

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION TO AMEND TENNESSEE SUPREME COURT
RULE 9, SECTION 10.1**

No. ADM2025-01205

**COMMENT OF THE BOARD OF PROFESSIONAL
RESPONSIBILITY TO PETITION TO AMEND TENNESSEE
SUPREME COURT RULE 9, SECTION 10.1**

The Board of Professional Responsibility (the Board), pursuant to Supreme Court Order filed August 14, 2025, respectfully submits the following Comment to proposed amendments to Tennessee Supreme Court Rule 9, Section 10.1, filed by the Tennessee Bar Association.

To protect the confidentiality of attorney registration information, the Board filed a petition on June 18, 2024 asking this Court to amend Rule 9, Section 10.1 making an attorney's home address, personal email and telephone number confidential. On June 26, 2024, the Court entered an Order soliciting comments to the Board's proposed amendments. The Knoxville Bar Association and 17 attorneys filed Comments supporting the Board's petition requesting this Court to make attorney registration information confidential. The Tennessee Bar Association (TBA) and a probate judge filed Comments highlighting courts and the public's need to access an attorney's contact information. The TBA indicated in its Comment that the TBA would welcome working with the Board to revise language addressing this concern. On September 17, 2024, the Board filed a Reply with this Court, offering revised language, developed with the TBA, requiring attorneys to designate public contact information for clients and members of the public and creating an exception allowing Tennessee courts and licensed attorneys to access nonpublic

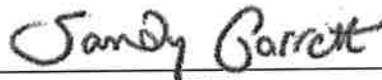
information upon written request. On November 4, 2024, this Court entered an Order, effective January 1, 2025, adopting this revised language and amending Tenn. Sup. Ct. R. 9 Section 10.1.

The Board's purpose in petitioning the Court to amend Tenn. Sup. Ct. R. Section 10.1 was to protect personal information of Tennessee attorneys and judges. This Court previously considered the Board's petition to limit public access to attorney information and concluded that safeguarding attorney information was paramount. However, if this Court concludes that the TBA and local bar associations should have access to attorney's confidential information, in addition to attorney's publicly designated information, then the Board respectfully submits that the Board's attorney portal and registration forms be amended to allow attorneys to choose whether to make available their registration information publicly available.

RESPECTFULLY SUBMITTED,



R. Culver Schmid (BPR No. 011128)
Chair, Board of Professional Responsibility of the
Supreme Court of Tennessee
265 Brookview Centre Way Ste 600
Knoxville, TN 37919



Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel, Board of Professional
Responsibility of the Supreme Court of Tennessee
10 Cadillac Dr Ste 220
Brentwood, TN 37027

Certificate of Service

I certify that the foregoing has been emailed to Sheree Wright, Esq., Executive Director, Tennessee Bar Association, at swright@tnbar.org, on this 15th day of September 2025.

By: R. Culver Schmid
R. Culver Schmid (BPR No. 011128)
Chairman of the Board

By: Sandy Garrett
Sandy Garrett (BPR No. 013863)
Chief Disciplinary Counsel

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, September 16, 2025 8:20 AM
To: MaryBeth Lindsey; Kim Meador
Subject: Fw: Comment to of the BPR to Petition to Amend Tennessee Supreme Court Rule 9, Section 10.1
Attachments: Comment of the BPR to Petition to Amend R. 9 Section 10.1.pdf

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Jim

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From: Dana Dunn <ddunn@tbpr.org>
Sent: Monday, September 15, 2025 3:28 PM
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Good afternoon,

Please see the attached Comment and confirm receipt.

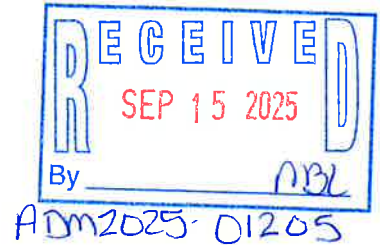
Thank you,

Dana Dunn
Assistant Director
Board of Professional Responsibility
of The Supreme Court of Tennessee
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
Direct Dial: (615) 361-0166
Fax: (615) 367-2480
www.tbpr.org

Please be advised that information relating to the investigation of complaints is confidential and privileged as provided in Tennessee Supreme Court Rule 9, Section 32.

David F. Graham
701 Long Meadow Drive
Fredericksburg, VA 22406

September 15, 2025



Mr. James Hivner
Clerk of the Supreme Court
Supreme Court Building, 401 7th Avenue North Nashville, TN 37219-1407

RE: Proposed Amendment to Tenn. Sup. Ct. R. 9, § 10.1 100, No. ADM2025-01205

Dear Mr. Hivner,

I write in opposition to the Tennessee Bar Association's (TBA) petition to require the Tennessee Board of Professional Responsibility (Board) to provide, upon the request of any bar association located in Tennessee, contact information about an attorney, consisting of the attorney's phone number, email address, and physical address, as well as other information, including all attorneys' date of birth, demographic information, firm name, date of licensure in Tennessee, and status of license.

This petition would, if ratified, have the practical effect of granting the TBA *de facto* subpoena power over the Board. According to the TBA, the purpose of this petition is to facilitate information sharing and various forms of outreach. The TBA alleges the existence of "unique challenges faced by attorneys in rural communities including professional isolation, limited resources, economic constraints, and conflicts of interest in small communities,"¹ and goes on to explain that this seemingly discrete and insular population of attorneys needs the TBA's "vital support" to overcome these challenges. The TBA's claim is as intemperate as it is unsupportable.

Within their petition, the TBA acknowledges the privacy protections afforded to Tennessee attorneys and sympathizes with those who find invasive and unsolicited contact annoying. Nevertheless, the TBA seeks an amendment to force the Board to help them override the privacy interests they otherwise affirm.

Fortunately, there is a solution that would afford the TBA the relief they seek while simultaneously protecting the privacy interests of Tennessee attorneys. The TBA could simply offer these communications services, free of charge, to those attorneys who wish to disclose this private, and heretofore protected information, and respect the wishes of those who do not.

Sincerely,

David F. Graham

¹ Petition at page 5, paragraph 20.

MaryBeth Lindsey

From: appellatecourtclerk
Sent: Tuesday, September 16, 2025 8:15 AM
To: MaryBeth Lindsey; Kim Meador
Subject: Fw: Comments, ADM2025-01205
Attachments: ADM-2025-01205 Sep 15, 2025.docx

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Jim

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From: D G <dfgraham64@gmail.com>
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Subject: Comments, ADM2025-01205

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Sir/Ma'am,

Attached, please find my letter in opposition to the TBA's petition to amend SC Rule 9, Sec. 10.1, No. ADM2025-01205.

Regards,
David Graham



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MBA
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August 25, 2025

VIA E-Mail: appellatecourtclerk@tncourts.gov

Mr. James Hivner
Clerk of the Supreme Court
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

Re: Tennessee Supreme Court Rule 9, Section 10.1

Dear Clerk Hivner,

On behalf of the Executive Committee of the Memphis Bar Association, please accept this letter as our comment on proposed changes to Tenn. Sup. Ct. R. 9, Section 10.1, which would authorize and require the Board of Professional Responsibility ("Board") to provide, upon request of any Tennessee state-approved bar association, contact information about an attorney consisting of the attorney's phone number, email address, and physical address.

We believe the proposed amendment is necessary because the current rule does not define "members of the public" and does not include an express mechanism by which any local bar association can obtain contact information for attorneys for purposes of sharing the following types of information:

- 1) legal developments or opportunities,
- 2) press releases from state agencies such as the Board of Professional Responsibility, the Commission on Continuing Legal Education, or the Administrative Office of the Courts, and/or
- 3) any other state and local legal information relevant to the practice of law.

Additionally, the current restriction on sharing contact information prevents the Association from notifying attorneys about their eligibility in certain leadership and critical mentoring programs sponsored by the State and local bar associations.

We understand the objective behind the current rule is to protect Tennessee attorneys and retired judges from harm to their persons and property. The proposed amendment addresses these concerns by defining the information that would be shared with State and local bar associations and limiting its use. Additionally, the Association does not share any attorney's information with the public without the attorney's permission.

In closing, the Association respectfully requests that current Rule 9, Section 10.1 be amended to 1) define "members of the public" to exclude bar associations and 2) include a mechanism for bar associations to obtain attorney contact information.

Thank you for your consideration.

Sincerely,



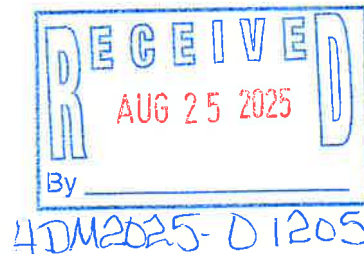
Lauran Stimac
President, Memphis Bar Association



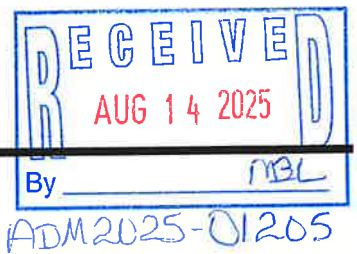
Matt May
Secretary/Treasurer, Memphis Bar Association



Marlinee Iverson
Vice President, Memphis Bar Association



MaryBeth Lindsey



From: Beck, Kaitlin <Kaitlin.Beck@shelbycountyttn.gov>
Sent: Thursday, August 14, 2025 1:08 PM
To: appellatecourtclerk
Subject: Docket No. ADM2025-01205 FW: Proposed TSC Rule Change
Attachments: Order Soliciting Comments to SCT R9 § 10.1-DEADLINE October 13, 2025.pdf

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I am writing to oppose the proposed TSC amendment allowing the release of personal information to bar associations in the State of Tennessee (Docket No. ADM2025-01205). Should attorneys within the State wish to avail themselves of "information that will benefit them and their practice[s]" provided by such associations, they are capable of opting *in* to communications (the current practice). The number of subscribing attorneys already on the rolls of these organizations would likely demonstrate that many attorneys have already chosen to do so, such that the proposed amendment is unnecessary. Furthermore, bar associations would use the information sought to send "unsolicited emails" and make "undesired telephone calls" to attorneys who have chosen *not* to opt in, causing "annoyance" among this class of attorneys. (See paras. 9 and 10 of the Petition.) For the foregoing reasons, I would ask the Court to DENY the pending petition.

Respectfully submitted,

KDB



Kaitlin D. Beck
Voicemail | 901-222-2881
Text | 901-249-0263

From: Kirk Yoquelet
Sent: Thursday, August 14, 2025 12:46 PM
To: Kirk Yoquelet
Cc: Patrick Frogge ; Chelsea Curtis
Subject: Proposed TSC Rule Change

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This proposal does not impact Conference business but may be of interest to attorneys in the Conference.
Sharing for informational purposes only.

As outlined in the attached proposal. The TSC previously (2024) changed rules pertaining to what information about a licensed attorney is shared with the public by the BPR. This proposal wants to amend this rule again to permit Tennessee bar associations to have access to more information than is currently available to the public.

Again, this does not impact your work but may impact what is shared about your contact information on file with the BPR.

Copied all DPDs and APDs

Kirk Yoquelet



Director of Research/Staff Attorney

TN District Public Defenders Conference

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