Rule of Professional Conduct 5.4 in their essential form.

III. Questions 1–4: Educational Requirements and Pathways to Licensure

There is room for thoughtful discussion about apprenticeship models, supervised practice, and experiential training as methods of reducing the cost of entering the profession while preserving or even improving competence. But the Court should be wary of equating lower cost with equal readiness. The responsibilities entrusted to licensed counsel are extensive and consequential. A lawyer must do more than know rules in the abstract. A lawyer must identify issues in incomplete factual records, interpret statutes and evolving precedent, understand procedural consequences, manage ethical conflicts, advise clients under pressure, preserve claims and defenses, and anticipate downstream collateral effects across multiple bodies of law. Those skills are developed through rigorous education, disciplined training, and supervised practice.

To reduce those requirements substantially without a demonstrated substitute of equal rigor would risk shifting costs away from institutions and onto clients. The savings would be immediate and visible; the harms would be delayed, diffuse, and borne by those least able to absorb them. Missed legal issues, poor counseling, inadequate record development, procedural defaults, and avoidable errors are not merely technical failures. In many cases they alter lives permanently. The public is not protected when admission becomes cheaper at the cost of preparedness.

This is not to say that the current system is beyond improvement. Tennessee may reasonably consider expanded supervised-practice or apprenticeship pathways tied to clearly defined competency benchmarks, and may streamline certain admissions processes where public protection will not be compromised. I would support reform in that direction—provided that any reduced-cost pathway is accompanied by rigorous and demonstrated measures of substantive readiness, not merely reduced hours of formal instruction.

IV. Question 5: Interstate Admission and Mobility

I write separately to express support for reasonable reform in the area of interstate admission. The Court's current barriers to admission for attorneys licensed in other states can impede the flow of competent practitioners into Tennessee communities with the greatest unmet need, including the rural counties identified in the Order as attorney deserts. Thoughtful reciprocity reform—appropriately calibrated to ensure familiarity with Tennessee law and procedure—could meaningfully expand the supply of qualified legal services without compromising public protection. I encourage the Court to act with relative confidence on this question.

V. Question 6: Paraprofessional Roles

I am not categorically opposed to a role for trained paraprofessionals in the delivery of legal services. However, any such role must be defined with great precision and must not extend to unsupervised practice in any matter where legal judgment is implicated—including, and perhaps especially, matters that appear routine to an untrained eye. The central danger of independent paraprofessional practice is not confined to obviously complex litigation. It is most acute in matters that superficially appear ministerial but conceal significant legal complexity beneath an accessible surface.

Asylum practice illustrates this problem with particular clarity, and the population of asylum seekers makes it especially concerning. These are already among the most vulnerable individuals who come before any legal system: people who have frequently fled persecution, violence, or oppression; who may have limited English proficiency or literacy in any language; who are unfamiliar with American legal institutions; and who are, by the circumstances that brought them here, predisposed to place their trust in any person or office that presents even a minimal veneer of official authority or state blessing. Throughout the country, individuals holding themselves out as "paralegals" or notarios regularly assist asylum seekers with their claims—often with genuine intent to help, and often causing serious, irreversible harm.

What a well-meaning non-lawyer may approach as a form-completion exercise is, in the hands of a competent immigration attorney, an assessment that begins well before a single page is filed—one that involves identifying available pathways, weighing competing options, evaluating risk, and balancing legal interpretations that may vary by circuit. Consider a client who lacks a formal entry document. A paralegal may conclude, at a glance, that the client cannot satisfy the "inspected and admitted" requirement of Immigration and Nationality Act ("INA") § 245(a), 8 U.S.C. § 1255(a), and is therefore ineligible to adjust status. An attorney familiar with *Matter of Quilantan*, 25 I&N Dec. 285 (BIA 2010), knows to ask a different and more specific question: how, precisely, did this person enter? If the client presented at a port of entry and was waved through—even without valid documents, even without being questioned—that entry may constitute a procedurally regular admission sufficient for § 245(a) purposes. The door the paralegal closed was never actually closed. Opportunities like this are not exotic edge cases. They are the everyday substance of immigration practice, and they require an attorney who knows what questions to ask and what precedent to apply—including precedent that varies by circuit and continues to develop. The evaluation of a single client's case may require weighing multiple potential pathways simultaneously, accounting for circuit-specific authority that diverges on controlling questions, and assessing the relative risks of pursuing one theory over another. That is not form-filling. It is legal judgment.

The stakes attached to that judgment are substantial and, under current policy, have become more consequential than ever. The USCIS filing fee for a Form I-485 Application to Register Permanent Residence is $1,440—nonrefundable—and a client whose application is filed prematurely, on inadequate grounds, or without proper assessment of threshold eligibility may lose that amount entirely, in addition to any associated fees for supporting applications. For matters adjudicated before the Executive Office for Immigration Review ("EOIR"), the fees are higher still. The One Big Beautiful Bill Act, Pub. L. No. 119-21, 139 Stat. 72 (2025) ("OBBBA"), established new EOIR fees on top of any preexisting fees, setting the total EOIR fee for an I-485 adjudicated in Immigration Court at $2,940 for FY 2025. See OBBBA § 100013(a), 8 U.S.C. § 1812(a); EOIR PM 25-36, Statutory Fees Under the One Big Beautiful Bill Act (July 17, 2025) (amended), rescinded by EOIR PM 26-01 (Jan. 2, 2026). Importantly, OBBBA mandates that EOIR-collected fees be adjusted annually for inflation based on the Consumer Price Index for All Urban Consumers, with adjustments published by Federal Register notice each fiscal year. See Inflation Adjustment for EOIR OBBBA Fees; Fiscal Year 2026, 91 Fed. Reg. 2561 (Jan. 21, 2026). The fee schedule is therefore not a fixed reference but a moving target that changes by

operation of law each year—adding another dimension of substantive complexity that only a practitioner actively monitoring regulatory developments can reliably navigate.

Compounding these financial risks is the enforcement environment created by USCIS Policy Memorandum PM-602-0187, *Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens*, issued February 28, 2025. Under that policy, where USCIS issues an unfavorable decision on a benefit request and the applicant is not lawfully present in the United States at the time of denial, USCIS will issue a Notice to Appear, placing the applicant in formal removal proceedings before an Immigration Judge. A denial, in other words, is no longer simply a denial. Under current policy, it may be the first step toward deportation. The calculus of whether to file—and when, and on what theory—is therefore not merely a question of fee risk. It is a question of whether filing exposes the client to consequences far graver than the cost of a lost application. An attorney conducting proper pre-filing analysis understands this calculus and advises the client accordingly. A paralegal operating without attorney supervision may not even know the question needs to be asked.

Recent precedent sharpens this concern in two additional and compounding ways. In *Matter of C-A-R-R-*, 29 I&N Dec. 13, 15 (BIA 2025), the Board of Immigration Appeals held that Immigration Judges need not consider the merits of a Form I-589 Application for Asylum and Withholding of Removal that is incomplete. In *Matter of H-A-A-V-*, 29 I&N Dec. 233 (BIA 2025), the Board held that an Immigration Judge may pretermit—dismiss without a full evidentiary hearing—any application for asylum, withholding of removal, or protection under the Convention Against Torture whose factual allegations, viewed in the light most favorable to the applicant, do not establish prima facie eligibility for relief. Together, these decisions create a two-front risk: a filing may be disposed of summarily because it is procedurally incomplete, or because it is legally insufficient, or both—in each case without the applicant receiving a meaningful hearing on the merits.

What makes this especially consequential in the context of paraprofessional practice is that neither standard is fixed. The definition of a "complete" application is not a static checklist but an evolving regulatory standard shaped by agency rulemaking, administrative interpretation, and Board precedent. The standard for legal sufficiency depends on circuit-specific case law that continues to develop. A paralegal operating without attorney supervision has no professional obligation—and often no practical mechanism—to remain current with these developments. The practitioner who learned what a complete application required in one year may be operating under superseded standards in the next, with no reliable means of knowing that the rules have changed. That is not a failure of individual diligence. It is a structural consequence of practice outside a profession built on the obligation of continuing competence.

The same principle applies across the other practice areas this Court is considering. Housing, public benefits, family law, and criminal matters similarly present hidden legal complexity—and similarly shifting legal standards—that practitioners must be trained to surface and track. The access-to-justice crisis reflects in part a failure to reach people before their legal problems become irreversible. Unsupervised paraprofessionals, however well-intentioned, are particularly ill-positioned to recognize that moment—and under precedents like *Matter of C-A-R-R-* and *Matter*

of H-A-A-V-, and policies like USCIS PM-602-0187, the cost of missing it falls entirely on the client.

For these reasons, I urge the Court to approach Question 6 with great caution and to resist framing the inquiry as one of identifying tasks sufficiently routine to be safely delegated to independent practitioners. Legal complexity and shifting legal standards are not reliably visible from the surface of a matter. Any paraprofessional role should be structured as supervised assistance to licensed attorneys—not as an independent practice pathway—and should be accompanied by robust accountability mechanisms, including clear lines of attorney responsibility for all work performed. Within those constraints, and with genuine, documented attorney oversight, there may be appropriate and carefully bounded uses for trained paraprofessionals in high-volume settings where legal strategy and judgment have been exercised by the supervising attorney before any paraprofessional involvement begins.

VI. Conclusion

The access-to-justice crisis documented in the Court's Order is real, and it demands a serious response. But the severity of the problem does not justify weakening the professional safeguards that exist to protect those in greatest need of competent and independent counsel. The public is not protected when admission becomes cheaper at the cost of preparedness. Access is not meaningfully expanded when the independence of counsel is diluted by outside commercial ownership. And clients are not better served when those assisting them lack the training, the supervisory accountability, and the ongoing professional obligation to know what they do not know.

I respectfully urge the Court to decline to modify the essential restrictions of Tennessee Rule of Professional Conduct 5.4 (Question 7); to pursue alternative pathways to licensure cautiously and only with demonstrated competency benchmarks (Questions 1–4); to act with relative confidence on interstate admission reform (Question 5); and to authorize paraprofessional roles only within a framework of direct and genuine attorney supervision, without creating independent practice pathways (Question 6). These recommendations reflect not opposition to the Court's goals, but a judgment about how best to advance them without shifting the inevitable costs of error onto those least able to bear them.

The Court may also reasonably consider additional targeted measures that do not implicate the structural concerns raised here: strengthened incentives for service in underserved communities, expanded and better-funded legal aid organizations, rural-practice loan forgiveness or subsidy programs, and reforms to court procedures that reduce the need for legal assistance in lower-stakes matters. These approaches address the access-to-justice gap directly, without compromising the integrity of the profession on which those who most need justice must ultimately depend.

Thank you for the opportunity to submit this comment and for the Court's consideration of these difficult and important issues.

Respectfully submitted,

William P. York II
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MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, March 17, 2026 10:01 AM
To: MaryBeth Lindsey; Kim Meador
Subject: FW: Public Comment No. ADM2025-01403
Attachments: Public Comment No. ADM2025-01403

Please process the attached comment.

Jim

James M. Hivner
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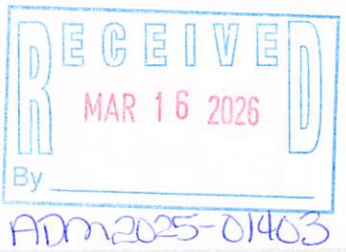
MaryBeth Lindsey

From: Ashley Jones <AJones2@wfgtitle.com>
Sent: Monday, March 16, 2026 10:49 PM
To: appellatecourtclerk
Subject: No. ADM2025-01403 Request for Comments



Warning: Unusual sender <ajones2@wfgtitle.com>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hello,

I am the Chair of the Tennessee Bar Association's Real Estate Section for this year. I sent a survey to the Real Estate Section members, requesting comments, and the results are pasted below.

Thank you,
Ashley Jones

- **(1)Please review the attached order prior to responding to 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? ***
  - **60% of the Tennessee Bar Association Real Estate Section members who completed the survey voted YES to this question.**

- **(2) Whether there are any practicable alternatives to ABA accreditation that the Court should consider? If yes, please provide a detailed response. ***
  - **Suggestions included:**
    - **A five member panel (two of whom should be attorneys with more than twenty years practice experience) should be appointed, and paid a reasonable salary, to make a thorough study of each TN school and compare them to other recognized quality schools in the adjoining states. After the study, the Panel should recommend qualification required of TN law schools, by the Rule making process.**
    - **The Court can set standards that if someone graduates from a licensed law school that they should be able to sit for the Bar.**
    - **Coordinating with other states with similar programs to determine what options have worked in those states.**

- **(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? If yes, please provide a detailed response. ***
  - **Suggestions included:**

- Paid apprenticeships or clerkships
- Shorter law school programs

- (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? *
  - 80% of the Tennessee Bar Association Real Estate Section members who completed the survey voted YES to this 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? *
  - 60% of the Tennessee Bar Association Real Estate Section members who completed the survey voted NO to this 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? *
  - Suggestions included:
    - No. This has already been shown to be unsuccessful by allowing title insurance agencies to be operated by non-lawyer parties and to be run by affiliate entities such as banks and real estate agencies. There are numerous examples of how transactions are prepared erroneously, purchasers, borrowers and insureds are advised improperly and are not advised of various risks regarding title and how title insurance could protect against them and items that need to be removed from title insurance policies. The same issues have been seen when bankruptcy paraprofessionals attempt to assist in bankruptcy cases. These actions have caused numerous and extensive losses and costs to the recipient of those services.
    - Any legal service performed by a paraprofessional should be reviewed and approved, in writing, by a licensed attorney.
    - No, and if there were, there is no supervising body for the paraprofessionals Until the court decides to regulate the unauthorized practice of the law there, should be no other authorization.
    - The person would have to be supervised by a TN licensed attorney.

- (7) Whether the Court should modify, reduce, or eliminate regulations prohibiting non-lawyer ownership of law firms or fee sharing with non-lawyers? *
  - 80% of the Tennessee Bar Association Real Estate Section members who completed the survey voted NO to this question.

Ashley Jones
Tennessee State Counsel

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MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, March 17, 2026 9:59 AM
To: MaryBeth Lindsey
Cc: Kim Meador
Subject: FW: No. ADM2025-01403 Request for Comments
Attachments: No. ADM2025-01403 Request for Comments

Please process the attached comment.

Jim

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